



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

11th COUNCIL INAUGURATED
OCTOBER, 1956

VOLUME LXXXV

1960

FOURTH SESSION

(Continued)

12th April, 1960, to 22nd June, 1960

List of Members of the Legislative Council

The Deputy Speaker and Chairman of Committees:

*THE HON. D. W. CONROY, C.M.G., O.B.E., T.D., Q.C.

Ministers:

THE CHIEF SECRETARY (THE HON. W. F. COUTTS, C.M.G., M.B.E.).

†THE MINISTER FOR LEGAL AFFAIRS (THE HON. E. N. GRIFFITH-JONES, C.M.G., Q.C.).

THE MINISTER FOR FINANCE AND DEVELOPMENT (THE HON. K. W. S. MACKENZIE, C.M.G.).

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (THE HON. A. C. C. SWANN, C.M.G., O.B.E.).

THE MINISTER FOR EDUCATION (THE HON. W. A. C. MATHIESON, C.M.G., M.B.E.).

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (THE HON. B. R. MCKENZIE, D.S.O., D.F.C.).

THE MINISTER FOR COMMERCE AND INDUSTRY (THE HON. J. G. KIANO, Ph.D.).

THE MINISTER FOR HEALTH AND WELFARE (THE HON. J. N. MUIMI).

THE MINISTER FOR HOUSING, COMMON SERVICES, PROBATION AND APPROVED SCHOOLS (THE HON. M. S. AMALEMDA).

THE MINISTER FOR INFORMATION AND BROADCASTING (THE HON. N. F. HARRIS).

THE MINISTER FOR LOCAL GOVERNMENT AND LANDS (THE HON. W. B. HAVELOCK).

THE MINISTER FOR TOURISM, GAME, FORESTS AND FISHERIES (THE HON. W. E. CROSSKILL).

THE MINISTER FOR WORKS (THE HON. I. E. NATHOO).

THE MINISTER WITHOUT PORTFOLIO (THE HON. C. B. MADAN, Q.C.).

†THE MINISTER FOR LABOUR, SOCIAL SECURITY AND ADULT EDUCATION (THE HON. R. G. NGALA).

Assistant Ministers:

THE ASSISTANT MINISTER FOR EDUCATION (THE HON. WANYUTU WAWERU, M.B.E.).

THE ASSISTANT MINISTER FOR TOURISM, GAME, FORESTS AND FISHERIES (THE HON. SHEIKH MOHAMED ALI SAID EL-MANDRY).

†THE ASSISTANT MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (THE HON. T. TOWETT).

Constituency Elected Members:

European—

THE HON. R. S. ALEXANDER (Nairobi West).

THE HON. F. W. G. BOMPAS, E.D. (Kiambu).

GROUP CAPT. THE HON. L. R. BRIGGS (Mount Kenya).

THE HON. S. V. COOKE (Coast).

†THE HON. W. E. CROSSKILL (Mau).

MAJOR THE HON. F. W. J. DAY (Aberdare).

†THE HON. N. F. HARRIS (Nairobi South).

AIR COMMODORE THE HON. E. L. HOWARD-WILLIAMS, M.C. (Nairobi North).

THE HON. MRS. E. D. HUGHES, M.B.E. (Uasin Gishu).

THE HON. SIR CHARLES MARKHAM, Bt. (Ukamba).

THE HON. J. R. MAXWELL, C.M.G. (Trans Nzoia).

MAJOR THE HON. B. P. ROBERTS (Rift Valley).

†THE HON. MRS. A. R. SHAW, O.B.E. (Nyanza).

THE HON. C. G. USHER, M.C. (Mombasa).

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

African—

- THE HON. S. O. AYODO (Nyanza South).
 THE HON. F. J. KHAMISI (Mombasa Area).
 THE HON. D. I. KIAMBA (Machakos).
 †THE HON. J. G. KIAGO, Ph.D. (Central Province South).
 THE HON. B. MATE (Central Province North).
 THE HON. T. J. MBOYA (Nairobi Area).
 THE HON. D. T. ARAP MOI (North Rift).
 †THE HON. J. N. MUMI (Kitui).
 THE HON. M. MUIRO (Nyanza North).
 †THE HON. R. G. NGALA (Coast Rural).
 †THE HON. M. MUHOYA (Nyeri and Embu).
 THE HON. A. OGINGA ODINGA (Nyanza Central).
 THE HON. J. K. OLE TIPIS (Central Rift).
 †THE HON. T. TOWLETT (Southern Area).

Asian—

- THE HON. S. G. HASSAN, M.B.E. (East Electoral Area).
 THE HON. A. B. JAMIDAR (Central Electoral Area).
 THE HON. J. C. M. NAZARATHI, Q.C. (Western Electoral Area).
 THE HON. A. J. PANDYA (Eastern Electoral Area).
 THE HON. K. D. TRAYADI (Central Electoral Area).
 THE HON. ZAIRUD DIN (West Electoral Area).

Arab—

- THE HON. SHEIKH MAHFUD S. MAFKAWI.
 †THE HON. A. A. SHUKLY.

Specially Elected Members:

- †THE HON. M. S. AMALEMBA.
 THE HON. M. BLUNDELL, M.B.E.
 †THE HON. SHEIKH MOHAMED ALI SAID EL-MANDRY.
 †THE HON. W. B. HAVILLOCK.
 †THE HON. C. B. MADAN, Q.C.
 THE HON. N. S. MANGAT, Q.C.
 †THE HON. B. R. MCKENZIE, D.S.O., D.F.C.
 THE HON. J. M. MUCHURA.
 †THE HON. I. E. NATHOO.
 THE HON. N. G. NGOME.
 THE HON. H. SLADE.
 †THE HON. WANYUTU WAWERU, M.B.E.

Nominated Members:

- THE HON. K. V. ADALJA, M.B.E., M.B., B.S.
 THE HON. K. BUCHGAARD, Q.C.
 THE HON. J. H. BUTLER, M.B.E. (Secretary to the Treasury).
 THE HON. D. L. BYRNE, C.M.G.
 †THE HON. D. W. CONROY, C.M.G., O.B.E., T.D., Q.C. (Solicitor-General).
 THE HON. M. H. COWIE, C.B.E., E.D. (Director of the Royal National Parks).
 THE HON. AHMED FARAH, B.E.M. (Northern Province).
 THE HON. MRS. J. T. GRAGA.
 COMMANDER THE HON. A. B. GORDON, D.S.O., R.I.N. (Retl.).
 CAPT. THE HON. C. W. A. G. HAMLEY, O.B.E., R.N.
 THE HON. H. G. S. HARRISON, M.B.E.
 THE HON. R. O. HENNINGS, C.M.G. (Deputy Chief Secretary).
 THE HON. A. W. HUNTER.
 THE HON. A. H. ISMAIL, M.R.C.S.
 COL. THE HON. H. R. JACKMAN.
 THE HON. E. T. JONES.
 THE HON. J. K. KEDASO.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

Nominated Members—(Contd.)

- THE HON. J. A. R. KING, A.F.C.
 THE HON. J. A. LUSENO.
 †THE HON. R. E. LUYT, C.M.G., D.C.M. (Permanent Secretary for Labour).
 THE HON. D. S. MILLER, C.B.E. (Director of Education).
 THE HON. BALDEV SAHAI MOHINDRA, O.B.E.
 †THE HON. SHEIKH S. M. MUHASHAMY, M.B.E. (Liwali, Coast).
 THE HON. W. OLE NTIMAMA.
 THE HON. ABDUL HUSSEIN NURMOHAMED.
 THE HON. SIR EBOO PIRBHAI, O.B.E.
 THE HON. P. J. ROGERS, C.B.E.
 THE HON. C. W. RUBIA.
 THE HON. KIRPAL SINGH SAGOO.
 THE HON. SHERIFF A. SALIM.
 THE HON. P. H. SMITH.
 THE HON. R. J. M. SWYNNERTON, O.B.E., M.C. (Director of Agriculture).
 THE HON. G. A. TYSON, C.M.G.
 THE HON. R. E. WAINWRIGHT, C.M.G. (Chief Commissioner).
 THE HON. A. J. WALKER, M.D., M.R.C.P. (Director of Medical Services).
 †THE HON. A. M. F. WEBB (Acting Solicitor-General).

- THE HON. THE EARL OF PORTSMOUTH.
 THE HON. SIR ALFRED VINCENT.

Acting Clerk of the Council:

J. R. NIMMO.

Clerk Assistant:

H. THOMAS.

Serjeant-at-Arms:

MAJOR M. G. ELIOT.

Assistant Serjeant-at-Arms:

J. KIRK

Reporters:

D. BUCK.

MISS J. M. ATKINS.

MISS M. P. GUNTER.

Hansard Editor:

MRS. J. FRYER.

* Deputy Speaker and Chairman of Committees.

† Also included in the list of Ministers or list of Assistant Ministers.

‡ Arab Adviser to H.E. the Governor.

§ The Hon. D. W. Conroy, C.M.G., O.B.E., T.D., Q.C., Temporary Minister for Legal Affairs with effect from 21st June, 1960.

¶ The Hon. R. E. Luyt, C.M.G., D.C.M., Temporary Minister for Labour, Social Security and Adult Education up to 16th May, 1960; the Hon. R. G. Ngala appointed Minister for Labour, Social Security and Adult Education with effect from 17th May, 1960.

** The Hon. T. Towett appointed Assistant Minister for Agriculture, Animal Husbandry and Water Resources with effect from 26th April, 1960.

*** The Hon. Mrs. Shaw awarded O.B.E. in Birthday Honours.

†† The Hon. M. Muhoya appointed Temporary Member for Nyeri and Embu, *vice* the Hon. J. J. M. Nyagah, from 26th April to 10th June, 1960.

††† The Hon. A. A. Shukly appointed Temporary Arab Elected Member with effect from 17th May, *vice* the Hon. Sheriff M. A. Shatty.

†††† The Hon. R. O. Hennings, C.M.G., appointed Nominated Member with effect from 26th May, 1960.

††††† The Hon. R. E. Luyt, C.M.G., D.C.M., awarded C.M.G. in Birthday Honours.

†††††† The Hon. A. M. F. Webb, Acting Solicitor-General from 26th March, 1960.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

ELEVENTH COUNCIL

FOURTH SESSION—(Continued)

Tuesday, 12th April, 1960

The House met at thirty minutes past Two o'clock.

[Mr. Deputy Speaker (Mr. Bechgaard) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—
Report on the Working of the Civil Service Commission for the year 1959.

Annual Report of the East African Agricultural and Fisheries Research Council, 1959.

East African Railways and Harbours Annual Report, 1959.

The African Courts (Fees and Fines) Rules, 1960.

(By the Chief Secretary (Mr. Coutts))

Transfer of Powers (Variation) Draft Order, 1960 (relating to Powers originally vested in the Governor in Council of Ministers).

Transfer of Powers (Variation) Draft Order, 1960 (relating to Powers originally vested in the Governor).

(By the Minister for Legal Affairs (Mr. Griffith-Jones))

1960/61 Estimates of Expenditure of the Colony and Protectorate of Kenya for the year ending 30th June, 1961.

Development Estimates, 1960/61.

Sessional Paper No. 4 of 1959/60: the Development Plan, 1960/63.

Economic Survey, 1960.

(By the Temporary Minister for Finance and Development (Mr. Butter))

Department of Agriculture Annual Report, 1958.

Vol. II Record of Investigations.

(By the Minister for Local Government and Lands (Mr. Havelock) on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources)

The Scrap Metal (Exemption of Public Authorities) Order, 1960.

(By the Minister for Commerce and Industry (Dr. Kiano))

NOTICE OF MOTION

TRANSFER OF POWERS (VARIATION) ORDERS, 1960

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Deputy Speaker, I beg to give notice of the following Motion:—

THAT this Council approves the draft Orders entitled "Transfer of Powers (Variation) Orders, 1960".

ORAL ANSWER TO QUESTION

QUESTION No. 82

Mr. Alexander (Nairobi West) asked the Chief Secretary, has Government received the Corfield Report on the origins of Mau Mau and, if so, when will it be published?

The Deputy Speaker (Mr. Bechgaard): With reference to Question No. 82 on 19th October, 1959, Group Captain Briggs asked a question which in my view is substantially in the same terms as that posed in Question No. 82. In accordance with Standing Order 24 (4) I must accordingly rule that that Question No. 82 is technically out of order. Nevertheless, if Government has any further information and if the Chief Secretary is in a position to make a statement, this would be of public interest and would

[The Deputy Speaker] probably meet with the wishes of this House. In that case, of course, there would be no question of any supplementaries.

MINISTERIAL STATEMENT: CORFIELD REPORT

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, the Historical Survey of the Origins and Growth of *Moi Man* has been received from Mr. Corfield and is with the Government Printer. I hope to lay it in Legislative Council early next month.

BUSINESS OF COUNCIL

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, with your permission before the suspension of Standing Orders in order to allow the Motion moved by my hon. friend the Minister for Legal Affairs to be taken I would like to mention for all hon. Members' information a decision taken by Sessional Committee, at a meeting today to the effect that after the speech by my hon. friend, the Minister for Finance, on 27th April we will, in view of the fact that there will be no Private Members' Days thereafter, have two days—Thursday and Friday, i.e. 28th and 29th April—as Private Members' Days for Private Members' Motions. This will give all hon. Members the chance to consider the speech by the Minister for Finance over the following week-end and we will then start a debate on the speech on Tuesday, 3rd May. There will therefore be two Private Members' Days, 28th and 29th, and the speech will begin on Tuesday, 3rd May.

MOTION

SUSPENSION OF STANDING ORDERS

The Chief Secretary (Mr. Coutts): Sir, I beg to move that Standing Orders be suspended to the extent necessary to enable Council to consider today the Motion of which Notice has been given earlier this afternoon to approve the two Transfer of Powers (Variation) Draft Orders, 1960, in view of their urgency consequential upon the reconstruction of the Government and the redistribution of Ministerial portfolios.

Mr. Deputy Speaker, Sir, I feel that if there is to be any debate it should be on the substantive Motion which will follow the suspension of Standing Orders and I do not propose to add anything to what I have said and beg to move.

The Minister for Local Government and Lands (Mr. Havelock) seconded.

Question proposed.

The question was put and carried.

MOTION

TRANSFER OF POWERS (VARIATION) ORDERS, 1960

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, I beg to move that this Council approves the draft Orders entitled "Transfer of Powers (Variation) Orders, 1960".

There are, Sir, two draft Orders involved and they are the two Orders which I laid in draft earlier this afternoon. Since the enactment of the Transfer and Delegation of Powers Ordinance, in 1955, certain powers and duties originally vested by various laws in the Governor and in the Governor in Council respectively have been transferred by Orders made under that Ordinance and approved by this Council to specified Ministers who have been designated in those Orders by reference to the titles of their Ministries. From time to time changes have been necessary and those Orders have been varied. Now, since the abolition of the Ministry of African Affairs and the reconstitution of the Government and the redistribution of portfolios, it is necessary to make formal variations of those existing Orders to take account of the reconstituted Ministries and to transfer the powers and duties in question to the appropriate Ministers today. It is proposed, as hon. Members will see in the draft Orders, to transfer these powers in the proposed Orders to the Ministers responsible for the particular matter in question and without attaching a specific designation founded on the titles of their Ministries. This will facilitate any changes in subjects as between portfolios, since it will always be the Minister, whatever his title, who is responsible for the subject in question; and this arrangement is in fact in accord with the definition in the Interpretation and General Provisions Ordinance of the term "the Minister" which is, in that Ordinance, defined as being the "Minister for the time being responsible for the matter in question".

Sir, this is a formal matter but it is necessary that these Orders should be approved in draft and then submitted to the Governor in Council in accordance with the Ordinance to be made formally and to be brought into force so that we do not by reason of the absence of these formal variations in sympathy with the redistribution of portfolios retard the normal legislative processes of Government.

Sir, I beg to move.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

The Deputy Speaker (Mr. Bechgaard): I will call upon Mr. Coutts to move the Adjournment.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, as I may wish to speak in this debate, may I ask another Minister to do so for me?

ADJOURNMENT MOTION

PROPOSED STRIKE ON GOOD FRIDAY

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, Sir, I beg to move that this Council do now adjourn to give an opportunity for a debate on a certain matter.

Mr. Alexander: Mr. Deputy Speaker, I wish to raise on the adjournment the matter of the call by the Nairobi People's Convention Party for a one-day strike on April 15th, Good Friday, and a procession to deliver a petition to Government House on that day for the release of Jomo Kenyatta.

Mr. Deputy Speaker, there are three reasons for raising this matter today. Firstly, Kenya is predominantly a Christian country and it is right that this House should have an opportunity to register its indignation and its shame at this attempt to desecrate Good Friday by blasphemously associating it with the worst of political motives and with a name that has vilified offended against Christian and human behaviour. Here I would like, Mr. Deputy Speaker, to congratulate the Nairobi African National Congress Youth Wing and the Mombasa African Democratic Union for what is reported in today's newspaper as their particular attitude to this. I shall quote what the Youth Wing have said: "Another reason is that the day chosen by the National People's Convention Party is Good Friday and nothing should be done to interfere with the religious observances of a large number of people."

I would also, Mr. Deputy Speaker, like to express appreciation of the way in which the Kenya Broadcasting Services have handled this particular matter through the African vernacular broadcasts on Monday and Tuesday of last week and to express disappointment that the commentaries on those two days were not released in English to all the English-speaking papers as I am sure they would have been of very great interest to a far wider audience. I would invite the Kenya Broadcasting Service to at least put these out in the English programmes.

A second reason for this debate, for raising this matter today, Mr. Deputy Speaker, is that it will give an opportunity, I believe, for African Elected Members—those on my left and in front of me—to state their particular attitude on this matter. It would, of course, be refreshing and encouraging to hear words of condemnation from them here today.

Thirdly and lastly, Mr. Deputy Speaker, it does give an opportunity to the Minister for Labour to say whether he has investigated whether the Trade Union Movement is in any way implicated in this particular move. We all know quite clearly, of course, that through personalities the Nairobi People's Convention Party is closely linked at any rate with the Kenya Federation of Labour and the reasonable assumption is that there is or might be a connexion between them in this particular respect. I hope the Minister for Labour, when replying, will be able to assure us that there is not, because, of course, the Trade Union Ordinance, section 17, does enable the Minister to cancel or suspend the registration of a trade union if it is discovered that it is being used for purposes outside the definition of Trade Union in the Ordinance. I did tell the Minister this morning that I would be raising this particular point and I hope he has had adequate time in which to find out something about this possible implication.

Mr. Deputy Speaker, I beg to support the Motion for the Adjournment.

Mr. Mate (Central Province North): Mr. Deputy Speaker, Sir, while I am not a member of the Nairobi People's Convention Party, and it is a pity that the Member for Nairobi Area is not here, arising out of the speech of the Member for Nairobi West, there are one or two things I would like to point out.

Personally, I would sympathize with the desire to do something on the part of the Nairobi People's Convention Party for the release of Jomo Kenyatta and the other detainees. On the choice of dates it has raised doubts in my mind whether they were very wise in choosing the day, they have chosen, which coincides with another very important and sacred date for the majority of our people, such as Christians who like to see this day preserved, and our Government does recognize that. I wish they could have chosen a better day, or they would have been advised to choose a better day for that kind of thing, because, Sir, I feel it does offend many Christians to have this particular day chosen for this kind of thing. I am sure too that there may be Christians in the Nairobi People's Convention Party who might find themselves in a dilemma. So, on the question of date I think I am speaking for many people when I say that it is an unfortunate choice, and I feel they could have chosen a better day.

On the question of the exercise as it affects the release of Jomo Kenyatta and other detainees I differ very much from the Member for Nairobi West. Mr. Deputy Speaker, I have held many meetings since coming back from London, together with many other African Members

[Mr. Mate] throughout the Central Province and Nairobi. I would like it to be known that contrary to popular opinion, or so-called popular opinion, it is the view of all the people, of the great majority, 99 per cent of the people, in the Central Province, the K.E.M., that Jomo Kenyatta and other detainees should be released.

An hon. Member: (Inaudible.)

Mr. Mate: Yes, questions you can ask, but I have held these meetings and the public opinion has not raised any questions. And I would like to challenge anyone who says that that is not the popular opinion in the Central Province, and in so far as these societies in Nairobi wish to make it very evident that we want these people back—not only Jomo Kenyatta, but other people—I am speaking as representing public opinion in the Central Province—and I would like the hon. Member for Nairobi West or even the Government to challenge me on that publicly. The time is coming when this question must be looked upon in a much cooler atmosphere and what the Member for Nairobi West likes to associate with the names of these people—anything horrible he can think of—I am sure in the Central Province we want to see things repaired. We do not share his point of view. And, Sir, I would like to remind our Government that history in our own lifetime has shown that there is not a matter which is beyond the Kenya Government to use its influence for the release of all these detainees from the Central Province. Without dwelling on this, because I could quote cases of politicians who from time to time have been released from detention—Archbishop Makarios, Dr. Hastings Banda, and many others—and in the Central Province we are not being moved only by emotion, but we feel it is time that this matter was given more attention. And so, Sir, while regretting that the Nairobi People's Convention Party should have chosen a day like Good Friday—I hope they will change their minds—I would most categorically differ from the Member for Nairobi West in so far as the wish of our people, that Jomo Kenyatta and many other people I could mention here should be given a chance to come home and settle back in their own homes. The Member for Nairobi West may have his own reasons for not wanting to see these people. If they are political reasons he is out of date. Political advance in Kenya today has gone beyond the mere question of not liking a face. And, Sir, I would like to submit to this Government today that I have this opportunity to state that this is the general opinion of the Central Province that these people should come back, and those who claim to represent public opinion in the Central Province, I challenge them to any

public meeting today to share a platform with me, in challenging the submission of the Kikuyu, Embu and Meru people.

Mr. Deputy Speaker, I beg to support.

The Temporary Minister for Labour, Social Security and Adult Education (Mr. Luyt): Mr. Deputy Speaker, Sir, I would like to thank the hon. Member for Nairobi West for letting me know in advance that he intended to raise the trade union aspect of the issue that he has ventilated this afternoon. This has given me a little opportunity to attempt to find out whether or not the trade unions were implicating themselves in the strike called for Good Friday.

I would agree, Sir, that it would be reprehensible for trade unions to associate themselves with the use of the strike weapon to coerce Government for a purpose such as this, or any other political purpose, but I am very glad to say that in so far as my enquiries have been able to cover the ground, I have no information whatsoever that any trade union is officially associating itself with the call for this strike on Good Friday. It may be that there are individuals who have political affiliation with the body which has called this strike. Those individuals themselves may be prominent trade unionists, but despite that I can repeat that I am not aware of any trade union, as such, associating itself with this call for a strike on Good Friday. Under those circumstances I am quite sure the hon. Member would not wish me to dwell on what sanctions, in terms of the provisions of the Trade Union Ordinance, might be applied to any trade union. In any case prior to the commission of any potential offence it would, I think, be wrong for me or for the Government to dwell upon these sanctions that would be applied.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, the hon. Member for Nairobi West really raised three points in his brief speech. The first was the offence in a Christian country to Christian people. Second, he hoped that Africans would state their particular attitude to this strike; and the third was the implication of the trade union movement. My hon. friend the Temporary Minister for Labour has dealt with the third point and therefore I do not propose to touch on it.

As regards the second point, the hon. Member for Meru has made his position obviously quite clear and I would like to answer the hon. Member for Nairobi West's first point and also the hon. Member for Meru.

I would agree with the hon. Member for Nairobi West that this form of demonstration in a Christian country is liable to offend good Christians anywhere, and I think, also with the

[The Chief Secretary]

hon. Member for Meru, that whatever the reason, this was and is a particularly bad day for anyone to choose for a demonstration.

I have noted also what the hon. Member for Nairobi West has said about the vernacular broadcasts and I will pass on to the proper quarter the possible criticism which he has had about not releasing in English the commentaries which have been put out in the vernacular, but also the commendation which he has made of the commentaries themselves.

Now, Sir, I come to probably what was the real core of the hon. Member's intention in moving this debate on the Adjournment, and that is the whole question, once more in this House, of the release of Jomo Kenyatta. I noted that the hon. Member for Meru has said that most people, in fact all people, in the Central Province would wish Jomo Kenyatta to be released, and he hoped that the Government would use its influence to release him. He also stated that he hoped there would be more attention paid by the Government to this matter. He also said that if the hon. Member for Nairobi West wanted him released for political reasons this was not a good reason; but I would like to tell the hon. Member that the Government is not restricting Jomo Kenyatta for political reasons. I would also like to repeat what I have said in this House before—that it is not the Government's intention to release Jomo Kenyatta, restrictees or detainees as long as this Government believes that these people are a danger to security or to their fellow peoples in this country. It has been stated by me in this House and it has been stated quite recently by His Excellency the Governor that as long as these conditions remain this Government has no intention of releasing these people. I will say that the case of each person is considered and considered regularly. If we consider there is no longer a security risk then obviously that person will be released, as indeed we are releasing people every day of the week, and I do not think it is necessary for me to add any more to what I have said now or what I have said in the past; and, Sir, I also support the Motion.

The Deputy Speaker (Mr. Bechgaard): That brings us to the close of business on the Order Paper, but before I move that we do adjourn I understand that the Chief Secretary has a further statement.

MINISTERIAL STATEMENT

VALEDICTORY

MR. A. HOPE-JONES AND MR. D. L. BLUNT

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, today two of my colleagues are virtually

leaving the Front Bench of this House. One, I think, has not appeared today because he has already tendered a resignation which has been accepted, and the other, I think, is with us for the last time. I would, Sir, therefore, with your permission, like to say something about both of them as indeed I feel it should be customary for us to say something about people with whom we have served for some considerable time.

I would like to start by referring to my friend and colleague, Mr. Arthur Hope-Jones, who has been for some 13 years either Minister for or Member for, or connected with, the Portfolio of Commerce and Industry. Sir, Mr. Hope-Jones has been in this country since 1946, and speaking both as a Member of the Government and one who from time to time, when I have got time, dispassionately looks at Kenya and its development, one cannot but be struck with the fact that practically all the commercial and industrial development of any real importance has taken place in this country between the years 1946 and 1960. Prior to the year 1946 very little had been done by the Government in a positive way, although I would not like to belittle the efforts, particularly of the Industrial Development Board, during the war years. Therefore, I feel that this Government and this country owes a considerable debt to the person who has been mainly in charge during these years.

We will also, I think, miss in the House the ebullience of Mr. Hope-Jones's own presence. I must say that I have always envied his ability to stand four square to all winds and put his feet apart, to hitch his coat above his braces, stick out his jaw, and without a note whatsoever of any kind, to demolish all opposition which was raised against him. The staccato sentences which he habitually used in demolishing that opposition reminded me more of a machine-gun than the normal speech which is produced by people in the Legislative Council.

All of these things, Sir, we will remember, and on your behalf, and indeed on behalf of all Members of the House, I would like to wish Mr. Hope-Jones the best of luck now and in the future.

The other person whom we have now lost is Mr. Blunt. It is not really necessary for me to repeat in this House the number of things which Mr. Blunt has done for the Colony of Kenya during the time he has been here. Most people will remember him, those who have been in the Colony for a long time, as a very eminent Director of Agriculture rather than as a Minister, the post of which he has carried also with distinction in more recent years. In his own Ministry, at the council table, and even in this House, he has

ADJOURNMENT

[The Chief Secretary]

very seldom pushed himself forward and yet one always knew the force of character which lay behind whatever he said, and one was bound to respect whatever he said.

We respected him both for himself and for his deep knowledge of a large number of things. Even at this moment he has been representing this Government at a conference which has been called to consider the threat of locust devastation in the northern parts of Africa, and we know that probably nobody in this country has had a greater knowledge of the desert locust than Mr. Blunt or has, in fact, done more for this Colony in the field of locust prevention. Those of us who remember the middle 'thirties will remember the scourge of locusts in this country and the fact that these scourges have not been as frequent recently as in the past has undoubtedly been due to the Desert Locust Research Organization for which and with which Mr. Blunt has worked for many years.

I would also like to refer briefly to the very brave manner in which he personally has borne what must have been an intolerable illness for so many years. I only hope that if any of us should be so unlucky as to be struck with such an illness that we ourselves will be able to bear it with such courage and such fortitude.

Sir Charles Markham (Ukamaba): Mr. Deputy Speaker, I do not think you should adjourn this House until somebody from this side of the Council has shared the tribute moved by my hon. friend, the Chief Secretary, to the two Ministers, Mr. Hope-Jones and Mr. Blunt.

As far as both gentlemen are concerned, Sir, I feel, on this side of the Council are deeply conscious to the debt we owe them for the help they have given us and the help they have given Kenya during the many years they have served her.

As far as Mr. Hope-Jones is concerned, he has been a personal friend of mine since I came back to this country in 1948, and I am very sorry indeed that the wind of change has resulted in the fact that there is no longer a vacancy for him in the Kenya Government. But, nevertheless, Sir, we hope we will see him back here in another capacity soon, Sir, perhaps, as we know, in charge of a very big project in Mombasa.

As far as Mr. Blunt is concerned, Sir, I share the Chief Secretary's remarks, and I know that we all do on this side of the Council, about his courage, particularly in the last two or three years; and, Sir, I would like to say that we wish him and Mrs. Blunt the very best of good fortune in the future.

Question that the Council do now adjourn put and carried.

The Deputy Speaker (Mr. Bechgaard): That brings us to the close of business for the day, and I accordingly adjourn this Council until 3 p.m. on 27th April.

The House rose at ten minutes past Three o'clock.

Wednesday, 27th April, 1960

The House met at Four o'clock.

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

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:—

Bartholomew Muthenga Mhuya.

PAPERS LAID

The following Papers were laid on the Table:—

East African Statistical Department Annual Report, 1958/59.

(By the Chief Secretary (Mr. Coutts))

Financial Statement for Year of Account, 1960/61.

1960/61 Estimates of Revenue of the Colony and Protectorate of Kenya for the year ending 30th June, 1961.

(By the Minister for Finance and Development (Mr. MacKenzie))

Central Housing Board, Annual Report, 1959.

(By the Minister for Housing, Probation and Approved Schools (Mr. Amalemba))

COMMITTEE OF SUPPLY

Order for Committee Read.

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair.

On Tuesday, 12th April, the Permanent Secretary to the Treasury laid on the Table the Estimates of Expenditure for 1960/61, that is for the year ending the 30th June, 1961. He also laid Sessional Paper No. 4 of 1959/60 being the Development Programme for the three years ending the 30th June, 1963, and the Economic Survey for 1960. I now present to the Council the Estimates of Revenue for the coming year 1960/61 together with the Financial Statement. I would like to express my appreciation to the Permanent Secretary to the Treasury and to all those officers of the Treasury responsible for the production of the Estimates and the accompanying documents. As a result of the Constitutional changes, which were announced only a few days before the Expenditure Estimates were laid, this task was even more onerous this year than is usually the case not only for the officers of the Treasury but

also for the Government Printer. All concerned, however, showed their usual enthusiasm and efficiency with the result that the job was completed on time.

I would also like to acknowledge the work of the Economic Research Division and of the Kenya Unit of the East African Statistical Department both in providing information connected with the Estimates and in preparing the Economic Survey. This is a new departure in our Budgetary procedure. The Survey contains detailed information of our economic progress during the past year and sets out the considerations which are likely to affect the economy during the year ahead. It also gives in a clear and easily readable form the detailed economic information which would otherwise have to be included in this speech. I hope that this innovation, which will assist Members of the Legislative Council in preparing for the Debate on the Financial Statement, will be generally welcomed. It will also provide a wider public with an account of our progress.

It now remains for me to draw attention to some of the more important high-lights affecting the economic sphere. Last year, at the end of his Budget Speech, my predecessor said that we must forge ahead with our plans for development and expansion, accepting, if necessary, a certain amount of calculated sacrifice, so that a Minister for Finance in Kenya could say to this Council, "We can—we have met our commitments. We stand firm again". The Economic Report and the Estimates before the House show that this has now been done. The credit is, if I may say so, that of the people of Kenya whose work, determination and energy have made this possible.

Kenya depends on world conditions for its prosperity. Our exports are almost entirely agricultural, competing in the world markets with those of other primary producing countries. Our imports come from the industrialized countries of the world. The size of the import bill depends in part on the income which the Colony receives from the exports sent overseas. I say "in part" because we receive many advantages from our geographical position and our invisible exports, including tourism, are quite important in helping to pay for our imports.

The world market for primary products has been fairly stable at low prices, but has been improving during the last year. The f.o.b. price of sisal fibre, for example, increased by some 30 per cent, while the average price of meat and meat products was higher by some 15 per cent. The f.o.b. price of coffee per ton was some 2 per cent lower in 1959 than in 1958 and a similar drop was experienced in the f.o.b. price of tea. Overall, however, our export index held up well. The

[The Minister for Finance and Development] world market has been fairly buoyant, but only in so far as extra quantities have been absorbed at similar or slightly better prices than in the previous year. It will be through increased quantities of exports rather than from higher prices that primary producing countries will increase their incomes during 1960.

The industrialized countries of the world have been having a boom year. Production has been increasing and demand has been expanding. This prosperity has increased the demand for our products. It may well be that with boom conditions in the industrialized countries their export prices may increase. In that case our terms of trade could get worse and we should have to export more in order to obtain the same amount of imports during 1960. It is against this background of world conditions that we have to make our own forecasts for 1960.

1959 was a better year than 1958. In 1959 agricultural production improved, prices were more satisfactory, and the returns to all farmers were better than in the previous year. The total contribution of cash agriculture to the gross domestic product was some £35 million compared with £33 million in 1958. The most remarkable expansion has been in the sphere of peasant farming, where the monies so far spent on the Swynnerton Plan are now coming to fruition and where we are really beginning to reap the benefits of land consolidation and farm planning. The increase in the cash incomes of our peasant farmers, including incomes from livestock activities, was nearly £1,500,000 or 20 per cent higher than in 1958, while their payout from coffee sales alone was some 75 per cent larger than in the previous year. These developments are still in their early stages, since with such crops as coffee and tea it is not immediately that one obtains increased harvests. We may expect that, as the modernization of peasant agriculture proceeds, the increased output should be even more considerable and the incomes of the farmers much higher than at present.

Wholesale and retail trade had a satisfactory year, while the manufacturing industries maintained their position and showed signs of improvement in the early months of 1960. Mining had a record year.

Building and construction suffered somewhat, but not to the extent felt in 1958. In that year there was a great fall from the boom of 1957, but, although we have not returned to the building output in value terms of 1957, 1959 was better than 1958. Some indication of what is in store in 1960 can be seen from the value of building plans passed in Nairobi City. Although the annual

figures for 1959 showed a slight decline, compared with the first three months of that year, the first three months of 1960 showed an increase of 30 per cent. We realize that some of these plans will not become buildings, but most of them do.

Our exports showed a healthy increase of £4 million. Imports remained relatively unchanged, so that the adverse balance of trade on external account fell by £4,500,000. We were still importing capital goods and producer materials as well as consumer goods, and our trade position was helped by the favourable balance of trade with our neighbouring territories of Tanganyika and Uganda, where we had a favourable balance of some £7 million, which reduced our overall visible trade balance to £16 million.

During 1959 there was a slight increase of about 3,700 in the number of persons employed. The increase in the Wage Bill was some £2 million compared with 1958 and the total for the Colony has been estimated to be of the order of £80 million. A Commissioner is examining the unemployment position. I personally prefer to call it the employment problem. In the modern industrial state, paid employment is the normal condition of the mass of the people. This is not so in a country like Kenya where the whole idea of paid employment only came into being during living memory. In any case, however, the answer is to increase the opportunities for our people to earn a decent living, whether through self-employment or through wage-earning. That is, of course, one of the major objectives of the Government's development plans and policies.

Our efforts in 1959 were successful and the year was one of resumed growth during which the gross domestic product showed an increase of 31 per cent at current prices. If we take only the monetary sector, the increase was of the order of 5 per cent. Allowing for population increases and price changes, an estimate of the real growth per head—again in the monetary sector—was of the order of 3 per cent, which compares most favourably with 1958, when there was a slight fall. The price level has, of course, remained remarkably stable, the Nairobi cost-of-living index being only one-third of 1 per cent higher in February, 1960, than in mid-1958, about 1 per cent higher than in mid-1957 and less than 5 per cent higher than in mid-1956.

Turning now to 1960, I am advised that the trend should not be very different from 1959. Government expenditure, including all public activities, on capital construction, will be running at a high rate; in 1959 it was £14 million. Our agricultural production and exports should continue to increase. If prices remain fairly satisfactory, then total income from these exports should also expand. It is thought that in the cash

[The Minister for Finance and Development] sector the gross domestic product could increase by about 4 per cent during the present year. This improvement, which is needed year by year if we are to have those higher standards of living and improved services for which everyone is asking, will, of course, require political stability and an economic climate which will encourage existing enterprises to continue their efforts and investors to develop new projects. Talk of "liquidating" large-scale farming will do no one any good. Nor will such expedients as putting farms on a care and maintenance basis or "mining" the land. What we need in the way of policy are measures which will encourage all such farmers to continue with development to their own and everybody else's profit.

At the present moment some £40 million is invested annually in Kenya in "gross capital formation". This means that both for replacement of obsolete equipment and buildings, and for the development of new land, the equivalent of 25 per cent of the gross domestic product in the monetary sector is used. Net capital formation, the amount spent on additions to our capital, is possibly in the region of half the gross figure, and of the total much is financed from overseas. £5 million of private money is invested annually in large-scale agriculture alone and it is essential that this should continue. The Government invests very large sums in peasant agriculture. All this investment must be continued if the income per head is to grow at a satisfactory rate and to result in a national income which will permit us to have those conventional necessities, which do not mean cigarettes and beer but schools, hospitals, roads and other assets to future growth and amenities for the well-being of the community.

Whilst I am still dealing with economic matters, there are two other points to which I must refer. The first concerns the allegations that there has been a fall in confidence and an outflow of capital since the end of the Constitutional Conference. Certain statements were made whilst I was in London and a figure of £900,000 a week outflow was mentioned. It was also suggested that currency control might be introduced. At the time I made what enquiries I could from the authorities both in London and in Nairobi, and I was informed that there was nothing in the situation to cause alarm. Since I returned to Nairobi I have been able to obtain further information on the subject. I was not altogether surprised to learn that there had been some outflow. It is not unnatural, at times of change, for people with liquid assets to transfer them to places where they believe that they may be safer. I was, however, also glad to learn that, as I had expected from the information obtained in

London, the figure which was mentioned was highly exaggerated. I am also advised that the flow has eased up during the current month. Nor is this the whole story. Throughout the period, money for investment has continued to come in to the Colony and in to the East African area generally. Here again, the amount has probably not been as great as in normal times which, once more, is not surprising in a time of change and uncertainty. The fact, however, that the flow has by no means ceased—some of the sums introduced are, I understand, of a sizeable nature—shows that there are still people with faith in our future.

To the extent that there may have been a net outflow of capital during March, I think that it may have been due not only to uncertainty as to the future but to fears that some form of currency control might be introduced. I said in London, and I repeat it here, that the Government has no intention of introducing any measures which would impede the free flow of capital between this Colony and the rest of the sterling area. If people wish to transfer their money from Kenya to London or to other parts of the sterling area, they are perfectly free to do so. I hope, however, that there will not be any large-scale movement and, as I have already said, my information is that the degree of outflow which appears to have existed last month, has now eased up. I shall, of course, continue to watch the position and will inform the House of any important changes.

It may be said that statements such as mine are all very well now, but what of the future. The fact is that, whatever the political complexion of any future Government of this Colony may be, our economy will remain very much dependent on the rest of the world not only for its development but for its very maintenance. Any interference in the free flow of money would, in my opinion, kill not only development but the economy itself stone dead. There would be an end to everyone's dreams of a better life, of more schools and an improving standard of living. I cannot believe that any foreseeable Government of this Colony is going to ignore these facts. I can, therefore, see no reason why anyone should have fears on this score, now or in the future.

My other point concerns the Fiscal and Economic Commission which is to examine the East African common market arrangements, together with those for economic co-ordination between the Territories and for fiscal uniformity. The Commission has been directed to pay special attention to the measures for facilitating inter-territorial trade in local products and to developing local industries in East Africa; to those for

[The Minister for Finance and Development] securing uniformity in fiscal and financial matters, including the allocation of customs, excise and income taxes between Territories; and to the provision of revenue for the East Africa High Commission. They will consider the advantages and disadvantages of the present arrangements, whether they are economic and fair to the interests of each Territory, and they will make recommendations.

The Commission will begin its work fairly soon and it would not be for me to attempt to anticipate its findings. All I would say is that I, personally, am a convinced believer in the value to us, and to all the territories of East Africa of the common market. So far as Kenya is concerned, the figures which I have already quoted, and to which reference is made in the Economic Survey, speak for themselves. I do not, however, believe that our gain is anyone else's loss. I believe that the common market is a stimulus to production and to trade throughout the area of East Africa, and that all territories benefit from it. It is my view that, if in the past we had had the misfortune to be "balkanized", each of the territories would have been poorer in their economies, quite apart from the cost of administering separate customs and income-tax administrations. I would, therefore, regard the maintenance of our common market as being of the utmost importance to the welfare of us all.

I shall next deal with the general capital and development position.

At 30th June, 1959, there was a deficit of a little over £4,560,000 in the Development Account financed as to £2,400,000 from Revenue Account and Tax Reserve Certificates and as to the balance from short-term borrowing including internal borrowing from the Government's own resources. The revised estimates of expenditure for 1959/60, given in Table III of the Development Estimates, total £10,259,000. This figure is based on the revised estimates submitted by Ministries. However, on the basis of the experience of previous years, and the actual issues made from the Exchequer by the end of March, I regard £9.6 million as a more realistic figure for actual expenditure in the current year. This expenditure will be covered almost in full from loan funds raised during the year, or from other receipts.

The loan funds' figure of £6,225,000 for this year includes £4 million of exchequer loan money, and the "other receipts" figure of £2,970,000 includes £800,000 surrendered from the sugar equalization fund. I propose also, as I fore-shadowed in the debate on the speech from the Chair, to authorize the transfer to the develop-

ment account of £1 million, being the bulk of the surplus of almost £1,150,000 in the Colony exchequer at the 30th June, 1959. This will cover the allocation of £750,000 for public works non-recurrent in the 1960/63 Development Plan. There will also be a further £250,000, of which I propose that £100,000 should be used to increase the target for the number of families to be absorbed into employment in the Government's forest estate under the supplementary forest scheme from 5,000 families to 6,000 families. The remaining £150,000 will reduce the "capital gap" on the 1960/63 Plan to approximately £1 million.

The 1960/61 Development Estimates total nearly £10,128,000. The details of the various projects are set out in Sessional Paper No. 4 of 1959/60. Over 65 per cent of the expenditure will be on economic services, particularly agriculture. I am convinced that the Government is right in the emphasis which has been placed in the programme on the development of agriculture. This will make the most immediate impact on the national income by encouraging the growing of an increasing acreage of cash crops for which markets can be found at profitable prices. It is only by an increase in the national income that the country will be able to meet the ever-increasing demands for improvements in the less immediately productive social services—in particular, in the sphere of education.

Included in the Development Estimates is £300,000 for loans to African farmers and £300,000 for feeder roads in African areas. Last year, my predecessor referred to the discussions which had been opened with the International Bank for Reconstruction and Development to see whether they could make available on a loan basis funds for this purpose. As honourable Members are aware, my colleague, the Minister for Agriculture, and I, and you, Sir, have recently been having talks in Washington about these schemes. The total project will cost some £6 million, of which £2 million will be for agricultural credit and feeder roads in the areas of high potential, during the currency of the 1960/63 Development Plan. We hope to be able to provide some £4 million from our own resources, including loan-funds and assistance from Her Majesty's Government. I am happy to be able to say that, subject to the approval of the Bank's executive directors, and to the passage by this Council of the Ordinance covering this borrowing from the Bank, we have reason to believe that the remaining £2 million will be forthcoming from that source. This will make it possible for us to go ahead with a much-increased credit programme for African farmers in the areas of high agricultural potential and with schemes for providing a

[The Minister for Finance and Development] greatly improved system of feeder roads in these same areas.

The House may also be interested to know that we told the Bank about the scheme for increasing agricultural production which was referred to by the Secretary of State during the Lancaster House discussions on constitutional affairs. The Ministry of Agriculture and the Treasury are still working out concrete proposals in connexion with this scheme and until this has been done we shall not know to what extent, if any, the World Bank will be able to participate. I can, however, assure the House that the preparation of the scheme is being treated with the very greatest urgency by all concerned and that I, personally, feel confident that funds will be forthcoming from one source or another to finance a worthwhile project, of benefit to farmers of all races who are prepared to press on with the development of their land.

In addition to the projects in the Estimates, it is expected that at least £1 million will be spent on the £4 million Contractor Finance Road Programme. A further project, not included in the Estimates, is the Nairobi City Council's £1.5 million Contractor Finance African Housing Project. This project also will get under way in 1960/61, and total expenditure by the Government and the City Council combined is likely to be at a higher level than in any previous year of Kenya's history. This will make a notable contribution to employment as well as to our housing resources.

As I stated earlier in my speech, expenditure on buildings will be running at a high level, and will absorb to the full the capacity of the Ministry of Works.

I also referred at an earlier stage to the employment problem. The Development Programme was examined several months ago with a view to seeing whether, by including in the Plan some of the proposals of Ministries which had had to be cut out in order to bring the total of the Programme within the funds likely to be available, further employment could be created. The enquiry showed that an adjustment on these lines would not be likely to improve the position, since it would involve cutting out more immediately remunerative projects for others of more doubtful or longer term economic value.

There is, however, one project in the Plan referred to on page 46 of the Sessional Paper—namely, the Supplementary Forest Development Scheme, which is a scheme specifically designed to reabsorb landless and unemployed persons on new forest stations. Some 4,000 families have already been absorbed, and the money provided

in the Sessional Paper is designed to increase this number to 5,000. As explained earlier, I am now proposing, at a cost of about £100,000 to be found from last year's revenue surplus, to raise the target still further to 6,000 families. For purpose of comparison, the House may be interested to know that it would require a special building project costing about £300,000 to employ 1,000 workers even for a short period. Far more than £300,000 would be needed to employ the same number on roads.

The problem of financing a development programme of over £10 million during the coming year will be formidable. It will be necessary to borrow—either by way of exchequer loan, by public issues on the market or from short-term sources—a further £6,500,000 during the coming year. It will not be easy to obtain all we need by exchequer loans and public issues on the local market—particularly bearing in mind that it will be necessary for the Government to convert or repay in June, 1961, the 4 per cent local loan of £2,925,000 raised in 1954. I am confident, however, that it will prove possible to finance in one way or another the expenditure shown in the Estimates, and that this ambitious programme is fully justified and entirely necessary if we are to secure that growth in the economy of the country which is essential to our economic progress.

I am also confident that we are wise to plan for total development expenditure of some £27 million during the period 1960/63. It is true that finance will not be easy to find—it never is—but it should not be impossible. It is also true that additional loans involve additional debt charges. But, as the economic story for 1959 shows, they also generate more income. The fact is that countries like ours must develop or stagnate. In spite of all the difficulties we have been through, wise development expenditure in the past has made it possible for us to sustain services of a scope and standard which would not have been thought possible even ten years ago. There may be risks in continuing to plan for development at the same rate in the future; but I think the House will agree that the risk of not doing so would be infinitely greater.

Before proceeding to the recurrent Budget, I have one further thing to say about development finance. It is always desirable that some part of any capital programme should be financed from recurrent revenue if that is at all possible. At present we cannot do this by provision in Estimates. Prudent financial management will, however, tend to throw up small annual surpluses. Such surpluses are needed in the early months of each financial year to cover the normal excess of exchequer issues over receipts in that period. Subsequently, I believe that we should

[The Minister for Finance and Development] transfer them to capital account. We shall do this as to £1 million this year and I would hope that similar action would be possible in the future—though the amounts might well be less.

I now turn to this year's out-turn and to the Estimates for the coming year and, at this point, I shall—as has been done in previous years—set before the Council the pattern of net expenditure covered by the total figure of £32,014,675 in the printed Expenditure Estimates. There is, in fact, little change. Basic administrative services, law and order, defence and revenue collection still account for about 34 per cent. Economic services, which include roads, water works, agricultural services, forestry, game and fisheries, lands and mines, commerce and industry, account for some 15 per cent. The social services take up about 25 per cent (of which the bulk—nearly 19 per cent—is for education). Financial charges of a recurrent nature—public debt, pensions, and payments to local authorities—take up nearly 18 per cent. The remaining 8 per cent is taken up by various general and ancillary services such as public works and printing.

I would also, at this stage, refer to the tables of comparative expenditure and revenue over a four-year period published at pages (vii) to (viii) of the introductory pages of the Expenditure Estimates. I hope that Honourable Members will find these tables of some value in viewing the Budget in historical perspective. It is intended that they should become a regular feature of our published Estimates and that the perspective should be lengthened in due course to at least five years.

With regard to the current year, the original Estimate—including emergency expenditure—was £32,325,520. There will be savings of £408,339 on our contributions to the High Commission, it having been agreed that Kenya's surplus balances with the High Commission should be reduced to £100,000 by the 30th June, 1960. The payments being made to the High Commission this year are being reduced with this target in view. There are also likely to be savings of approximately £153,000 in the Public Debt Vote. These arise because, when the Estimates were prepared, it had been anticipated that half-yearly payments would have to be made, on exchequer loans obtained from Her Majesty's Government. In fact, payments are to be made annually, and not half-yearly, and this means that no payments will have to be made in the current financial year on exchequer loans obtained during the year. These savings will be partly offset by the need for supplementary provision on a number of votes. Although, however, after allowing for all savings

and Supplementary Estimates, the total revised Estimate will be some £32,175,000, I do not, in fact, anticipate that actual expenditure will exceed £32 million.

The revised Estimate of Revenue for the current year approximates very closely to the original Estimate. I have no reason, at this stage, to revise the original Estimates for Customs and Excise or for Income Tax, and an anticipated shortfall of some £180,000 in collections of graduated personal tax will be more than covered by increased extra exchequer receipts. The revised Revenue Estimate—as shown in the statement on page (viii) of the Estimates presented to Legislative Council—exceeds the original Estimate by £37,287.

The Estimates, as presented, envisaged a surplus of £68,266. In view of the savings that have been made on our contributions to the High Commission, and on the Public Debt Vote, I shall be disappointed if we do not have a surplus on the year of about £430,000. As hon. Members will see from the financial statement, this will mean with the unspent balances of £229,000 brought forward from 1958/59 the overall balance in the Colon; Exchequer Account at the beginning of the 1960/61 financial year—after allowing for the transfer of £1 million to Development—will be approximately £800,000. This represents less than two weeks' revenue and is a very small reserve to hold against the excess of expenditure over revenue which, as I have said, is normal during the early months of the year and to meet possible shortfalls of revenue or other unforeseen contingencies which may arise during the year. Ultimately I would hope to be able to transfer the bulk of it to Development Account. But that will depend on the circumstances of the coming year.

The present year is the last in which we shall receive assistance from Her Majesty's Government towards Emergency expenditure and it may, therefore, be of interest if I indicate the amount of total expenditure on the Emergency for the period from 1952 to the 30th June, 1960. The total figure is likely to be £57,185,424. Of this, £25,050,000 will have been met by grants from Her Majesty's Government; £6,050,000 by interest-free loans, which we shall before long have to begin repaying; and no less than £26,085,424 from our own resources.

As explained in the general memorandum note printed on page (v) of the 1960/61 Estimates, estimated expenditure in 1960/61 represents a net reduction of £310,845 on the provision made in the current financial year, but—after allowing for the reduction in expenditure previously met from the Emergency Fund from £1,600,000 to £514,000, and after taking credit for the generous decision of

[The Minister for Finance and Development]

Her Majesty's Government to relieve us of responsibility for the recurrent cost of the East African Land Forces, for which £1,128,000 was provided in the current year's Estimates—there is a true increase of some £1.9 million. On the great majority of votes there has been a virtual standstill. The increases fall into four main groups.

First, there are the increases in public debt, in pensions and in local government contributions—mainly statutory—which may be regarded as commitments, and unavoidable, and which total some £550,000, and which are likely to rise still further in future years. In particular, the annual increase in public debt will—if we carry on with our necessary but ambitious Development Programme—exceed the increase shown in the 1960/61 Estimates of £341,000.

The next group is the social services. The increase on education and health totals over £650,000—ignoring the provision for passages. The net increase of over £530,000 on education is a formidable figure which we could not have found but for the decision of Her Majesty's Government to relieve us of the recurrent cost of the East African Land Forces. I am fully conscious of the need not to abandon our programme for the improvement of educational facilities, particularly in African education, and particularly at the intermediate and secondary stages. It will be noted that the increase in 1960/61 for commitments and for social services totals over £1.2 million. We are likely to be faced with a similar or increasing bill in future years. This bill can only be met from an expanding economy—if the improvements in the health and education of our people are reflected rapidly in greater productivity in all sectors of our economy, but especially in our agriculture. We cannot expect Her Majesty's Government to take over a large proportion of our expenditure every year—nor, indeed, must we forget that the day may come when we shall have to resume responsibility for the cost of our own forces. It cannot be said too often that, while the outside world will help us to develop our resources by grants and loans of money and skilled manpower, no one owes the people of Kenya a living and if we are to progress we can only do so through our own efforts.

The increase still to be explained is £700,000, of which nearly £100,000 relates to passage costs. In accordance with my undertaking last year, I have had the passages vote split up amongst the services to which it relates. This has, as I suspected it might, led to an immediate increase in total provision—instead of one margin there are now several. The total may not,

however, be spent and I am sure that we shall have greater control in the future.

Of the remaining £600,000, some £377,000 relates to my third group, namely, administration and the maintenance of law and order. These increases are explained in detail in the memorandum notes on the Chief Secretary's Vote and on the Police and Prison's Votes. I am hopeful that we have now reached an establishment and a level of expenditure for these services which can be held in future years.

The remaining increases, which constitute the last group, total some £223,000 and relate to a number of miscellaneous votes. £63,000 is for the Ministry of Local Government, largely arising out of the ministerial changes that have taken place, but including an additional £15,000 for the relief of distress; £50,000 is for the Ministry of Tourism, Game, Forests and Fisheries, and includes £24,000 for anti-poaching measures and £10,250 required for the take-over from the High Commission of the Lake Victoria Fisheries Service; £49,000 is an increase in our contribution to the High Commission, of which nearly half will be required for the East African Directorate of Civil Aviation and the E.A. Meteorological Department, and arises mainly because of the tapering of grants received from the Ministry of Civil Aviation in the United Kingdom; the greater part of the balance relates to some necessary strengthening of the revenue-collecting departments—namely, the E.A. Customs and Excise Department and the E.A. Income Tax Department.

Lastly, the increase under the Ministry of Agriculture totals £42,000. This is almost fully explained by the need to provide £40,000 to subsidize the price of local rice. The cost of this rice subsidy will be more than fully offset by revenue obtained from customs duty on rice imports. The only other significant increase, is on the Ministry of Labour, and includes the provision of a new post of officer-in-charge, employment services, and some strengthening of staff at labour exchanges.

I feel that, at this stage, I should again make it clear that it is unlikely to be possible—on the basis of the forecast of the probable growth in the national income given in the Economic Survey—to finance in future years as large an increase in expenditure as is contemplated in 1960/61. In fact, it will be necessary to hold the majority of votes at approximately their present levels, and to cover the need for additional provision for increments and other adjustments—by administrative economies. This applies to levels of pay as much as to anything else. The Government has always recognized

[The Minister for Finance and Development] that selective salary adjustments may be needed to assist recruitment or to retain the services of experienced staff. This still holds good. It is also probable that we may have to look in a more general way at the relationship between the remuneration of our civil servants and that of comparable employees in the field of recruitment. As the Economic Survey shows, however, the cost of living has been stabilized over the past three or four years. In these circumstances any general upward movement of salaries would appear to be unjustified. It would also have most serious economic and financial consequences. Our total salaries bill, including Development, is now about £18 million and even a 5 per cent overall increase would cost some £900,000 involving cuts in services or increased taxation, or both. It must, therefore, be recognized that, however distasteful the fact may be, we cannot afford general salary increases and that, even where adjustments are unavoidable because of market considerations, they can only be granted to the extent that the country can afford to pay.

I turn now to the problem of financing the overall net estimate of £32,014,000. The Revised Estimates of Revenue for 1959/60 total £30,831,000 and there is, therefore, an additional sum of £1,183,000 to be found in 1960/61 in order to balance the Budget.

Revenue receipts from all sources other than customs and excise and income tax in 1959/60 total some £6,580,000. We are likely to receive an additional amount of approximately £203,000 from these sources in 1960/61. I need not go into these items in detail, but I expect that we shall receive an additional £75,000 in land revenues largely as a result of the revised valuations of land, and an additional £90,000 in interest on loans made from Development Funds. There will also be a small increase in receipts from graduated personal tax.

This leaves an additional amount of approximately £1 million to be produced from our main stand-bys—namely, customs and excise and income tax. In spite of the increase in the national income set out in the Economic Survey, which amounted, to some 5 per cent in the monetary sector in 1959, I do not anticipate that income tax receipts in 1960/61, at present rates of taxation, will exceed the 1959/60 estimate of £10,550,000. The reason for this is that the 1959/60 figure will be swollen by the recovery of arrears from previous years, and actual collections in 1960/61 are likely to approximate closely to actual assessments on the year of income 1959. Actual assessments on the year of income 1958 will total only about

£10 million, and I do not anticipate that assessments on the 1959 year of income will exceed £10.5 million.

I feel, therefore, that I am being reasonably optimistic in forecasting receipts of £10,550,000 from income tax in 1960/61. The estimate for 1959/60 of customs and excise is £13.7 million, and is likely to be achieved. The Economic Survey forecasts a rise of approximately 4 per cent in the monetary sector of the national income in 1960, and it would, I feel, not be unreasonable to estimate that there will be a corresponding rise of about 4 per cent—or £550,000—in receipts from customs and excise at the present rates of duty in 1960/61.

Honourable Members will have noted that, given the expenditure proposals contained in the Estimates of Recurrent Expenditure and the Revenue forecast which I have just given, we should be faced with a deficit if existing levels of taxation were to be maintained. As the House is aware, I do not believe that a poor country like Kenya can afford the luxury of deficit Budgets. Before, however, dealing with my proposals for closing the gap, I have to propose a number of revenue changes which are designed not to produce additional money for the Exchequer but to encourage or protect local industry or to rectify anomalies or to close loopholes in our system of revenue collection. I would, at this stage, ask Mr. Deputy Speaker that, in accordance with our usual practice, this speech be taken as Notice of Motion to be placed before the Committee of Ways and Means dealing with the measures I am now proposing.

I first deal with protective measures. The duty on tomato purée is at present 22 per cent. The local tomato purée industry processes a valuable cash crop and it is estimated that it can provide for the full requirements of the East African territories in a quality superior, by analysis, to that of competing imports. In due course there should not expand into the export market and thereby provide a very useful outlet for a cash crop. It is, however, necessary to assist the industry to capture the internal market. The local product is not sufficiently well known to achieve this. With this in view, I now propose that the duty be increased to 30 per cent *ad valorem*. This increase will, at the worst, have a negligible upward effect on household expenditure.

My next proposal affects footwear. The duty on boots and shoes is at present Sh. 1/50 per pair or 22 per cent *ad valorem*. I propose to introduce a new tariff item under which the specific duty on footwear, excluding footwear without uppers

[The Minister for Finance and Development]

and excluding footwear with uppers of cotton and soles of rubber or rope, and also excluding children's footwear, should be Sh. 5 per pair. The *ad valorem* duty will remain at 22 per cent. Members will have noted that this change in duty will only affect leather boots and shoes worn by adults. Similarly, I propose that the specific duty on imported leather for boot and shoe uppers should be increased from 50 cents to 75 cents per square foot. The object of these changes is, first, to protect the manufacturers of leather footwear in the medium and low grades of shoes and, second, to protect our local tanneries. As Members know, small cobblers have been encouraged to establish cottage industries using local leather. We have also, for a long time, had small shoemaking establishments in the Colony. All these will be protected against the importation of cheap and shoddy footwear made of leather. Since what are commonly known as "tackies" are excluded, as are children's shoes, those members of the community who can only afford rubber-soled shoes with cotton uppers will not be affected by this change. Nor will those who have to provide shoes for growing children. Finally, fashion footwear of the best quality, which has still to be imported, will not be affected since the duty on the most expensive grades will continue to be assessed on *ad valorem* rates.

Last year, new duties of a protective nature were introduced for enamel holloware. These duties appear to have given effective protection to our local industry, for, instead of the increase of revenue which was anticipated in last year's Budget, there has, in fact, been a considerable fall. One disadvantage of the rates imposed last year was, however, that they were at the same level, 50 cents, for all sizes of cups, mugs, plates and saucers. Similarly, the rates for other types of enamel holloware were flat rates irrespective of the size of the article. It is now proposed to provide different levels of duty for different sizes of article. The rate for the smallest sizes of cups, mugs, plates and saucers will, for instance, be only 25 cents as against the present 50 cents. The existing rate will continue to apply for medium-sized articles, whilst the larger ones will pay 75 cents. Similar adjustments will be made in respect of basins and bowls where the existing specific rate is 75 cents. The specific rate on stewpans, saucepans and casseroles will remain as at present Sh. 1/25. The *ad valorem* rate of 30 per cent will also remain unchanged. This is not a revenue proposal and it is difficult to say what the exact effect will be in terms of revenue. In view, however, of the success of the measure of protection already afforded, the financial effect is unlikely to be appreciable either way.

I am proposing to make a small change in Tariff Item 58 (n) by providing that waste and scrap metal shall be imported free. This will not only assist local industry engaged in processing scrap metal but will remove an anomaly. The local printing industry will be assisted by further changes which I propose to make under Tariff Items 68 and 136 (a). These changes will exempt sensitized plates, printers' ink-dryers and certain other constituents of printing ink from duty. The financial effect of all these measures will be negligible.

The last of my protective proposals relates to the introduction of a new Tariff Item, 165 (e), introducing a new duty of 22 per cent on crown corks. Previously these were imported free as packing materials. The new duty will protect our local crown cork industry against cut-throat competition which only arose after our industry came into operation. I am informed that the local company is capable of meeting the whole East African demand.

My next series of proposals are of a technical nature. The more important relate to the imposition of duty on certain types of synthetic fibre which are not covered by the existing tariff. This, while being technical and stopping a loophole, will produce sufficient revenue to offset decreases resulting from protective measures and reliefs; the exemption from duty of "off the highway" vehicles which are used primarily for constructional work is another of these proposals; a simplified method of protecting the local bottle-making industry, while allowing free import to bottles of a type which are not made locally; and the exemption from duty of certain scientific, educational and religious equipment. There is also a number of minor amendments dealing with new types of building material, clip bolts, "float" glass, prizes and awards, and road and traffic sign materials. Finally, the tariff item relating to baths and other sanitary ware is amended so as to extend the scope of the exemption from duty to all articles of this nature, irrespective of whether they are made of earthenware, stoneware, porcelain or plastic or of any other material. The financial implications of this measure which merely makes it unnecessary to extend the scope of the item every time a new material is invented, are nil.

I now come to a series of proposals designed primarily to assist the tourist industry. They will, however, also benefit residents of Kenya and will simplify the administration of the Customs Tariff. The first of these measures relates to Customs' Tariff Item 144 covering passengers' baggage. I propose that this item should be revoked and replaced by a completely new item. The current

[The Minister for Finance and Development] item was drafted many years ago to meet conditions in the early pioneering days when many kinds of goods were not readily available in the shops as they are today. Consequently it reflects history rather than present-day facts. For example, it permits binoculars and cameras to be brought into the territory duty-free, while cine projectors are assessed to duty. Portable typewriters are free, while tape-recorders are dutiable. These anomalies are now being rectified in favour of the taxpayer. It has also become apparent that the concessions granted by the present item are too limited for certain types of passenger, particularly tourists and people arriving to take up residence in Kenya for the first time.

New residents will, in future, be assisted by being permitted to import into the territory free of duty all used personal and household effects. They will also be permitted to introduce free of duty a motor vehicle which they have owned and used for at least a year between the date on which they took delivery abroad and their own arrival.

Such people will, of course, have to be prepared to pay duty on any goods which they may sell within two years of the date of importation. They will also have to produce satisfactory proof of their previous possession.

Tourists and visiting businessmen will be assisted by being permitted to introduce free of duty all their requirements for personal and household use during their stay. Here again, of course, they will have to satisfy the revenue officers that the goods concerned are appropriate in quantity and kind for the purpose of their visit. They will also have to re-export these goods or pay duty on departure.

Another measure designed to assist tourists relates to the import duty on binoculars, telescopes, cameras and films. At present East Africa as a whole receives some £40,000 a year in duty on these articles. The Kenya share has been estimated at approximately £18,500. I now propose to introduce a new tariff item, 140s, under which all these articles will become free of duty. This will not only assist the tourist industry but will remove a frequent source of dispute and irritation in the examination of baggage at ports of entry. It will, of course, also give local traders an opportunity of increasing the sale of these articles to visitors to the Colony.

A third measure designed to assist the tourist industry relates to the admission of arms and ammunition. At present, under Tariff Item 166, rifles may be imported free of duty by members of rifle associations and clubs solely for the use

of their members. I propose that this item should be revoked and replaced by one under which all arms and ammunition may be imported free. The loss of duty from this measure will be some £3,000 a year. I need hardly say that it will still be necessary for those who wish to possess arms and ammunition to obtain the usual licences.

My next proposal relates to the excise tariff and is also, to a large extent, a tidying-up measure. There is at present no provision for the imposition of an excise duty on locally manufactured wine. I am advised that this omission should be rectified. I propose, therefore, to introduce specific duties at the following rates. On still wine Sh. 6 a gallon and on sparkling wine Sh. 18 a gallon. These rates are approximately equivalent to 75 per cent of the lowest specific rates of Customs duty on each gallon of imported wine. The imposition of an excise duty will make wine an excisable article. In this connection honourable Members will wish to know that consideration is being given to amending the Excise Management Act to permit and control the fortification of locally made wines with spirits, and the mixing of imported and locally made wines.

I now turn to the proposals designed to increase the revenue.

For some time I have had under consideration the adequacy of our present arrangements for the taxation of motor vehicles. The revenue from this source is, of course, hypothecated to the Road Authority for expenditure on our roads. The present position is that motor vehicles with four or more wheels which are powered by petrol are taxed in a full year at a minimum rate of £4 for the first 1,500 lb. tare weight with an increase of £1 for every additional 250 lb. tare weight or part thereof. These fees are doubled for motor vehicles powered by any fuel other than petrol. There are some other special types of vehicles whose numbers are, however, insignificant for which enhanced licence fees are payable. Additional charges are also made for public service vehicles depending on the number of passengers which they carry. Half fees are charged for trailers, and tractors used for agricultural purposes are charged at a flat rate of £2 per annum. Motor-cycles pay an annual licence fee of Sh. 30 without sidecar and Sh. 40 with sidecar. These last rates and the minimum rate for all petrol vehicles have remained unaltered for the past 32 years. The double rate for motor vehicles powered by other fuel was first imposed 20 years ago, while the increase of £1 in the fee for every 250 lb. tare weight dates from 1952. Before then the increase was Sh. 10

[The Minister for Finance and Development]

For the year 1959, the total number of licensed motor vehicles in Kenya, including motor-cycles and trailers, was about 78,000. Of this total, 57,000 were in the light vehicle class weighing 4,000 lb. or less. Within this class in the four years 1956 to 1959 inclusive the number of vehicles in the categories up to and including 2,500 lb. tare weight increased by 41 per cent. Those in the middle category from 2,501 lb. to 3,400 lb. increased by 21 per cent. Those in the heaviest category from 3,401 lb. to 4,000 lb. decreased by 19 per cent. In the past three years, the total number of vehicles registered in the Colony increased by 14.8 per cent, but, in spite of this the average return in licence revenue was slightly less in 1959 than in 1957. This is, of course, due to the swing in recent years towards lighter-type passenger vehicles which is hardly surprising in view of the greater efficiency of small modern cars coupled with the great improvement which has taken place in our roads. I would like to say here that this improvement reflects great credit on the work of our Road Authority and of the roads branch of the Ministry of Works, and I take this opportunity of paying a tribute to their efficiency and activity.

It is, of course, obvious that, as the traffic density increases and higher road standards are demanded by the motoring public, more and more money is needed for the maintenance and betterment of our road system. At one stage it was expected that the hypothecated revenue would automatically take care of this. Unfortunately, the trend towards the purchase of lighter vehicles has falsified this view. I consider that steps must now be taken to insulate the revenue from licence fees against this tendency and to try to ensure that the recurrent revenue from this source more nearly keeps pace with the increasing traffic. I propose, therefore, that with effect from the 1st January, 1961, the minimum annual licence fee for petrol-powered vehicles should be £8 and that this should apply to all such vehicles of up to and including 2,500 lb. tare weight. I also propose that the minimum licence fee for motor-cycles should be increased to £3 per annum without sidecars and to £4 per annum with sidecars. The fees for vehicles of 2,501 lb. tare weight and above will remain as at present. I am advised that this measure should provide rather more than £50,000 additional revenue for the Road Authority in a full year. An additional advantage will be that, by charging fees at one flat rate for nearly half of all the vehicles licensed in the Colony, we shall considerably ease the administrative task of the licensing authorities, thus enabling greater

attention to be paid to the correct assessment of fees for the vehicles outside that group.

The new arrangements will involve an increase of £4 in the licence fees of 3½ per cent of the vehicles in the under 2,500 lb. tare weight group. This works out at about Sh. 1/50 a week. Fourteen per cent of the vehicles in the same group will bear an increase of £3 in fees, 35 per cent an increase of £2, 20 per cent increase of £1, and 27½ per cent will bear no increase at all. The increased fee for a motor-cycle without sidecar will cost 58 cents a week, while that for motor-cycles with sidecars will cost the owners an additional 77 cents a week.

I have also been considering the taxation of motor fuel. At present petrol pays Customs duty at the rate of 75 cents a gallon. It also pays consumption tax at the rate of 32 cents a gallon. The proceeds of the consumption tax, like those of the vehicle licence fees, go to the Road Authority. No duty or tax is paid on light diesel oil used in motor vehicles. These vehicles, however, as I have noted, pay a double licence fee.

In Nairobi a gallon of petrol is at present sold for Sh. 3/60 and a gallon of light diesel oil for Sh. 2/18. I have already spoken of a swing in recent years towards the licensing of lighter types of vehicle in the under 4,000 lb. tare weight class and of the adverse effect which this has had both on the Customs duty and the consumption tax revenue. This is illustrated by the fact that, in spite of the increase of nearly 15 per cent in the number of vehicles licensed in the Colony between 1957 and 1959, the average revenue per vehicle obtained in licence fees and consumption tax fell from Sh. 358/61 to Sh. 334/86 or 6.6 per cent. I am advised that of this drop of Sh. 23/75 per vehicle per annum, 98½ per cent was attributable to petrol consumption tax revenue. This cannot all be accounted for by the move towards smaller cars. There has indeed been a parallel movement in the larger vehicles from petrol to diesel fuel. In 1954, only 10 per cent of lorries and trucks, and 15 per cent of omnibuses and coaches were diesel operated. In 1959, the figures were 31 per cent and 63 per cent respectively.

In theory, the double licence fee paid in respect of diesel vehicles compensates for the fact that light diesel oil used in such vehicles pays neither customs duty nor consumption tax. Unfortunately, this is not borne out in practice. For instance, the annual licence fee for a five-ton petrol lorry is about £24, whereas its diesel counterpart pays about £52. The difference of £28 represents the fuel tax on some 524 gallons of petrol, which, at 10 miles per gallon, is the equivalent of some 5,240 miles. Up to this mileage the

[The Minister for Finance and Development] diesel vehicle contributes as much as, or more than, the petrol vehicle, but thereafter the contribution becomes less and less as the annual mileage increases. Not only, therefore, is the present system weighted in favour of the heavier diesel vehicle, but the revenue is not receiving a contribution towards the wear and tear on the roads in proportion to the annual mileage run. Further, the heavy road user contributes relatively less than, say, a farmer who needs to run a heavy vehicle in connexion with his business, but who may cover a relatively low mileage per annum.

Here, clearly, is a state of affairs which calls for adjustment. My second measure, therefore, involves the imposition of a customs duty of 75 cents per gallon on light diesel oil and a consumption tax of 35 cents per gallon on the same commodity. I also propose that the consumption tax on petrol shall be raised by three cents per gallon to a total of 35 cents per gallon, so that the duties and taxes on petrol and light diesel oil will be at equivalent rates.

I have two important points to make following on these proposals. The operator of a diesel vehicle would be unfairly penalized by these new arrangements if he were to continue paying a double licence fee for his vehicle. In order to remedy this situation, I propose that the double licence fee for diesel vehicles should no longer apply after 1st May, 1960. I also propose that refunds should be made in respect of the period from 1st May to 31st December, 1960, relating to the unexpired portion of licences for the current year where a double-fee has already been paid. Full details of the arrangements for such refunds will, I hope, be published tomorrow.

My second consequential point concerns the effect of the new duty and tax on our major industry, agriculture, with which I wish to couple, in this context, the saw-milling industry. Information has been produced which indicates that the effect will be severe in both cases. I propose, therefore, that farmers and saw-millers may apply for a refund of the whole of the duty and tax paid on light diesel oil where this can be shown to have been used in agricultural tractors and in tractors employed in logging. I intend that claims should be made quarterly in arrears to the Ministries of Agriculture and Forests respectively. Honourable Members will recall that similar arrangements formerly applied to the refund of duty on kerosene used in agricultural tractors. Full details of the arrangements will be published shortly.

I estimate that in a full year the return from the customs duty towards the general revenues

of the Colony will be of the order of £450,000. The consumption tax, including the small increase in the petrol consumption tax, should bring in an estimated £260,000. This, together with the £40,000 to be derived from licences on the smaller vehicles during the next financial year, will go to the Road Authority. They will, however, lose approximately £95,000 as a result of my proposal relating to licence fees for diesel vehicles, so that the total gain to their revenues will be of the order of £205,000. It will, of course, be necessary to increase the provision for the statutory grant to the Road Authority—Revenue by this amount. The Revenue Head—Other Licences, Duties and Taxes—has been increased by a corresponding figure. A considerable part, if not the whole, of the £450,000 increase in general revenue will, of course, also be taken up in meeting loan charges on capital road works.

Honourable Members will wish to be informed of the effect of these proposals on the cost of living. I am advised that the rise in vehicle licence fees and of the increase of three cents in the petrol consumption tax will have a negligible effect. I am also advised that the total effect of any increase in the cost of transport of merchandise on the Nairobi cost-of-living index, due to the Customs duty and consumption tax on light diesel oil, will be less than one-third of 1 per cent. Finally, I am advised that, in terms of passenger miles, the new measures should have only a fractional effect on passenger transport so far as the travelling public is concerned.

This completes my proposals relating to revenue from Customs and Excise Duties, and from vehicle licences. As I have stated, it is intended that the proposals relating to licence fees should come into effect on 1st January, 1961. All the other proposals relating to the Customs and Excise tariffs, and to the consumption tax, will come into force at midnight tonight. Confirmatory legislation will be published and introduced at the appropriate time. At this stage, all I need do is to inform the House of one further procedural innovation. In the past, each type of revenue measure has been dealt with in a separate Bill. This year, we propose to include all the revenue proposals in one comprehensive Finance Bill. I trust that this will be found to be a convenient method of proceeding and will thus commend itself to all Honourable Members.

It will be remembered that the overall net Estimate of Expenditure for the coming year was approximately £32,014,000. The increase in the statutory grant to the Road Authority will bring this up to £32,219,000. This year's revised Estimate of Revenue was £30,831,000. We anticipate that, at existing levels of taxation, a further £753,000 will accrue during 1960/61, bringing the

[The Minister for Finance and Development] total to £31,584,000. This leaves a gap of some £635,000 which will be rather more than covered by the proceeds of my indirect revenue proposals. These will bring the total revenue figure to £32,239,000, leaving us with an estimated surplus of approximately £20,000. I have, therefore, no further revenue proposals to make.

Mr. Deputy Speaker. At the beginning of this speech I said that the people of Kenya, had through their efforts, made it once more possible for us to stand on our own feet. The way ahead will not be easy. We shall all have to work extremely hard in the future.

We must continue to eliminate waste, to put economic necessities before all else, and to endeavour to increase our efficiency in all walks of life. If this is done, and only if this is done, we shall be able to provide all our people with more of the social and other benefits to which they naturally aspire. Given cool heads, stout hearts, hard sinews and—dare I say it—slow tongues, I believe that it can be achieved. May I express the hope of the Government and of all Members of this Council that it will, in fact, be achieved.

Mr. Deputy Speaker, Sir, I beg to move.

Mr. Webb seconded.

Question proposed.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): For the convenience of Council I will adjourn Council until 2.15 p.m. tomorrow, 28th April.

The House rose at nineteen minutes past Five o'clock.

Thursday, 28th April, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

NOTICE OF MOTIONS

LIMITATION OF BUDGET DEBATE

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to give Notice of the following Motions:—

(a) THAT speeches on the Financial Statement be limited to 30 minutes except in the case of two Members of the Government side in addition to the Mover and six Members of the non-Government of whom one shall be an African Constituency Elected Member, one an Arab Constituency Elected Member, one an Asian Constituency Elected Muslim Member, one an Asian Constituency Elected Member not being a Muslim, one a European Constituency Elected Member and one a Specially Elected Member, whose speeches shall not be so limited.

LIMITATION OF DEBATE ON ANNUAL ESTIMATES

(b) THAT the following limitations shall be applied to the business of the Annual Estimates:—

(i) On the Motions "That Mr. Speaker do now leave the Chair" to enable Ministers to initiate debates on policy, all speakers other than the Mover in moving and in reply be limited to 30 minutes.

(ii) In Committee of Supply all speeches shall be limited to 10 minutes.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 80

Mr. Alexander asked the Minister for Finance and Development is it a fact that Tanganyika and Uganda have anti-dumping legislation and does the Kenya Government intend to do the same and if so when?

The Minister for Finance and Development (Mr. MacKenzie): Yes, Sir, I invite the hon. Member's attention to the Bill published in the Official Gazette Supplement No. 25 of 19th April, 1960.

QUESTION No. 84

Mr. Kirpal Singh Sagoo asked the Minister for Education what arrangements are at present in force for the filling of the post of Assistant Director (Asian) in the Education Department?

The Minister for Education (Mr. Mathison): There is at present no substantive vacancy in the grade of Assistant Director of Education, but the duties of the Assistant Director with special responsibilities for Asian Education are at present being admirably discharged by Mr. G. S. Amar, formerly Principal of the Duke of Gloucester School.

MOTION

MARRIED WOMEN OFFICERS' SALARIES

Mrs. Shaw: Mr. Deputy Speaker, Sir, I beg to move that this Council regrets the necessity for the abolition of special salary scales for temporary and contract officers, as a result of which married women have either to accept re-engagement at lower salaries or to leave the Service; and asks Government to review the problem in order to prevent hardship to such officers and the loss to Government of their ability and experience.

Sir, this Motion speaks for itself and in moving I shall not attempt to do more than to tell Council a certain amount of the background of Circular 51 instancing cases to show how harshly the abolition of the special salary scales will react on certain sections of the Civil Service; also in asking for the support of hon. Members of this Council, Sir, I shall try and show what disastrous and far-reaching effects the provisions of this Circular will have on the efficiency of Government Departments as a whole.

Now, Establishment Circular No. 51 of 5th December, 1958, was—at least I imagine it was—conceived by our late Minister for Finance as a part of the £1,000,000 economy cut made by the Minister in that year's Budget. I obtained a copy of the Circular, a masterly document, and reading it through several times I found it was almost impossible to extract a clear picture of the intentions from this mass of provisions. But, then, I am not a civil servant! The Circular was full of such phrases as: "At an increment point appropriate to his qualifications and experience, this to be determined by the Civil Service Commission or by the Director of Establishments"; and just as you came to the conclusion that all would be well with your hard-working civil servant you found that the next paragraph would begin: "Notwithstanding the above, such officers", etc., and you were back where you started.

Indeed, never have I come across a clearer case of "What the Lord giveth the Lord taketh away", and after some such paragraph this action would be unduly harsh and in this case the following will apply", etc. I would ask you to note the adjective "unduly". So that the

Director of Establishments, although admitting that the provisions of Circular No. 51 are harsh does not wish them to be unduly harsh. Harsh they are, indeed, Mr. Deputy Speaker, when you realize that women who have given years of loyal service—long and devoted service—through no fault of their own are to have their agreements terminated thereby losing all their hard-earned increments. I have always imagined that, although the door to the ivory tower was most jealously guarded, once you were inside you could expect, or hope for, at least just and fair treatment, unless, of course, you committed a misdemeanour, in which case you lost your increment or possibly your job. One of my family who was in command of the Kenya Navy in the First World War did have that unfortunate experience. He ran that noble vessel aground on a promontory in Lake Rudolf, with the result that he lost his increment, and that promontory has been known ever since as Increment Point.

I do not intend to bore the Council with a mass of figures that I have at my disposal, but I should like to read just a few taken from a Ministry of Education circular dated 23rd July, 1959, to show just how harsh the provisions of Circular 51 are even after modification.

To take Conversion Table No. 9, Scale TBW4, pre-Lidbury, teachers on the lowest two grades, i.e. £879 and £912 per annum will not be affected, but the next post at £945, after conversion, will revert to £912 basic, a loss of £33 per annum, whereas at the top scale the loss per annum will be £66. This is for teachers with over 20 years' service. In the post-Lidbury Conversion Table No. 4 the teacher is much worse off after conversion although in the same way the two lowest grade salaries will not be affected, and on the third rung of the ladder the loss is £27 per annum, whereas at the highest level it will be £102 per annum. Now, this may not sound a very big loss, but for most of us who have to wrestle, and I believe that we are all in the same boat today, with the family budget and the ever-rising cost of living, this is quite a loss.

The scales I have quoted are those of the teaching (married women) staff who are better off than their less fortunate sisters, because the Minister for Education, and the Director, having the sense to realize the disastrous effect of Circular 51 on the teaching establishment, where, to take one secondary school alone as an example, the Kenya High, I believe that the percentage of married women teachers is over 50 per cent, but the Kitale School is over 90 per cent. They fought against this ruling, but

[Mrs. Shaw]

in Kenya and in London. As a result I believe that Establishments Circular No. 10 was produced by the Ministry of Education, Labour and Lands on 23rd July, 1959, which brought in certain modifications.

With your permission, Mr. Deputy Speaker, I wish to read an extract from that Circular No. 10, namely, paragraph 4 (ii): "It is appreciated however, that it might be necessary to consider special reassessments outside the normal conversion arrangements referred to in (i) above for certain categories of staff to whom market value considerations apply." I want the Council to note that—"... to whom market value considerations apply; when it was agreed that special reassessments were necessary these would be effected by placing the officer concerned at the equivalent or nearest point in the permanent basic scale below his or her salary on the inducement, contract or temporary scale on which he or she was serving prior to reassessment." That is a fairly clear one. Circular No. 10 was much easier to understand than Circular 51. But that is because I think it was drafted by such very brilliant people at the Ministry of Education, as the head of the Ministry of Education. That paragraph in Circular No. 10 clearly shows that Government's fears as regards Circular 51 and its effect on their ability to compete satisfactorily with commercial concerns with staff of this category, and that is the point I want the Council to note. This applies now to every department in Government and yet I cannot find any evidence that other departments received this Circular No. 10; so they obviously will be subject to the full blast of Circular 51.

I know the alarm and despondency felt by most Ministers at the prospect of losing the services of their senior women clerks as a result of this ill-conceived and doubtful economy. The Ministers may feel alarm and despondence but, Mr. Deputy Speaker, they do not seem able to do anything about it, and that is why on behalf of the women civil servants of Nyanza I have been asked to take this up. What amazes me is Government's complete inconsistency in this, because if I remember rightly, and I am not very likely to forget as I nearly lost my second election through it, the Government were thrown into a state of terror and confusion in 1951 when we, on this side of the Council, were trying to cut out these very self-same posts in the Provincial Administrations. I also seem to remember that our late Speaker was heard to cry from the Government benches: "You must stop, you cannot do it, you do not know what you are doing." So being, as always, subject to the directions of a boss he was affectionately termed

"C.B.", we stopped, but Nyanza's clerks had gone by then, and I was led to believe that Provincial and district commissioners had to do their own typing for three months. The result of Circular 51, I do not think will be quite so catastrophic—not quite as catastrophic, but probably more widespread—but it will mean that when responsible women secretaries go, as they may be forced to do through economic pressure, because they are very hard to come by even in the commercial world, you may have to replace her by a glamour girl of 18.

An hon. Member: Hear, hear!

Mrs. Shaw: Now apropos of that reaction, Mr. Deputy Speaker, I should like just to recount that for a short period we in E.E.M.O. suffered from such a glamour girl, and although she undoubtedly gave our male members a thrill by her beautiful figure when she handed them a cup of tea, we never suffered from such illiterate, badly spelled and badly typed correspondence, and I think the glamour wore off in a very short period before all our files were in a state of confusion. Now this may be an extreme case as of course there are very efficient girls who are fully trained secretaries, yet even so, Mr. Deputy Speaker, Ministers will have to entrust all their confidential files on security, etc., to a young girl who should not be given this responsibility in my opinion.

In our legislature in 1951 we did our best to make this unwise economy but we did have the excuse that at least we did not know what we were doing, for the post of confidential secretary that year was wrongly designated in the Budget as "extra clerical assistance". Then in that debate eight years ago the Government fought "tooth and nail" to keep their valuable confidential secretaries, and I remember the Chief Native Commissioner of that day making an impassioned speech for the retention of these ladies by saying although it was a delicate subject that they were needed for the manpower production!

I am not suggesting, Sir, that that applies to the case today, but I do suggest that these married women with long service have the knowledge gained from years of experience and the capabilities required to hold positions of trust which a young girl cannot possibly possess. For instance, a confidential secretary to a Minister must be the soul of tact and discretion, if she is to fulfil her first duty, that of protecting the Minister from the assaults of all and sundry, and above all, she must be responsible and completely trustworthy. These are all qualities beyond prize, and these qualities are not learned through any secretarial training I have ever known, but only come from experience. I would have thought Mr.

[Mrs. Shaw]
Deputy Speaker, that these attributes being so lightly cast aside by Government were essential to the smooth running of the Government machine, and indeed I know that they are, and I know that many of the Ministers are feeling the greatest concern, if not alarm, at the thought of losing the services of these very high prized confidential secretaries. Years of experience they have, and very often specialized knowledge of the department in which they serve. To quote from HANSARD of 1951, in winding up the debate the Chief Native Commissioner, as he was called then, said that even in that day Ministers were overburdened and had many more calls upon their time than they could possibly manage. He said they had far more to do in the way of attending meetings, conferences, etc., than they ever used to, and that has got to keep them in their offices to some extent, and I said then and I say now, we all want to get them out of their offices to attend to more essential business. Therefore we want these secretaries to do the inescapable jobs they have to do and therefore we must give them efficient and up-to-date stenographers. It is the right and proper function of these temporary clerks to advise the Ministers of that. That was said by the Chief Native Commissioner that in those days Ministers were overburdened and heads of departments were overburdened, and I submit, Mr. Deputy Speaker, that they are a great deal more overburdened today. They have to be out of their offices sometimes for long hours at a time, and it is then that the services of these very highly skilled and experienced women are most essential. I could not agree more than I do with what was said by the Chief Native Commissioner, that it is false economy to undermine the efficient running of Government departments. What is the use of bringing out a team of Organization and Methods from Her Majesty's Treasury as an economy measure if you then bring in a ruling which strikes at the very root of good organization.

Now I should just like for the benefit of Council to summarize the position of married women employed by Government. It is as follows. At least, this is how a lay person reads it. (a) She can only be employed on temporary terms whatever her qualifications or experience. (b) On temporary terms *vis-a-vis* permanent or contract officer. (c) Her earning wage is considerably less. (d) She has no security and can be given a week's notice. (e) Medical benefits are practically nil. (f) No housing allowance. (g) No travelling allowances. (h) No pension or gratuity. Yet in many cases they do much the same work. Yet in have similar qualifications and yet get none of these emoluments in Circular 51.

You will realize that Government was very unlikely to be able to keep their permanent prized confidential secretaries or to recruit the same calibre of staff from the ranks of married women to a branch of the service so particularly unattractive. Therefore I beg hon. Members of this Council to consider the injustice and, in the terms of the Motion ask Government to review the problem in order to prevent hardship to such officers and the loss to Government of their ability and most valuable experience.

Mr. Deputy Speaker, I beg to move.

Mr. Alexander: Mr. Deputy Speaker, Sir, I beg to second.

Question proposed.

The Chief Secretary (Mr. Coult): Mr. Deputy Speaker, Sir, I would like to start by congratulating the hon. and gracious lady from Nyanza for putting a very clear and, to me, a very succinct case. Perhaps more succinct than the circulars to which she took such great exception, if we are to believe what she says.

Her case appears to be based really on two facts. The first is that what is commonly known in the Service as the marriage bar, that is preventing married women from joining the permanent and pensionable service, should be abolished and, secondly, that we are not treating those women, that is those married women who have served the Government for a very long time, well.

Well, I would like to deal with the whole problem in, possibly, rather a wider and more detailed manner than the hon. lady has done in order to try and show to the House why Circular No. 51 was issued at all. Therefore, I would like to go back to the initiation of temporary salary scales and contract scales which became valid from 1st January, 1955. Now, they were introduced for a very special reason. There were at that time in the Colony what one might describe as boom conditions; it was not possible, therefore, for Government to obtain the staff that they required in what was then still an expanding service. Unless these salary scales were paid the Government was unable to obtain that staff. I may say that at the time that they were introduced they were accepted with the greatest of reluctance by the staff side of the Civil Service because these salary scales were in excess of those drawn by people on the permanent and pensionable staff and, indeed, they are still in excess and, if I might correct what the hon. lady said towards the end of her speech, that in fact the earning rate of people on such temporary and contract scales is not correct; they have been

[The Chief Secretary]

all the time since the original temporary and contract scales were introduced earning more than the permanent and pensionable staff. Indeed, it was resented at the time by the permanent and pensionable staff. Therefore, all that Establishment Circular No. 51 sought to do was to put back the position of the Service to what it was on 31st December, 1954, and in so doing we asked staff as a whole to accept the fact that we wished to sort out what seemed to use to be an anomaly in the Service and which had lasted four years and which we felt ought to be changed. The abolition, as the hon. lady has reminded us, occurred in December, 1958, and in so abolishing temporary and contract scales, I feel that there is a particular point of principle involved, that where you have got temporary staff—and they are temporary staff—where you have got contract staff and the contract comes to an end, then I think it is the right of every employer, the right of every management, to alter the terms of the particular employment if he so wishes or if, as is the case, the Government so wishes. In the case of permanent and pensionable staff, of course, there is an entirely different criterion. But, having said that, we realized, of course, that there would be some difficulties within the Service in making a change of this nature and might I impress upon the hon. and gracious lady that in fact had nothing whatsoever to do with the late Minister for Finance. This was a matter which was discussed at the time when the Government was considering reducing expenditure in various ways, but that was not, as I have already tried to point out, the major reason why we brought out Circular No. 51. The major reason—I would like to underline this—was to revert to a position which we originally had in 1955.

Well, as the hon. and gracious lady has said, certain adjustments were then made, such adjustments appeared to be necessary as she herself has said for teachers, certain adjustments were made in the stenographer/secretary category which she herself has personally referred to.

The Civil Service Commission was consulted on this matter and their advice was also sought in regard to appointments which are normally dealt with by the Director of Establishments. As a result, assessments of salaries were agreed as follows and I would like to give the hon. and gracious lady the details of these assessments, that all staff in clerical and executive grades excluding Personal Secretaries Grade 1 and Grade 2 were, or they will be, converted to the point in the Permanent Salary Scale which corresponds to the point at which they were serving in the temporary, contract or inducement scale.

In other words, we have tried as far as possible to equate the actual salary which they were drawing to that point in the new scale which they were entering which would give them approximately the same salary.

Officers who as a result of the Lidbury revision were placed on shadow scales—and I would ask the hon. and gracious lady not to ask me to go into the complexities of the shadow scales—and subsequently were placed on temporary and contract scales, were allowed on reassessment to revert to the original shadow scale and then to that point that they would have reached if they had remained on the shadow scale, once again in an attempt to try to equate the salaries.

Professional, technical and other grades, including Personal Secretaries Grades 1 and 2, to which market value considerations apply, which is the point which the hon. Member for Nyanza made, that a times the Government must consider market values of certain staff, although it is quite impossible—and I would like to stress this that it is quite impossible—for the Government to compete satisfactorily with commercial concerns for it seems to me always that commercial concerns have grades of salary, conditions, which are to a large extent quite different from those which Government have laid down from time to time in the past, and the Government has never tried to compete with the salaries paid by commercial concerns at any time. What we have said is that where we think that market value considerations apply, then we must try and do what we can about it in adjusting these salaries. That is what happened in the case of Personal Secretaries Grades 1 and 2.

Then, finally, education officers, women and assistant mistresses serving on temporary terms who, under the Lidbury revision, converted with inducement have had, or will have, their salaries assessed on re-engagement on the specially constructed shadow scales which would have been assigned to them had they originally converted on the basic scale. Therefore, I agree with the hon. lady that it was necessary to reassess, and indeed this is what she has asked us to do, give discretion to review the particular scales. We have reviewed quite a number of them, although we have not reviewed them all, and perhaps it would be pertinent for me at this point when I am talking about reviews to say that it is not possible for the Government to accept the Motion in its present form. I do not propose to move an amendment, Mr. Deputy Speaker, but the Government certainly could have accepted a Motion such as this: "That this Council asks the Government to review the problem of married women in order to prevent hardship to such officers and the loss to the Government of their

[The Chief Secretary]

ability and experience", but I will explain in more detail what parts of the Motion I am prepared to accept without accepting the Motion itself.

Now pool stenographers and secretary stenographers were re-graded, because, as I have said, there was the question of their market value and the result was that there are new scales introduced in Personal Secretary Grade 1, Personal Secretary Grade 2, Secretary Stenographer and Pool Typist.

I would also like hon. Members to note that the enhanced conversion arrangements for certain categories of temporary staff serving on temporary or contract scales has resulted in married women being placed at a higher place in the basic scale than single women in the same grade, serving on that scale on permanent terms. For instance, a married woman appointed at the minimum of the (CW) 5-4 Temporary Scale as a Personal Secretary Grade 2 and had reached the £831 point on that scale on completion of three years' service, would convert to £825 permanent scale. On the other hand, the single woman who had accepted permanent appointment as a Personal Secretary Grade 2 on the same day and had entered the permanent scale at the minimum, would only have reached the £705 point in that scale after three years' service, therefore she is drawing £120 a year less than her married colleague on the basic scale, so I would like to point out to the hon. Member that it is not all hardship on the married woman and indeed on the general question of hardship I would like to query whether in fact what Government has done has created particular hardship.

The hon. lady has said that the main hardship is loss of salary in a difficult time which I admit quite freely. But if you examine the result of having equated these people to the new scales as nearly as possible to the actual salary which they gain on the new scale, you will find by looking at them—and I believe the hon. and gracious lady has been shown or given the tables—that it is not until people have completed eight, nine, ten years, that in fact they begin to show an actual decrease in cash.

Now, I do want to deal in a moment with those people, whether they be on temporary or contract terms who have served the Government for a long time, which I think was the hon. Member's main point—I will come to that in a moment—but in fact had these people lost money by being converted? The hon. lady did not mention the question of gratuities, but when the new scales were introduced the people placed on these scales were not liable to be paid gratuities at the end of their service. Now, in view of the fact

that they have been put back on to the basic scales, the old arrangement whereby people could draw gratuities at the end of their service once again applied. Therefore, when considering how much someone may have lost immediately on their pay packet, then the hon. lady must consider how much she may gain at the end of her service as the result of the gratuity which will now become available for her.

As regards the general effect of Circular No. 51 on the Service, I want to point out that in the clerical grades on which no special reassessments of salary have been necessary, enquiries have revealed that there have been only four resignations of married women which are known to be directly attributable to the circular.

Now, the hon. lady's reply will probably be that the full effects of the circular will not take place until the end of this year and that is quite correct, I accept that. Therefore it is not possible really for the Government fully to assess the effects of the circular at this time and I would suggest something, perhaps, to the hon. lady that the moving of this Motion was a little premature because we do not know yet whether all the disastrous effects that she referred to in her speech are going to take place. "Disastrous and far reaching" she called them "due to an ill-conceived and doubtful economy" and that we have "lightly cut aside" the feelings and also the real needs of married women in the Service". I would like to say that I would like to wait until the end of 1960, bearing in mind the other things which have taken place in the mean time, to see whether or not these terrible effects will take place.

I should point out that in the teaching service there have been no resignations by serving married women teachers nor are any large scale resignations anticipated when that circular becomes generally operative.

It is also pertinent to note that at the last meeting of the Civil Service Commission, on 20th April, 1960, it was stated by the Commissioner that the abolition of temporary and contract scales had led to increased requests from temporary and contract staff to transfer to permanent and pensionable terms and as far as I am concerned—and I am concerned very much at the present moment—it seems to me that it is far more important that we should have people on permanent and pensionable terms than that we should be employing a large number of temporary and contract staff.

This brings me to the point—the main point I think—which really lies behind this Motion. And that is the question of the abolition of the marriage bar. Now, in Government we have considered this time and time again. It is very difficult

[The Chief Secretary]

problem for very obvious reasons. A married woman, in the majority of cases, cannot be expected to give the same continuous service over a long period as her unmarried colleague. It is inevitable and I hope that it would be inevitable, that her family must necessarily occupy much of her time and her interests. If little Willy happens to be knocked over on his fairly tricycle when mother is working in the Secretariat, I would consider it inhumane for mother to remain in the Secretariat and not go to the assistance of little Willy, indeed I would expect her to do so, but it does mean that she is leaving the place of her employment for a family reason. Also a married woman will also wish to share her husband's place of residence and accompany him in the event of his being transferred to another station, other than one in which she is employed.

Now, I know I will be told by people, "But this is what happens in the United Kingdom. The marriage bar has gone. Why can't they bring it here in Kenya?" And my answer to that is because conditions in Kenya are quite different at the present time from those in the United Kingdom. By and large people in the United Kingdom are born, brought up, live, work and very often die in the same home town and therefore it is possible to have permanent conditions for these people under which they can work and therefore they can be members of the permanent and pensionable staff. If you can imagine the large number of people whom we employ at the present moment, for instance, in the administrative and police services, all of whom can be transferred at any moment all over the Colony, if their wives are employed obviously they will wish to accompany them and they cannot therefore as I have already said carry out everything that Government expects of them. There are also objections, I feel, from the wider social point of view to the employment of married women on permanent terms to the exclusion—and here is a major point of view—of men and of single women. Having said that, then what is Government's answer to this difficult problem? The answer seems to me to be exactly what the hon. Member is asking for and that is consideration for that group of married women who has served the Government long and faithfully and here I agree with her entirely. We should not as Government overlook the very faithful service which has been given by quite a number of married women to this Government for many years.

Mark you, I am sorry that we greeted with such a raucous roar her suggestion that we might turn over to rather more gaudy forms of life. I am not quite certain what the expression was. However, I do not want to say either by the roar

that we produced or by what I am trying to say now that we minimize in any way the enormous amount of work which these married women have done for the Government.

Having considered it, therefore, we decided to put certain proposals to the staff side and here are the proposals which were put to the staff side by the Government quite recently. Firstly, that a married woman who had completed twenty years' continuous service on temporary terms should be considered for admission to the permanent and pensionable establishment immediately prior to her retiring from the service under section 6 of the Pensions Ordinance on medical or age grounds or on abolition of office. Secondly, that in cases where a married woman does not complete twenty years' continuous service or if she does will not be eligible for admission to pensionable terms because the post she is holding, is a non-pensionable one, on ultimately leaving the service in the circumstances mentioned in regulation 26 of the Pensions Regulations she will in common with other temporary staff qualify for a compassionate gratuity under that regulation after completing the qualifying period of ten years instead of fifteen years as at present. So therefore, we are proposing that where it is right and proper anyone who has completed twenty years should be admitted into the permanent and pensionable staff and therefore get a pension or if for reasons which I have mentioned she has not completed twenty years we are reducing the minimum in which you get a gratuity from fifteen years to ten years. Therefore, we felt that for the reasons, and there are many others, which I have given why the Government cannot agree to the abolition of the marriage bar, in default of that we propose these two proposals that I have now read out to the House. Well, we have had a reply from the staff side of the Central Whitley Council and I do not propose to inform the House what they have said. They have other ideas on this matter, but I would like to say that they have asked us to open negotiations with the staff side with a view to improving the terms of service for married women and that we should be informed of certain resolutions which they have put forward at their staff meetings. The matter, therefore, Mr. Deputy Speaker, is really where it should be and that is for discussion between members of the staff side and the Government and particularly on this matter which I have myself laid emphasis on and that is the rewarding of those women who have done a considerable amount for the Government in their service.

Sir, I do not think it necessary for me to say any more on this subject. I am glad that the hon. lady has ventilated this particular matter,

[The Chief Secretary]

but as I have already said, I think we should leave it to the two sides to discuss the particular details of these proposals.

Mr. Alexander: Mr. Deputy Speaker, Sir, I think the whole of this subject and the Circular No. 51 of 1958 went wrong because it was published without any agreement with the staff side. And I think there are signs of it going wrong again because my information is that these proposals to which the Chief Secretary has just referred before he sat down have again been put down in writing before agreement with the staff side. It would seem that once again the whole of the Whitley Council system is going wrong because my understanding of the Whitley Council is that it should not be a bargaining match between Government on the one side and the staff on the other but that both sides should enter it in a spirit of negotiation and come to a conclusion. But once again, apparently, the Government have put forward proposals on married women employees, without in this case even consultation with the staff side. That being so, Mr. Deputy Speaker, what we believed had been put right is still seriously wrong and that is the whole conduct of Whitley Council.

May I now, Mr. Deputy Speaker, just deal with some of the remarks by the Chief Secretary; some remarks were, perhaps unwittingly, misleading to the House. The first remark concerns his reference to the introduction of temporary and contract scales on 1st January, 1955, in what he called boom conditions. He went on to say—and this is the part that I think we must get right—that because of those conditions, or that was the inference, that the temporary and contract terms were established in excess of the permanent and pensionable terms. Now, from that remark it might well be imagined by hon. Members that the cash value or the cash value of employment of contract and temporary officers was in excess of that of the permanent and pensionable staff. What he did not say, what he did not tell us, to complete the story is, of course, the temporary and contract officers receive an extra cash payment to compensate or perhaps less than compensate for the hidden benefits received by the pensionable and permanent staff. In the case of the pension itself this is estimated, for this purpose to be worth some 25 per cent. and in addition to that they have subsidized housing, free medical, and in most cases free passages which all total to approximately another 25 per cent. Therefore, the House should be clear in its mind that in terms of cash value it is not receive more than the permanent and pensionable staff.

The Chief Secretary then went on to say that because staff are temporary and contract that the Government therefore has, of course, the right to deal with them as they think fit at the end of their temporary engagement. I am for the moment purely dealing with this word "temporary". I believe we have got here, to get right what is the actual position, and I am glad to say that the Chief Secretary did put much of this right towards the end of what he had to say when he acknowledged that the word "temporary" is really a misnomer applied to a person because the Regulations do not permit of them to be referred to as permanent but in all other senses they are as permanent as many of the permanent and pensionable staff. He did refer just now to married women who have got 20 years' service, who are now to have some special arrangement. In that he acknowledges and clearly helps to define the misunderstanding regarding this word "temporary". Then, Mr. Deputy Speaker, he put his feet right into it when he started to deal with this whole question of market values and reassessments. Here I believe that he has perhaps taken far too little note of what the Royal Commission on the Civil Service in Britain of 1953-55 had to say about this particular problem in connexion with civil servants. And, of course, it relates very specifically to the problem of the rather special nature of the civil servant or of many, very many, civil servants whose only opportunity is in the Civil Service and therefore can never really have their salaries measured against occupations outside the Civil Service. Here, with your permission, Mr. Deputy Speaker, I would like to quote a few short extracts of what was stated in this Royal Commission Report which I believe may help to put right a particular approach to this very question and most of these extracts come out of the paragraphs 90-95 of this particular Report: "We believe that the State is under a categorical obligation to remunerate its employees fairly. It may be held that if rates of pay are such as to recruit and retain an efficient staff they must be fair or even that this is what is meant by calling them fair. We do not agree. The proposition that the Civil Service is recruiting and retaining an efficient staff does not necessarily prove the proposition that the rates of pay are fair. The skills of some Civil Service classes are not particularly marketable except in very narrow fields. It would not, in our view, be correct to infer either that where there is little or no wastage the present rates are necessarily fair or that where there is marked wastage rates are necessarily unfair. We see very considerable danger in the assumption that civil servants are fairly paid and that the Service is in a healthy state because its members appear to be carrying out their duties

[Mr. Alexander]

efficiently. The process of deterioration arising from the sense of grievance on the part of the staff may be a slow one, particularly in a service with the high traditions of the British Civil Service," and let me add there, and the high traditions of the Kenya Civil Service, "and by the time the tendency manifests itself irreparable damage may have been done. We think that in the conduct of wage and salary negotiations concepts of fairness and of the existence of a wage and salary framework not covered solely by the law of market play a large and increasing part. We should express the end as the maintenance of a Civil Service recognized as efficient and staffed by members and whose remuneration and conditions of service are thought fair both by themselves and by the community they serve."

There is no doubt, Mr. Deputy Speaker, that the Civil Service, or those members of it to whom this particular Motion relates, do not consider they are being treated fairly; and here I would refer the Chief Secretary to this News-Sheet that has appeared in Kenya, No. 1 of 1960, issued by the Senior Civil Servants' Association of Kenya. It is a pity that this has not received wider publication outside the Civil Service because it is a public document and it is printed by the Government Printer, and I believe that it would be of considerable interest to the public of Kenya as a whole. This is what it says on this particular subject. This is quoting a resolution that was passed unanimously, and I quote: "This Association considers that Establishment Circular 51 of 1958 should now be revoked and that the marriage bar should be abolished." I understand that already there are over 1,000 civil servants in this particular Association, but, in addition to that, the Clerical and Allied Civil Servants' Association have passed a similar resolution. It is quite clear that those to whom this Motion applies do not consider that they are being treated fairly, and I doubt very much whether anything that the Chief Secretary has said today will be taken as having answered them fairly. It is perhaps timely to say here that when we have had the opportunity to think a bit more about what he has said and to read it carefully from the HANSARD we will be back again on this subject when we come to debate the Budget headings.

The Chief Secretary did say that the marriage bar had been abolished in the United Kingdom but then went on to argue that that really was not applicable to Kenya because the conditions here are so very different. I wonder, Mr. Deputy Speaker, whether now in the year 1960 the conditions are all that different, and I am thinking particularly of the vast number of these types of temporary and contract officers that are stationed in the urban areas, and, as the Chief Secretary

has said of Britain, people are "born and live and die in the same home town". That was one of his arguments for suggesting that conditions were entirely different in Kenya. Well, I put it to him, Mr. Deputy Speaker, that particularly in the urban areas, and I am thinking of towns like Nairobi and Mombasa and Nakuru, there are many people who today are completely settled in those places; and the fact that Government are able to consider long serving married women does suggest that perhaps the conditions are not all that different.

The Chief Secretary did say that the hon. Member of course had omitted to refer to the gratuity that was applicable in the days before the introduction of Circular 51, and a system that would be applied again. Surely the answer to that, Mr. Deputy Speaker, is that if the gratuity system was satisfactory before the introduction of Circular 51, what was the need then to introduce Circular 51—and it is quite obvious that the civil servants did not particularly take to the gratuity system and wanted a new system that would bring them more into line with permanent terms.

Then the Chief Secretary justified the rejection of this Motion, and it is a great pity that Government continuously have to reject reasonable Motions reasonably presented like this, because of course it was premature, as he said, that it had not had time to run, at the end of the year there would be no more, and that in any case there had been few resignations and no resignations by teachers. Now, my answer to that one, Mr. Deputy Speaker, is what I quoted from the Royal Commission Report. Very many of these civil servants have no alternative employment. They are specialized and it is utterly misleading to say that because there have been no resignations therefore the system must be all right; and I hope that somebody from the Government side will answer that particular quote from the Royal Commission Report.

Mr. Deputy Speaker, I believe this Motion has been timely. The hon. Member put it down as long ago as November. I believe that she has done a service to the country and to the Civil Service for having done so, because it looks as though it may have prompted Government to think again. It is quite clear to us on this side of the House that all is not well in the Civil Service and, contrary to what the Chief Secretary has so often told us, we believe that we are helping to create a satisfied Civil Service because they know that there are people on this side of the House that are prepared to ventilate their particular grievances in a way that they are not allowed to do themselves. I do suggest that this Motion has been timely and has been useful, and

[Mr. Alexander]

I think it is most disappointing again to find Government having rejected what is perfectly reasonable.

Mr. Deputy Speaker, I beg to support.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I do not propose to speak at any great length on this Motion as I think that most of the points that have been made have already been dealt with by my hon. friend the Chief Secretary. There are, however, one or two matters which have just been raised by the last speaker that I would like to deal with.

The first, Sir, is his complaint that Circular 51 was introduced without proper consultation, without agreement. Well, Sir, in the first place I am informed that there was consultation. I am also informed, Sir, that at one stage the then leader of the staff side agreed to the proposals, but that subsequently he decided that he had not agreed. Apparently there was a certain amount of difference of opinion on that one. But, Sir, what I cannot understand is the suggestion that in all cases before any action can be taken there must be a complete agreement. There must always be cases where one reaches a point at which after very long consultation some final action has to be taken. We had, for instance, an example of that some years ago when we consolidated Civil Service salaries, when we consolidated the cost of living allowance in Civil Service salaries. There had been a lot of argument about it one way and another and the Government and the staff side could not reach full agreement as to the amount of consolidation or even as to whether consolidation was the best thing or whether we should give additional cost of living allowances. In that case the Government in the end, not being able to agree, had either to do nothing at all or had to act. In that particular case it acted because by doing nothing at all it would have been certainly going further against the interests of the Service than in taking some action. In this particular case the conditions, I agree, were quite different in that the action being taken was not in the interests of certain members of the Service. But there again the Government having decided that it was a good action, having tried to persuade the staff side that it was a good thing to do and failed, came to the conclusion that it ought to take the action it did and felt indeed, and still believes, that in doing so it committed no breach of faith since the terms that were altered were terms in respect of temporary staff and contract staff where there is a contract, express or implied, and where it is perfectly reasonable to make alterations from time to time in accordance with market conditions.

Now, Sir, the hon. gentleman says that here again the whole conduct of Whitley Council is going wrong and that there is not sufficient consultation. He suggests that in the offer of pensions there has not been proper consultation because the Government wrote a letter before they had any discussion. I am not fully conversant—

Mr. Alexander: Mr. Deputy Speaker, I do not think that I mentioned pensions. That is a question that you have got to answer later on. It has been put down. I have not mentioned it, at least not in this context.

The Minister for Finance and Development (Mr. MacKenzie): Yes, Sir, I thought that the hon. gentleman mentioned something about the proposals regarding pensionable service, as counting for pensions, the proposals put forward. I thought that what he said was that certain proposals were put forward in writing before there had been discussions.

Mr. Alexander: About married women.

The Minister for Finance and Development (Mr. MacKenzie): Yes, about married women.

Well, Sir, so far as that is concerned I cannot see quite what there is in that that is against the spirit of Whitley Council. Surely if one is going to make proposals for improving or changing the terms and conditions of the staff one must put those proposals to the staff side in some way, and I would have thought that the best way of all was to put them on paper. Then they are there ready as a basis for discussion, and discussion can be a good deal more to the point than if one merely sits round the table and puts the things across verbally.

I certainly can see no reason why Government proposals should not be put to the staff side in writing any more than I can see any reason why the staff side should not, if it so wishes, put its proposals to the Government in writing. My own view is that in most cases the negotiations will be considerably assisted by that.

And again, Sir, as regards entering into discussions with a spirit of negotiation, the Government does enter into discussions with a spirit of negotiation, so, I am sure, does the staff side, but as far as I can see one cannot always achieve agreement. It would be quite impossible, and I think we should get away from the idea that negotiation necessarily means one ends up somewhere halfway between the two points of view. That is, that in all cases the Government must compromise. I certainly think that that would not be in the best interests of the taxpayer, and I hope we shall never reach the stage, at which, in these matters, the Government will always feel that if the staff

[The Minister for Finance and Development]

side makes a demand it must give way to some extent. There may be cases where the Government should be prepared to go even further than the staff side have asked, if that is right, but there will also be cases where I believe that the Government should stand quite firm in the interests of the taxpayer. In neither of those cases though does it mean that there can be no negotiation. Of course there can be negotiation, and negotiation can end with the *status quo*.

The hon. Member, Sir, said that my hon. friend the Chief Secretary had been misleading in suggesting that the terms agreed for temporary and contract staff were better than those of the permanent and pensionable staff, and he suggested that the main reason for increasing the levels of pay in 1955 for this type of staff was that they were being given something to make up for the hidden emoluments of the permanent staff. I was present at the time and I had a certain amount to do with the arrangements that were made at that time, and I can assure the hon. gentleman that there was in fact, no intention, certainly that the extra cash payments should be made for that purpose. The extra cash payments were made to deal with a particular situation, a boom time, as my hon. friend the Chief Secretary says. And of course there is the further point that in terms of cash—in terms of—say, home income for instance—the temporary and contract staff were, in fact, better off through getting more pay than were the permanent and pensionable people living next door to them. It is true that the temporary staff did not get pensions, but then that, of course, is one of the incidents of being temporary. As regards contract staff the position depends on various considerations. In some cases contract staff get gratuities. In some cases they do not. It all depends on the terms of the contract, but there again, one of the obvious points is that they do not get pensions, and they go into the job knowing that perfectly well. Equally, the people that we are dealing with in this Motion this afternoon are married women.

Well, Sir, in that case it would be rather unusual that they should get housing benefits, or even that they should get passages. The fact is, Sir, that in terms of cash they were certainly better off than the people working alongside them who may very well be single women of the same age who might equally have obligations of a family nature and who certainly have no husbands to assist them in keeping the household accounts paid for.

Now, Sir, there is another point of some interest on this question of what is temporary and I was very glad the hon. Member raised

this because it is rather interesting to see what the numbers we are concerned with are. On 31st October, 1959, there was 1,261 married women in the service. Of those 99 only had served for ten years or more, and only five, of whom four had already reached retiring age, had served for 20 years or over. That, Sir, is the measure of the numbers concerned with long service, with ten years or more. I would entirely agree with what the hon. Member said that these people who have had long service, who have shown they are serving the Government faithfully and over long periods should have some special consideration given to them, and as my hon. friend, the Chief Secretary, said, proposals of that kind are under discussion. I hope that they will be brought to a successful conclusion, and certainly if the staff side has different views from those of the Government, the Government, I am sure, will be perfectly prepared to consider those views; but naturally, certainly without knowing what they are, I would not be prepared to give any undertaking that they would accept them.

Now, Sir, a certain amount was said about making sure, not only that the service was paid fairly, but that it thought it was paid fairly. I entirely agree that that is a very desirable thing to aim at, but of course it is equally something of a council of perfection. Most people, I think, rather feel that their pay could usually do with being just a little higher than it is at any time, and I should be very surprised if we ever reached a state where no people on the staff side would like to have just a little more pay perhaps than they have at the present time. But I certainly agree that one should aim at making sure that the rates of pay are fair, and I think that as far as possible they should be fair on the lines of what the same sort of people get in other outside types of work, so far as that can be gauged. I agree that it is not at all easy to find suitable comparisons, but with a certain amount of effort I think that it is not impossible in most cases to find reasonable yardsticks, and certainly the effort should be made. But, Sir, on this question, the Government does not consider that in this particular case the new scales introduced for married women are unfair. The rates of pay are exactly the same for them as for their single people working alongside them. They are exactly the same as in those cases, and I cannot really see why they should normally be any more. It would be a very new principle to introduce if we were to say that because people were on temporary terms of employment they should be paid more than the permanent employees of the Government, and I think it would be a very bad principle to introduce too. In many places, in fact, the normal principle is

[The Minister for Finance and Development] exactly the opposite and temporary staff receive less in the way of pay than permanent staff. We certainly have not done that, and we have no intention of doing so, but we have merely brought them back to where they were in 1955, at the same level as the permanent staff of the Government.

Mention was made, Sir, of a resolution by the staff side that Circular 51 should be withdrawn and that the marriage bar should be revoked, and we were told that both civil service associations had put forward those resolutions and agreed them unanimously. Naturally, Sir, the Government will have a look at those resolutions, if they have not already done so. But there again, I am not at all surprised that the staff side agreed to these proposals unanimously. After all, it is the function of a staff side to fight as hard as it can for the best conditions possible for its members, and that quite irrespective of what the Government's view may be. Of course it is their job to fight for better conditions, and I should be very surprised if the staff side had not carried a resolution of this kind, but that does not necessarily mean that it should be accepted, and it does not necessarily mean that it will be in the best interests of the taxpayer if it were accepted. I must say that I personally have always had a great deal of sympathy with the idea that the marriage bar should be removed. In strict theory I fully agree that the case is a very, very strong one. But having looked at the various objections, which we would have in our case, I agree entirely with the Chief Secretary that we would run up against all sorts of snags if we tried to introduce it in this country. I agree with what the hon. gentleman says, that there are quite large numbers of static people in the country, but equally there are quite large numbers who move around from time to time, and I am afraid that if we had something of this kind in our conditions we would have so many hard cases put to us that in the end a coach and six would be driven through any idea that in fact the married woman was serving in exactly the same way as the single woman or a man.

Now, Sir, I understand that there is a study group at the moment looking at various points concerned with civil service matters, and of which I believe the hon. gentleman is a member, and I have no doubt that this may well be one look at. I do not know. But certainly we hope that they will give the greatest attention to all these civil service matters, and if they can produce the answers to us, and if they can assure all members that the Government does give a lot

of attention to this—after all we are, some of us on this side of the House, at any rate—are civil servants ourselves, and so I hope that it will not be thought that we are completely out of sympathy with other civil servants. But we also do our best to look after the interests of the taxpayers on the other side and in the country, and to get the best possible—to bring about the best possible solutions for all concerned.

Sir, I beg to oppose.

Mrs. Shaw: Mr. Deputy Speaker, Sir, I regret very much Government's inability to accept this very reasonably worded and moderate Motion. I would thank the hon. the Chief Secretary for the details of the scales on the conversion points which were very interesting, and some of them would certainly appear to be revised, which I am very grateful for. I would not dream of asking him to go into the realm of shadow. The substance, certainly, of Circular 51, is quite hard enough for us to understand. However, I am of a very simple and trusting nature, and although I do not believe all I read, and certainly not in the Press, I usually believe Government circulars, and I would point out to the hon. the Chief Secretary, the Director of Establishments, who I am sure is a truthful person, did say Circular 51 was harsh. Well "harsh" in the meaning of the term—I can quote from the circular if the Chief Secretary doubts it—but "harsh" means one thing. The terms were harsh. He said he did not wish to be unduly harsh, and so he revised those terms in Circular No. 10, or modified them. I would suggest to the Chief Secretary that "forewarned is forearmed", and it is better to plan your campaign to prevent disaster than to wait until disaster has happened and then have to plan for it afterwards.

I would also add, as to "little Willy", for the most part my plea was on behalf of married women with long service. I would say "little Willy" was probably falling off his motor-bike if he were not a sober civil servant himself, so I do not think that that applies very much.

I do thank the Chief Secretary for going into the subject with a view to awarding those married women who have given long and faithful service, and I would like to say that I support very much indeed what my friend, the hon. Member for Nairobi West, has said, as I know from going around in my Province and in other parts of Kenya, that there is a good deal of dissatisfaction with the working of the Whitley Council at the present moment. As to the hon. Minister for Finance's reply, I think it was rather a typical "ivory tower" reply when attacked by

[Mrs. Shaw] the Philistines, and it sounded awfully like a Government circular. In fact, I began to think it was almost as incomprehensible as Circular 51. The Government's interpretation of temporary is unusual. To talk of temporary terms when you talk of two years seems to me unusual. It is certainly unusual in commerce and certainly in agriculture. I would say temporary employment would mean up to six months, possibly a year, but not 20 years or 30 years.

I was also glad to know that he feels that possibly there should be abolition of the marriage bar or at any rate of the marriage bar, and I hope he feels the same way about marriage under the Income Tax Act later on.

I do thank the Chief Secretary very much for having gone into this so thoroughly. I do not consider it was untimely or premature, for as he knows as well as I do, the Motion was handed in last November. It might have been premature then because he might have the answer, and I believe he has some of the answers now, so that I think possibly the handing in of the Motion in November has had already some of the desired effect, and some of the disabilities under which married women might be penalized under the new terms have been already adjusted and possibly removed. However, I would like to join my hon. friend in saying that while I think it has served a useful purpose in airing this grievance, or these grievances, and I do not consider it is now untimely—in fact I think it is extremely timely—I should like to warn him at the same time that we will possibly return to the attack on another occasion.

Mr. Speaker, I beg to (Inaudible).

The question was put and negatived.

MOTION

LEGISLATIVE COUNCIL ORDINANCE: REVISION SECTION 17(e)

Mr. Mboya: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT whereas it is normally recognized that the ruling of a superior court in an appeal case against a conviction by a subordinate court, constitutes the complete clearance of the accused both of his character and from the sentence; and that as this is a matter of urgency; this Council therefore calls upon the Government to review the application of section 17 (e) of the Legislative Council Ordinance to comply with this basic principle.

Mr. Deputy Speaker, the particular legislation in question which I quote is as follows. Section

17 (e) reads—and this refers to the circumstance under which a Member may resign from his seat or be replaced otherwise. "If he is sentenced by a Court in any part of Her Majesty's dominions to death or imprisonment (by whatever name called) for a term of or exceeding six months." Clearly Sir, the intention of this piece of legislation is that where a Member is convicted and sentenced—add those words—and sentenced—for a period of more than six months, he would lose his seat in this Council. The immediate question that arises, Mr. Deputy Speaker, is whether a Member so convicted would be deemed to remain convicted and sentenced even after winning an appeal and having the sentence quashed. I have two most recent cases in mind. I want to remind hon. Members of the case of the previous hon. Member for Machakos. For some offence he was convicted to about nine months imprisonment. On appeal this period was reduced by a superior court to about three months. Despite the findings of the superior court, the interpretation of the present legislation remains that this man is, in fact, to lose his seat in the Council on the basis of this legislation. In other words convicted for six or more months—sentenced for six or more months, and the question which I would like the Attorney-General to explain to the House is exactly how this interpretation is arrived at, and whether, in fact, we are now not to believe that clearance by a superior court after a conviction, in fact, constitutes the complete clearance of the person of his character, and also of the sentence. Mr. Deputy Speaker, if we were to interpret this on the basis of the present interpretation by the legal officers, it would almost certainly create a very important question as to the meaning of appeals and the significance of the result of the decision of a superior court. There is this very, I think, interesting case, the latest one in which the previous Member for Nyanza South was convicted for a period of about a year and sentenced for a period of a year. Now, Sir, whilst this hon. Member had given notice of his intention to appeal, and before the appeal was even heard, the Government published in the *Gazette* that the seat was declared vacant on account of his conviction for more than six months—in other words in its interpretation of this particular clause of the law. May I humbly suggest that whatever good intentions there may be behind this particular provision, the fact that this case was still *sub judice* should have been taken into account and rightly or wrongly the impression was given that the results of the superior court mean nothing at all, and that the Government, in its own mind, is already prejudiced and prejudices the possible outcome of the appeal. A psychological situation is created whereby the appeal cannot but be inter-

[The Minister for Finance and Development] exactly the opposite and temporary staff receive less in the way of pay than permanent staff. We certainly have not done that, and we have no intention of doing so, but we have merely brought them back to where they were in 1955, at the same level as the permanent staff of the Government.

Mention was made, Sir, of a resolution by the staff side that Circular 51 should be withdrawn and that the marriage bar should be revoked, and we were told that both civil service associations had put forward those resolutions and agreed them unanimously. Naturally, Sir, the Government will have a look at those resolutions, if they have not already done so. But there again, I am not at all surprised that the staff side agreed to these proposals unanimously. After all, it is the function of a staff side to fight as hard as it can for the best conditions possible for its members, and that quite irrespective of what the Government's view may be. Of course it is their job to fight for better conditions, and I should be very surprised if the staff side had not carried a resolution of this kind, but that does not necessarily mean that it should be accepted, and it does not necessarily mean that it will be in the best interests of the taxpayer if it were accepted. I must say that I personally have always had a great deal of sympathy with the idea that the marriage bar should be removed. In strict theory I fully agree that the case is a very, very strong one. But having looked at the various objections, which we would have in our case, I agree entirely with the Chief Secretary that we would run-up against all sorts of snags if we tried to introduce it in this country. I agree with what the hon. gentleman says, that there are quite large numbers of static people in the country, but equally there are quite large numbers who move around from time to time, and I am afraid that if we had something of this kind in our conditions we would have so many hard cases put to us that in the end a coach and six would be driven through any idea that in fact the married woman was serving in exactly the same way as the single woman or a man.

Now, Sir, I understand that there is a study group at the moment looking at various points concerned with civil service matters, and of which I believe the hon. gentleman is a member, and I have no doubt that this may well be one of the problems amongst others that they will look at. I do not know. But certainly we hope that they will give the greatest attention to all these civil service matters, and if they can produce the answers to us, and I can assure all members that the Government does give a lot

of attention to this—after all we are, some of us on this side of the House, at any rate—are civil servants ourselves, and so I hope that it will not be thought that we are completely out of sympathy with other civil servants. But we also do our best to look after the interests of the taxpayers on the other side and in the country, and to get the best possible—to bring about the best possible solutions for all concerned.

Sir, I beg to oppose.

Mrs. Shaw: Mr. Deputy Speaker, Sir, I regret very much Government's inability to accept this very reasonably worded and moderate Motion. I would thank the hon. the Chief Secretary for the details of the scales on the conversion points which were very interesting, and some of them would certainly appear to be revised, which I am very grateful for. I would not dream of asking him to go into the realm of shadow. The substance, certainly, of Circular 51, is quite hard enough for us to understand. However, I am of a very simple and trusting nature, and although I do not believe all I read, and certainly not in the Press, I usually believe Government circulars, and I would point out to the hon. the Chief Secretary, the Director of Establishments, who I am sure is a truthful person, did say Circular 51 was harsh. Well "harsh" in the meaning of the term—I can quote from the circular if the Chief Secretary doubts it—but "harsh" means one thing. The terms were harsh. He said he did not wish to be unduly harsh, and so he revised those terms in Circular No. 10, or modified them. I would suggest to the Chief Secretary that "forewarned is forearmed", and it is better to plan your campaign, to prevent disaster than to wait until disaster has happened and then have to plan for it afterwards.

I would also add, as to "little Willy", for the most part my plea was on behalf of married women with long service. I would say "little Willy" was probably falling off his motor-bike if he were not a sober civil servant himself, so I do not think that that applies very much.

I do thank the Chief Secretary for going into the subject with a view to awarding those married women who have given long and faithful service, and I would like to say that I support very much indeed what my friend, the hon. Member for Nairobi West, has said, as I know from going around in my Province and in other parts of Kenya, that there is a good deal of dissatisfaction with the working of the Whitley Council at the present moment. As to the hon. Minister for Finance's reply, I think it was rather a typical "ivory tower" reply when attacked by

[The Minister for Finance and Development] exactly the opposite and temporary staff receive less in the way of pay than permanent staff. We certainly have not done that, and we have no intention of doing so, but we have merely brought them back to where they were in 1955, at the same level as the permanent staff of the Government.

Mention was made, Sir, of a resolution by the staff side that Circular 51 should be withdrawn and that the marriage bar should be revoked, and we were told that both civil service associations had put forward those resolutions and agreed them unanimously. Naturally, Sir, the Government will have a look at those resolutions, if they have not already done so. But there again, I am not at all surprised that the staff side agreed to these proposals unanimously. After all, it is the function of a staff side to fight as hard as it can for the best conditions possible for its members, and that quite irrespective of what the Government's view may be. Of course it is their job to fight for better conditions, and I should be very surprised if the staff side had not carried a resolution of this kind, but that does not necessarily mean that it should be accepted, and it does not necessarily mean that it will be in the best interests of the taxpayer if it were accepted. I must say that I personally have always had a great deal of sympathy with the idea that the marriage bar should be removed. In strict theory I fully agree that the case is a very, very strong one. But having looked at the various objections, which we would have in our case, I agree entirely with the Chief Secretary that we would run up against all sorts of snags if we tried to introduce it in this country. I agree with what the hon. gentleman says, that there are quite large numbers of static people in the country, but equally there are quite large numbers who move around from time to time, and I am afraid that if we had something of this kind in our conditions we would have so many hard cases put to us that in the end a coach and six would be driven through any idea that in fact the married woman was serving in exactly the same way as the single woman or a man.

Now, Sir, I understand that there is a study group at the moment looking at various points concerned with civil service matters, and of which I believe the hon. gentleman is a member, and I have no doubt that this may well be one look at, I do not know. But certainly we hope that they will give the greatest attention to all these civil service matters, and if they can produce the answers to us, and I can assure all members that the Government does give a lot

of attention to this—after all we are, some of us on this side of the House, at any rate—are civil servants ourselves, and so I hope that it will not be thought that we are completely out of sympathy with other civil servants. But we also do our best to look after the interests of the taxpayers on the other side and in the country, and to get the best possible—to bring about the best possible solutions for all concerned.

Sir, I beg to oppose.

Mr. Shaw: Mr. Deputy Speaker, Sir, I regret very much Government's inability to accept this very reasonably worded and moderate Motion. I would thank the hon. the Chief Secretary for the details of the scales on the conversion points which were very interesting, and some of them would certainly appear to be revised, which I am very grateful for. I would not dream of asking him to go into the realm of shadow. The substance, certainly, of Circular 51, is quite hard enough for us to understand. However, I am of a very simple and trusting nature, and although I do not believe all I read, and certainly not in the Press, I usually believe Government circulars, and I would point out to the hon. the Chief Secretary, the Director of Establishments, who I am sure is a truthful person, did say Circular 51 was harsh. Well "harsh" in the meaning of the term—I can quote from the circular if the Chief Secretary doubts it—but "harsh" means one thing. The terms were harsh. He said he did not wish to be unduly harsh, and so he revised those terms in Circular No. 10, or modified them. I would suggest to the Chief Secretary that "forewarned is forearmed", and it is better to plan your campaign to prevent disaster than to wait until disaster has happened and then have to plan for it afterwards.

I would also add, as to "little Willy", for the most part my plea was on behalf of married women with long service. I would say "little Willy" was probably falling off his motor-bike if he were not a sober civil servant himself, so I do not think that that applies very much.

I do thank the Chief Secretary for going into the subject with a view to awarding those married women who have given long and faithful service, and I would like to say that I support very much indeed what my friend, the hon. Member for Nairobi West, has said, as I know from going around in my Province and in other parts of Kenya, that there is a good deal of dissatisfaction with the working of the Whitley Minister for Finance's reply. I think it was rather a typical "ivory tower".

[Mrs. Shaw] the Philistines, and it sounded awfully like a Government circular. In fact, I began to think it was almost as incomprehensible as Circular 51. The Government's interpretation of temporary is unusual. To talk of temporary terms when you talk of two years seems to me unusual. It is certainly unusual in commerce and certainly in agriculture. I would say temporary employment would mean up to six months, possibly a year, but not 20-years or 30 years.

I was also glad to know that he feels that possibly there should be abolition of the marriage bar or at any rate of the marriage bar, and I hope he feels the same way about marriage under the Income Tax Act later on.

I do thank the Chief Secretary very much for having gone into this so thoroughly. I do not consider it was untimely or premature, for as he knows as well as I do, the Motion was handed in last November. It might have been premature then because he might have the answer, and I believe he has some of the answers now, so that I think possibly the handing in of the Motion in November has had already, some of the desired effect, and some of the disabilities under which married women might be penalized under the new terms have been already adjusted and possibly removed. However, I would like to join my hon. friend in saying that while I think it has served a useful purpose in airing this grievance, or these grievances, and I do not consider it is now untimely—in fact I think it is extremely timely—I should like to warn him at the same time that we will possibly return to the attack on another occasion.

Mr. Speaker, I beg to (inaudible).

The question was put and negatived.

MOTION

LEGISLATIVE COUNCIL ORDINANCE:
REVISION SECTION 17(E)

Mr. Mboya: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT whereas it is normally recognized that the ruling of a superior court in an appeal case against a conviction by a subordinate court, constitutes the complete clearance of the accused both of his character and from the sentence; and that as this is a matter of urgency; this Council therefore calls upon the Government to review the application of section 17 (c) of the Legislative Council Ordinance to comply with this basic principle.

Mr. Deputy Speaker, the particular legislation

17 (c) reads—and this refers to the circumstances under which a Member may resign from his seat or be replaced otherwise. "If he is sentenced by a court in any part of Her Majesty's dominions to death or imprisonment (by whatever name called) for a term of or exceeding six months." Clearly, Sir, the intention of this piece of legislation is that where a Member is convicted and sentenced—I add those words—and sentenced—for a period of more than six months, he would lose his seat in this Council. The immediate question that arises Mr. Deputy Speaker, is whether a Member so convicted would be deemed to remain convicted and sentenced even after winning an appeal and having the sentence quashed. I have two most recent cases in mind. I want to remind hon. Members of the case of the previous hon. Member for Machakos. For some offence he was convicted to about nine months imprisonment. On appeal this period was reduced by a superior court to about three months. Despite the findings of the superior court, the interpretation of the present legislation remains that this man is, in fact, to lose his seat in the Council on the basis of this legislation. In other words convicted for six or more months—sentenced for six or more months, and the question which I would like the Attorney-General to explain to the House is exactly how this interpretation is arrived at, and whether, in fact, we are now not to believe that clearance by a superior court after a conviction, in fact, constitutes the complete clearance of the person of his character, and also of the sentence. Mr. Deputy Speaker, if we were to interpret this on the basis of the present interpretation by the legal officers, it would almost certainly create a very important question as to the meaning of appeals and the significance of the result of the decision of a superior court. There is this very, I think, interesting case, the latest one in which the previous Member for Nyanza South was convicted for a period of about a year and sentenced for a period of a year. Now, Sir, whilst this hon. Member had given notice of his intention to appeal, and before the appeal was even heard, the Government published in the *Gazette* that the seat was declared vacant on account of his conviction for more than six months—in other words in its interpretation of this particular clause of the law. May I humbly suggest that whatever good intentions there may be behind this particular provision, the fact that this case was still *sub judice* should have been taken into account and rightly or wrongly the impression was given that the results of the superior court mean nothing at all, and that the Government, in its own mind, is already prejudiced and prejudices the possible outcome of the appeal. A psychological situation is

[Mr. Mboya] appeared by some section of our people as a pre-judged hearing, and if the person loses that appeal many of them might very well shrug their shoulders and say, "Well, this was the intention", or "This was expected", so that I do want to suggest that apart from the immediate effect of this piece of legislation on the particular person in question, and apart from the significance of this interpretation in relation to the basic principle that the decisions of a superior court negate those of the subordinate court, there is also this psychological situation which can be created in a particular case, where people may begin to feel that the matter is prejudged and the appeal, especially with those who cannot distinguish between the Government, the judiciary and the Attorney-General's office, that in fact all these people may perhaps have all agreed previously that the appeal would be thrown out. Now I suggest this is a very dangerous psychological situation to be allowed, but apart from that Mr. Deputy Speaker, my main argument in moving this Motion is to find out from the Attorney-General why there is this particular interpretation in respect of the status of elected Members when this interpretation would not apply in respect of say an ordinary criminal—say a person who was accused of stealing some money or a bicycle. If that person were sentenced to one year, and on appeal he won his appeal, and the sentence was quashed, if I met that person on the street and called him a thief, or referred to him as a thief, I might get myself into trouble because in law his status is that of a person who is completely clean, clear and free, on account of the decision of the superior court. But, when you take a Member of this House, even if he won his appeal, when you meet him in the street, he is a Member who has had his seat vacated on account of having been convicted and sentenced for six or more months.

The fact is the man was never convicted or sentenced to six months' imprisonment or more. I would like to know whether the question of the difficulty of interpretation—if it is the interpretation which is wrong then I should like to request the Government to review the whole situation and if it is a matter of wording of this clause, that it should be so reworded as to fulfil the basic essentials of the administration of justice. If, on the other hand, the law itself is wrong and unfair as it does appear to be on the basis of the experience we have had so far, then I strongly suggest that it is time the law is amended.

Now, Sir, I do not wish to make a long speech on this subject, because I think the facts are pretty obvious and the situation which we face which is one which must give a great deal of

concern to those people who are interested in the fair administration of justice. What I call upon the Government to do today is to explain this very strange situation that faces Members of this House. Now whether, Mr. Deputy Speaker, it is the Members themselves, as the makers of the law, who have decided to put this extraordinary situation on themselves, I do not know, but certainly if there might have been a Council in this country which thought fit to do so, I submit this Council does not think fit to do so, because this Council is a bit more interested in how fairly and how justly the law will be administered. There is just one little problem that I think may exercise the minds of the Government and that would be, perhaps, the problem that may arise when a Member is convicted for more than six months and gives notice of an appeal, the problem may arise as to what happens with regard to the representation of his constituency in the period pending the many appeals that may come after the decision of subordinate court. But I think that is the only difficulty—I have been trying to think of what sort of difficulties there may be and I think this is possibly the only argument the Government could put forward—and perhaps it would be possible in a case such as this, and I am not sure that it would arise, there are two ways to approach it, one is that all efforts will be made to try and have these appeals as quickly as possible in order to fulfil the needs of the constituents. The other is that if they should drag, despite the efforts to speed them up, perhaps it would be possible in special circumstances to treat the particular Member as an absent Member, such as when any of us want to go on leave, we have the right to have a replacement, temporarily. The declaration of the seat as a vacant seat before a person is actually convicted, before the decision of a superior court which may set aside the decision of the subordinate court—you cannot possibly call that man a convicted criminal. So, instead of declaring the seat a vacant seat, if there should arise circumstances in which the appeals take a long time and the needs of the constituents might be jeopardized, that provision can in fact be made for a temporary replacement without necessarily declaring the seat a vacant seat.

Mr. Deputy Speaker, I do not wish to add much more to what I have said, except to call upon the Government to clarify this situation in the first place and at least to review the particular causes of the law to meet the basic principles inherent in the fair administration of justice.

I do not think it would be enough for Government to suggest to us today that this matter

[Mr. Mboya] will be looked into when the Legislative Council Ordinance is reviewed, as we know it will be reviewed for various other reasons. I think that regardless of the possibility that a view is to come in the next few months, we should at least know the Government's explanation on this particular clause of the law at this particular time and if the Government is willing to accept my submission, then we should like to have a definite promise that this is an aspect of the law that will, in fact, be changed when the review takes place.

Mr. Speaker, I beg to move.

Mr. Travadi: Mr. Deputy Speaker, I beg to second the Motion moved by the hon. Mr. Mboya.

The suggestion of amending the Standing Orders which in the very face of it looks as if it takes no cognisance whatsoever of the appellate courts existing in this Colony. The accused, having been once convicted by a subordinate court, is taken for granted as a man who is guilty, even though he goes through the process of one or two appeals and sometimes gets acquitted. But to me it appears, that, the conviction and sentence is indeterminate and not final until a superior court decides one way or the other. I, therefore, think that if the man—suppose by chance he gets his sentence quashed and if he is found to be an innocent person—the country is deprived of his services in this House.

Mr. Deputy Speaker, I do realize, as the hon. Mover has already felt that there are certain cases where the subordinate courts may refuse bail to convicted persons in certain circumstances. It may be that this House may be deprived of the services of such a person, but the solution may be something on the lines of Standing Order 21, where it is suggested there that a person "outside the Colony" may have a temporary Member appointed therefor, that would very well meet the situation.

Mr. Deputy Speaker, there is nothing much to say about this thing, the Motion requires a little further research, I should say, and a review too, which will meet the situation created during the last year and a half by these two hon. Members losing their seats in this House; I, therefore, beg to second the Motion.

Question proposed.

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, the provision quoted in this Motion was passed by this Council—this very self-same Council—in 1958. We may have been wrong, but the hon. gentleman cannot disclaim the responsibility of this very Council for this very provision. It is our own work and nobody else's work but ours.

Now, Sir, there are, however, provisions elsewhere in the Order in Council and the regulations relating to Specially Elected Members in precisely the same terms, so that the principle is the same, despite the fact that it is applied by different statutory provisions to different classes of Members.

Let me say at once, Sir, that I entirely agree that this is a most unsatisfactory provision. It is, however, a provision in common form, it applies not only in this territory but in many other territories. Let me also say that in my experience it is almost universally regarded as a most unsatisfactory provision. But, Mr. Deputy Speaker, the problem is and has been to find a practicable alternative, because let us consider for a moment what the underlying intention of this provision is. It provides that if a Member of the Council is sentenced in any of Her Majesty's dominions to death or to imprisonment for six months or more, he shall thereupon automatically vacate his seat. Just to interpose at this stage, it is not a question of interpretation, it is a question of automatic operation of this provision. It is not a question of my or anybody else's interpretation, it is a question of the automatic operation of this provision enacted by this Council.

That is the effect of the provision and the underlying intention, of course, is twofold. First, that this Council should not be brought into discredit by retaining among its Members someone who has been found by a judicial decision in a court of law to be guilty of a criminal offence for which he has been sentenced to the relatively serious or grave punishment of imprisonment of six months or more. There is, shall we say, the standing and repute of this Council to be served by this provision.

Secondly, on the more personal consideration, underlying this provision is the thought that a Council such as this, representing the legislature of the country, should not—quite apart from its own credit—have among its participants, participating as a constituent Member a person who has been found guilty of such a crime.

For those two reasons this provision has been in force for many years in a large number of territories as a vindication of the legislature itself—a vindication of its repute, standing, the appearance of its own integrity, the integrity of its membership.

There is, of course, the third consideration which has been mentioned by my hon. friend the Mover, that is that where the representative of part of the electorate is committed to prison for a period of as long as six months or more, it is not right—this is the thinking behind the provision, I assume—that that part of the electorate should be left unrepresented.

[The Minister for Legal Affairs]

Now, Sir, obviously we should in this provision cover the case of the alteration of the findings of the court of the first instance on appeal, if it should affect the criterion of disqualification to which this provision applies. That, however, presently, as I have said, very great difficulties. In the last, or should I say the last but one, constitutional exercise in which I participated—something over two years ago—very careful consideration was given to this particular point by myself in consultation with the Secretary of State's Legal Adviser and his staff. We could not at that time find a suitable alternative which was satisfactory. We found alternatives which were in some respects improvements but did not sufficiently cover all possible contingencies. Despite the fact that that alternative was not adequate—really satisfactory—the drafting of the alternative provision ran into several pages of detailed and complex provisions which would have considerably swelled our Ordinances and constitutional documents.

Now what are the difficulties? The main difficulty is, as the Mover clearly appreciated, the question of appeal, but there are other difficulties that stand in the way of framing an appropriate disqualification in this particular context. Take the question of appeal. In this country a person who is convicted by a magistrate, has within the limits applied by law, first of all the right of appeal to the Supreme Court. He has that right of appeal within a certain period of limitation. Thereafter, if unsuccessful he has a right of appeal from the Supreme Court to the Court of Appeal for Eastern Africa—again within a period of limitation statutorily prescribed. But although there is, both in respect of the first and second appeal, a statutory period limiting entry of appeal, there is a provision for the admission in certain circumstances of appeals out of time. So you cannot find yourself firmly on the period limited for appeals because you may still, even after the expiration of that period, have appeals admitted, on adequate grounds, out of time.

There is yet a further avenue of appeal from the Court of Appeal for Eastern Africa to the Judicial Committee of the Privy Council. That appeal is unlimited statutorily in point of time. So at what time, virtually, can one say that a man has exhausted this avenue? You can say that if he does not enter his appeal from the Magistrate's to the Supreme Court within the 14 days limited by law—if my memory serves me right—then his vacation should operate then. All right, we provide for the vacation of his seat on the fifteenth day if he has not entered an appeal within 14 days. He then vacates his seat on the

fifteenth day and on the sixteenth day he has his appeal admitted out of time.

But supposing he does not do that? Supposing we cover that somehow. He then, after failing in the Supreme Court—again I cannot remember the period—he has, say, 30 days in which to appeal to the Court of Appeal for Eastern Africa, and he does not enter his appeal within the 30 days. We therefore provide that on the thirty-first day, he not having entered his appeal, his seat becomes vacant. And on the thirty-second day he has an appeal admitted out of time.

Suppose he has both appeals admitted out of time, and he loses his appeal in the Court of Appeal for Eastern Africa. We say "Right, normally that is the end of the appellant process". We provide that on the day following the decision of the Court of Appeal for Eastern Africa he vacates his seat. The following week, the following month, the following year he enters an appeal to the Privy Council. Therefore it makes a nonsense of your attempts to provide for the processes of appeal in relation to the vacation of seats for conviction and sentence for a criminal offence. It is extremely difficult and one must recognize the practical difficulties and the mobility so far of the very considerable accumulation of wisdom in this matter in the Colonial Office and other places to find suitable alternatives. Perhaps the Council will understand, therefore, that in its own interests we have had to stand on this provision, providing that vacation operates automatically on conviction and sentence of imprisonment for six months or more. It is not a satisfactory provision, it is unfair to the individual if he succeeds on appeal in either having his conviction quashed or sentence reduced to below six months, but in a sense—and I do not wish to be misunderstood—the individual in such circumstances is less important than this Council as the legislature of the country.

There are other difficulties—practical difficulties—in the way of framing this particular ground for vacation of seats. A person in this country can be imprisoned for up to six months for civil debt. He can be released at any time during that period, his term of six months which he serves for debt, for a variety of reasons. If he pays the debt of course he is released at once. He is released if the judgment creditor requests his release. He is released if the judgment creditor fails to pay his subsistence allowance. He is also released if he is not in a fit state of health to continue in confinement. You have again the same degree of uncertainty as to the term, as to the period, of his disability.

There is also the difficulty of imprisonment in respect of default in payment of a fine. The

[The Minister for Legal Affairs]

person gets the sentence of imprisonment for six months in default of a fine, he does not pay the fine, he goes to prison. But at any time during that term of six months he can pay his fine and get himself released. There again is the uncertainty as to the period after which his disability would or should cease.

Another difficulty is in relation to consecutive sentences. If a person is sentenced for a number of offences to terms of imprisonment aggregating six months or more, should he or should he not suffer the vacation of his seat? The very fact that he would be continuously in prison for more than six months would suggest that he should vacate it.

Now, I do not want to suggest to this House that this problem is necessarily insoluble. I do assure the House, though, that a very great deal of thought and deliberation has been devoted to its solution, not only by me and my Office in this country, but, I know in the law offices of other territories and by the Legal Adviser to the Secretary of State and his staff with the collection of experience and wisdom which is centred in the Legal Division at the Colonial Office reflecting experience throughout the different territories.

I am at present giving most anxious consideration to the possibility of solving this problem in one way or another in framing the electoral system under the new constitution, and I have already thought that it might be possible to solve it by means of a declaration of incapacity, as we have already provision for in respect of certain classes of Members of this House, and the appointment of a temporary Member during that period of incapacity. I have considered the possibility that the House might, either in conjunction with a declaration of incapacity and suspension and substitution by a temporary Member, or quite apart from that, the House itself might conceivably exercise a power of expulsion. I am not entirely satisfied that that is a suitable provision at this stage of our development. But I do assure my hon. friend the Mover and the House at large that this particular issue is receiving and will receive very careful consideration in regard to the framing of the new constitution and the electoral laws thereunder.

As I say, the two objectives which we must meet—the three objectives—are the maintenance of the integrity of this Council and its standing and repute, the exclusion of anybody who has demonstrably been shown to be unfit to participate in its deliberations and, thirdly, to ensure that no part of the electorate is left unrepresented by reason of the incapacity, disqualification,

whatever you may describe it as, of the Member representing that part.

Mr. Deputy Speaker, I do not think that there is more that I can say. It will not, of course, be possible—indeed there is not time if we make the progress which I hope we shall make on the preparation of the new constitution, to take this as an isolated issue in regard to the amendment of the various provisions of law in which this principle is embodied, but on the understanding, as I have explained, that it will be reviewed and every possible effort made to repair what I entirely agree and accept is a defect and shortcoming, in the context of the new constitution, on that understanding the Government will accept this Motion.

Mr. Ayodo: Mr. Deputy Speaker, Sir, I rise to support the Motion. I know that legal arguments can be very long and complicated—but fortunately this one is very simple, because we know that there is a principle that we respect, and we also see here that, that same principle is violated and I think that we could simplify the case by accepting, that this section of the Ordinance be amended and that this be treated as a matter of urgency. The hon. Attorney-General in reply said that in this case the person may not be as important as the body here. I would like to say Mr. Deputy Speaker, that this sounds very much as though we neglect the individual; tomorrow such a thing may happen to anyone, and if it happens to me or to anybody else in this House, I do not think that anybody could argue reasonably that the stand is fair.

Mr. Deputy Speaker, we are not interested in who is responsible in this particular case. We are only interested in having it amended. And so, as I said, this is a simple and clear case, Mr. Deputy Speaker. I would only like to conclude by saying that we should see that we get rid of these unnecessary things from our law books because if we see clearly that this is wrong and unfair and still do not see the urgency of amending it, we are actually making or showing that our books are not respected at all.

So, Mr. Deputy Speaker, I would conclude by saying that I support the Motion and that the amendment of the same should be treated as an urgent matter.

I beg to support.

Mr. Mboya: Mr. Deputy Speaker, Sir, the Attorney-General has indicated the Government's willingness to consider the review of this particular section of the law or the Ordinance when they review the Legislative Council Ordinance in the next few months. For that I am glad. But I do want just to make a few observations on

(Mr. Mboya)

some points he made in his speech which I think the Government should not treat lightly when this review is made. I think he made the following point, that the respect and dignity of this House was above the consideration of an individual. May I submit that in my Motion there is no consideration of the individual? May I submit to the Attorney-General that the observance of the fair and just administration of justice is far more important, the principle involved is very much more important, than just the so-called dignity of this House. Nobody can convince me that we in this House should be privileged in this country to take a short cut in abusing the administration or ignoring the fair administration of justice for what is called the dignity of this House. I, therefore, cannot accept that particular statement in the least.

There is also, Mr. Deputy Speaker, the curious position where a person may, for the same offence, for example, be sentenced to six months and another person perhaps for the same offence sentenced to less than six months with a fine. It would be considered that a man who has a fine is a cleaner person although guilty and therefore deserving of the dignity of this House and because someone else has the misfortune of being sentenced to a prison term he is "dirty" and does not deserve the dignity of this House. Mr. Deputy Speaker, is it a question of seeing the inside of the prison that is involved or the fact that you are convicted for a certain crime? This is an anomaly which must surely be looked into. I cannot myself accept the submission that all that we are interested in, in so far as the dignity of this House goes, is the question of whether or not a person has been into prison. I think the question that is involved, Mr. Deputy Speaker, is whether or not if persons are convicted of certain crimes they should be disallowed from continuing to sit in this House. Or it is a question of considering whether that crime is of the magnitude that requires such drastic steps to be taken. I think too that when the review is taking place, therefore, this anomaly of merely saying that six months in goal should be looked into and that we should decide what is going to be the actual criterion on which we should take action.

Mr. Deputy Speaker, the Attorney-General laboured for quite a time on the question of the problem of appeal and so on. I, in my original statement, did concede that there might be a problem in so far as appeals were concerned. However, I do not want to say very much on this since he has already promised that some review will take place and since he concedes that this is an unsatisfactory situation and that he envisages

there will be some possibility of some changes in the new legislation. But I do want to say this, because he used the word "guilty" and I am not sure myself that his definition of "guilty" in this particular case when he referred to the problem of the period that may be required or the time that may be taken during the appeal was particularly well advised. I have already stated what I think is the situation if a person is convicted by a subordinate court then he appeals and so on, and if in the appeals the superior court set aside—

The Minister for Legal Affairs (Mr. Griffith-Jones): I thank the hon. Member for giving way.

I never sought to suggest that the decision of the superior court overriding an inferior court should not be respected. The fact of the matter is that until a man has been found guilty and convicted or sentenced he has nothing to appeal against.

Mr. Mboya: I am glad to hear the explanation made. I think it is totally irrelevant to what I was trying to say. The point I was making was that the Attorney-General used the word "guilty" in referring to the particular person who may be involved and also stated that once convicted the interpretation in this particular case meant that the clause applied automatically. My contention was that if you insist on using the word "guilty" then I think you must concede the fact that once convicted by a subordinate court this person had this right of appeal and until such time as he has failed to exercise that right, until such time as he has himself given up the right of appeal, until such time as a superior court has confirmed the decision of the subordinate court, that person still is in a class where it is difficult to justify the use of that word in any positive sense; and so long as you concede that the decisions of the superior court apply in respect of any type and form of criminal then I say that the dignity of this House cannot be blind to the basic principles in administering justice.

Mr. Deputy Speaker, I beg to move.

The question was put and carried.

ADJOURNMENT CLAIMED

UNDER STANDING ORDER 12

Mr. Alexander: Mr. Deputy Speaker, in accordance with Standing Order No. 12 I propose to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance arising out of a Press cable received today in Nairobi concerning the publication of the Corfield Report and with your permission, Sir, I wish to move the adjournment of the House.

The Deputy Speaker (Mr. Conroy): I will explain to hon. Members what the procedure is. Standing Order No. 12 provides that if any Member rises in his place and proposes to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance, and if—

(a) Mr. Speaker rules that the matter is a definite matter of urgent public importance; and

(b) not less than 10 other Members rise in their places to support the Mover,

then Mr. Speaker shall nominate a time on the same day at which such Motion may be moved.

I have had the opportunity of discussing the matter that Mr. Alexander proposes to move, and which he has just mentioned to the Council, with both Mr. Alexander and the Leader of the House. It seems to me that it is a matter of public importance and it also seems to me that it is a matter of some urgency. In arriving at that conclusion I have applied the principles which are applied in the House of Commons in England, that is to say, I have first seen whether this is a matter of recent occurrence and has been raised without delay. That is so. Secondly, I have considered whether there is any other opportunity for ordinary parliamentary debate and I do not consider that there is such an opportunity. The third matter, is whether it is a matter of public importance and in England that is normally left by the Speaker to the decision of the House. I consider that there is a *prima facie* case of urgent public importance here and I therefore rule that this is a matter of urgent public importance. If 10 other Members rise to support Mr. Alexander I shall nominate a time for the debate.

Twelve Members rose.

ADJOURNMENT—MOTION

PRESS TELEGRAM ON THE CORFIELD REPORT

The Deputy Speaker (Mr. Conroy): I shall nominate now for this adjournment Motion and this is, of course, a similar adjournment Motion to the half-hour Motions we have on the adjournment of the Council.

Mr. Alexander: Mr. Deputy Speaker, I am grateful for your indulgence in this matter and I am sure that as a result of this Press report to which I will refer in a few moments this is a matter of public importance in Kenya and at the moment it is seriously urgent. It concerns the publication of the Corfield Report, a Report the publication of which is anxiously awaited in this country and in other parts of the world and particularly in Britain. This particular Press report could be, I consider, Mr. Deputy Speaker, damaging to the Government of this country,

damaging to other persons in this country, if the insinuations and the innuendoes that are arising from it are proved to have any validity in them whatsoever. I will quote, Mr. Deputy Speaker: this is a Reuter report dated 28th April, London. The London *Daily Telegraph* in a despatch from its special correspondent in Nairobi today said that a report which should "give a convincing picture of the guilt of former Mau Mau organiser Jomo Kenyatta was being edited in London on legal grounds. The despatch by Ian Colvin said the Corfield Report, a 300-page official survey of Mau Mau in the making, had long been available to officials and was to have been published in Nairobi on 3rd May. Its editing was one sound reason for the misgivings of many British officials who, the despatch said, would resign or apply for a transfer from Kenya if Kenyatta was released. If the Government had published the Corfield Report as a White Paper it would make it immune from legal proceedings", the newspaper, added. The rest of the report goes on to refer to current matters regarding security and as this will be published no doubt in full in the Press tomorrow and here in Kenya I do not propose to quote it.

The *Daily Telegraph*, Mr. Deputy Speaker, is a responsible London paper. Mr. Ian Colvin is a very responsible correspondent of that paper and I believe that reports like this must be dealt with immediately on the floor of this House if there is the opportunity to do so, and you, Mr. Deputy Speaker, in your judgment, have given us the opportunity to do so. There are serious inferences in the words that I have quoted, and I believe our Government owe it to us and to ourselves to answer this matter immediately today because I believe it will help certainly in Kenya to correct what might be the wrong impression as the result of this Press report if what is said from the Government side is published tomorrow together with this particular Press report that I have read out.

Mr. Speaker, Sir, I beg to move that the Council do now adjourn.

Question proposed.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I would like first of all to put on record that although I agree that this adjournment debate is of great public importance I submitted to you myself that I did not think that it was necessarily urgent and that it might have been taken as an ordinary adjournment debate tomorrow in which case I might have been in the position to answer what, after all, is merely a Press report which the hon. Member for Nairobi West has read out to the House and not asked me specifically to comment on or said on what points he wants an answer from the

[The Chief Secretary]

Government. Having listened to it, I would like to say first of all that as I answered him in the House very recently we still hope to publish this Report in early May. These were the words which I used at the time and I repeat them and I still hope that we are going to publish this Report in early May. The next point I imagine which the hon. Member has raised is the question of the editing of the Report and I have had time to go out and get for myself a copy of the HASSARD of 11th November, 1958, when I replied to a question by Group Capt. Briggs and also a supplementary question by Sir Charles Maikhandi when the hon. Member on that occasion asked, "Will the Chief Secretary give an assurance that the House will have an opportunity of debating this Report?" I replied, "No, Sir, I can give no assurance of that nature because although it is the intention of the Government that the Report should be in a form which could probably be published, it may not necessarily be in the public interest to do so."

Now, Sir, on the receipt of the Report, it is perfectly obvious that some editing must take place. The author whom the Government commissioned to write this Report wrote a very full report indeed for Government's information, on all the points which we asked him to inquire into. There obviously must be in the public interest to publish and indeed the author himself suggested that certain of his chapters should be abridged and he returned recently to Kenya for that particular purpose and carried out the abridgment of these chapters at our request.

Now, Sir, as far as London is concerned, the hon. Member probably remembers, or probably will know, that Mr. Corfield lives in London and it is not possible at this stage after his departure to consider the editing of the Report without referring the matter to London and to Mr. Corfield. I do not know what other points he wishes me to comment on, except that the *Daily Telegraph* report apparently said "long been available". I pointed out—I think it was only last month—and told the hon. Member that we had just received the Report and it was with the printer.

The other point I think which he no doubt wishes me to comment on is the question of whether people in the service wish to resign on this issue. All I can say, Mr. Deputy Speaker, Sir, is that I have no knowledge of that whatsoever, and I do not know what else the hon. gentleman wants.

Mr. Slater: Mr. Speaker, I think on the whole that is a very satisfactory reply to a question which I am sure is a matter of great urgency. It

is most important when these Press reports come that Government should state the full position with the least possible delay, and I would have expected the Chief Secretary to be grateful for this opportunity.

There is one question, however, arising out of this newspaper report which he has not answered quite specifically, and I still think remains to be answered by some other Member opposite, and that is whether the editing in London is purely editing by Mr. Corfield or by anyone else.

Mr. Cooke: Mr. Deputy Speaker, surely if this report has been signed by the commissioner or whatever he may be called he is *functus officio* and he cannot alter that Report in any manner whatsoever. I do not know what my hon. friend means by editing the report, but editing the report might be anything. It might mean alteration, but I say, and with all diffidence, that if the report has been signed he is *functus officio* and he cannot alter it in any way other than dot the "i's" and cross the "t's".

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Deputy Speaker, I do not honestly know what the hon. Member for the Coast means when he says that an author is *functus officio*. Surely the author has the right to alter, abridge, change or do what he likes with his work before publication. To suggest that an author ever becomes *functus officio*, I think, frankly, is somewhat misconceived.

So far as the editing is concerned, Mr. Deputy Speaker, the fact is that no changes or contractions of the report can or will be made otherwise than by or with the consent of Mr. Corfield. I feel that that is the position in respect of any author. There are certain parts of the report which, as the Chief Secretary has mentioned, are not considered to be in the public interest to publish, but no part of the report will be omitted or abridged or contracted without reference to Mr. Corfield and without his consent. In particular I might mention one or two points in which I personally am concerned, and that is that where there are references to individuals in certain contexts by name, and where the publication of their names might conceivably be a danger to their own personal security then I have, as have other people who have seen the report, recommended to Mr. Corfield that those names be omitted. For similar reasons other parts of the report will be omitted.

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, I once had the privilege of serving on the staff of the *Daily Telegraph* and I feel quite sure that this report of theirs will be a sound one.

[Air Commodore Howard-Williams]

I would like to ask whether Mr. Corfield has been requested, Sir, to take anything out of the report by Mr. McLeod or by anyone else.

Mr. Ngame: Mr. Deputy Speaker, Sir, it seems to me, Sir, and to the Members on this side that the seriousness of the matter is, how could the news of the report leak to the other part of the country when the Members of this House are not aware of it. That is why we are worried about it.

It is the practice in this House that any report which is coming for publication should not leak to the public unless the Members of this House are aware of the position.

Mr. Mboya: Mr. Speaker, Sir, I must confess that I feel a little confused as to who is doing the editing and who has asked for the editing, because the Chief Secretary on the one hand has said that the author has the right to edit and I concede him that right. He has said that nothing will be abridged, or taken out, without reference to Mr. Corfield, which suggests that someone else is editing the report in some other place and is going to refer it to Mr. Corfield.

The other thing that surprises me is that it may be true and we may concede that it may not be in the interest of the public to publish certain parts of the report. The question that strikes me is whether in this particular case the report was finally produced in a final form and the Kenya Government has now asked for its editing apart from whatever editing the author himself may have seen fit to do. Now, if that is the case then perhaps the Chief Secretary might have told us that there are certain parts of the report which the Government has considered should not be published but this is not what we have been told—that in fact there are parts of the report which should not even appear in the report and then there will be parts of it which will not be published.

I am terribly confused about this report.

Mr. Travadi: Mr. Deputy Speaker, I have a small question, Who is going to be the "Big Brother" here of "1984 by Orwell"?

The question was put and carried.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I accordingly adjourn Council until 9 o'clock tomorrow, Friday, 29th April.

The House rose at Five o'clock.

Friday, 29th April, 1960

The House met at Nine o'clock.

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

PRAYERS**MOTION****SUSPENSION OF STANDING ORDERS**

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to move:—

THAT Standing Orders be suspended to the extent necessary to enable Council to consider today (Private Members' Day) the two Motions of which notice was given yesterday, 28th April.

As hon. Members will see, the two Motions deal with limitations of speeches referring to a debate which will begin on Tuesday. It is therefore inevitable or from my point of view necessary that we should take the two motions although today is Private Members' Day and I apologize to Private Members that this should be necessary.

I beg to move.

The Minister for Legal Affairs (Mr. Griffith-Jones) seconded.

Question proposed.

The question was put and carried.

MOTION**LIMITATION OF BUDGET DEBATE**

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to move:—

THAT speeches on the Financial Statement (Budget) be limited to 30 minutes except in the case of two Members of the Government side in addition to the Mover and six Members of the non-Government side of whom one, shall be an African Constituency Elected Member, one, an Arab Constituency Elected Member, one, an Asian Muslim Constituency Elected Member, one, an Asian Constituency Elected Member not being a Muslim, one, a European Constituency Elected Member and one, a Specially Elected Member, whose speeches shall not be so limited.

Hon. Members will remember probably that this Motion is in exactly the same terms as a Motion which I moved at the same time last year, and therefore Sessional Committee has put before the House the same proposals for the limitation of speeches as were in operation this time a year ago. The Sessional Committee still

[The Chief Secretary]

feel that it is necessary in a debate which is of great importance for the country that as many people as possible should get a chance to speak, and that, therefore, is the reason why this Motion is put before the House.

Sir, I beg to move.

The Minister for Legal Affairs (Mr. Griffith-Jones) seconded.

Question proposed.

The question was put and carried.

MOTION**LIMITATION OF DEBATE ON ANNUAL ESTIMATES**

The Chief Secretary (Mr. Courts): Mr. Deputy Speaker, I beg to move that the following limitation shall be applied to the business of the Annual Estimates:—

(i) On the Motions "That Mr. Speaker do now leave the Chair" to enable Ministers to initiate debates on policy all speakers other than the Mover in moving and in reply be limited to 30 minutes.

(ii) In Committee of Supply all speeches shall be limited to 10 minutes.

Sir, the remarks which I made on the previous Motion apply equally to this one. It is in exactly the same terms as last year and I would suggest to all hon. Members that these limitations in both cases are necessary.

I would also just like to mention that in Committee of Supply people can, of course, talk as often as they wish and the interpretation of (ii) is that they may talk as often as they wish but only for ten minutes at any one time. In Ways and Means, of course, according to Standing Orders, Members are only allowed to talk twice.

Sir, I beg to move.

The Minister for Housing, Common Services, Prebitala and Approved Schools (Mr. Amalemba) seconded.

Question proposed.

The question was put and carried.

MOTION**TRIAL BY JURY: RIGHT OF EVERYONE**

Mr. Mate: Mr. Deputy Speaker, Sir, I beg to move:—

THAT in view of the changing conditions this Council strongly urges Government to take immediate steps to extend the right of trial by jury to everyone in Kenya.

Mr. Deputy Speaker, this Motion is intended to bring up a feeling that some of our citizens in Kenya have regarding justice in the courts in certain cases. I am given to understand that some communities in Kenya are not very keen on this kind of thing, but if the right was there for everybody they would be free to opt not to be given this opportunity, so I do not think that ground would stop any Member from supporting the Motion in principle even if they felt that as far as their communities are concerned the Motion was not very important.

Sir, it is important in this particular case to see that in some cases and in some communities, especially the European community in Kenya, they have the right of trial by jury, but in the case of Africans, especially in the African community, they have not. Government have their own reasons, and the Legal Department, for not making this facility available. But from the African point of view our system of justice, before the British Government and the British way of doing things in Kenya, was something very near. What it aimed at was the system of trial by jury. By that I mean, in any particular case, whether in a clan or in a tribe, it was done by referring to the customs and referring to the traditions of the people, and having the elders sitting round to decide. They were the court and partly the prosecutors and partly the judges, in that when a thing happened to a particular individual generally, in almost every case of African tribes in Kenya, the members of that clan or tribe, or the senior members, would sit round and see what ought to be done; and in their own consciences in matters where things were doubtful they had the opportunity to weigh the particular issue and assist in coming to the finality. So it is not a strange idea so far as the Africans are concerned to have somebody's equals look at the traditional way of doing things, or the customs, and assist the magistrate or the judge in passing the particular sentence. This is why, to the African mind, trial by jury is not a new idea.

It is true that the organization was not as elaborate as it is today in Kenya. We have the system of courts in Kenya today, the Government courts and the African courts, and in some cases we have had what are known as assessors in certain particular cases to give their own opinions or their own sense of judgment about a particular case about any particular individual, which is partly something nearing the idea of trial by jury. The only position where I feel complications might come in is where the English or the British common law is so different from what you might call the African common law, and that will be for the Attorney-General and his Legal Department to assess how to facilitate this

[Mr. Mate]

because today we have African courts and we have the proper Government courts which try to facilitate the two differences apart from the criminal cases which are straightforward when it comes to customary law, and the general feeling of the people is that the Attorney-General and his Department, as they have done, in devising courts for different communities, could try and see how this could fit in, Sir.

As to the details of this common law, say on the African side, and the assessments behind it, there is the British common law which I suppose the Attorney-General might say makes all the difference: I feel, Sir, that there is room for the legal-minded people to reach the essence of trial by jury or by having other people to come in in all sorts of cases. Take cases of manslaughter or many other such doubtful cases where the public or the jury might feel differently—members of the public might feel differently. On that one I would suggest that some enquiry might be required to see how it could be fitted in. Then there might be another difficulty, and the Government might say that there is too much money involved in the reorganization, but I would say that justice is justice from wherever it may be and if it is fair and right that this opportunity or right to be tried by jury would be working towards justice then equally with any other problem in Kenya the Government should set their minds to it and find ways of doing it. So if the arguments regarding its rightness are based on money then I will call that just expediency.

The principle behind the idea, if acceptable, is the first consideration, and I do not feel that the expediency side of this matter should be taken into account in Kenya where we have got so many problems of roads, agriculture, education, and we always come down to money. But the acceptance of the Motion here does not demand that the Government begin immediately to spend money on it, so that I feel that the two issues, the rightness of this method and the money question, should be separated to give the Motion a chance.

Sir, this is a very technical subject. If I were to go into the history of why there is this system, say, in Britain, and what usefulness it has so far as justice is concerned, it would take a long time. But the essential similarity of it, or the fairness of it, is such that I feel, particularly so far as the African is concerned, that we were very democratic in our way of judging things. It was done by the elders together, and this sense of responsibility for the justice of a country on the part of whoever may be the jurists is very true. I feel just in the same way as we have had assessors in certain cases, not only during the

Emergency but before, and even now, that idea behind the right of trial by jury is very important. I would not like to venture into comparing the history of this system in other countries because I do not feel that it is of any particular interest to us now. What is of particular interest is for this House to see the sense of fairness involved in the method. I know that on the part of the African community for a long time many people have urged that this should be extended to all, and with the usual practices of how to select them and who they should be. Sir, I would not interest myself just now. That would be subject to the normal procedure. But apart from expenses and apart from this fear, perhaps, of differences in custom, I do not see why it should not be possible, and efforts be made, to make it possible in our courts so that we have this sense of justice conveyed to the public in so far as it affects particular cases that sometimes judges find it useful to have other people's opinions on.

So, Mr. Deputy Speaker, my plea to the House and to the Government is for them to enquire into this idea not so much as a political issue at all, but rather to see whether there is any benefit in it. I am not urging them to do it right now. I am just saying it is so important and I feel that the two ideas of justice, the British sense of justice by trial where somebody is tried by other people who know him or who have some feelings on this particular issue and the African court class of jury system have quite a lot in common. Therefore, I feel that if the House would give the Motion a chance of having this system extended as far as it is possible and practicable and finally in future to everyone, it would be doing the whole country a lot of good.

Sir, for those who may not like the system because of their traditions, I plead with them to look at it objectively. The system would be available for those who want it and need it and feel that it would be of service and I do not feel that that would be any ground for opening the door to everyone in the normal way. Those who did not like it would withhold from it and those who did feel it useful would feel that they are free to have it.

Mr. Deputy Speaker, I beg to move.

Mr. Khamsi: Sir, I beg to second the Motion. I have not got much to say on the question of instigating trial by jury to everyone in Kenya except to urge that this is one of those privileges and facilities which have been denied to Africans for quite a long time now and in the year 1960 I feel that in view of the changing conditions there is no more necessity to restrict this facility or privilege to any one particular race. I entirely agree with the Mover of the Motion that this

[Mr. Khamisi] may not be entirely a political issue, but it is more or less a matter of giving justice to all, and for that reason I feel that as justice is one of the fundamentals of any good Government, I feel that this facility or privilege should now be open to everybody who wants to make use of it.

Sir, there are very many anomalies in the practice of Government which may be political in nature which will have to be put right in due course, but I feel that this is one of the most important and perhaps the foremost anomaly which should be looked into as early as possible. The Motion urges this Council to strongly recommend the Government to do just that much.

With those few remarks, Mr. Deputy Speaker, I beg to support the Motion.

Question proposed.

Mr. Travadi: Mr. Deputy Speaker, I rise to support the Motion moved by the hon. Mr. Maie and in doing so I would remind the House that it was last year that I raised the issue in a Question to the Speaker. The answer given was that due to certain practical difficulties it was not possible to extend this system to the other two communities, the Africans and Asians. The matter was raised, as I understand it, in the House of Commons where Mr. Dingle Foot put the question and the same answer was given. However, there is one particular portion in the debate raised by Mr. Paget which is very interesting. Mr. Paget asked if it was not a fact that in practice it had proved almost impossible to get conviction of Europeans where the victims had been Africans and the cases tried by European juries. I consider this point worth considering, and my community, I would say, Sir, have been trying to press for this for the last 30 to 40 years, that this system should be at least extended to the Asians. Now, I think the Mover has very rightly used the words "due to the changing circumstances". All this had happened before the Lancaster House Conference but now the circumstances have changed and changed tremendously to the extent that the Government, if not now, yet after a year or so, would be forced or compelled automatically to come out to make a move to extend this system to all the races and then it would be too late for others to give this matter a thorough consideration.

Therefore, Mr. Deputy Speaker, I would press that early consideration be given to this extension of the system to all the races, if not fully and if there are practical considerations, at least to a limited extent for certain capital or other offences where this particular system can be extended to all the races. I remember in England—I know

as a matter of fact, and it is the case here, too—that all natural born citizens of the Sovereign between the ages of 21 and 60 are compellable to serve as jurors. I think that here you could raise the age if you want to; you could restrict it to certain offences; but somehow the system must be extended to all the races.

I therefore, Mr. Deputy Speaker, beg to support, but before I sit down I would like to make it clear that the same point was raised at the Lancaster House Conference when Lord Perth was presiding at a group meeting of ours, and we expressed the view that this particular right should be included in the Bill of Rights so that in future there would be no further trouble in raising the issue in this House or anywhere else, and I would earnestly request that when this Bill of Rights is drafted, consideration should be given there, so that the whole matter may get out of the Ordinances and the local legislation and then it becomes a right which can never be abrogated or interfered with by local legislature.

I beg to support.

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Deputy Speaker, I very much appreciate the manner in which my hon. friend the Mover moved this Motion, taking it, as he said, out of the realm of politics into the realm of common sense. The two are perhaps mutually exclusive!

He asked that we should give consideration to this issue and I should like to assure him that we have given very careful consideration to it. It has a long history, this issue; it has been raised in this House and the predecessors of this House with a degree of regularity over the past 50 years and I think it was about seven years ago that the Government gave an undertaking that it would consider the matter and it has. About a year or so ago, rather more, we conducted a statistical exercise with the assistance of the Statistical Department of the High Commission and its Holerith machines to consider or rather to ascertain the practical implications in terms of cases and the like which such an extension of the jury system would entail. There are, of course, other factors to be taken into account, quite apart from the mere weight of cases.

First, I think it is important to recognize that a jury system only works really satisfactorily where the society from which the jurors are drawn, first, is sufficiently large and homogeneous to ensure against personal and communal prejudices or partiality on the part of the jurors, and, secondly, where that society contains a sufficiently large percentage of literacy to provide jurors of adequate quality in adequate numbers to service

[The Minister for Legal Affairs]

a jury system. It does not necessarily follow that merely because there is a society, a community, of over 6,000,000 in this country it can service a jury system for all. It is not enough, for instance, that a juror should be merely literate. He has got to have a sufficient knowledge of the language of the courts, English, to be able to follow the evidence, to assess the credibility of the witnesses and, of course, to appreciate the issues of law which he is required in the performance of his functions to apply to the facts. Because juries are judges of facts and they have to judge those facts in relation to the law applicable to the particular case in question, neither, Mr. Deputy Speaker, can it, I think, be claimed or would it be claimed by any distinguished jurists that the jury system is necessarily the only or unchallengably the best system. We in Britain have developed that system in the course of our history and evolution and we believe that, whilst not perfect, it is as good as any other system and better than most. But in Britain, of course, it is founded on a relatively developed society, a homogeneous community, in which the incidence of education and literacy of a sufficient quality is pretty high.

Now, when we conducted this statistical exercise we got as a result a large volume of statistics. I do not want to induce collective mental dyspepsia in this House by quoting too large and indigestible a volume of figures but I think it is worth giving some figures. We have taken average figures founded mainly on the year 1957. Now, in that year there were 398 Europeans charged with offences for which they were either triable only by the Supreme Court or could opt to claim trial by jury in the Supreme Court. Had the same option been available to the other races, the figure of 398—shall we say, 400, to bring it into round figures—would have been of the order of 52,000. Now, in the case of Europeans the proportion of those who opted to the total number of accused persons tried in the Supreme Court (by reason of the fact that the offences with which they were charged were triable only by the Supreme Court, or on opting for trial by the Supreme Court rather than by summary trial in the subordinate courts), the proportion was about one in twelve. Well, let us assume for the purposes of this consideration that if the right of trial by jury had been open to all races, let us assume that one in twenty would have opted for trial by jury. That would have meant that out of a total of 52,000 cases some 2,600 cases would have been triable by jury in the Supreme Court.

Now, dealing with the rather more mundane practical considerations, the statistics indicate that the average length of a jury trial is three days. There are 260 court working days in a year. The

number of jurors is 12 in a capital case and five in non-capital cases. It came out in our calculations that the practical factors amounted to this: that we would require 30 additional judges. Now, to deal with the cost in terms of that figure, those judges at the present rates of salary alone would cost us an annually recurrent £87,000. But, of course, judges do not operate in isolation. They are, so to speak, at the pinnacle of a pyramid of services provided by clerks, interpreters, shorthand writers, and the like. There would, of course, also be the question of accommodation. There would moreover be the question of counsel to staff those courts and present the cases, the prosecuting counsel. Without attempting, as I say, to overload the Council with statistics, I think it is fair to say that the total cost would run into some hundreds of thousands of pounds of which a considerable proportion would be annually recurrent. That, one might say, is not in itself a decisive bar to the introduction of such a system but, of course, it would add very considerably to the financial burden of this country. There would, of course, be the problem of finding the necessary staff, from judges downwards.

Quite apart from that sort of consideration, we would have to find a sufficient panel of adequately qualified jurors, and in this connexion it is not sufficient merely to say that a jury of five is only two more than three assessors for any particular case, because the quality of jurors must necessarily be very much higher than the quality of assessors. Juries have different functions to perform from assessors. Assessors are for the assistance of the judge and their views and opinions are not binding on the judge. It is the judge who makes the decision and it is a fact that, while I very readily acknowledge the very great assistance—and I am sure the judges would wish me to do so—the very great assistance which they do derive from their assessors, it is a reality, which we must not shy away from that in a very considerable number of cases the judges have to dissent from the views and opinions presented to them by assessors and in a number of cases it becomes quite apparent that those views are quite hopelessly out of accord with the the evidence; that the considerations of law which have been explained to the assessors for application in the course of their deliberations have not been understood or appreciated; and that consequently the outcome of their deliberations as expressed in their opinions bears no relation to the true merits of the case, either in terms of fact or in terms of law.

Now, how would we service a jury system in terms of jurors? Our statistics indicate that particularly in the less populated areas of the country we would be very hard put to find adequate

[The Minister for Legal Affairs]

jurors; in fact, it would be impossible. Our relatively small jury list would consist of persons who would have to be, being the only ones suitably qualified, employed almost permanently on jury work. It would place an intolerable burden on that relatively small minority of the population. Moreover, one cannot consider this issue without having regard to another part of the issue, namely, would juries be racial or would they be multi-racial. Well, until the community of this country develops further and becomes more closely integrated, with higher general standards of education and literacy of a suitable quality, I think it must be recognized that your jury list in this country would consist preponderantly of European names. There would then be a considerable number of Asian names, and the African element in the jury panel would be relative small. I ask the hon. Mover and his Second to consider whether their people, the Africans, would at this stage of the country's development really prefer to be tried by a judge and a jury consisting mainly of Europeans and Asians—possibly wholly of Europeans and Asians—than as at present by a judge advised by assessors of their own race, knowing their own customary and traditional background and what-have-you.

It is, of course, unsatisfactory in principle that the jury system, as it is in this country at present, should be confined to persons of one particular race. Let me say, though, as a matter of historical fact, that they, the Europeans in this country, did not invent the jury system for themselves in this country. In fact, it was imported as part of the Indian law when the Indian criminal procedure system was imported by reference into this country. But of course, the Europeans in their origins in Britain had inherited the jury system in their own history and background.

The fact, therefore, Mr. Deputy Speaker, is that while we have given the very closest consideration to extending the jury system, which, I entirely agree, is a desirable end, the fact remains that on these practical considerations, the inability of the community of the country as a whole to service at the moment a satisfactory jury system for all, and secondly the considerable practical difficulties in terms of costs and staff and accommodation, the fact is that it is not yet possible or practicable to introduce a jury system of general application to all races in this country. It may come, I hope and believe that it will come in due course; but it does mean that the country has got to advance somewhat further than it has already, both in terms of sociology, education and the like, and in the welding of the community into a homogeneous whole.

Now, dealing with some of the points which have been raised by previous speakers, I should like to say that I entirely agree with the hon. Mover that comparisons with systems in other countries are not really of very much assistance in our present circumstances. I have heard comparisons made in regard to this issue with other Colonial territories in which there has been, and is now, a right to trial by jury for all races. I have had personally some experience of such territories, and I am bound to say that while the jury system generally acts well in a large and developed community it is open to very considerable objection when it is founded on smaller communities and you have parochialism entering into the operation of the jury system. I have on occasion been confronted, when I was appearing in cases in other countries, by the most remarkable verdicts by juries which have caused considerable astonishment to all the persons in court. They have been diametrically opposed to the weight of the evidence and in complete and flat disregard of the principles of law applicable in the cases concerned. That, Sir, is something which does not arise, or certainly only arises very, very rarely and exceptionally, in a large community, a developed community, where the atmosphere in which the jury acts is wholly impersonal and objective.

I must not, I think, pass over the quotation from my hon. and learned friend regarding the contribution of Mr. Paget in the House of Commons debate, in which he said it was impossible to get a conviction of Europeans by European juries for offences against Africans. I think that is in a sense an illustration of the point which I have already made, because certainly by repute some years ago that was the position, as a lot of people understood it both in this country and particularly overseas. But I am very glad to say, and I say this as a considered view, that of recent years that view has certainly not been true, and I could again quote statistics, but I have quoted enough. But in present conditions in this country the jury system in the European community has, if I may use the phrase, "grown-up". It is no longer founded on a small community where personal considerations and parochialism intrude. It is at present running extremely well, fairly and impartially.

Now as regards the other point raised by the same hon. gentleman, that the right to trial by jury should be written into the Bill of Rights, until the situation is reached in which a jury system of general application to all races in this country becomes practicable, it would, of course, be a work of supererogation to include that right in the Bill of Rights.

[The Minister for Legal Affairs]

For those reasons, Mr. Deputy Speaker, the Government, while in no sense out of sympathy with the motives behind this Motion, is not, of course, able to accept it and will have to oppose it when the vote comes.

I beg to oppose.

Mr. ore Tips: Mr. Deputy Speaker, Sir, I rise to support the Motion. It is rather surprising to hear from the Attorney-General that the Government is not prepared either to reject or accept the present Motion.

Now, I think the Government should decide either way because in my own way of thinking I think there is unfairness somewhere in the administration of justice in this country. Either we extend the jury system to cover all races or do away with it. The question of saying that it would be very difficult to find fully-qualified personnel to serve as jurors—although there is something in that, I think—it does not hold much, because even before the Europeans came to this country we had our own court systems, and we decided even the most serious cases and punished people severely! and even now in the Native Tribunal Courts we have court elders and court presidents who are illiterate. They do not speak the English language at all, but it has been proved that even the verdicts given by such tribunal courts are upheld in the magistrates' courts when the appeal is lodged, so I do not think that that should be a bar to extending the jury system to all races.

The other thing, Mr. Deputy Speaker, Sir, is that admittedly in some of the rural areas you might face the difficulty of finding suitable personnel to serve as jurors, but I do not see why in big towns, such as Nairobi where we have quite a large number of Africans and Asians and Europeans who have the required qualifications and understanding of the law, I do not really understand why such a system cannot be extended to such areas, such towns, as Nairobi, Mombasa and Nakuru for that matter. What excuse is there, for there are a whole lot of lawyers and people who can be classified as educated to any standard compared with some parts of England and other countries? Why only restrict it to Europeans? Why not to Asians and the Africans? Do I understand you cannot find the Asians or the Africans, for that matter, in Nairobi, who could serve as jurors.

Now, Mr. Deputy Speaker, I do not want to labour the House much, but in all fairness I would request the Attorney-General to review the whole position for the satisfaction of all in this country, because it is this sort of discrimination which does not help at all. Where it is pos-

sible apply the system. Where it is impossible and impracticable—well, review the thing, and as the time goes by introduce in such areas the system. With these few words, Mr. Deputy Speaker, I beg to support the Motion.

Mr. Pandya: Mr. Deputy Speaker, I support the Motion moved by the hon. Mover. I cannot see, Sir, how any Government on a question of principle could oppose such a motion. It is time that equal treatment was given to all peoples in this Colony, and that any pockets of discrimination should be removed as soon as possible. I think the Attorney-General did admit that this system was brought into this country as part of the Indian Criminal Procedure, and I think that from that it follows that this system was prevalent in India and the Indian people have been using this system for many years. We have also heard today that the African people in the tribal courts have been using this system, so it is not fair that the Asian and the African people should not be availed of, or given the opportunity to avail themselves of this system. It is a democratic method and indeed a practical matter, of importing justice in very serious cases. I cannot see how, if we accept the principles of justice, we can on the grounds of expense or difficulties deprive the Asian and African communities of the facility of trial by jury.

I think the Attorney-General did raise two points. One was in regard to the homogeneous society, and I would only say that let us have a beginning of trial by jury of people of the same race, and then extend it gradually to people of other races, and having really a multi-racial jury.

The second point was in regard to literacy, and I would suggest that if it is not possible to implement the system in its entirety, it may be gradually implemented to people of other races, and in other areas, as such educated people become available in those areas. It has been known that for the past many years the Asian community has been demanding the right of trial by jury, and the time has now come when the Government should review the whole situation and accept this Motion, so that it can now start working on how it can implement this system for the benefit of those people who are demanding this right and that they should be put on the same basis as the European community which has been having the advantage of this system for the last many years.

With those few words, Mr. Deputy Speaker, I beg to support the Motion.

Mr. Mate: Mr. Deputy Speaker, Sir, it is very interesting that the Attorney-General and this side of the House differ very slightly, and on what I might describe in a single word as "expediency" only. The Attorney-General did say

[Mr. Mate]

that it is a desirable end, and I say that is what we on this side are trying to say, but at the same time we are asking for a time when that desirable end could be reached, and that is why we would ask Government to take these steps. But, Sir, while I would agree with him on the facts of the practical implications and the other factors that he mentioned, there are other questions I would like to put to him and the Government for further thought. Sir, he said that a society is not homogeneous. That is very true. That is the problem we have got to deal with in Kenya. You are given data and you have got to get the answer. The Government must give us the answer to this. Here we are all of us, and we want to reach a state where we all feel that on this particular issue we are having each our fair share, and so, on that matter, I do not think we would differ.

On this question of money, I would only like to suggest as we are short of money, and nobody can deny that, surely on purely cold logic why should a section of the community of Kenya enjoy a luxury and also affecting an issue that is as important as justice? What right have the European community to enjoy this right? If it is argued, as it has been before, that they pay more taxes, higher income tax, they get better salaries, they get better houses, because they get better schools—what they call the “higher standard”—the African contribution in Kenya is so important and nobody wants to admit it. There is his labour—he is working in offices now—his taxes. At this time when we come to consider about money in Kenya we should never give anybody a luxury. It is unfortunate that the two things coincide in this. The trial by jury is a British system, and the community in Kenya who now enjoy it are British, so that if we try to talk of it for a section of the community in Kenya, the two things overlap, and with the other communities it is not quite easy to see how the two go together. So would the Attorney-General or the Government answer the question that in this heterogeneous community, or this community of Kenya, why should one section enjoy what to other people is a luxury? Because one practical thing is that we cannot afford to do this thing. I mean employing the extra staff. On the possibility—on the operation of this system and its importance, we cannot agree, and so the Government have not referred to the other communities why the benefit should be available to one community. I do not want to press this point too far, because it will be mixed up with racial discrimination, like many other services, such as education, or even hospitals, and I do not want to go too far. All I would like to ask the Government, is, “How are you going to

say that you cannot get money to make it possible for that percentage of the population to have this right, but not for everybody?” Who is “everybody”? The African. They are not everybody, they are individuals, who want to enjoy the same rights like any other citizen. So that is only a question to Government for them to think about, and its other implications when we look at it.

Sir, the other argument raised by the Attorney-General is the understanding of the appropriate or complicated issues of law. I do not think I have it correct, but something to that effect. I understand that law is a very technical subject, and I do not even understand it myself, but if we are told because of this lower education some communities cannot have it, I feel, Sir, it is another anomaly here. It is really a question that because we are not educated we cannot have this right. We cannot have access to it. But, Sir, even here, this same Government have not even encouraged Africans to know law. They have done very little at all in encouraging African lawyers. Those who have tried to go out to countries like India or Britain, or any other country; in order to delve into this particular subject of law—I am talking seriously—they get all the discouragement one can think of, so when shall we get lawyers who can impart this knowledge to their brothers in due course? The Government here have another responsibility of having withheld this particular knowledge from the African community. We see so many European lawyers and so many Asian lawyers, but of African lawyers, so few. Any who try to get into this business through many channels get frustrated and here Government tells us you have a community but that community has not that knowledge. Well, shall we ever get it unless we have the lawyers next door, and how can we get them without their going to colleges, and I would ask Government here to encourage African lawyers by giving them scholarships. They come back here and are employed by the Registrar General for example or any other department, and they are as good as teachers for that matter. If Government can find any use for a man who comes back as a lawyer after all this trouble than employing him in an office and calling him a Government servant, they should not discriminate against this particular section of knowledge. And if the Attorney-General can do no more with this issue, he may at least encourage Government, or ask Government, to find more and more Africans opportunities of learning law, so that one day, I do not know after how long, perhaps we may have more and more lawyers.

So, Mr. Deputy-Speaker, I would agree with my hon. friend, the Member for Central Rift, that if we cannot avail every citizen of Kenya of this

[Mr. Mate]

opportunity, let us abolish it. But I do not think it is right. We are trying to get there. We are not trying to go back. We want it and that is why I feel that Government should at least do something about it, and if Government are going to say that because of the money and these other factors we cannot do it, and take no steps to tackle this problem, while at the same time agreeing it is a good thing, then I feel the Government have a very difficult job, and it is their baby and they must carry the baby and look after it. All these arguments they give us are not completely satisfying. Either satisfy all or satisfy nobody. And, as I said, I would like to ask Government three questions. You talk of money. One community gets this service, or this opportunity, and without going into the economics I do not feel that anybody can convince the other communities that it is not discriminatory. And if as far as justice is concerned it is not important for an African or Asian to be given this facility, then surely it is not important, apart from custom, to give it to the European community. So, Mr. Deputy-Speaker, I feel Government should do something, and I would rather like to leave these questions with them, because as I see it I do not want it to be a political issue if I can avoid it. But what I mean is, if it will help to get justice and better justice for everyone in Kenya, and this plea is supported by all communities in Kenya, then Government should go further and enquire into the matter and see how soon it would be practicable, while at the same time alleviating some of these—what I may call—rather not so important factors. We talk of education. We have so many African court elders, and other responsible people around the place, and at least we could start some.

Mr. Deputy-Speaker, I beg to move.

The question was put and negatived.

MOTION

FAILURE OF LANCASTER HOUSE CONFERENCE

Air Commodore Howard-Williams: Mr. Deputy-Speaker, Sir, I beg to move that the Motion before this House:—

THAT this House notes the abject failure of the Lancaster House Conference to reach any agreement whatsoever, and reaffirms its acceptance of the Lennox-Boyd Plan for the next eight years, saving that there should be an electoral college with wider interests, professional and official, commercial and industrial to select the 12 Specially Elected Members.

Now, Mr. Deputy-Speaker, Sir, I raise this Motion because I believe what I have to say is true. What was wrong with the Lennox-Boyd

Plan? It was signed, in the secret minutes, to which we have not access, to last ten years, and was accepted by the great majority of this House as a fair compromise, including many Africans; albeit, and agreed, not by eight honourable African Elected Members. Yet those recalcitrant eight, later inflated to 14 by the magnanimity of the Lennox-Boyd Plan, were supported at Lancaster House by the most flagrant abuse of power, generated by weakness, yet shown by Her Majesty's Government: One has only to read the editorial of *East Africa and Rhodesia* of 3rd March to see how base proved the purpose of the Lancaster House Conference, in these words, which with your permission, Sir, I quote. I shall only quote briefly. “So the Macleod Constitution stands as farcical, false and tragic. It is farcical and false because the African Elected Members regard it as out of date before it came into operation. It is tragic because it cuts the roots of confidence.” This new nonsense, Sir, recently heaved at us, is something I will not accept, as being outside the Prime Minister's statement in Cape Town, and I quote again, with your permission. “Merit alone is the criterion for a man's advancement, whether political or economic.” Modify your mind, Mr. Macleod, I say, or events will certainly modify it for you. A wind of change can blow the other way, in the East, particularly if it is a monsoon. Mr. Oates, the Chairman of the Convention of Associations meeting on 29th March last, said these words: “The Lancaster House Conference, concluded almost in secret by the Secretary of State, whom we have the misfortune to have as our master, showed unseemly haste without any thought of economic consequence.” Small wonder, Sir, the City of London will not underwrite this business for all the propaganda that we put around. Small wonder America will do so. There lies the root of our evil. What right have they to interfere, as they did over the suppression of my newspaper for instance?

I would have thought that Kenya was essentially a British sphere of influence. If I am wrong, Sir, the sooner my Maker claims me, the better.

An hon. Member: No!

Air Commodore Howard-Williams: Thank you.

I now proceed, Mr. Deputy-Speaker, to give you some irrefutable facts which have emerged as a direct result of the Conference at Lancaster House. If there be any dispute over these issues then let them be aired here in this House. First, in truth—and we must here be interested in truth—the Conference failed to achieve its object because of the intransigence of the African Elected Members, and despite the versatility of

[Air Commodore Howard-Williams] the hon. Specially Elected Member, Mr. Michael Blundell, on his political trapeze. No agreement in fact emerged, for three reasons. First, our African friends—and they are our friends when all is said and done—wanted control and to grab the European land, which is only 5 per cent of Kenya, and from which we draw upwards of 80 per cent of our revenue; second, the thorny problem of education was not even discussed because it was thorny, which is never a good reason; third, some 80 per cent of the European electorate, as represented by the Briggs Group and myself, and the Member for Ukamba, were not even remotely satisfied. Agreed, some Specially Elected Members sought to win over the House of Commons and the Prime Minister. They should now surely be asked to find how they stand with their own members here who put them in. Otherwise they could be in danger of misleading the British Government. Why has their leader not held a series of meetings—and I am sorry he is not here—in Nairobi? I leave the answer to the Members of this House.

The second fact is that the former Speaker of this House, Sir Ferdinand Cavendish-Bentinck, an old settler of impeccable reputation, has thrown up his job in protest, as indeed have many others in doubt, regardless of their and our loss. Responsible men do not lightly abandon their heritage. Surely there is the red light.

The third fact is that there is talk among the Masai, for instance, that they will not be ruled by others. Oddly enough, their antecedents were European, witness the accepted authority, Mr. C. G. Seligman in *Races of Africa*, p. 142. With your permission, Sir, again, I quote, "The incoming Hamites were pastoral Europeans arriving wave after wave." Their coming to East Africa dates as far back as the plural period which gives them a title for at least 150,000 years. They are alleged to ask for a tribal solution, and all Kenya belongs to them if indeed it belongs to anyone. Surely, there lies the problem. They have been here for a known 5,000 years, possibly for some 150,000 years. The Bantu have been in Kenya for some 400 years. Further, we have a treaty with the Masai. What is to happen to that treaty? Is it to be torn up?

The fourth fact is that the hon. Member for Coast Rural, Mr. Ngala, Temporary, and I use the word "Temporary" with some significance, Minister of Labour elect, recently said that the Africans would claim the ten-mile strip. But the Arabs have been there for over 1,000 years and the Europeans, the Portuguese, for some 500 years, apart from our treaty with the Sultan of Zanzibar. Are the British now going to give away

something that they do not even possess? This man, this same African leader, says that the White Highlands are in dispute and therefore the Europeans should have no right to it when they, the Africans, get into power. But we have been given freehold and leasehold titles by the Crown. What does Her Majesty say to the use of her name in this regard? This could indeed be something over which she might be persuaded to refuse to accept the advice of her counsellors, and there are some among us who will take the trouble so to inform her. Indeed, the hon. Member for Nairobi Area—who I regret to say is not here with us this morning—recently said in a Press talk that the next Agreement will last for only a short time and that they must straight away work for *uhuru*. Now, within three years we have had three plans out here to kill all plans. Only one of them has succeeded and that is the Macleod Plan. The Lyttelton Plan, the Lennox-Boyd Plan, and the Macleod Plan. Are we to have another within a year or so? No one will give us the slightest assurance. All we get are back-handed back answers.

The sixth and last fact is that the Lennox-Boyd Plan was devised to last ten years, as I was at some pains to point out in my speech at Lancaster House. The Conference was brought about to devise ways and means within the framework of that Plan for further progress. What happened to those terms of reference? There was nothing wrong with the Lennox-Boyd Plan save that our African friends did not co-operate, any more than they will co-operate now, as we shall see, unless, of course, they are prepared to lose their seats, which will happen as sure as God made little Macleods.

There are the six main facts, as I see them, and they are, all of them, relevant. As one instance of the coming tragedy 14 members of two old settler families, whom I have happened to know for some 45 years, 45 years of residence behind them here, are putting up their land for sale and leaving for the south as soon as they possibly can.

Mr. Shaw: Shame!

Air Commodore Howard-Williams: It is significant that our African friends have opened their mouths so wide as to drive the best part of over 21,000,000—and I am not afraid to state that sum—out of the Colony and completely lose the confidence of the City of London.

I do not accept any assurance from Government any longer. They have let us all down too often, including many of their own people. Insurance money does not shy: it bolts. The stock market here has fallen. It is true that American money is on the way but not to these values;

[Air Commodore Howard-Williams] and somehow, Sir, that does not sound right for Britain. We here, Sir, accept the whole matter as having been engineered by America. They have ever sustained our African friends who proceed to the United States of America the moment they become of importance. Witness Mr. Ngala being invited for an eight weeks' sojourn and who will probably be doctored there, as was Dr. Mboya and Dr. Kiiano—America, where lynch-law still reigns. Ask the negroes. The importance of the American example has been raised in the past by our African friends. Do they realize, indeed does this House realize, that the American assault on our Colonial chastity is the most wretched rape in the whole wide world today? People who live in White Houses should not, Sir, drop muck. By the way, it took the combined efforts of Nikita and Salim to make me call it muck. Some 18,000,000 or more blacks in the United States of America are tied to the more menial tasks, wrongly so in many opinions. They are represented by some 17 Members in the House of Representatives, all of them coloured and none of them black, or, one to 10,000,000. Surely that is something which is disgracefully racial. In the Congress they have not achieved a single representative so far. There is seen the American democratic way of life. What is more important is that democracy no more works in America than it works anywhere else. Some of their States have a limited representation with no votes whatsoever for the black man. Yet these are the people who open their mouths widest in Africa and who pay for our subversion through their versatile Under-Secretary of State, Satterwaite the sinister I call him, always prating about democracy in Africa but never in America.

Macmillan is discussing and conducting an experiment in Africa, and—

The Minister for Legal Affairs (Mr. Griffith-Jones): Sir, on a point of order, is the hon. gentleman right in referring to a Member of a friendly Government in the terms which he has just used?

The Deputy Speaker (Mr. Conroy): It is unworthy, I think, of the dignity of this House to do so. I was also wondering how the question of democracy in America is really relevant to the issue which is before us on this question, and I would ask the hon. and gallant Mover to adhere to the terms of the Motion in his speech.

Air Commodore Howard-Williams: Mr. Deputy Speaker, I thank you and would say that I no longer regard America as a friendly country.

Macmillan is conducting an experiment in Africa from thousands of miles away. Let it be quite clear, Sir, that he shares every single life

that will be forfeit in this experiment. I, for one, hate being a guinea pig and so should our African friends, because they will be the prime sufferers. The electorate have given ample evidence that they want the Coalition of Sir Ferdinand Cavendish-Bentinck. Then why, in the name of Almighty God, not come together and face up to these issues with realism, first as a race and then as leaders. Words, Sir, will not resolve this problem. Either we accept the Governments here and at home as honest or we do not. I prefer to give them both the benefit of the doubt in spite of everything. Some of their antics are indeed capable of another interpretation. If they be honest then the Macleod Plan can never function in that it will be the greatest betrayal in our British story. Even Mr. Macleod was apprehensive in that he begged us at the Conference not to apply his name to it, therefore I say, why not, once and for all, throw out and stick to the Lennox-Boyd Plan?

Mr. Deputy Speaker. I simply seek to make an honest woman of the Government that has been driven off the streets and has set up her practice with the aid of the telephone in a kind of multi-racial knocking shop against the wishes of all decent society, notably the loyalists, the Europeans, most of the Arabs, the Somalis, the Masai—

The Minister for Legal Affairs (Mr. Griffith-Jones): Whilst we are no doubt very much entertained by this comedy turn, Sir, is it right to refer to the Government of this country as a "multi-racial knocking shop"?

The Deputy Speaker (Mr. Conroy): No, I really must ask the hon. Mover to restrain his language. The expression which he has used is wholly unparliamentary and is completely below the dignity of this House.

Air Commodore Howard-Williams: Thank you.

Only our hon. African friends want this thing on a basis of *sois mon ami ou je tue*—be my friend or I will kill you—which has ever been foreign to British justice and British rule. The Macleod Plan can but lead to trouble when every single casualty shall be laid at his door—a terrible thought for him to take to bed each night. The attempt by the Home Government to sell out their good friends the African loyalists and all the many odd groups of minorities in Kenya, that attempt is doomed by these words of mine.

I therefore beg Members of this House to put away the whip and vote with their conscience, as have a number of the best officials of Government, as a sign that honour is not yet dead. The point is simple. Either you favour a black dictatorship, on the lines of Ghana, our bases gone; our word no more, or you denounce a shame that was never before contemplated in

[Air Commodore Howard-Williams]

favour of what was the Lennox-Boyd Plan. The criteria of all Government appointments (HANSARD, Vol. LXXXIII, page 1457) were to be, "merit and ability, experience and integrity" which was an assurance given to me by the Chief Secretary just before he went home. How can they therefore yet appoint an African Minister without he has first had experience as an assistant minister and proved himself? The Archbishop of Canterbury recently wrote to some of us to say, and I quote, "Will not African leaders who care for Kenya, even one of them, persuade their people to be content with one long step at the time?" The answer is "No". They see the billions of pounds the British have invested in this Colony over the last sixty glorious years, and want to grab the lot now. The trouble, Sir, is that the Colonial Office is a fool.

In conclusion, nothing phoney ever succeeds. It is surely far safer for the Colonial Secretary to have the support of a Commission or Enquiry, the politics out here being what they are, rather than take any risk.

We cannot allow a Home Government to heave away our heritage, in my view needlessly, as in Egypt, the Sudan, Iraq, Ghana, Nigeria, and now in Kenya, bogusly on the model of the Mother of Parliaments, but actually in favour of complete dictatorship which disposes of all opposition and sells our friends down the river of pristine politics, witness Ghana in particular.

This is my penultimate protest, Sir, on behalf of my constituents, including many Government officials, who put me into the Legislative Council on the sanctity of the White Highlands, and on the education of our children, essentials over both of which the Conference completely failed to agree.

Sir, I beg to move.

Mr. Maxwell: Mr. Deputy Speaker, Sir, I beg to support the Motion but not necessarily the references made in some respects by the hon. Mover.

I, too, was disgusted with the outcome of the Lancaster House Conferences. Those proposals are as repugnant to me now as they were when they were announced on Sunday, 21st February, 1960.

Mr. Macmillan, during a fairly recent tour of Africa, made reference to the wind of change taking place in this vast Continent. From that learned or erudite pronouncement one would imagine that the Prime Minister and his cabinet ministers had indeed made a unique discovery. We, who have lived in Kenya for many years, and who have made our home here, could tell Mr. Macmillan and his colleagues that outstanding changes have been taking place in this country

due to the enterprising efforts of the European and Asian, over the past 60 years.

Mr. Deputy Speaker, Sir, the proposals put forward by Mr. Macleod to replace the steady and progressive progress represents a hurricane, a cyclone, a devastating and catastrophic typhoon, which has done much to destroy confidence in this country, both from the investment point of view and security.

Mr. Deputy Speaker, Sir, what we want in this country is a fair and just constitution to meet the needs of all the peoples of this Colony: Freedom for all; and intimidation, and domination by none.

Question proposed.

Mr. Slade: Mr. Deputy Speaker, Sir, I oppose this Motion for two reasons. In the first place it requires us to note "the abject failure of the Lancaster House Conference to reach any agreement whatsoever". I propose to refute that allegation.

In the second place it requires us, if we have agreed on anything, to go back on our agreement.

It has been alleged, Mr. Deputy Speaker, not only by the Mover in this debate but in other places on other occasions, particularly I regret by the hon. Member for Nairobi Area, that there was in fact no agreement at Lancaster House. I am very glad indeed of this opportunity of alleging categorically that there was agreement at Lancaster House and saying why.

Sir, what happened at Lancaster House? We met first of all in full Conference and all put forward our different points of view. The Secretary of State then put forward a tentative outline of the possible basis of agreement on the franchise, which was rejected by all the delegates. At that point some of us, including the Group to which I belong, saw quite clearly that there was not very much prospect of the Secretary of State putting forward a realistic proposition that could command agreement among us. We also realized the absolute necessity of reaching agreement if any fruitful outcome was to be at all. Therefore, we approached the African Elected Members and entered into direct negotiations with them, which proceeded quite a long way. Those negotiations came to a point where there appeared to be a deadlock on one issue. At that point the Secretary of State intervened again and put forward some proposals to resolve the deadlock. Those proposals were accepted by the African Elected Members. When they were put to us in our group we discussed them with the African Elected Members but before agreeing to them, before we decided whether or not we would agree to them, we got

[Mr. Slade]

a perfectly clear statement from the Secretary of State that there was no question of our being forced to agree to them and that if we did not agree to them, the matter was still open for further discussion, and there was certainly no assumption that he would impose any constitution in those terms, or indeed anything like them, or indeed impose any constitution at all. And it was in that atmosphere of complete freedom of choice that we also accepted these proposals, as resolving the main issue between us and the African Elected Members. And if that does not represent agreement, I do not know what does.

But much more important even than the fact of agreement, Mr. Deputy Speaker, is that the great majority of us, all delegates there of all races, came to realize the absolute necessity of agreement. We came to realize much more clearly than many of us have realized before, the fundamental issues that we must all realize now in this Council and throughout the country. Sir, there are very few of us who have not at some stage or other, or even continuously, looked forward to the time when this country is independent and we can manage our own affairs. In my own case, when I first stood for election eight years ago it was the move towards the independence of Kenya that was one of the main planks upon which I stood. So, indeed, have many other of my colleagues at various times. Our only difference has been, at what speed to move and what final shape of independence to seek. That is all. We all want *Uhuru* for Kenya in our own way. But given that, Sir, how are we to arrive at any healthy form of independence for this country if we do not try to work it out among ourselves? Where on earth are we going to arrive, if we persist in the old conception of each racial community hammering at the gates of Whitehall for the solution that they think best for this country in general and their community in particular? Where can that get us? Where would it have got us at Lancaster House if we in our group, the New Kenya Group, had extracted from the Secretary of State precisely the solution that we thought right, if it had been unacceptable to other communities in Kenya? Where would it take us towards independence? What will independence mean to us if it is in a form imposed against the will of a large part of the people of this country? How on earth can we have a peaceful or prosperous country on a pattern which we have not agreed ourselves?

That is what we understand at Lancaster House, all of us, all of us who entered into this agreement. That, I say again, is what the people of this country must understand, and upon which they must base all their future thinking. We have

got to stop asking the British Government to find a solution for us. We have got to start finding it for ourselves, by agreement among ourselves, and we have made that start at Lancaster House. That realization was born at Lancaster House and has already borne fruit. And when I hear references to the hon. Specially Elected Member, Mr. Blundell, in the terms which I heard from the hon. Mover, and I hear too often elsewhere, as if he by himself had executed a series of political gymnastics and had let everybody else down, let me say here that he was our leader and he spoke for every one of us, with the agreement of every one of us and we are as certain today as we were then that we did right under his leadership. Mr. Deputy Speaker, that agreement that has been made at Lancaster House we intend to honour. There may be others, there evidently are others unfortunately, who do not intend to honour it, and therefore like to assert that there was no agreement. That is an old way of avoiding contractual obligations. We do not intend to take that course, and therefore we shall not be party at any stage to any proposition of going back on what was agreed at Lancaster House. I am quite certain, Mr. Deputy Speaker, whatever may be said by one or two hon. African Elected Members, the great majority of our African friends who were party to this agreement intend likewise to honour it. I do not see otherwise how they would now be joining Government and sitting on the opposite benches. I would like to take this opportunity of saying how very much we on this side welcome this development of African Elected Members joining the Government and sharing the responsibility.

I would add, Sir, that that alone is a tremendous development which is attributable to the fact of agreement at Lancaster House. Sir, it is very easy to appeal to fear, to appeal to emotions, to appeal to past history. We shall not get anywhere that way. We have to face that in this step forward in our constitutional evolution. It is a bigger step than some of us thought wise; it is a smaller step than others wanted. That is the essence of agreement, that neither party gets the whole of what he wants. But never mind, it is a step in the right direction and, more important, in the right atmosphere. We have got to preserve that atmosphere and cherish it and make it grow. We have not got to resort to those easy measures of killing the young plant. We have got to look forward and not back. We have got to put away the fear that breeds hatred and misunderstanding. We have got to put away the hatred and the misunderstanding that breeds fear. Those are the things that will destroy the confidence in this country. People talk of loss of confidence. Is not confidence a matter for us? Is it not up to us to decide whether or not we are going to lose

[Mr. Slade] confidence? Is it not up to us to do those things that will hold confidence but not undermine it? We can easily make it our own business to see that we in this country, and those who watch this country, do not lose confidence in our future if we make up our minds to it, and if we understand, I repeat once more, that we shall achieve a peaceful and prosperous maturity for this country by ourselves alone, not by calling for help from abroad, whether it is our mother country or elsewhere. We have got to start now and go on now and not be afraid of each other and not mistrust each other, however much some of us may fall by the way. I beg to oppose.

Mr. Zafud-Deen: Mr. Deputy Speaker, I am convinced that the Lancaster House constitution was the only practical and reasonable solution to the problems facing Kenya. Sir, there are three types of people in this country whom we have got to watch. One is the man who will panic and create a disturbance and cracks in the economic fabric of the country and thereby he will break the tanks. The other type is the one who will try to maintain the privileges and entrenched rights which he has enjoyed so far, and yet another will, I believe, try to brag and gloat over what he might term his political victory. Sir, I think that we have got to watch very carefully these elements of destruction. If we do so, I am convinced we will save Kenya.

It is also a matter of great regret—and I agree with the remark made by the hon. Mover—that there were some people who pledged their support but they went back on their word as soon as they returned to this country. It is indeed a matter of great regret that they should show this unreliability in their behaviour on their return. Probably it was done simply to feed the emotions of the people in this country. I hope better sense will prevail.

Sir, I do not regret for the part and contributions made by me, and I am sure that I also express the feelings of many others responsible in drafting the constitutional proposals at Lancaster House. As I said before, it is my firm view that this was the only practical solution and now that we have it before us it is the duty of every true and loyal citizen to pledge his support to the future Government of Kenya and if we do so we are sure to build a society which would be built on justice and in this way we will have peace and order and prosperity in this country. If we do not do so, the fear which has been entertained by a very large section of the population, Africans, Europeans and Asians, that we might be faced with conditions of insecurity which might upset everything which has been built for this country and may lead to disaster.

Sir, in opposing this Motion I would particularly like to appeal to that section of the European community who have, I am sure in my mind very rightly, accepted the changes, "the wind of change", which is going to take place in this country. If opposition of this nature continues, then the danger is that we might break the possibility of building goodwill which, I am sure, is the only answer to the problems of Kenya. From my personal knowledge and contact with the African leaders I have no doubt any longer in my mind that they do mean to play fair with every member of the immigrant races in this country.

On the question of land, as references were made to Sir Ferdinand Cavendish-Bentinck, he himself has admitted that he has no intention of undoing what has been achieved in Lancaster House.

Sir, I think the only problem which is facing us in this country today is that we must try to build up a society, particularly of the African community, who can give that measure of a sense of security to the immigrant peoples which they desire. I also know that there are certain sections of the immigrants who have lost their faith but we have got to restore this. We also know, because we have been told time and again, that capital is flowing out of this country, but I am sure that all those people who really want to build a prosperous Kenya and who have got faith in this country will lose no time in reassuring the people that their skill and capital will help each other and in doing so we will be able to build a Kenya which will set an example to the world.

Sir, I beg to oppose the Motion.

The Minister for Commerce and Industry (Dr. Kioko): Mr. Deputy Speaker, I was not surprised by the arguments which were quoted by the Mover of this Motion, but I must say also that I was not impressed by them either. I feel that we have had a speech which seeks to persuade us to walk backwards instead of going forwards. We are told, for example, that this House should accept the Lennox-Boyd Constitution with some variations proposed in the Motion. It appears that the Mover does not even seem to know that the Lennox-Boyd Constitution does no longer exist. What we have is not a Lennox-Boyd Government, it is a Caretaker Government and the Lennox-Boyd Government has already been seriously modified, waiting for the elections which will mean the full implementation of the Lancaster House agreement.

Now, Sir, I was a bit surprised, if I may say so—although one could find the reasons why—that the Mover of the Motion sought to play the

[The Minister for Commerce and Industry]

hero, leading the Masai and speaking for the welfare of the Masai. Now, Sir, this kind of late advocacy for the welfare of the Masai is a bit out of place, particularly when you consider that if the Masai have any complaint to make in this country it is the fact that there has been a lot of lack of balance in the development of Kenya. When there is education in one area, there has not been adequate education in another. While in some provinces or in some towns progress has been fostered, in the Masai area it has not. If this is the kind of advocacy I could see, I would be happier; but to say today rather late that it is the duty of the Mover to tell the House that the Masai tend to it is firstly very difficult to prove and, secondly, I am glad to say Mr. ole Tipsis is present and could speak perhaps more authoritatively on the standard of the Masai development.

Now, Sir, the point is this, that while the African Elected Members and other Members and other people in the Conference, accepted the Macleod proposals, they accepted them with some reservations and under those circumstances it is quite understandable when somebody speaks about the Macleod Constitution that they tend to criticize some part of it because these are the very qualifications or, shall I say, reservations that they frankly told the Secretary of State himself. I therefore am not surprised to find that, for example, the leader of the African Elected Members, Mr. Ngala, has made a statement which might not be complete praise of the Macleod proposals because each person has his duty to keep the world aware of some of the reservations these people have. Nevertheless, Mr. Deputy Speaker, what the proposals did was this: it gave us a clear road for the constitutional development of this country. Now, that was made very specific. How soon we shall get independence depends on a number of factors, one of which I hope will not be some people in this country trying to tie heavy stones on our feet so that we do not walk fast towards the goal that has already been declared, the goal of independence.

The second thing is that having cleared the road, the constitutional road of development, the standards and the principles governing that development were also clarified. People say quite clearly that those ideals, those principles, which have been admired and supported by the majority of the world called democracy, will be the principles and the ideals that will govern the form of government that is to be developed in Kenya. Now, Sir, there are people who do not believe in those ideals. I am not simply talking of the purely mechanical aspects of government; I am thinking

of those ideals like justice, equality before the law and so on. If it is the duty of some people in Kenya to fight against the establishment of those ideals and those principles, then I would say that those people are out of step not only with Kenya but with the entire Western world.

May I say that I am not particularly worried when the Mover tells us that there is a lot of flowing of capital out of this country. I have put more emphasis on the words of the Minister for Finance who told us just recently that although some capital might have been leaving Kenya that the pace is slow and is actually insignificant. I could actually add this, that if there is any further lack of confidence in the economy of Kenya, it is mainly because of people of the type of views such as the Mover that create the instability in question. We have a duty and that duty is to affirm that we mean the development of Kenya not only towards political freedom but also towards economic prosperity. That confidence is very much going to depend on the attitude and the actions of the African Elected Members, I know, because after the elections the African Elected Members may have a political group in the House. We are aware of that but we can also tell the world today—and I can say this confidently knowing that all my other colleagues believe this with me—that there is no question, no question, of disregarding the economic problems of the country just for the sake of political controversy. Already during the short time that I have had the duty—and I call it a duty—of being Minister for Commerce and Industry I have been visited by quite a number of business men, some of whom have been business men in Kenya for some time and others who are passing through Kenya and just want to know what kind of things go on in my mind and in the minds of my colleagues as far as investment is concerned.

And I have assured them, as I shall assure this House, that any person who seeks to increase the prosperity of this country, any person who wishes to see that in search of profits he shall also help to fight against unemployment in this country, any person who comes here as a human being, not as a person who believes himself superior to other men, this country will welcome such a person. Not only that, we are not economists. We are practical. We are not going to say this must be the only theory followed for economic development. We are interested in meeting the problems as they come, and now we are faced with unemployment, and we have to do something about it. But when we are trying to create this confidence, and when we ourselves are very confident that we shall do our part and do it well, we do regret that there are other people, not in this House, but outside the

[The Minister for Commerce and Industry]

House, very busily fighting against that confidence by saying that the African Elected Members are incapable of governing, or by saying that these people are not very interested in security, or by saying we do not know what they will do with the Europeans or Asians. In other words, they are the ones who are saying they do not believe in Kenya because Kenya is primarily in African hands, and that is the mistake and the evil that is being committed, and what we must fight against. We want everyone who believes in Kenya to ratify the confidence of the world, and if you say I do not think this is correct, I do believe that the speech which was made in support of this Motion was doing that. It was actuating the opposite. And I would just finally say that it has been depressing to me to see some people who consider themselves leaders giving false hopes to the European community; trying to say that despite the Lancaster House Constitution we might be able to maintain some part of segregation or some part of the minority privileges and so on and so on. I would ask the European leaders to be as practical as they can, and better tell their people what course Kenya shall follow and what would be best for them to fit themselves into the developing society. We have now studied the common roll elections, which is the beginning of integration of the Europeans and Asians into the very largely African society of Kenya, and I believe that the practical leaders of the European community will be those who tell them we are not being considered as the European community, we are part of Kenya and the politics of Kenya is along the road of integration because any other speech is really giving false hopes, so may I say that we do not believe that Kenya requires a frightened circle. We have frightened circles—we have had them and seen them but I am saying this is going to be a country which will progress. This is a country that is going to be safe and attractive for investors. This is a country in which justice and freedom will go hand in hand, and the only thing that will take us away from that will be the frightened paralytic views such as are expressed in the purport of this Motion.

Mr. Mate: Mr. Deputy Speaker, Sir, after the speech of the Specially Elected Member, Mr. Slade, I really wonder what new comment I can make on the words of the hon. Member for Nairobi North on *uhuru*. What new comment could I make on his speech on *uhuru*?

Sir, it is most depressing as far as the African community is concerned to find that the Member for Nairobi North is ready to call a tune he cannot dance. He spoke so emotionally, and I do

not want to answer him in kind. As far as the African community is concerned he said he spoke for the European elector who elected him on the ticket of the sanity of the White Highlands. Speaking for the African community at large, including the Masai, the Lancaster House plan is supported and held by the Africans of Kenya, and he should understand that we mean to support it, and we mean to co-operate in order to make it a success. So, if he has any worries as to what the African feels about it, I should say we feel it is the right turn that Kenya politics should take at this stage towards the goal of independence, and all we would ask him and any of his kind, is to try and show that goodwill which he preaches. I think it would be a pity for me to pass his comments without answering some of them.

He talked of land. He talked of those old stories of who came before and where and how. I want to dwell more on the distribution. In the classification of the land in Kenya today, the Kenya Government has what is called "Crown" land, "native" land and alienated land—not White Highlands. Given to aliens—to strangers. The British Government knows very well that the Asians and Europeans are strangers in this country.

Sir Charles Markham: Nonsense!

Mr. Mate: Do not call it nonsense. It was alienated, and is known in the Laws of Kenya as the White Highlands. It has been given to aliens, and to come here and raise our emotions as they can be raised, and as he said, somebody said, the White Highlands are not in dispute they are in dispute, and I am telling them frankly if they want to raise emotions it is a dance they are calling which the Government cannot dance. As far as the African is concerned, I do not see why they should take Kenya names if they want to be strangers. The places should be called by their own names. These are African places, and that is what we were primarily concerned with in Lancaster House. Kenya is an African country, and I am the African, not him, and if we are going to talk about the White Highlands and European land and that and all these things I am not the opposite to him, so he can feel as much as he feels me when he talks about land in Kenya and that no changes can be in modern vocabulary. I know there is Crown land, there is native land and there is alienated land, and if I know my English at all it is given to strangers. If he is asking me to dance to that tune with him, or is he asking me to co-operate and if so what is the language he is going to use? He has mentioned a coalition such as was suggested to us in Kenya, or rather I hope not to all the minorities. He has asked that we co-operate with an organization—I

[Mr. Mate]

think he called it the Sir Ferdinand Cavendish-Bentinck Coalition. When he talks of "we" does he represent the Africans in Kenya or is he thinking of the Europeans? And if that be the case why is he not sitting on the Chair of this House today. He should be continuing the good work here in this House. Why should he go out of it. We Africans have very strong feelings on the question of land and we shall not compromise to anybody whatsoever. We shall not, and if anyone wonders why I feel like that, I am telling him I feel like that—

Sir Charles Markham: (Inaudible.)

Mr. Mate: That is all right. I am glad. Because you recognize I am there. I feel, on the question of land, it is the Kenya black soil, not white soil. It is wrong to call it the White Highlands. On the question of land, I hope, Mr. Deputy Speaker, the Mover of the Motion will not dance to the tune he is calling because some of us have decided honestly and sincerely to work for a better Kenya, between the two poles of the *New Comment* and the so-called *Uhuru* of some time ago, and if he is ready to come with us in this between the *New Comment* and *Uhuru* he is most welcome. The speech of the Specially Elected Member, Mr. Slade, I feel is the kind of speech that the Member for Nairobi North should be bringing up in this House today.

He went on further to comment on outside countries and their relationship to Kenya. I do not know whether he is talking of Kenya as a whole or of certain parts of Kenya when he talks of America, the U.S.A. What of South Africa? Who are oppressed in South Africa? Africans, black men or white men? Does he think that we do not hear, or see? Africa is an African country whether poor or rich, and we are going to stress that at every stage, but that does not exclude anybody. I am saying if you have come and want to stay with me, let us stay as friends, but I do not want to give you false assurance that because you enjoy a big car, you enjoy a big estate, you enjoy a big house, we cannot have a change. We must have these changes, and for a moment it is good to be able to speak plain language to the Europeans of Kenya. Since we came back from London the Press have been the chief trouble-makers. The United Party has been going all over the place counting that tribe and the other tribe. What do they want us to do? Do they want us to go back to Lancaster House and do something different? Well, I only hope that these are the necessary reactions in the situation which we have in Kenya, and that by the time we come to the end of the year,

each will have seen that he is wrong, and for those who feel Kenya is not for them, I would be quite happy for them to pack up. It will mean more land for the Africans. If they do not like the change in Kenya and they want to live in comfort as foreigners they must remember that there were changes in Britain. I am quite happy that they leave and there will be more land for those who are landless. But all I am asking them is to co-operate constitutionally for us to reach that kind of Kenya of faith and goodwill as pictured to us by the Specially Elected Member, Mr. Slade. So on the question of land I am giving every assurance that those who want to go from Kenya, they can go, and we shall have a use for their land. Those who want to stay, we will stay together and work hard for Kenya. So from the African point of view, these are things I have said in meetings. I have asked for them in meetings, and I have said goodwill yes, but changes must come and for those who want to go they should not tell us, but pack and go. And I feel I should be frank in this meeting here—in this House here—to express at least the Central Province point of view, and I feel that the choice for me in this debate now is either to go with the hon. Member for Nairobi North, which I cannot, or the Specially Elected Member, Mr. Slade, which I feel I could, and I am willing to go. So any assurances the Europeans want from me as far as Kenya is concerned, it is a black country and it will remain black and in Africa. And if it is black they can interpret it as they like. We have all the use for all the land they want to leave. Those who want to stay may stay.

Mr. Deputy Speaker, in the future Kenya that I see we shall always meet each other—those who mean to stay in Kenya. We shall always need to act together. In fact just now in offices, in business, in trading people are working together and in European farms we have African labour. And yet these Africans are supposed to be just nothing. They cannot even have a vote, which they would not have if we do not implement the Lancaster House agreement. They want to deny them that on their own soil where they have no right as Africans. They cannot have a piece of land which they live on just because the British Government classifies the land in Kenya, and because certain sections do not want any changes. Sir, we are working together today in various places in all walks of life in Kenya, and we could improve that, not on the basis of fear that somebody might want to go and capital may not come into this country. Whether this capital comes is a matter of whose pockets it goes into—not that we have not capital in Kenya here. There is plenty of food and yet some people

[Mr. Mate]

go hungry. We must have a change so that everybody can have a fair share.

Then he talks about the minorities in this country, having become minorities in 1960. When the British Government assumed the government of this country their voice was predominant. Have they only today become the minority. Why are they worried after sixty years? They are enjoying a nice piece of cake. Let somebody else have a chance to enjoy the piece of cake.

Mr. Deputy Speaker, I am so tempted to answer the Member for Nairobi North in his own language, and I do not have to go to that extent, but I want to answer him with equal emotion. I want to ask him not to worry so much about the minorities today. He has always claimed to be a member of a very civilized race, a member of a very well-informed race. Why is he worried today as the change has not even come? We are having a caretaker Government so that people can see exactly what is going to happen and get ready for it. If he enjoys being a leader why is he worried today? But because I know the majority of Europeans in Kenya are not like him I do not think I should have any worries at all, because I know the majority of Asians, the majority of Africans are not so worried as he is, and because I know he has his opposite numbers among the African people, but the majority in Kenya want to work for a happier Kenya, and I do not think we should spend any more time on this.

Hon. Members: Hear, hear!

Mr. Mate: Hear, hear, because you feel a bit touched. But for the sake of saving time and giving other Members a chance of saying what they want to say I would call upon the Member for Nairobi North to withdraw his Motion and come with me and the Specially Elected Member, Mr. Slade, and we shall get the kind of Kenya he wants without worrying about which way to go about it.

I beg to oppose the Motion most strongly.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, it is discrimination, I think for hon. Members opposite. I will not take very long, Sir. But I might of course even take longer if I am interrupted.

Sir, I personally think this debate, part of the debate, has been worth while, but I believe that the speech of the Mover was very well worth while to him as a practice for the next public meeting he will address. The type of speech that he made was really for a public meeting, and not for this House. I believe also, although I have

had to wait a little time to get on my feet because the last speaker, like me, his emotions were raised, and of course that is the result of the sort of speech that the hon. Member for Nairobi North made, and that is the sort of thing I would have thought we would have tried to do our best to get away from and try to bring back to this House and keep in this House the spirit which we achieved in Lancaster House. That, Sir, I believe is the most important task of this particular Legislative Council.

Sir, the real reason why I wanted to speak was because of certain remarks which were made by the hon. Mover with regard to Mr. Blundell. I would like to say first of all that if anybody had done for this country what Mr. Blundell has done in the last ten years, that anybody would deserve, as Mr. Blundell does, a respite, which he is taking at the moment. And that is one of the reasons why Mr. Blundell has not been active publicly as I understand the hon. Mover has criticized.

Another reason, and I want to make it quite clear, was that he was advised not to act publicly and have a number of public meetings by the New Kenya Group because we felt, and we still feel, that at that time it was right to allow the people of this country to assimilate quietly and logically what indeed was the result of the Lancaster House Conference. Having given them time to do so, then after that was the time to have public meetings. I believe also that the public meetings that have been held, and I am not by any means pointing a finger at any one particular race in this in the last few weeks since Lancaster House have done no good, and I believe the advice given to Mr. Blundell was the right advice and I have no doubt when he comes back he will be putting his point of view as he does, strongly and clearly, logically and in doing so he will get support and increased support, as the New Kenya Group will, of the people of this country.

Sir, the other thing, I deplore the type of remarks made about Mr. Blundell, or anybody else for that matter, but numbers of such remarks are made, about Mr. Blundell especially, and as he is the leading political figure in this country, he has, of course, to accept that. Such remarks as "trapeze acts". Well, of course, if you are a trapeze artist you have to have a very fine sense of balance, and Mr. Blundell has that. Also, those experts in such matters, being the stars of such occasions, have, I am afraid, to be followed around because the public like it, by a troop of clowns, and that indeed is what Mr. Blundell has to suffer.

Sir, I only want to make one other point. As far as the other remarks about Mr. Blundell are

[The Minister for Local Government and Lands] concerned, they were answered very well indeed—better than I could have done—by the hon. Specially Elected Member, Mr. Slade. And indeed the whole of his speech I give complete and entire support to. I think it was one of the most statesmanlike speeches which have been made in this House. He did, in fact, put before this House, the philosophy of the New Kenya Group, and that is what we stand by.

One other point I want to make, Sir, and rather emphasize what other speakers have mentioned. Is it not time that those who consider themselves leaders of all communities started to be more positive? To my mind in the last few weeks there has been too much of this negative criticism. There is no going back. In fact the road we are launched upon is the right road. We do not all think it may be exactly the right vehicle to go in, but it might have been of a different pattern, but we have got it, and let us get into it and drive it and go along the road properly and amicably.

Sir, I believe that the type of Motion, the type of speech that has been put before this House today does very great harm, and will do very great harm to the future of this country because people do not always look at the positive side, and they always pick out the weaknesses of their colleagues and opponents. When I hear, as I do, the criticism of African Elected Members all round—it is a negative criticism that is brought forward all the time—why do not people look at the courage—the courage that has been taken by the hon. African Elected Members who have joined this Government? I can assure hon. Members it was a very courageous act. I know what it is like to be Minister and a Member of a constituency. I know what it is like to be called a "stooge". In fact, Mr. Blundell and myself were the first two who took the step of leaving the Opposition and joining the Government, and for years we had to face that criticism—"a Government stooge—what will you do for us now you are in the Government? Your mouth is blocked." And we had a very nasty time, and we know very well what other hon. Members will have to go through, but because they thought it was right they have done it, and they have shown great courage in doing it. Cannot people recognize that instead of trying to be critical and negative the whole time?

Sir, I do not want to add much more, I could go on, as all hon. Members who feel deeply about this subject in this Council could go on in this debate, but time is short, and others wish to speak, and I very strongly oppose the Motion.

Sir Charles Markham: Mr. Deputy Speaker, I shall be very brief on this. I listened with attention

to the speech made by the Mover of this Motion, and I must admit that I share the views expressed by other hon. Members in this House about the manner in which it was moved. I thought for a moment, Sir, of the two predecessors of Nairobi North, and Sir, I think if they had been here they must have rather a nasty shock.

Sir, I would like to comment—he is in the Council I see at the moment—on the speech made by the Minister for Commerce and Industry. Sometimes, Sir, he has given this House many speeches, but I thought that the words of wisdom which came from his mouth were well worthy of our attention. And then, Sir, having praised him, and listened to what he said, most of the good he did was undone by the Member for Central Province North, who then, Sir, quite frankly, got more racial than most people have done today.

There has been some misunderstanding, and I think it should be cleared up, because the Member for Nairobi North and other Members who have spoken have talked about this word "coalition", and I do not want to discuss that, except to say one thing. Even if we disagree with some of the details of the Lancaster House proposals, nevertheless the principle behind the Macteed proposals must be accepted, and that means we accept the fact that there will be a large African majority in the next Legislative Council. You cannot, Sir, put the clock back, and nobody wants to do so, and there is a very great difference. I am not going to get emotional on this, but what we have to avoid is this clash of personalities which seems to arise every time certain names are mentioned in Kenya. I regret very much, Sir, that this Council Chamber should have become almost a debating society where certain allegations are made and counter allegations equally. This is not, Sir, the time to discuss the White Highlands, or the Highlands, or to give the hon. Member who made such a long speech a lesson in the English language on what alienation means, but the fact remains, Sir, that this debate, I think, has not been of value, but perhaps in many ways of great harm to us. I would suggest that this confidence which we all want—confidence for Kenya and our own people who are part of Kenya—will never be restored if we are trying to put the clock back, and also trying by speeches to abuse anybody who does not agree with us. I would have thought, Sir, in this particular instance, it would be very much better for the hon. Member for Nairobi North to have produced some constructive suggestions of how he could have solved the problem. There are problems facing his and my community. There are problems facing my Asian friends, and I know also my African friends. This is a time when we have got to find the answer to those problems, and I cannot believe, Sir, that a speech

[Sir Charles Markham]

such as was made by the hon. Member will solve it. I only spoke, Sir, today, because my name was coupled in his opening remarks, and I do not wish to be associated with them.

I beg to oppose the Motion.

Mr. ole Tips: Mr. Deputy, Speaker, Sir, I rise to oppose the Motion very, very strongly. In fact, I do not see why such a destructive Motion should be brought into this House. However, the hon. Member is entitled to his own views. This Motion has been allowed in, and as such we are duty bound to debate it.

Now, Mr. Deputy Speaker, I entirely fail to see what made the hon. Member for Nairobi North bring such a Motion before the house. He, himself, participated in the Lancaster House discussions. He had his own flag of his own liking. Fortunately that flag has dropped, and I think that is the reason why this Motion has been brought to this House. I hope this flag will not appear again. Now, we have made it very, very clear, Mr. Deputy Speaker, that we, as leaders of our people accepted the Lancaster House agreement in good faith, and gave it our blessing because we believed it was the only rightful way for Kenya to follow. Of course, we know that it fell very, very short of our people's expectations. Nevertheless, it was the right course in the right direction, and in accepting it we thought that we would show the few "doubting Thomases" in this country that we, as a community, in our own country, Kenya, can shoulder the responsibility of the Government, and that we are all out to govern ourselves and attain independence, and as such I feel that we should all work and work hard together so that we attain our independence even today. Anybody who stands in our way—anybody who tries to dwell on the glories of the past, I think is quite mistaken. There is nothing to stop us here from governing our mother country. Anybody who dislikes it—anybody who thinks he can remain as a boss all the time—and in inequality to the indigenous people, has no place in Kenya. Let him go to wherever he wants to go. Let him go and plan his destiny there, but not here. We want him to remain here if he so wishes as an equal, and we want to give equal opportunities to everybody. These privileged positions, we are just beginning to get fed up with them.

Now, Mr. Deputy Speaker, I have heard some previous speakers talk too much of having something in common with the Masai. I am just at a loss to find what they have in common with the Masai. Did they bring the Masai to this country, or did they find them here? The Masai were standing on their own feet and any talk of having

anything in common with the Masai is absolute nonsense, if I may say so. Now, if that is the case, the Masai as a tribe, which some of our friends want to make a bit of political capital out of, were found by them in this country. They were a strong tribe, if I may say so. The so-called White Highlands which have been under dispute ever since the European came into this country—a great part of it belonged to the Masai. The same people who today claim to be the defenders or protectors of the Masai drove them away into the wilderness, into semi-desert country, and took over their best land. What a ridiculous thing to justify their allegations of support from the Masai. In fact today politically, economically, educationally the Masai have been really left backward. Why did we not hear all this talk of defending or protecting the Masai before the Lancaster House constitution? Where are they? What has happened to the Masai in the last 60 years or so?

Now, Mr. Deputy Speaker, I would like to make it very, very clear to anybody that in Kenya we had, and we still have, many different tribes—different tribes actually lived side by side—and even when we attain our independence there is no question of trying to dominate anybody or trying to dictate to somebody. What we are out for is true democracy and nothing else. Those who do not want democracy—well they can flee and go. We shall help them pack their luggage and see them off, because they are a liability rather than an asset to our country.

Now, we hear quite a lot of talk of lack of confidence in Kenya. I am just beginning to wonder, Mr. Deputy Speaker, what are those people who have no confidence in the country doing here? They are claiming all the time that they are Kenyans, but what right have they got to remain here? If they have no confidence then let them go. Let them go away and go somewhere else where they can create and have confidence. But to obstruct the well being and prosperity of the people of such a beautiful country as Kenya, in order to meet some selfish ends, we are not going to have it, Mr. Deputy Speaker. And sometimes I even fail to understand the mentality of some people in Kenya here. Surely Kenya cannot remain in isolation of what is going on throughout the continent of Africa, and throughout the entire world. So, if I may stop and let other Members express their views, I would say this. Let us move forward together, confidently. Let us throw away any fears or suspicions. Let us be constructive rather than destructive, and anybody who wants to be destructive I am sure is trying to cut his own throat.

With these few words, Mr. Deputy Speaker, I beg to oppose the Motion.

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Mr. Deputy Speaker, whether or not the hon. Mover is right is not just a matter of opinion, it is a matter of historical fact. Of course there was a very considerable measure of agreement at Lancaster House. It is of tremendous importance because for the first time in the history of our country there has been agreement between a large number of the representatives of all races in Kenya, and it is, as the hon. Specially Elected Member, Mr. Slade, said, an historical event of considerable importance. The agreement naturally was subject to certain provisos. Those provisos were that there should be the continuation of the spirit of co-operation which was shown at Lancaster House on our return here to this country, but Motions such as this are not conducive to the continuation of such a spirit, and for that reason I do deplore it. There were other provisos, such as the provision of safeguards. Those have to be worked out, and again the atmosphere must be created by the responsible people in this country wherein those safeguards can be satisfactorily worked out. Naturally there was disappointment on the part of many people because nobody achieved all they wished to do at the Lancaster House Conference. There was disappointment, and some of the less courageous Members who attended that conference expressed their disappointment in that they did not back up the findings of that conference although they may have supported them there, and they gave some of their constituents reason to believe that they had achieved more than was actually achieved. But never mind, we have had an earnest of that good will in the fact that now, at this moment, we have three more African Ministers on this side, and I do welcome them, and congratulate the hon. Minister who spoke today on the tenor of his speech.

The situation is not wholly satisfactory, and I must make brief comment on the aspect raised by the Mover with regard to the economy of the country. There, I think, was the only matter in which he was correct when he spoke. Of course the economy of the country has suffered in that there has been some lack of confidence shown which is demonstrated by the Stock Exchange market here in Kenya on account of the imminent change, and I do sincerely hope that Her Majesty's Government will put that aright by making an early statement to the effect that the new constitution will remain for sufficient time to ensure that anything that follows upon that will only follow when they can be quite certain that the Government of this country will be in responsible hands.

The hon. Member, I fear, dragged many red herrings across the debate—some of them mal-

dorous. These, of course, were in the form of reference to the Masai land and to the ten-mile strip, which are nothing whatsoever to do with the Macleod constitution. Those are problems which will have to be discussed, no doubt, at some future time, but do not arise imminently from the discussions in Lancaster House. He did say graciously that he would give Government the benefit of the doubt, and I must give the hon. Member also the benefit of the doubt in that he believes that he was contributing to the future weal of this country, but in that I disagree with him most strongly, and I do urge that we shall refrain from trying to re-debate the conference at Lancaster House and concentrate on creating an atmosphere in which that spirit of co-operation then engendered may continue.

Mr. Deputy Speaker, I beg to oppose.

Major Day: Mr. Deputy Speaker, Sir, I have at last managed to get on my feet. I did not think I would be able to, and I do not want this morning to give anybody the impression that I wholeheartedly support this Motion, but I must in fairness say that I think the Motion which has been put forward has at least given place, or given the opportunity for a pretty lively debate, and furthermore, for an expression of opinion which to a certain extent, I believe, has cleared the air.

Now, I would like to make it quite clear that the speaker—the one before last who sat down—the hon. African Elected Member, impressed me greatly with his concluding remarks. He said he thought we should go forward in confidence, in mutual trust, together, and that, Sir, is precisely what I contend we all do want to do. But, and this is a but which I will endeavour to be completely honest over, the but is this. When we hear, Sir, certain talk, perhaps emotional talk about our land, about alleged privileges which we are supposed to have enjoyed, about certain attitudes which we are supposed to take towards people of other races, it makes us wonder, Sir, whether there is true sincerity behind statements such as that. Now this is a time indeed for sincerity. I was a Member of the United Party delegation at the Lancaster House Conference, and I have heard people talk about agreement, but factually I must say that we, as a delegation, did not agree at that Conference. This is a fact, and I think everybody knows it. We were, of course, in the minority. Some type of agreement was reached by the other delegates. Arising from the question which has been much discussed today as to whether there is any merit in continuing to gnaw at the Lancaster House Conference, to gnaw at the entrails of it, and to discuss whether or not anything can be changed, it is my opinion, Sir, that the Conference as such was disastrous, as I contend it was to my

[Major Day]

community, it is there, and we must, in the interests of our community, and I am speaking quite unashamedly as a European representative, we must endeavour, perhaps within the framework—you could put it that way—and it would be quite easy to trip me up on this one, to try and get a more equitable agreement, a more equitable arrangement of some unpleasant facets which evolved from the constitutional conference. I would like particularly, Sir, to try to refer to the question of the fear, and it does exist, which we Europeans, or many of us European farmers, have over the question of land. These fears might be dispelled if more people spoke as the new African Minister spoke in this House today, but Sir, unfortunately these only occasionally occur, but more often we have heard talk such as we heard from one, I regret to say, one of my hon. African Elected friends on this side of the House today. How can this possibly produce confidence in us? Now, we, therefore, quite naturally and reasonably seek reassurances.

The second point which I think, Sir, in equity we have a right to ask for is reasonable and fair communal representation. I do not want to dwell in detail upon this but it is something which in equity no man with any justice, or no Government, seeks to produce a lasting and just solution in this country can possibly ignore; nor am I prepared to believe that the reasonable people in the other races, and particularly among the Africans, who are looking forward perhaps in some cases too eagerly to what they believe to be their rightful ultimate political control of their country, I do not believe, Sir, I repeat, that these people will deny in discussion the justice of our contention.

Now, I do not wish to dwell in detail upon what has happened economically because I am at one personally with every single speaker in this House this morning who has said that if you think confidence is low you do not go about talking about it, because nothing will make confidence lower than to continually discuss the matter. It is like a snowball and although in our heart of hearts we know that things could be far better and that we are suffering from a lack of confidence it is not a matter, Sir, which I think can be profitably discussed. What we want is something which will remove that lack of confidence and I venture to suggest that these two specific points which I have enumerated would do a great deal, Sir, towards doing that.

Now, I must in fairness say that I thought the Mover of this Motion showed courage by introducing it. I would also say that I must also reiterate that it is, not in my opinion practicable to go

back to the Lennox-Boyd Constitution. We feel, however, Sir, that such is the lack of confidence and such is the apprehension and the reasonable and just apprehension, not only among the Europeans but, I venture to suggest, also among other minorities in this country, that his suggestion, which was the suggestion that we in the United Party delegation repeatedly put up in London at the Lancaster House Conference, namely, that there should be a Commission which should come out here and study the implications in detail of this new Constitution and it would be very wise, Sir, and something which could be done and would not only be wise but, I think, would go in a long measure towards removing these unfortunate feelings, these unfortunate feelings of lack of confidence which we all know, if we are honest, do very strongly exist today.

Finally, Sir, I would say this. We are talking about goodwill. Is there one single African here present in this House today, an Elected Member or otherwise, who can honestly believe of in any way produce proof that any European in this country seeks to dominate his race or any other race in this country. We are not here to do this, Sir. We do not wish to do it. I personally have never wished to dominate anybody, and I am quite sure I am speaking for the vast majority of my own constituents and for the vast majority of the Europeans here today. But we have a duty, a moral duty, to our own people; just as you African Elected Members at the Lancaster House Conference fought for your people so we, at the Conference and here today, must fight for the just rights of our people.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I think the speech of the day, if not of the year, has been made this morning by the Specially Elected Member, Mr. Slade. I would like to say here and now that I agreed with every word that he said in this House. If we can follow the type of advice we received this morning I believe that the future of Kenya is entirely sure.

Now, turning to the speech of the Mover, I find myself, in listening to it, that it was packed full of statements that had no substantiation whatsoever.

The first statement that I want to attack is when he said that the Lennox-Boyd Constitution was supposed to last for ten years. He referred also to secret documents where this is stated. The only two documents that I know of that refer to the Lennox-Boyd Constitution are the Constitution itself and a certain Paper known as Command 306 which was issued by Mr. Lennox-Boyd himself in amplification of the Constitution of the time. That was a public Paper. So, indeed, is the Constitution. The only reference to a ten-year period was to the length of time in which

[The Chief Secretary]

the proportions of the Specially Elected Members would stand. There is no other reference in any document that I know of to ten years except to that specific fact. Therefore, the Lennox-Boyd Constitution, as such, was never meant to last for ten years.

Secondly, his reference to America this morning I regret profoundly. I do not think that at the present time in Kenya, when we need the help of everyone outside and inside this Colony, that it was wise to attack a country which has undoubtedly helped us in many ways in the past and, I am sure, will help us again.

The examples which he gave, I thought, were weak, and I also say that to accuse the country virtually of subversion without proof was entirely irresponsible.

Thirdly, he said that the Government had given assurances which it had no longer kept and therefore there was no confidence in the Government. On behalf of the Kenya Government I would like to ask what these assurances were, when we have not kept them, and, once again, he did not state anything to back up his remarks on this occasion.

Fourthly, he talked about black dictatorship. I have examined the proposed Lancaster House Constitution with great care and I cannot see where a black dictatorship comes in. Dictatorship postulates that there will be one person in charge in the Executive, and with the Executive I cannot think that there is going to be one person in charge, and of the Executive out of 12 only four will be Africans.

I therefore say that his speech seems to me to be a *potpourri* of mis-statements, of noxious epithets and of egregious sophistry.

Having said that, Mr. Deputy Speaker, I will admit and agree with the hon. Member for the Aberdears that this has given us an opportunity for an extremely good debate. I also enjoyed the hon. Member's discourse on history. I notice that he did not mention the effect on the Williamsons in Wales of the Macphersons from Scotland. Perhaps on some other occasion he may be able to deviate into such lines of history.

However, I come, Sir, now, to the main point about this debate and in the Motion. In the Motion itself there are the words "abject failure". Now, Sir, I say without fear or favour that the Lancaster House agreement was not an abject failure. I would like to repeat what the hon. Specially Elected Member, Mr. Slade, said about African Ministers. I, as Chief Secretary on this side of the House, have been hoping that African people would take part in this Government through their Elected Members; and indeed, time

and time again when we have been challenged from the other side of the House I have said, "Here is your place; to come and help, to come and make things different if you feel that way", and they would not come. Now we have got three African Elected Members on this side of the House and therefore I consider that the result of the Lancaster House agreement was not a failure.

In making these statements, Sir, I would not like to minimize in any shape or form the enormous contribution which has been made to this Government by the Minister for Housing who has solidly and with great courage sat on our side for a long time now and shown the rest of the world what can be done if Africans are prepared to join this Government in Kenya.

Finally, Sir, in Lancaster House, what were the three alternatives. They were, in my view, stalemate, imposition, or agreement between the people of Kenya. Now who, in their senses, were going to choose the first two? I believe that what came out of that conference was a very large measure of agreement between the peoples of Kenya, and therefore for that reason alone it was not an abject failure.

On these grounds, Sir, I reject this Motion, and I would like to tell the House that if this Motion goes to division there will be a free vote and there will be no Whip exercised by the Government.

Mr. Travadi roic.

The Deputy Speaker (Mr. Conroy): The debate is limited, as we know, to two hours, and I think it would only be fair at this stage to call on the hon. and gallant Mover to reply.

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, I am at the outset delighted that my Motion has been so well received by the House.

I disagree with every word that has been said against the Motion and have never in my entire life ever heard so very little argument adduced against it.

I would like, Sir, if I may, to answer briefly some of the points that were made, particularly the reference to the Member for Nairobi Area saying that in his view there was no agreement at Lancaster House. In other words, there is something in the point that I made in the Motion that there was no agreement made at Lancaster House.

I would like, Sir, if I may, also to congratulate the new Minister for Commerce upon what I thought was a very fine address. I did not, I would like to say, attempt to lead the Masai or anyone else. That is not my role. One cannot

[Air Commodore Howard-Williams] help making the observation that he said that he accepted the Plan with reservations. That does not mean agreement.

The Member for Central Province North gave the whole show away when he said that the land was in dispute. As a matter of interest to him, I am not ready yet for *uhuru*, as I told him and his friends at the Lancaster House Conference. I thought that they had got it ten years too soon. As a matter of interest to him, Sir, I would like to say that I am one who is staying in Africa with my friends the Africans. I would like to make that point completely clear.

The Minister for Local Government—I think it still is Mr. Havelock—made some remarks about the hon. Specially Elected Member Mr. Blundell. I would like to make it perfectly clear that nothing I said was personal. I admire the hon. Mr. Blundell and when I criticized him or mentioned him being on a trapeze I said that with the construction that he, the Minister for Housing, gave.

Now, Sir, I would like to say a word about what the Member for Central Rift said. As a matter of interest to this House, he said that at Lancaster House the flag I showed fell down. He said that he did not want to see it again. All I wish to tell the House is that this was the Union Jack.

The Minister for Tourism agreed that the economy has suffered; unhappily. So has the Civil Service.

Major Day said that there was no agreement and that the Conference was disastrous. I would like to underline that.

Now, the chief Secretary said that no assurance was broken. The assurances were not kept; notably at Lancaster House where I contend that the whole construction was bogus. I do not accept the Lancaster House Constitution.

Now, Sir, I would like very briefly, if I can sort out my papers, to go on. I do not for one accept that I agreed anything whatsoever at Lancaster House. What is more, in the good company of many others, I was induced to go there under false pretences, which is where my answer to the Chief Secretary comes in. The Conference did not keep to its terms of reference, which were to try to find some solution within the confines of the Lennox-Boyd Plan. My speech, as well as some 50 others, went unheeded and were used only as a cover up for what I must still maintain was the subsequent fraud. It was not a Conference in fact but a symposium of intrigue wherein the Secretary of State, may God rest his soul, saw groups in secret—and then

calmly announced an agreement which did not exist. The vital question of the land remained unresolved, and what else were we there for? The vexed questions of schools and education were not even discussed, and I had raised the subject with a proposal that there should be a loan for £25,000,000 for African education spread over the next ten years. For the Colonial Office to declare that an agreement had been reached is hocus-pocus, skull-duggery and jiggery-pokery in one.

Sir, I will not keep the House very much longer.

The MacLeod Plan savours too much of Hitler dealing with von Schusnigg, the Austrian Chancellor in 1938, of which the House may recall that Mr. Winston Churchill said, at the time, in the House of Commons, "One can hardly find a more perfect specimen of humbug and hypocrisy." Cozenage and coxon were abroad, quislings were on the wing, deceit and guile were the *modus operandi*. In fewer words, the whole outfit was nothing but a gigantic hoax—the three card trick played with the cards.

Accepting my thesis as correct, then, if we are honest, this House can and will make a gesture which will ring the world. We can still throw out the MacLeod Plan as indeed has your predecessor, Sir, to give us a lead, and I would like to applaud him, with a clatter that will echo the smash of Millennia as the walls of Jericho came tumbling down. Why not?

The Marquess of Salisbury in the recent House of Lords debate, following an excellent speech by Lord Delamere, challenged the Prime Minister's statement, and I quote, "Overseas I feel that our authority and influence have never been so great." That was the Prime Minister. "Is it really true?" the noble Marquess rightly asked. "Indeed I sometimes feel that in many ways it is rather like the latter years of the Roman Empire. Then, as now, at the centre the people never had it so good—but the Roman world was shrinking. He quoted Mr. J. R. Godley who wrote to Gladstone nearly 100 years ago, with reference to the Roman Empire. "It was not the loss of Dacia but the satisfaction of the Roman people at the loss that was the omen of the Empire's fall."

I therefore, Sir, finally appeal to all good men and true to vote with their consciences on this issue and to make history where they will otherwise bury it.

Sir, I beg to move.

The question was put and negatived.

Hon. Members: Divide!

Tuesday, 3rd May, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

African Teachers Pension Fund Accounts for the period 1st April, 1957, to 31st December, 1957, and Report thereon by the Controller and Auditor-General.

(By the Minister for Education (Mr. Mathieson))

Control Management, Produce Control, Rice Control, Maize Control Balance Sheets and Accounts as at 31st July, 1959.

Nyanza Province Marketing Board: Third Annual Report Balance Sheet and Accounts for financial year ended 31st July, 1959.

(By the Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie))

Report of the Public Accounts Committee and the Colony's Accounts for the year ended 30th June, 1959.

(By the hon. R. S. Alexander (Chairman of the Public Accounts Committee))

NOTICES OF MOTIONS

EXTENDED SITTINGS OF COUNCIL

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT in order to conclude the business of the Financial Statement and the Estimates in time to complete other outstanding business by the end of June, the Council should sit on the morning and afternoon of Thursday, 5th May, and thereafter on the morning and afternoon of Wednesday in each week until the business of the Estimates is concluded.

SESSIONAL PAPER NO. 4 OF 1959/60

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council approves the contents of Sessional Paper No. 4 of 1959/60. (the Development Programme 1960-63).

Sir Charles Markham: On a point of order, Sir, can we divide if only two or three people are in favour of the Motion?

The Deputy Speaker (Mr. Conroy): It is specified in Standing Orders that if one Member requests a division and five other Members support that Member I have no discretion in the matter.

Air Commodore Howard-Williams: On a point of order, Sir, may I withdraw the Motion?

The Deputy Speaker: The decision does not lie with me. The Motion is in the possession of the House, and if it is the will of the House that it should be withdrawn then it can be withdrawn.

A situation has, however, arisen to which our Standing Orders do not apply but which is covered by the custom of the House of Commons. That is to say, the Ayes are unable to produce two tellers. In accordance with the House of Commons practice I declare that the Noes have it.

MOTION

SOLVING OF CONSTITUTIONAL PROBLEM

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, in view of the very satisfactory conclusion of my first Motion I propose to withdraw the second.

Motion, by leave, withdrawn.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): That concludes the business on the Order Paper and I accordingly adjourn Council until 2.15 p.m. on Tuesday, 3rd May.

The House rose at fifteen minutes past Twelve o'clock.

ESTIMATES COMMITTEE AND BUDGET

Mr. Travadi (Central Electoral Area): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT the 1960/61 Annual Estimates of Expenditure of the Colony and Protectorate of Kenya for the year ending June, 1961, referred to the Estimates Committee of this hon. House, which said Committee should report to the Council in time, what, if any, economies, it considers should be made in the said Estimates.

To carry out its duties, this House empowers the said Committee to examine the organization of every Government Department and to recommend—

- what services are necessary to keep a reasonable efficient Government machine in being;
- what amount is required to be voted for each department to provide the cost of such essential services;
- what curtailment of expenditure or services is necessary and/or desirable;
- the order in which such curtailment should be effected.

ORAL ANSWER TO QUESTION

QUESTION NO. 88

Mr. Khamisi (Mombasa Area) on behalf of Mr. Mate asked the Minister for Works—

- What progress has so far been made in the building of the new Embu to Meru road?
- Can the Minister give an indication of when this road will be completed?

The Minister for Works (Mr. Nathoo): From the Embu end eleven miles of road have been finished to an all weather standard plus three miles partly completed.

From the Meru end forty miles have been finished to a dry weather standard up to the Mutonga river. Three major bridges have been built and three remain to be built.

The whole road should be open as a dry weather road by the end of June 1961 and completed to an all weather standard by the end of June 1963 if the International Bank loan, which was the subject of a recent Motion in this House, is successfully negotiated.

COMMITTEE OF SUPPLY

Order for Committee read.

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Continuation of Debate on 27th April, 1960.)

Sir Charles Markham: Mr. Deputy Speaker, at the start of what generally appears to be a mammoth debate, I have been fortunate to be the first person to bat from this side of the Council and I shall not, Sir, on behalf of my colleagues claim the extra time which has been allowed. I will leave that, Sir, to somebody else.

I would first of all like to congratulate the Minister for presenting the first Budget of his career in this Council. It had, Sir, one very meritorious aspect as far as I was concerned. I managed, Sir, to keep awake throughout it and it also, Sir, had a very nice aspect as well, it was brief and very much to the point, I would congratulate him, Sir, for having given to the Members of this House the economic review which made it so much easier to follow what he was saying. I hope, Sir, that in future his successor in years to come will follow this practice.

Sir, this Budget, although mainly concerned with the financial health of the Colony, other aspects must also be considered in the general picture facing us today. I am sorry to say that I shall have to confine the majority of my remarks to certain aspects which I consider should be brought before this Council which affect the economy of the country. Sir, we have always said, and I think both sides of this Council accept it that Kenya despite having a fairly buoyant economy is also vulnerable to any single action which might affect that economy. I must warn the House that there are aspects of the present security position which cause us concern and which must be brought to the attention of hon. Members.

Sir, in March of this year I asked the Government in a question for Written Reply to give details of the present security position, particularly that pertaining in the Central Province. That reply, Sir, has now been received although I do not know whether it has yet been attached to the Official Report of this Council. Nevertheless, that reply given by the Minister for Defence was in some detail, and I hope, Sir, that it will receive some publicity as it sets out the position most clearly.

Now, although certain Ministers who are directly involved have discussed the problem with farmers who are concerned with it, it is my view that the House should be made aware of the serious position which exists in parts of my own constituency, and that of my hon. friend, the Member for Kiambu, regarding strikes, intimidation and the general contempt of the law

[Sir Charles Markham]

which exists today. I know, Sir, that my hon. friend, the Member for Kiambu, will elaborate on this subject as it concerns his constituency. I am only raising this matter today, Sir, because of the concern which has been expressed by farmers in my own area on the position today and in order to allow the Government to make a factual statement on the latest position.

I wish, Sir, first of all to refer to the wave of wildcat strikes which have been going on in the Thika area, particularly. Now, strikes, Sir, are nothing new anywhere in the world, particularly if the example of Great Britain is taken into account. But a disturbing feature of the strikes that are going on at the moment in the Thika area, and I am using the words "Thika area" in the general sense rather than particularly meaning Thika itself, is that they all show, or nearly all show, one particular pattern. The pattern, Sir, is a strike against the personality of a headman or a *manyapara*, and in almost all instances the headman concerned was one of those who were loyal to the forces of law and order during the Emergency. There is no pattern at all of unrest because of labour conditions or rates of pay, but it seems to be a campaign directed by people—I wish I knew who they were—against headmen in particular.

This problem of wildcat strikes has resulted in the labour relations becoming strained, to say the least, and doubts are being expressed by farmers that if this continues then the position, the farming position, will become intolerable. I will come back to that subject, Sir, in a few minutes.

The second problem is one which is nothing new in Africa, and it is well known to all Members of this Council, and that is the problem of intimidation, and whereas no actual violence has been used in the majority of cases threats are made that names will be taken and that the day of reckoning will come once independence is granted. In other words, Sir, to put it more crudely, "Do what you are told or take the consequences".

This is a pattern which, again many hon. Members of this House will remember, was so prevalent in 1951 and 1952.

I realize, Sir, the limitation of the law in this respect, and I realize that unless people will come forward who have been intimidated and give their evidence in court, nothing can be done about it. Nevertheless, with the changing pattern, with perhaps a change of Government coming in the not so far distant future, you can well imagine that only a fool would risk his life for the sake of what is now known as a "temporary

regime". I regret, Sir, having to say this, but if I was one myself I would think twice before I gave evidence in a court, thinking back into history to what happened to those who did so in the past. This is a problem, Mr. Deputy Speaker, which must be tackled, but I do not want to pretend on this side that I know the answer to this problem. I do not pretend, Sir, that I know how Government can tackle the problem, but the fact remains that whilst intimidation exists in this particular field, it will be impossible for industrial relations to be improved and also it will be impossible for those people who wish to work in freedom to carry out their work without their lives, or their future, anyhow, being in jeopardy.

My third point, on this subject, Sir, is a point which, perhaps, cannot be borne out by the facts. Nevertheless, it is a point of view which has been expressed quite openly by certain people, and the point of raising it now is to give Government the opportunity of telling us what the facts are. People are saying that *Mau Mau* which so nearly killed us economically a short time ago, has revived again in some of the country districts. We know, for example, that some of the *Mau Mau* songs are being sung again. We have heard examples of police being jeered at. We also know of some of the *Mau Mau* battle cries being used again by crowds, of people in Central Province. I am not suggesting, Sir, to this House that oath taking ceremonies are taking place on any scale at all. In fact I believe the evidence is to the contrary, but nevertheless even without the bestial oaths which *Mau Mau* used, I am asking the Government now, Sir, to state whether they have any idea as to the aims and objects of *Mau Mau* being continued, perhaps under a different cloak and a different name. I said a moment ago, Mr. Deputy Speaker, that I apologize to the House for raising these issues, particularly as it is the first Budget after we have left the Emergency, but it is only right that in a debate as important as this, when we consider the whole financial future of Kenya, that these facts should be made known and an answer given by the Government. Coupled, of course, with what appears to be a revival of the *Mau Mau* beliefs, we have this renewed campaign going on in Central Province, and in Nairobi in particular, for the release of the person who was convicted of being the manager of *Mau Mau*, Jomo Kenyatta.

Mr. Odinga (Nyanza Central): Hear, hear.

Sir Charles Markham: The hon. Member for Central Nyanza, who as usual gave his "hear, hear" which we are so used to in this Council, described the *Mau Mau* movement, according to

[Sir Charles Markham]

a Press report which appeared in a Sunday newspaper, to the President of Yugoslavia in very different terms to what the majority of people consider *Mau Mau* to be.

The Secretary of State, Mr. Deputy Speaker, was asked specifically about the release of Kenyatta, and I was somewhat surprised, I must admit, to see him, and I use a vulgar expression, "pass the buck" straight back to the Governor of Kenya. In view of this, Sir, in view of the fact that His Excellency, who is now solely concerned with his Council of Ministers, (and I must say I do not believe it), it is necessary that the Government should issue a strong statement so that once and for all this subject be cleared out of the way. Whether we believe in his release or his new detention, Sir, is beside the point at this stage, but what cannot continue is the present uncertainty where rumour and counter rumour are having a very damaging effect, particularly in those parts of Kenya which were directly involved with *Mau Mau*.

Now, Sir, I have talked about the wildcat strikes, but I want to make it perfectly clear, particularly as the hon. Member for Nairobi Area is in the Council now, that I am not opposed to trade union activities. In fact, Sir, I have said in this Council before, that they have a very valuable part to play in the future development of the Colony. I would like to tell him, Sir, in case he thinks that my remarks have been criticisms, particularly regarding strikes, that the strikes in the Thika area have not been started on the advice of the trade union concerned. They have been a different cause, and I am very glad to say that my information is that there are going to be direct negotiations between the Coffee Growers' Association and the Plantation Workers' Union. I believe that is the right course to take, and Sir, I wish them both the very best of luck in their negotiations. But let me say as well, Sir, that whereas the present Plantation Workers' Union has my full support, I hope the hon. Member for Nairobi Area will use his best influence to make certain that all the various trade unions will remember that joining a union by a worker does not mean that automatically there will be increased pay and benefits, and in fact the trade union movement, which started a long time ago in Great Britain, has a dual responsibility, both to the workers and to the country, I hope, Sir, as I said a moment ago, the hon. Member will use his best influence to make certain the trade unions do not get a reputation in some of the industries of being irresponsible and being completely out of touch with the economics of the country. Provided, Sir, that he can use his influence, then I can see in the future a great

possibility where there is the closest liaison of friendly co-operation between the employer and the employee, remembering as well, Mr. Deputy Speaker, that as time goes on more and more of the Africans will become the employer class, and therefore it is important that they too should appreciate the way the thing works, so that both sides consider it a fair arrangement.

Now, Sir, I have spoken enough on this problem of security, but I know other Members will speak on the subject too. This, Sir, as I said a moment ago, is our first Budget since the end of the Emergency. There are dangers of a revival of *Mau Mau* and we pray that we will not see next year's Budget in with yet another Emergency, because if it does happen again, then the tragedy will be too obvious, and I hate to think what will happen to any of us.

Mr. Deputy Speaker, a lot has been said, both in this Council last Friday and throughout the country, about the general situation, particularly that of confidence and I do not believe, that we can usefully go over all that was said on Friday. In fact, Sir, I hope we do not.

But there are one or two questions I would like to ask the Government so that we can know something of what is going on and which might help later speakers in this debate, particularly on certain subjects.

First of all, Sir, it seems a long time ago now since Government gave notice of a Motion debating Sessional Paper No. 10. All I want to ask, Sir, today, from the Minister concerned is, could he tell the House when Government proposes to debate it in this Chamber? My second question to the Government on the land issue as well, is to ask whether the Minister for Agriculture will make any statement regarding the outcome of his discussion with Her Majesty's Government in London and also with the World Bank in America. This subject is of particular importance to farmers of all races and I feel certain they would like to know the answer to that one.

To revert back, Sir, to the Minister for Lands for a moment, perhaps, Sir, he could also tell the House when he speaks during the course of this debate of any information regarding the policy of the land rent revision which is due this year. There are unfortunate rumours going about throughout the country that the Government valuer has placed an extremely high value on certain land and has forgotten one important feature—unimproved value. Nevertheless, if the Minister gives us information it might allay some of the fears which I know are abroad.

I am only asking that question, Sir, because I always believe it is better when a rumour starts,

[Sir Charles Markham]

to get that rumour killed as quickly as possible, because nothing spreads faster in Kenya—and I suppose anywhere else in the world, too—than a latrine rumour.

Now, Sir, turning to proposals made by the Minister for Finance, I would like to ask him, Sir, if he could tell the House when he replies to this debate—in a long time hence, I assume—if he could give the House some details of how his proposals regarding the tax on light diesel oil will operate. Will all farming activities be exempt from this tax? If not, Sir, I can foresee many difficulties. For example, the person with a diesel tractor will claim the rebate and then use the diesel either in machinery used for pulping coffee or irrigation or alternatively other agricultural purposes. Provided it is used for general activities in farming, perhaps the Minister will tell us if the full rebate can be granted.

But, Sir, there is another issue which was raised in the paper this morning which I also believe concerns the Minister for Health, and that is the fact that this tax will operate unfairly against those people who are using boilers requiring light diesel in hospitals, and as well, Sir, there are industries who are equally involved. Those people using a certain sort of diesel engine cannot convert their engines to heavy diesel and so will bear this very expensive additional cost.

Now, reading the speech of the Minister for Finance, and having heard his as well, I gained the impression that this tax was for diesel in vehicles and not for industry or the like, and if he can give the House some assurance that industries, hospitals, schools—all the people who are using diesel engines, it will not be penalizing people who are already working out the additional cost they will have to bear should this tax come into operation. I am not certain, Sir, whether the Minister when he replies is aware that certain diesel engines cannot be converted to heavier fuel and if I can make a plea, Sir, if I could wear another hat for a moment, and ask him to help the hospital who, after all, will be a considerable sufferer if this tax goes through, and gain our gratitude. My suggestion would be, Sir, for the influence of the new Minister for Health so early in his career on the Government Front Bench to persuade the Treasury that perhaps they were wrong, then, Sir, I will certainly vote for him in the next election.

Two of the other small details, Sir, regarding the Budget; there has been a certain amount of talk in Kenya and correspondence regarding the progress being made regarding the contractor-finance scheme which was put forward in this

House by the Minister for Works. I do not wish, Sir, to raise details at this stage because we could have an opportunity under his particular Vote, but as it is a matter on which the revenues of the Colony are pledged, perhaps he would tell the House, Sir, of the future programme under contractor-finance and what snags, if any, have been found in the present system.

Now, Sir, there are other subjects which I know will be raised by my hon. friends from both sides of the Council, such as the question of the future of the Civil Service, for example. Such as the question of unemployment, but I would like to say at this present stage at the very end of my speech, that I believe that this present unemployment problem is a problem which requires the full energy of Government if we are to defeat it. I know as well, Sir, that we will be told that money means everything at this stage. But I view with alarm the idea of seeing thousands of people looking for work in order that they can live, and I hope, somehow or other, that a magic wand can be waved across the top hat of Government finance, and out of that top hat will not come a rabbit—a white rabbit, even—but perhaps enough money to solve this particular problem.

Now, finally, Mr. Deputy Speaker, I want to suggest to the Government two matters which I believe they can take which might assist them in their campaign of trying to tell the people what the Government does. We have the new Minister for Information and Broadcasting. I would hope, Sir, that during this coming year we can use these media of both the written word and the spoken word to tell the people what is going on, to explain to them that if by chance their foolish behaviour results in the economic collapse of this country, then there will be no money for education, there will be no money for social services or the hospitals. At the moment the large majority of people think that money seems just to grow or seems to come from a source which is undefinable and I hope, Sir, that the new Minister will use his best efforts to try and get over to the people that the economy of the country belongs to the country and not to one section or to one race.

I would also like to suggest, Sir, to the Minister for Commerce and Industry that he, being the Member for the area concerned, should also use his best influence to explain to people that they will achieve nothing by the present policy being adopted by some of intimidation. I hope, Sir, the Minister for Commerce will do that.

My last hope with regard to the Government, Sir, is in regard to the newly appointed Minister for Labour, that he should come back to Kenya

[Sir Charles Markham] as quickly as possible because we need him badly at the moment and we also want him to play his part in making certain that as Minister for Labour he has a chance of solving some of the difficult problems facing the Government at the moment.

Now, Mr. Deputy Speaker, in conclusion I am not going to repeat the platitude which we hear so often about economic stability depending on political stability, we all know that. Whether, Sir, Her Majesty's Government do I am not certain, but nevertheless what is unhealthy, looking at our financial state of health, is the fact that this lack of confidence is affecting greatly the local stock market. It is reflected in the price of land and, what is more, we have got to solve this problem. I have every faith, Mr. Deputy Speaker, in the future of Kenya. My parents came here well over forty years ago. What I am frightened about is that perhaps sometime for the sake of an immediate solution our strategy may be wrong and I would ask the Government to devote as much time as they can in this forthcoming financial year to solving the things that are causing the misery, rather than trying to produce any scheme for a Temporary solution. Mr. Speaker, I beg to support.

Mr. Hassan (East Electoral Area): Mr. Deputy Speaker, I would like to request a little extra time.

I would like to associate myself with the previous speaker and pay a tribute to our new Minister for Finance. Before he presented the Budget in this Council there was talk in the lobby that it is going to be a dull affair. Mr. MacKenzie is a very slow speaker and probably we may be burdened for hours together with a long speech. But when he came up and stood at the centre table, nicely polished and dressed up with a beautiful rose in his buttonhole, he started his speech and he spoke so brilliantly and so fast that some of us that betted on the derby very kindly arranged by the Member for Akamba, knew we would lose the derby hopelessly. The Minister gave his speech in the quickest possible time: an hour and twenty-seven minutes.

The Acting Chief Secretary (Mr. Griffith-Jones): Twenty-four.

Mr. Hassan: I am sorry, Mr. Jones of the Back Benches was the lucky winner. Now I have the very great pleasure of paying this tribute although we thought that we might miss the very fluent speaking of Sir Ernest Vasey who was Minister here for years but the Minister's speech made on Wednesday last, was up to the high standard set by his predecessor.

I fully admit, Sir, that the Minister performed his duty as a responsible Minister of the Government and presented the Budget ably on behalf of the Government that he did his duty very effectively, as I, a Member of the Opposition, have also a duty to perform on behalf of my community, and I hope he will not mind if I comment adversely on some of his proposals. But before I start my serious speech on the Budget, I would like to refer to certain remarks by the previous speaker with regard to the great fear that is being felt regarding security in the Central Province. I would like to make it perfectly clear to this House that we, in the Coast Province, are not facing any difficulties. We have no "wild cat" strikes, neither are we frightened by any fear that strikes are going to cripple any of the industries.

I would only say one thing, Sir, that, now that we have three African Ministers and some Assistant Ministers in this House, there is not the least objection that the Government should try to take advantage of their presence that they should take reasonable share in the defence of this country, and if there is any out of the way action being taken by the African masses, they should be in a position to educate them and tell them what is good for the country and how best to carry on to end those strikes.

I have comments to make particularly on the two proposals. One of them—which the previous speaker also mentioned—is the duty on light diesel oil. Consumption tax and the customs duty on light diesel oil, is likely to cause hardship to the low income groups of all races. It appears that the Minister did not give very careful consideration to the implications of this tax on the poor people. Some people feel it is forced on this Government by the Railway because they wanted to eliminate so far as possible competition by diesel running vehicles from Mombasa onwards. Others feel that it was entirely due to the jealousy of those running petrol vehicles, who were always claiming that it is unfair competition that the diesel vehicle owners are having diesels without any duty being paid. But so far as it affects the Coast Province, I would like to give details to the Minister: Part of the country in the Coast where roads running hundreds of miles are not, in actual fact roads but simply tracks chiefly made by the lorries themselves. There was a time when people at the Tana River, Lamu and Malindi District felt they could not possibly market their produce economically in the Mombasa town where the market was waiting for them because of the exorbitant cost of the petrol.

[Mr. Hassan]

A considerable number of business people bought very expensive diesel lorries and started helping the producers in the Malindi, Kwale, Tana River, Garissa and Lamu areas. They have been transporting fruit, fresh fruit, vegetables, meat and animals on hoof, and fish from the Lamu and Tana River Districts which were utterly wasted in those areas and nobody could possibly bring them economically into the Mombasa market. It was the owners of the diesel vehicles which started helping the producers and today in Mombasa we find those fresh vegetables and fruit coming in every day, at a fairly cheap cost.

Three have also been certain attempts made—and which have been very successful—to transport fresh fruit from Malindi by diesel lorry to Nairobi and then despatch them to the London market by air. Hundreds and thousands of bunches of bananas which used to be a perfect waste and which the producer never thought he could make any use of are now being brought by those diesel lorries into Mombasa. Increased taxation will certainly kill that trade. It will never be possible for the diesel lorry to transport such things to the Mombasa market unless at a very much increased fare which will not be in the interests of the producer.

The bus service which is working within the town of Mombasa and within ten miles in the surrounding areas has helped considerably to remove the very heavy congestion in the population and has helped to deal with the lack of accommodation in the major town. A very large number of labourers have been daily taken away from Mombasa at a very cheap cost to the neighbouring reserve and the neighbouring area within ten mile of Mombasa. It has assisted the town authority where lack of accommodation was a very serious problem. They shall have to raise the fare for those people which already amounts to almost 25 per cent of their monthly wages. By a further rise, it is expected that it might touch about 40 per cent of their wages. It will be impossible to assist those people by transporting them daily from their work to the neighbouring areas and bring them to their work early in the morning to help the labour services which are so urgently needed in Mombasa.

Another matter which will have a serious repercussion is the question of ferries. There is a ferry functioning taking people from Mombasa to the mainland. They will not be able to work that ferry unless at an increased fare and from that Likoni area there have been frequent demands for a subsidy for that part of the ferry which the Government has always refused and

they have threatened that if a further demand is made for a subsidy for that area that the subsidy shall be removed from Nyali Bridge. Under today's conditions, any further increase of the ferry fare in that area will affect very adversely the lower income group and the poor people and even the development of that area.

Another matter which is of very serious importance is the question of mills, sugar mills, for instance, in the Ramisi. I understand that they are also using the light diesel oil and the heavy cost of producing the sugar will naturally force them to demand increased prices for sugar which will not be to the advantage of the lower income group.

I thought I had better bring these matters to the notice of the Minister because the increased duty from the light diesel oil which will amount to the tune of about £600,000 to £700,000 is not coming from sources who can afford to pay and who have the capacity to pay but will be coming out of the pocket of the lower income group and the poor people. And those people who spend 50 per cent to 100 per cent more for diesel vehicles for transport in areas where there are no roads to speak of will be very hardly hit if they are called upon to pay for the oil a price almost the same as they would have to pay for petrol. It will create hardship for those people in the Coast Province.

I would like the Minister to give very serious consideration to whether he can reduce consumption tax and customs duty to extend help and assist poor people to continue towards the development of the Coast which would not be in existence if we had not had those diesel vehicles functioning in the Coast. We never had any transport working economically in that area right up to Garissa and Lamu before the diesel engines were introduced into that part of the country.

Another matter which is helping and assisting the meat supply of Mombasa is the question of the transport of sheep and goats brought 200/300 miles from Garissa for the Meat Commission into Mombasa. It was never possible to get sheep and goats from Garissa to Mombasa without very heavy losses being experienced on the way—sometimes 7 per cent, 10 per cent, 15 per cent, or 20 per cent—and this system was introduced by the diesel double-decker lorries which brought all the sheep and goats and transported them to the Mombasa market without any loss. I would like the Minister to consider this matter very seriously.

I would like to summarize my points on this particular issue for the information of the Minister. Firstly, it will cause increased bus

[Mr. Hassan]

fares in towns; secondly, an increase in ferry fares; thirdly, the higher cost of working ginneries will cause ginners to reduce the price of cotton for the Africans. Next, the higher cost of sugar factories will cause an increase in sugar prices and it will be uneconomical to transport sheep and goats from Garissa to Mombasa and fresh fruit may never reach the Mombasa market in future. Fish from Kiunga which is about 150 miles from Lamu is brought in by diesel lorries via Lamu to Mombasa and even Nairobi today. If it were not for the diesel lorry it would have been absolutely impossible and uneconomic to bring fish into Mombasa and Nairobi, a commodity which previously could not be brought to these markets. All the fresh bananas that were produced in the Malindi District in very large quantities will never be marketed in Mombasa now because the cost of transport will make it uneconomic.

Now, the second point which I wanted to bring to the notice of the Minister is this—of course, he will naturally tell me, "I am raising about £600,000 to £800,000 by this method—how on earth could you possibly fill the gap?" I would like to suggest to him that there are sources from which you could easily raise this amount from those who have the capacity to pay it rather than creating hardship for the poor people. I would like for your information to mention, Sir, that there are three items which could be taxed, that is, beer, whisky, and tobacco and cigarettes. All these things are luxuries. They are not a necessity for life and those people who like to enjoy these luxuries can afford to waste a little more.

The Acting Chief Secretary (Mr. Griffith-Jones): I am most grateful to the hon. gentleman for giving way. Could I ask him to explain to the House whether he owns a diesel vehicle; whether he drinks and whether he smokes?

Mr. Hassan: I think I will reply to this at the end of my speech! So these are the three sources which could have been very easily taxed to fill the gap. There was no need to tax the diesel oil, the cost of which is to come out of the pocket of the poor people.

Another matter refers to the question of revenue and expenditure. Sir, the Government is fully aware that from 1952 right up to this, the revenue has increased by about 80 per cent. In 1952 it was only £16,000,000. The expenditure in 1952 was only £13,000,000 and although the revenue increased by 80 per cent the expenditure has increased by 250 per cent. There is no doubt that we had an Emergency to face in this country and this Government and the Ministers going out to raise loans had the sympathy of those who

were helping us to raise this loan and giving us interest-free loans and other loans because of the great difficulties the Kenya people were experiencing of going through the Emergency. During that time the Government increased the services considerably to meet the increased work, particularly that of the Emergency. The Emergency ended and we were helped by the United Kingdom Government with one million and a little more pounds and they undertook to take up the military cost of the country. Another £1,000,000 was given by the police for reducing that expenditure.

We are facing a period when we cannot possibly claim to be going through the Emergency. I would like to ask the Minister why this amount of £2,000,000 which has come in and why at the same time no savings have been effected in the Budget to show an increased surplus so that we should be in a position to stand on our legs in case of emergency or in the case of difficulties in the future, at the same time to help and assist the development both of agriculture which we want so badly and to help the social services and health services of this country which are needed very urgently!

When I see the Budget I find our revenue is £29,000,000 and expenditure is £32,000,000, and the amount which the Imperial Government gave us and the savings that we have evidently appear to have been distributed among the different departments, so that we are not in a position to show to the world that we can also help ourselves to be self-contained and stand on our legs today. A great deal of staff in the Civil Service was taken over during the Emergency on temporary appointments and it was clearly understood that they were engaged on temporary work, and that immediately the Emergency was called off these people knew that they were temporary and should naturally go back to their ordinary day to day work, and I am surprised that the standard of the present Budget has been maintained even after the Emergency and that the cost is more than our revenue, the revenue which is a product of the maximum taxation which the people can hardly pay in this country. I do not think it is at all possible to increase the income of this country from any further taxes because taxes here at the moment are the maximum the people of the country today can bear. The cost of living today is so heavy. Further, it is not possible for the middle income group to make both ends meet.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I would be glad, for the purposes of my reply when I come to it, if the hon. Member would explain a little further how he worked out, that the revenue is £29,000,000 and expenditure is

[**The Minister for Finance and Development**]—£32,000,000, since I was under the possibly mistaken impression, but nevertheless under the taken impression, that I had budgeted for a small surplus of £20,000, Sir, next year, and I would be glad if the hon. Member would explain a little further.

Mr. Hassan: Well, Sir, you have filled the gap by the amount which was shown as a saving by the Police Vote—£1,500,000—and the other amount which was given by the Imperial Government because they took over the military expenses. Therefore you have to add the £2,500,000 to the £29,000,000 to show a surplus of £21,000. That is how you have made up your revenue and expenditure, because I do not find anywhere the £2,000,000 which are in our hands, but it has been absorbed into the expenditure for the different departments.

The Minister for Finance and Development (Mr. MacKenzie): Perhaps if I could explain to the hon. Member, Sir, the savings, the money that Her Majesty's Government is giving towards the cost of the Army is a saving in expenditure and naturally would not be shown anywhere as revenue.

Mr. Hassan: But I hope it would be shown somewhere in the expenditure to the different departments, because it is not shown as a saving at all. I am afraid I am not a great expert in economics but that is how I think it is.

However, what I wanted to see was the Minister laying the foundation of a surplus in Kenya which we had in 1952—£2,000,000 to £3,000,000—which was absorbed by the Emergency, and now that we have undertaken after the Emergency to stand on our own feet it was necessary to have shown a bigger surplus over expenditure as a commercial concern. I do not think any commercial concern could possibly have the overheads running up to 70 per cent or 80 per cent of the capital. It has been generally talked about in this country that most of the departments are very heavily overstaffed and there is an urgent need for a committee similar to what we called the Bowring Committee to go through all the departments and see the number of misfits there are removed from the different departments. It has been proved that the departmental increase in staff has been something like 300 per cent to 400 per cent, although the amount of work which they are carrying on is nothing in comparison with what it was four years ago.

So far as the present position of the lawlessness is concerned, the hon. Member who has just spoken mentioned about the release of Jomo Kenyatta. Although it was not necessary for me to repeat it I would like to bring it to the notice of the Government that the Asians also sent a

deputation to the Secretary of State when we were in London and it was brought to his notice that now that the foundations of peace are being laid by the Secretary of State for the Colonies it is time that most of the detained and restricted persons should also be released. This will create a great deal of confidence. He was very kind to tell us he will consult on this matter with the Governor and see what can be done about that.

Sir, this matter is now being dealt with by the politicians in a general way in this country. In fact, such a thing was happening and it was with a view to eliminating this agitation that I put up the suggestion to the Secretary of State. We have gone a step further and the African Ministers have taken up their Ministries in the Government, so that the burden of the responsibility and of security is not alone on the shoulders of the Government but it is also on the African Ministers who were never a party to sharing this burden in the past; and I would like to suggest, Sir, that the Government should take full advantage of asking these African Ministers to share that responsibility. They will be able to remove all the fears and suspicions which are in the minds of the immigrant races in this country by acquainting their people as to how to behave so that they should be good comrades and an asset to this country. I would like to ask the Government that that responsibility to a great extent must be placed on the shoulders of these Ministers in the future particularly so far as the suspected and detained and the lawless element of their own community is concerned.

With these few words, Sir, I support the Motion.

Sheikh Mackawi (Arab Elected Member): Mr. Deputy Speaker, Sir, I should like to congratulate the hon. Minister for Finance and Development on the way he has presented his first Budget to this Council, and on his excellent speech.

Sir, I welcome the revocation of customs tariff item No. 144 which covered passengers' baggage, and has been replaced by a new item which enables passengers to import free of duty all their requirements for personal use during their stay here. This no doubt is a welcome innovation in encouraging more tourists to Kenya.

Sir, I wonder, however, whether every possible thing has been done to encourage more tourists into Kenya. I see very few tourists from Ghana, Nigeria, the Middle East, India, Pakistan and other Far Eastern countries. It would be interesting to hear from the Minister for Tourism what publicity has been carried on in these countries in order to attract tourists from this side as well. I believe that there is a considerable number of tourists from this area who would like to come to Kenya if they knew more about this country.

[Sheikh Mackawil]

I should like, however, to sound a warning to this Council that if those tourists from that end were to be attracted to Kenya, and they could be of great financial gain to this country, then this country must change its attitude towards the colour bar that is being practised by the hotel industry of this country. I would particularly request my hon. friend, the hon. Minister for Commerce and Industry, to give this issue his very serious and personal consideration.

Perhaps, Sir, I could also draw the attention of this House to another aspect of racial discrimination. We are always speaking in this House of racial co-operation, and that we should all work together as Kenyans; yet, I see this racial discrimination being put into practice, particularly by the Government of this country.

Now, Sir, some time ago I happened to visit Mathari Mental Hospital and the Shimo-la-Tewa Prison, and I could never see a more clear example of racial discrimination than in both these places. The accommodation and food of the Europeans and Asians are of a considerably higher standard than those given to Arabs and Africans. The food, particularly, given in the Shimo-la-Tewa Prison to Africans and Arabs is terribly disgusting. During my last visit there, I asked the officer in charge to bring the food which is given to Arab and African prisoners to his office, and he at once retorted to me that I had no right whatsoever to inspect anything of the prisoners because I was not on the official list of visitors to the prison. I was very shocked that as I was the Arab Elected Member representing the people, and of course their voice, yet I had no right to look into their grievances. Instead I found in the list the name of an Arab Government official as a visiting member, who this Council will agree with me, is unable, for obvious reasons, to raise any protest against the authorities.

Now, Sir, I should like to point out where I completely disagree with the hon. Minister for Finance. The introduction of the higher licence fees for smaller vehicles, seems to have hit the hardest those lower paid clerks, and junior officials. In fact, he has harmed the very people whom we should seek to accord relief.

Lastly, Sir, before I sit down, I should like to deal with the question of Arab education. Mr. Deputy Speaker, Sir, I would repeat every time and every day and every hour on Arab education, and I hope the hon. Minister will give his consideration so that I should stop my mouth in this House about the Arab education. There are

500 or 600 Arab boys who at the beginning of this year were refused admission to the Arab Boys' Primary School at Mombasa, because of lack of accommodation at the said school. These boys, Sir, will be thrown onto the streets, and the Government is morally, if for no other reason, responsible to see that they obtain the opportunity of at least learning to read and write their names. I have time and again appealed in this Council for the building of a second Arab primary school at Mombasa, where it is very desperately needed, but all my appeals have fallen on a deaf ear. No provisions were made in the last development period for this school. I think, Sir, a positive statement must now come from the hon. Minister for Education as to where and how soon this school will be built to relieve the most appalling conditions of the Arab Primary School at Mombasa. That, Sir, goes for Arab primary education.

Now, Sir, I will say a few words on Arab secondary education. My information is that the modern secondary course conducted at the Arab Secondary School is a complete failure. I should like the Director of Education to have a thorough investigation of the results of these courses, and to consider the possibility of introducing commercial subjects instead of the modern secondary courses.

Sir, I beg to support.

Mr. Mboya (Nairobi Area): Mr. Deputy Speaker, Sir, speaking early in this debate I would like to join with my colleagues in expressing appreciation for the manner in which the Budget speech was presented to the House by the Minister in his first Budget. I am sure that all of us have appreciated the clarity with which he has tried to analyse the various points in the Budget, but no doubt he expected us to disagree with a number of the proposals that he made in this Budget. I would like to make a few observations on a number of points arising from the Budget speech itself in the first place.

Reference is made in the speech to the need to protect local industry. And I, Sir, would like to welcome this emphasis in the speech. We cannot over-emphasize, especially at this time, the need, not only to protect local industry, but to encourage the development of more and more local industries. It is absolutely important that we do what is possible to encourage and help local industry, and it is therefore my hope that it is not just going to be a question that ends with the various proposals which have been made in the Budget, but rather one which will continually be examined to facilitate further protection

[Mr. Mboya]

—but I would not like to use this word "protection", but rather to facilitate continuous and growing expansion in local industry. We are faced with a rapidly growing consumer population. We are faced with rapidly changing attitudes and demands on the part of our people, and I do not think it will be wise to depend entirely on an export/import economy. I think there are obvious opportunities that must be seized, and if the Government approaches this point, this particular situation, realistically, there are very definitely opportunities here to develop local industry.

Whilst discussing this question I would like to mention a rather unfortunate situation I heard the other day of some person who was trying to develop some local industry, but met with a lot of difficulties. I think as a result of the practice of some monopolistic tendencies in an attempt to protect some of the local industries. I am not sure what this man calls himself, but it is some sort of textile industry in the Limuru area, which met with difficulties as a result of what was termed protection of another textile industry within the country. I think there is room, Sir, in this country, for very big expansion in local industry, and I was surprised to hear that some local industry was granted monopolistic rights to the extent that it would not allow the protection of some other industry of the same type. If this is meant to protect this sort of industry from competition, then may I suggest that it is necessary to examine very carefully this situation in order that we do not make the mistake of preventing healthy competition to develop among those people who wish to create local industries.

Sir, on this question of developing local industries, I am forced to make observations on the question of how much, or what part, the Africans are intended to play in this development. May I suggest that it is necessary for the Government at this stage to accept without any reservation, the fact that African participation both as consumers and also as producers, is absolutely essential, and we must move away from the past policies which merely looked at the situation in the simple terms of European capital and European skill being the mainstay or the backbone of our country's economy. This population has done a tremendous good in a sense to the development of this country until now, but I must add this, that in a developing country such as ours, the economy cannot entirely be based on the activities of a minority group such as the European community in this country, nor should it be based on the European community as a European community. It should be much more expanded, and it should cover all aspects of

development, and particularly it must envisage the participation in the economic life of the country by the majority of the people of this country. It is not enough for the African community to participate in the economic development of this country merely as consumers or as workers. The Africans constitute indeed a great potential market for our local industries, but they also constitute a very big potential in terms of the production side in developing this local industry. This means that further review must be made of the Government's policy in so far as methods of credits and capital formation are concerned. The question of controls, limitation by licences and other methods that have been used in the past must be examined very carefully, and a deliberate policy must now be introduced seeking to encourage and assist Africans in entering into competition with the other races in this country in the field of production.

Mr. Deputy Speaker, I would like the Minister when he or one of his colleagues replies in this debate, especially to enlighten me on the question of what has happened to the I.C.A. money that has been made available to this country, but which African residents in towns like Nairobi, Mombasa, Kisumu and other urban areas have not been able to make use of. This money apparently, as I understand it, is lying about, and has not been used for several years merely, because there has been no agreement as to the method of administering it between the local authorities and the Government. This seems to me to be a great pity, especially when we are talking about the lack of capital and the need to encourage Africans to enter and participate effectively in the field of production. I would like, when the Minister speaks, for him to enlighten us as to the relationships that exist between the controls exercised by local authorities and those exercised by the Government through either the Ministry of Commerce and Industry or the other appropriate Ministry.

Mr. Deputy Speaker, the Minister should also look at this question, the question of African participation, in terms of the credit facilities available to Africans, and also in terms of the restrictions that exist for Africans in markets and trading centres. I will give one little example to illustrate my point. In most African markets and trading centres today African traders are not allowed initially to start off by building temporary structures or temporary buildings for trading purposes. Next door you might find an Asian who is allowed to continue to trade, and even at this stage to build a corrugated iron sheet structure. Now this apparent discrimination in the treatment accorded to the African or Asian or other race, is not only unfair, but it is also harmful to

[Mr. Mboya]

African efforts, and especially when one takes into account the fact that Africans have not as many opportunities for capital or credit as the other races in this country. Now, Sir, if the Minister wants to see the point I have tried to illustrate he might take a very short trip to Dagoretti, and he will see that at Dagoretti, for example, in the trading centre the Asians are allowed to continue to trade in a corrugated iron sheet building, and in the African market they are being forced to build nothing short of a permanent structure. This means that the African has right at the outset to find enough capital for the building and then more capital for trade, whereas the Asian, who has more, perhaps, and in this case I am prepared to say more, facilities at his disposal, is not required to observe the same restrictions. It appears to me, Sir, that something is definitely wrong. I am not myself sure that we can insist on too high a standard in these matters.

In fact, too high standards will have the unfortunate result of making it impossible for willing and able Africans to enter and compete effectively with the other races in trade and industry, and I would like very much for the Government to investigate this particular point and let us know precisely what is happening. I would also like to suggest very seriously to the Government that it is harmful, however desirable it may be from the public health point of view, it is harmful to insist on too high a standard—a standard that is not yet possible in terms of the means available to our various people. I think our standards must aim as high as possible, but they must also be practicable and realistic. Realistic in terms of accepting the situation as it exists, although aiming to improve it as we go on, and in this connection I would like to suggest that the insistence on African traders, immediately they start to trade, to build permanent buildings is an unfair restriction on Africans entering trade.

Mr. Deputy Speaker, I also want to refer to the question of leases, especially in the urban areas and in the markets. Sir, if an African owns a plot or premises in a market, these markets are not defined at the moment, and consequently even if he has a permanent building worth some Sh. 30,000 or Sh. 40,000, this cannot help him to raise a loan that he needs for his trade, merely because the markets are not yet defined. When he owns such a building in a trading centre very often the problem is that until now he has not been given a lease. Now something has to be done to get these Africans out of this apparent vicious circle from one to the other. In the market, the market is not defined. In the trading centre the lease has not been granted. In the towns the leases are not yet

defined although I understand agreement has been reached that leases will be granted and the period has also been specified. I think, Sir, that we cannot over-emphasize the urgency and the need for the Government immediately to act in this matter. It is a handicap which many African businessmen willing and able to participate in the development of our country have not been able to meet or to overcome effectively, and as a result they have suffered serious consequences. I know of cases where people have been encouraged, in fact they are required by regulation to build permanent structures in the markets and trading centres, and having built these permanent structures and spent all their capital building permanent structures, they are unable to get any credit facilities to enable them to trade in order to repay the loans they have taken to build the trading premises, and I think there is something seriously wrong if we must require a person by regulation to build a permanent structure, and then leave him in the air once he has fulfilled this particular regulation. I would like strongly to appeal to the Government to take up this matter with a sense of urgency.

Lastly, there is the question in this particular connexion to which I want to refer, and that is the question of the T.L.B.'s—the Transport Licensing Board, especially with respect to licences for passenger transport. I have had occasion to appear before the Transport Licensing Board on behalf of a number of people, and I must say this, that whereas we appreciate the argument that traffic density will determine as to how many licences will be issued on various routes, we cannot but say this, that in view of the early start of Asian and other non-African companies in this particular field, many Africans who are able and willing to enter into competition in this field are today being denied because they happen to be late in coming out and finding enough money to buy buses and so on. And I think, Sir, that it is necessary in the spirit of trying to help Africans to enter and compete in the economic development of this country that some way must be found, even despite the traffic density, to encourage Africans to enter effectively in this particular field. I know, and I am not suggesting that there are not routes on which there are African buses, but I know also that on the more important and long run routes the Africans are finding it extremely difficult when they apply for transport licences. There are numerous objections before the Transport Licensing Board by such companies as the O.T.C., the Kenya Bus Service, the Meralli Company, the O.M.T. and so on, but all these are big, old established companies with which a

[Mr. Mboya]

single African bus cannot really compete effectively, and yet they stand in the way of this humble African businessman who merely wants to start in business and to try his talents. I cannot myself agree that the arguments used are fair arguments, and I must try and convince the Government that some change in policy is absolutely necessary in this matter. Perhaps—I am not suggesting that is a question of the attitude of the Chairman of the Board—but I think it is a matter of policy. I know the Chairman of the Board, and I see him looking at me, and in fact I am prepared to say he is a very good friend of mine, but, Sir, something is definitely wrong with the policy because despite that friendship I have never been able to get him to accept one single application.

Sir Charles Markham: You had better change your friends.

Mr. Mboya: Well, I do not know. I might not consider this question, but I must seriously suggest that a policy in respect of the issue of transport licences must be re-examined, and especially this question I have put forward, the need to encourage Africans in all spheres of business. Now, Sir, if we were to take this argument to its logical conclusion, before we were to accept that because of traffic density or because of some well established companies like O.T.C. and Kenya Bus Service and Meralli are able to buy 100 buses on the basis that they have had a licence for the last 20 years, there will hardly be any place for other people to start in business even in other fields when they very well reach the position where we are told that we need not apply for a grocery shop in Nairobi because all the Patelis have taken all the grocery shops. So I must suggest that there must be in these fields room for healthy and fair competition. If Mr. Meralli's organization and management is good enough he will compete with Kamau regardless of the fact that Kamau is an African, and I think this is the attitude that we want to develop, but I think protection of the nature that lends itself to indiscriminate action as exists in the public transport business is one that must be discouraged.

Mr. Tyson (Nominated Member): And the African lose his money.

Mr. Mboya: I beg your pardon. Now, the other point that is mentioned in the Budget speech and on which I want to make a few observations is regarding tourism. Now, Sir, tourism is something that we all want to encourage. The Minister need not worry about that. We want to help in this field. We want to encourage people to come and see not only the wild beasts but to get to know

and understand our country and appreciate its problems and so on. I think the emphasis must not just be on encouraging them to go to the National Parks. I think it must be more than that. But even if we did not deliberately try to make them see the other parts of our country's life, it is inevitable that a tourist coming to Kenya will go away with certain impressions. Even having seen the giraffes and the rhinos. And one other thing that strikes me, especially having travelled as much as I have done, is the sort of impression a tourist must get when he comes to Kenya. He arrives at Nairobi Airport, and then travels in our cars and so on, and sees our way of living, the structure of our society, and so on. I think we must aim at giving them a better impression than we are able to give at the moment. For example, and Sir, I am not merely looking for grievances. I am trying to suggest important questions and changes that could be made to give a better impression of Kenya. When you arrive at Nairobi Airport, the first thing that strikes you is, of course, that there are many Africans, few Europeans, few Asians in uniforms.

The Minister for Local Government and Lands (Mr. Havelock): It depends upon who is arriving at the same time!

Mr. Mboya: I am talking of the inside building of the Airport, the people you come into contact with, I am not talking about spectators.

Now, Sir, from the Immigration Desk to the Customs Hall the Africans' position at Nairobi Airport is merely that of a porter. This is the first impression that you get. I think that this is an unfortunate impression. There are opportunities at the Airport, and especially at this important point of entering into the country, to show the world that this country is moving to a position where all its population are taking an effective part in its life. We want to see more Africans appointed to jobs in these places. At the Immigration Desk, I am sure that no one would suggest that there are no Africans who are educated enough or fit enough to stamp passports or examine an entry form. I am not sure it is suggested that there are not African and Asian ladies who are not good enough to man the Information Desk and act as stewards at the Airport. I am not sure that there are not Africans who are good enough to work in the Customs Hall. Why should the impression be given that the only jobs offered to Africans at that point are ones of carrying the luggage, driving the cranes and standing in a file before an aeroplane?

This is an unfortunate impression which persists when a tourist visits our banks and post offices. In the banks you see nothing but a sea

[Mr. Mboya] of white and brown faces and perhaps a sprinkling of one or two black faces. In the post office the same thing. What impression do we want to give these people? Someone would think he had suddenly gone into one of the offices in Britain, because even there there is a sprinkling of black faces these days in some places, if not in all places. And this is a country in Africa, an African country as a matter of fact, and I must seriously suggest—I am not sure who is the Minister for Tourism nowadays, there have been so many changes lately I cannot keep up to date.

The Minister for Local Government and Lands (Mr. Havelock): Why not?

Mr. Mboya: There are too many. But I would like to suggest to the Minister for Tourism that the Africans do not want to play the role of exhibition pieces for tourists. We do not want to be presented to tourists as "Come and see the wild jungles of Africa with barbaric and primitive tribes", there is much more to be offered than just that and we have a bigger part to play than just being presented as a spectacle for other people to come and see.

The Minister for Local Government and Lands (Mr. Havelock): Come and see the Legislature!

Mr. Mboya: Why should they come to the Legislative Council? Is this country so poor that they have got to come to the Legislative Council to see Africans?

Sir Charles Markham: There are enough of them here at the moment anyway.

Mr. Mboya: Is it so poor that if you wish to see African properly presented you have to come to the Legislative Council, if so, I say we are a very poor country indeed. So may I strongly suggest that some opportunities must now be provided for Africans to have proper jobs in all these places and that the Ministry of Commerce will also discuss this matter with the banks and other big employers to ensure that Africans are being given better jobs, executive jobs not office boys and people who just carry luggage. The post office—this is a public corporation and in the Estimates we are going to spend some money for the maintenance of the High Commission, we have a right to demand that the employment policy must be an enlightened policy. Consequently, again, it is my hope that there will be some change in the attitude to the employment policy in all these places.

The other point I want to make on the Budget Speech is about the increase in the price of diesel.

An hon. Member: Have you got a diesel car?

Mr. Mboya: Now this is not from any vested interest. I think car owners can afford to pay the extra few cents. They should be able to afford it if they want to own a car anyway. I do not think it has gone beyond their means. But one unfortunate consequence in the increase of the price of diesel is the announcement two days ago by the Kenya Bus Company that the price of tickets on African routes will be increased by five cents per ticket.

Now, Sir, this may appear to be a very small sum to Members of the Legislature and all these people owning cars, but may I suggest that this is quite a sizeable percentage of a wage packet of those thousands of people on the minimum wage. The total amount of money a person will be required to spend on transport after this increase in the prices will be three shillings or more per month. Now those who have been charged with the responsibility of reviewing the minimum wage know that the moment the minimum wage rises by two shillings then we are in for a review, and what this is likely to do is, in fact—if the cost of transport is likely to go up by three shillings—or rather the expenditure is likely to go up by three shillings per month, that the Unions and the workers will have every right to demand a review of the minimum wage. The Minister said in his Budget Speech that he did not think that his proposals would result in any increase in the cost of living. But the question I wish to ask is which cost of living he was talking about. You see there are two costs of living in this country, one for the European and Asian and the other one for the African. I always prefer to call the one for Europeans and Asians "the cost of high living" rather than the "high cost of living", but this is not the point I am trying to make at the moment.

If the Minister was referring to the cost of living in respect of Europeans and Asians he may be right, because indeed the Kenya Bus Services state that the increase in the price of tickets would only affect African routes. I do not understand the meaning of the discrimination as between the routes if the price of diesel has gone up, certainly it has gone up on European and Asian routes. But I do not understand why the African routes or the African consumer should be made to subsidize the European and Asian users of public transport. I strongly urge on the Minister to consider this matter and let us know whether our calculations are wrong in the first place or whether he will intervene with the Kenya Bus Services to ensure that there is not this unnecessary discrimination in the application of any increases that may arise from an increase in the price of diesel. What is even

[Mr. Mboya] stranger still is that in so far as our income structure is concerned, the increase in the price of tickets as suggested by the Kenya Bus Company will only affect Africans and by virtue of this it will only affect the lower income groups in our society. Our income groups at this stage unfortunately are still based on race, they are still definable in terms of Europeans, Asians and Africans, and the Africans at the bottom of the income scale are the people who are to suffer the burden of this Budget. Therefore I must most emphatically—most emphatically—suggest to the Minister that this Budget of his should seriously be re-examined.

Now, Sir, in addition to the points included in the Budget Speech I was struck by a point that was completely omitted in the Budget Speech. That is what consideration the Government has given this year to a further reduction in the Personal Tax for people at the lower income groups. When the graduated Personal Tax was introduced three years ago it was suggested and in fact repeated by the then Minister for Finance that the Government policy would be gradually reducing the amount of the tax to be paid by the people at the lower income groups—say between £50 and £100 income per annum—until the time when it would be possible to remove some of them completely from paying any tax. We at that time suggested this process might be about three years. There has been a reduction in the meantime—I think from Sh. 25 to Sh. 20—but in the present Budget no reference is made to what further steps are being considered by the Government, either during this year or next year in reducing this lower tax once more and, possibly, removing it altogether. I want to suggest very strongly that it is necessary to remove this tax. It is a burden which some of our people cannot possibly take, although they are forced by circumstances to give up more important things like, perhaps, providing better food, better housing, education for their children, in fear of going to jail they have to pay this Sh. 20. In fact, in some cases there are Africans who have had to go to jail because they are unable to produce the Sh. 20. Not because they are unwilling to produce the Sh. 20 but because they are unable to produce the Sh. 20. I strongly suggest that a tax of that nature is unfair taxation on the population, it is punitive in the sense that it does not take into account ability to pay.

I would like to suggest, Sir, that this does not mean that a big body of Africans will not be paying any tax at all. In addition to paying the Personal Tax to the Central Government, this population is also paying an African district council rate and other forms of hidden taxation which continue all the time, in addition to the

direct taxation which they pay as consumers of various types of goods and commodities. So that we are not really advocating that any part of our population is going to go completely free without paying any taxes, but we are saying that already what they pay in indirect tax and other forms of rates is big enough for them to be exempted from paying the Central Government Personal Tax, and I would like when the Minister replies to this debate for him to state what practical steps the Government is taking to fulfil what I would like to call a promise made when Graduated Tax was passed in this Council.

Now, Sir, both in the Budget Speech and also outside this House mention has been made of the flight of capital from this country. A number of statements have been made. People outside the House and, I am informed, people in the banking world, suggest that a lot of capital is leaving Kenya every month. To re-assure us, the Government has suggested at first that no capital was leaving Kenya and in the Budget Speech it was conceded that some capital was leaving Kenya but not to the extent that has been suggested outside this House. How much capital leaves Kenya and to what extent still remains almost a mystery to some of us. But that capital is leaving the country is already a fact—it is already obvious. It is not enough, Sir, to be given the assurance that what is leaving Kenya is not big, that it is not big money, the fact that some capital is leaving Kenya should, in fact, require urgent and immediate action on the part of Government. Investigate the causes, if they are only from political instability we should like to know, if they are for other reasons we should also like to know, and also for the Government after that enquiry to be able to tell us what measures, if any, they think are necessary to meet the situation. Their denials are not enough—especially when those denials are qualified, and I would like seriously to suggest that some of my friends on this side of the House ask the Government to go into this a little bit further than they have done and produce for this House and the country some practical answer to the question.

The Minister stated—I quote: "Hon. Members will wish to be informed of the effects of these proposals on the cost of living" this I have dealt with. "We must continue to eliminate waste, to put economic necessities before all else and to endeavour to increase our efficiency in all walks of life. If this is done, and only if this is done, we shall be able to provide all our people with more of the social and other benefits to which they naturally aspire."

Sir, I think the operative words are "if this is done, and only if this is done", and I thought

[Mr. Mboya]

The Minister was most emphatic when he uttered these words. I would like to agree with him that we should do what we can to eliminate waste and put economic necessities in terms of our priorities. But my question is whether in fact the words of the Minister are being followed firstly by the Government itself in practical terms and also by industry and the country at large. When I look at the Estimates I see a sum of £208,000 set aside for the Kenya Regiment. I see provision made for a lot of administrative officers, a lot of policemen, I see some money set aside to pay the annual rental for the Coastal Strip

Now, Sir, are these expenditures really necessary? Is it really necessary that we spend £208,000 on the Kenya Regiment? Is the Kenya Regiment really necessary? If it is I would like to know for whom and for what purpose. At the moment the Kenya Regiment is an entirely European organization, a racial body in a country where we are constantly talking about multi-racialism and moving away from race. There is not to date, and despite two and a half years of insistence on our part, any attempt by Government to move away from this racial organization to a form of organization that fits in with the policies that we have been told will dictate or determine the trade policies in these little areas, development.

Mr. Deputy Speaker, in the Civil Service there are people employed who should be on pension. Whether this is a saving I do not know but I want to suggest that these people should be retired—I am not sure what the method and organization experts have said about continued employment of these persons in the administration. There are too many assistants to assistants and deputies to deputies in the field and one wonders whether these assistants are really necessary and whether whereas it might have been justified during the height of the Emergency, and the psychology of the time to think in terms of closer administration, whether this is still a necessary part of the employment policy in the Administration, and so on.

Mr. Deputy Speaker, I would like to support the Minister in the statement he has made, but the Minister has got to convince us in practical terms that he himself will insist that the Government apply economies before he calls on everybody else to tighten their belts and some of the things he can do are pretty obvious. We must spend within our means and we must also choose in terms of economic necessity and in order of priorities and I seriously suggest that some of the things I have quoted constitute waste rather than

reasonable expenditure on the part of the Government.

Now, Sir, since it is Budget time—the Budget Speech—we have the opportunity to wander about a bit and say some of the things we are not able to say in certain debates. I want to say a few things to some of my friends on the opposite side. The Minister for Local Government, when he speaks in this debate, I would like him to give an intimation as to how soon—how soon—he is going to overhaul the entire local government machinery in this country. This local government machinery needs overhauling and needs it urgently. It is undemocratic, it is unreasonable, it is illogical and in many cases it is terribly confused and confusing. Take the urban areas, representation is still by race with a small European community dominating these councils at the expense of everybody else. They determine the trade policies in these little areas, they determine how many Africans will even have *aji* licences, they determine whether or not the Africans are going to be confined to an African location, they determine so many things, that I think it is necessary that the administration of the local government must be in the hands of people responsible to the population or rate-payers in the particular local authority.

I do not need to repeat what we have said in this Council several times before, namely that conflicts that seem to exist between the Government, the Ministry and the local authorities on various issues, but I think those conflicts would be greatly minimized, and indeed would minimize the waste and delay that accompany these conflicts, once the local governments are overhauled and properly reconstituted.

The Secretary of State at Lancaster House promised there would be a review in the local government system and we want that review to be carried out—indeed I want to suggest that our whole constitutional development is so far in advance of the local government machinery that the old idea that people will learn by experience from the local government to the central government can no longer be true in Kenya. It appears that we have to learn from the Legislative Council in order to go and serve on the Nairobi City Council, and inject in the Nairobi City Council the positive, liberal ideas that they need. The Nairobi City Council is the worst offender of them all and yet they are the biggest one and the one from whom we expect the greatest sense of responsibility.

I would like to take issue with the Minister for Local Government when he told us of changes in the constitution of the Nairobi City Council—I hope he is listening—

The Minister for Local Government and Lands (Mr. Havelock): Oh, yes.

Mr. Mboya: He said at the time that there would be such changes as to raise African representation to four on the basis of direct election and he also made a statement to the House on which I wish to take him up today. He said there would be an increase in the number of aldermen in the Nairobi City Council and definitely stated that at least one would be an African. The elections for aldermen in Nairobi are now over and there is not one African alderman in Nairobi. I would like to know why these apparent promises are made public without due regard—I am not blaming the Minister, I think I know where the problem lies—

The Minister for Local Government and Lands (Mr. Havelock): You do, I have told you!

Mr. Mboya: But the Minister is responsible for the statements he makes to this House and responsible to the public who are made to believe that certain things are going to happen. If in fact the Minister is going to say what I think he is going to say, that it was not his doing, that the whole thing was a City Council affair, then, Sir, I will have shown conclusively the sort of relations that exist between the Nairobi City Council and the Minister, how bad they are, even to the extent that perhaps the Government no longer has any influence on the City Council and the City Council is now a government within a government and that they are totally independent of the policies conceived by this Government. I am not going to ask at this stage that the Africans be given one alderman in the Nairobi City Council, because I think we deserve more and in our own dignity it would be detrimental to accept anything such as one alderman out of nine aldermen. In fact, how can anyone justify any proposal that Africans should have only one alderman out of nine aldermen in the Nairobi City Council? If, in fact, the population in Nairobi up to date is about 20,000 Europeans, to 150,000 Africans.

For us merely to exist on the whims and generosity of the so-called European city fathers is a shame. We insist on taking our rightful place in local government and we do not want to have our affairs dealt with by a council that does not consider itself responsible to our rate payers or responsive to their demands. One can see this very obviously in Nairobi. A new European estate is built and in that same month the roads are there, the sewers are there, they are all tar-maced and so on. But you build an estate for Africans and it takes three years to have the roads tar-maced. During the rainy season we have to wade through mud in order to get to our jobs;

but for the Europeans everything is there. Why? Why? Because the City Council is a bankrupt body in terms of policy. It should be dissolved and I am sorry that when they reconstituted it once they did not see a little bit further and introduced a more positive constitution that would have put an end to the old ideas that existed and resulted in the chaos of some years ago. We have the problem of huse rents, arguments and counter arguments, houses built in 1917 and being put on the same economic rate as houses built in 1959. There is a demand for an increase in rents without any apparent improvement in the housing situation and so on.

Mr. Deputy Speaker, I would also like to take issue with the Government on the question of the Kibera settlement. Some time ago I asked for a statement to be made and I hope that when the Ministers reply to this debate—I cannot remember which particular one deals with it, sometimes it is Local Government, sometimes it is Housing, sometimes it was African Affairs, and I have begun to lose track of which Minister I should really ask—but a statement should be made on the Kibera settlement. There has been conflict over this for many years. The origin of this settlement is that some ex-service men were allowed to settle on some piece of land, the size of which has dwindled over the years. It has been taken away without consultation, without discussion, even without any due regard for the promises made to them in those early days. Sir, if some settlers in this country have a right to say, "We have settled, we have made our homes, we cannot be removed", then I say the Kibera settlers have a right to be considered, as any other type of people. But this is not my argument, my argument is that a citizen living in Kibera like any other citizen should receive fair and due consideration before any Government action is taken. There has been no consultation. I have intervened on this question for the last two years. I have asked Government to call a meeting at Kibera to discuss this matter, properly, with the elders, and all in vain, until after they had promulgated all the legislation, all the regulations. Then they go there, not to call a meeting to consult them but to call a meeting to tell them what they will do. Mr. Deputy Speaker, I think this is unfortunate.

Mr. Deputy Speaker, Sir, there is the point about unemployment. I will not say much on this at this stage because I want to say something about it when we deal with the Ministry of Labour.

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

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

(Mr. Mboya)

We are going to urge Government that the Ministry of Labour Estimates should be discussed in full Council this year because the question of unemployment is a serious and urgent problem, and we would like to know just what measures, practical measures, Government is going to take to meet this question of unemployment? We do not want the Estimates of the Ministry of Labour to be left behind so that the guillotine comes before they are debated because that would be denying us the opportunity in this Council of discussing fully the question of the problem of unemployment. This is my position on it.

My friend the Member for Ukamba when he spoke referred to trade unions and wildcat strikes, he made a number of points, very interesting points, but I want to make the following statement in the House. There have been suggestions or statement by both Government and employers that they accept trade unions, in fact the Member for Ukamba said so himself. But, Mr. Deputy Speaker, I want to suggest that it is not a question of accepting trade unions that we are concerned with here; it is the question of also accepting the implications of accepting trade unions. Trade unions do not exist in a vacuum. Once they are accepted, once they are established, they have to perform a certain duty. They have a responsibility to the workers and to their members. They are therefore obliged to fulfil a certain function. If you say by word of mouth that you accept trade unions and yet refuse them the opportunity of fulfilling their legitimate functions, your professions are invalid and they mean nothing at all. And the question that must be asked, Mr. Deputy Speaker, is whether in fact the employers when they say they accept trade unions have accepted all the implications that go with it. I want to submit that all employers have accepted the implications and that this is one of our main problems today. We have a situation, Mr. Deputy Speaker, where in the plantations we have already registered a number of unions but where the employers refuse union organizers access to the estates to talk to the workers to organize and enroll members. What kind of acceptance of trade unions is this? We have a situation in which employers say, "We accept trade unions", but they do not recognize trade unions in order to deal with their official leadership. I suggest strongly that the moment you do that you create a situation in which (a) you undermine the official leadership of the union so that it begins to lose influence and (b) you create the opportunity for unofficial, irresponsible leadership to grow up among the rank and file and the result is that you have your wildcat strikes. It is no use merely

putting forward the argument of the suggestion that there are political influences causing these strikes. On the contrary, our record throughout the last ten years is proof indeed that we have avoided acting merely on political impulses. If we wanted to during the height of the Emergency we could have wrecked the economy. We could have called strikes, but I challenge the Government, or anyone else, to show one single political strike that we have called at any time. I humbly suggest that this is not a record that one can put forward as showing tendencies towards political influence in the trade union movement. I am suggesting, in fact I am saying positively, that the negative attitude of employers is causing these troubles and before people come and appeal to the workers to be reasonable and responsible they must go to the employers and tell them to play the game according to the rules. If they accept trade unionism, they must accept the implications. In the plantations we are not interested in creating troubles. We want to create in the plantations the normally recognized machinery for collective bargaining and joint consultation.

Mr. Deputy Speaker, in 1958 the employers in plantations asked us to accept a certain structure of Trade Unionism which we had not accepted before. After lengthy discussions we conceded them this point. We agreed to a pattern and structure that they themselves wanted us to have in this country. But since 1958 until now and despite our efforts not one of these Unions has been recognized for the purposes of collective bargaining and joint consultation. Now, is that a record that shows that we are irresponsible? Is that a record that shows co-operation on the part of the plantation employer? It will be remembered that following the Carpenter Committee Report which suggested that there should be statutory means of regulating wages in the rural industries. It is these same employers who have until today resisted any proposal or idea to introduce statutory wage fixation machinery in the plantation industry. The record of these employers shows clearly—I do not want to say that there are no exceptions, there are exceptions, I have met them—but the record of these employers generally with their association shows very clearly their unwillingness to move with change. Some of them are still thinking in terms of family relationships instead of industrial relations. And industrial relations suggest that there must be a degree of industrial democracy and industrial democracy must mean that Trade Unions are accepted, that they will fulfil their proper function in the industries of this country. The Minister for Agriculture and the Minister for Labour, I think, and the Chief Secretary met these employers. I

(Mr. Mboya)

want to suggest that they also meet the Unions and the Kenya Federation of Labour and discuss the situation fully. Any unilateral action is not going to resolve the situation and I am prepared to state here and now publicly that the Kenya Federation of Labour is willing and eager to play its full part and use its influence to ensure that there are good relations created in this industry. But we insist that our legitimate functions must also be recognized and respected. It is no use talking to us about the prerogatives of the employers. Once you accept industrial relations on a modern basis, you must also agree to surrender a certain amount of these prerogatives. You cannot have your cake and eat it and so these employers must be told in no uncertain terms that the Trade Unions are here and they are here to stay. They may obstruct us for a short period of time but such obstruction is only going to lead to trouble and chaos.

Lastly, Mr. Deputy Speaker, points have been made about intimidation. Mr. Deputy Speaker, if you deny a group of people the right to operate as an organized group, you open yourself to irregular, irresponsible leadership and, therefore, intimidation. And it is no use coming to complain here. The question revolves around one point only, whether or not we are having a regulated means of industrial relations or we are going to have everybody going his own way. And if that is allowed on the part of the employers, the Government has no business to be called in to assist the employers if they are not going to adopt a policy that is consistent with the Government's declared policy of encouraging Trade Unionism in this country.

Now, Sir, every Budget time we talk about certain political trends that are closely related to the Budget or rather to the economic development of the country. And this year the Budget comes when we are anticipating certain political and constitutional changes. I want, when the Minister or the Chief Secretary speaks to the House in this debate, for him to tell us what steps are being taken to expedite the arrangements for elections under the Macleod Constitution.

(Mr. Deputy Speaker (Mr. Webb) left the Chair)

(Mr. Deputy Speaker (Mr. Conroy) took the Chair)

We consider it is absolutely essential that the interim period of the Caretaker Government should be as short as possible and we should stop all this, put an end to all this uncertainty, doubts and fears by bringing into effect immediately the real constitution. Let the people see

it operated. Let their fears be answered by the constitution operating instead of everybody saying, "Well, when it comes next year we do not know what is going to happen". Why do we not bring this constitution into action now? Mr. Deputy Speaker, I am not quite convinced that it requires one year to prepare the voters' role and I would like seriously to suggest that the voters' role can be prepared in a much shorter period and the elections be held before the end of this year. If this is possible, it should be the aim of Government, to ensure that it is expedited rather than to sit on it and throw up their hands and say, "Well, it can never be done". I think it can be done. In other countries with a bigger population they have arranged for elections—general elections—in a matter of three months. We with a smaller population want nine to eleven months. I cannot understand it and so I suggest that to put an end to all this feeling of insecurity, feeling of uncertainty, which in itself is affecting the flow of capital in this country, that we go ahead and implement the constitution. And I am bound to say that already our people are beginning to think ahead of the next constitution because this country is not standing still, nor is Africa standing still. There are tremendous changes taking place right now on our doorsteps and our people are bound to re-adjust their thinking on the basis of these changes. If we delay the Macleod Constitution, what we will find is that by the time we introduce it next year everybody will be so much in advance that the Macleod Constitution will not be able to work at all and may I therefore suggest that we take into account the fact that Kenya's position is influenced by these things.

Mr. Deputy Speaker, the Member for Ukamba referred to the question of Jomo Kenyatta and I thought he said that the campaign for his release was strongest in the Central Province and especially in Nairobi. Let me state here and now and publicly that we intend to continue in the campaign for Kenyatta's release until he is released because we refuse to believe that the Government's present policy of his continued restriction is the right policy. We refuse to believe that this policy is in fact helping in terms of security, law and order. I want to suggest, in fact I want to state, that Kenyatta's continued restriction is a greater menace to security than his release and that these arguments about security, law and order are completely out of date. Kenyatta should be released to put an end to all this uncertainty, all this insecurity. He should be released. Anybody who suggests that he will never be released is dreaming because he will be released one day: the question is when. And we are saying to you that it should be now and not tomorrow because in view of the stability that is

[Mr. Mboya]

necessary for this country so long as Kenyatta remains in restriction it will continue to be an issue, a source of misunderstanding, a source of friction between the Government and the people of this country. Sir, if anybody doubts that the entire African community wants Kenyatta released, then I think he ought to have his head examined because I am positive that everything the Africans have said and shown today indicates their complete agreement, complete unanimity, for the need for Kenyatta to be released. At one time it was said, "The loyalists do not want him released," and so on. In fact, someone had the audacity to suggest that the African Elected Members had no mandate at all from the loyalists to demand Kenyatta's release. This man is not thinking; his memory must be short. During the last two elections, 1957 and 1958, the only Kikuyu, Meru and Embu people who voted for the election of my colleagues on this side of the House were all in possession of a loyalists certificate. Now, if those people made the wrong decision, Sir, we are not to blame. Blame the man who issued the certificate. But the fact is that if there are any loyalists in this country, the only men who can speak for them are the African Elected Members for Central Province whom they elected to come and speak on their behalf. All these self-appointed spokesmen outside the Legislative Council and even some within this Council, they are wasting their time. They are misleading the Government, they are giving us a false impression of the true situation that we all ought to deal with. And I say to the Government, release Kenyatta and remove a big burden from your conscience and from your minds and help this country at least to achieve stability. Whatever the Government may say, whatever the British public may think or say, ultimately and indeed even now the position and status of Kenyatta can only be determined by the African people and so long as the African people call him, refer to him, think of him, accept him and recognize him as their leader, no one can change that fact. Whether he is in Lodwar or back in Kiambu or Nairobi, he remains in that position and will continue to enjoy that position so long as the African people want him. And that is not tied down to what the Government here thinks or says.

Mr. Deputy Speaker, in Nyasaland this question of security was used when Dr. Banda was in restriction or detention. Dr. Banda has been released and so far I have not heard of a single incident of violence, a single incident of disorder. On the contrary, everybody agrees Nyasaland is much more peaceful, more stable than anyone ever hoped it would be, under

control by the British Government or the local administration. I want to say now and publicly that I am convinced that if there is insecurity, if there is instability, if there is misunderstanding between the Government and the African people, the release of Kenyatta will bring about security, stability and understanding because it will have removed a source of friction, a source of conflict between us. I think we ought to state this very clearly to the Government so that our position is left in no doubt at all. It is no use coming here and referring to all the *Mau Mau* and so on. All these things—I do not know whether some Members want to go into the past? The Governor came here and said, "Forget about the past, we start a new life," and yet some people persist in coming here and talking about the past, the past, the past, the past. Well, the past is past. But we have still got to live here and live here tomorrow. That is what I am more interested in than history. As I said before, there age already these controversies about a Report which in my view is eight years too late, a Report which I cannot see what it is going to do anyway. But all these controversies about yesterday, they are not going to help anybody. The Government should ask itself honestly, sincerely, whether they are justified in the continued restriction of Jomo Kenyatta. If they can ask that question honestly and sincerely, the answer can only be one: they have no justifiable reason for Kenyatta's continued restriction and detention. And indeed, the other Africans that are still rotting in detention camps or under restriction orders, those people should all be released. They deserve freedom like any of us here. They have a contribution to make, however little. Whether it is in private life or in public life, they have that right to come and play their part in a society that is theirs by right of birth.

The hon. Member for Ukamba, I think, put it very well when he referred to rumour and counter-rumour. These rumours and counter-rumours will not be settled by the Government standing there and saying emphatically "Kenyatta will never be released—no". That will only create a new situation. The rumour and counter-rumour will only be resolved by Kenyatta walking out of Lodwar a free man and rejoining our society and community.

Mr. Deputy Speaker, the Member for Ukamba also mentioned the question of land and I think he was asking that Sessional Paper No. 10 be debated, if I understood him aright, or when it was going to be debated. Mr. Deputy Speaker, I do not want to discuss the Sessional Paper No. 10, but I want to say that in my considered opinion this present Government is not competent to take any final decision on the question

[Mr. Mboya]

I consider that the only Government which would be competent to take a final decision on the question of land will have to be a Government that is responsible to all our people, a Government that is elected by our people, a Government that is responsive to our people. The present Government is incompetent, and especially while anticipating political changes I consider it would be a gross misapplication of their position to try and resolve in any finality some of these questions.

In conclusion, Mr. Deputy Speaker, I want to say this. I know that anticipated political changes, some of the anticipated constitutional changes, and some of the political developments, do tend to frighten some people in this country. Some people continuously want to ask, "What is there going to be for us in the future?"—especially the immigrant community. I want to say that as far as I know the future for them and for us is the same, on the basis of what they themselves have accepted in their original countries as a basis for democracy, on the basis of human rights, on the basis of human dignity, on the basis of Mr. Smith being equal in dignity to Mr. Kamau, on the basis of Mr. Patel enjoying the same civic rights as Mr. Koinange, if he accepts the citizenship of this country. Double loyalties such as one loyalty to Bombay and another one to Nairobi, or one loyalty to Glasgow and another one to Nairobi, cannot work properly on the context of the Kenya that we have in mind. It is those people who want to entertain these double loyalties that have a lot to fear because they are really not Kenyans at heart; they just want to exploit that position but they are not truly committed. They are the sort of people who when things become really bad will say, "Look, I will pull out at any moment; I have to go home." They are the sort of people who are saying today, "Tell us whether we will be able to pull out in an independent Kenya if we should find it untenable." Mr. Deputy Speaker, that class of man has no place here. He should pull out now and not during independence. He should not ask us to guarantee that when he considers an independent Kenya is too bad he can seek refuge elsewhere. He is putting himself in a class that is different from mine or any other African because, Mr. Deputy Speaker, even if Kenya became too bad, stinking bad, I could not pull out to any other place. I have no alternative in this matter. If the other man considers that he should have an alternative door open then he has no reason to claim the same rights and position as myself. If he wants the same rights and the same status as myself then let him accept the same alternative and not a privileged and special

alternative for himself, and, at the same time, claim to be equal to myself. If he wants to be an African, and there is room for Asians and Europeans to become Africans, then let him become African, without qualification.

Hon. Member: I do not.

Mr. Mboya: Now, Sir, some hon. Members at my back are giggling or saying, "I do not." Perhaps they mean that when they become Africans, or I mean, they must accept a lower standard of life; they must accept African culture; they must accept African dress; they are looking at the African in the context of the present African poverty, handicaps, and disadvantages. This is their concept of Africa and the African. These sort of people or ideas cannot work in the sort of society that we want to build. We must conceive of an African that is higher than poverty, that is higher than the present disadvantages and handicaps. This is the aim we must have and it is the African we want to create and those who wish to call themselves Africans, those who profess so glibly to have accepted this country, must live for that, not just look at Africa in the context of poverty, disease and ignorance. If that is their concept of their relations with us then it is an unfortunate concept and it cannot create a basis for harmonious friendly existence between us.

I say to those who wish to invest their capital in this country that there is room here for investment. We want to encourage it, not only because it will be so much good to have their capital here but even for self interest. The motive power behind our agitation is to develop this country, to advance our people, to give them a higher standard of life, and we are all aware of the need for capital, for skills, for investment. It is ridiculous for anyone to suggest that we are going to take action to victimize or penalize anybody, action to drive away capital or drive away anybody. We are not mad. Sometime, sooner or later, our people are bound to ask us to deliver the goods, but we can only do so if there is development; we can only do so if there is continuous investment and a continuous flow of capital. The only condition, the only qualification, is that such capital, such investment, must not come here with the intention of exploiting our natural and human resources in order to take away everything to other lands. They must be responsive to our needs. The other qualification in an independent Kenya, as I see it, is that such capital or investment must be without any political strings. We do not want to exchange one form of colonialism or imperialism with another form, economic or political. Those, to my mind, are the only qualifications and this is the one

[Dr. Adalja]

certain numbers of cases. The incidence of infectious diseases was very high and also infant and maternity mortality. That position has now changed. The death rate has gone down, also the infant and maternal mortality and the incidence of infectious diseases. I know, Mr. Deputy Speaker, that figures are always boring, but I trust that the House will bear with me if I quote just a few.

To start with, the infant mortality in 1934—and there are no figures available before that period—was 439 per thousand. In 1939 they were 180 per thousand. In 1959 the number had gone down to 60 per thousand. The maternal mortality rates are: in 1934, 14 per thousand; in 1939, 3 per thousand; in 1959, 1 per thousand. The notification for malaria has also gone down considerably. In 1929, 789 cases were notified; in 1939, 674; and in 1959, 123, and this in spite of the vast increase in the numbers of the population.

These figures, Mr. Deputy Speaker, the House will agree are impressive and I will drop out other figures like death rates, etc., because they all tell the same tale.

If this good work that is being done by the City Council is to continue, then services will have to expand. The population, as I have said, has gone up, and I might give here the figure. In 1929 the population was 47,457; in 1939 it was 65,500, in 1959 the figures are 250,000. I believe the last figures are estimated figures. If the same level of public health is to be maintained then the services must expand. That would mean bigger buildings, better equipment and increase in staff. Now, all this will require money, and here, Mr. Deputy Speaker, there is a rub. I believe that there is a ceiling on the expenditure, on the amount to be given in respect of public health to the Council. If this ceiling continues there is a possibility that services which have been improving might go down because there are inescapable liabilities for the Council to discharge. I would, therefore, very humbly request that this point might be considered and something done to relieve the situation. Some items are of great urgency, for example the African Maternity Hospital. That hospital under Dr. Gossan is doing really fine work. It has 72 beds and it is at the moment looking after 100 patients. I do not know how they are looking after 28 more but they are doing. There has been also, under Dr. Gossan, a great reduction in premature babies mortality. Now, if this mortality is to continue to be reduced it is necessary that the Premature Baby Unit be expanded and more staff provided. All this will need money and it is because of this that I am requesting the Government to do something in the matter.

Mr. Deputy Speaker, I would like to say now one word only for the education, and here I would like to express my satisfaction that that Vote has the lion's share of the Budget. I believe with the goal now before Kenya that education in all its forms has come to be the greatest need of the country. I know Government is doing quite a lot, but the problem is so vast that I have my own doubts if Kenya will ever be able to meet the problem out of its own resources. I wonder, Sir, in view of the urgency of the problem, in view of the importance of the problem, it is not possible to receive some outside help. I would certainly request the Government to look into this matter because I do feel that if we lag behind in education, the country will lag behind in all the other respects.

With these remarks, Mr. Deputy Speaker, I beg to support.

Mr. Bompas (Kiambu): Mr. Deputy Speaker, I am not claiming any extra time, and I would like to start by adding my congratulations to the Minister upon the presentation of his first Budget.

No one would be more surprised than he, Sir, if I commended the Budget as being highly imaginative, and he can rest assured that I have no intention of doing so. Nevertheless, the Budget is a thoroughly workmanlike effort, presented in a most workmanlike manner, and the menu which the Minister gave us last Wednesday included no tasty Continental dishes, no exotic and exciting dishes. We got meat and two veg. with a slab of Yorkshire pud., which I am told is essentially a Scottish dish contrived to fill the family and conserve the meat. It was a meal, Sir, of good plain cooking, that is, cooking in the culinary sense and not the accounting one.

Possible because I have spent the whole of my life in Africa I tend, like my colleagues on my left—I now find that there none of the colleagues I was referring to, Sir, present in the House at the moment—to tabulate or earmark events in some descriptive way. I do not go so far as to think of the year in which the spotted cow died, but I did file this Budget mentally as the year of the Railway Budget. It has been said that by his taxation of light diesel oil and increased consumption tax on petrol the Minister has made it impossible for any of us to run a large car. He has proceeded to double the licence on the small cars, making it quite impossible to run those, which left us no alternative but to walk. But, having increased the import duty on shoe leather we are left to crawl, or use the railway, which some unkind people suggest are quite synonymous terms. Sir, my label did arise originally from this completely frivolous reasoning, but that the tag

[Mr. Bompas]

was appropriate was confirmed by two quite serious matters upon which I shall touch a little later.

The Minister said that having met our commitments the credit is, and I quote "... that of the people of Kenya whose work, determination and energy have made this possible". In the year which has passed there was undeniably a considerable amount of voluntary belt tightening. This was reinforced by economies and conservation of public funds under the direct supervision of the Chief Secretary. It now looks as though these economies were *ad hoc* because I cannot sense, and I certainly cannot find, that they have been perpetuated in the current Budget. I hope I am wrong, and that the Government will be able to demonstrate that that is so, I am not, Mr. Deputy Speaker, advocating cuts in wise spending, particularly in the light of our unemployment problem.

What I do seek is satisfaction that the taxpayer is getting value for his money. In discussing building, the Minister took the 30 per cent increase in the value of building plans passed by the Nairobi City Council in first three months of 1960 as compared with the same period for the previous year. He qualified this with the realization that all plans do not necessarily become buildings, but no doubt many of the larger projects based upon imported capital will proceed. Yet, I feel that we are approaching, if only temporarily, saturation point in office, flat and shop accommodation, and that it is most unwise to expect injections of overseas capital for such projects to continue without some sort of a break. Welcome as such projects as multi-storey car parks are, one cannot but regard those as caviare, whereas it is to the bread and butter of home building and small building that we should look for our major stability. The prevailing uncertainty, coupled with a continued lack of any real tax encouragement is causing many owner-occupier projects to be abandoned or shelved whilst those with the confidence to proceed are being thwarted by lack of liquid funds in local markets. Sir, I welcome the Minister's strictures upon those irresponsible who talk of "liquidating large scale farming" although I could have wished he had been quite specific in that matter. I accept with him that what we need are measures to encourage any farmers who talk of putting their farms on a care and maintenance basis, so that they may proceed with development to their own and everybody else's benefit. What those farmers are looking for is the assurance that the sinking of more capital is not throwing good money after bad. Success in the many discussions which you, Mr. Deputy

Speaker, the Minister for Finance and the Minister for Agriculture have had with the World Bank, and the hard work put in by the Kenya National Farmers' Union, and two of our political parties or groups, will do much to stabilize land values and restore confidence. But this unhappily is only half the solution. The rest lies in the hearts of men, and in their relationships each with the other. There is, I believe, an increasing awareness of this on the part of all races in this Colony. An awareness which is only prevented from budding to fruition by the machinations of those who are prepared to use intimidation for their own selfish, for their own evil, ends. The task of dealing with these people is primarily one for Government. My friend and colleague, the hon. Member for Ukamba, has already touched upon an instance of what I mean, and I must refer once again, Sir, to the series of wildcat strikes in the Mitubiri/Thika and Ruiru areas. Strikes which are calculated to move very, very shortly into Kiambu, and are designed, quite obviously, in the end to threaten the entire season's coffee crop. So far as can be seen, these strikes bear no possible semblance of any sort of legitimacy under any sort of trade union organization.

I was disappointed, Sir, in the speech of the hon. Member for Central Nairobi, when speaking of trade unions. Unfortunately, Sir, he is not here. He has a habit of making statements and then not remaining to hear any sort of answers. For the benefit of the hon. Member I was saying he has a habit of making statements and not remaining to hear any sort of reply. I want to repeat, Sir, what the hon. Member for Ukamba said. The coffee planters in the particular area which I have spoken of are fully prepared, and have said this on a number of occasions in my presence, to accept the trade union movement. The difficulty that they are faced with is not that they are not prepared to accept the implications. The difficulty is that the present plantation trade union is in such embryo form that its officials appear to have either no control or no desire to control their members. Sir, I was speaking of these strikes. They are fomented exclusively for political ends, and quite regardless of where they may lead the Colony in its economy. They are kept alive by the most blatant intimidation. From the interest which three senior Ministers have recently shown, I know that Government is now fully aware of the gravity and the extent of the situation. I shall not dwell upon any details because much has already been published in the Press quite recently. Incidents like men on the estates who refuse to attend meetings of strikers being forced to hold railway sleepers above their heads for a first offence, and

[Mr. Bumpas] between their heads shaved for a second having half the type of thing, Sir, which is offence. That is the type of thing, Sir, which is going on in that particular area. I will do no more, Sir, than ask that Government will make as full a statement as the security aspects permit, and should undertake quite unequivocally to make fully known to the gullible tools in this matter the ways in which an engineered destruction, or the removal of Kenya's major earning source will recede economically, not merely upon the Colony's taxation, revenue but upon those individuals through the public services and the employment which they enjoy. At a time, Sir, when unemployment relief is being examined, the perpetuation of the present folly is quite beyond my comprehension.

Sir, on the subject of strikes, one very substantial reason why I tabulate this Budget as the "Railway Budget" is by way of monument or tribute to all those who kept the wheels turning during our recent Kenya Railway strike. I feel it is appropriate to register our great admiration of the men and women, employees who stood by the railway and the public, whom they served so well. Those who applied themselves to wholly unfamiliar tasks, and those technicians who redoubled their efforts, their own specialist efforts, are equally deserving of our thanks. Although, Sir, it is not fully in the context of this debate I feel sure that many, particularly those in the commercial community, would like me to put on record our appreciation and our good wishes to Mr. Urquhart on his retirement from the post of Deputy General Manager, after 24 years' service. We owe him our thanks, I believe, Sir, and again I speak for the commercial community, for a job well and faithfully done.

Sir, a few days ago the hon. Member for the Aberdares deplored exaggerated accounts of the flight of capital from this country—the danger of much talk about so sensitive a subject. This was wise counsel but silence is not always possible or desirable. There is a polite conception that if there is a nasty odour about one hopes that the visitors will not notice it, but when that unpleasance persists, the plumber must be called in, visitors or no visitors. Although the Minister was very guarded I think he indicated that he, as our plumber, was on the job, and he undertook to inform us of any important changes I would ask him to do something more than that, and to make quite frequent reports to us, even when they are of a negative nature, because we learned in the Army the value of negative information about the enemy. Sir, I welcome the Minister's reaffirmation that Government has no intention of legislating to impede the flow of capital

between this country and the sterling area. It was a most unhappy coincidence, and most deplorable, that in the same broadcast, and in the same newspaper as that in which the Minister's statement appeared, there was published the opinion of a Mr. Aidsings Kodoek, who was described as a party leader, counselling immediate currency restrictions. I do not suppose any local investor was very greatly influenced by such an opinion, but if the news item was published abroad, and it may well have been, the consequences could be quite serious. I can almost hear people saying, "Ah, this is a bit of Government smokescreen—look what one of the leaders of opinion thinks about the matter", and one can only ask, Sir, that African spokesmen, indeed all spokesmen, should "look before they leap", and ask, Sir, that the Press should be vigilant in exercising a self-discipline. Finally, we can ask that the Minister should miss no opportunity of reaffirming his assurances.

We all ought to pay—coming more specifically to the Budget—we all ought to pay for our folly, and so it is right that the Minister should make a "big mug" pay more than just a "little mug". No one will quarrel with the thought of streamlining the welcome to our tourists. No one will quarrel with the idea of protecting our local industries by tariff, providing the matter is done with selection and restraint. I believe that the operations of all local industries which receive such protection should be very frequently under review, and I would ask the Minister, Sir, to tell us what arrangements exist for that review. The Minister has courageously tackled the problem of the diesel vehicle. In the days when there were very few such vehicles, it could have been ignored, but they have grown in proportion to petrol vehicles year by year, and it was quite obvious that sooner or later something had to be done to remove that anomaly. It is most unfortunate that either the established diesel transport operators or their customers—and I see, Sir, that it is now likely to be their customers—will suffer. Indeed, it is unfortunate that the hon. Member for Central Nairobi will suffer. But I see no ready solution, and I could not support a return to the present position which is discriminatory against the petrol vehicle. Again, this brings me to my Railway Budget, Mr. Deputy Speaker, these new proposals look just like "a bit of cake" for the Railway. The effect on the road/rail differential will be required to be looked at very, very closely. The Minister has commented on the severe effect of the duty and the tax on light diesel fuel, upon the agriculturists and upon loggers. This, too, Sir, was mentioned, by the hon. Member for Ukamba. The Member for Ukamba thought that the Minister did mean an

[Mr. Bumpas] extension of his refund to all agricultural use, but specifically in the HANSARD record it is recorded only as applicable to agricultural tractor use. I feel, Sir, that this, the omission of stationary engines on farms, must be purely an oversight. I can quote that in respect of quite a modest coffee farm where they employ a 56-horse power engine coupled to a water pump, that engine is consuming approximately 40 gallons of light diesel oil a day. Now clearly there should not be any consumption of an engine which will not traverse the roads, but if you take that tax at 35 cents, plus customs at 75 cents, a total of Sh. 1/10 a gallon, which is equivalent to Sh. 44 a day and over £60 a month. Sir, once again, I feel this must be purely an oversight, and I believe that the Minister will be able to find a solution.

I find little comfort, Sir, in the thought that more capital is entering Kenya than is leaving it, if that is the case, for we need it all. There is no inducement for the wealthy to build up locally taxed income in excess of their personal needs, and before ever the outflow was aggravated by political uncertainty there was an outflow for purely tax reasons, which has been mentioned year after year in this House, and restoration of the confidence alone will not stop that, whereas the thought of currency restriction appals everybody. Now, having ventured rather cautiously forth last year by removing death duties, the Treasury seems to have shuddered and retreated once again into its shell of orthodoxy. Our conditions are unique, and I believe require a unique solution. It is not beyond our experts to devise some form of tax relief at the top and a system of bonus on capital reimported and the earnings on such capital. After all we have voted relief in this House to Bermuda companies, and why should we treat them any better than our own people? I believe this is not a negation of the axiom that the rich must pay for the poor. It is merely a recognition that you do not "kill the goose that lays the golden eggs". Let us cosset those geese and I believe they will breed.

Now, how are we to bridge any temporary gaps? I doubt very much whether in practice they would arise. The hon. Member for Central Electoral Area has rather taken the "wind out of my sails" with the Motion that he gave notice of when the House assembled this afternoon. I will not repeat my lengthy arguments in debate in October, 1958, when this side battled unavailingly for a say in efficiency audit and management. In rejecting my Motion, the Chief Secretary very politely—and he usually is extremely polite—invited us to discuss with Government, at any time, how the existing machine could be

made to work a little more effectively. Unfortunately, that invitation was tantamount to inviting somebody to review a book which you do not allow him to read. Government has very wisely embarked upon giving experience to some African Ministers against that day when the Unofficials will have to take greater responsibility. That time, Sir, has surely come to implement my previous request, and that is that a Standing Committee of this House be put into direct liaison with the Controller and Auditor-General, such committee to be parallel with the Public Accounts Committee. At best its members may have a useful and fresh contribution to make, and at worst they will acquire knowledge and experience. Sir, I understand that in these past few weeks the Rt. Hon. Mr. Butler has advocated the setting up of just such a committee in the Commons. Unhappily, I have not been able to get hold of a copy of his speech. Possibly Government will be able to do so. Perhaps, Sir, in 1958, we on this side, were not so obturate and unrealistic as Government made out. Is it too much to ask that the possibility may be reviewed? Actually, Sir, now that the Motion I have mentioned has been moved, we may have an opportunity, unless the Minister has something to say on the subject in this debate.

Mr. Deputy Speaker, I beg to support.

No further Member rose.

Mr. Deputy Speaker (Mr. Conroy): No other hon. Member wishing to speak I will call on the hon. Minister to reply.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Deputy Speaker, I entirely see that you are absolutely right and that you have taught the whole House a lesson in discipline. I believe, however, that it would be most unfortunate for the House and the country if this debate were cut short at this stage. With the leave of the House, Mr. Deputy Speaker, and in the interests, as I believe, of this Legislature and of the country, I beg to move that the House do now adjourn.

QUESTION "THAT THE DEBATE BE NOW ADJOURNED".

The Deputy Speaker (Mr. Conroy): I am not sure that the proper question should not be "That the debate be now adjourned", and with the Mover's permission I will propose that question. It is possible to debate that question.

Question proposed.

Mr. Alexander: I just wanted to say, Mr. Deputy Speaker, that from the way in which the Acting Chief Secretary uttered his remarks it appeared it was aimed at this side of the House. I suggest

Wednesday, 4th May, 1960

[Mr. Alexander]

that that discipline also applies to the Government side and that it is usual, year by year, for there to be on any particular day as many Government speakers as there are speakers on this side, because this is one of the few opportunities that we do get a chance to hear Backbenchers in this House, and I hope that his structure is aimed equally at his side of the House.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Deputy Speaker, this debate is commonly an opportunity for the other side of the House to raise, I think the word is "grievances", in other words to raise grievances before they vote supply. Certainly it is open to hon. Members on this side of the House also to raise grievances if they so think fit, but certainly from the point of view of the Front Bench on this side of the House it is pointless for us to put in speakers before, at any rate, a reasonable number of speakers on the other side of the House have had their say, and we then have an opportunity to reply to grievances, criticisms and the points raised to us. I certainly would not agree with the hon. gentleman opposite if he were to imply that Backbenchers on this side of the House should get up and save the debate from dying because there were no speakers on the other side of the House. If the debate runs its full course, and if Members on this side of the House wish to participate, there will certainly be another opportunity to do so, but I personally take the view that what is needed, and what this incident exemplifies, is discipline on the part of the other side of the House primarily to make use of the opportunities which this debate is designed to give them to raise matters calling for a reply by the Government. I have today thought it right, Mr. Deputy Speaker, to intervene to save them from their own reluctance to prepare themselves to participate in this debate as opportunity offers. I shall not do so again.

The question was put and carried.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): That brings us to the end of the business on the Order Paper, and I therefore adjourn Council until 2.15 p.m. tomorrow afternoon, 4th May.

The House rose at fifty-five minutes past Five O'clock.

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

NOTICE OF MOTION

MACLEOD PLAN FOR KENYA

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, I beg to propose a Motion before this House:—

THAT this House perforce approves the Macleod Plan as a lasting contribution to the economics and prosperity of Kenya, and thereunder accepts full responsibility for the lives and property of her citizens of all races.

MOTION

EXTENDED SITTINGS OF COUNCIL

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Deputy Speaker, I beg to move:—

THAT in order to conclude the business of the Financial Statement and the Estimates in time to complete other outstanding business by the end of June, the Council should sit on the morning and afternoon of Thursday 5th May and thereafter on the morning and afternoon of Wednesday in each week until the business of the Estimates is concluded.

Mr. Deputy Speaker, this is a suggestion of the Sessional Committee but, of course, the matter is up to the House. The Sessional Committee feel that we should have one double sitting a week during the business of the Estimates. If we are going to have time, without protracting these sittings of the Council unduly, to deal with other business, there are some 14 Bills that will be ready for the Council's attention by early June and, of course, no Private Member's business is taken until the Estimates are concluded and there are other important items of business awaiting the attention of this House before we conclude the current series of sittings. If, therefore, we do not have one double sitting a week, these sittings are likely to run on well into July and it is considered by the Sessional Committee that we should have one double sitting each week while the business of the Estimates is before the House so that we can then move on to the other outstanding business and conclude it before the end of June; added to which, of course, by incorporating a double sitting a week it does reduce the expenditure to the country of the sittings of this Council.

[The Acting Chief Secretary]

Sir, the Sessional Committee understood from the various representatives on it of the various sections in the House that Wednesdays were the most convenient days in the week for most Members on which to sit in the morning as well as the afternoon. A double sitting could not be arranged for today because there is another body sitting—or was another body sitting—this morning before which a number of the Members of this House were appearing. Therefore, it was the view of the Sessional Committee that we should have a double sitting this week tomorrow, that is to say, sit morning and afternoon tomorrow. Since the Sessional Committee reached these conclusions, however, I have had a number of representations, I do not think any decision as to the times and days of sitting of this House are likely to pass without representations from some Members, but there have been a number of representations to me, firstly to the effect that to sit tomorrow morning at the relatively short notice which it has been possible to give the House would be very inconvenient for a number of Members, and secondly that Wednesday mornings as a general rule are not convenient mornings on which to have a morning sitting of the House. The matter is before the House. It is for the House to resolve. The Sessional Committee has done its best with the views represented to it by those Members on it which represent the various sections of the House or are supposed to and unless and until any Member decides to move an amendment to this Motion which finds favour with the majority of the House, I beg to move the Motion standing in my name. There will be a free vote.

Mr. Webb seconded.

Question proposed.

Mr. Slade (Specially Elected Member): Mr. Deputy Speaker, Sir, I sympathize with the Sessional Committee in their effort to proceed with despatch in this Session and to save the country money, but I must oppose this Motion. We have tried these morning sittings before and they have not worked, and I do not see how they can work without some detriment to the other interests of the country and the Members of this Council. We all have a great deal of work to do outside this Council on committees of this Council or Government committees, quite apart from our own private affairs where we have to earn the income that membership of the Legislative Council does not completely provide.

I am sure that the Ministers I see sitting here opposite have a lot of work to do in the mornings as well as sitting here. For these reasons, Sir, the fact is that a lot of us just cannot come

in the mornings, particularly on notice as short as one month. I believe that most of us have our diaries completely full for the month ahead, having regard to sittings in the afternoons and what we have to fit in in the mornings.

So, Sir, I oppose this Motion, and as far as I am concerned I am not going to move an amendment, but I would rather suggest that the Sessional Committee think again; but I am quite prepared to sit longer in the evenings, when there is a choice between social enjoyment and getting on with the job here. If it gets too boring I can go outside. But one just cannot fit morning sittings with one's actual obligations. So, Sir, I suggest that we propose this Motion and ask the Sessional Committee to think again.

I am glad to hear that this will be a free vote.

Proposals of this kind by the Sessional Committee have been put before this Council and passed without real support of individual Members. If there is a case of any doubt at all, Sir, I suggest that we have a division.

Mr. ole Tipis (Central Rift): While sympathizing with the decision of the Sessional Committee, I would like to try and appeal to the House as a whole to change the minds of the Sessional Committee, in respect of the Motion before the House just now. I personally see no necessity for the introduction of such a Motion because I feel it is only fair and reasonable that hon. Members on both sides of the House should be given ample time and opportunity of scrutinizing the Financial Statement and the Estimates very, very thoroughly so as to enable them to air their misgivings and bring to light any grievances affecting the national income of our country. Since at the same time this is the only time we have the liberty of checking on the extravagances on the part of the Government with regard to the Estimates of Expenditure, I strongly feel that any move on the part of the Government to curtail that liberty is not justified and is quite unfair.

Now, having said that, Mr. Deputy Speaker, I think I would be excused if I may add that after all we on this side of the House, especially the African Elected Members, gave very serious consideration to four of our colleagues crossing the Floor of the House knowing full well that such a move would in a way reduce our strength on this side, but nevertheless we thought that in the interests of our country as a whole it was a move in the right direction and we gave them our wholehearted blessings and support up to this day, and as such I think the Government side has been strengthened so much that they should not try to weaken our side in this important Budget.

[Mr. ole Tipsis]

Now, I sincerely hope that the Government and all Members of this House will be very reasonable to see that we do not try in any way to rush the Budget Debate in any manner whatsoever. We are not afraid of hard work. We can work day and night. But surely, at the same time, when it comes to figures and all the implications of what is involved in the Budget then surely I think we should rather be slow and have time to go through the Estimates very, very carefully. It is only good and fair for the Government, as well as for the country as a whole.

Now, Mr. Deputy Speaker, I think, in all fairness, we should ask the Mover to withdraw the Motion and refer it back to the Sessional Committee.

I beg to oppose.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Deputy Speaker, I hope from the remarks of the last hon. Member that spoke that we do not have to assume in future that because four African Members have crossed the Floor every African Member on the other side would like to speak for four-fourteenths longer than he has done in the past.

Sir, the hon. Specially Elected Member, Mr. Slade, suggested that the Sessional Committee should have another look at this problem, and so has the last speaker.

We would like, Sir, in the Sessional Committee to get an indication of the wishes of the House instead of saying they do not like this particular Motion, and could we possibly have some way in which we could reconcile the expense of this Council sitting interminably and saying the same things year after year for hour and hour on end with the right that they have of expressing their views. That is the problem that the Sessional Committee have tried to solve, and might I, Sir, get the views of some of the Members on the other side to the possibility of sitting on Monday afternoons so that at least we get another day's sitting in a week.

Capt. Hamley (Nominated Member): Mr. Deputy Speaker, Sir, I would like to correct the hon. African Member on the other side when he keeps talking about hoping that the Government will not restrict discussion and so on and so on. There is no question of the Government at all restricting discussion. This is a decision of the Sessional Committee, and the Sessional Committee consists of representatives from all sides of the House.

Mr. ole Tipsis rose.

Capt. Hamley: All right, wait a minute. The other thing I think the Opposition should know

is that we are already sitting half an hour longer each day, and they have got this matter in their hands if they want it, they have the right to ask for an extra five days. If they like to consider those five days as dealt with in instalments by the extra half hour, and they enter into a pact not to ask for those extra five days, we get just as long a debate on the Budget without any of the complications of double sittings.

Mrs. Shaw: Mr. Deputy Speaker, Sir, I would like to support the last speaker's suggestion very much. I do agree with those who have spoken either for or against this Motion, that Government officers are required really in their offices in the morning, because I understand the Ministers are very overburdened, and in view of the fact that they are very shortly to lose their excellent private secretaries, with experience in organization they will need to be in their offices more often in the mornings, if the Government machine is to run efficiently. Also, I deplore any thought of Monday, I make a special plea here for up-country Members, because it is very difficult, and as it is once every month we are forced—the European Elected Members, that is—to come down on a Sunday and give up our Sunday afternoon so that we can meet E.E.M.O. on Monday morning, and I do think any further interference with our Sundays and week-ends would be rather deplorable.

The Minister for Local Government and Lands (Mr. Havelock): I do not really see why my hon. colleague, the Minister for Information should appeal to the other side only to express their point of view on this matter. I am not a Member of the Sessional Committee, and I would certainly like to express a point of view directly contrary to what the Sessional Committee has expressed in this Motion. I would like to say this, Sir, that in my own view there should not be any morning sittings. Everyone in this House has a considerable amount to do and Ministers as well as others. I believe that hurried legislation without thought and without contemplation is the worst thing this House could possibly try to pass, and even if it does mean more expense to the Government, I am sure in the long run the country would be better off if legislation was properly considered in proper time rather than hurried through in the way that has been suggested by the Sessional Committee.

However, Sir, if the majority of the House do consider that there should be a morning sitting in a week, then I would suggest the most convenient day would be Thursday for the morning sitting, not Monday afternoon for an extra afternoon sitting, nor Wednesday, and therefore I would appeal to the House because Wednesday is

[The Minister for Local Government and Lands] traditionally and rightly and correctly the day on which the Council of Ministers sit, and it does upset a considerable number of departments if that day is altered, and I would therefore suggest Thursday morning if it is necessary to have one at all. Sir, I am in rather an awkward position because if we go to a vote on this particular Motion without an opportunity of an amendment being put I do not quite know what the result would be, as I would like to be able to put an amendment, but on the other hand I do not want to waste the time of the House if the hon. Acting Chief Secretary is prepared to withdraw the Motion, then there is no need for amendment, but if he is not prepared to withdraw the Motion, then I think there is a need for an amendment, so I am in rather an awkward position. But I have my colleague, the Minister for Agriculture, on my left, who feels almost the same as I do, and I have no doubt he will move an amendment if the Motion is not withdrawn.

Anyway, Sir, as the Motion stands, I oppose it.

The Acting Chief Secretary (Mr. Griffith-Jones): On a point of explanation Mr. Deputy Speaker, I am not prepared to withdraw this Motion. This uncertainty and difference of opinion is a running sore which has got to be stemmed, and the Sessional Committee is entitled to have some guidance from this House.

Mr. Alexander: Mr. Deputy Speaker, when the Acting Chief Secretary sat down the first time it was confirmed from the other side that there would be a free vote. When I heard that I felt well satisfied because what I found in the past, Mr. Deputy Speaker, is when this House is confronted with subjects and decisions as profound as this one, that we can always rely on the Backbenches to come to the—(Inaudible.)

That, Mr. Deputy Speaker, is what they are going to do today, and this Motion will be rejected and that means a clear reference back to the Sessional Committee. I do not think this House need do any more, but if I may make a constructive suggestion, Mr. Deputy Speaker, it is this—and I take my lead from the debates we have had on the Adjournment Motion in this House, I believe they are some of the best and most profitable debates we have had. Sometimes on very weighty subjects that are dealt with in half an hour. In half an hour's debate, and what I would suggest is that the speakers in this particular Budget debate be limited to fifteen minutes, and if necessary, if there is to be one speaker with a longer time from this side of the House, I would suggest that an hour, one hour, is ade-

quate for anybody who wishes to have that particular right from this side of the House.

Mr. Deputy Speaker, I beg to oppose the Motion.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I would oppose the Motion, but at the same time I would like to oppose the statement made by the last speaker when he took further steps to try and restrict the speakers by suggesting they should be only allowed to speak for fifteen minutes. We think that even the thirty minutes are much too short, particularly now as we, on this side, have already lost four of our Members to the other side. We would like to cover the time which the other Members would have taken. Therefore, Sir, I, for one, would like to oppose this Motion because I feel that Members of this House sitting here morning and afternoon are not in a position to make any contributions at all to the debate because by the time it is four o'clock everybody is so tired that all the people are outside in the lounge, and there are only half a dozen people in the House. Therefore, I think this Motion should be withdrawn, and therefore I oppose it.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, with your permission I would like to move an amendment, if I may. I would like to propose that the fourth line of the Motion be taken out in its entirety, and the word "Wednesday" in the fifth line be turned into "Thursday" and to be added at the end of the Motion, "except on the morning of Thursday, 5th May". The amendment would read as follows: "That in order to conclude the business of the Financial Statement and the Estimates in time to complete other outstanding business by the end of June, the Council should sit on the morning and afternoon of Thursday in each week until the business of the Estimates is concluded, except on the morning of Thursday, 5th May."

The Deputy Speaker (Mr. Conroy): I might take this opportunity to draw the attention of hon. Members to the fact that Standing Order 34 provides that the proposer of an amendment shall, before moving it, hand the amendment in writing signed by himself to the Clerk.

Air Commodore Howard-Williams: On a point of information, Sir, am I in order to put that the Motion be now put?

The Deputy Speaker (Mr. Conroy): It is not possible. The first thing we have to do (when we have the amendment in writing) is to find a seconder, then the amendment has to be proposed, and then the amendment is open to debate. After

[The Deputy Speaker]

it has been debated it is open to you to propose that the Mover be called on to reply. We have several preliminary steps to go through first.

Is there a seconder for this amendment?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba) seconded.

Question proposed.

Air Commodore Howard-Williams: I do not think my remarks applied to the original Motion, but to the amendment.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Deputy Speaker, I would be content myself, and I think that it would probably be agreed by the Sessional Committee, if this amendment were acceptable to the House. It does mean that we would be losing one day's sitting this week, and that perhaps in itself is not vitally important unless the house were prepared to sit say on Tuesday morning of next week in order to make up for it. I do not think that the suggestion that we should have evening sittings to make up the time, which emanated from my hon. and learned friend, Mr. Slade, is a suitable one.

I entirely concede that there is the option—in fact perhaps that is the objection to it—to Members to attend to the debates in this House or to the social amusements elsewhere in the precincts. Experience has indicated that when that choice confronts Members, there are a number of them that choose, with a certain excessive enthusiasm, the amusement. In so far as the suggestion has been made of an intention in this Motion to weaken the other side or to deny them their legitimate opportunity to study the Budget and to speak on it in an informed manner, I very strongly deprecate that suggestion because there is no such intention at all. At the request of the other side we did not embark on this Budget debate immediately following the Budget Speech, which is the normal parliamentary procedure, and yesterday evening indicated fairly clearly that the purpose of the adjournment sought by the other side—namely to prepare their speeches for this debate—was a somewhat specious one, because apparently the bulk of Members took no advantage of the intervening period. I am prepared to accept the amendment.

Sir Alfred Vincent (Nominated (non-Government): Mr. Deputy Speaker, I do not like the original Motion and I do not like the amendment—not very much, for one reason. I think—I am not here to criticize the Sessional Committee or even the House—that knowing the Budget debate was coming on, surely we were entitled to have some notice of this procedure, then

those of us for whom any day is as bad as any other as far as engagements are concerned, if we had a month's notice it would have been better. Wednesday is a bad day although I did not think Wednesday was entirely inappropriate because sometimes it does not really matter if the Council of Ministers is interfered with, does it. But as far as the "principle is concerned I think that Mr. Slade made a point that if he can have a little more notice it would help, I am the last one to deprecate the saving of money of the taxpayers by more frequent sittings or longer sittings in a day of this Council, but, Sir, under the circumstances I would like the Sessional Committee to note the objection made by the hon. Member and myself which will enable us to work in with Government plans for a debate of this nature, although in future we may not be here in a Budget debate.

Mr. Hassan: Mr. Deputy Speaker, Members of this House are responsible to appoint Members representing different groups in the Sessional Committee and their objection to something that we passed in the Sessional Committee was a matter they should have taken up with the Member for their group. It has been found that we barely have a quorum when we consider such matters in the Sessional Committee and quite a number of Members representing different groups never turn up, and with a view to shaping the work of the Budget and to see that we were not dragging on this Budget Session to the middle of July. We had to find a way out and if we could find another day a week to complete the work before the end of June, I personally have no objection whatsoever to the amendment if the day agreed is Thursday instead of Wednesday each week, it makes no difference except so far as it suits the convenience of the Members of this House, and so far as I am concerned as a member of the Sessional Committee I have no objection to accepting the amendment.

Mr. Rogers (Nominated Member): Mr. Deputy Speaker, I oppose the Motion. I of course listened with great acclaim to the graceful compliments poured upon the heads of the Back-benchers by my hon. friend the Member for Nairobi West and I am glad to tell him that I agree with him. I do not think, myself, that there should be any increase in the hours we work in a day because I feel that there are few people who already have not, perhaps, even too much work to do as we are working at the present time, and this includes Ministers of course, and certainly includes the Back-benchers. We have many other interests to which we have to devote some attention. It might be said that we ought to abandon these interests. I would suggest that it would be a bad policy, first of

[Mr. Rogers]

all over other public interests I think, perhaps, assist the work—we can do on the Council and, furthermore, many of us are in fact running businesses and we just have to eat. Unless—despite views of the Minister for Information we still have to eat—and unless we can spend some time selling our cigarettes or our furniture or attending to our interests at the Bar it is very difficult to see how we can continue to do this delectable thing, eating, I feel that we should leave the sessions as they are at the present time and towards the end of this Budget Annual Session we can then review the matter.

Mr. Pandya: Mr. Deputy Speaker, Sir, as a country Member, I support the proposal that there should be one extra morning sitting during the week. I cannot, Sir, understand the objection of the Members from Nairobi, the only objection they seem to have is that they have got businesses and they have to eat. Well, Sir, we still do the same outside Nairobi! We have businesses in the Coast Province and many other provinces where the Members come from, and we do eat, and would like to have extra morning sittings so that the length of the Session is curtailed and we can get longer time at home. I wish some of the Nairobi Members would understand the problems of the Members from outside Nairobi and take into account our objections. I would like them to seriously consider our problems. I support the amendment which has been moved by my hon. friend the Minister for Agriculture.

Mr. Mboya: Mr. Deputy Speaker, I am not sure what we are speaking about because we appear to be raising the issue to what should come first. Members have a duty and a responsibility to the country that cannot be treated lightly. But it would appear to me that Members are putting the interests of this Council and the country in a secondary position to their own personal interests. Those who are thinking of their own businesses should not be here at all. In some countries Members of Legislature are required to sit for hours and sometimes throughout the night. But we come here and all we are required to do is to sit two hours a day and Members begin to complain they cannot have an extra sitting. The Sessional Committee, in considering this matter, was particularly interested, especially in regard to those Members running their own businesses, to give them more time for their businesses, to end the Session late in June instead of letting it go on into July. This was a very appropriate consideration for those Members who are very keen on business and other eating affairs. If this is rejected, the Session must go on much longer in the year and it is those with businesses which are going to suffer. I would

like to suggest very seriously that we deal with this rather awkward situation more realistically, and in my view I do not see the difference between the original Motion and the Amendment, apart from the suggestion that perhaps tomorrow is too soon. So far as the objection to Wednesday is concerned, if it is a question of conflict with the Government business, the Chairman of the Sessional Committee must have taken into account the whole question of the Council of Ministers, and for a Minister of Government to raise this question because of the Council of Ministers' meeting suggests that the Chief Secretary was not taking seriously the meeting, a point I would find very difficult to accept. Thus, this debate is becoming a rather confusing affair, and I would like to support the original Motion and if the Government do not like it, then I support the amendment.

Major Roberts (Rift Valley): Mr. Deputy Speaker, Sir, some of us are not so fortunate as the hon. Member for Nairobi Area. We have to attend to our businesses in order to be able to afford to come to Legislative Council at all! I would like to remind the House, Mr. Deputy Speaker, that if the suggestion made by my hon. friend for Nairobi West was implemented we would now have completed three speeches on this debate and saved the country quite a lot of money.

Mr. Deputy Speaker, I beg to oppose the Amendment.

The Deputy Speaker (Mr. Conroy): I will put the amendment, which is that the Motion be amended by deleting all the words after the words "this Council shall sit on the" and by substituting therefore the words "mornings and afternoons of Thursday of each week until the business of the Estimates is concluded, except that Council shall not sit on the morning of Thursday, 5th May".

DIVISION

The question was put and Council divided.

The question was negated by 33 votes to 24.

AYES: Messrs. Amalemba, Butter, Conroy, Griffith-Jones, Harris, Harrison, Hassan, Havlock, Dr. Kiano, Messrs. Luyt, MacKenzie, Mangat, Mathieson, Mboya, McKenzie, Sheikh Mubashamy, Messrs. Muimi, Ngome, Odunga, Pandya, Rubia, Tyson, Wainwright, Webb.

NOES: Dr. Adalja, Messrs. Alexander, Ayodo, Bompas, Crosskill, Farah, Mrs. Geega, Capt. Hamley, Air Commodore Howard-Williams, Mrs. Hughes, Mr. Hunter, Dr. Ismail, Col. Jackman, Messrs. Jamidar, Jones, Khamisi, Kiamba, Luseno, Sheikh Mackawi, Messrs. Muchura,

191. Motion—

Muhoya, Nurmohamed, Major Roberts, Messrs. Rogers, Sagoo, Shatry, Mrs. Shaw, Messrs. Slade, Smith, Tipis, Travadi, Usher, Sir Alfred Vincent.

The Deputy Speaker (Mr. Conroy): The original Motion remains the subject for debate and I will propose the original Motion again in accordance with Standing Orders.

Question of the original Motion again proposed.

Air Commodore Howard-Williams: According to Standing Order 64, Sir, I now propose that the proposer be asked to reply.

The Deputy Speaker (Mr. Conroy): I do not consider that this Motion is an abuse of the proceedings of this House. Have we got a Second?

Major Roberts seconded.

Question proposed.

The question was put and carried.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Deputy Speaker, there is little for me to add to what has already been said. We will now vote on the main Motion and I do ask hon. Members to bear in mind that they are in effect voting on the issue of whether or not we shall have double sittings during the Budget sitting. If they vote against it, they bear the responsibility for the extra expenditure to the country which is involved. That is entirely a matter for them and their consciences.

Hon. Member rose.

The Acting Chief Secretary (Mr. Griffith-Jones): I am not giving way. That is entirely a matter for their consciences. I personally endorse the view that has been expressed previously that the business of this House within reasonable limits—and I consider this to be a reasonable limit and in the interests of the country—should take precedence over personal convenience. I commend this Motion as it stands to the House and I would only conclude with the observation that had I foreseen the outcome of today's proceedings I would certainly not have intervened yesterday to prevent the debate on the Budget collapsing for lack of any Member on the other side being prepared to speak.

I beg to move.

DIVISION

The question was put.

Mrs. Shaw: On a point of order, is it in order for Mr. Deputy Speaker to grant a division unless six hon. Members rise in their places.

The Deputy Speaker (Mr. Conroy): No. That is one of the occasions on which I am bound to

award a Division. The other occasion is when I consider that there is reasonable doubt as to the outcome of the Vote in question.

The question was negated by 43 votes to 17.

AYES: Messrs. Butter, Griffith-Jones, Harris, Harrison, Hassan, Dr. Kiano, Messrs. MacKenzie, Mangat, Mboya, Sheikh Muhashay, Messrs. Odigma, Pandya, Rubia, Tyson, Wainwright, Dr. Walker, Mr. Webb.

NOES: Dr. Adajja, Messrs. Alexander, Amalemba, Ayodo, Bompas, Cooke, Farah, Mrs. Geega, Capt. Hamley, Mr. Havelock, Air Commodore Howard-Williams, Mrs. Hughes, Mr. Hunter, Dr. Ismail, Col. Jackman, Messrs. Jamidar, Jones, Kebaso, Khamisi, Kiamba, King, Luseno, Luyt, Sheikh Mackawi, Messrs. Mathieson, Muchura, Muimi, Muhoya, Ngome, Nurmohamed, Major Roberts, Messrs. Rogers, Sagoo, Shatry, Mrs. Shaw, Messrs. Slade, Smith, Tipis, Towett, Travadi, Usher, Sir Alfred Vincent, Mr. Zafrud Deen.

COMMITTEE OF SUPPLY.

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

Resumption of Debate Adjourned on 3rd March, 1960

Lord Portsmouth (Nominated (non-Government)): Mr. Deputy Speaker, Sir, I should like to add my more personal need of congratulations to the Minister on his first Budget. Sir, I think he can be especially congratulated on a local uniqueness in that he has not budgeted for a deficit even if he has budgeted very close. I think also the Budget showed that it was preceded by the same spade-work and thoroughness which we have had in years past.

Sir, I would like to turn to one of the earlier things he mentioned which was the Fiscal and Economic Committee on the High Commission. I welcome this and I think it is of the very greatest importance. My own belief is that the High Commission in almost all of its ramifications is of immense value to all the three territories and Zanzibar and I would like at this moment to say a few words about the East African Research Organization. I think that this particular Organization is one of the most valuable things in the whole of the tropical world for the benefit of future mankind. I know a good deal about its work because I have been privileged to work on the Research Council in the last few years and have been connected with many things they have dealt with. Now, Sir, we cannot, in my view, afford to let that work run down. The work that

[Lord Portsmouth]

has gone on so far has been the preliminary work from which great results are about to spring, and if we do away with the work that has been done already it will be an incalculable dis-service to the future; and, Sir, it is work which is essentially non-overlapping, as I know very well, with the other work which is done individually in the three territories. Kenya's Veterinary Laboratory at Kabete is of value to all three territories, as is the Grassland Research Station at Kitale, but that is not work that has been overlapping with the work that the High Commission is doing. Let me equally say, Sir, that the value of, say, the Timber Research Utilization Organization at Moshi, or the work that is being done in Uganda on trace elements, is of equal value to us in Kenya. There is nothing that we do in these three territories that does not impinge on something else, and therefore, Sir, I feel very strongly that it is the time to try and forget the interterritorial rivalries and the interterritorial doubts on these matters.

We have, I think, all been guilty from time to time of taking too parochial a view. I happen to know that on one particular bit of vital research where one job would do, in order to satisfy the three territories three similar research works have been put into operation; and so this increases the expense enormously. But Sir, it may very well be argued that because of the fact that the team at Magua is carrying out research Kenya is collecting the benefit. But there is one point I would like to put here, Sir, that if you do not collect a team in one centre or another preferably in a centre that is accessible to all, and keep them there, their work, the value of their work is halved by the fact that they have got to be carrying it out in every territory far apart. There is no question in all the research that I have been connected with in a very long farming life, that the research workers knock sparks, as it were, off each other, to produce the results. It is not the same with isolated spasmodic work done down in the bush here and there.

Now, Sir, the reason I have gone into some detail on this is because I hope that we may find the wisdom in this Fiscal and Economic Committee to put this story not only for research but also for many other things into true perspective in order to end interterritorial rivalries on these occasions. I think that so many schemes today must be carried out on an interterritorial basis. That, I think, even goes for a good many of the things we may search to do for unemployment. I shall return to that later but I would like, as an example, to say that on my own farm there are peoples working for me from

at least four tribes in Uganda and also from another tribe which constantly crosses and recrosses the border.

Now, Sir, the problem here is the same for all of us. We cannot, I think, today, afford to have non-prosperous neighbours. It does not do any of us any good if our next door neighbour, Sir, is not prosperous and similarly it does not do the other territories any good were prosperity to be only ours. Now, Sir, this, I think, is the moment to stress this, because I think a good many of the doubts expressed in the other territories were due to the fear that the High Commission, because it was mainly based for one reason or another in Kenya, would be dominated by the settler complex, if I may call it so. But surely, Sir, whatever else may be said for or against that extraordinary farrago of affairs which has emerged in some fairly comprehensible form now from Lancaster House whatever else may be said for or against that at least it should have, I should say, done something to dispel the fact that there need no longer be this fear among the other territories, whether justified or unjustified in the past. Therefore this is the moment, I think to urge that we should review our whole line of progress and operation within the three territories in order to make—not politically, I am not arguing about that at all—a viable economic unit of the three territories.

Sir, I would enormously welcome the success of the Rufiji Valley Irrigation Scheme if and when this takes place, just as I would welcome a wood pulp industry in Nyanza. Naturally because it be close to my home the latter scheme would be closer to my heart.

So, Sir, the same thing would be true if in the interests both of business and unemployment, between all the territories, we had a main tarmac between Kenya and the Rhodesias. Letters to the newspapers in Tanganyika have alleged that they would merely be subsidizing Kenya. Well, in the past Kenya has subsidized, by amalgamation, the railway system between the two territories, which was very doubtful from the business point of view. Sir, we should not criticize one or another but we should combine to make each other's prosperity.

Now, Sir, if I may for a moment return to unemployment, and forestry—I know that everyone will smile here because forestry has always been one of my babies—and I am only talking about it now because I expect it will be extremely doubtful if it is discussed under the Vote headings.

Sir, I am delighted that my hon. friend the Minister for Finance has seen fit to take, at least

[Lord Portsmouth]

two small items out of my previous schemes over the last two years on unemployment and put them into the practical Budget. The first one of those, Sir, is the scheme to absorb another 1,000 families in the forests in places where work has got behind owing to the Emergency.

But, Sir, I do suggest that he has fallen short in this matter in not having followed the previous suggestion for which schemes are already drawn up. This is that we should have a road scheme in the forest, plus a firebreak scheme, which would add to employment considerably, and which is the only possible insurance premium to pay for loss in the forest by fire. It is really because we have had now some four or five very wet years, that we have not had serious forest fires, and it is ridiculous to build up something worth millions of pounds unless you are going to have a form of practical insurance by having firebreaks and roads to fight the fires. And therefore, Sir, I do urge him to reconsider that at the earliest moment when money is available for further unemployment schemes.

Secondly, Sir, it is probably quite true that the Kikuyu tribe are by far the best tribe for practical afforestation, because they know the job, but work of this sort, roads and firebreaks, can give work to the other tribes as well, who are equally capable of undertaking that sort of job, and it is not only in the immediate areas of the Central Province that unemployment is bad. It is not only there that the problems are. It is throughout the tribes in many parts of Nyanza as well as the Coast.

Now, Sir, he made a comparison, the Minister, between the relative cheapness of employing a thousand families, at a cost of £100,000, in the forest as against the same cost of employing a thousand families on road work, which was, I think, £100,000 to £300,000—if I remember rightly, Sir, I do beg all of those who are looking at unemployment problems to remember that the hand came before the plough, and that the plough was pulled by oxen long before it was pulled by horses, and long before it was pulled by tractors after horses. The railways of this country were largely built as regards earthwork, not by bulldozers or dumpers, or big machinery, but they were built with *kerais* on the head, and I cannot believe that a little ingenuity could not, not retrogressively, but for the sake of giving better employment and just as economically, on many jobs on the road, jobs of that sort, building dams, etc., make a far greater use of hand labour. I know this from my own experience on the farm. I have to use big machinery because I have got from time to time to catch the weather

and get the job done quickly, but my accounts show that the work done by ox teams is just about half the cost of the work done by big machinery with all the wear and tear and repair and waste in this country. Furthermore, what we do by our own hand and with the minimum of machinery does not require a large import for which we have got to pay afterwards. There is a point of view which has grown up, and it is almost impossible, even with one's own manager one finds that as soon as he has got a machine you must never do anything the other way. I have often noticed on other people's farms, and sometimes on my own, that the use of machinery was absolutely wasted because it was undertaken on places where hand labour was much quicker and did not involve heavy repair bills which the other did, and I do ask that in the whole contemplation of unemployment the economy of the hand and the very small minor tools will be taken into account and really will be gone into and not have the present modern view that you have a machine and you have to use it and the hand is of no use.

Sir, I will not say much more. I think it is no use my going on labouring what I have said in previous debates on unemployment on the means and methods we might use, but I do put out the suggestion once again, that if we can leave out the individual schemes which we have undertaken well within our own territories, if we can seriously think of our development which will be, as the Minister so wisely said in this debate, which will be schemes for employment, not merely to succour unemployment, but to plan employment which will make new employment, which I think is the right way to look at it. Then we should look at it, if possible, on an interterritorial basis, but it is not only thinking in terms of our three territories here. The hon. Member knows very well, that if you go and ask for a £700 overdraft to farm your land, you are cut down probably to £400, and looked at with great suspicion. If you go and ask for £100,000 overdraft you are probably likely to get the lot.

Mr. Alexander: Quite right.

Lord Portsmouth: And that applies on any scheme which we may have to finance. If we can present a bold, imaginative scheme, which takes account of the needs of all three territories and development simultaneously there, then probably, I think, we are going to catch the imagination of the world, and probably because we have asked for so much the finances will be much greater.

Sir, now what do we really need, outside all the froth of words and the doubts and difficulties of

[Lord Portsmouth]

our constitutions and the manoeuvring for a position which it contains, we have got to deal with unemployment. We have got to deal with it part and parcel. Quite apart from that there is resettlement, there is the development of our land on a much bolder scale than we have done in the past, and that includes irrigation where we have not thought of it before. We have got to deal with education in such a practical way that it makes a whole body of people capable of dealing with the task in life from the very simple jobs to the very complex ones. Too often we have thought of education in terms of educating an army of generals and leaving out any privates whom they can command.

And, finally, Sir, we have got to agree amongst ourselves, and there is general agreement all round that these are the things that matter. These are the things which if you are going to have racial co-operation, we can agree on, and we can become closer. Sir, in these days of lightning strikes and so forth I remember a story that is now so old that it has probably been forgotten by Members of this House. Three people had rooms on the 30th floor of an hotel in New York and they arrived back at about three o'clock in the morning, having had rather a good party, to find that there had been a lightning strike of liftmen and there was no way, except by the good old foot, of getting up to their rooms, so they decided that they would while away the time—because, these being Americans, the use of the foot for 30 stories was quite unthinkable—they would while away the time by each one telling for ten floors the best stories that he knew. The first man got up rather briskly up the first ten floors and he did not run out of stories. The second man got up to about the 18th or 19th floor and was really flagging, and had to get up to the 20th. When they got to the 20th, the third man said: Well, folks, you have got me beat. I have run right out of stories, but there is only one thing I know, and that is going to amuse you. We left the keys down on the ground floor."

Mr. Deputy Speaker, that is not only to lighten the mood of the House, but it is to point the moral. That many *maneno* without a key does not lead you very far, and the keys are the things which I have been trying to enumerate above. Earlier today we had a debate and several divisions which made me think that if a man, according to the old saw, the man who could make two blades of grass grow where one grew before, then the greatest benefactor of mankind was he. The second greatest benefactor of mankind is the man who can make one word do where two did before. And, Sir, if I may para-

phrase a very sound and characteristically modest peroration of the Minister for Finance in his Budget Speech, I would like to say that we do indeed need slow tongues. We need wise brains and warm hearts.

Mr. Deputy Speaker, I beg to support.

Mr. Jones (Nominated Member): Mr. Deputy Speaker, Sir, I rise to add my congratulations to those of the previous speaker, and I particularly do so because I think, like everybody else, it was a nice, short and not too bitter a Budget, and when he has finished with it I am quite certain he will get the money he is looking for, with perhaps just a little bit to spare.

Sir, my job today really is to thank the absent Member for the Nairobi Area for the very charming remarks he made about the Transport Licensing Board yesterday. We do not get many of those, and on behalf of myself, personally, and of the other members individually, and the Board collectively, I thank him for them. But I do want to enlarge and clarify the picture which he drew of the Board's activities.

First, I would like to say that we are all of us very sympathetic to the African aspirations in the provision of transport, and we sympathize with them too because a great part of that field is still filled by those pioneers who originally provided the transport. Under the terms of the Transport Licensing Ordinance, however sympathetic we may feel towards these aspirations, we are not permitted to hand out licences, except with regard to the public interest. The public interest is defined in the Ordinance as being the interest not only of the people requiring transport, but of the people providing it, and those people who are already providing it have rights, entrenched rights, if you like. Now, the Board, as I say, in the public interest, has to consider the interests of those people, and I shall be producing figures shortly to show just how we have done that. But at the same time these figures will also show that wherever it has been possible to give licences to African applicants, those licences have been issued. I should like to have gone back in our figures for two years, but we do not keep our figures on a racial basis, and the Transport Licensing Board this morning put in some heavy work getting out figures for the year 1959, and I should like to give them to the House. They have been extracted on a racial basis, and I think the House will find them interesting.

During 1959 19 licences were issued to Europeans—19. And 11 of those were to tourist organizers to take people into the game parks and places of scenic beauty. Forty-five licences were given to Asians and two of those were for

[Mr. Jones]

tourist firms. Twenty-two licences were given to Arabs, and 150 licences to Africans.

Mr. Odiga: Very few in proportion to population.

Mr. Jones: I heard what the hon. Member for Nyanza Central said, and I would like to take out the number of licences which were issued in Nyanza for his information. They were quite plentiful because they lack rail facilities there.

Now, the Member for Nairobi Area complained, or rather pointed out, I do not think he did complain, I think he is rather sympathetic to us really, but he pointed out that Africans were given licences for forest roads, reserve roads, back routes and so on, and they never got on to the main profitable routes, and so we analysed these figures down a bit further. The Europeans' licences were either for tourist routes or for forest and backwood roads. The Asian applicants were given three licences on the Fort Hall road. They were given none on the Limuru road into Nairobi, none on the Machakos road into Nairobi, none on the Nguro road into Nairobi. They were given three, as I say, on the Fort Hall road. The Arab licences were all for roads which you might call "P.W.D. roads", I suppose. But if you analyse the African ones, 25 licences were given on the Fort Hall road, 18 were given on the Limuru road, and one was given between Nakuru and Kisumu. No other licence was issued out of Nairobi on the Nakuru-Kisumu road, except for small taxis.

I think, Sir, you will agree that it is not fair now to say that if Europeans and Asians apply for licences they automatically get them and they stand in the way of Africans getting licences. I can say, Sir, quite categorically, that although it is true that Asians and Europeans file objections whenever an African applies for a licence over a route they are already operating themselves, that, Sir, is only natural. They have the right to do that, and they are only exercising their right. But I say without fear of contradiction that in order to help Africans get licences or anyhow get to work on a filled route they have many times shown their willingness to bring those Africans along with them by giving them the use of their workshops and as I hope that Members for the Coast will know, they have, the Europeans and the Asians and the Africans, they have got a joint organization for operating bus transport on the Mtarikani Mombasa road. It is in that way, I feel, Sir, that we can gradually get Africans occupying the most complete position in the bus passenger transport of this country.

Sir, these figures are available for anybody who wishes to see them, and I shall show them to the Member for the Nairobi Area.

Sir, before I sit down, and dealing more particularly with what the Member for Finance said, I have had experience in many parts of the world on the matter of taxing petroleum. Sir, taxing petroleum is a very great temptation for any Minister for Finance man or Chancellor, because it is easy to collect, it costs nothing, and like tobacco it is a commodity the consumption of which is increasing all the time, and the tendency, therefore, is to anticipate a surplus from the revenue which you anticipate on a petroleum tax. That usually goes a long way to being right, but there is no doubt that when you tax a source of energy, and especially in a country that has not got its own prime mover, unless you can call the Jinja Nairobi electricity supply one, if you tax the only prime mover that it has got on importation, then you restrict the economy. You may not notice it, but in fact people do economize on their energy forces, and eventually you "kill the goose that lays the egg". In this particular case, Sir, I think that the tax is legitimate, quite, quite legitimate so long as the people on whom it is imposed, and the people who pay it, are allowed to pass it on and collect it from the public. It is a legitimate tax, but it is a source of revenue on which we ought not to depend too much.

Sir, I beg to support.

Mr. Pandya (Eastern Electoral Area): Mr. Deputy Speaker, Sir, I think the Minister can look back with satisfaction on his maiden Budget, as it has been acclaimed by the man in the street with a great sense of relief, and indeed has won him many friends, although there are, Sir, one or two very strong reservations on the measures of revenue that have been proposed by him. This apparent relief has been more marked and noticeable because of the special and abnormal conditions of the last few years. We have had new taxes year after year and this has conditioned people to look on the Budget day with rather fear than favour. However, Sir, I would like to join the Minister in extending the thanks to the Permanent Secretary and the other people and officers who have produced such excellent figures for us to foresee the progress that has been made in the economic sphere, and the figures which have been given to us so clearly including the Development Estimates for the years 1960/63. I would, Sir, at this early stage, also like to express our gratitude to Her Majesty's Government for the very generous and liberal grants and loans that were given to this country during the dark days of the Emergency, and indeed the recent contribution towards the expenditure of the East African Land Forces.

Now, Sir, let us examine what are the highlights of the proposals that have been made by

[Mr. Pandya]

the Minister. Firstly, it has taken action to remove certain anomalies that have existed in the financial structure of this Colony, and which have been clearly stated in the Financial Statement.

Secondly, to my mind the most important, is that the infant industries are put in a privileged position by the imposition of protective tariffs. They will now be able to increase their production and thus contribute to a better economy in this country. It is also in my opinion an encouragement to those who wish to invest in this country, that Government is always willing to help those who help themselves, not only for the benefit of the individual, but for the greater benefit of the country as a whole.

Thirdly, Sir, the vital importance of tourism to this country has been recognized by the proposals, a point to which I will refer later. Fourthly, there has been the controversial diesel tax to which I shall also refer later.

Now, Sir, the economic survey is a most welcome addition among the many papers which are circulated to Members at Budget time, and I think it is very clearly emphasized that last year was a much better year than a few years before and that there was considerable improvement all round in the economic condition of this country. Indeed agricultural production was on the increase and while exports have increased, imports remained at a fairly stable level and there are already indications that the first months of this year were showing a tendency towards improvement which would immediately benefit the country. This should not make us complacent, on the contrary it should make us vigilant, for not only are we aware that we are repudiantly dependent on exports of agriculture and that again on a very few commodities, particularly coffee and tea, and these commodities are facing very strong competition from other countries in the world markets. Now coffee, of course, Sir, is our greatest earner, but the recent tendencies of the prices do not encourage us to depend on this commodity for future stable conditions. Indeed we have, by greater efforts and sacrifices, got to arrest the tendency towards an adverse balance of trade. More production under the present conditions will only mean that we will pay to a larger extent for our imports which we do require, firstly, Sir, for our manufacturing industries and indeed for the consumer goods whose demand is bound to rise as there is a tendency towards increased wages as well as the needs of the people are on the increase from time to time.

The Minister in his masterly review referred to the loss of confidence and the outflow of

capital. Now his statement in London and his current references helped considerably to improve the situation and the mood in this country. He has given the facts boldly, he has admitted that there is a certain outflow of capital, but indeed if there had been any indication of fright and panic, the outflow would have been much greater than has been indicated by him. What is responsible for the outflow in my opinion, Sir, is the irresponsible statements of many of our leaders which have created these unsteady conditions. I wonder, Sir, if these leaders realize that these have created rather ill-effects, not only in this territory but also in other neighbouring territories? Instead of such shaky speeches which have tended to undermine confidence in this country, we need the confidence of the type that was given in the speech of the Minister for Commerce and Industry. I feel, Sir, that this should be displayed more prominently by newspapers than in some of the irresponsible statements which have been made in this country. The Minister, Sir, has done well to show the people that in a country of this nature, it would be futile to put currency restrictions which indeed would not only hinder the development but would cripple the economy of this country. I am sure, Sir, that such measures will not only destroy confidence in the economy of the country, but it will help to decrease the development which we need so much to meet our estimates of expenditure and this indeed, Sir, as we know, is a formidable challenge. Uganda is, I think, a very recent example, Sir, of how an economy can be shattered by unwise actions and irresponsible behaviour.

Now, Sir, I would like to refer to a matter so ably put by the noble Earl—referring to the Economic Commission which is to examine the arrangements for the common market in these territories. There has long been, Sir, mistrust and suspicion in the neighbouring territories with regard to the activities of the East African High Commission. We must accept this fact, Sir, for this was highlighted in a recent meeting of the Central Legislative Assembly when almost all the Members with one notable exception, particularly from Tanganyika seriously alleged that the benefits of the High Commission accrued mostly to Kenya, and indeed, Sir, I was personally told in other territories that they are not getting a fair share of the advantages of the common market. We in this territory, Sir, desired that things should be put on an equitable basis, and that the benefits should be shared by all the territories. I am sure that when the Commission comes to report on this matter it will prove beyond doubt that the High Commission has been rendering services of a sterling character for the benefit of all these territories.

[Mr. Pandya]

Now, Sir, I particularly welcome the proposal—to which other hon. Members have referred—those which refer to the tourist industry which is each year growing in importance and for which the Government is creating better facilities. But I would ask, Sir, that there is better support for and co-ordination with the East African Tourist Travel Association, which has still the feeling that it is being treated by the Government as a poor relation. Thorny and irritating feelings I think should be eradicated in the greater interests of the country. The easy facilities for clearance at the ports of entry and the very wise lifting of the customs duty on cameras, binoculars and films will not only please those residents who found it necessary to alight at Aden to make these purchases on their way to other destinations but will also be a great help to open up new markets from all those people from other countries, particularly from those highly taxed countries for they will thus be encouraged to make their purchases here.

I would, however, Sir, like to support the hon. Arab Elected Member, Sheikh Mackawi that the development of tourism must remove the remaining pockets of discrimination which, unfortunately, still exist in some of the areas, and the people who run public places should be quite definitely told that this derogatory treatment meted out to visitors of other races is highly objectionable. It is a sad fact that a little while ago such an incident occurred in the Coast Province which often prides itself on its very happy race relations. I understand the Government has been made aware of this fact and I hope that it will deal with this matter in a very forthright and confident manner in the interests of the tourist industry as a whole.

I now turn to the other proposals of revenue. There are certain misgivings about making the minimum annual licence fee of £8 for a small car user who in most cases has to have a car for necessity rather than pleasure, and indeed it has been strongly represented to me that instead of putting all this tax on the small car user, it would have been worthwhile to tax a little extra the large vehicle user. I am a large vehicle user myself, Sir—the steep rise in these licenses need not have been so sharp as had to be put on by the Minister. Of course, people are always willing to sacrifice something, particularly when part of these funds or the whole are to go to the Road Authority for making better roads in this country.

But, Sir, I think the greatest uproar has been against the increase of tax on light diesel fuel of a total of one shilling and ten cents, for there are already threats of increases which may be

implemented, to put up passenger fares, which would affect essentially the poor man. This inevitably will lead to demands for increased wages which again will start the vicious spiral. There was, as many Members will remember, quite an uproar last year on the imposition of 15 per cent duty on the commercial vehicles and now, Sir, with this increase in tax it will create a crisis if it has not already done so. In view of the fact that the Minister said that that there will only be a fractional effect, and looking at the uproar, perhaps someone has missed in his calculations and probably the Minister would like to look at this again.

Sir Charles Markham: Have you got an interest to declare?

Mr. Pandya: I have no interest, Sir, in the business except to carry myself. Now, Sir, there is considerable transport of goods by road, and it is freely alleged that this tax has been put up to help the railways which have been in a very strong competition with other road operators who have indeed been providing a very valuable service to the people in this country and particularly to commercial people.

Now, Sir, I have always admired the value of the Swynnerton Plan which has been of immense benefit to African agriculture, for not only has it helped to increase production, but has shown new methods of production in tea and coffee, to accelerate this development I would like to congratulate the Minister and his namesake, the Minister for Agriculture, in their recent efforts in Washington to obtain the loan of £2,000,000 from the World Bank. Now we are anxiously awaiting for what I hope will be favourable results. But I would like to ask at this stage, Sir, of the Minister for Agriculture, who I do not see here, what consideration he has given since his assumption of the Portfolio, to the many repeated requests that have been made from this side of the House from time to time on the encouragement of another section of the Kenya community to take an important part in agricultural pursuits. I am sure, Sir, that he realizes that this is not only to boost the economy of the country, but will definitely encourage the welfare and prosperity of all the peoples in this country.

Now, Sir, one glance at the recurrent estimates is enough to show that there are no economies of any importance effected in the proposals. For one can see consistently the same pattern of expenditure over the last three years. It does not seem, Sir, that the Minister has undertaken this exercise and I do suggest to him that this really would have been worthwhile—and here I do support, Sir, some of the observations made by the hon. Member for Kiambu and support the terms

[Mr. Pandya]

of the Motion of which notice was given by my hon. friend the Member for Central Electoral Area—ban for the Minister to say that “the Estimates are designed to stabilize expenditure on administration, law and order, and other services at a level which will ensure future efficiency”. I do want to emphasize, Sir, that I do not intend to propose that efficiency should be sacrificed at all.

Now, Sir, I would like to refer briefly to the security position in the country. Many other speakers than myself have posed problems on the question of unemployment, which we know is particularly acute in the large towns where the supply of labour has exceeded demand, and it has unfortunately led to practices which indeed are a menace to society and although Government has appointed a Commissioner to look into this matter, we would like to know what immediate steps are being taken to meet this problem. For I feel, Sir, that more than protective measures, it is definitely better to meet such a situation by what I would call remedial measures. However, the fact remains that the situation is serious and tense as has been seen by the many incidents which have been reported and, indeed, we know that many incidents go unreported and unreported and while some police action recently has helped the situation, I think there is a strong case for more vigilance to minimize molestation and violence in areas of concentration where such incidence are very rife and frequent.

I would, Sir, like to support the observations made by the hon. Member for Nairobi Area and his observations yesterday on the structure and expenditure on the Kenya Regiment. Many times before, Sir, in this House we have raised this question, but we have never had a satisfactory answer from the Government. I would very strongly like the Government to give a clear answer and I would like it to consider that they give serious thought to opening the ranks of the Kenya Regiment to people of all races so that they can contribute their share to the maintenance of stable conditions in this country.

And now, Sir, I must refer in this debate to a most important matter, education, particularly on matters of principle. I would remind Members that last year in the Budget proposals there was a proposal for an increase in the fees of secondary schools. Now this proposal was very vehemently opposed by the Asian Elected Members at that time, but in spite of that, Sir, indeed in the very face of it the increase in fees came into force early this year. It was an increase of as much as over 60 per cent. It should be obvious, Sir, to anyone that such a heavy increase at one

stroke was bound to be a great burden on the parents, although I do admit that there are facilities of remission. Indeed, Sir, this action was taken against the very strong and unanimous advice of the Advisory Council on Asian Education and I would seriously urge the Government to reconsider this matter and to relieve the parents of this terrible burden. Any drastic steps of such fantastic increase should only be taken after very serious consideration and consultation with the community to gain its approval before the fees are ever increased. Indeed, such measures should be taken after finding ways and means of meeting the costs of education in co-operation with the leaders of the community.

Now, Sir, some six weeks ago the Government announced its policy of the Board of Governors for the European Secondary Schools. Now since then, Sir, there has been some interest aroused in the Asian community about the financial and other implications of this scheme before they either accept or reject it. But I would like to say, that in the absence of such detail, the first reactions of the community have been against the system for it is felt that this will retard the development of common schools, the development of common educational standards and that control in the proposed Board of Governors will only mean that they will carry out and further racial education policies. The Minister, Sir, may feel inclined to comment later on this aspect of the matter.

Now, Sir, I feel that with the changes impending in the new spirit that is prevalent here, it is time that the Government examined the educational set-up in the light of bringing about more uniformity in administrative matters, syllabuses, examinations and equality of standards so that some form of common basis can be found. With this in view, Sir, I would suggest to the Government the appointment of the committee on integration of education as was appointed in Tanganyika in 1958, and which recently brought out a report which favours the development of a single system of education for all races in the country, and how this system can be implemented over a period of two or three years. I think, Sir, the Government would do well to think ahead on this matter because the time will come for a change, and I am sure it must come—make no mistake about it so the sooner the Government deals with this problem, the better it is in the interests of the country.

Now, Mr. Deputy Speaker, Sir, the debate last week on a Motion moved by my hon. and gallant friend the Member for Nairobi North evidently did more good than harm and brought out clearly, Sir, that there was agreement at Lancaster House and that there were signs already

[Mr. Pandya] that the parties to the agreement mean to implement the decisions that were taken at that time; although in the early stages it did seem and it was doubtful whether such a confidence would prevail in view of the indecisive character of some of the speeches that took place soon after the Conference. I think there now seem to be signs of balanced approach which is fast restoring goodwill and confidence, and has been practically demonstrated by the fact that our friends of yesterday on this side are now sitting on the other side and how well they look, happy and contented. However, Sir, it is a disturbing thought that a large section of the European community seem to make strenuous efforts of retaining their privileges, particularly in the matters of land and education, although at the same time they say that they do not oppose changes or the spirit of the Lancaster House agreement. All this talk of retaining what they have and in the manner they desire is not conducive to happy relations amongst peoples of this country. How much better would it be if all this effort and energy were devoted to supporting wholeheartedly the implementation of the Lancaster House agreement and thus generating goodwill which will eventually lead to building the people of Kenya into a single nation. Sir, efforts to put the brake on are doomed to failure and indeed will lead to chaos and confusion. So let us all join together in directing our endeavours to something that is more lasting and more worthwhile, and that is the happiness, better understanding, peace and prosperity for all the peoples of this country.

Mr. Deputy Speaker, Sir, I beg to support.

Mr. Rubia (Nominated Member): Mr. Deputy Speaker, Sir, I rise to support the Motion, but, before I start, I would like to congratulate the Minister for Finance and Development, not only for the very able way in which he presented this Budget, but also because the proposals contained in the Budget Speech must have required a very great deal of thought and imagination in view of what was then the existing political cloud in the country when these proposals were framed.

Now, Sir, I would like to start with the question of security in the country because I believe it is one of the problems which is worrying a lot of people today.

Sir, I believe all of us here must abhor all violent actions that are being done here and there whether the victim is a European, an Asian or an African.

Now, Sir, I think the Member for the Ukamba Area mentioned yesterday about this, particularly in his own constituency, and I think he referred

to Kiambu. Now, Sir, in that connexion, if I heard him well, he seemed to attribute the violence to what we had a few years ago here as the *Mau Mau* pattern of violence. Now I am not trying to deny it but I think it is wrong to colour the picture as a whole, that the violence is influenced by *Mau Mau* because there are other factors which I think should be considered at the same time.

Now we all know what *Mau Mau* has been to this country and I also realized when I went to Europe last year how much that word *Mau Mau* is feared overseas. I think whenever we speak of our security situation here we should put the blame where it lies and perhaps put a qualification on it because if people in Europe hear of the possibility of a revival of *Mau Mau* activity in this country, I have a feeling that we shall not get their money which we so much desire. Now, as I said earlier, I am not denying that there may be some *Mau Mau* activities in certain areas, but I think that some of these actions can be attributed to the fact that we have a lot of unemployment in these districts. Now the Central Province generally, Sir, is, or was, a very crowded Province. Now during the early days of the Emergency we all remember the repatriation of the Kikuyu, Embu and Meru from various places and districts all over East Africa. We had some returning from parts of Tanganyika and Uganda, and all these people were sent to their original districts in the Central Province. Therefore it follows that we have a lot of overcrowding in that area. Now when the movement restrictions were lifted, those people could not get jobs, which goes to suggest, in my view, that most of the violent action that we hear and read of is to a very large extent due to the economic situation and I think that fact has to be appreciated. Now in that respect I would very much like to see several steps taken, if I may appeal to the Government, and one is perhaps the speeding up of the absorption of these people to various occupations and employment, such as resettlement. I know there is such a move, I know we have a Commission sitting, but I think what we want is the speeding up of that process. I would also suggest that this Government should also approach the other East African Governments because I believe there are still Emergency restrictions on entry into those territories of Africans from Kenya.

Now I realize it is outside the competence of this Government to lift these restrictions, but I think we have something in common with Tanganyika and Uganda. These territories ought to combine to put that trouble right and it strikes me as rather unfair that we should have our country for people from Tanganyika to come and seek work here, yet our people cannot go

[Mr. Rubia] to Tanganyika and seek work there. And I think by mutual understanding that point can receive those Governments' sympathetic consideration. That, I believe, is one way of trying to solve unemployment.

Now, the other point that I would like to mention, Sir, is that it was very pleasing to hear in the Minister's speech that land consolidation has started bearing some fruit. Now, that is very encouraging because I believe it will give some incentive for land consolidation in those areas where land consolidation has not been started. That, Sir, is very encouraging too because I believe the local cess in those districts where land consolidation has taken place will contribute to the welfare of the citizens of those districts. Now, I am pleased too to see that it is the intention of the Kenya Government to borrow some money for African agriculture. There again, Sir, I do not want to appear to be praising the Government all the time, but I think it is a move towards the right direction. But I would like us to try and be a bit imaginative because we should not, I think, pay all the attention to our agricultural population because a very large proportion of our population are actually town dwellers today. There are, in fact, very few who can be called farmers in the true sense, in the African sense, shall we say. It follows therefore that we have also to consider that African who might have consciously or otherwise become urbanized.

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

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

I have in mind, Sir, the African who lives in, say, Nakuru or Mombasa or any other place who would like to establish himself in business. I do not want to take up very much time on this because it has been raised before, but I sincerely hope that the Government will see the wisdom of assisting those people so that we shall not have an exodus from our towns and cities and townships back to the land because that is likely to happen, if the land appears to be too attractive and perhaps the towns appear to have no future at all. In that respect I am appealing to the Government to try and see if anything in the form of assistance can be arranged for African businessmen and women who are likely to benefit from such things as loans or even assistance in the form of advice, how to run businesses efficiently, how to look at business as one entire profession rather than depending on one or two

acres of land in the country. The time, I believe, is ripe, for I know of very many Africans who are determined not to forget their land—I believe very few of us would like to do that—but unconsciously many people do not pay so much attention to one or two acres now if they think they can make a decent living from business. This, Sir, is only an appeal to the Government to see what can be done in the way of assistance for African businessmen.

Now, Sir, that will not only provide income and a living for those people because I believe it will also do one very major thing and that is it will narrow the economic gap that we have between our races in this country because I believe one of our difficulties in this country is the economic difference that we have between races. If Africans are, shall we say, encouraged and assisted to become businessmen and women, to say, the extent of Asians today, I believe we shall have a lot of problems solved because every time we talk of employers many people straight away come to the conclusion that it refers to the Europeans. Now, in practice today it is true. Now, there the situation must change because we must have a common problem and a common interest in commerce and industry in this country. In that respect I would also like to appeal to the Government to see that while we encourage foreign capital in this country we should at the same time make sure that we do not encourage capital which may restrict African money participating in such projects. Sir, today I know there are some business organizations which will not admit Africans as shareholders. Now, that sort of situation might have been reasonable in the old days when the Ordinance was enacted but I, Sir, believe that that has to change because if we are to have common interests on a certain project we are likely to see the other man's point of view better than we do today. We may like to have racial understanding. Yes, we all wish it; but it is no good saying this until we can sit together on an equal basis as, say, directors of such and such a company. That, Sir, I believe will not only solve the question of livelihood for the African people but I believe it can bring racial understanding.

Now, the other point I would like to raise or comment on is the question of local government finances. Now, I am informed, Sir, that at present there is only one local authority in Kenya which has a team of Organization and Methods and that is the City Council of Nairobi and no other local authority has such services, an Organization and Methods team. Now, I think here, when we seem to be in need of money everywhere I think we should also make sure that the money that is voted by this hon. House is well spent. Not

[Mr. Rubia]

that I am suggesting it is not always well spent; perhaps it is spent to the best knowledge of those who administer the money. However, what I am suggesting is this: there should be a central organization of Organization and Methods controlled by the Central Government so that any local authority which requires any guidance on a matter could request that such a team should go to their aid. Now, this will be particularly useful as far as the African district councils are concerned because I believe we are moving forward to where local authorities will get more and more responsibilities, more responsibilities in the way of education, in the way of health services, and such like. And as we go on, as indeed I hope we shall, and make progress we shall find ourselves with quite a lot of money to be controlled as local authorities and I think here we should have the benefit of the experts in such matters as how best we can spend our money as local councils. That, Sir, I think is a thing that is overdue in view of our financial difficulties.

Sir, I realize it is not going to be cheap to have such an organization in the Central Government, but I think it is a question of trying to reason which is wiser, to go on as we are or to have the services of these experts, and perhaps save in the long run, if not to educate the local authorities on such matters as finances.

Now, Sir, my last point is the question of—I do not want to labour this one very much—the question of the outflow of capital from Kenya. Now, I want to be very brief on this because I believe that the less we talk of the fear of investors the better for this country. But let me say this, perhaps make an appeal, that every hon. Member of this House and every man or woman in Kenya should weigh his or her utterances in public with this in view, because while Mr. A will talk of nationalizing the industries or something that may be very frightful to an investor overseas, in Kenya may regard it as just one of those things, but the investor in Europe, in America, takes it very, very seriously and I think we shall move towards the right direction if we make it a habit to speak as little as possible in threatening terms which in many cases are either false allegations or exaggerated facts.

Sir, I beg to support.

Mrs. Shaw: I should like to join other Members. Mr. Deputy Speaker, in congratulating the Minister on the very able way in which he presented his first Budget, I agree with the hon. Member for Kiambu, it was plain fare, well cooked and well served. But even plain meals, if eaten too quickly, can cause indigestion, and I

suggest, Mr. Speaker, that the Minister, realizing this, allowed us five days in which to appreciate the Budget and possibly discuss it with our people. And here I should like to join issue with the hon. Acting Chief Secretary, who saw fit to rap the Members of the Opposition over the knuckles yesterday for not doing their homework over the weekend. I would like to point out to him that some of us consider ourselves in duty-bound to go back to our constituents and discuss these weighty matters with them and some of us have 500 miles to travel in order to do that. I also, Mr. Deputy Speaker, could not agree with the Acting Chief Secretary when he said that the Budget Session gave us an opportunity for airing our grievances. Rather would I say that this Budget Session gives the representatives of the people an opportunity for bringing before Government the views of the taxpayer and by helping Government with constructive criticism, which if the Members opposite are truly democratic they will welcome, always remembering that no taxation without representation is one of the fundamental principles of democracy.

To my mind, Sir, this is the use to which speakers on this side of Council should put the Budget debate. For the Minister in his Budget Speech has reviewed Government policy and this opening policy debate gives Members on this side of Council and the elected representatives of the various communities the chance to comment on that policy and to bring to Government any matters of public concern. Unfortunately, Mr. Deputy Speaker, too often hon. Members use this debate to do just what the Attorney-General said, to air their grievances, both real and imaginary.

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

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

Might I instance a speech made yesterday by the hon. African Elected Member for Nairobi which was a perfect example of what I mean, a dreary diatribe of wrongs, ill use and hardship. Might I suggest to the hon. Member who, as usual, is absent, that if he wants restoration of confidence which he says he does, he would do more good to take the advice of the last hon. Member who spoke by making, with other Members of this Council, constructive speeches rather than those charged with bitterness such as the speech he recently made outside this Parliament. Also, Mr. Deputy Speaker, his "Stand and Deliver" attitude, as he knows only too well, will not encourage the smooth running of the trade unions in the development of what should be

[Mrs. Shaw]

their legitimate and essential functions. His approach was typified by what he said yesterday when he stressed that employers "must be told in no uncertain terms", "Workers must demand", etc., which can hardly be calculated to lead employers to the belief that trade unions are being encouraged by their office bearers to use union machinery set up under the law for the legitimate functions of negotiation. The hon. Member, in my opinion, must already.—Mr. Deputy Speaker, bear a large proportion of the blame for the general feeling of unrest which is so prevalent in Kenya today; and his present attitude can only lead to a further set-back in our economic progress, if nothing worse. Mr. Deputy Speaker, Sir, you have only to listen to the sorry tale of numerous acts of violence committed against our police force yesterday, in this capital city of Nairobi, as recounted by the Kenya Broadcasting Service broadcast last night to realize that the campaign of civil disobedience with which the hon. Member has threatened Government is well under way. It is right that this deplorable state of affairs should be publicized in this Council, for I would stress again, as the last hon. Member said from the other side, that Members of this House have a grave responsibility as the leaders of the country not to misrepresent facts in such a way as to incite their communities to stir up industrial strife or cause a breach of the Queen's Peace. I, on behalf of the law-abiding citizens of Kenya, should like to remind Government of their responsibility to protect the life and property of the taxpayer and his family. We shall hope to see these law-breakers punished in the severest possible manner.

Is it also too much to ask, Mr. Deputy Speaker, in the interests of the Colony that the leaders of the Luo and Kikuyu tribes should follow the example of the Kalenjin? One hon. Luo Member of this Council has had the courage to do so, as well as some representatives of the Kisii tribes. More honour to them! There was so much good sense talked at that two-day meeting at Kapkatet of which I have had a verbatim report—more good sense than it has been my fortune to hear for a long time.

Turning now, Mr. Deputy Speaker, to matters which I have been asked to bring up in this House by some of my constituents in this Budget debate. First of all, I should like to join the hon. Member for Ukamba in asking the Minister for clarification as to Government's intention regarding the scope of the rebate on the tax on light diesel oils. Surely, it cannot be Government's intention to do anything at this present time to put up the cost of production in the

major industry of the Colony, namely, agriculture. If this is so, Sir—and I am sure it is—then the Minister must have meant to extend the rebate to power units employed in agriculture such as stationary tractors, light engines, etc. Otherwise the effect of the tax will penalize the small farmer particularly and after all it is generally admitted that it is the small farmer who is most vulnerable in periods of depression.

Another result of this tax, which in a high rainfall area such as Nyanza may well have disastrous effects on our communications, is that I am informed that the cost of maintaining our road services will go up in our province alone as a direct result of this tax, by as much as £4,500. As the Minister for Local Government is bound to admit, this is a serious matter at a time when road grants have been out to a minimum and any lowering of the present standards of maintenance, certainly in high rainfall areas and with the rainfall we have experienced this year, might put many of our roads out of action; this would seriously affect production. This naturally is causing great concern to the executive officer and members of the Nyanza County Council and, I imagine, this applies to other county councils in the Colony.

As to the increased licence fees for the small car I have been asked to suggest that, as one of the considerations, Sir, which forced the poor man to shudder the discomfort of a small car was the cheaper licensing fee the Minister must in all equity rule that the tax should only be applied to cars bought after 27th April, 1960. Then if the poorer citizen does not feel that, even with the withdrawing of the licence benefit he can afford to glide over our roads enjoying the super-springing of the modern luxury car, he at least buys a small car with his eyes wide open and is not caught unawares by Governmental wiles. Being part-owner of a fleet of Volkswagen, Sir, I have to declare an interest, but I am thinking very seriously of turning over to a three-wheel car, either a bubble car or a tricycle before 1961. Truly as my hon. friend—

Mr. Travadi: (Inaudible).

Mrs. Shaw: I did all my farming on a bicycle during the war, nevertheless. Truly as my hon. friend has said, this is a Railway Budget. As a staunch supporter of the Railways, I should be the last to object to that especially as it will mean an increase in the already large profits enjoyed by East African Railways and Harbours. Profits must be invested in development and expansion must surely be the policy of any flourishing concern. So there can be no possible justification if the Railways are benefiting or going to benefit so much from these taxes on

[Mrs. Shaw]

road transport for refusing an extension of rail-road transport. The General Manager has already admitted that this would not be an economic branch line but merely the extension of railhead from the middle of the *hunda* to a flourishing centre, for everyone must admit that Kericho is at the centre of the wealthy tea industry and is one of the richest agricultural districts in the Colony with a very big future potential development. Furthermore, I am certain, Mr. Deputy Speaker, Sir, that it is not Government's intention to penalize any particular area of this Colony but this in fact is what they are doing if this tax on light diesel is brought into force for the increased burden on the people of all races in the Sotik/Kisii Highlands will be out of all proportion to that suffered by the other people in Kenya. These people living in the Sotik/Kisii Highlands area sixty years ago, as indeed were all peoples of Kenya, were without the benefit of a railroad. But, Sir, I must point out that in this modern era they are still in that unhappy position. Government has, by the granting of a transport subsidy, already acknowledged that they labour under a disability. Now, Sir, that subsidy, which was discriminatory—only applying to one race—has quite rightly been withdrawn. But I would remind Government that when it was granted it was on the distinct understanding that it should remain in force until some form of reasonable transport was provided for the farmers of those districts. Never doubting Government's good faith in this matter, many farms were brought on this promise. The districts increase in size and prosperity, a prosperity which was largely due to the help afforded by this transport subsidy which allowed them to produce in their farming efforts on the same basis as other districts served by a branch line of the railway.

This subsidy has now been withdrawn although the conditions which governed its production and granting for so many years still exists. As I said before, Sir, we are in some cases over 150 miles from the railhead, so that I am not asking for the introduction of a transport subsidy on a non-racial basis, for it would be too difficult to operate and would be open to abuse. But I am asking most seriously, Mr. Deputy Speaker, that Government should bring to an end the disabilities under which farmers and traders of all races in the Sotik/Kisii Highlands labour by the extension of the railhead to Kericho and the introduction of road-rail services beyond.

In confidence, Mr. Deputy Speaker, that Government will give its sympathetic consideration to the points I have raised, I beg to support.

Mr. Muhoya (Temporary Member for Nyeri and Embu): Mr. Deputy Speaker, Sir, I am not good at figures—statistics always bore me, although I am a teacher of mathematics.

I will refer to the question of security first, but in the course of my speech I will come back to the Budget.

Sir, yesterday the hon. Member for Ukamba, if I remember well, made a sweeping generalization about security in Kenya. Generalizations are all right where one has to deal with trifles, but they are all wrong where one has to deal with important matters. I hesitate to accuse the hon. Member for Ukamba of intimidating the intimidators, if I may use a phrase recently used in connexion with the disturbances in South Africa. The hon. Member tried, I hope unsuccessfully, to strike terror clearer to the House. I live in the Reserve, so called, and I have observed that cases of intimidation are very few indeed and I dare say negligible. Ruffians do exist. They always will do. We should take it at that. But are we going to put brakes on our progress just because of a few irresponsible citizens? The hon. Member for Ukamba made a submission that cases of violence are very few. In fact, they are negligible. Mr. Deputy Speaker, Sir, excitement is a human characteristic. It may be a virtue, it may be a vice. The Lancaster House Constitution gave Kenya a measure of *uhuru* and if people are naturally excited then they should be given time to cool down. *Mau Mau* as an organization is as dead as the proverbial dodo. We may have a few cases of intimidation, in fact a few cases of the administration of oaths of K.K.M. and *Mau Mau*, but one swallow does not make a summer. *Uhuru* is coming and it is coming to stay.

Mr. Deputy Speaker, I wish to apologize if I have made too much digression from the Budget, but I will be at it immediately.

The Minister for Finance need not be perturbed because, as I have said before, I am hopeless at figures, but I would refer to the African teachers' salaries. It being known very well that there are no Europeans in the grades of T.4, T.3 and T.2, also in K.T.1, the salaries of these teachers are kept deliberately low. Makerere teachers and graduate teachers get nominally reasonable pay, equal in theory to that of his European counterpart or Asian counterpart. Mr. Deputy Speaker, in order to make my contention clear I will refer to the pay of the African K.T.1 teacher. The Asian K.T.1 of the same qualification gets almost twice as much as his African counterpart. Could the Minister for Education explain this anomaly? We want harmony, we want equal pay for equal work; we want equal pay for equal merit. How does this come about? How was the Libby Report applied in this

[Mr. Muhoya]

particular respect? I hope the Minister concerned will answer that.

Now, Mr. Deputy Speaker, I come to a very delicate point, and a very controversial one. I think this one concerns the Minister for Security—the release of Jomo Kenyatta. I refer to the Governor's speech some time last year when he took a bold step to end the Emergency in spite of the diehards who wanted to prolong it. I have not got his actual words, but he said something to this effect: "Let us forget the past; let us turn over a new leaf; let us look to the future"—in short, Mr. Deputy Speaker, "Let bygones be bygones". It is beyond my understanding why we should be afraid of Kenyatta. He has served his term of imprisonment and, in his late sixties, I consider him a harmless old man. If he is dangerous, as some Members allege, is there no law to deal with him? Mr. Deputy Speaker, the Government cannot be run by timid people, so let us take the risk and release Jomo Kenyatta. The voice of the people is the voice of God.

Commander Goord (Nominated Member): Mr. Deputy Speaker, my pleasant task is to congratulate the speaker who has just sat down on a very confidently delivered maiden speech. Much of which, unfortunately, I could not agree with.

May I next, Mr. Deputy Speaker, say how much I and many other Members on this side appreciated the great clarity of the Financial Statement. The Budget has been described as unimaginative; but I think, Sir, that this must be regarded as a caretaker Budget, a Budget of a caretaker Government, and I think it is wrong to accuse any Minister who has the magnificent sense of pathos to descend from the sublimity of his economic review to the ridiculousness of tomato *purée* of being unimaginative.

Mr. Deputy Speaker, I do not propose to discuss this Budget at length. I think that it is rather a waste of time. I propose instead to turn to the next one. But before I do so there is one minor point on which I wish to touch. This year there has been introduced a tax on dieseline with a rebate to farmers. Only last year the rebate for farmers on kerosene used in tractors was withdrawn—in spite of my strong objections! I do ask Government to reconsider this because there are a lot of poorer farmers like myself who are still compelled to use these kerosene tractors and quite a lot of power kerosene on farms. I hope that this anomaly will once again be removed, and this time in the opposite direction.

Turning now, Sir, to the question of the next Budget, I feel it is possible that there will be quite a number of revolutionary changes. One

that I would like to suggest is in respect of direct taxation on the people of the lower income group. I believe today, Sir, that the concept of a direct tax on the very poor people is out-dated. In the early days of this country it was undoubtedly necessary. It is today necessary for in fact it produces something like £1,500,000 of revenue. But last year a step was made in reducing the lowest rate of personal tax, and I would hope that that process would be continued in future years. I know from personal experience that the reduction of Sh. 20 (it always comes off in one month), on the salary or earnings of a person earning perhaps Sh. 50 or Sh. 60 per month is very hard indeed. Nevertheless it must be recognized that the revenue has to come from somewhere and what I would like to see is the gradual turnover to a system of taxation, or a system of obtaining revenue, for services rendered. We all in this House, I am sure, detest paying income tax but we do not mind quite so much paying for a new car. In the same way the African, I am sure, hates paying his *kodi* but if he was paying for something concrete, something tangible, something that he could see, his attitude might well be very different. Now, a case in point, I think, is education. Government will be aware that in the settled areas there is a very strong movement indeed among the African peoples to raise money from their own resources for education. It is to my mind a very debatable matter as to whether this is in fact desirable, whether in fact the whole community should be taxed for a service which is still voluntary. It might be better to raise the money through increased fees. But I feel certain that it is this pattern which should be followed by Ministers for Finance in the future.

Turning to a place where I think money might well be saved, that is on travelling allowances. Once again I believe that the system of travelling allowances which we have at the present time is a relic of the past. Not so many years ago if one wanted to get from A to B in this country it was considered necessary to drive a car which weighed about two tons and rated 30 or 40 horsepower. Now, if there is one thing that the East African Safari has taught us, it is that the small car is just as capable, in fact it is more likely to reach its destination, than the heavier car. This being so I see very little justification for the variations which exist in travelling allowances, and I feel strongly that in all cases the rate of travelling allowance which should be paid and should be governed by the rate applicable to the smallest type of car which will do the job. I believe that is the first step which should be taken. (No doubt, Sir) I shall probably be unpopular in saying all this! Further, I believe in the future, with the growth of public road transport, we shall have to consider

[Commander Goord]

whether there should not be a further downgrading; but I think that probably the time has not yet come for that.

Now, Sir, returning to the tomato *purée*. I did refer to it as being ridiculous. But I did not really think it was ridiculous at all. If we walk into any grocer's shop in Nairobi we find it chock a block full of imported products which we all know could well be produced in this country. My wife told me today that she had seen bread sauce, imported bread sauce, in a packet all ready to mix with the water! Well, the hon. and gracious ladies in this House may well tell me that it is a very laborious matter making bread sauce but I still cannot see that it is a necessity for us to import items of that nature, and there are many many others. I would therefore like to see a steady expansion of the principle of protective duties. One realizes of course that a protective duty does not necessarily bring in an increasing revenue but at least the duty might be raised to the point, and I believe that there is some scope for manoeuvre, where the law of diminishing returns begins to operate.

Switching now, Sir, to local government. I think I owe the House a report on what has happened in regard to the Advisory Committee on Local Government which was set up as a result of the policy debate last year. The Committee met and agreed that a questionnaire should be sent out to all local authorities in order to get their views on the problems before the Committee. It has taken very much longer than I anticipated to get those replies, and to this day we have only got about half the views of the African district councils. The members of the Association of Local Authorities have given the matter a lot of thought and in fact they have done a lot of groundwork for the Committee in preparing a collation of the views of local authorities, and I very much hope that we shall have that before us within the next month or so, and that the Committee will then be able to start work. It has been very disappointing that we have not been able to get on before, but it was obviously quite futile to move unless we had the views of the authorities, which are, of course, the views which matter.

Turning, Sir, to yet another matter (I am sorry, Sir, to be wandering all over the place), it will be well known to Government that there has been for some time a considerable amount of unease in the matter of the salaries of some branches of the Civil Service, notably the police. I have only one constructive suggestion to offer. It is a very old one—it is not at all original; but I do think that the Government ought to recon-

sider the question of marriage allowances. It seems to be assumed that two people can live as cheaply as one. Actually of course it is just the other way round, and I hope that the Government will reconsider this matter, because what is a very handsome salary for a young and unmarried man really will not do to keep a man and his wife and the little ones that follow.

In the debate on the policy speech last year, Sir, I asked Government to give particular attention to the Estimates for the Information Services. I argued, Sir, that we were out here in this country, to build a democratic state and that one could only do so on the basis of an informed electorate. I am glad to see that there has been a very considerable increase in the amount allocated to broadcasting, which, of course, will help that very much indeed. But I do feel that the question of the broadening of the information services is very vital. After all, democracy is not merely a matter of electing one's representatives. The electorate should also be able to choose between alternative policies and to be able to choose with some judgment. I do not think that history shows any example of democracy succeeding where the electorate has been both poor and uninformed. We have very little time left in this country before independence comes, to produce both prosperity and an informed electorate. Government is, we know, doing all it can in every direction to promote prosperity; but I would like to see it making a very much greater effort in this task of educating, in the widest sense, the whole of our people.

Finally, Sir, on the matter of confidence, I believe that since our new colleagues on this side of the House joined us the outlook for this country is better than it has been for a very long time. There is one cloud on the horizon—and its name is Jomo Kenyatta. Sir, my sympathy lies very much with the African leaders in their desire to see the fulfilment of their people, the African people. Moreover, I appreciate very much the difficulties of being a political leader in the African political jungle, if I may call it that. I support fully the goal of nationhood which they are after, and will back them all the way towards it. But I do, Sir, appeal to them to maintain the highest ideals in seeking its attainment.

Compromise, to my mind, is the essence of politics. It is the compromise between your opinion and my opinion which, after all, is opinion, and that is the way we get the evolution of steady progress. One cannot compromise with evil, however, and I believe that we have not only got to try to build a prosperous nation here, but that we must also build (I cannot think of a better word) a Godly nation. I believe it will

[Commander Goord]

be fatal if our efforts to build our nation are besmirched by anything which future generations may be ashamed of.

'Mr. Deputy Speaker, I beg to support.

Mrs. Hughes (Uasin Gishu): Mr. Deputy Speaker, I would like also to add my congratulations to the Minister for Finance and Development for his Budget Speech, and I think particularly for the presentation of an economic survey, because to me, as a layman knowing very little about economics, it certainly did put the picture into perspective so far as the economy of Kenya was concerned. Sir, he did speak of political stability in these words. He said, "We require political stability and economic climate which will encourage existing enterprises to continue their efforts and investors to develop new projects". Well, Sir, I am one of those who believe that the outcome of the Lancaster House Conference did put us on the right road and the proper road for the development of Kenya. Sir, the future now lies mainly in our hands to secure that stability and that development. It lies in our hands to guide and create a nation that can with confidence, knowing that it is on the right road, overcome the many problems both economic and political that beset us now. Sir, it is only within a climate of co-operation that we can build a community based on what we like to call fundamental democratic principles. Sir, we have problems, and very great problems; amongst others we have the problems of employment and resettlement to tackle, but unfortunately we have to tackle them in an atmosphere still not free from fear, insecurity and intimidation. Much money is required for this development, but we must ensure that available finance is spent on schemes that are not only productive in nature but also, I think, we have got to be careful that through a misguided effort to save a few pennies we create further problems of such a magnitude that we will find them almost impossible to solve.

Sir, with this in mind and the fact that we are very much limited to time, I would like to concentrate on one aspect, and that is prevention of some social ills that we might have to face. It is, I am sure, Government's intention, Sir, to provide employment and training for our people so that they can carry on this employment in an efficient manner; and yet, by a very small stroke of the pen the Government may well be jeopardizing the future of thousands of our young children. Sir, I was horrified to see that in the 1960/61 Estimates about £27,000 has been transferred from the Emergency Fund in respect of approved schools and remand homes. I can only

presume that this applies to the recently gazetted Othaya and three juvenile reception centres. To me this appears to be a matter of principle of very great importance to the future of our country because we talk with great concern of the necessity to find employment and to train our people to work and produce and so to ensure economic development. Yet, Sir, by this act we are, I believe, starting thousands of our young people on the wrong road. It is a retrograde step and I warn this House that it will undoubtedly lead to a problem of juvenile delinquency of such magnitude that it will cost this country very dearly indeed. We have a big enough problem with us now; and I would suggest that 95 per cent, or more possibly, of the children can be put in the category of deprived children, deprived for many reasons such as the breakdown of parental control, those children forced to leave school at the age of 11-plus, while still too young to find employment, children handicapped as a result of the *Mau Mau* and many other reasons, not necessarily tied to race or even material standards of living, but deprived of a feeling of security. I could give many examples of this sort of thing, but I would just like to quote from Father Flannigan, who, I think, is known to all of us as starting Boys' Town. He said this: "I can still say that I have never known a really bad boy..."—I assume that this applied to girls, too—"only bad parents, bad environment, bad examples. It is wrong even to call it juvenile delinquency. Why not call it what it generally is—the delinquency of a callous and indifferent society".

Now, Sir, during the height of Emergency Wamumu was started for certain categories of children who had been contaminated by *Mau Mau* and indeed I think some of them were even juvenile terrorists. Those children were mostly between the ages of 16 and 21 years. Now, Sir, Wamumu for what it intended to do was a very grand place and I have in this House praised Wamumu for what it did. I still would like to say that it was very excellent indeed. But, Sir, at the end of 1956, I think due partly to the closing down of Ujana Park, they did take into Wamumu many children who needed care and protection, and these children ranged from the age of 5 years to 12 years, a very different category indeed, and I think I would be correct in saying that there was a breaking down of the particular system that they had employed at the beginning of Wamumu when this took place because it was applying a system that was not applicable or should not be applied to young children who only needed care and protection, and because of the serious harm of that method of approach that was undoubtedly being caused at Wamumu

[Mrs. Hughes]

Othaya was opened at a very great speed because I believe that Government was forced, and realized it was forced, to face the disastrous effects of combining these two categories.

Sir, at this stage I would like to ask what happened to a report that I understand that Miss Scorer was sent out to Kenya to advise on. Was this report ever published, and was her advice accepted. I would like the Minister, if possible, to reply to that question.

Now, Sir, Othaya has really proved its worth, and I do not think that anybody who has visited Othaya could deny that. They have built up a wonderful home with a wonderful atmosphere entirely, due to their own endeavours and their own enterprise because they were certainly given very little money indeed to do it with, and I would say it is right and proper that the children should have taken part in the development of their own home. But it was also built up by devoted officers who, I think, have learned in the right way, through experience, what is now internationally acknowledged as the right method of rehabilitating the bright children. That right method is not by putting them behind barred wire but by giving them security and parental love and assisting them to play an integral part in the life of the community.

Why, then having proved so successful, has Othaya been gazetted as an approved school, which I believe took place in February this year. I would like to ask three questions of the Minister. Has the approval of the "fit person" to whom these children have been committed under section 19 (b) of Ordinance No. 12, 1955, been sought for the transfer of these boys to an approved school, and, if so, did he agree? Then, Sir, I would like to ask whether the children at Othaya have been convicted of a criminal offence before a court as required by the Juvenile Ordinance, 1934, and sentenced to an approved school, and, if not, why has Othaya been gazetted as an approved school?

Lastly, I would ask the Minister, has approval been sought from the local council and the district council to the transfer of this land for use as an approved school, when it was, I understand, originally given for the assistance of deprived children? Now, Sir, these children are not criminals. They are children who are crippled and handicapped, physically handicapped. There are children that are orphans, and there are children there who are frightened, upset, because they have been through most frightful experiences, some of them having seen their parents murdered by terrorists. Can you say that these children at the tender age of five years old, and

upwards, are criminals? They are children who must regain the confidence of society, or confidence in society, and they must be cherished and loved and not put behind barred wire.

Sir, I know that remand homes and approved schools are needed, but they are only needed by a very small percentage of children, and not for the many thousands of deprived children, who are our immediate concern, and to whom I say thousands, I mean this literally, To give you an idea of the size of the problem, not taking into account the cases that go through the courts in Nairobi alone, they have had over 10,000 cases dealt with outside the courts between 1956 and 1959. I would almost go so far as to say that probably it is one of the biggest problems of any city in the whole of Africa.

Perhaps I may be little bit more constructive, and may I suggest that delinquent children should be completely separated from deprived children, and that such places as the Othaya Orphanage, juvenile detention centres and the youth clubs—and here I would like to say that I think the youth clubs would be more properly named as "youth training centres", because in these days and in Kenya, where the need is so very great, I do not believe we can concern ourselves with such frivolous social activities as youth clubs as accepted in places like England undertake—I believe that we have got to deal with the essentials here now. Well, Sir, these services, I suggest, should come under the Commissioner for Social Services, and it is his department that should incorporate the Chief Inspector for Children. This office, I understand—this office of Chief Inspector for Children—is now combined with the office of the Principle Probation Officer.

Now, Sir, it has been said that the methods of these schools and approach to these children would not be changed if they were put under the heading of approved schools. But, Sir, although I recognize the good and essential work that is done by the probation services, I do believe that this is a matter of principle, and I am convinced that no help will be received from international bodies, nor indeed do I believe that it would receive the support of such societies as the Child Welfare Society of Kenya, or societies that deal with children, such as Dr. Barnardo's and many other societies in Great Britain and elsewhere that are dealing and have a great deal of knowledge—practical knowledge—of children. So Sir, I would very strongly urge Government to transfer this item of expenditure under the correct head. The correct head is "Social Services", and so put us on the right road when we are considering the future generation of Kenya.

Mr. Deputy Speaker, I beg to support.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I also would like to join the chorus of those who congratulated the new Minister for Finance on the way he presented his Budget this year in a very brief manner. But in doing so he has omitted very many important items on which we should have liked to hear the direction of Government. While I rise to support the Motion before the House, I must once more express my fears that this is yet another Budget which places the poor African at a very great disadvantage as compared to his neighbour, the European and the Asian. The increases that have been announced by the Minister for Finance on most items are going to hit the African most. Already the Kenya Bus Company in Nairobi has announced its intention to raise the fares for its African passengers. I have heard and read that the Kenya Bus Company at Mombasa have not yet taken that step, but no doubt they will follow suit, as it is almost the very same company. If that takes place, the owners of the country buses will also do the same, and therefore the lorries which carry charcoal and fuel into the towns will also increase the cost of carriage, and the result will be that the Africans who use these buses, the consumers who buy these commodities in the towns, charcoal and fuel, will undoubtedly be obliged to pay more than what they are paying at present. And it is for this reason I feel that the lower paid inhabitants of this country will bear the greatest burden in the increases announced by the Minister, particularly the increases on the cost of fuel such as petrol and diesel.

Now, if one looks very carefully at the items which have been mentioned by the Minister for Finance as having their customs duties increased, one will find that these items are those which are used mostly by Africans. You take, for instance, tomato *purée*. This is very much used by Africans. They will now be obliged to buy their tomato *purée* at a very high price. Although the Minister claims that he is doing that purely because he wants to protect the local industry, there is no indication whatsoever that the local *purée* is going to be any cheaper than the imported one. In fact, the prices are going to be the same, so I think it will be the consumer who will have to choose which one to buy, whether the local one or the imported one, but he will get it at the higher price.

Sir, it is always the excuse of the Government when they want to increase duties on imported articles to claim that they are doing so because they want to protect local industries, but in the long run we find that those things which are imported are by far much cheaper than those which are manufactured in this country. You take the example of cement. We have a lot of

cement factories in this country, yet the local cement is much more expensive than the imported cement, and the people are obliged to subsidize these local industries to their disadvantage, which is absolutely wrong. We should be allowed, for instance, to have the cheaper cement from Europe, from India, Pakistan and Japan to help the poor people who want to build and use the cement, rather than force them to buy the local cement at a much higher price than what they used to get it for when they bought the imported one.

Sir, if we look at the other items whose duties have been increased, for instance, the footwear worn by adults, the increase on imported leather. Now are these measures intended to force Africans to walk barefooted, or are they intended to increase the Government funds, or to discourage Africans from wearing shoes. The increase of Sh. 5 per pair is on the high side—it is very high—if we consider the minimum wages the ordinary African gets today. Now I do not want to go from item to item. All that I would like to say is that all the items whose duties have been increased will affect the poor Africans more than the consumers of the other races, and therefore it is correct for me to state that this Budget was aimed at the Africans, the poorer classes of people in this country.

Now, let us compare these increases on those items with the proposals to ease the burden of tourists and the rich and wealthy persons who come into this country. We all know that the man who wants to come here as a tourist is one who has got plenty of money, and he wants to come and spend money. Now these people are having their burdens eased. They are now free to import into Kenya, free of duty, such items as binoculars, telescopes, cameras and films. I hope that the local shops in this country which used to import these articles will also be allowed to import them free of charge, although that has not been stated. If not, why not? Now, Sir, instead of discouraging new residents from bringing into this country personal and household effects, so that they could purchase these items locally here, and therefore assist the local industry, new residents will now be able to bring all these items of household furniture duty free, even motor vehicles. I think this is too much. It will mean that if anybody in England plans to come to Kenya after a year, he is at liberty to purchase a motor vehicle and use it for one year, because he knows there he will get it free from purchase tax and it will be brought into this country free from customs duty. Therefore he gets benefits from both sides, which is quite wrong, because the local person who is going to buy his motor-car here is going to pay duty, whereas the man coming to this country can import his motor-car

[Mr. Khamisi]

free of duty. Another thing which surprised me very much was to hear that from now onwards arms and ammunition can be imported into this country duty-free. Members of this House know very well indeed that Africans in the Reserves are not allowed to keep even a bow and poison arrows for their own protection, yet immigrants can come here with arms and ammunition without paying any duty and when they arrive here the Government will have no alternative but to give licenses because they cannot tell them to return the arms and ammunition back to where they came from.

Now, Sir, let us turn to the question of direct taxation. Last year the Minister for Finance stated as follows in his Budget Speech. I now quote his words: "Two years ago when the graduated personal tax was introduced I expressed the hope that as time went on it would be possible to reduce and finally to eliminate the lower rates of personal tax so that the people at the very bottom of the scale would no longer be burdened with direct taxation. I still consider that that is an aim which the Government should pursue. It is not, of course, possible to go the whole way. I feel, however, that the time has now come when we should make a start. I propose, therefore, that the bottom level of personal tax should be reduced from Sh. 25 to Sh. 20."

Now, Sir, it is the policy of Government as stated by the last Minister for Finance to continue to reduce the personal tax applicable to the lower income group and I have been waiting to hear from the Minister in his speech that a further reduction in direct taxation would be made for the coming year. I feel that perhaps the present Minister overlooked this matter and completely forgot the promise which was made by his predecessor, because I am quite sure that what his predecessor stated was the policy of Government and no doubt if that policy has changed we in this House should be informed. It is only fair that one who earns should be able to pay his taxation, but it is equally fair that one who does not earn anything and a man who is unemployed should not be forced to pay taxation because he has not got the means from which he could get the money to pay taxation and at the present moment the Government knows very well that there is a very grave unemployment problem in this country. There are very many people who are day in and day out sitting and squatting outside the Labour Exchanges looking for jobs and they cannot be given jobs. The Government has failed to be able to provide employment for these people, and if that is the case it is only fair that such people

should not be liable to pay any direct taxation. If they are not able to find money to feed their stomachs, where will they be able to find money to pay their taxes to the Government?

Now, the only alternative for these people who are unable to find work is either to steal or to rob or to go to jail, and I hope that it will not pay Government to feed these people in jail. It is much cheaper to exempt them from taxation rather than to take them into the *Hoteli ya Kingi George* and feed them there. I hope the Minister will reverse the situation and when answering he will be able to give us some indication as to the exact amount of reduction which he proposes to make during the coming year.

Now, Sir, there was one thing which delighted me very much in the speech of the Minister. This is what delighted me, he said that the present year is the last in which we shall receive assistance through Her Majesty's Government towards Emergency expenditure. That was a very delightful piece of news. To me I translated that to mean that every effort will be made this year to close all special detention camps, to release all the detainees and to release Mr. Jomo Kenyatta so that he may come back and live a peaceful life in this country. I hope therefore, Her Majesty's Government will not find it necessary any longer to send us any money so that the Government will be able to keep these people restricted in these places. We do not believe that any continued restriction or detention of these people is going to help this country at all, and the sooner this whole book is closed the better for all of us.

Now, Sir, coming to the question of education, and here I would like to be a bit parochial. I was very much surprised to note there has been no mention whatsoever in the speech of the Minister or in the Development Estimates or in the Development Programme of any plans to put up new African schools in the Mombasa district. The Government is very well aware that we this year have taxed ourselves a special taxation of eight shillings fifty cents each. We have done this although we are very poor, but nevertheless we have agreed to do it so that we can have increased education and increased number of schools in our district. We hope that the Government will subscribe pound for pound for the amount of money that we shall collect in this way. Last year in this very House I was given an assurance, I think, by the Director of Education that it was not the intention of Government to wait until this money has been collected for three long years before the schools are constructed, and I was told that the construction of these schools would be started as soon as the collecting of money began.

[Mr. Khamisi]

Now, Sir, we have already started collecting money at the beginning of this year and there is no mention in the Budget or anywhere that we are going to be provided with any new schools at all. I hope when replying the Minister for Education will give us some indication as to what the Government wants to do in this connection.

While I am on this subject of schools, I would like to draw the attention of the Government to the need of my people in Mombasa for a primary girls' school, run by the District Education Board.

In the Development Programme I see that our friends the Arabs have a girls' primary school and they have been allocated further funds for its extension. The Asians have also got a girls' school. It is shameful, therefore, that Government has so far made no plans for building an African girls' school for Mombasa and I must urge the Government to consider this matter very seriously, particularly in view of the fact that we are paying a special educational tax we can demand that we must have this school which we want, for which we are paying. The Government cannot tell us that they have no money, we are paying for it. We will also request the Government to make plans for a compulsory eight year education for our children in Mombasa.

Before leaving the question of education I can also find nothing in the Development programme to indicate to me that there are any plans for teacher training schools for the Coast Province. This is a very bad omission which must be put right, when other Provinces in Kenya are being provided with teacher training facilities, we are being neglected. I would urge the Government to make provision for this type of school for us. It is quite plain that the Coast Province has always been neglected in many ways, not only in the educational facilities. But a teacher training college for the whole of the Province is a very essential necessity.

In this Development Programme I see there is provision for fifteen new day secondary schools and I trust that one of these day secondary schools will be built in Mombasa.

Now, Sir, coming to another point, I feel, Sir, that there are some expenditures which have been included in the Estimates which are totally unnecessary. The Member for Nairobi Area mentioned the expenditure on the Kenya Regiment. I would also like to add the expenditure on the Council of State—£10,000. I think this is a complete waste of money. First of all, I do not understand why this provision has been included in these Estimates for the continuation of this

Council next year. It was my understanding that no provision was made for the existence of the Council of State in the Lancaster House Agreement. I do hope that this provision is only for the remainder of 1960 and therefore it could easily be reduced by half and the rest of the money spent in educating our children.

Now coming to the question of the Civil Service Commission: this Commission has not done quite the good work it was expected to do. It has failed to Africanize the Civil Service. It may be because the composition of this Commission is still undemocratic. I feel that African representation in this Commission should be increased although I am not sure how many Africans are members of this body today. I do not know whether there are any Africans at all! I feel, I hope, there are no Africans in this Commission. I feel this Commission must feel the wind of change which is blowing across the Continent. I have been told by many chaps from Makerere and from other schools who are looking for employment that it is extremely difficult for them to get employment through the Civil Service Commission. This, however, must be put right.

The Member for Nairobi Area drew the attention of Government to bad publicity for tourists when they arrive in this country at the airport. I have raised this matter in the Central Legislative Assembly on many occasions with particular reference to the Customs Department which is almost entirely the monopoly of one or two races, three races. The Africans are completely excluded. The Immigration Department is completely the monopoly of two races—the Europeans and the Asians. The Africans are not there; the Arabs are not even there. The Income Tax Department is also another bad example.

Mr. Alexander: We don't want anything to do with it!

Mr. Khamisi: The Post Office and other public offices are all the monopoly of the two minority races. I believe, Sir, that the appointments to posts in these departments is the responsibility of the Civil Service Commission. I feel therefore that this Commission must be reconstituted if it is expected to be blown by the wind of change.

Now, Sir, let me turn to Vote No. 7—the Vote of the Chief Secretary.

The Deputy Speaker (Mr. Conroy): I fear, Mr. Khamisi, that there is no time for you to turn to Vote No. 7 because your time has expired.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I would put my other points—

The Deputy Speaker (Mr. Conroy): Order, order! I fear, Mr. Khamisi, you have had your 30 minutes and I must call upon the next speaker.

Mr. Butler: Mr. Deputy Speaker, Sir, I am very glad that the great majority of hon. Members who have so far spoken in this debate have found it possible to support the Motion and welcome the Budget and I was intending to devote most of my short speech today to dealing with the one speech which did not support the Motion, that of the hon. Member for Nairobi North, which was also made during the absence from the Chamber of my hon. friend, the Minister for Finance. In his absence I will, however, deal rather more briefly than I had intended with his speech and will also try to deal with some of the financial points raised by other hon. Members, particularly those which I find it fairly easy to answer, leaving the more difficult conundrums to my hon. friend when he replies to the debate.

The hon. Member for the East Electoral Area was worried about the effect of the diesel oil duty, particularly on bus fares but, as stated by the hon. Member for Mombasa Area just now, there was a statement in the newspapers this morning to the effect that the bus company in Mombasa was not intending at the moment to raise bus fares. The effect of the increased duty on the cost of running buses has to be calculated in two ways. The first is a simple calculation of the increase in the cost of diesel oil and the second is the extent to which that is off set by the reduction in the amount of licence fee which has to be paid. No exact figure can be worked out as it depends obviously on the total mileage run by each vehicle. We have, however, calculated that as far as buses are concerned the increase amounts to something between 7 cents and 8 cents per mile. Well, I think it is obvious that if an increase of that order is made the increase per passenger mile can only be a fraction of 1 cent. It depends whether the bus is full or half full or one-third full, but the increase is in fact only a fraction of 1 cent per passenger mile.

Mr. Alexander: How do you collect 1 cent from a passenger?

Mr. Butler: The hon. Member has just raised the point with which I am about to deal. The position in Nairobi where bus fares have, I believe, now been raised is that the bus company secured the agreement of the Nairobi City Council in February, 1959, that is, well over a year ago, to increase all their fares by about 5 cents, including the fares to the African locations. They did not at that time avail themselves of this permission to raise the duty to the African locations, although they did raise fares in other areas in the city, and that again answers the point made by the hon. Member for Nairobi Area who suggested that the action that had been taken was discriminatory. The increase that has been made is no doubt partly due to the increase in the cost

of diesel to the bus companies, but it is only the last straw and I do not think it improbable that the bus company would have found it necessary to raise these fares in accordance with the permission that they had obtained from the City Council over a year ago, and the need for which they had established by facts and figures that had come under the rigorous scrutiny of the City Treasurer.

The hon. Member for the East Electoral Area was also worried about the cost of transporting goats and sheep to Mombasa, but if, as I have explained, the effect of the new duty is only to increase by a fraction, probably by only one-quarter of one cent, the cost of transporting per passenger-mile, then I hope he will agree that when a double-decker lorry is full of sheep or goats the cost per goat-mile or per sheep-mile is a very small fraction, indeed, of one cent.

The hon. Member also suggested that we should have raised the additional revenue which is required by increasing the duties on what I might call the old favourites. He mentioned, I think, beer, cigarettes and whisky. But I would like to draw his attention to the effect of the action taken by the Chancellor of the Exchequer in the United Kingdom when over a year ago he reduced the duty on beer. The result was that he got more revenue in the following year. There is clearly a point beyond which you cannot increase duties on what I agree with him are luxury products without affecting the consumption to such an extent that the net result is less and not more revenue.

There was one other major point that was made by the hon. Member for Nairobi North, by the hon. Member for the East Electoral Area, and also by the hon. Member for Kiambu, and that was the general criticism of the Budget that the expenditure figure was too high. The hon. Member for Kiambu even revived his old idea that I thought had been very faithfully dealt with in debate about a year ago, that an Economy Committee should be appointed. I would like to assure him, and all hon. Members, that the Estimates for 1960/61 which were presented on 12th April were subjected to the usual very careful and rigorous scrutiny by the Treasury, and the hon. Members might be interested to know that when we called for the Estimates last November we included in our instructions to all Accounting Officers the following: "Accounting Officers should prepare their estimates on the basis of maintaining the existing standards of services, recognizing that it will be necessary to reduce expenditure below the level given in their forecast estimates." This instruction was faithfully carried out but in

[Mr. Butler] in spite of that the estimates when they arrived in the Treasury in February, excluding the £1,100,000 for the East African Land Forces, totalled £33,740,000 and there was nothing in those Estimates that was not a perfectly reasonable bid from a responsible Ministry for the money that they thought they needed in the 1960-61 financial year. Between that time and the publication of the Estimates they were reduced in discussion with the Treasury by over £1,700,000, and I think that does support my point that every effort was made, in co-operation with the Ministries and departments concerned, to eliminate any waste from these estimates. A further illustration of this point is that in fact in 1960/61, if we ignore passages formerly in one Vote and now split up in several Votes, and if we ignore also Emergency expenditure, there was actually a reduction in the amount which we are asking Council to vote in case of nine Votes, the adjustment in a further 14 Votes which is marginal, and there are a further three Votes which provide for what are statutory commitments in effect, that is to say, Public Debt, Pensions, and Local Government Contributions. This means that out of 37 Votes 26 show practically no increase or increases related to statutory commitments. I would like to give one more illustration of the care with which the Treasury did examine these estimates in many long, laborious days and even nights, and I would just like to inform Council that on one particular Vote I received from the Treasury officer concerned a minute totalling 63 pages with ten pages of appendices on one Vote. I do not honestly feel that this task of subjecting the estimates to detailed scrutiny can really be carried out effectively by a committee of this House.

The hon. Member for Kiambu referred to proposals made by Mr. Butler in the House of Commons for possible amendments to the procedure there for dealing with the Estimates of Expenditure, and, like him, I fear that I have not been able to obtain details of these proposals, but, as he is no doubt well aware, the debates in the House of Commons on Supply are used for the purpose of airing matters of policy at the request of the Opposition and there is now under the present House of Commons procedure none of the detailed examination of the estimates that we carry through here in our Committee of Supply, both on the Annual Estimates and on any Supplementary Estimates that may be presented during the year. Hon. Members, Sir, do I think, have full opportunity of challenging both the policy and the detail of our Estimates.

I would also like to emphasize that Budget making is a continuous process and Members

may be astonished to learn that next month, in June, I will have to issue a circular calling for forecast estimates for the 1961/62 and for the 1962/63 financial years. These forecast estimates will be examined in the Treasury in August and instead of sitting back for six months' holiday after presenting these Estimates I fear the unfortunate officers of the Treasury will be back at the same grind again in another two months.

It was mentioned by the hon. Member for Nairobi North that he thought we were living in a fool's paradise and he illustrated his remarks by comparing the increase in expenditure with variations in the Nairobi cost of living index. I did not really see how the two things were in any way comparable because if he wished to relate expenditure to any particular item in our *Statistical Bulletin* he should surely have related it to the national income and we have published in the Sessional Paper No. 4 figures which show that in recent years the percentage of the national income that has been taken in taxation has remained very steady at about 14 per cent, and I see no reason why this percentage should rise as a result of the proposals that are now before the Council.

The growth in the services of the Government have rightly kept pace with the growth in the national income and have of course contributed to that growth.

Several hon. Members have mentioned education and I do not want to trespass on the field of the hon. Minister for Education but as one illustration of how far we have come I was reading the other day the document recently laid, the Education Annual Report for 1959, and I must confess that I was surprised to read that already the total number of African boys going to primary school had risen to about 96 per cent of the school-going population, which is a remarkable achievement.

The hon. Member for Nairobi North stated that in his four years on the Street in London—I am afraid that I could not quite follow that—he made only one trivial mistake. He did quote some figures—he did not quote many figures in this speech—from the cost of living index and I am afraid that he got one of them wrong although he would say, no doubt, that it was only a trivial mistake. It is merely that the figures he gave in this table for 1950 as 193 was, according to the table that appears in the *Statistical Abstract*, 203. I entirely accept that this was a trivial mistake, that it has been suggested to me by one of my legal friends that one of the reasons why the hon. Member was able to be so successful

[Mr. Butler] in his four years on the Street in London may possibly have been that at that time there was no Street Offences Act.

To revert to more serious subjects, I would like finally in the few minutes left to mention briefly the general issues of confidence which has been touched on by a large number of Members, including the hon. Member for Ukamba, the hon. Member for Nairobi Area and the hon. Member for Kiambu. I stated myself in the speech on the adjournment Motion in March that it was obvious that political uncertainty does not provide the best possible climate for rapid economic development. We hear a lot of gloomy rumours these days of the terrible state to which we are about to descend, and as stated by my hon. friend the Minister, some capital has undoubtedly left the country and some investors may have been deterred. Some hon. Members may have noticed only the other day in the papers that a Canadian firm has decided to go ahead with their investment in an aluminium factory at the Coast, and it was not very many days before that when it was announced that the Cow and Gate Company are establishing a factory at Eldoret. Well there are two straws in the wind that show that the flow of capital is at least not all one way.

In another capacity I also sit on the Land Bank, and I have been astonished at the way in which the volume of applications to the Land Bank has increased over the last three months. The hon. Member—some hon. Members may not be astonished, and they may say, "Well, this is money merely which farmers wish to borrow from the Land Bank in order to send other money possibly out of the country." Some of the applications may be made with that object, but such applications are not approved by the Board of the Bank, and we have been able to approve genuine applications which we think will lead to development in this country to a larger extent than we were at the same time last year.

And a further strange fact which I think is worth mentioning at a time when people talk of possible trade recessions, is that in March this year the collection of import duty for Kenya was an all-time record in the history of the country. Well, you may say that traders were frightened of what my hon. friend the Minister for Finance would do to them, but anyway it is a fact that in that month, for the first time in our history, there was one million, one hundred-thousand pounds collected in import duty, mainly at Mombasa, and I think it is not a discouraging thing to know, and we are reasonably confident that our rather ambitious estimates of customs

revenue this year will be achieved. It is also correct that for the first time for several years now, as hon. Members will see when the Exchequer accounts for the period up to the end of April are published, we have a surplus in the Exchequer of over a million pounds. We have gone through many years with deficits far exceeding that sum. So although some of the signs may not be favourable, I thought it right to mention one or two that were not unfavourable.

Of the hon. Members who spoke today, or later on yesterday, there is one small point I might deal with, made by the hon. Nominated Member, Dr. Adjala. He implied that we had completely frozen the public health grants to local authorities, but he will, no doubt, in due course refer to his copy of the Estimates, from which he will see that there has been an increase in the provision this year of, I think, fifty-one thousand pounds in the money provided for public health grants to local authorities. This is not as much as any local authorities would have liked us to provide; but it does represent, anyway, some increase on the present year's figure.

The hon. Member for Kiambu and the hon. Member for Uasin Gishu both termed this Budget as the "Railway Budget". I do not think I would agree with either of them on that. If it does anything, and it does a number of things, I think it is a Road Budget, because it will correct quite clearly an error in the way in which the arrangements approved in 1950 for providing the road authority with statutory revenue proportionate to the needs of the roads for maintenance, correct the way in which that method has gone wrong, owing to the great increase of small cars and the lower consumption of petrol. It will place the Road Authority in a position to finance the necessary maintenance expenditure very largely from their statutory revenue, and will also ensure that in future years that their statutory revenue will rise in proportion to the increasing use being made of our roads, and that, I think, is something which we should all welcome.

With those few words I support the Motion.

Capt. Hamley: Mr. Deputy Speaker, Sir, I find myself in my usual role of night-watchman, and I do not really know what to talk about, but that is a disability in this House to which I do not have the exclusive right, as far as I can see.

I would like to refer to the speech so ably read yesterday by the Member for Nairobi North. He is a fellow countryman of mine from Cornwall, and therefore he will perhaps forgive me if I ask him, "What was the point of it?" What did it do? Where did it get us? Did it make two blades of grass grow where only one grew before?

Thursday, 5th May, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

NOTICES OF MOTIONS

SOUTH AFRICAN OFFICE IN NAIROBI

Mr. Mhoya: Mr. Deputy Speaker, I beg to give notice of the following Motions:—

THAT this Council draws the attention of the Government to a statement appearing in the *East African Standard* issue of 5th May, and to a radio broadcast by the Kenya Broadcasting Service of the previous evening, to the effect that an office to attract and encourage European farmers and businessmen to leave Kenya with a view to settling in South Africa, is to be opened in Nairobi on 1st June.

The Council draws the attention of the Government to the recent brutal murders in South Africa arising from the racial policies of the Union Government and therefore to the fears, suspicion and friction that such an office and its activities may cause among the peoples of Kenya.

The Council also draws attention to the possible adverse effect that propaganda from that office may have on the economy of this country and therefore calls on the Government to take appropriate action to stop the opening of such an office.

DISBANDING OF KENYA REGIMENT

THAT this Council notes that a sum of £208,000 is set aside in the 1960/61 Budget for the Kenya Regiment.

The Council being aware that this Regiment is a racial body, the existence of which is inconsistent with the declared policy and aims of the Government and people of this country, and constitutes therefore a constant point of fear, suspicion and friction, calls upon the Government to take necessary steps to disband the Regiment and to replace it with a system of military training consistent with needs of this country and open to all its people.

Sir Charles Markham: Mr. Deputy Speaker, on a point of order, it has been in our Standing Orders, Sir, that when a subject is being discussed by this Council—in this case, Sir, the Annual Estimates—that no other matter may be raised because of the notice of Motion has been given,

[Capt. Hamley]

I really cannot understand, Sir, why these election speeches are made in this House. They do not do any good. They achieve nothing, and I must say they bore a lot of us exceedingly.

One other point I would like to cover in the last three minutes of this day, and that is to ask in a very friendly way indeed if our African Elected Members cannot, in their public speeches, reduce this emotionalism which generates, and be more constructive. And I would like to say from my viewpoint—

Mr. Hassan: (Inaudible).

Capt. Hamley: I beg your pardon? I would like to say that from my viewpoint, what this country needs now is a campaign to make quite sure that the people who are going to represent all the races in this House in the next Parliament are good, sound, common-sense people, and not people who are so emotional, or who are so unlit to be in this House that they can be carried away by slogans. It does seem to me that the cult of slogans is growing in this country, and it must be evident to everybody that what we need is a good common-sense working party here. I often think that we should have here a Minister for Common Sense. I put it to you, Sir, that this is a thing which is very much needed. I should like him to be able to share your responsibilities to a certain extent, Sir, and jump up when some of these speeches are being made and say, "Is this really common sense?"

Mr. Mhoya: To all races?

Capt. Hamley: To all races, yes. I am multi-racial—I am not talking to any one race here. There is a lack of common sense, not only in this House at times but in the whole of the country, and some of the things I hear in this House I must say are far from holding any basis of common sense, and they certainly, as I said before, are not getting us anywhere at all. And now, Sir, I think I have played out time, and I support the Motion.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I adjourn the Council until 2.15 p.m. tomorrow afternoon, Thursday, 5th May.

The House rose at thirty minutes past Six o'clock.

[Sir Charles Markham] in this case by the Minister for Finance. In order, to avoid this particular Motion—the second one suggested by my hon. friend the Member for Nairobi Area remaining for an indefinite period on the Order Paper, would you tomorrow rule whether such an order be in order? I am not expressing any views on the Motion, Sir, but it does create a most dangerous principle when in the middle of a Budget debate we can have a Motion concerning Estimates we are at present debating.

The Deputy Speaker (Mr. Conroy): I shall rule on the matter tomorrow.

COMMITTEE OF SUPPLY

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Resumption of debate interrupted on 4th May, 1960

Major Roberts: Mr. Deputy Speaker, Sir, I feel that the hon. Member, the Minister for Finance, must be getting quite embarrassed by the congratulations which have poured out on him from both sides of this House. I am sorry he is not here at the moment to receive my congratulations on the clarity with which he produced his Budget. But, Sir, that does not imply that I do not intend to criticize him or to deal with some of the matters raised by him.

Sir, I realize that with any new form of taxation, whether it be increased taxation or new taxation, it does provoke criticism and I realize too that to ask for some particular taxation to be removed must imply that one accepts some other form of taxation as naturally the budget has to be met. But, Sir, I do contend that taxation measures which will increase the cost of road transport are wrong in this country under the prevailing conditions. Sir, the cost of road transport in Kenya is exceptionally heavy due to the poor state and conditions of our roads which do cause excessive wear and tear on vehicles. Sir, I agree with the Minister that our roads have improved considerably and that those responsible should receive our thanks for doing what they have been able to do within the limited finance available. However, Sir, there is still a long way to go and no one could dispute the fact that due to poor roads the cost of road transport is out of all proportion to other overheads and the cost of road transport in other countries. I contend, therefore, that the Minister is wrong in introducing increased taxation which will put those costs even higher than they are today.

Now, Sir, business people, whether they be in agriculture or whether they be in commerce have

all been trying to bring down their overheads with regard to road transport and they have done so thanks to the increased efficiency of the diesel engine. Now, Sir, they find that those efforts have been in vain. The private individual to whom a car in this country is an essential is also trying to bring down his cost of living by going in for the smaller car and indeed for the diesel car. The new measures proposed will negate all these efforts and as a result, we have already seen in Nairobi that the bus fares have been increased. I understand that bakers will have to put up the cost of a loaf in order to meet the new costs they have got to shoulder in regard to road transport. Sir, it is perfectly true, however, that the Minister has made concessions in the case of agriculture and saw milling, but, Sir, I feel that that rebate is not really practicable. Perhaps he does not quite understand the methods of accounting on farms, or, may I say, the lack of accounting: the farmer may own a diesel tractor, a diesel lorry, and stationary diesel engines, but he does not keep accurate costing as regard the amount of fuel used by each of those machines, and it will be extremely difficult for him to be able to say exactly how much of his dieselene is used by the tractor, and it will open up the way, Sir, for abuse. I am not asking him to remove that—far from it—but I am trying to point out, Sir, that there are difficulties in the whole of this measure of taxation which will make it a very difficult thing to administer. Indeed, it may be costly to administer because of the staff required to add up all the forms which are returned by the farmers claiming their rebate on the amount used in a tractor. Sir, the Minister may say that that system worked with kerosene. It is perfectly true that it did work, but kerosene is a fuel which is only used in tractors and in few stationary engines and therefore it was a perfectly simple matter for a farmer to make a return of the amount of kerosene that he had in fact used in his tractors. Sir, I would therefore ask the Minister to consider very carefully this new measure of taxation which, I think, is going to cause the cost of road transport to go up very considerably.

Now, Sir, I want to turn to the question of housing, and I would like Government to consider whether it is not possible to find a less expensive means of financing the building of African houses through the medium of local authorities. Local authorities are finding it increasingly difficult to lease houses to Africans to be built through loans made by the local government authority and the Central Housing Board. The rate of interest charged by these authorities is so high that the local authorities are finding it extremely difficult

[Major Roberts]

to be able to lease their houses to Africans through the purchase scheme at a rent which the average African can afford. This is serious as the need and demand for African houses is increasing, it is indeed very great. Now, Sir, I understand that the current rates of interest charged by the Local Loans Authority are 6 per cent but that the Central Housing Board charges 6½ per cent. I cannot see why there should be any difference between the two rates, but I would like an explanation from the Government on that. I wonder if it would not be better and more economic if these loans were all made through the medium of one Authority. I am told that the rent necessary for a house costing £300 to build over a repurchase scheme of 40 years is, at 6½ per cent, 35/6d. per month, but that at 6 per cent it would be 33/3d., at 5 per cent 29/3d. and at 4 per cent 25/3d. Now, Sir, one can see that if the rate of interest could be brought down it would mean a saving of Sh. 10 per month in the Africans' rent, and Sh. 10 per month is a very great deal.

Sir, it can be argued that £300 is too high for the cost of building a house, but it must be remembered that that house has got to last for 40 years, because that is the time it would take the tenant to complete the purchase. It would not be of much value to him, if at the end of 40 years it is not worth living in, and therefore a substantial house must be built, and I gather that £300 is the very least for which that can be done.

Sir, I gather that Government claim that they cannot lend money at a lower rate of interest than 6½ per cent and that to do so would be creating a subsidy, or it would mean that some other service will have to be curtailed. Now that may be necessary because it is a question of priorities, and I consider that African housing should be a very high priority, as it is the way and means of creating a higher standard of living. An alternative course is increased taxation, which would mean that the cost will fall in the main on the European and Asian communities, though the purpose will be for Africans. However, unless something is done, the development of African housing schemes in some areas may cease, or there will have to be an increase in wages to enable Africans to afford the rates. And that again, Sir, would fall on the employers who, in the main, are the Europeans and Asians and, of course, it would fall on Government expenditure because both Central Government and local government do have to provide housing for their employees. Sir, it is really, therefore, a vicious circle, and the problem is very great and so important that I do ask Government to realize the urgency of it and endeavour to take some

action about it. I understand that Government are able to make loans to local authorities for other works, such as sewerage, at a lower rate of interest. I wonder, therefore, why it should be more costly to loan money for these housing schemes.

When the Central Housing Board came into being it was given a quarter of a million interest free loan, so I understand, and I gather this loan was used by the Central Housing Board to make loans to local authorities for African Housing, and the rate of interest charge has gone up from about 4½ per cent to 6½ per cent. But this was to have been a revolving fund. I would like to know if it is still revolving. In fact, if it is still in existence, it should, in fact, have been expanded by the amortization rates which have been paid by tenants, and there should indeed today be something of it left, but perhaps those balances have been used up in overheads of the Central Housing Board. It is, therefore, to my mind, open to consideration as to whether the Central Housing Board should not be abolished, and its work carried out by the Local Government Loans Authority. Local authorities are not permitted to borrow money themselves, and in the instance of one in my constituency, I know they are anxious to do so. They are not permitted to make short-term loans to each other, and so I gather, once again, they wish to do so and see benefit in it. I notice that the Minister for Local Government is wagging his head.

Now, Sir, I want to turn to the question of pay for civil servants. Some alarm and despondency is felt in the ranks of junior civil servants in regard to the statement that there will be no increase in their salaries. I do not think that for one moment the Minister meant to imply that no consideration whatsoever would be given in certain cases, but that is the way it was being interpreted. Some of these civil servants today have considerable fear as to their future, and some are apprehensive about their position. It is most important, Sir, that the best type of man and woman is recruited for our Civil Service, and more important that those who are with us are encouraged to remain here and will not look for the opportunity of getting better pay by going into commerce and industry. Therefore, it is essential that conditions are made attractive enough to encourage people not only to join our Civil Service, but for those who are here to remain with us.

Now, Sir, the field of education is one illustration of this point. Here I feel there is a definite need for the increase of salaries, particularly in relation to teachers at primary schools. I understand that there is a shortage of such teachers,

[Major Roberts]

and at these schools I am told that the low salaries paid to the teachers is the reason that there is a shortage. A master or a mistress of a secondary school, who has the requisite qualifications, can earn up to £1,863 a year, whereas at the primary school the top rates are £1,245 for a master and £1,161 for a mistress, and these figures are not very attractive in Kenya today with the very high cost of living. It may be argued that the primary school teacher need not be so highly qualified as one at a secondary school. But I contend that it is absolutely essential that those primary school teachers are efficient. It is the grounding received at a primary school that brings out the brightest pupils at the secondary school, and efficiency is often more important than mere academic qualifications. In considering the salary required to attract persons into the Civil Service comparisons must be made with what those people could earn if they entered ordinary civil, commercial life. I am told that a junior assistant in a bank starts at a salary of £1,500 a year, whereas his counterpart, the primary school teacher, only after a period of time can reach the maximum of £1,245. Now I think that there we have a case where Government should consider an increase in salary.

Whilst mentioning education I find that parents of children at European schools are complaining that the increase in school fees is due to the amount of remission that has to be paid to those people who cannot afford to pay the whole thing. The complaint is not that the remission should not be given, but it is a fact that the burden falls on those parents who by necessity have to send their children to boarding schools, for it is only the boarding fees that go up and not the tuition fees, and I feel that the burden of the cost of remission of fees should fall on the community as a whole. It is difficult to do this without a separate education tax, which to my mind has great merit, and I would ask the Minister to consider this very seriously. Still dealing with the remission of fees, apparently there is a desire too for a community to stand the cost of its own education, shared by some Africans. At any rate in my constituency. And, Sir, with your permission, I would like to read a very short extract from a letter that I have received on that subject, because I think it illustrates my point:—

"At a meeting of the C.C.E.A. Nakuru District Schools Committee held on 22nd March, 1960, the following resolution was passed unanimously. It was resolved that letters should be sent to all Rift Valley Members of Legislative Council drawing attention to the request that an educational rate be levied and asking for their help in legislating for such a rate.

This resolution was a result of a meeting of 100 African Chairmen and Secretaries of Local School Committees held on 12th March, at which the following resolution was passed unanimously.

This meeting, representing 62 local school committees of schools with over 10,000 African children on roll, requests that urgent action be taken for an educational rate to be levied on all adult Africans paying poll tax in Nakuru County. The money so raised should be used to improve African educational facilities in Nakuru County.

The Chairmen have since called parents' meetings at their respective schools, and the total votes to date in support of such an educational rate are 3,386 for, with only 348 against."

I think, therefore, Sir, there is some demand for this community education tax. Now, Sir, although I welcome the introduction of Boards of Governors I am apprehensive as to their introduction in regard to overheads. It is a custom in Kenya for some people to make a small income out of attendance allowances and traveling allowances, and I hope, therefore, that these Boards of Governors will be comprised of public-spirited people who will not expect any remuneration or allowances for their services, and I hope too, Sir, that Parkinson's first law will not be introduced, and that it will not mean the setting up of large secretariats to handle the administration of the Boards of Governors. I feel that their secretarial work could be undertaken by existing facilities.

Now, Sir, finally, I want to make reference to the criticism which has been levelled at me in this House regarding a statement I am supposed to have made about £900,000 of capital leaving the country a week. Sir, I have never answered these criticisms until today for the very simple reason that a number of people, in fact 99 per cent of the people who have spoken to me about it, have said, "Of course, you are really right, but Government will not admit it". Sir, I would like to be quite clear as to what, in fact, I actually said at Nakuru. I did not claim that I knew £900,000 was leaving the country a week. I said, "I have heard that £900,000 is leaving the country a week", and if that is true, then all I can say is that it is disastrous for the economy of this country, and I continued to make a plea for people not to put their money out of the country.

Mr. Alexander: There is not £900,000 a week that can leave Kenya.

Major Roberts: Perhaps you know, I feel that there could be more than £900,000 available in the country somehow, otherwise it would

[Major Roberts]

be rather difficult to produce a Budget for £32,000,000. But, Sir, instead of receiving some thanks for asking people not to put their money out of the country I received abuse, and was told that I had created a rumour.

Now, Sir, in a debate on the adjournment of this House, Government denied that any money was leaving this country and said that there was absolutely no evidence to support such a rumour. They further implied that the £900,000 might be mixed up with this question of the sum of about £1,000,000 a week which is normal outflow in the way of business from this country. But now the Minister for Finance since his return from London said that there had been some outflow but that the figure that had been mentioned was highly exaggerated. Therefore, Sir, he admits that there was some truth in the rumour I referred to and it therefore must have had some foundation.

Now, Sir, he also states that whilst capital had flowed into the country, there has been some falling off of it due to a time of change and uncertainty. Now here I would like to refer to another rumour which is just starting to circulate to give the Minister the opportunity to correct it now if it is wrong. Now that rumour is this, that after his predecessor removed the death duties last year, there was some considerable inflow of capital from people wishing to remit money into the country to avoid death duties. It took some months for it to filter round the United Kingdom, around the bank managers and lawyers to know what was happening in Kenya and to advise people who had money to leave to invest it in Kenya in order that little Willy should get the full benefit of his inheritance and the rumour states that just before Lancaster House this inflow into the country had reached its peak but since Lancaster House it had fallen right off. I merely tell the Minister that in order that he can deny it.

Sir, it is useless to deny that there is not a lack of confidence in Kenya today, but that confidence must be restored. It can first be done if an adequate financial scheme to stabilize land was introduced. It can also be done by accepting certain modifications to the Lancaster House proposals but it can easily be done by a categorical assurance that premature independence will not be given to Kenya. Government and Government alone can do these things and I appeal to them to do so and that they should do so quickly.

Mr. Deputy Speaker, Sir, I beg to support.

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): Mr. Deputy Speaker, Sir, I beg to congratulate the Minister for Finance, as many of the people

in the House have done, but for a different reason. I would like to congratulate him for setting the tone of the debate in this House, such a moderate and friendly tone that everyone who has spoken so far has been very reasonable and very friendly. That is as it should be in this House, we are not here to quarrel but to voice or air our views and comments. Except for my friend from Nairobi North who was a little extravagant in the use of his mother tongue, everybody else tried to use the opportunity given to speak to the point and to make the House realize some of the things that we really come here to do.

When my hon. friend Captain Hamley spoke, he referred to all of us trying to carry our commonsense with us and make use of the commonsense, he even went as far as suggesting that a ministry for commonsense should be created. Well, I would like to tell him that commonsense is not very common, and therefore there is no need to create a ministry to deal with it. When we find commonsense as common as we see other things, then it may be the time to create a ministry to deal with it. However, the point is that we should carry as much of our commonsense as possible and make use of it.

The Member for Nairobi Area referred to Kibera in his speech and said that the settlers in Kibera—settlers, mind you—must be given the right to live as any other settlers in this country. I hope he did not refer to the word "settler" in the same sense that many of us know. However, I am sure that the Sudanese in Kibera have the right to live as any other residents in this country and I say they have the right to live like their neighbours next door, the residents in the Woodley Estate. Woodley Estate has got roads, light, water and all these other social services, which Kibera has not got, and it is Government's view that they should live like any other residents and that they should be provided with all those services which are available to other residents just next door. They have no roads in Kibera, there are no lights, there is no water and that is a very serious problem to a residential area. The local authorities who are interested in seeing that Kibera is looked after properly have refused to consider taking over the care of Kibera until Government brings it to the standard acceptable to the Local Authority's health requirements. Now Government is trying to introduce a scheme that will bring Kibera to a standard acceptable to the health requirements of modern times and yet some friends of ours have gone round and told some wrong stories to Kibera residents. They have given the wrong story and said that Government intended to evict them and take over Kibera and drive away these ex-askaris who have worked very faithfully and loyally for our Government

[The Minister for Housing]

both in the then, "His Majesty's Forces", and even during this time as loyal citizens in the country.

Government is trying to get over this problem by starting a scheme—a housing scheme—which will provide to Kibera residents the same social facilities and amenities that are available to the other and neighbouring areas, residential areas.

I quite agree with the Member for Nairobi Area that these people should be allowed to live like any other residents and that means giving them the necessities of life that are available to other residential areas. This scheme which is proposed is not final, it has been put forward so that the residents in Kibera can give us their views, both on design and layout or if they have any alternative suggestions to make before we embark on the scheme. Therefore, consultation is there and we are still waiting for them. There is something very distressing which I will refer to later on.

Some people may think that Kibera is an isolated, small place where people from Sudan are living. Kibera was designated a military reserve in 1904—Mr. Deputy Speaker I was not born then. Between 1912 and 1928 various Sudanese *ex-askaris* were given permission to live in the King's African Rifles *shamba* and to build houses—well in modern times we would call them huts. In 1938 Government made it clear to the Sudanese that every old soldier was to be allowed to live in Kibera until he died. If a widow survived him the widow would be allowed to live there until she died; when both have died the hut must be pulled down and the heir given compensation. But Government have not done this, we do not intend to treat the Sudanese in this way at all. We are not so inhuman. Mr. Mboya said that the present proposal for replanning and rebuilding Kibera was done without consultation with the Sudanese. Well, Sir, the first time this matter was tackled was in 1945, I was in the Army then. In 1949 a survey was carried out and various factual information compiled on which to base a resettlement scheme. It was decided that the Sudanese should receive very, very generous treatment in any plan of their settlement. Compulsory eviction, therefore, did not arise and if it did full compensation plus disturbance would be taken into account. In 1948 a scheme was proposed to the Executive Council but the Sudanese did not like the scheme and they asked for repatriation to Sudan, but the Sudan Government would not accept them on the grounds that they were so detribalized and used to the easy climate of Kenya, that to fit them into either North or South Sudan would be impossible. Mr. Deputy Speaker, I take it that when they were not accepted into their own country they became citizens of Kenya

and they should regard themselves as part and parcel of this Colony—Kenya.

I think it would be wrong for us to consider the Sudanese in Kibera as foreigners in this country. They have been integrated into our society and they have taken very responsible places and positions in this country, both in the military and in various firms, particularly the transport firms. They do a very useful service in this country as *ex-askaris* they make good watchmen, bus conductors and bus inspectors. You find everywhere a Sudanese is holding a responsible position, which to me, infers that they are citizens and part and parcel of the communities in this country.

The present scheme which Government proposes to introduce and which is very, very much overdue has not been finalized and my Ministry is waiting for the Sudanese to comment on the scheme and to make alternative suggestions, in fact the proposals are being treated by the Government as the basis on which more and meaningful consultations must be entered into with the Sudanese. We intend to build one or several types of houses for them to look at in Kibera to see whether they can give us any comments in the way of design and alteration, so that we take it into account when the scheme is embarked upon. We would like them to feel that they are entering and going to live in houses that they like and which are in keeping with the traditional Sudanese customs.

The Member for Nairobi Area said that he had intervened, well I hope that his intervention was in favour of the good cause for which this scheme is intended.

But, Sir, while I am still waiting for the Sudanese to come and air their views on this matter I read in a Sunday paper the following: "Kibera.—It is not surprising that Government has produced the plan to redevelop Kibera, the sprawling village which lies beyond Woodley Estate on the outskirts of Nairobi and is occupied primarily by Sudanese ex-soldiers and their families. . . . The residents intended to seek an interview with the Governor and if the negotiations failed it was the intention of the Kibera people to send a delegation to explain their case to the Government and the people of the Republic of Sudan." (Remember what I said happened in 1948. . . . they are trying to do that.) "The delegation will also call upon President Nasser in Cairo because his Government was responsible about 70 years ago in handing over their grandfathers of the present Kibera residents to the Government with a view to helping in the opening up of this country." That is strange,

[The Minister for Housing]

Mr. Deputy Speaker! I always hear about the Europeans and the Asians taking part in the opening of this country. This is a new one to me, that the Sudan Government sent Sudanese to come and help in the opening of this country. Why did they not send a sufficient number?

I have no quarrel, Sir, with the Sudanese who wish to go back to their country of origin, but I must point out that Kenya is not under Colonel Nasser, and in this case he has no business to intervene or interfere with our domestic and internal running of our Kenya. All we are concerned with is that the Sudanese in Kibera cannot be left to live in such appalling conditions while my Ministry is busy building and improving housing conditions all over the country. I am quite prepared to discuss with the elders and representatives of Kibera on the differences or any fears that they may have, but I will not let them live in those appalling conditions, thereby discriminating against them when they are citizens and part and parcel of the community in this country. But if there are any who are anxious to go back to Nasser I urge them to go quickly.

Now, Sir, the hon. Member for Uasin Gishu made her speech, a very constructive speech, and made some comments on one of my new Portfolios in the Ministry, that is the approved schools. My friend, the Minister for Education, prefers to call them "disapproved schools". She asked some very definite questions, but I will try my best to meet her points and if she is not satisfied we can then expect perhaps to have a private session in my Ministry with all my experts to deal with her technicalities. She has mentioned, in particular, the Othaya Approved School. I think Kikuyu call it "Odhaya" and not Othaya. Kikuyu will excuse our pronunciation; it is not our own word. It is Othaya anyway. Mrs. Hughes, like many of us who have children, is worried about the future of the coming generation, that is, the children. The children that we are looking after now are going to be the future generation and naturally as a parent—as I hope most of us are here—we would like to see our children grow up into a good and respectable nation. But her worries, I think, can be met. I will just give her briefly the explanation of what Othaya Approved School is.

Under the present law of Kenya, children can only be sent to an approved school as a result of being found guilty of an offence by the court. Othaya, which was originally a work camp, was designated by Legal Notice No. 93 of 1959 made under the Emergency (Welfare of Children) Regulations, 1954, as an "approved institution"

for children in need of care, under the name Othaya Youth Camp. When the Emergency came to an end its legal status had to be redefined in order to keep it in existence, and it was therefore declared an approved school by a legal notice (Legal Notice No. 90 of 6th February, 1960) which the hon. and gracious lady referred to in her speech. There was no other place to which the children housed at Othaya could be sent and it would have been very wrong merely to send them away to fend for themselves as best they could. The children at present at Othaya are either cases left over from the Emergency or cases who have been committed to the school by the courts as in need of care and under the Prevention of Cruelty and Neglect of Children Ordinance No. 2 of 1955, to the personal care of the officer in charge as a fit person to take care of those children. There are no children at Othaya who have been convicted of offences in the courts. When Othaya was declared an approved school it was arranged administratively that no children convicted in the courts should be sent there, and so no such cases have been, in fact, sent there. None of the children at Othaya have been sent there on conviction of any offence.

She asked me whether Government got approval from experts in child welfare when Othaya became an approved school. Othaya was gazetted as an approved school.

Mrs. Hughes: I thank the hon. Minister for giving way. I think I asked whether approval had been sought from the "fit person" into whose charge they had been put, not from voluntary societies.

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): Thank you, I misunderstood. That was done. So I do not need to go into the other question. I think she also referred in her speech to the methods of discipline at Othaya, whether they were the same as for an ordinary approved school. The methods of discipline at an approved school are very largely a matter for the individual officer in charge. It should be borne in mind that the discipline at an approved school is not very different from that in an ordinary school. She was also worried about mixing children who have committed offences and those who have not committed any offences. In the United Kingdom the law provides that children who are in need of care and who have not committed an offence can be sent to an approved school since it is considered that many children who appear before the court either on a charge or because they are considered to be in need of care have behaviour problems which can suitably be dealt with at an approved school.

[The Minister for Housing]

There is, after all, a very thin dividing line between a hungry child who has been caught stealing a chicken and the child who for the same reason has stolen but has not been fortunate enough to be caught, or shall I say unfortunate. The over-riding consideration is the need of the individual child. I think she touched upon a point which might perhaps be more conveniently tackled when we deal with my Ministry's Vote. She was trying to transfer the £27,000 from Approved Schools and Remand Homes to Community Development. The gross increase in expenditure on probation services, approved schools and remand homes in 1960/61 as compared with 1959/60 is £42,521. Of this sum about £27,000 is due to the absorption into the Colony Estimates of expenditure previously charged to the Emergency Fund. No transfer of any part of this provision to Community Development could be contemplated. Remand homes have got to exist so that children may be kept there while they are waiting to appear before the court. The approved schools are performing a most valuable service in the training and educating of young people who are in great need of help.

I think she also asked whether the local authority, in this case the Nyeri African District Council, were consulted about the land on which the school is. The answer is no. The area concerned is 10 acres which were set aside under Government Notice No. 605 of 1955 as Ohaya Works Camp. When it was no longer needed for this purpose it was gazetted by Legal Notice No. 91 of 1959 in exercise of powers under the Emergency Welfare of Children's Regulations as an approved institution under the title of Ohaya Youth Camp. Eventually, under another Notice, No. 90 of 1960, it was declared an approved school under the Juveniles Ordinance of 1954. Ohaya opened as an approved institution on 1st April, 1959. When the land was set aside in 1955 compensation was paid and the area is now part of the area of the Ohaya administrative substation. There was therefore no reason why the African District Council should be consulted. (Do I sound very cruel, my hon. friend? No, I don't.)

The other point that she raised was on the Scorer Report. How do you pronounce it? Briefly, Miss Scorer, the chief inspector of the Home Office was invited to come to Kenya to make recommendations with regard to juveniles arrested or detained during the Emergency. The principle reason for the Government inviting her to come out was the series of allegations made by Miss Fletcher, of whom I think everyone knows, in connexion with juveniles at the Kamiti Prison Camp and other places. The main centre for juveniles at the time of Miss Fletcher was

the Wamumu Camp which, in the absence of other suitable camps, was used to house the following classes of juveniles: detainees; approved schoolboys; boys held under the Governor's Pleasure Order; waifs and strays picked up for the most part in Nairobi. Miss Scorer actually recommended that juveniles in need of care and protection, that is, those in category four above, should not be housed in the same camp as delinquents falling under categories one, two and three. Government agreed with this recommendation and took over the Ohaya Camp in Nyeri District and turned it into a children's home, naming it the Ohaya Approved Institution. Wamumu continued to be used for the other three categories, but in the course of time the detainees and those held under the Governor's Pleasure Orders were all released, leaving only the approved schoolboys. Wamumu is, therefore, simply an approved school. During the latter half of 1959 it was decided that Emergency funds would not be available after 1st July, 1960, to finance the Ohaya Approved Institution. At the same time, with the repeal of our Emergency legislation, it could no longer be used as a place to commit juveniles as hitherto. It was therefore decided to gazette it as an approved school but administratively it was agreed that boys committed to an approved school would not be admitted and the waifs and strays should not be prematurely removed. Those are the conditions, so far as I know them, and we would be very interested to give a further explanation if the hon. Member requires it.

Now, to deal briefly with the hon. Member for the Rift Valley, he is as worried as myself on the question of cheap housing for Africans. The provision of cheap housing is our main objective in the Ministry of Housing. We have in mind the knowledge that the tenant to occupy these houses will be people whose pockets, I will say again as I have said before, have got many holes. They put money in and the money passes through, and therefore they cannot really save enough money to afford the more expensive houses. Therefore our objective and our main emphasis is to build cheap and best houses. The combination of those two in many commercial firms is very difficult—to combine articles being cheap and yet the best. But that is our aim.

The money that the Local Government Loans Authority got was received at a time when money was cheap. They got this money in 1957 and they got it very cheap. They could afford to stay at that rate of interest of 6 per cent. They had also a very large proportion of that money given free as a grant. The Central Housing Board got its money very recently and unfortunately this money was a little expensive and we have

[The Minister for Housing]

had a very little amount of it given free as a grant. The people that I think have seen the hon. Member I suspect must be the Nakuru County Council whom I have already had discussions with. They are very reluctant to take up any housing scheme and their only excuse is that my money is more expensive than that of the Local Government Loans Authority. I do not know whether they have attempted to go to the Local Government Loans Authority for that cheap money at a very little or small difference of 1 per cent. But the point is this. It is practice of the Board to lend money at a rate which is 1 per cent higher than the rate at which it gets its money from the Development Fund. Accordingly the current rate of interest for the Board's loans is 6½ per cent. The additional half is to cover the expenses of the Board, that is, salaries, travelling allowances, passages, gratuities, etc., and the Board has its own staff, an architect, an engineer, a secretary and a stenographer. The whole of the salaries, etc., are paid by the Board. In addition the Board reimburse to the Government part of the salaries—but I am being warned to continue, Sir—of certain members of the Ministry's staff, an accountant; a clerk, and an architectural draughtsman. If the Nakuru County Council whom I suspect must be having this trouble would like to have a further discussion I would very, very much welcome it and ask my staff to have a talk with them. But it would be very nice to be able to borrow at lower rates for housing, if we could. But we cannot. If we subsidize the rate for housing we should have to find money for the subsidy, and I think the hon. Member would be the last to support that Government or this House should vote money to subsidize any housing scheme, particularly in a racial and discriminative way. The only way to find the money could be either by reducing services or increasing taxation, which I am sure many of us would not like. I hope that those explanations have cleared his doubts and offer to meet the hon. Member in order to allay his fears, and if it is the Nakuru County Council, to see whether we cannot satisfy them.

Thank you.

Mr. Travadi: Mr. Deputy Speaker, Sir, I join hands with my other hon. colleagues in congratulating the Financial Secretary on his maiden Financial Statement, though no doubt I have my own observations and there are many points I will be differing from, but there are also certain paragraphs with which I will probably start my proposed Motion on the examinations of the various departmental organizations. So I am justified in congratulating him.

The first thing after reading through the Statement which I found was more particularly as something always goes into my mind about education, I found out to my surprise that within the last year or the current year, I should say, 1959/60, the Minister for Finance expected a sort of a surplus of something like over four-hundred and thirty-thousand pounds. Well, the first thing that struck me straight away, Sir, was that how is it that this whole statement does not contain a word of the abolition of that notorious increase in the tuition fees in the secondary schools when all the Unofficial Members on this side of the House were unanimous in condemning it, and even so far only two days before the Mombasa Indian Association passed a vote of No Confidence in the Mombasa Members who are sitting on the Advisory Council on Asian Education and asked them to resign straight away. Things are no doubt coming to a head and I was expecting that something ought to have been included in here. These increases, Sir, the major portions of them, something like in the neighbourhood of about £60,000, such a big amount as that, according to my working was to come from the non-European side, and the provision in the development scheme of about six secondary schools for the Asian community, I should say for the Asian, yes, coming costing to the average of about £52,000 to £53,000 each, meaning that by doing that, during the next four, five or six years, the cost of these various schools will be met only by the tuition fees. This appears, Sir, that whatever the money is provided for the development scheme is practically from 1960, January, onwards, to be recovered from the tuition fees. I am not talking about the recurrent costs at all, Sir.

There is another thing, Sir, which has been touched upon by the hon. and gallant Member, Major Roberts, about the Boards of Governors and the handing over of the Secondary Government schools to the various communities concerned. I do remember, Sir, without disclosing the confidential contents of the Lancaster House deliberations, the very proposal did come forward and was circulated practically to every delegate, and we on our side, the Asian Members, decided to oppose it tooth and nail, and even if it came to a climax we thought we would side with the Africans instead of siding with the Europeans; we hated, and hated from the very bottom of our hearts, to maintain any mono-racial schools in this part of Africa.

Mr. Deputy Speaker, we have always been opposed to this type of mono-racial schools, and on the contrary, we are ready, provided accommodation and sufficient staff is available, to throw open our own schools to Africans and anybody

[Mr. Travadi] wishing to come in. As the Members are aware, the education of the Asian children has hardly attained the required standard. It has not got sufficient trained staff. In one of the answers that was given to my question I found out to my greatest surprise that out of about 60, I should say, aided schools, 44 schools have hardly any trained teachers at all, and that was the tragedy of the whole show, and to perpetuate such a thing I think nobody would come forward to do that; and the double sessions are still on. Our Minister has promised to abolish it very soon and I questioned the words "very quickly" and I said, "What do you mean by that word 'quickly' because it is very pregnant," in reply he defined in real English what that physical pregnancy was. There are no playing fields in sufficient numbers and it is having a very great bearing on the health of the children. There are no assembly halls attached to certain schools, and everybody is aware that the money approved by this very House has not been spent in the past; and I am still waiting for the details of the £410,000—the balance of the current capital expenditure—which are likely to be spent by the end of June. I would like to have the full details as to what part of the educational items it is being spent on. Only the day before yesterday I had a complaint from Kajado Indian Association that they have been trying and trying from 1955 onwards for a capital grant and those Indian Association people have been to our hon. Minister for Works too. He too has been trying his level best, and the only thing that has been promised, from what I can gather, is that only £500 has been given. Yesterday one man came running into my office and said "There is another letter coming in. Probably there is something interesting in that—there is some increase in that £500 amount." This is the position, Sir. The money is there. The money was there. But there is somebody sitting on that money like a snake, a cobra, who does not part with the money at all; I am sorry to say so. Mr. Deputy Speaker, there are school buildings in small villages, aided school buildings, and if anybody looks at them they are merely rotten and dilapidated buildings and if these buildings are to be handed over to the Boards of Governors it would be, I should say, a sort of tragedy.

Sir, since last year I have been trying here to press for an extension of compulsory education for the Asian children and a few facts have come out which definitely say that there are not a few children without education but that they run into thousands—3,400 Asian children are at the moment going without education. It has been told to us that about 2,400 do not go to school at all, and the remaining 1,000 cannot be catered for.

It is not necessary they say to force them to go to school because they do not want to extend those compulsory provisions to them, and I am sorry, Sir, but I have no other alternative but to bring these facts to the notice of this House again, as the more you shout the possibility is that the more you probably may be heard, because the House should always be led to know—and there are certain gentlemen who hardly know what is going on with the Indian and Asian education so that the Minister may be justified in asking for money, more money, from the Treasury or the Minister for Finance, so that all our small grievances may be remedied.

Mr. Deputy Speaker, the time has come that now with the changing times we want Swahili to be introduced into schools, in our Asian schools, and I would just throw that out as a suggestion so that the Minister may know what is running in the minds of the Asian people.

Mr. Deputy Speaker, Sir, I would not like to go into the imposition of tax in detail as many hon. Members have gone very carefully into it; and it appears that passengers in the buses particularly will have to pay more, and I am not worried about those who go to the hospitals—it is probable that there are very few poor people who can afford to go to the hospitals because they have their treatment at home, but those who use the buses—I think the majority of the population are Africans—I think that tax falls more on Africans than on anybody else. Well, I am not worried about that. But there is one item of footwear. This item I would like to go into in more detail because Members have talked about it, but I would like to analyse it a bit further. It was in the year 1956, Sir, that the imposition of 20 per cent *ad valorem* import duty was imposed on all kinds of footwear, and in 1957, 60 cents per pair on all kinds of footwear, or 22 per cent *ad valorem*, whichever was the greater. Then in 1958, Sh. 1/50 per pair on canvas shoes with rubber soles, or 22 per cent *ad valorem* on all kinds of footwear, whichever was the greater. Now in the last year, 1959, Sir, Sh. 1/50 per pair on all kinds of footwear or 22 per cent *ad valorem* duty, whichever was the greater, was imposed.

Now today, 1960, Sh. 5 per pair for boots and shoes, excluding footwear without uppers—we Asians call them *champals*, slippers or *mojalis*, etc., and excluding footwear with uppers of cotton and soles of rubber or rope, which is of course, canvas shoes, and excluding children's footwear. Now, Sir, commenting on it, the minimum of Sh. 5 mainly affects the cheap footwear which is being imported from India, Hongkong and Japan. Now here in Kenya, no licence is issued to importers to import Japanese footwear from there because it is intended to give protection to the

[Mr. Travadi] local industries. Now this footwear which is being imported, is all handmade. They have to pay to bring them to Kenya, freight—they have to pack them and pay the packing charges—they have to insure them—and also to pay rail charges if they are being brought to Nairobi and upwards. Now Japan's footwear is only brought into Tanganyika, if my information is right, so that the present protection of Sh. 1/50 per pair of footwear, and the prohibition of Japan's footwear in Kenya, should, I think—I humbly say—is sufficient protection for the local industries. I think it is mainly Bata, which is the firm who manufactures here. And, the only people who would have to pay more of this tax would be mostly, and I underline the word "mostly", the Africans. The price of the imported cheap footwear at the moment in Kenya is about Sh. 8 to Sh. 12, and after having imported it into Kenya and including all the costs, the retail price here is something in the nature of Sh. 12 to Sh. 14 per pair, and the local cheap products—say Bata—are sold, the very local cheap ones, are sold at about Sh. 20 or so approximately. Now I do not know whether this protection is unasked for by the Bata Company or anybody, or whether it is just to suit Tanganyika, or are we following the footsteps of Tanganyika or Uganda, whichever may be the case—I do not know—I am not in the know. But, Sir Ernest Vasey's speech, which he made in Tanganyika, at Dar es Salaam, is very interesting, and it appeared in the *East African Standard* of 28th April, and it says:—"Last year the duty on boots and shoes was altered to a specific duty of Sh. 1/50 a pair, or 22 per cent *ad valorem*. This was to help the establishment of a factory in Tanganyika, and in so far as the canvas and rubber side of the industry was concerned it had achieved that objective. The Company concerned was prepared to start production of leather shoes at its Dar es Salaam factory if it could be helped to meet the competition of cheap shoes from abroad." Then in inverted commas it says, "I propose, therefore to increase the rate of specific duty on leather or plastic shoes to Sh. 5 a pair, the *ad valorem* rate of 22 per cent remaining unchanged." Well, I do not know whether there was a similar demand from here, nor do I know what dividend the shareholders of this Bata Company get, whether they are running at a loss, or whether they really require any protection in Kenya, and whether the protection already given to them for the last so many years was found insufficient, or whether it is sufficient. That is a point I would like to be enlightened upon. It has been suggested that a slight loss is also expected out of these changes in the practical abolition of imports and in the case of imposition duty, etc. Then, I have a very sound

suggestion. I do not know whether it is sound, but from my viewpoint it is. Instead of putting a duty of Sh. 5 per pair, why not reduce it by one and make it four? But then on the other side increase, or have an excise duty of Sh. 1 per pair, which would bring in about £100,000 to the Treasury. Sh. 1 only per pair of locally produced footwear, i.e. manufactured in Kenya. I do not want to say "produced", because these are handmade, and I do not want to tax the shoemakers and cobblers for nothing. But if only Sh. 1 is charged as excise duty I think in Kenya the sale of manufactured shoes is more than 2,000,000 pairs or so, if I am told rightly. And that will bring a very good amount, and I should say this is a suggestion which I think is worth consideration.

Another question is the production costs. If the Bata Company have asked for more protection, is it real or false? How is it that goods from the other side come here cheaply, and yet, here it is too costly to compete with them? I hope this will have due consideration.

Mr. Deputy Speaker, the Financial Secretary in his statement talks about Kenya's prosperity, and he says it depends on world conditions. He says we must export raw materials and, particularly, he underlines every kind of agricultural produce. And he further says, and it is a very significant sentence: "Industrialized countries of the world are having a boom period. It may be that their export prices may increase, in which case our trade terms will get worse, and consequently we shall have to export more in order to get the same amount of imports." In other words, Mr. Deputy Speaker, this is all colonialism. The evils of economic and political control by one country over another for the exploitation of its raw materials, cheap labour and markets of its raw materials, and colonialism nowadays finds few apologists in the world these days. The colonial system is still, however, practised in its essence by countries who are trying to effect a quick entry into the modern era *vis-à-vis* their own rural population, when industry imposes manufactured goods on the villages in quantity, and at the price it desired, and makes them produce the raw materials in the quantity and at a price the industrialists want, but nobody has thinks anything of it. On the contrary, it has been said to us, and it is justified and even glorified in the name of progress, national prosperity, and now here in Kenya we call it prosperity. Mr. Deputy Speaker, I detest, and I detest under democracy, I do not want any sort of monopoly, either for production or even for distribution in the name of controls and things like that. Even in the Africanization of the service or the trade of Asians, or anything of the sort,

[Mr. Travadi] I do not want that. What I say is that under democracy there should be no monopolies of any type whatsoever.

Mr. Deputy Speaker, the pressure is, and it has been pressed and emphasized again and again, that the political stability is the main thing, and if it is not maintained it will affect the higher standard of living. Now it is a very funny thing to define the higher standard of living. From my own point of view those who have not enough, and when I look at them I do feel that my standard is very, very high, but when I look at the others over me, and who draw not hundreds but thousands and thousands of pounds, then I say that my standard of living is comparatively very low indeed. But, I would suggest that some way or other this country now is to be ruled, and we will have a majority and definitely of Africans, and that has been promised at the Lancaster House. We have already reached the saturation point of the standard of living and the cost of the running of the Administration has gone up very high. We now know that some adjustment has got to be made, and made sooner, and I should underline the word "sooner", the sooner the better, and I would like to cut down.

Political stability, confidence and many things have been told in this House, and I remember, because I was there at the Lancaster House Conference, even before the Conference was over people were flying to Kenya agitating and agitating—even now. They were thinking in anticipation that these were going to be first a deadlock—a sort of a breakdown—but then eventually they found out there was a sort of large amount of agreement between the Members over the Lancaster House proposals, and only the isolated few—who might even be counted on the tips of our fingers—but here when they come back to Kenya they make a big noise, they ring a big bell, because there are reasons for that. The country has only one or two newspapers owned, by the very community, and we Asians only follow suit because we have not sufficiently effective newspapers of our own, and so that we only have second-class information and follow suit what others dish out. These people and papers say we are doomed—send money away. The newspapers further say, "The farms are going, the Highlands have gone and now what shall we do?" Asians have nothing to fear. Their property is not going away. By going to the Round Table Conference the Asians have got two more seats in the Council of 65 Members in this House. What have they lost? They have not lost their own buildings and shops and property. Have they robbed anybody's land to build this property? No. Then why is

my community so panicky? There is no reason, at least as far as the Asian community Members are concerned, to be frightened at all. There is no reason whatsoever. We are safe and safer. We are here ad came here to this country even before any other foreign nation was here. We have helped the Africans better their lot and why should we be afraid. And I would give a word of advice to my African friends as well. I have been to my Province, my electoral area, and to Meru and Embu, to Nyeri and Nanyuki and all around, and I found that the security thing which is very much talked about here and disturbing—but everything was quiet—it was "all quiet on the western front". But when I come to Nairobi I find *pankawallas* busy robbing and looting. I do not understand why? Either there is something wrong with the police or with the security people themselves or there is something wrong somewhere. When we talk to Africans they say, "These are the home guards—the 'loyalists'". When we talk to the loyalists they say, "These are the *Mau Mau*". Now whom to believe and whom not to believe? We Asians only see no difference in them. We only see that the Africans are using the *pankas* on everybody.

I think it is a duty of the leaders of the African community not only to talk in the papers and only talk to the Press men in their day-to-day newspaper conferences, but to physically go among the Asian community in the disturbed areas, the rural areas and any other disturbed areas and take a few—one or two responsible members of the Asian community—and try to pacify them—try to tell them that this is the work of gangsters and that everything possible is being done to control them. Thieves and robbers who always take advantage of the troubled times, are the people who are responsible; and do not let us attack any political significance whatsoever, and this is the way to tackle the security measure.

Now only yesterday the Member for Nairobi Area, the hon. Mr. Tom Mboya, in his speech, he said: "I cannot tolerate this double nationality". Now he must know that since 1955 the Indian Parliament passed a citizenship act, and from that day onwards this double nationality so far as the Indians go, has been abolished entirely. Either a man is an Indian subject, or he is a British subject, and as such there is no question of one man having double nationality whatsoever.

Now much has been made of the release of Jomo Kenyatta. I and my other colleagues, Asians, members of the Kenya National Party, Sir, sent a deputation to the then Governor, and tried to persuade or to prevail upon him to release that man forthwith, so that the political

[Mr. Travadi]

things can be adjusted and can adjust itself. We went to England up there, too, our Asian Group Members did approach the Secretary of State and made a similar request. They also never forgot Mr. Makhan Singh. About his name very little appears in the Press, but I should urge upon the Minister for Security and Defence to consider sympathetically his case as well; I know that he has been professing communist-teaching ideas, but now we are having Summit Conferences. We are shaking hands with Khrushchev and Bulganin, and I think, it is not now fair that this man should be allowed a little time to breathe freely. Even if he is a staunch trade unionist, I think here in Kenya after his detention trade unionism has sufficiently come up to an extent that he can very well be released, and he can be allowed to mix. I think his views may be far behind now, looking to the present day-to-day development in the trade unions, and I think he will not be in any way considered as a danger to the country as a whole.

Mr. Deputy Speaker, from the Asian side up to now nobody has spoken more than half an hour, and it was my original idea to consult Mr. Nazareth, and to tell him that I will take more time, although I do not want to swallow the two hours, but more than half an hour, no doubt, but as he is not here, and I do not know that he may even speak, but I cannot say that, for he may speak, but then I propose to take, with the permission of my friend, as Mr. Nazareth is not here, that I may be allowed to speak beyond the time allotted of half an hour, but up to two hours.

The Deputy Speaker (Mr. Conroy): That is in the hon. and learned Member's own hands. The practice that I have adopted so far in this debate is that the first member of any group is entitled to take more than the prescribed time, but if he does so and gets that extra time he shuts out his colleagues. It is up to the hon. and learned Member to decide whether he stops now or goes on.

Mr. Travadi: Mr. Deputy Speaker, I would like to take advantage of the two hours.

The Deputy Speaker (Mr. Conroy): Order, order. It is not provided in the Motion passed by this Council that anyone with more than half an hour should take two hours.

Mr. Travadi: I prefer to go beyond half an hour. Mr. Deputy Speaker, Sir, talking about Jomo Kenyatta, I have certain views which I would like to ventilate, and I would say, Sir, that traditional democracy really recognizes the inherent right of the people even to violent rebellion against authority when the democratic

machinery is abused. But, Sir, the advance of technology has put in the hands of small groups and bodies of men a greater concentration of power, and those who control the machinery of the state are consequently today armed with far more effective instruments of coercion with which to put down popular resistance than their predecessors ever had before. They also control all the means of mass communication, the Press, the radio, the cinema, by which to propagate and hypnotize even, the masses and condition their thinking. The people have nothing comparable at their disposal with which to counter these things and such sanctions have been rendered obsolete nowadays and even proved ineffective by the march of technology. Nobody would favour violence in this country. Even Hitler and Kaiser Wilhelm failed miserably and I do not think if Jomo Kenyatta is released he will ever dream of using violence against a state which has vast resources to extend in a way undreamed of in the past. I would, therefore, Sir, only request the Government that his release be considered sympathetically.

Mr. Deputy Speaker, only yesterday the hon. and gracious lady, Mrs. Hughes, the Member for Uasin Gishu said that Lancaster House did put us on the right road to democracy, and I told her that I am going to quote her here today I endorse it and add my own humble opinion. Democracy is a plant of slow growth (and these things are to be noted more by my African friends than by others). It needs patience, peace, stability and even staying power. Translated in terms of millions its essentials are food, clothing, shelter, health and individual freedom. Mere political democracy without economic independence, and I underline these two words, "economic independence", and equal distribution, and also I underline this too, can only prove a snare and an illusion. Democracy has been defined as a system of Government in which every adult citizen is equally free to express and desire and to influence his fellow citizens to decide according to those views and to implement those desires. Freedom is not a mere "catalogue of abstract rights". I again repeat that freedom, however is not a mere catalogue of abstract rights. It must also include the ability to take advantage of and freely exercise these rights.

Mr. Deputy Speaker, one other subject that strikes me is the Africanization of the Civil Service. I only yesterday bought a newspaper circulated by the Government Information Office, and it is an extract from the paper named *Nyanza Citizen*, issued in April, 1960, the second issue, and it is an editorial under the caption of "Confidence", and it says: "Recently a senior

[Mr. Travadi]

official of the Bank of England, Maurice Parsons, spoke in Kampala of the importance for countries such as Kenya to have a sound and efficient administration. He said: "I am certain that if that asset is lightly thrown away, it will react unfavourably on the economic prospects of these countries." What he meant was that the countries would suffer if the Civil Service were Africanized too quickly at the expense of efficiency. We certainly want more Africans in the Civil Service, but this is no good unless they have been trained to do the work, and to do it well. It takes a long time to build up an efficient administration and it should only be replaced by something as good. I would draw the attention of the Government that hurried things will eventually do no good.

When the Secretary of State spoke about this Africanization I welcomed it, but I also said it should not be confined to one race only. The Asians have had their civil servants in Government administration since its inception, but up to now not a single one has become the head of the department. No administrative or executive post has been given. Why not?

Sir Charles Markham: I do not know.

Mr. Travadi: Why not? I put the question. If this country is going to be on a non-racial basis on merits and ability, capacity and capability then there should be no discrimination at all. I do not want to come in the way of Africans at all. Let that point be absolutely clear. I wish them the best of luck and let them occupy practically all those posts lower and higher. I have no objection. But there are Asians capable enough. They are not promoted. Is it that they are being ground down between the two millstones? I would therefore humbly request the Government to give sympathetic consideration to this question of the non-racial side of the Civil Service.

Mr. Deputy Speaker, I would like to cut down, and I will only take about 10 to 15 minutes. It might not be that much, but I have just one subject, which is about the Royal Technical College, and it is only the educational side that the Minister for Education is concerned with it, but perhaps the hon. Mr. Rogers, who is the head or the chairman of the governing body, he might take a note of it.

Now, as at present, Sir, the title of the Royal Technical College which is depicted on the building itself reads like this "The Royal Technical College of East Africa incorporating the Gandhi Memorial Academy." Now according to the Working Party on Higher Education's report which has recently been published, the present Royal Technical College is by 1966 to be trans-

ferred into the Interterritorial University College for East Africa. The other title of the College would be something like the Royal College, Nairobi, thus definitely deleting the words "incorporating the Gandhi Memorial Academy". In this new interterritorial college both academic and professional courses of equal standing will have their place within Faculties of Arts, Science, Engineering and special professional studies. In paragraph 120 of the report it says "that the proposals though modest will be inexpensive to execute. The members look to generous grants from the Colonial Development and Welfare Funds and express their gratification to the munificent contribution drawn from any liberal donors, which the Gandhi Memorial Academy Society has made to the College".

Now, Sir, by section 14 of the High Commission Act of the Royal Technical College No. 2 of 1954, there has been established an advisory board known as the Gandhi Memorial Academy Board to advise the Governing Council of the College, the Principal of the College and the Board of Studies in all matters except academic and administrative routine relating to the Faculties of Arts, Science and Commerce and also in relation to the erection and management of any buildings erected as a memorial to Mahatma Gandhi. This Board in all consists of seven members including four recommended by the Gandhi Memorial Academy Society, the remaining three to be appointed by the Governing Council. This Board has power to co-opt three additional members but they have no right of voting.

Now, Sir, it is rumoured and there is a lot of truth in it, that this Board on the coming into existence of the Royal College will cease to exist and all connexion with the Gandhi Memorial Academy Society and its donors would be severed.

I would, Sir, also draw the attention of the hon. Members of this House to the salient few points in the Agreement solemnly entered into between the Governing Council of the Royal Technical College and the Gandhi Memorial Academy Society. This document is signed and sealed by the Principal and Secretary of the College on behalf of the Governing Council and by Messrs. A. B. Patel, our hon. Mr. J. M. Nazareth, Q.C., and Dr. R. K. Yajnik, representing the Society, President, Secretary and Joint Secretary thereof respectively.

Now, Sir, the two articles to which I would like to draw attention are in the Agreement and are very interesting. I quote them although I have them *in extenso* I will shorten them. "Whereas the Society wishes to place its resources as a permanent memorial to Mahatma Gandhi at the disposal of the Royal Technical College of East

[Mr. Travadi]

Africa, a non-sectarian and inter-racial institution of higher education, and whereas the Council has agreed to further the aims" and I underline the words "further the aims" "of the Society by accepting the proposed endowment primarily for devotion to the establishment and subsequent maintenance of the Faculties of Arts, Science and Commerce."

Now, Sir, this Agreement is dated the 12th day of November, 1954 and the first Article thereof lays down that the Governing Council "will designate those parts of the main tuition block"—the main tuition block—"of the college which have been designed for the use of the Faculties of Arts, Science and Commerce and also the library as parts of the Memorial to Mahatma Gandhi. It has been further provided that certain of the college buildings such as hostels and staff housing to be parts of the Memorial.

The Gandhi Memorial Academy Society undertook to make every endeavour to collect more than £400,000 in those days and hand over in the prescribed manner. The Society has also further agreed and handed over a sum of £97,893 18s. donated by the Gandhi Samarak Nidhi of India to be utilized as set forth in a separate Trust Fund and there are three Trustees as well.

Now, Mr. Deputy Speaker, I would like to retain these same words and I therefore after reading them over to the House, in all humility request the Government to see that the wording—I also repeated it last year when I was talking at the opportunity of the Governor's Speech, if I remember rightly—that wording "incorporating Gandhi Memorial Academy" should not disappear from the heading.

There is a thing I would like humbly to suggest that this Agreement which has been solemnly entered into between the Governing Body of the Royal Technical College and the Gandhi Memorial Academy Society should form part and parcel of the new legislation which will replace the present High Commission Royal Technical Act, which will transform the present Royal Technical College into the new Royal College. It should form part and parcel or a sort of schedule or something that everybody would permanently remember what commitments the Gandhi Memorial Academy Society and the Governing Body of the present Royal Technical College has entered into. I have one more request—and this is a thought I always have in a matter like this—that sufficient and effective representation of the Governing Body or whatever it may become in the new legislation which will come into existence, sufficient, effective representation

should be given to the Gandhi Memorial Academy Society.

Mr. Deputy Speaker, I beg to support the Motion.

The Minister for Internal Security and Defence (Mr. Swann): Mr. Deputy Speaker, I feel very like one of the characters in Nevil Shute's book "On the Beach".

I would like to refer briefly to some of the points which have been raised by hon. Members concerning my Ministry. The first point, Mr. Deputy Speaker, Sir, was raised by hon. Arab Member Sheikh Mahfood Mackawi about his visit to Shimo-la-Tewa Prison. I am afraid, Sir, the hon. Member was under some misapprehension about his right to visit the Prison. I must point out, Sir, that Members, other than the Members of the Council of Ministers, are not authorized visitors by virtue of their office and I think this often gives rise to a certain amount of misunderstanding. Naturally, Members can visit prisons but they should make application to the Commissioner of Prisons and approval is at his discretion, but I can assure hon. Members that the Commissioner does welcome constructive visits.

With regard to the question of diets, which the hon. Member raised, the prisoners are, as far as possible, treated as regards food according to their way of life and regardless of race; thus if an African prisoner is accustomed to eat European food, he can continue to receive a European diet while in prison.

Now with regard to Shimo-la-Tewa, I would point out to the hon. Member that there have been no complaints concerning the quality of the food from the prisoners of any race, either to the prison authorities, the official visitors or the visiting justices. The hon. Member also stated that the Arab Official Visitor is a Government official. In point of fact, Sir, he is not, he is Sheikh Mohamed Timani who was formerly the Liwali of Malindi and is now a member of the Mombasa Municipal Council. So, far, Sir, this year, the prison has been visited 13 times on nine occasions by official visitors, four occasions by visiting justices and one of whom was a Judge of the Supreme Court.

Now there has been raised, Sir, by a number of Members the question of military service. I would like to state, Sir, that the Government has under consideration the question of military service for all races. Now it must be appreciated that this is a very big question and it has extremely large financial implications, and my hon. friend the Minister for Finance who is happily having his tea, I think might wince rather

[The Minister for Internal Security and Defence] sharply. There is also, of course, the question of the manpower implications and the question of staff but I can assure hon. Members that this question is under active consideration by the Government but, is a somewhat knotty problem.

I would now like to come, Sir, to what I think is really the nub of my speech and that is the point of the general security situation which was raised by the hon. Member for Ukamba and the hon. Member for Kiambu.

Now I have, in a written reply to the hon. Member for Ukamba made a large number of these points, which I see were published in the *HANSHARD* on Friday, but at the risk of vain repetition I think it is an important subject and I would like to deal with the matter now.

First of all, Mr. Deputy Speaker, Sir, I would state quite openly that the Government is by no means happy about the overall security situation. The particular areas about which we are unhappy are the City of Nairobi and the Central Province up as far as Nyeri. In particular, I have to say with regret, the closer the areas are to Nairobi, namely Kiambu and Thika, the worse the security situation is. To a lesser extent we have the same problems in the large towns such as Nakuru and Mombasa, but I think there is some improvement in the two last-named towns.

Now, I would like to deal with the two major aspects, one is the aspect of crime, and the other is what I am afraid I must refer to as the general atmosphere of lawlessness in certain areas. Since the lifting of the Emergency regulations there has been a large influx of unemployed into the settled areas and this has undoubtedly led to increased crime, particularly in Nairobi where the crime figures, I say with regret, are very much higher than they were during the same months last year.

I think we can divide this increase in crime into two categories—one is petty crime, which is caused by hunger and carried out by what you might refer to as the genuine unemployed, and secondly there is the serious crime, which is caused by professional criminal elements.

Now I have to say with regret that a large number of the vagrants who are repatriated, when we go into their records after taking their finger prints, many of those men have six or seven previous convictions, not for vagrancy but for theft, burglary and crimes of that nature and I would point out to hon. Members, who often have said that the Vagrancy Ordinance is somewhat brutal, undoubtedly in Nairobi there are voluntary unemployed and include a large number of professional criminals who have come into the city to make an easy living.

The crimes of violence we have gone into in great detail and we have been unable to find any political significance in them. They have been carried out against people of all races and in all areas of the Colony. There have been signs of personal spite on particular occasions, but in general terms I think we can say that these are opportunist crimes for gain, carried out by thugs, who use violence all too readily.

With regard to the situation of the unemployed there has been a drift back from the Rift Valley in particular to the Central Province and there are also signs of a slight movement out of Nairobi City. I was very gratified to hear from the Member, who has just sat down, that he is very satisfied about the security situation and I shall remind him of this when he makes his weekly visit to my office.

I would now like to refer to what I might call a very worrying trait, and that is a general spirit of lawlessness and a feeling that it is no longer necessary to observe the law with the coming of freedom, which I say with regret is all too prevalent in Nairobi and in a large number of the areas of Central Province.

Now this has manifested itself in wild-cat strikes, a large number of assaults on police officers and a general disrespect for authority and a disrespect for the rights of property of others.

Now, recently there has been an improvement in the situation, but I have to say with regret that this week has seen a large increase in the numbers of assaults on police officers when they carry out arrests in Nairobi City. On all too many occasions they are attacked by a large mob, who endeavour to release the prisoner and on many occasions have inflicted serious wounds on police officers. I am glad to say they have always been dealt with remarkably quickly by the police and we have made a large number of arrests of these hoodlums, cases have been taken to court and sentences have been obtained.

Now, Sir, I would appeal in particular to hon. African Elected Members. I am very grateful for what a large number have already said on the public platform and I would be very grateful if they would continue to make this point that lawlessness is of no value to anybody and that the need to observe the respect for law and order and to respect the property of other people will not vanish with the coming of freedom.

I would now like to refer, Sir, to the question of *Mau Mau* because I know that this is very much in the hearts of a large number of hon. Members of this House. There has, I say with regret, since the lifting of the Emergency Restrictions, and the return to large open-air public

[The Minister for Internal Security and Defence] meetings, been a revival of the *Mau Mau* spirit. Now that spirit has usually been whipped up, not so much by speakers on the platform but by thugs, trained agitators, who circulate among the crowd spreading propaganda, leading the shouting of slogans and even the introduction of trained choirs, who sing *Mau Mau* songs. Now that spirit has all too often manifested itself in the crowds, when they are returning home from the meeting. There have been stoning of Government officers, assaults on the persons and property of Government chiefs and headmen, and the singing of offensive songs outside substations and even around camps in which detainees are held.

I think at the moment I can say that that atmosphere is slightly better; it reached its peak, as one would expect, directly after the lifting of the Emergency Regulations. It is still manifest but not quite so much in the same degree as formerly.

Now we are looking to see if there is a revival of the *Mau Mau* organization, as opposed to the *Mau Mau* spirit, and we shall continue to look. We have had a number of reports of oath-taking ceremonies but they have only been corroborated in the case of Meru District. These oath-taking ceremonies in that district are of two sorts. The first is the oath administered by force by General Achole, when he has come out of the forest and taken food from villagers, they are then forcibly given an oath to keep quiet about his presence. I am only too delighted to say that the villagers promptly broke that oath and reported the presence of Achole to the police and the security forces.

The other form of oath-taking in Meru has been in the Nyambeni area, and this, I think we can say, is a straight financial proposition. The oath-takers make a good business out of it, they charge Sh. 10 to Sh. 15 a time to become a member of the club, and I think, as I say, you can look upon this as a "get rich quick" programme, rather than as a severe threat to law and order.

However, we are continuing to investigate further reports of oath-taking in other districts.

I would now like to refer, Sir, to the question of the wild-cat strikes in the Ruiru and Thika areas. Now I will leave the analysis of the individual strikes to my hon. friend the Acting Minister for Labour, for I think it is more fitting that he should give you the causes of the various strikes on the various estates. I do not think there is an overall cause and I do not think there is an overall pattern, but my hon. friend will be dealing with this matter tomorrow. What interests myself and my Ministry in particular are the cases of

intimidation. Now yesterday morning in the Thika and Ruiru areas a special investigation team consisting of a mixture of C.I.D. and Special Branch officers was visiting every estate in the area to try and find the pattern of intimidation, whether it is trivial and has been exaggerated, what form it has taken and whether there is any overall pattern behind it. So far three cases of intimidation have gone to court and convictions have been obtained. Three further cases are under investigation and I trust will be able to go before the courts.

I am sure all hon. Members will join with the Government in deploring intimidation, particularly when it is done to the wives and families of workers, as one of the most contemptible actions in which a man can indulge.

The hon. Member for Nairobi Area asked the rhetorical question, "Are the Police Force necessary"; I think if the hon. Member was present he would agree from what I have said that there is a very real need for the Police Force. Also is the fact that the hon. Member in question has twice publicly declared—once in an article in the *Daily Express* and once recently in Monrovia—that he intends to take "positive action" if he cannot obtain his own way. I think he has answered his own question. And should the hon. Member and his misguided followers indulge in action, I would point out to the House that this might well necessitate an increase rather than a decrease, in the security forces.

I would like to state quite categorically that the Government has no intention of being intimidated or handing over to mob rule. We shall continue to uphold law and order and the rights and the property rights of self-respecting citizens of all races.

Now the hon. Member also made great play that we should forget the past in terms of the Emergency. I would like to ask the hon. Member how can we forget the past when at public meetings choirs are trained in the singing of *Mau Mau* songs, which keep alive these feelings? How can we forget the past when members of *Mau Mau* are defiled from the public platform? If this is the hon. Member's idea of forgetting the past and making a new start, I must confess that it is not mine.

I would call upon all hon. Members that when there is a public meeting they should speak with restraint and do nothing to arouse racial animosity, because in our somewhat delicate situation at the moment, racial animosity can only lead to tragedy. I can again assure the House that the situation is not out of control, the police and the security forces are, I think, acting extremely well, in some cases under great difficulties under attacks

[The Minister for Internal Security and Defence] from the mob, but I would ask all hon. Members in addition to exercising restraint on the platform to ask themselves one thing: "Would a return to the conditions from which Kenya has just emerged be of any benefit to any race in this country, and would a return to these conditions make any contribution to the peaceful, economic and political evolution of Kenya, of which I am convinced every Member of this House desires?"

Mr. Deputy Speaker, Sir, I beg to support.

Mr. ole Tipsi: Mr. Deputy Speaker, Sir, I rise to make my few observations to the Budget debate before the House.

Firstly, I would join my other hon. friends in congratulating the hon. Minister for Finance in the way he has presented the Financial Statement and the Estimates Expenditure in such clarity that it gives a lot of ease in going through them.

Mr. Deputy Speaker, a lot has been said about the security position in this country. I am glad that I am just speaking after the hon. Minister for Security and Defence has spoken, but I would have liked to have spoken before him. Nevertheless I think people should really understand the position clearly as it stands. It is no good trying to blame us on this side, it is no good trying to blame anybody else. It is a thing which concerns us all here in Kenya and there are things which we can do together to get rid of it. We on our side, Mr. Deputy Speaker, have condemned and abhor any acts of violence and lawlessness from whatever source it may come because we know that it is not going to do our country any good, it is not going to do the people of this country any good and, in fact, it will become an obstacle or a stumbling block in our political advancement.

Now, Mr. Deputy Speaker, I take it that it is no good trying to exaggerate the position in order to cause unnecessary alarm in the minds of the people. We know that there has been of late disrespect for law and order and as such I think the entire population should be trained and shown the way in which they could help. Now, we on this side, especially the African Elected Members, have done and will continue to do everything in our power to instill into the minds of our people that it is not only the duty of every decent citizen to uphold the law but to help maintain it. I would likewise ask my friends, the leaders of the European and Asian communities, to do likewise, especially when there are rumours circulating about concerning some black sheep in these two communities who might be out to entice idle Africans of bad character to commit some crimes. It is not a one-way traffic, Mr. Deputy Speaker,

it concerns us all. There are black sheep in every community and the leaders of other communities have got as much duty as we, the African Elected Members, to try and help in any way possible.

Now, much play has been brought into this debate about intimidation. I would be the last, Mr. Deputy Speaker, to intimidate anybody and I would be the last to want to be intimidated by anybody. As such, I was glad that the hon. Member for Ukamba mentioned this question of intimidation. We do not want it and we must do everything we can to stop it. But the intimidation is not only prevalent amongst the Africans as such. For one have heard of quite a lot of intimidation going on in some districts of my own constituency where you find some bad employers intimidating their workers to do all sorts of things.—

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

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

Such an act should be deplored as much as we deplore any intimidation among the so called "wildcat" strikers. Of course, when I say this sort of intimidation, you find that in some areas African workers who dare join a trade union movement for that matter are victimized and are discharged. In some cases recently when I was touring my own constituency some people went round—some Europeans, for that matter, if I may say so—to try and tell the workers in their areas not to attend any of my political meetings. What do you call that if it is not intimidation? So we must look at both sides. It is bad whether it is done by an African or by a European or an Asian.

Now the other thing I would like to touch on, Mr. Deputy Speaker, is the question of labour, the labour situation. I am sorry to see that the Temporary Minister for Labour is not in but I hope that he will read from the HANSARD and that his colleagues on the Front Bench will keep him informed. Personally, I think on the whole we owe a great debt of gratitude to the present Temporary Minister for Labour for all his services in the Colony. I do not want it to be taken at all that any criticism I might have has anything to do with personalities, but rather is a general criticism of the Government policy with regard to labour matters. I strongly feel, Mr. Deputy Speaker, that Government must accept full responsibility for its negative attitude in labour matters—and I would underline this especially in rural areas. We all know that in the past, since I entered this House, I have brought

[Mr. ole Tipsi]

introduced two Motions, or three for that matter, asking the Government to do something to dispel the fear amongst the African farm workers that they are being left at the mercy of the employers. I am glad that I was given to understand that something will be done when I moved my last Motion, but I would like the Minister to tell me specifically what steps have been taken so far to introduce the minimum wage fixation scheme in rural areas. We are now in a very serious situation. Mr. Deputy Speaker, where the supply of labour exceeds the demand, and it is only natural that this will tend to lower the wages. Now, I have had so many cases in my own constituency where, of course, you find people being discharged here and there; so many cases of non-payment of monthly wages for longer periods. I have brought these cases before the authorities concerned and I was rather perturbed to be answered by one of them, "Well, of course, these employees do not complain and we cannot do anything about it." I mean, these things are happening and they are happening on a very large scale. It is the duty of the Government to protect the weaker members of any society, and if they fail in this duty then, of course, they share in the present uneasiness which is going on in this country.

Now, of course, we all know that we must create good human and industrial relations which are of absolute necessity for economic progress in any country and I would appeal as well both to the bad employers and the bad employees to change their malpractices because, in fact, they are sharpening a sword to cut their own throats. Now, of course, I need not repeat that we need all sorts of things to improve the situation. When you go to some areas and find that the wages are very, very low, starting from Sh. 20 to Sh. 30 a month; you go to some villages and find their housing is almost non-existent—I do not know whether the Department or the Ministry has any minimum standards of housing for farm employees or not, but some are appalling and I know that if anybody came out in the open they would say that this is true. There are some bad black spots and I think they should be put right. Now, of course, in some places also you will find that the husband, the wife and the grown-up children are all in employment. In some villages—I have seen them: I could tell you what farms they are—you find a whole crowd of small, tiny, little children left to look after themselves the whole day long. This is quite intolerable. Now, I do not want to labour too much over this point but I think it is only fair to ask the Government that the Vote for the Ministry of Labour should be scheduled as one which we can be allowed to

debate in full. Also I would only say that the Minister will continue, as he has always continued to do, to try and use his best brains to find a way out and I hope the new Minister, when he joins him, they will, of course, have additional brains and they will try and do something about it.

Now, the other thing is this question of unemployment. Surely the only solution is to try and devise ways and means of creating more avenues of employment. Now, how to create this is difficult unless we have capital at our disposal to invest in various development projects which ultimately will raise the national income of the country for the expansion of various other services which are required. Now, what we must really try and aim at as a matter of urgency is how we can relieve the suffering of landless and workless people by whatever means and resources are at our disposal. I should have thought that loans, especially to African farmers, and also making available all unused lands in the Highlands to Africans would at least help as an interim measure until we are in a position to create more industries and more light industries spread throughout conveniently in suitable areas in some of the districts. Now, the Minister, I think, said—if I may quote—from his speech—that the answer to the unemployment problem is to increase the opportunities of our people to earn a decent living, whether through self-employment or through wage earning. "That is, of course, one of the major objectives of the Government's development plans and policies."

Now, we all endorse his words but I would like him and the Government to go again into the question of trying to help the petty African trader; help him out and try to get rid of any obstacle or anything which is done by more established businessmen to squeeze him out. I know of cases as near as Naivasha here where the local authority passed a by-law—I do not know what law it was—to the effect that those poor African tailors who are allowed to patch up trousers, shirts and jumpers on the verandas of Asian shops will no longer be allowed to do so. Surely this is very bad. I mean, such people have no money at all, even to maintain themselves and their families. Where are you throwing them out? Of course, they will be forced to enter and rent somewhere inside the shop. They have no money even to maintain themselves. And these are the sort of practices which create ill feeling among various sections of this country. I hope that something will be done.

Now, the other thing is—I have asked it before and I am going to ask it again here, especially to the Minister for Commerce and Industry—that I strongly feel that there is a need, an urgent

[Mr. ole Tips]

of appointing at least one officer to every provincial administration charged with the specific duty of guiding and advising the African businessmen in the proper ways of business transactions and I am sure such a measure will bring good dividends to the whole country. They could also try and see if the loan facilities which are available to other races cannot be made available to African businessmen of standing.

Also I have always wondered because I think the Government should also go into the provision of water in some of the best ranching areas such as the Masai land unit in order to enable this pastoral tribe to settle down and adapt the modern methods of animal husbandry and reap the benefits accruing therefrom. Thus, I think, they will contribute their share to the economic welfare of the country as a whole. There is quite a lot of land lying idle. We cannot possibly remove their cattle and put them there because there is no water. The grazing is plentiful, full of salt licks and the rest. I think also that it is a great pity that with well over a million head of cattle in Masai area very little, if any, contribution is derived from this source for the beef and the dairy industry of this country. One cannot help wondering as to what this Government is doing in helping these people; and, of course, in trying to uplift the economic standard of the country as a whole in this respect, Mr. Deputy Speaker. It is no good telling us here that the reason for this deplorable state of affairs is the fact that the Masai cattle are infected with measles and other livestock diseases. We would like to know what preventive measures, if any, this Government is taking to eradicate or at least to check the spread of these diseases among the Masai cattle. It is a great waste and must be stopped at all costs.

Now, I was pleased to hear from the Minister for Finance that a fiscal and economic Commission which is to examine the East African common market arrangements is to be appointed. I hope that this Commission will give us valuable information which will help in the proper expansion and organization for the marketing of our livestock and produce. Of course, the Minister rightly said during his Budget speech that he was convinced that "the Government is right in the emphasis which has been placed on the programme of development in agriculture. This will make the most immediate impact on the national income by encouraging the growing of an increasing average of cash crops for which markets can be found at profitable prices". Now, in quoting from the Minister's speech, I can only add that I sincerely hope that the same encouragement will be accorded to African livestock owners with special

emphasis on the improvement of the quality of livestock in African land units.

I want to be very, very brief and short if I can, Mr. Deputy Speaker. I could have expanded on it but I will leave it at that.

Now, the other question is this imposition of duty on light fuel. I know a lot of people on this side with a lot of experience have spoken about it. The only exemption is that of allowing for rebate on the duty on fuel oil consumed by tractors used for agricultural and logging purposes. Well, the imposition of this duty, Mr. Deputy Speaker, I think, if I may add it, is that apart from being unfair it is discriminatory in practice. Just imagine! Why only a rebate on diesel fuel consumed by tractors engaged in agricultural purposes? Why not a rebate on power kerosene consumed by tractors engaged on the same job? Apart from that, what is there to prevent a farmer from getting a rebate on light fuel purchased for a tractor used for agricultural purposes and instead taking this advantage in using some of this oil for his own private car, or instead, taking the same advantage of using some oil purchased for logging machinery to fill his own diesel lorry used for transport of timber to the station? This is what we want to get rid of—it is very discriminatory. The most equitable way of removing this anomaly would have been to impose a flat rate of, say, 50 cents per gallon to all users of this fuel. Otherwise you will have loopholes which you cannot avoid or be able to check. How is the Minister going to check up on all these loopholes? It is impossible.

Mr. Alexander: Hear, hear! Quite right!

Mr. ole Tips: Now, the other thing is the question of the Civil Service. We are all proud of our civil servants. They are a credit to us all. But what I want to say is that you must try to localize, recruit from the local manpower we have here; afford training facilities to qualified men, young men and women in this country, so that we can cut the expenses of these overseas leave periods, leave pay and passages and recruiting expenses and the rest of it.

Mr. Alexander: Quite right!

Mr. ole Tips: Now, going back to what I am glad to say the other day that we were all happy—we are still happy—to have four of the African Elected Members cross the Floor, three of them taking ministerial posts. But if we are to prepare this country for self-government or for any independence with a Government in the hands of the African people, what have we got at the bottom? How many district commissioners have we got here? We have raised this question, Mr.

[Mr. ole Tips]

so often. We are told, "Oh, there are no trained and qualified personnel." Does it take 60 years to train a man to become a district commissioner, because the British Administration has been administering this Colony for the last 60 years? No, I cannot believe it! We want something at the bottom. It is no good just taking three ministerial posts, whereas we have nothing at the bottom and these people at least—some of these district commissioners, I would suggest—ought to be posted to the settled areas as district commissioners, as inspectors of police and superintendents, and let them show the few die-hards who are still doubting whether we are capable that they are as safe in our hands, if not better off, than in anybody else's hands.

Mr. Alexander: Put the Luos into the Masai land then.

Mr. ole Tips: Well, that is another irrelevant question.

Mr. Alexander: Oh, that's another question!

Mr. ole Tips: Now, the other thing, Mr. Deputy Speaker, if I may touch upon it, is my usual subject, the game. On Sunday I nearly had it from this "game". I spent the night in the bush, Mr. Deputy Speaker, with lions, buffaloes, giraffes and what not, you see, but I enjoyed it. I enjoyed the night staying in the cab of my car. Now, it is the question of preserving the wild game. We have debated at length on the Government's policy of game preservation which I think is very, very unsatisfactory. Now, why I say it is unsatisfactory is because we must win the co-operation and the confidence of those who are looking after the game or where the so-called wild game is held. In most parts of the Masai country the Masai people depend entirely on rain water. All of this is consumed by big herds of game. The game also devastate the pasture. They also spread diseases to cattle and yet nothing or very little is done to make good the loss and damage to those whose land is holding the game, out of the revenue received from tourists. This is where the contention comes in and I hope that the Minister and also Col. Cowie whose interests I know are very deeply in the preservation of game will do something. We are all concerned but at least help these people out. Show them the value of having the game in their areas, because if you simply have the game there it helps spread the diseases and thousands of Masai cattle die. Nothing is done; all the rain water is consumed in two months and then the cattle die on account of dust and that sort of thing. Surely you are making these people hostile towards the wild game which will not help in the preservation of wild game.

Now, the other thing; Mr. Deputy Speaker—

The Deputy Speaker (Mr. Conroy): Mr. ole Tips, you have already exceeded your half hour.

Mr. ole Tips: Oh, Mr. Deputy Speaker, I won't be two minutes, Sir, if the House would agree—I will bear your ruling, Sir, but—

The Deputy Speaker (Mr. Conroy): The difficulty of allowing you two minutes is that everybody else may say that they would like two minutes. It was the decision of the Council that 30 minutes was the limit and I have already given you two minutes over the 30 minutes.

Mr. ole Tips: I obey your ruling, Sir.

Major Day: Mr. Deputy Speaker, Sir, I rise to support this Budget but I would express the hope that we will have a better one next year. I feel that the essence of a good Budget is relief in the actual taxation, in Income Tax, and that in itself is perhaps one of the best measures of the prosperity of a country and of a return of confidence.

Now, it has been said by a number of speakers in this House that we are in a period of change and that we are in a period of difficulty. Of course, it is true; we all know that it is true. And I consider that the work of a Minister for Finance in a period such as this becomes an even greater burden than it would normally be and I would therefore without in any way attempting to flatter him say that I consider that in these particular circumstances with all the rumours which may be true—and indeed are true—which he may have had to contend with, that he has done an extremely good job.

Now, Sir, we are going through this period of political gestation: nobody is quite certain who is going to father the child. We have been told that the father may be a multi-racialist, or a non-racialist, but there is a fear that the father might even be a dictator, and what his child will be when it finally is born is perhaps the main reason why we are I think not only Europeans, but reasonable people of all the races in this country, apprehensive and uncertain today.

I have always found it necessary and indeed I have done it quite without reluctance to admire and indeed look upon with a certain degree of awe, anybody who has been connected with the intricacy of figures, and I would even go so far as to say, Sir, that at times I have attributed to them a certain degree of necromancy, not I would say necrophilia, because as you know one of the greatest assets we have had in this country in my opinion in the last two years was the abolition of the death duties. So it does not apply here.

We are, nevertheless, as everybody realizes, a poor country with a very small revenue, in world terms, and there are constantly increasing

[Major Day]

demands for money to be spent on this, that, and the other for money to be spent, for instance, on education. Not only for one section of the community but from all of them—money to be spent on hospitals, money to be spent on roads, and so I think one lesson emerges from all this. It is an obvious one but I would beg to be allowed to repeat it, and perhaps extend on it and it is this: that if you have a country which is as poor as this country, with such a little revenue, you must, perforce, obtain money from elsewhere. Now last year in this debate, as a mere novice, I advocated that the then Chancellor of the Exchequer should go abroad and try and get an interest-free loan. Not something petty or small—something really large, something substantial, something, Sir, which could put into effect all the promises and all the carrots which are held in front of all the people in under-developed countries. The Minister has indeed gone abroad but I would say this, Sir, that he has come back with a mere pittance.

Now, in the particular circumstances that we find ourselves in today, it would be quite fair to describe the minorities as the guinea pigs in an experiment, and I say this in no offensive manner whatsoever. It is indeed a fact because this is an experimental country politically. Now, if you are going to have your guinea pigs, Sir, you must be quite certain that they must be fed on a specially vigorous economic diet, and I would suggest to the Minister that he continues to try and find this money which is so evidently necessary for all the demands in all sections of this community which they are, quite rightly, making, because in these days of quick progress, we are apt to be impatient: we are apt to forget that the slow, leisureed, development of what has been suitable in time past is no longer appetizing or indeed digestible today. People are inclined to say, rightly or wrongly, that every thing must be done quickly. You have got to travel quickly—when you get there you very often do not know why precisely you have arrived there, but nevertheless that is the philosophy of the times. Now, if this is accepted—and I think it is accepted—then the theories of a Utopia, through democracy or through this that and the other method of Government wheels which are constantly being dished out by politicians—and it is indeed becoming increasingly popular for them to do so—can in fact really mean nothing. They are purely platitudinous statements, and the disappointment which may result from the failure of these well meant theories to be put into effect may well cause far more harm than if they had never been uttered. You see, it all boils down to this, Sir: you can theorize and you can talk the hind legs

off a donkey and you can tell people that they are going to advance and you can tell people that the millennium has arrived, but the one thing that has not altered today, and we all know it, is the fact that perhaps money is more important today in the minds of men than it ever has been in the past.

So I would put in a plea that we should not be overwhelmed by these statements, well meaning perhaps and sincere, that we should have a little of the substance and that substance, Sir, is money, capital to oil the wheels. We are constantly being told that this that and the other is in the best interests of this country: we are being told by a benevolent but nevertheless doctrinaire world opinion which is something that is always being quoted today, that this that and the other should happen, that something marvellous and miraculous should emerge in this country by merely saying we are going to be multi-racial, we are going to have a multi-racial experiment. It will never happen, Sir, unless you have the money to work that experiment out, and to raise the standard of living of the people visibly, not by merely telling them they are going to have votes and are going to have more in the way of franchise.

Now we have, recently, many of us, returned from London, and the Macleod Plan has been spoken of and about a good deal in this country, and I do not wish to go into any detail on this. This Plan has been very well dressed up, Sir, in this House, particularly, recently. It is sometimes, perhaps facetiously, called the "MacBlundell Plan"—that is, perhaps, irrelevant. But, nevertheless, it did reflect the agreement of the two major parties at this Lancaster House Conference—or the three perhaps I should say. Nevertheless, it has been well dressed up and fine feathers do not, I repeat, make fine birds, and I would again perhaps at the risk of reiterating, say that the political wand waving such as occurred recently is in effect sterile. We are told we must march forward together; presumably we must march forward in a band together. Well, Sir, if you march forward in any respect to any goal you must first of all have an objective and the band must know exactly what they are doing and the band must feel they have been reasonably treated, all and every one of them, and their morale must be high. Otherwise, they will never achieve that objective.

Now I would like just briefly to go into a little more detail on one specific point, and I will not be very much longer. I would like to say this, that we have been told in the speech which the Minister opened this debate with, that the European community is essential to this country. It is

[Major Day]

indisputable that it is producing a great deal towards the economy of this country. Now, that particular part and parcel of a community which is providing that service for a country such as this, irrespective of any racial characteristics, irrespective of any question as to what race that community may have been, must deserve to have its confidence restored. I must tell this House, with all the sincerity that I can muster, that that confidence which should be there today among the European farming community is, I regret to say, not totally there. I am not saying that they lack confidence entirely, but I am saying this, that they are most concerned and they are in grave doubt and, indeed, can it be wondered at. We hear statements that originally the Government of this country had never the right to give the European farmer title to his land. It is further said that if we do not readily agree with a particular thesis 100 per cent, we are people who are here to try and disrupt the economy of this country. We are told that if this is our attitude—only by some people; I must be fair and say this—we had best get out. It is repeatedly claimed, and has been said recently in this House, that we should be stripped of our privileges. I should like to ask you what our privileges exactly are. Are our privileges that we pay a very large percentage in taxation? Is that a privilege? Are our privileges that the advantages that we enjoy in so far as our standard of living is concerned—are those privileges? Is it not indeed a fact that these standards which we have achieved have been built up by us from very small beginnings in the past years? The fact that we enjoy a high standard of living on the whole as a community, and that we wish to preserve this standard of living and that we wish to preserve our way of life and that we wish to preserve our way of education, does not mean, Sir, that we do not realize and hope that the other communities in this country will also raise their standard of living and preserve their way of life. On the contrary: it is the desire of any reasonable European that this should be so.

I say this in the vain hope, perhaps, it may contribute towards dispelling this misunderstanding. Now, in order to achieve this raising of their standards, they will certainly never achieve this if they declaim against ours. I sometimes wonder whether the politics of this country are not a little old-fashioned: when the rest of the world is trying to build up higher and raise the standards everywhere and raise the lot of the ordinary man in their countries, there is a tendency sometimes here, in order perhaps to achieve that, to pull down the standards that are in fact in effect and exist today. I have heard it

said here recently, I think it was in the course of this debate, that there were pockets of privilege or discrimination. I think "pockets" was used. Now, does that mean that a pocket full of shillings is worse than a pocket full of cents? If we are to stay, and I include the minorities in Kenya, as I think we all wish to stay and play our part, we must have practical concrete reassurance that our position will be respected. We do not want platitudinous assurances of a political nature which are meaningless and which can so easily be given and so far as the farmer is concerned make no doubt about this, Sir, what we want is an assurance that we, if we stay here and contribute to the economy of this country, will always be able to get the full value for our farms to get what we have put into our land. Then, indeed, the uncertainty will disappear.

It was said yesterday that Europeans should come in—I cannot remember which hon. speaker said it—and participate fully in the spirit of Lancaster House. If this is some new sort of brew I do not suppose it will be long before the Minister attempts to tax it, but what I would say to you is this. This is no new brew. This is something that people have been thinking of for many years in this country. What has happened is that the brew has not been mixed up properly: it is not entirely palatable. It has left the vital problems unresolved as far as the minorities are concerned, and I would say this finally. To those people here today, who may think that I am a right wing reactionary—and by all means you are privileged to think so—I would say this to you finally. In the interests of this country, which I believe you all have at heart and I think we all have at heart in this Council and in the interests of the human relations which we so often hear spoken about also, see that these grievances, see that these suspicions, are speedily resolved, and I will call on all those people who are suspicious of our attitude to consider what I have said today and to see that we have got a very strong and sincere point of view on this matter.

I believe that we have recognized the grievances and the aspirations of the Africans and of the other races. They in turn should do that for us because I feel that the day of political manoeuvring which appears to be one of the perennial sports in this country has really come to a standstill. If this is ended, if we can get an understanding which I sincerely hope we will, then only and then alone will the true interest of all the people in Kenya be best served.

Mr. Luseno: Mr. Deputy Speaker, before I say what I want to say I would like to join my other hon. friends in congratulating the hon. Minister

[Mr. Luseno] for Finance on the way he introduced his speech dealing with the Budget to this Council. I would like to deal with the Government Sessional Paper No. 4 which deals mostly with the development programme for 1960 and 1961.

I am very much interested by this Paper, which shows clearly what the Government is doing in planning ahead towards the development of the country, economically and socially. I would only like to deal with two of the Ministries dealt with in this Sessional Paper, and that is the Ministry of Education and that of Agriculture.

Referring to Head D (9), subhead A, Table 22 that deals with the African education, I would like to express my appreciation to the Government for having accepted to provide Higher School Certificate classes for the African students. This is going to cost the Government quite a large sum of money, £181,600. This is quite a lot of money but I am quite pleased to see the Government has accepted to allocate this to the Africans for school certificate education, which I know very many people have been demanding. Also, Sir, I see that Government has accepted to start 15 new day secondary schools for the country. This is going to cost the country £155,500. I regard the 15 new secondary schools to be fewer compared with the demand for the secondary education, in the country. Many people would feel that the Government ought to have provided for more than 15. But I know due to lack of funds, the Government could not have provided for more than 15, and I therefore support the 15 new day secondary schools proposed.

Now, Sir, in addition to many other secondary educational expansions, proposed under this Table 22, I would like to hear from the Minister for Education when he speaks on this Motion whether he has any plans to promote Kaimosi Girls' Intermediate School to secondary status in 1961. The people there are very eager to hear that the Government has accepted promoting this school to secondary status.

Now, Sir, I go to the Ministry of Agriculture, Animal Husbandry and Water Resources. I was very pleased when I read the Sessional Paper to learn that Government were encouraging the tea growth in the African areas. I know that the Africans have suffered quite a lot from lack of cash crops, and when we see the Government taking great interest in encouraging cash crops in African areas we feel very proud. I understand that the Government in connection with this growing of tea would establish about seven factory units in the African areas, and Government has proposed that each one of such factories

would be supported by 1,200 acres of tea and that the Colonial Development Corporation would finance such factories. I would request the Minister concerned that if such factories are to be established, that it might be possible for one or two of them to be established in Nyanza.

The second thing, Sir, connected with agriculture is this. I am also pleased to note that the Government, knowing that the economy of Kenya depends mainly on agriculture, have proposed to allocate £315,500 for agricultural education. I understand that part of this money will enable the Siriba Training Centre to run courses up to diploma level in agriculture. Most of our students have been going to Makerere for this diploma. Now it is a pleasure to learn that the Kenya Government is planning for such diplomas to be taken in Kenya. I think we should congratulate the Government on this.

It is also remarkable, Sir, to see that the number of African farmers, including staff, who attend agricultural courses in Kenya each year will be 11,000. This is an increase of 7,000, compared with that of 1959 and 1960. Kenya is now going to produce more experienced and qualified farmers in agriculture by 7,000 over last year.

Now, Sir, before I sit down I would like to support the view expressed by my hon. friend, Commander Goord, when he said yesterday in this House that we had a duty to do and that duty was to educate our electorate. I quite agreed with him and would like to add that there is a second duty, and that is the duty of educating our African masses. Very many Africans now speak about *Uhuru*: if you go to the towns up-country you will hear them shouting "*Uhuru!*" I wonder whether they understand what that means. The word *uhuru*, I believe, in English means freedom, and freedom would mean, I think, being freed from what—slavery? I think the opposite of freedom would be slavery. Have the Africans been enslaved by anybody? Instead of being enslaved, I know, we have been supported financially by the Colonial Office. We have received quite large sums of money from Britain to support our education, agriculture, and so on. So when many people shout "*Uhuru!*" I ask myself as to what we were freeing ourselves from, slavery or what. Hon. Mr. Mboya, don't I know that you would like to say something.

I would like our African Elected Members to explain to our people what we mean by *uhuru*. I think what we mean by *uhuru* is, or, I should say, what we should say instead of saying "*Uhuru!*" is "*Serikali ya kujitawala* (inaudible) *wenyewe!*"—i.e. self-government, independence.

[Mr. Luseno] I think that is what we should say instead of saying "*Uhuru!*" *Uhuru* means freedom, being freed from slavery, and we have not been enslaved by anybody. So, Sir, those people who shout "*Uhuru!*" think that when *uhuru* or self-government or independence comes they will do no work, but that if they do any work at all the salaries will be very high. They also say this—that they will pay no taxes, and if they pay any at all they will be very small indeed. I do not say that the hon. Mr. Mboya says that; and the African Elected Members know it—but our people do not understand the meaning of it. Those people who have a very low understanding do not understand it in the way that the hon. Mr. Mboya or the hon. Mr. Khamisi would understand it. They also say that there will be no school fees, no hospital fees to be paid. They also add that there will be no police force to arrest criminals. This is the general feeling of the people in the country, people who have little understanding. They also say this, Sir, that the immigrant races, as soon as *uhuru* comes, will quit the country immediately. They believe that as soon as the independence comes each tribe will have a Minister in the Government, a tribal Minister to represent his or her own tribe.

I would, Sir, like to take this opportunity to congratulate the African Elected Members on what they have done since their return from Lancaster House, in explaining to the people that when independence comes the people would work harder than they are doing today; the taxes would be higher than they are today. Even school fees, hospital fees, would be increased. The police force would be doubled. If the truth is to be told to our people it should be told, and I feel, Sir, that we, as the leaders of Kenya today, should tell our people nothing but the truth of what is going to happen in the future Government of this country. If we told them that they would be free to do no work, that there would be no police, that taxes would be very low if any at all, the people would wait to see this happen; but when that future Government takes over and the people see taxes being increased, school fees being increased, police arresting more people than today, they will say, "What sort of a Government is this? We must jump upon this Government." Therefore, Sir, I feel that we, as the leaders of this country, have got to be sincere, beginning from this year onwards; we must tell the people nothing but the truth. We should share this duty, whether we become popular or unpopular we should do it.

I know the Colonial Government has done quite a lot for this country. Educationally, whether we like it or not, English, which I speak,

is not my language, it is not my mother tongue. I have been taught by the British educationists in this country. They have done it educationally, economically, and so on, and they are still doing it. We have got to teach our people to appreciate it so that when the future Government comes in, whatever they will do will also be appreciated. But if we try to teach our people to be disloyal today, tomorrow they will do it for you.

So, Sir, I would like to conclude my speech by referring to what the hon. Member, Sir Charles Markham, from Ukamba, said, that the Government should give a statement with regard to the position of Jomo Kenyatta. To be sincere, wherever I have been in Kenya very many people do ask for the release of Jomo Kenyatta. But I ask myself, if he came back would he be received with both hands by all the people of Kenya? I would like him to come back, but would the hon. Member, Mr. ole Tipsi, like him to come back, and would the hon. Member, Mr. Ngome, like him to come back? There are friends of a man; there are enemies of a man. The Government is not foolish when they say that the situation, or the position of each and every man detained and restricted is being reviewed from time to time. If and when he is returned to his people it will mean there is no danger to the security of the country. I do fully agree with the Government. If any man was returned and it meant danger to the security of the country then why should we continue to advocate for his coming back? Here I am not referring to Jomo Kenyatta, but I am referring to any man who is still in detention or restricted up to this time.

Mr. Deputy Speaker, Sir, I beg to support the Motion.

Mr. Usher: Mr. Deputy Speaker, Sir, I wonder if I might take up the theme of the hon. Member who has just sat down, the theme of *uhuru*. There were many delights to be savoured in the halcyon days which would come with *uhuru* when the happy day comes. Among those matters which I think they believe will be there to be enjoyed there is this—that they can get money without strings. Well, I do not want to argue about that, but I think the time of disillusion will come. But it does bring me really to what I was going to open with, and that is that the Minister for Finance has just got money without strings. I refer in particular to the sum of £1,128,000, and I should like to congratulate him on the way he has disposed it, and particularly the fact that he has been able to allocate a sum of over £500,000 to education. That must bring joy to us all. I do not want to go into this matter at any length, but it is perfectly obvious that we must improve

[Mr. Usher]

our educational facilities here first of all because it is of the utmost importance to have an educated electorate, and secondly because we must educate people to take their proper place in the Civil Service.

Now, there is only one other thing at the moment I want to say on education, that is to say that I should have preferred to see rather more of the windfall put to technical education than to academic education, because I think even now it is rather difficult to place people with moderate academic attainments. I think that many of us, certainly many of my friends outside this House, have helped to educate people in our employ and in our immediate surroundings. It has not always been possible to give them much academic education but some of us have helped them by means of night classes and so on to qualify themselves for such things as book-keeping but when they have got that qualification it is rather difficult to place them, to get them employed. In fact it is most impossible in some instances, and that brings me to the point that I should rather like to get some statement from the education authorities about the liaison they have with those who are concerned with employment.

I now might pass to one other general matter—and we are at some disadvantage here Sir—and not knowing what Heads will be debated—and that is of Labour. We have been confronted in recent months with what is not perhaps a paradox but it is a strange thing to contemplate. We have a demand for employment on a scale which we have not known hitherto and we have at the same time repeated demands, particularly from the public services, for higher wages. We have had in this House an extraordinarily interesting debate in last December, I think, on the employment question, or rather on the unemployment question, and I hope the Minister for Labour will be able to bring the subject a little bit more up to date either in this main debate or if he is given a chance when he moves his Vote, the Labour Vote, because many of us are wondering whether with such a lot of unemployment we should not be thinking on the lines which have been adopted for so very long in India, which suffers from a rather poor economy. Everybody who has been there is familiar with the picture of the road workers where you have one man with a shovel, another with a rope to pull the shovel, and a third man to call out *Shabash* when he has got a shovel full. There may be very much virtue in employing as many people as you can at a wage which will just keep their bodies stitched to their souls. I would like that point to be considered.

I should like, Sir, to welcome the various aids to tourism which we have been given and at the same time to enquire whether the Minister might not have been a little more generous in his grant to the National Parks. I see, the Vote is £65,200, but in the year 1958/59 I see that we did spend actually £64,000, and I am wondering whether with the increased cost of transport and with increments the provision for this year is sufficient. Perhaps the Minister could be a little more liberal there.

There is one other matter which is allied rather to tourism. Some of the hotels will be very much affected by the increased duty on light amber mineral fuel oil, that is, diesel oil. A great many of them are working their electric light on this fuel and it does reinforce the argument used by my hon. friend the Member for Ukamba in regard to machinery other than vehicles used on the roads.

Now, Sir, I come to certain matters concerning the tariff, the import tariff, in particular. Last year hon. Members will remember that the duty was taken off lime—I am talking about lime for building purposes. Agricultural lime was always duty free. Now, soon after that duty was taken off, the import of lime greatly increased. I have the figures here. The 1938 figures show that there were 2,366 centrals imported into this country. I know that the Trade Report has not yet been published but I have the figures for 1959, and they are 9,245 central into Kenya. That is a very extraordinary thing. I drew attention to the increase last year and asked that the matter should be taken up by the interterritorial body which deals with tariffs, and I was assured that I had a very good argument for restoring protection and I have stated it without contradiction here, and I have stated it without contradiction here, that in Kenya we can produce enough lime to satisfy the needs of all three territories. So that I would ask the Minister and the Minister for Commerce and Industry to take this matter up once more.

I think that I should now say a word in regard to cement imports. I am very glad to see the decrease in those imports. As far as Kenya is concerned it is from about 417,000 centrals in 1958 to 69,000 centrals in 1959; and that is satisfactory so far as it goes.

But, Sir, there is a great deal of cement coming into this country, cheap cement, not only into this country but into these territories, which is subsidized, and I believe that there is a case for the protection of our local industry against this sort of dumping, and I would ask for that to be considered. In 1958 the imports into Tanganyika which does most of the importing of cement were

[Mr. Usher]

In 1959 they were 542,250. Well now 1,384,608. In 1959 they were 542,250. Well now that is a welcome decrease. Nevertheless a great deal is coming from sources of the kind that I have indicated, particularly from West Germany, Israel, and this is a new one, Japan.

Mr. Alexander: Yugoslavia.

Mr. Usher: The Yugoslav influx has ceased. We were told yesterday, Sir, by the hon. Member for Mombasa Area that he would welcome more cheap cement himself. Well, of course, there is no reason why he should not get it, but I do deplore it for the reasons that I have already given, and when he says that it is much cheaper than the cement we manufacture locally he is not comparing like with like. And I must also correct him upon the point that there were numerous cement factories in this country. There are, in fact, two.

Now, if I may pass rapidly to the subject of wine. In his Budget speech, the Minister told us that he was going to put an excise duty on the wine that is not manufactured in this country, and quite right too. What he said about it in his Budget speech was that this was to a large extent a tidying up measure. Now this interested me very much for another reason which I shall be stating later. But when I looked at this paper he tabled the other day and the comments on the new taxation proposals I read these words: "This measure is intended primarily to protect the customs and excise revenue at present derived from spirituous liquors." Sir, what an immoral proposition. Six years ago in this House, I had to raise my voice in protest when the duty on wine was so increased that we now pay more for wine in this country than we pay in England.

An hon. Member: Hear, hear.

Mr. Usher: I hear an hon. Member say, "Hear, hear." But it is a very disgraceful matter because as we all know, Sir, wine, and particularly red wine, still wine in bottles, still wine in casks, is good for our souls. It is good for our bodies. It contains the grape—

"The Grape that can with Logic absolute,

The two-and-seventy Jarring Sects confute". . . .

and that is the best reason of all why we should have as much wine and as cheaply as possible here. Talking about those jarring sects, I know perfectly well when I go down to Mombasa at the week-end I shall find that there is a new political party or body formed there. Well I know it gives employment. Somebody gets money out of it. Some "mugs" pay for it, and I suppose it

gives a certain amount of amusement, Sir, but are we not all getting very tired of it? I do not know whether nowadays people are rather delightful extravaganza in doggerel, which was produced round about the beginning of the 19th century. It is called *Bombastes Furioso*, and it has got these lines in it, which come very close to my heart. *Bombastes* is having a colloquy with the King, and he says these words:—

"So I have heard on Afric's burning shore
A hungry lion give a grievous roar:
The grievous roar echoed along the shore."

And the King replies:—

"So I have heard on Afric's burning shore
Another lion give a grievous roar
And the first lion thought the last a bore."

Sir, I beg to support.

The Minister for Works (Mr. Nathoo): Mr. Deputy Speaker, Sir, I rise to deal with the matter of the contractor-finance, which the hon. Member for Ukamba raised in the opening speech of this debate. He referred to the work which we are doing by contractor-finance on the Nyeri road, and said that not many people know about what the actual position is, or what the priorities are and how the work has been going. He also enquired, Sir, whether there are any snags in this work.

Now, Sir, I would like to say that when this work was started, or just before it was started, we found that if two contractors were going to set up independent organizations the cost to us would be much greater, and I am very glad to say, Sir, that in spite of them being competitors they came to an arrangement whereby all the work is done by them on a joint basis, with a saving to this country of very nearly a quarter of a million pounds.

Now, Sir, the contractors wanted to get over some of the most difficult work in the first some of the most difficult work that they would tackle instance, and they decided that they would tackle the section between Karatina and Nyeri. Now in that section, Sir, most of the road had to be redesigned, and quite a lot of earth work had to be done.

As is often the case, Sir, when the work starts there are quite a lot of teething troubles, and it was found in the first two months that the contractors were not able to make any profits at all and that at one time we were beginning to think that they were not going to be able to complete the work in the given time. I am glad, however, Sir, that after about two or three months they had their experts from overseas, who came and advised the people on the site both regarding

[The Minister for Works]

the machinery and the method of working, and the result has been, Sir, that over the period of the last eight months there have been now able to achieve the progress which we hoped they would be able to achieve—that is to say—they would spend about a million pounds a year on these roads. The section between Karatina and Nyeri will be completely open to traffic by the end of June. It would have been opened up about the middle of May, but owing to the very heavy rain quite a lot of their work has been held up. It is, Sir, perhaps not within the knowledge of many Members of this House that when it is raining it is not advisable to continue the tarmacing of roads because the rain gets under the base and later on the roads deteriorate.

The second section, Sir, which we are proposing to tackle is the road between the Pole Pole Hill and Sagana. I am quite confident, that by about the end of September the entire road between Nairobi and Nyeri will be completed and the contractors will move on to the site at Mau Summit. In the original instance, Sir, we had hoped that when they go on to the Mau Summit site the first section they would tackle would be the Mau Summit/Eldoret road, but the contractors feel that in view of the fact that the road between Kedowa and Kericho has been recently completed with first-class earthwork, it would be better from the point of view of economy and the point of view of convenience that that would be the next section they would like to tackle—

Mrs. Shaw: Hear, hear.

The Minister for Works (Mr. Nathoo): Thank you. And to us that is a more convenient piece to be done because we are already noticing that once these new roads open up with the fast surface a lot of fast motoring is done, with the result that the roads deteriorate much quicker than the ordinary bad roads.

Now, Sir, after the completion of the Kedowa/Kericho road, there are two teams which will be working—one towards Eldoret and the other towards Kisumu from Kericho. Quite a lot of these works, Sir, are in the nature of bituminization, as most of the earthworks on these roads have been done, and we are hoping that the progress will be much faster and that the cost of these roads, now that the difficult sections have been got over, would be much less than it is at present.

*One road, Sir, which is causing us a great deal of worry is the road between Kakamega and Kisumu, and although it has been partly bituminized we feel, Sir, that at the very first opportunity that particular road should be

brought to a bituminized standard, because apart from the heavy traffic that is on that road, quite a few accidents happen there which are due to the fact that the surface is very loose in that part of the country.

Talking about dangerous roads, Sir, quite a lot of people, each time an accident happens on the Mombasa/Nairobi road, tell us that this is the most dangerous road in the country, and that something ought to be done immediately about it. Now when they talk about these dangerous roads, Sir, I think, if we are looking at it purely from that point of view, the road which should be done in the first instance is the Nairobi/Thika road, because that is the road which carries, I think, about five times the traffic which is on any other road in this country. But that is a matter which in all probability has been carefully considered by the Road Authority, and they find that within the programme of their money they will not be able to do the Nairobi/Thika road, and we are at the moment, Sir, going into the question to see whether there is any possibility of obtaining any extra finance to attend to this road. As far as the Mombasa road is concerned, Sir, I consider that taking everything into consideration, apart from two sectors on that road, the road is as good as we can ever hope to have with the limited finances at our disposal.

The one portion which requires to be bettered and realigned is the portion between Mito Andei and Kibwezi, and where all motorists know there are a fair number of dangerous riffs and turnings, and once they are improved a certain amount of danger will disappear.

But the section which requires the greatest attention, Sir, is the road between Mariakani and Mackinnon Road. Time and again, Sir, during the last six or eight weeks, more than one accident has happened on that road. But, Sir, we cannot possibly prevent people from killing themselves if they so desire. They know, that on that particular portion of the road the surface is loose, and there are lots of stones which we cannot do anything about until it is properly bituminized, and in spite of all the warnings which are given by Press communiques, by other means at our disposal, and also by signs on the road for motorists to take care, there are many young people who go at a fast speed, they go into a dry skid and loose their heads and put on the brakes, and well, they are no more with us. Well, Sir, to the Coast people the only thing I can say is this, that we have made representations to the contractors, and they have said that once they go to Mau Summit they will see whether they can produce an extra team which will do this road between Mariakani and Mackinnon Road, because comparatively, it is

[The Minister for Works]

the smallest portion of the road, and they wish to attend to that in the manner that they think is most economical. But I am hoping, Sir, that by representations we may be able in the next 12 or 15 months to do something to that road.

Apart from that, Sir, I would like to say that there are a number of other priorities, which I think the Road Authority have communicated to the public from time to time, and I understand at the moment that no deviation from those priorities will be made.

There is another question I wish to touch upon. Time and again, Sir, I am asked by people who say that in the original instance we envisaged an expenditure of £7,000,000 over a period of seven years, but that we decided to go on to the £4,000,000 scheme in the first instance. Now, Sir, much will depend on how our economy stands up to the strains which have naturally been put upon it when once the work is done within the next three years, and we hope to start repaying at the rate of about £1,000,000 a year. The Treasury is most reluctant to take on extra commitments. I think they are right in saying so, but until they are quite clear as to the position of our revenues as compared with our essential expenditure we are not prepared, at the moment, to enter into any further commitment for further contractor-finance.

Another question, Sir, which has been asked, is whether we are having any labour troubles. I am glad to say, Sir, that apart from not having any labour troubles, wherever we have done work by the scheme a large amount of employment has been found for the local people, and we have noticed that people in the area are extremely willing to come and do the work there.

We have had, Sir, a little bit of trouble, not so much in that particular area, of acquiring land from the various owners. Now, as you know a great deal of land consolidation has gone into an area between Karatina and Nairobi and Nyeri on certain of these sectors, and there, Sir, the land is much more expensive to acquire than it is in the areas where no land consolidation has been done. But we found also, Sir, and I think I must pay a very great tribute to the Administration in that they have been to a lot of trouble to explain to these land owners that by having a tarmaced road going near to their property their value will be greatly increase, and we found, Sir, that with the help of the Administration we have been able to acquire land at a much cheaper rate than we would have done otherwise.

Sir, another question which has been giving us a great deal of worry is the situation of the rail-

way crossings. Now, Sir, each case has to be decided on its merits to see whether we can either put on an overhead bridge or an under the road bridge for the railways, or, in some cases, Sir, we find that the cost of such improvements is so heavy that we have to continue the crossing we have at the moment. There also, Sir, I must say that a great amount of negligence is shown by the motoring public, that in spite of the fact that with most of these crossings there is a decided bend, and there are prominent notices on the road, in the evening particularly when motorists are travelling at a rather fast speed they are apt to overlook the signs.

Another point on which the Ministry have been criticized is the fact that whilst these roads are being made, the motorists have to undergo a great deal of hardship by having to go via the diversions. Now, Sir, the point is that it is quite simple, that whilst we are constructing these roads we do not have the finance to build the diversions and divergences to a standard comparable to the road beside which they are and a good deal of money could be spent in that direction. I think, Sir, in view of the fact that our finances are very tight, that the motorist ought to show a little more tolerance and patience when travelling on these sections, sometimes when some inconveniences happen they ought to appreciate our difficulties too.

I have, Sir, made it an absolute rule for my people to see that on these diversions the least possible delay happens to the motorist, but if there happens to occur sometimes the nuisance of dust or slush, I am afraid, Sir, that unless I spend a lot of money I cannot provide them with the standard of diversion which they require.

In that respect, Sir, apart from the isolated complaints in the Press and the direct complaints we have received, I must pay a tribute to the Kenya public that they have been very considerate throughout and I would be failing in my duty if I did not show my appreciation for the great patience they have shown, particularly in some sectors where the delay has been up to two or three hours.

I also must give a note of warning, Sir, that when the contractors are working the Thika/Sagana section, that part of the road will be completely closed and people will have to use a deviation which will not take them so easily from one point to the other. But adequate notice will be given and the road will probably be signposted and I hope, Sir, that the contractors will be able to complete the work in as short a period of time as possible so that the inconvenience to the public is minimized.

[The Minister for Works]

The other fact, Sir, I would like to mention, is that when we started this work, the project made it necessary that we should have the advice and assistance of some consultants whom we obtained from the Federation. They have designed certain roads and our engineers have designed the others. In the initial stages, Sir, a great many problems generally arise in this sort of work which is not straightforward tender work and we must say that in spite of all the difficulties that we have had, with the assistance of these overseas advisers we have been able to overcome all these and I now can assure the House, Sir, that the programme that we originally set is going as satisfactorily as can be imagined.

The only other point, Sir, I would like to mention is this, that as the work goes on from time to time a certain amount of re-negotiation of our rates and our work has to be undertaken, but our engineers, with the assistance of our advisers are equal to the task and I must also, Sir, at this stage pay a very great tribute to the Road Authority that without increasing any staff they are coping with all this work and supply a large number of supervisory staff for this work and thus reducing the cost to the minimum.

Mr. Deputy Speaker, Sir, I beg to support.

Mr. Ngome: Mr. Deputy Speaker, I wish to join the previous speakers in congratulating the hon. Minister for Finance in presenting his Budget. I will confine myself, Sir, to African education.

The African education, Sir, at the Coast, I think, requires some improvement. Mombasa, especially, Sir, Mombasa is a big island; we have got a Government House in Mombasa; we have got a European Hospital in Mombasa. We have got a Coast General Hospital in Mombasa, but we have not got a secondary school for Africans in Mombasa.

I would remind this House that in 1911 there was a high school in Mombasa next to the National Bank of India where I attended myself with some European boys, Arabs, Indians. I would like to suggest to the Government today, to start by having two nursery mixed schools, one in Nairobi, one in Mombasa. If we mean to achieve the proposal that the future of this country should be non-racial I believe, Mr. Deputy Speaker, this is the way we should make a start.

Another difficulty, Sir, I can see—I am sorry the Minister for Education is not here—but I would remind the Government that the best teachers the Education Department has, are sooner or later not going to carry on because of the terms

of service, especially their salaries. I am going to remind the House that the next election will bring an African majority in this House; the candidates will be the teachers unless the Government or the Education Department is prepared to make better terms of service for them. I am afraid they are going to lose a lot of teachers by next year.

It has been pointed out from time to time that the best of service for teachers are not attracting the terms of service in this country, not only Africans but even Europeans and Asians and for the best interests of the Government I think it would be a good idea to revise their terms of service, so as to make it attractive for the good candidates to come to the schools, not only Africans but all races.

I would also remind Government, Sir, that the Ribe Teachers' Training Centre at the Coast is only confined to T.1. I would like some improvement in that training centre so as to allow T.2 and K.T.1 teachers to be trained there. I saw only a fortnight ago a young man walking. He told me he was going up-country for T.2 training because there is no T.2 training at the Coast for teachers. This is the position where I would appeal to the Government to see that the teacher-training centre at Ribe should be improved so that T.2 and K.T.1 teachers can be trained at the Coast and do not have to go miles away. Those who cannot afford to travel from the Coast to up-country just give up. We shall be losing very important candidates from becoming good teachers if the conditions of service are not improved.

My third and final point is that I would appeal to the Government for a secondary school for Africans in Mombasa. Mombasa is the gateway to Kenya, we all know that, and we should have a secondary school for Africans there. We have a high school in Kikuyu; we have a secondary school Shimo-la-Tewa, but no secondary school in an important place like Mombasa. There are leading European and Arab Schools, but no African secondary school in the island, and I am appealing to Government to have this matter attended to as quickly as possible, so as to reduce the number of Africans who have to go up-country from Mombasa just to get further education. At the same time I would pay a tribute to the Minister for Education and his staff in the Mombasa Education Department, for the way he has helped in my request on behalf of boys who are intending to go out for further training and study. The staff in the Mombasa Education Office have been very kind and very reasonable to attend to my request, and I would like to have that on record.

Mr. Deputy Speaker, Sir, I beg to support.

Mr. Nurmohamed: Mr. Deputy Speaker, the hon. Minister for Finance in his very lucid and excellent speech has given a review of the past and present financial position and the economic position of the Colony. Except for the extra duty on the diesel oil, I think this Budget has been well received by the merchants and others all over the Colony. I do not think there has been any special criticism of this Budget except by those who have got small cars, who will have to pay double the annual licence fee and more on diesel oil. I think every year there is something which ought to be criticized in a Budget.

Sir, I think that business at present is not so bad in this country as people think or talk about. Of course, business is generally dull, but that does not stop people importing goods from outside the country for the next season after these rainy days. The only hitch which has come to business in Kenya is from Uganda due to boycott and other incidents which have made merchants hesitant to import more goods from Kenya for their own requirements.

Sir, I wanted to touch on the Mombasa to Nairobi road and the Ramisi road, but the hon. Minister for Works has already dealt with those two roads so I do not think I should touch upon them again.

In his speech the hon. Minister for Finance mentioned a Commission which has been set up for fiscal and economic questions to enquire into the common market problems of this country and to bring about common co-ordination between the three East African territories. I think there have been very welcome signs of more co-ordination between these territories and I would especially at this juncture ask the Government if Zanzibar is included in it or not. Zanzibar is at present at a disadvantage because it is not in the Customs Union. If it comes into the Customs Union it will not only be better for Zanzibar, but also it will be advantageous to other territories by way of imports into the common market, particularly of coconuts and coconut products from Zanzibar. As we all know, the production of coconuts on the Coast falls far below its requirements. At the same time, if Zanzibar comes into the Customs Union I think Zanzibar—which is always weak financially and economically—will benefit greatly by becoming a member of the High Commission. Of course, in certain common services such as Income Tax and other services, Zanzibar is already in the High Commission and it is only in the Customs Union that Zanzibar did not agree to become a member some years ago.

The other point, Sir, is that last year the protective tariff was imposed on enamel hollow-ware,

cheap enamel utensils, which were mainly imported from Japan and Hong Kong and which were sold in this country particularly to Africans. A heavy duty was imposed on imports but I find that some adjustment has been made to lower the duty on small size cooking utensils, and plates, mugs, cups, saucers, and so on. But what I want to suggest, Sir, is that last year when this duty was imposed as a protective measure it was said about the enamel hollow-ware factory in Uganda which is producing cheap enamelware such as mugs and plates and all that, and there is also a factory in Mombasa which has recently started to manufacture these articles. But now I understand that the Uganda, if I am wrong the Minister will correct me, factory has been closed. It is only the Mombasa enamel factory which is working but it has only recently started, and I would like the Government to be sure that the production of this one enamel factory is sufficient to meet the demands of the country. Otherwise what will happen is that after the depletion of the stocks of imported enamelware which are held by merchants up until now there will be a rise in prices in cheap enamelware utensils, and if the local factory in Mombasa is not able to put up its production I think the Government should see that the market is not suffering from a shortage of these cheap enamelware utensils.

Those were the two main points, but, in addition, Sir, there have been many things said here in connexion with the acceptance of Ministers by our African Elected Members, and I would also join those Members who have congratulated our three Ministers and Assistant Minister who have crossed the Floor and taken sides with the Government. What I request these Ministers and also the African Elected Members is to take every opportunity now and in the future when they speak in public or in the Council or anywhere, that they should speak in such a way that confidence is again restored in the minds of those people of the minority communities who think, "What will happen to us after freedom comes to this country?" Several people, mainly merchants, have approached me in the last two months, and I have told them, "Look here, you carry on your business as usual. Nobody is going to take away your money; neither is anybody going to take away your property. You will be going to take away your property. You used to do staying here quite happily as you used to do under the British flag, and you still stay in the same way with all the protection you need when you have the *uhuru* in this country." Sir, as far as I know in the last month, except for one or two middle class people who wanted to transfer their money to India or Pakistan, I do not think merchants, generally, are so eager or keen to transfer their money. I know a couple of

[Mr. Nurmohamed]

merchants who transferred their money to London instead of sending their money to India because they say that whenever they want their money back they can get it at once, whereas if they send money to India it will be very difficult to get it back from India. I think if we make speeches, even our Asian Elected Members, if they go round the bazaaris and see people, the middle class people, civil servants, and others, they should say, "Look here, you have got nothing to worry about in this country. We have got the 14 Elected Members, the African Elected Members, they are very good fellows;" they should go around the country and tell their people, "Look here, when *uhuru* comes you will have to behave in a way just as responsible men behave."

Sir, with those few words I beg to support.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): The clock has just struck and I therefore adjourn Council until 9 o'clock, tomorrow, Friday, 6th May.

The House rose at thirty minutes past Six o'clock.

Friday, 6th May, 1960

The House met at Nine o'clock.

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

PRAYERS

BUSINESS OF COUNCIL

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Deputy Speaker, before we proceed with the continuation of the debate on the financial statement, I think I should inform the House that the Sessional Committee, meeting last night after the rising of the Council considered the various wishes put by the groups as to the order in which the Heads of the Estimates should be debated by the Council and decided as result of their consideration, on the following order:—

1. Ministry of Agriculture, Animal Husbandry and Water Resources.
2. Ministry of Labour, Social Security and Adult Education.
3. Ministry of Education.
4. Ministry of Commerce and Industry.
5. Ministry of Local Government and Lands.
6. Ministry of Internal Security and Defence.
7. Ministry of Tourism, Game, Forests and Fisheries.
8. Office of the Chief Secretary.
9. Ministry of Health and Welfare.
10. Contributions to the Cost of the High Commission.
11. Civil Service Commission.
12. Supplies and Transport Department.
13. Ministry of Housing, Common Services, Probation and Approved Schools.
14. Ministry of Information and Broadcasting.
15. Legislative Council.

Hon. Members will observe that most of these Heads are expressed in terms of Ministries rather than in terms of particular subjects within the Portfolios concerned.

The reason behind this arrangement is that as time is short and as there is a good deal of competition for Heads to be separately debated, it was thought that the Heads to be debated should for the most part comprise the Ministry concerned in the debate and then concern itself with any part or the whole of the Portfolio of the Minister.

I need not, perhaps, remind the House that the progress which we make, and the stage which we

[The Acting Chief Secretary]

depends entirely on the House and on the extent of the debates on the earlier Heads. If debate ranges too long and too widely on any one or more Heads then, of course, the greater the number of Heads which will be excluded from separate debate and which will, therefore, come with the rest of the Heads, under the guillotine at the end of our Supply procedure.

The Sessional Committee considered, Mr. Deputy Speaker, in the light of the debate the other day, whether any and if so what measures should be recommended to the House to expedite the despatch of business so as to conclude all outstanding business, if possible, by the end of June and, having taken into account the views and wishes of the House as expressed in the debate the other day, the Sessional Committee recommends that there should be double sittings on Thursday, 6th June, Thursday, 23rd June and, if the business of the House then outstanding has not been concluded by 30th June, that there should be a double sitting on that day also. I announce this recommendation now for the information of Members, and I should be grateful if all Members through their groups and representatives on the Sessional Committee would express their views on this recommendation, their assent or acceptance of the idea that we should have a double sitting on each Thursday pending the completion of the Supply procedure on the Annual Estimates until the outstanding business of the House is concluded.

I have not giving formal notice of a Motion to that effect, Mr. Deputy Speaker, but, of course, a Motion will have to be moved in due course, if and when a decision to pursue this recommendation is taken by the Sessional Committee in the light of any views which may be represented to it by representatives of groups serving on that committee.

MINISTERIAL ANNOUNCEMENT

ROYAL WEDDING

The Acting Chief Secretary (Mr. Griffith-Jones): Finally, Mr. Deputy Speaker, today is the wedding day of Her Royal Highness the Princess Margaret and Mr. Armstrong-Jones. His Excellency the Acting Governor has, on behalf of the Government and the people of Kenya, sent a telegram of good wishes to Her Royal Highness and Mr. Armstrong-Jones. I feel sure I express the sentiment of the House when I say that this day should not go unremarked by this Council and that it would be the wish of us all that we should be associated with the expression of good wishes.

COMMITTEE OF SUPPLY

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR (Resumption of debate interrupted on 5th May, 1960.)

The Temporary Minister for Labour, Social Security and Adult Education (Mr. Luyt): Mr. Deputy Speaker, Sir, I welcome the information that we have just had from the leader of the House, that the Labour Head in the Estimates has been given a really high place in the order of Heads which this Council is to debate starting next week. I think, certainly to my recollection, it is an all time record that the labour horse should be running so well as to come in second. For each of the last four years it was left completely at the post. It also means that if I overtook in my speech today, any point that has been made by hon. Members over these last two or three days, and which may yet be made before this present debate ends, I will have an opportunity of dealing with such points within, I hope, the next week. I therefore, Sir, today propose to confine myself largely to the two labour subjects which have, I think, stood out head and shoulders above any others during the debate of the last three days. Those are, of course, the Thika District labour troubles and unemployment.

A number of Members have spoken on both these issues. Both greatly affect the health of this country, and notably in the context of the present debate, the economic health of the country. The hon. Member for Ukamba in opening the debate on the Minister for Finance's speech made the Thika District troubles the keynote of his remarks. He described the unhappy position, and he drew attention to both the labour and the security implications of the present troubles, and the potential disaster to our economy if a remedy was not quickly found. The hon. Member for Kiambu underlined the issue similarly, and the hon. Member for Nairobi Area, at a later stage, added his comments and his point of view. The Minister for Defence yesterday most eloquently and firmly gave us his understanding of the security position in that area as well as in the rest of the country, and I will deal more with the straight labour aspects of the problem rather than with the security, although, unfortunately the two in this case are to such an extent inter-related that it is not possible for them to be clean cut apart.

Now, Sir, how do I see the Thika troubles? I fully share the apprehensions of other speakers. The matter is already serious, and it is potentially much more so. I think we want to get this

[Temporary Minister for Labour, etc.]

quite clear, and I think we also want to keep clearly in our minds what could be the effect on this country if the situation in the Thika District were to deteriorate substantially. Fortunately, I do not think there is need to assume that it will deteriorate. We need not take quite that gloomy view, but we must be taking steps and preparing ourselves, in fact, already be doing things to prevent such deterioration. I am quite satisfied that if everybody concerned does play a part and play it fully and contribute to finding a remedy, contribute to the fullest extent of their opportunities, then the position need not only not deteriorate, but can fairly rapidly get better.

It is my intention today, Sir, to speak mainly therefore into looking into the immediate future to see what can be done by all those who have an opportunity to contribute to finding this remedy, rather than to look back over the last few months recriminating and casting blame. However, in looking into the future, and I am stressing now the immediate future, we must know what are the facts, and I would like to give a few simple statistics to put the thing in perspective. Over the four months, January to April, 1960, the position was as follows. (These figures are inevitably to some extent approximate, but the picture is, I think, accurate.) During the month of January there were six strikes in the Thika District involving 880 employees. These strikes were not all over these months on plantation estates, but the great majority were so. During February we had three strikes involving 670 men. During March there were nine strikes involving just on 3,000 men. During April we had 19 strikes involving 6,690 men. That means, Sir, that over the four months we had a total of 37 strikes involving at one time or another some 11,200 men, and that, Sir, is in one district alone. At the end of April ten of these strikes were still continuing, involving some 5,000 men. Fortunately the position by yesterday afternoon was slightly better, and although we still had eight strikes running, there were only 2,300 men concerned.

Now, what, Sir, are the causes of these strikes? These unfortunately are not always been clear cut, and not always strangely even been readily ascertainable, and the following information is again, therefore, to some extent approximate, but again I would claim that the picture is clear. In a number of these strikes more than one reason has been given, and therefore, the following figures which I am about to give do not total up to the 37, which was the total number of strikes over the first four months of the year. In 23 strikes, conditions of service in some form or another, usually pay or rations, were given

by strikers for the reason for their being on strike. In 11 cases the strikers stated that their demand was for the dismissal of a headman. Normally it was a headman who had been there for many years and had shown his loyalty during the worst days of the Emergency. In many of these 11 cases also the demand for the dismissal of the headman was not associated with any other strike reason. In six cases there were demands for reinstatement of dismissed men, and in four cases no clear reasons have even now been ascertainable.

Now, Sir, these causes are not in accord with normal strike statistics. That is, they do not tally with the normal pattern of strike causes. The Thika pattern is distorted by the exceptionally and unhealthy large number of strikes against headmen, in favour of the reinstatement of dismissed men, and in respect of reasons which we have been unable to ascertain. We always have a few strikes that fall into these categories, but it is quite abnormal—and this is the important point—it is quite abnormal to have them in this quantity in this short period of time in one area, and this means that there is something other than an industrial cause affecting the situation.

Another unhealthy feature, Sir, pointing to the same conclusion is that a large number, in fact, the majority of these strikes have occurred without any significant discussions or consultations or negotiations with the employers. Now the fact, Sir, that many of these strikes have been unusually difficult for the officers of my Ministry to resolve and to settle by the normal processes of conciliation, also again reinforces the view that there are underlying causes which are not purely industrial.

Now it is a significant fact, Sir, that nearly everybody concerned, the employers and the workers, certainly those who have spoken to me, accept the fact that trade unions have a part to play in the functioning of industrial relations in this country, and that includes the sisal and coffee industries. Trade unionism has only recently become organized or active in the Thika District, and there are, I think, in fairness to all concerned, two factors which we must bear in mind which do have an effect upon the achievement of orderly trade unionism into that area. These are firstly, the political background of these last four months. There is unquestionably an unsettling excitement, to put it at its mildest which affects the attitude of the workers, and this area does fall in that area which the Minister for Defence yesterday mentioned as being near to Nairobi and one of the less satisfactory security areas. Secondly, Sir, there are the difficulties of achieving effective trade union organization, and discipline in any industry in which undertakings are scattered, and

[Temporary Minister for Labour, etc.]

particularly in an agricultural industry. This is universally notoriously so, and it applies equally in the Thika District, and is a fact, Sir, which must be taken into account.

Now, Sir, against the acceptance of trade unionism by employers, and I repeat that the great majority of employers who have spoken to me do not quarrel about their acceptance, what can everybody do? I would suggest that first and foremost the leaders of the employer organizations and the unions should meet round a table, should continue to meet, and to meet regularly, to discuss the problems afflicting this area, and potentially afflicting coffee and sisal as a whole, and should attempt to get right into each other's understanding and knowledge and genuinely endeavour to get together in the interests of the industry. In the ultimate, Sir, although my Ministry can help in any industry it is always the persons who are in that industry that are best fitted to sort out the troubles of that industry. In saying this, Sir, I welcome the latest move of the Coffee Growers' Association to meet the Coffee Plantation Workers' Union, and I understand that that meeting takes place tomorrow. I am sure that we would all wish it every success in this matter. I understand, Sir, that there is also no reluctance on the part of the sisal growers to meet their opposite number. Unfortunately it is a fact that the Sisal Plantation Workers' Union did, for various reasons that I need not go into now, disintegrate somewhat as to its leadership over the last month or two, and it is only in recent days that new leadership has been got into the post. However, as that is now so I do hope that meetings there will also take place in the very near future.

Now, Sir, perhaps to employers specifically, and in speaking to either employers or workers, as I said earlier on, I am not recriminating or casting blame. What I am doing is casting round to try and find every possible solution, every possible step that might be of any assistance in our present trouble. I would say that where an employer, or an organization of which an employer is a member accepts the entry of a trade union into his industry, I would ask that his labour should be put in knowledge of that acceptance, in order to avoid any misunderstanding. In saying that I am thinking not only of the labour as a whole, so thinking not only of the labour as a whole, so that they should know the employers attitude in this matter, and should not when a trade unionist talks to them, be left with any impression that this is a matter of which the employer will inevitably disapprove. I am thinking/also that there are many headmen, who against the background of their experience over the last eight or ten years might understandably, when they see organization

in the labour line, be extremely suspicious of what it is all about. They might, in fact, have a first reaction of hostility towards it. Therefore, simply as good personnel management, if an employer accepts trade unionism, I suggest that he makes sure that both his headmen and his labour know of his views on the matter. And then I would also suggest, Sir, that in addition to this machinery of consultation and negotiation which has now been set up at the top of the coffee industry (and I hope soon the sisal industry), that there will, at the level of the individual undertaking—and I am thinking particularly of the bigger undertaking, because there are undertakings which employ many hundreds and thousands of men—that they too should set up consultative committees or machinery of some sort at the level of the individual undertaking. Here again, there should be the full opportunity for removing misunderstanding, for frank discussion on the criticisms and grievances of each side.

Then, Sir, turning to the worker force. It would be idle for me to stand here and address the workers of the Thika District at large and expect my words to reach them. I would, of course, appeal for a much more steady approach, for abandoning the strike, the step of taking a strike the minute there is any grievance, but rather than address myself to workers as a whole I will, Sir, today, address myself to those who are in the best position to have influence on the workers, and that is the trade union movement. And in saying that, Sir, I am bearing in mind the fact that the trade unions have assured me, and that a large number of instances—have confirmed that these strikes have not been trade union called in the first place. Nevertheless, trade unionism has an impact upon the situation, and it is certainly in a position to help in this matter. I would call upon it, upon the Kenya Federation of Labour and to each of the unions directly affected, now to take the opportunity which is uniquely theirs more than anybody else's to assist in restoring order into the plantations in the Thika District. It was only yesterday, Sir—or perhaps two days ago—that the hon. Member for Nairobi Area drew attention to the good record of the trade union movement over the Emergency years, and to the fact that when they had the opportunity they did not disrupt the industries of this country during that Emergency period. Now it is only fair that I should, in respect of the period in which I had direct experience in my position then as Labour Commissioner, 1954-1957, when I had direct experience of dealing with the hon. Member in his trade union capacity, confirm that there were indeed a number of occasions when it appeared

[Temporary Minister for Labour, etc.] to me that one industry or another, very important to this country, was heading for serious trouble, and the hon. Member and his colleagues, in consultation with me and my officers did contribute to keeping those industries at work and to settling issues that might otherwise have ended in strikes.

And it is against that background knowledge and experience that he and his colleagues have, on occasions, been helpful, that I now again appeal to them in this matter, where the opportunity is clearly again in their hands, that they should take this opportunity to the full; and I am therefore, in that spirit, Sir, appealing to them, and not in one of casting blame for the last four months or of recriminating.

I would ask, Sir, that the top trade unionists should ensure that all their office bearers and all their representatives, no matter how lowly and if possible all their members, but particularly their representatives and those scattered about on the individual undertakings in the plantation industry, that all these men should be fully versed, either by being brought together for perhaps a week-end school, or by some other means, but nevertheless fully versed in certain fundamental principles regarding trade unionism, and that it should be instilled into them that it is their duty as good trade unionists to remain utterly loyal to these principles in practice. Among these principles, Sir, I would include the fact that the rights and privileges—and there are many of the trade unions—are accompanied by obligations and responsibilities. I would put across, Sir, that trade unionism does not exist as an anti-employer movement. It is primarily a pro-workers movement, and a "pro-prosperity for all movement"; and that should be the object of every trade unionist, and we should endeavour to get that across. Another principle is that the united strength that the trade union has acquired is primarily for use in consultation and negotiation and not for disruption. There are procedures for dealing with grievances. It is essential, Sir, that the trade union movement should put across to all their office bearers and to those whom they seek to enrol into their ranks, the fact that procedures must be used. In the first place consultation, against the background of organized strength, certainly, but consultation and negotiation with employers. When those break down then there are procedures provided by the State for assisting further in the settlement of a dispute, and that the strike weapon is the absolutely last resort. It is not one that is denied to people, but it is a last step. This is a most important principle to be put across. Strikes should also

never take place and should certainly never be called in the name of the union unless they have the full permission, authority, of the central controlling body of that Union. The trade union movement is primarily for an employment purpose and for a political purpose.

Finally, Sir, there is a point that perhaps at the present moment needs more stressing than any other. Intimidation for any purpose whatsoever in connexion with Trade Unions, or for that matter anything else, is evil and must be outlawed. Now, Sir, it is true and very happily true that we have been hearing in public speeches from African leaders over recent months more and more frequent and firmly worded appeals to their people to abhor lawlessness. I welcome those appeals. We had a repeat of one which I welcomed yesterday from the hon. Member for Central Rift when he spoke against lawlessness. I welcomed that greatly. At the same time, I was however, Sir, disappointed that when my friend the hon. Member for Nairobi Area two days ago had an opportunity in this House of commenting upon the allegations of intimidation that had been made by earlier speakers he did not, Sir, in his remarks include an outright condemnation of intimidation from the Floor of this House but instead, Sir, suggested that intimidation was natural if men were faced with frustrations.

Mr. Oginga Odinga: Hear, hear!

The Temporary Minister for Labour, Social Security and Adult Education (Mr. Luyt): If men are faced with frustrations there are ways of meeting those frustrations but I would say that any responsible leader should without any qualification at all condemn intimidation. I would ask, Sir, that the hon. Member for Nairobi Area, when he speaks, next week as I hope he will, on the Labour Estimates, that he should then take this further opportunity on behalf of the Trade Union movement of condemning intimidation and saying that he attaches no qualification to that condemnation.

Now, Sir, the same hon. Member, thinking, I believe, of the rather much publicized meeting at the beginning of this week when three Ministers met District Association representatives at Ruiru, suggested that it was unreasonable for the Government to consult only with employers and that there ought to be consultations with the Trade Unions concerned and the Kenya Federation of Labour. It may be, Sir, because the hon. Member has been out of this country rather a lot lately that he is not aware of the consultations with a Kenya Federation of Labour representative that have been going on in my Ministry and of the consultations with the unions concerned.

[Temporary Minister for Labour, etc.]

Now, Sir, next week I hope to be able to come here and report even more progress and a better picture in respect of the Thika problem. I do not want, however, to leave it at the moment by suggesting that the steps that can be taken to help are solely those of the employers and the workers and the Trade Union movement. My Ministry can play a part and we accept a responsibility and a duty to be as active and as vigorous as we can in trying to help in this matter. Basically, however, our part is to try and analyse what is going wrong and then to try to assist and advise in putting it right; to help by putting in a little bit of oil to make the wheels turn more easily; I think, also, to try and keep tempers down, to try and encourage and lead people into more sound ways of dealing with their grievances. I have not suggested at any stage in my speech today, Sir, that there may not be genuine worker grievances in the Thika area. My attack and my criticism is on the manner in which those grievances have been ventilated, if there be grievances. I also know unfortunately that there are other reasons that are affecting this outbreak of strikes. My appeal today, Sir, is that where there be grievances, let them be brought forward in the only manner which will keep peace and order in our industries and may the Trade Union movement lend their weight fully to that and may the employers also let labour know what their policy is and co-operate with organized labour when it comes forward as such.

Now, Sir, in the few minutes that I have left I think it is right that I must touch upon unemployment. Next week I hope to deal more fully with this subject. We recognize the problem, Sir, and the need for an all out endeavour to deal with it. But where—dealing shortly with it now—lie the main answers? Pre-eminent, I would suggest, Sir, is economic development in order to provide more employment opportunities. That need is obvious but it remains the biggest need of all. This in turn, Sir, needs for fulfilment, capital investment and confidence in Kenya. The Government certainly has a part to play in both these respects and I would suggest that one of the most confidence-creating acts which has occurred over recent weeks is the new co-operation of African Members in the Government of this country. It is, Sir, to be remembered that Government capital projects amount on average yearly to about one-third of those of the country as a whole. Therefore, expansion in the private sector of development is not only of first importance but is, of course, of greater importance than the Government share. We would like to see the Government share expressed not in a smaller amount of money, but as a smaller fraction of the total. Now, Sir,

if we are to have expansion in the private sector, then frankly we cannot do it against a background of calls for civil disobedience. We also cannot do it without some encouragement for local industries and I was somewhat bemused by the logic of the hon. Member for Mombasa Area who yesterday called for the Government to do something more about stimulating employment opportunities and yet at an earlier stage in his speech suggested that we should take off protective measures for local industries.

There are, Sir, as I have said, things that Government must do. The Government's development programme for the next year shows, I believe, our full awareness that our own capital spending must have due regard to the employment needs of this country. First of all, this development programme for the next year is an all-time record, being some £1,100,000 odd. Secondly, some 65 per cent of the projects appearing therein have an economic bias; more than that, they are economic projects. It would have been quite easy—frankly it might have been a step which might have attracted much political kudos to the Government, might even have made the reputation of the Temporary Minister for Labour—to have taken from that £10,100,000 odd of our balanced development-plan £100,000 or £200,000 leaving still an extremely reputable and creditable development plan, and to have put £100,000 or £200,000 to some special project and called it "Unemployment Relief". I do not believe, Sir, that it would have been responsible or right for us to have done that. Those projects which are genuine employment generators have found a place in that development programme, when being drawn up was studied and looked at from the point of view of its impact upon employment and if a project really was on its merits worth including, both from its employment aspect and from the part that it could play in a balanced development plan, it got a place. As I say, we could have taken one or two of those projects which in any case would have got a place and put them aside and labelled them "Special Unemployment Relief". That, however, would have set a pattern perhaps, and suggested that it was a good and proper thing to depart from a balanced development programme and use our very scarce money on what might almost be termed "gimmicks". I do not believe that would have been right. However, it is true that my friend, the Minister for Finance, has devised a plan which has had full regard for employment needs.

Now, Sir, another problem in connexion with our unemployment is our present maldistribution of labour. Registered unemployment figures might appear, over these last four months, to

[Temporary Minister for Labour, etc.] have rocketed. In actual fact that does not really mean that there is significantly more unemployment now than there was four months ago. What it means primarily is that it is in different places, and it is in places where by its very presence we have had to take more note of it than we did before, and where the work seekers have of their own initiative found it more necessary than before to register with the offices of my Ministry. As I have already said elsewhere, Sir, the registered unemployed at the end of December was some 5,000 men. By the end of January that figure had rocketed in round figures to around the 11,000 mark and that was, of course, entirely because movement restrictions had been taken off and because men had simply flocked in out of the reserves into the towns. By February it had reached its peak—the 12,000 mark. By the end of March it had dropped by 1,000 and all the indications that I have had from round the country for April—I have not yet got the firm figures but I hope I will have them by the time we debate Labour next week—are that the drop is continuing. That does not necessarily mean, Sir, that the drop is a real drop in unemployment. It merely means that, perhaps, the distribution is improving, meaning that men will have gone, perhaps, to some extent, back home or into those areas where there are better employment opportunities. I have not got the opportunity now to go into this whole subject except to emphasize that we are doing everything possible towards it at the moment short of what I earlier called “gimmicks”. These may yet be necessary. I hope they will not be. I will attempt to present a more full and balanced picture next week, and all I will say in the meanwhile is that the committee which I have set up to review our analysis, our Government analysis, of the problem, to review what we are doing, to criticize it and to advise on what we might be doing and are not yet doing, has now been set up. I have asked various organizations round the country to send representatives to this committee and they have answered readily; and this committee, Sir, if I may say so, is meeting for the first time this afternoon and will, I hope, help us all in dealing with this major problem.

I beg to support.

Mr. Maxwell (Trans Nzoia). Mr. Deputy Speaker, Sir, I firstly would like to congratulate the hon. Minister for Finance on the clear and concise manner in which he introduced his Budget. His Budget proposals on the whole, I feel, are not unreasonable.

Sir, I deplore at times the endless repetition that goes on in this House when certain matters

are being debated, but on this occasion I crave the indulgence of the hon. Members if I, too, put in a plea on behalf of the farming community. I feel sure that the hon. Minister intended that the tax on light diesel oil would apply only to motor-propelled vehicles. I therefore seek an assurance from him that there was no intention that the tax on light diesel oil used for all agricultural purposes would apply other than for cars or lorries. I believe that this exemption should also apply to light fuel oil used for all industrial purposes. The hon. Minister knows, of course, that a tractor can also be used as a stationary engine, but obviously where it is more economical and sensible to install a small power unit for such purposes as, say, operating milking machines, water pumps, etc., then invariably you will find that a farmer will install a number of small units.

The other point I wish to raise, Sir, is with regard to the Colony's Public Debt, Vote 12, page 51, which, I note, excluding Railway loans amounting to approximately £6,750,000, the Colony has raised loans totalling, if my arithmetic is correct, £41,819,509. Now, in view of the fact that Kenya will ultimately become independent there is an obligation on the part of Her Majesty's Government fully to guarantee repayment to all investors as and when such loans become repayable. These remarks, although I know this does not come within the purview of the Minister for Finance, also apply to loans raised by the High Commission. I should be glad therefore to have an assurance from the hon. Minister that such guarantees, if not already in existence, will be forthcoming.

Sir, I beg to support.

Mr. Tyson: Mr. Deputy Speaker, I would like to deal with a few of the points which were raised by the hon. Member for the Nairobi Area yesterday. He made a complaint about the attitude of the Transport Licensing Board in regard to the issue of licences to Africans. What frequently happens is that these applications are made by applicants who have had no previous experience of this highly competitive business and usually the application relates to a route which is already overloaded. It would in my opinion be quite wrong for the Board to grant licences to such applicants, encouraging them to sink probably their life savings in buying a bus, knowing full well, as the Board do, that it can only mean that they will get nowhere and that they will be out of business probably within 12 months and will have lost their life savings.

Now, another point that the hon. Member raised related to the difficulty of Africans getting into trade and getting into business generally. I

[Mr. Tyson] do think that the African Members should realize that we do not just want to aim at providing jobs as *karanis* or shopkeepers. The prospects are much better for them over the next few years in technical jobs, and it is along those lines that I would prefer to see Africans develop. Loans to farmers or to prospective shopkeepers are not going to get them anywhere and I would much prefer to see the Africans concentrating on technical jobs rather than on these other blind alley occupations. Now, that brings with it the need for more attention to be paid by the Africans in learning English in order that they can take advantage of the many textbooks which are available in English that are not available in any other language and certainly are unlikely to be available in languages like Kikuyu or Swahili within any measurable time. We have facilities here for Africans to learn English in the evening classes which are carried on in their own locations in order to facilitate their being able to attend, and I think the same situation applies in Mombasa and, I think, in Nakuru. By using those facilities the Africans will be able to fit themselves for many technical jobs, and I am thinking particularly of jobs in the Railways Administration and in the Posts and Telecommunications Administration, where there are good well-paid jobs available to Africans provided—and this is a point which has been emphasized on several occasions both by the General Manager and by the leaders of big industrial concerns—that the Africans should have a good working knowledge of English. This is imperative. In addition to the evening classes we shall shortly have a technical institute or polytechnic in Whitehouse Road which again will provide opportunities for the African to learn not only English but technical subjects as well. But what I do want to emphasize, Mr. Deputy Speaker, is that the future for the Africans, particularly over the next developing years, is not going to lie in the direction of being *karanis* or office workers but it lies in the technical field, and I would ask the African Elected Members particularly to do their best to encourage their constituents from the very earliest stage to go in for English so that, as I say, they can take advantage of the many valuable textbooks which are available to us Europeans and which would be equally available to the Africans themselves.

Sir, I beg to support.

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Mr. Deputy Speaker, I believe and hope that I shall have a full opportunity of telling hon. Members what Government is doing in respect of forest development,

game and fisheries and tourism when Vote No. 34 is debated. Now, Sir, I shall confine myself, in the interests of brevity, to answering specific questions which have been put to me.

The first was by the hon. Arab Elected Member, Sheikh Mahfood, who asked what tourist publicity there was in India and Pakistan and in the Middle East generally. In reply I would like to tell him that of course this is in the hands of the East African Tourist Travel Association and that they do send out large numbers of brochures to India and Pakistan and in particular they are in close contact with tourist agents in Colombo, Bombay, Delhi, Calcutta, and other Indian cities. They actually have four agents with whom they are in contact in Bombay. They have been asked to call for more brochures should they require them. There is also tourist literature supplied by the East African Tourist Travel Association carried by East African Airways, Air India International, and by the shipping lines of British India and Lloyd Triestino. The Tourist Association is also in touch with automobile associations in India and with the Tourist Association in Delhi. The General Manager of the East African Tourist Travel Association has recently had discussions with the Press Attaché of the Indian Commissioner in Nairobi and as a result of this the General Manager hopes to go to India and Pakistan towards the end of this year with a view to broadening the scope of the publicity for tourist travel in East Africa. In addition he has sent films which have been displayed in India. The East African Tourist Travel Association has an associate member in the Lebanon but we are up against difficulties in that part of the Middle East in that most people go to Europe for their leaves and holidays because it is nearer than to come here. In addition to this, private enterprise has displayed very considerable initiative in various areas in the Middle East and recently the hotels at the coast sent a representative to the Middle East, to various parts of Arabia in particular, with a view to expanding their trade with those countries; and expanding their trade with those countries; and in addition another firm in Nairobi has twice sent a representative to Arabia and has visited Bahrain and other areas and is now endeavouring to get a visa to go to Dharan and will shortly, if he obtains that visa, be going there.

The next question was from the hon. Member for Nairobi Area who said he hoped that we would ensure that tourists would see more than game. We are particularly anxious that tourists should do that, and that they should see the special achievements by all races in Kenya in the last half century of which we are all extremely

[The Minister for Tourism, Game, Forests and Fisheries]

proud. Although game is perhaps the primary attraction the people of Africa are also an increasing attraction to tourists from all parts of the world, as well as the climate and the scenery. Although the garb worn in Legislative Council in the form of bead hats and sporrans is picturesque it is really the Chuka drummers, the Akamba dancers and the Suk who provide the greatest attraction to our visitors and we are arranging facilities whereby visitors can see them. I have shown to the hon. Member for Nairobi North a brochure which we have recently published on the tribes of Kenya, and I think he finds it very satisfactory.

Mr. Alexander: What about the Tigoni Tigers?

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): That comes under the National Parks.

An interesting point in this brochure which I have read only yesterday indicates that the Luo tribe fight very well by day but not by night. Mr. Deputy Speaker, I am not certain, therefore, if we were right in discarding the idea of night sessions in Legislative Council.

I would also like to draw the attention of the hon. Member for Nairobi North to a brochure issued by Treetops in which visits are arranged and encouraged to the Reserves in order that our visitors from all countries may see the achievements and development, particularly in agriculture, by the Kikuyu people, and we shall endeavour to extend those tours to other areas.

I would like to inform him also of the very considerable and important role being played by Africans as driver-couriers in taking parties of visitors around the country. Now, some of these are becoming personalities in the same way as white hunters and are being specifically asked for by name on repeat visits by people from America and other countries. I am watching with interest the development of this line and I hear that some of these driver-couriers are under a certain disability which I am removing. They require every encouragement; they are doing us a very great deal of good.

Now, the next question came from the hon. Member for Nairobi North. He made an extremely interesting and of course provocative speech, but since I am responsible for Fisheries as well I propose to rise to the bait and reply to his questions because we in Kenya simply cannot neglect the "untold millions" which he said were dangling before our eyes and easily accessible to us. He did at a recent meeting more specifically state the number of those untold

millions but I think he has been frightened rather perhaps by the hon. Member for Nairobi West and is a little more general in his estimates when he is in Legislative Council. But he did say the other day that he thought these untold millions were round about 50. At the present time, of course, the tourist industry is bringing into Kenya about £5,000,000 annually and I have told hon. Members that I believe firmly that we can in the foreseeable future, in a few years, double that to perhaps £10,000,000. That is my target. But there are difficulties in the way of this and these millions are not just accessible by advertising, and I would just like to explain to him why.

We have got to co-ordinate supply and demand in the form of accommodation and facilities available with the flow of visitors to this country. We are limited to a smaller extent than most tourist countries in the world by seasons but we are limited. I would like him to know that only about six weeks ago when I endeavoured to find accommodation for some visitors from Canada I found that I could only get a room for one night in one hotel, one of the five major hotels in Nairobi, because all the others were completely full. We are going forward now with two new hotels in Nairobi and we hope shortly to start a third. But it is a gradual process.

Now, another factor is this, which I would like him to follow. There are two types of tourists. Those who go to a resort such as the Coast, and those who wish to tour round and see the game and the scenery and the people of Africa. The majority fall into the latter category. Now, in order to see how many visitors we could take we did an academic exercise which we are translating into practice by working out four circular tours from Nairobi: roughly, one east, one north, one south, and one west, each taking a week. Therefore we require seven stopping places in the form of either hotels or lodges in each one of those circuits, which makes 28 in all. Now, assuming that we could have 40 beds in each one of those stopping places each night available it will be seen that we could accommodate 1,120 visitors per night. If each of those were to stay in this country for a fortnight, if your arithmetic coincides with mine you will find that the total number of visitors in the year are 29,120.

Now, that is presupposing that we can co-ordinate the arrival of aircraft or ships with the day when the accommodation is available, and of course it is not wholly practicable that we could get those 29,000 people in a year in Kenya. But you will therefore see the limitations, because at the present time we have 45,000 visitors to Kenya in a year. That was the 1959 figure. The extra are, of course, accommodated by visits to

[The Minister for Tourism, Game, Forests and Fisheries]

parts of Kenya other than those which I am describing in these circuits: to West Kenya, the people who go through to Uganda, the people who go down to Tanganyika, and the people who stay at the Coast. But you will see that we are very near the limits of the capacity of our present accommodation in certain respects, and therefore if we are to increase by ten times, as the hon. Member suggests, we might have to have ten times the accommodation. It is a gradual process which we must build up. But, as I say, I can foresee the possibility in the next few years of doubling this revenue but certainly not increasing it ten times, and I would like him to appreciate the limitations and the work that has to be put in before we can increase the revenue for the country. Other limitations of course are political and economic stability. I have spoken about this before and I have told hon. Members of the tragic withdrawal of £750,000 which was promised when I was visiting London last September for the construction of a hotel on account of a report in the paper that there had been riots in Nairobi. Of course if there is an imminence or a threat of railway strikes, bus strikes and so forth, Sir, that again will be to the disadvantage of this tourist industry. But when I say that I cannot see the achievement of the figure given by the hon. Member for Nairobi North please do not interpret that as meaning that it has not a tremendous future—I mean the tourist industry—because it has, but it does require careful co-ordination and building up; it requires us to inspire confidence in investors so that they will put money into hotels, but with that I see no reason why we cannot in the near future double the present revenue to the country.

He then went on to the question of shop windows and said that it was tragic that the East African Tourist Travel Association had changed its policy and was closing down its own shop windows. Now, that is not tragic, it is common sense in my opinion, because there are thousands of shop windows at our disposal. I would like to show the hon. Member a picture of a window display in London by the Union-Castle Line. It is simply splendid and that is only one of many. The British India Line have promised us a window any time we like in London. The Airways also will provide us with shop windows because it is to those kind of offices that people go when they wish to come to Kenya. They go to an airways office or they go to a shipping office. That is where we must have the shop window and the information at the travel agents of which there are literally thousands in the United States, in Europe and in Britain. The changed policy of the East African

Tourist Travel Association is not dictated by the lack of funds but by the revised idea based on experience of other people in the tourist industry that it is better to devote the money to having informed couriers going round to these, literally thousands of tourist agents seeing that they are equipped with brochures and information, to sell East Africa, rather than have somebody sitting on his chair in an office in London or elsewhere.

He also criticized the amount of money which was devoted by Government to subventions to the East African Tourist Travel Association. But there again he must consider the question of co-ordination of supply and demand, the relation of publicity, and the flow that it induces, to the facilities that we have here. But I would like him to study the figures and compare what the British Government subvention to the British Travel and Holidays Association is as compared with the Kenya Government subvention to the East African Tourist Travel Association. Her Majesty's Government's subvention to the British Travel and Holidays Association is £1,050,000, and the Kenya Government subvention to tourism in the form of a subvention to the East African Tourist Travel Association of, we hope, £12,700 for the coming year, plus £6,250 which is available to my Ministry for the promotion of tourism matters, a total of £18,950. This is a greater proportion of the country's revenue than the £1,050,000 is to the revenue of Britain. Since he is so keen on statistics I would like him to consider briefly that one.

Then, in a crescendo of provocation, the hon. Member for Nairobi North said that with the present Government policy on game there would shortly be no game left. Now, Sir, I cannot rise so far as to deal with that one at the present juncture, but I will give a full picture when, as I hope, I shall be able to deal with the Vote in I hope, but I would like him to consider the words of Dr. Fairfield Osborn which I think he recently expressed in New York or, at least, in the United States, when he said that he was not pessimistic about the game situation in Kenya. I should add, to complete the quotation, that he also said that he was not optimistic, but at least he felt that there was some hope, as there is of course, and I shall have great pleasure in painting a full picture of what Government and what the National Parks organizations and other new developments are doing for the protection of game in Kenya when I deal with the Head. I would also like him to consider before that the expansion of the Game Department by that the Kenya Government has resulted in it being doubled since 1950; not only is the expenditure more than doubled but the personnel have also been doubled, and he will see by reference to the

[The Minister for Tourism, Game, Forests and Fisheries]

Estimates that in 1950 we spent £40,000 on the Game Department whereas we propose to spend in the coming financial year £111,000. I will not go any further into that question at the present time, but I do welcome the hon. Member's speech —as I say, it was provocative and interesting. It did evoke criticism from one hon. Member, who said, "Was it worthwhile? Did he thereby make said, "Was it worthwhile? Did he thereby make two blades of grass grow where one grew before?" Well, maybe not, but I think he certainly did make two lemons grow where one grew before.

The next question, Sir, was from the hon. and noble Corporate Member Lord Portsmouth. Now, we owe him—and I particularly owe him—much gratitude for the work that he has put in in the last seven years as Chairman of the Forest Advisory Committee and into the interests of Kenya in this respect. Happily my predecessor is still here but were he away the hon. and noble Member would provide the continuity that is so necessary in such an important industry as that of the forests of Kenya. He asked me specifically whether it would be possible to devote some of the money which Government proposes to invest in further forest development in order that unemployed may be occupied in making firebreaks in the forests. I have consulted with the Chief Conservator and he tells me that he willingly accepts that idea and will devote a large part of that money to this very necessary work. Happily we have had a few years when there have been abnormal rains, larger than usual, and we are very conscious of the fact that that will not go on for ever and therefore he has welcomed the idea of making good work which has perhaps been neglected through necessity of other work, of planting and maintenance, and plantation development. He has accepted that idea and will devote a considerable proportion of the money which will be available, amounting we hope to £100,000 over three years, to catching up with the backlog of work in that respect in regard to firebreaks.

The next question came from the hon. Member for the Eastern Electoral Area, and a similar question was asked by the hon. Member for Mombasa Area, with regard to the East African Tourist Travel Association as a poor relation. I think I have covered that one but I think the epithet "poor relation" is wrong, because if that Association were a poor relation it would get subventions whereas if it were a rich relation it would not.

But the main question raised by both hon. Members was with regard to racial discrimination in hotels. Now, I am fully aware that the situation is still not wholly satisfactory. We are

continuing to have great help and assistance from the East African Hotelkeepers' Association in our drive for a greater realization of the position today. We are getting that and the situation is changing very rapidly, though, as I say, it is not wholly satisfactory. But I can assure them that almost all the best hotels in Kenya now practice no discrimination whatsoever. There is one outstandingly difficult problem of which the hon. Member for Mombasa Area is aware, and I know he was referring to that specific hotel. I can assure him that in spite of the difficulties in the covenant the people concerned are showing willing to remove that, and we are making progress. I cannot say more at the present time. But all, I think, all hotel-keepers, especially members of the Association who have been circulated with a paper, are aware of their responsibilities, and obligations as innkeepers under the common law, and I feel that the situation, although not wholly satisfactory, is improving monthly.

I welcome the speech by my colleague; the Minister for Housing, in reference to Kibera. He spoke of the inhabitants there as well as being loyal British subjects, but there is something perhaps more important that he may not realize, that not only are they loyal subjects, but very good golf caddies, and they provide most of the caddies for the Royal Nairobi Golf Club. The reason they are so good is because in Kibera they have their own golf course, and I do hope that the few holes on which they practice will be retained in the new planning scheme for Kibera.

The hon. Member for Central Rift said that game was a nuisance because it spread disease, and also because it drank the rainwater. Well, I fear there are not sufficient funds to lay on water other than rainwater for the game to drink. I do not know quite what kind of water he expected they would drink, but I hope to comfort him with regard to disease, depredations of game and control generally when I deal with the subject more fully.

The hon. Member for Mombasa asked that we should consider the increase of the subvention for recurrent expenditure by the Royal National Parks. I think he may know by now that Government has been able to reimburse the National Parks recently, and very justifiably for the excellent work that the Trustees have carried out with regard to anti-poaching measures in the past, and the finance of this organization is a matter which is having very deep consideration by us. It is somewhat complex, and I hope to be able to give a fuller picture when dealing with the Vote.

I think that answers all the questions, Mr. Deputy Speaker, and I beg to support.

Mr. Zafrud Deen (West Electoral Area): Mr. Deputy Speaker, it is most uninspiring to see so many empty seats on the Government Front Benches, which are now being filled but I hope that the points raised by Members on this side of the House will be conveyed to the Ministers concerned.

Sir, I think I would also like to join the chorus in paying my compliments to the Minister for Finance for presenting a Budget which has been received with a sigh of relief. Sir, the lucidity with which the Minister made his points deserved praise, but it is not easy to comprehend that after the lifting of the Emergency, how the expenditure remains the same as it was two or three years ago. I believe that at least part of the huge organization which was required to manage the Emergency has been disbanded by now.

Sir, one can understand that the revenue had to be found to meet the deficit, but as the Minister himself said, he had borne in mind that in no way would it have any effect on the cost of living. But it seems that there are signs that the cost of living is already being affected as we see that the charges on the transport, particularly in Nairobi, have risen, and I believe this will also happen in the case of other articles which are transported by trucks which use light diesel oil. This is a very important aspect which I hope will be very carefully considered by the Minister, and it might also call for, although personally I detest any kind of controls in the country, for some kind of control over the road transport charges, and also on the profits made by the oil companies.

Sir, I have only a few points to make, but I would take the opportunity here to say a word or two in defence of the residents of Kibera. Sir, I am afraid the Minister for Housing, while reading out extracts from a newspaper report, has not done full justice to the residents of Kibera, who, as we all know, are very loyal residents and ex-soldiers who have given their loyal support in time of difficulties in the past. Sir, some of the things which I am going to say now are probably not recorded in the annals of the official history of Kibera, but I can say this, and I am sure this is also within the knowledge of many others who know the history of Kibera, that the covetous eyes of the City Council have been cast across the little river dividing the Woodley Estate and Kibera. This was the fear which exercised the minds of the residents of Kibera for a very long time, and the words which they have used in their Press report, really are the result of the frustration which they felt when they found with their backs to the wall that they had no sympathizers in this country.

I wish to assure him that the residents of Kibera did not actually mean what the paper reported. They had fought their case for over a period of 30 years or more, and ultimately they found that the authorities were not prepared to consider sympathetically their difficulties. They always had the fear of eviction, which I am very glad to see the Minister has assured us is not going to happen. But I will request him most earnestly to consult the elders of Kibera before he makes any decisions, as to whether Kibera should become part of Nairobi City Council. That would mean, perhaps, that the residents of Kibera would have to pay the exorbitant rates which the other plottolders in the Nairobi township have to pay.

Sir, I also would like to pay a compliment to the hon. and noble Lord, for the right note which he struck in laying emphasis on the question of unemployment. Sir, I believe that unemployment has assumed alarming proportions, in spite of what the Acting Minister for Labour has said. It is within my knowledge, and I am sure that all the Elected Members on this side of the House will also endorse my views, that unemployment in the country is growing, and growing fast. Sir, the scheme which was mentioned in the speech by the hon. Minister is most welcome. It is a relief to see that at least 1,000 families will be settled in the forest areas. I think it is a step in the right direction, but it is far short of the problems facing the country at the moment, and I entirely agree with the noble Lord that where manpower can replace machinery, as it does profitably in many cases, every consideration should be given to using manpower in preference to machinery. I am aware that the Government alone is not able to tackle the problem of growing unemployment, but the Government can set an example and give the lead. We will be told that this is not a welfare state, and Government resources are insufficient, but let us turn our thoughts to the consequences of widespread unemployment. We have already seen the results of this unemployment in strikes which have just started, and from my personal knowledge I would say that in a very short time we will see a very difficult problem which will face the country.

I would like to comment on the speech made by the hon. Minister for Defence yesterday, which I believe has restored the confidence of a lot of people, particularly on the point which he mentioned, that he could not trace any motive in the crime wave, any political motive in the present crime wave of the country, and here I must also say that I am surprised to see in the Press that it is said that recrudescence of *Mau Mau* is now taking place beyond the Central Province;

[Mr. Zafud Deen] the names of Mombasa and Nakuru have been mentioned.

The Minister for Internal Security and Defence (Mr. Swann): I am most grateful to the hon. Member for giving way. Mr. Deputy Speaker, Sir, on a point of information, I would like to make it quite clear here that my references to Nakuru and Mombasa only referred to the increase of crime due to the presence of large numbers of unemployed. There is absolutely no sign of a recrudescence of *Mau Mau* in Mombasa or Nakuru, and already this morning, Sir, I have had some telephone calls from some very indignant inhabitants of the seaside on this matter, and I am most grateful to the hon. Member for giving me this opportunity of putting matters right.

Mr. Zafud Deen: There is a very serious incidence of unemployment in the country, and I think it is the concern of this House, as the poverty of one man is the poverty of all, and immediate steps are needed to put right the situation, and I believe that the Government should not wait until we have the report of the Commissioner on the situation in the country.

Sir, we have heard many angry speeches by some of the Asian Elected Members on the question of school fees, which affect the secondary classes. I am afraid, Sir, I will have to join with them in saying that these school fees are having a very serious effect on the section of the lower income group of the Asian community, and if I may say so, in spite of the efforts made by the Minister for Education to improve the educational standards of the Asian schools, which were deplorably neglected in the past, I cannot help remarking that certain promises which were made to the Asian parents, particularly in regard to modern education are not being kept. I believe that Members of this House will remember that the Wood/Harper Report recommended amongst its many other recommendations that boys, after finishing modern schools, should have an opportunity of joining technical education, so as to give them an opportunity to become first-class artisans and technicians, and this was one of the main objects and aims of the Institute. Whereas I am glad that this Institute is going up very fast, this was what was promised to us, but now we understand that the level of entry or admission to the Technical Institute has been raised, so that the boys coming from the modern schools will not have an opportunity of going to the Technical Institute. If that is the case, then again a very large number of teenagers will be thrown on the streets, and they will have no occupation to keep them busy, and that will again become a very serious social situation, and we already know that delinquency is on the

increase, particularly in the cities of Nairobi and Mombasa, and it is the concern of the parents as well as responsible people in the country to see that this problem is properly controlled. Sir, I appeal to the Minister to go into this matter very carefully, and in view of what I have tried to explain I hope that he will take steps so that boys who finish their modern courses will have an opportunity of joining the Technical Institute.

Sir, there is one point I would like to raise in connexion with the reduction of school fees for the secondary classes, and that is a suggestion which was made when the Asian Elected Members met His Excellency, which was that in case more than one student from the same family at a school, some reduction should be given to that family. That would partly meet with the difficulties which these families are facing.

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

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

Now, Sir, turning to the affairs of local government, I feel it is my duty to point out that it is not only the question of rates under which the public is groaning, but there are several other factors which are adding to the misery of the impoverished townspeople. An important point which was raised by the Member for Nairobi Area. Unfortunately, he brought the question of racial discrimination into it, I am afraid he was misinformed on some of the aspects of the behaviour of local government. Sir, I have a feeling that his association with that section of the Asian community which is noted for its affluence and wealth was probably the reason for his not understanding the position of the poorer section of the Asian community. Sir, if I may say so, we have seen that it is a misfortune of the Asian people to be always on the defensive. They are the easiest targets to attack. They have always been. But may I say that a very large section of the Asians suffer from the same disabilities which he described in regard to the Africans. I can assure him that the same standards of buildings are required from many of the Asians in the trading centres and townships as from the Africans, and I also know that these people are unable to comply with these requirements with the meagre funds at their disposal. I know of a score of cases where their businesses are threatened with closure because it is beyond their means to construct shops and dwelling-houses of stone and mortar of the type we see in the big towns and cities like Nairobi. Sir, imagine how impossible it is for those who scrape a living by selling a few shillings worth of cheap articles a day to construct buildings of stone and mortar. And I also know there are several Members who have had very close connexions with the City

[Mr. Zafud Deen]

and for sentimental reasons alone they will rise to oppose this criticism of the City Council, but I would not hesitate to say that the fictitious valuation of land, particularly in the City of Nairobi, which is increasing year after year, without any regard to the capacity of the people who were encouraged to build their own homes. The greed and avarice of these authorities knows no bounds, and they are disregarding the well-being of the public, and their arrogance, if I may say so, in some respects, is becoming phenomenal. If this goes on much longer this may result in abandoning of the un-built pieces of land. This has happened in the past in Eastleigh and other areas, and I do not exaggerate when I say that this may happen again. The authorities should think again and cut their expenses to what they can obtain conveniently from the public. In the case of the lower income group, if some have shelter of a roof it must be understood they also want something to be left to feed themselves over the subsistence level.

Sir, not long ago the Minister for Local Government promised to look into the question of rates levied on portions of land where mosques, churches and temples were built. Sir, nothing came of this as the Nairobi City Council was adamant on taking "its pound of flesh". All reasonable people agree that the law pertaining to this never intended that quarters built in the compounds of these places of worship for priests should be treated as separate portions for the purposes of rates. The Government itself has set an example by freeing these places from land taxes, and the same principle must apply in the case of municipal rates. Sir, I am voicing the feelings of all the religious bodies that the Minister should intervene and stop this outrage.

Sir, finally I would like to remind the Members of this House that since our return from London we all thought that we had brought that new spirit which we had found in London. Sir, there is no doubt that we discovered a common ground of understanding and goodwill and when we left London we thought the same thoughts and the same spirit would prevail all over this country. Unfortunately since our return we have found that this is not the case, and I would urge the Members of this House that they should exert all their energies towards this end, because here lies the future and prosperity and happiness of this country.

Sir, I hope these few matters which I have raised, and which must be raised from time to time no matter what Government we have in this country, will be gone into, and when the Ministers reply they will take these views into consideration.

Sir, I beg to support.

The Minister for Education (Mr. Mathieson). Mr. Deputy Speaker, Sir, it is natural that in a Budget which reflects an increase of over half a million pounds in the recurrent expenditure on education we should have had quite a number of observations on certain features of it during the course of this general debate. An increase of over half a million in our annual recurrent expenditure on education this year, of which almost three-quarters is devoted to the expansion of African education, is, indeed, a formidable step forward, and increases in expenditure on education at such a rate, which are likely to be called for annually for as far ahead as I can see, will place a very heavy strain upon the expansion of our economy.

There are two aspects of the situation which cause me a little anxiety. First of all, this additional expenditure has been found this year only by absorbing a very large proportion of the relief which has been afforded to us through the generous assumption of financial responsibility by Her Majesty's Government for the cost of the East African Land Forces. My hon. friend, the Minister for Finance, and I appreciate very much the references made by the hon. Member for Mombasa and my hon. friend, Dr. Adalja, on the apportionment of such a large element of this "windfall". If I can call it that, to the expansion of our educational facilities. But this will not be a regular recurrent easement of our position, and it is clear that, if we are to maintain the momentum of educational expansion, we must hope that our economy will expand and we can rely on increased yields from taxation.

There is another aspect of the position which causes me some anxiety, and that is that by far the greater proportion of this increased expenditure arises from the inevitably increasing claims of our existing systems. For example, our existing teachers in a young service naturally expect, and do, earn more every year, and this increases our bill very substantially. Existing schools, as they grow from year to year to their full scope, employ more staff and require more equipment, and there again we have rising financial commitments without any really significant new development in the structure. The natural and unavoidable expansion of this existing system absorbs a formidable amount of money annually, and it is disappointing that this feature of the problem is precluding at this time much new development which is clearly desirable, which is manifestly urgent, and which indeed is widely demanded. We have had to take some fairly hard decisions on the priorities to be observed, and I cannot therefore expect hon. Members to find in every aspect of our proposals for financing education

[The Minister for Education]

This year a source of complete satisfaction. But I was pleased to hear from my hon. friend, Mr. Luseno, that the decision reflected in these Estimates to put the emphasis on secondary education, and notably on higher secondary education, was one which would command wide support.

It is not for me, at this stage of this debate Sir, to prolong it by reviewing at length the various decisions which are reflected in the Estimates, and the interlocking plans on which they are based, since I know that education will be amongst those Votes selected from more detailed discussion later. But at this point I would like to deal with the various matters of importance which have been raised by hon. Members in the course of our general discussions.

The hon. Deputy Member for Nyeri and Embu, in a well contrived maiden speech, referred to teachers' salaries, and notably to the disparity of remuneration between African and Asian teachers with comparable qualifications. The particular anomaly to which he referred derives, of course, directly from the recommendations of the Lidbury Commission, and was based on the assessment of the difficulties of that time in respective fields of recruitment. It is perhaps easier now than it was then to attract Asian candidates to this grade of teaching, and we may well perhaps be paying too much. On the other hand I hesitate to suggest that anyone engaged in the arduous and important profession of teaching is being over-rewarded for his services. The African K.T.1 teacher is now assuming growing responsibilities and has indeed a very vital place in the development of our educational system, and I should, myself, like to see the possibility of making the terms of service for this grade of teacher more attractive since we very much need to get the right candidates for this training, and we are expanding our training facilities for this level of teacher.

It is, of course, always difficult to balance the claims for expansion against the claims of the existing service and there is also another dilemma in that we are working hard on the great and complex and difficult problem of putting forward proposals for a unified teachers' service which is based on a Burnham-type structure with special responsibility allowances and involving overall a very substantial revision of the general terms of service of teachers of all races. It is not particularly easy at the same time as we are approaching this more general problem to make *ad hoc* changes in some features in the existing pattern of terms of service, but I have great sympathy for the position of certain grades of teachers; for example, the married women who are in temporary service, those in particular with high qualifications, who are vitally important in some of

our schools and also the position of the head-masters of African intermediate schools who have a very considerable responsibility in an expanding system. I hope that in our general examination of this problem of teachers' pay and conditions we will be able to do something for the head-masters of those schools.

The hon. Member for Rift Valley also remarked that he had some apprehension regarding the staffing of our primary schools. I can say that we are not too badly off at the moment. The situation is always fairly critical but never desperate.

The hon. Member for the Eastern Electoral Area and also the hon. Member for the Central Electoral Area referred to the raising of school fees in Asian secondary schools. They said it was surprising that Government had proceeded in this matter when the entire Advisory Council on Asian education had been solidly against it. Well, Sir, I was frankly not surprised that the Advisory Council was against an increase in fees. Any advisory council would be and anyone you ask, "Do you want an increase in fees?" would say, "No". But we explained to the Advisory Council the reasons which had led the Government to conclude, as indeed was explained when we had this debate last year, that additional revenue from fees was essential. His Excellency the Governor also received a deputation from the Asian Elected Members when this matter was again fully discussed and it was then pointed out that if the objection was that this would bring hardship to individuals, then the answer was in the field of remission in necessitous cases. It is a fact that in relation to these increased fees the remissions have gone up and I am satisfied that no case of real hardship is not being dealt with in this way. The hon. Member for the Eastern Electoral Area may be interested to know, for example, that in the Coast Girls' High School in Mombasa the percentage of remissions has gone up this year as compared with last year from 4 per cent to 12 per cent. Similarly in the Technical High School in Mombasa the level of remissions has gone up from 11 per cent to 17 per cent. I think that that reflects a proper attitude on the part of the Remissions Committee, that where there is real hardship due to an increase in fees, this is met either by complete or partial remission.

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

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

The hon. Member for the Eastern Electoral Area also referred to the proposal to establish boards of governors for some of our secondary schools. I think he said that he would reserve

[The Minister for Education]

his judgment on the general merits of this proposition until further detail on the financial arrangements were forthcoming and we are at present at work on producing detail on the proposed financial arrangements and will discuss this with the relevant advisory councils. I personally believe quite firmly that education is best conducted when the greatest freedom is given to individual schools to develop their own personality and special qualities. We can best achieve this by giving as large a degree of self-government as possible to individual schools and maintaining cohesion in the educational structure by, for example, central advice on syllabuses, centrally controlled examinations and an effective inspectorate. I cannot see that in any way such a development would inhibit or retard the evident growth of a liberal approach to the problem of making our education national rather than racial.

The hon. Member referred to an interesting Report which has recently been published by a committee set up in Tanganyika. I have also seen the Report and have read it. I understand that the Tanganyika Government will shortly be publishing its own views on the Report of this Committee. It would be the intention of the Government in the light of this and other factors to continue to devote its attention to the elaboration of a policy in this field which requires a thorough review of all the very complex factors involved and a search for a policy which is suited to the local circumstances of Kenya.

The hon. Member for the Mombasa Area, whom I am sorry to see is not at the moment in his place, raised a number of matters of local interest. He asked why there was no sign of any development in the provision of elementary education in Mombasa since the decision locally to arrange for the collection of a special rate. Well, procedure for the collection and expenditure of this rate has been agreed at a meeting of all those concerned in Mombasa. The funds are to be collected locally by the administration and will be handed over to the district education board to be added to funds provided in the Colony development plan for the expansion of elementary education in Mombasa. The objective is to provide universal eight-years' education for all Africans of school age in the Mombasa municipality and we have every hope that before too long we will have achieved this objective.

I would also like to inform him that of the development expenditure contemplated in the period 1960-63 £30,000 will be devoted to the expansion of education at this level in Mombasa. He also said—I think the word he used was "shameful"—that there was not a primary school for girls for Africans in Mombasa whereas Arabs

and Asians had separate primary schools for girls. Well, in the case of African education it has been the normal pattern to follow the European system where we have co-education at primary level in all schools. There is in fact in Mombasa one aided school which is restricted to African girls and it is quite possible to attach a separate girls' stream to any particular school. The two reasons which do militate somewhat against a separate development for girls education at the primary level in Mombasa are the shortage of teachers specially trained for this task and also the travelling problem, that if there is only one school, or there is one school particularly set aside for African girls to go to in Mombasa a large number of them would have considerable problems in reaching it and returning from it every day. But it is a matter which I am sure is within their own resources. The district education board in Mombasa could arrange it if this is the desire of the majority.

The other point which the hon. Member for Mombasa Area raised was related to secondary education. He asked whether a day secondary school was contemplated in Mombasa. The answer is that one day secondary school is planned for the Fort Tudor area during the forthcoming period of development. Also in that area higher school certificate classes are being developed at Shimo-la-Tewa and there is to be development assisted from Government funds at the Murray Girls' Secondary School in Teita District and St. George's Giriama Boys' Secondary School which may be of interest to other Members from that area.

The hon. Member for the West Electoral Area referred to the development of the Technical Institute in Nairobi. He suggested that promises, to Asian parents were not being honoured in that the level of entry to the Technical Institute was to be raised. I can assure him that there is no intention of raising the level of entry or making entry to be at only one level. The objective of the Technical Institute is fundamentally to provide opportunities for the acquisition of further skills, training and knowledge to those who are already in employment in order that they can improve their performance, their position and their pay. Therefore, in the main we would aim at providing part-time courses, either on a six month basis or six months in industry or on an evening with six months in industry or on a evening class basis. The whole question of the nature of courses to be offered at the Technical Institute has recently been reviewed by the advisory council on technical education and we are now looking at it again in the light of that advice. I feel that the Technical Institute must particularly be geared to meet the needs and requirements of industry and therefore we are establishing a consultative

[The Minister for Education] committee with industry in order to ensure that the courses which we offer are those which are likely to be useful in our industrial economy. I can assure the hon. Member that there is no intention in any way of depriving the product of secondary modern streams in Asian schools of opportunities of advancing themselves by study at the Technical Institute.

I think, Sir, that I have dealt with the majority of the points that have been raised during the debate. I will, of course, be happy to deal with any further points of detail at greater length when we come to discuss the Vote.

I therefore beg to support.

Mr. Muchura (Specially Elected Member): Mr. Deputy Speaker, Sir, I think most other speakers have congratulated the Minister on his first Budget speech to the House. I will join them too. Now, I know also that most speakers have felt much, very much, concerned about the security position in Kenya today. Of course I am equally concerned, because, in the area where I live at the moment there has been that ghastly fight. Knives and the like were used for apparently no reason. I think this is really a deplorable state of affairs. One would imagine—or this is what I would think—that we should try where it is possible physically, economically and otherwise, to try and create a good neighbourly attitude towards our neighbours, towards our friends and even towards our enemies. I am sure that our Government—in fact any Government in any part of the world—will not tolerate such lawlessness. The greatest enemy, as far as I am concerned, are the words we use. Words, as I have been told sometimes, depend very much on who says what, where and to whom. If they are not weighed they can be a great danger.

My next point is that from now on we should—and should have been in the past—working towards a healthy, stable Government; and, of course, lawlessness will not give us that stable Government. Anything which is good when properly done can be turned into a bad thing. I know also that power is likely to corrupt and when left to become absolute it corrupts absolutely. I here draw the attention of the Members of the House to a speech by Sir Ernest Vasey which he very rightly directed to the African leaders today. "Since the Lancaster House Conference the Africans should now be thinking in terms of responsibility." That, I think, stands good today and will stand good tomorrow until all the changes are effected.

I must here join Mrs. Hughes in her plea for the reclamation of children, those children who

are likely to go adrift; the future generation who are likely to be a bigger menace without our giving them assistance now when it is possible to change them into good citizens. In that respect I do not think I need to say much more except to say that I join hands with her and I plead with the Government where they can, to try and see what they can do to help these youngsters. I welcome youth clubs and all the rest of it and anything that can be done ought to be done.

Now, my main speech today will be centered on one or two points. The first one is what I would like to call agricultural development and settlement schemes and the second is the support that we should give to our local industries *vis-à-vis* the worker and the local industries. Now, before I get into the first part of it there is a danger, as has been said by the Minister for Labour, of strikes and various other things happening now, especially the organized strikes by the Union for more wages usually and other things. There again I am sure the Unions will not be blamed as being completely and wholly out of place in their demands, because this House, several years ago did agree in the Carpenter Report that within a certain time the minimum wage—at least in the urban areas—would be £10. That was so in the circumstances of the day, 1953-54, and right up to this time that minimum has more or less never been reached. Therefore, naturally (a) there is pressure because the workers are not able to meet their commitments and (b) some of the problems have come because this was something that was agreed to, but it has so happened, because of our weakness we have not achieved what was thought right five or six years ago.

Kenya is known primarily to be an agricultural country. We lack minerals; we lack a lot of other things which some other countries have. Then, of course, the next point is that now there will be and there are landless Africans. In the past most Africans had something they called a piece of land that belonged to them, but now that is not so. What I find missing is that it is obvious that the Minister did not mention anything in this line of agricultural development other than the land consolidation, and what is being done and how this surplus population goes running into towns while some are left without very much land to eke some sort of living from. At the same time he did not tell us what his ideas were, as to how, he is going to spend the £2,000,000, if he gets it. Is it going to be added on to the Swynnerton Plan to further the land consolidation or is it going to be used to break into new fields, using a different approach completely, adding on to whatever is being done under the Swynnerton

[Mr. Muchura] Plan? I also feel that I would rather have a different approach than the Swynnerton Plan, because I believe, for example, that there is a great deal of room for expansion of such schemes like the Hola scheme, which primarily was meant to cater for the ex-terrorist, but which could be used and expanded tremendously to cater for some other people who will probably find themselves without land or find themselves with a much smaller piece of land, but would like to do something better in a bigger area. This, I believe, could be done. I am trying to say that the whole of the Tana River can be harnessed completely to enrich the whole valley and the surrounding areas right up to Kipini. There are several falls on the Tana River and if these falls could be perhaps channelled to form an irrigation scheme, we could use a great deal of the Tana River, and possibly through this the lower reaches in the Northern Frontier Province. And, of course, I do know that another method of approach would probably be to find water, and where it is possible, to furrow it or channel it and, where it can be done, to dig bore holes, so that one is creating or making more land, new land, for use by the people who will be in great need of it.

Now, on that very same thing I would like to quote here. In 1948 a pamphlet was published called "The Agrarian Problem in Kenya" by the then Governor, Sir Philip Mitchell. The opening paragraph reads: "The present agrarian situation in Kenya is the product of historical events of social economic forces which must be studied in detail for a full understanding." It finishes by saying: "There have certainly been mistakes both of policy and of practice and things which, looking back today over nearly two generations, we all agree ought to have happened, for such is human experience." We know only too well in this House that there is definitely a group of people amongst Africans—quite a large number now—who are definitely landless. There some with just enough. There are some who can possibly manage. We know the problem there; we know some of the things that have been happening, and in 1948 it was realized that some of these problems were there. This is 1960, 12 years since and therefore I suggest now that this new money—if they get the money or even if they do not get it, something should be done—should be put into a scheme to try and bring more land into use and cultivation. I suggest schemes like irrigation or harnessing the Tana River to do all the irrigation along the lower reaches of the River as far as Kipini. I am sure it can be done; I am sure it is not beyond human ingenuity to do this. They have done it in the Tennessee Valley and made a good job of work of it. I am just saying

this because of what I saw and what it looked like and what happened after it had been done.

My other point is the question of schemes, that I have in mind, which could be utilized, and I agree entirely with the noble Lord that we should try and put more men to work out in the fields. We do not have to get machinery for these things when it can be done manually; the clearing can be done manually; the furrows could possibly be done manually, even if it means taking a longer time. In the meantime there would be people fully employed. Not only that, but if a scheme is planned offers could be made to Africans, or those who are wanting them, letting them know that there is a new scheme being developed and that it will be ten acres, or 15 or 20 acres, depending on the area, depending also on the agricultural advice as to what that particular area could be.

Then some of these fellows who are probably genuinely looking for work could be told, "There is a job going" at such and such a place. "and it is bush clearing, irrigation" and all the rest of it. I know that some of them will probably say, "No, we do not like working out in the fields." But then it will not be the fault of anybody except themselves, their refusing to go to work, because the work is available. There will also be available for them a piece of land which they can have a decent respectable living off and probably become very prosperous.

My next point on agriculture is—I would like a definite reply on this later—is to quote again, further from the pamphlet previously mentioned by the then Governor, Sir Philip Mitchell. In the second paragraph it says, "For a review of the present agrarian situation in greater detail I must refer to my Despatch No. 44 of 17th April, 1946, in which I made an attempt to describe it. Here I must content myself with saying that for practical purposes we have to work today on the basis of settlement made in consequence of the Carter Commission Report, and the facts as they are at the present time." Those facts are summarized in subparagraphs (a), (b), (c) and (d). In those summaries he gave the population figures and conditions with which the problem must be faced. It was suggested in that agrarian report that settlement schemes must be undertaken and this was put in, referring to a Despatch problem for quite a long time, since 1946 right up to this date, and I am sure I will be told that it has been done, but I am going to suggest something has been done, should be done. A deliberate effort should be made to absorb some of the unemployed in some projects to try to produce more food, so that we can feed our people

[Mr. Mochura] grown; if only we could try to provide water for some of these places, and I am not only saying this because I come from that particular area, but I have visited the Cotton Research Station at Kibos where they do research on all sorts of other things, besides cotton, that could be grown in all sorts of given areas and given pieces of ground, and I am sure that a lot of the Tana River land—from their research at Kibos—could be used by the people to earn a living.

Now, the next emphasis on that same theme, is the urgency of the situation and then here I am going to quote again, paragraph 55, the last sentence, which reads: "That Report will, no doubt, continue to be a matter of controversy;" —that is referring to the Carter Commission Report—"and in due course it may not be found to have provided a final solution and modification of its recommendations or of the allocation of land made by it may be agreed to from time to time, but for practical purposes of tackling the agrarian problem now it must be accepted." He was emphasizing the point that although there are these controversies over the Report for the purposes of tackling the agrarian problem as has been referred to it must be accepted and put into operation—that is, in spite of the fact that whatever progress is made, and in spite of the fact that in Sessional Paper No. 10 is coming before this House this particular problem of finding means now whereby our people can be fed will be a greater asset.

Now, I was saying that this problem has been with us since 1948 and probably before, and now in 1960, probably 20 years later, I will not be surprised if somebody does not mention in the Corfield Report that this was one of the grounds exploited and was made the cause of *Mau Mau*. I must, once again say that I agree with Lord Portsmouth in that venture of opening up the forests. More labourers will be used and that will detract from the numbers of unemployed people and it will keep them doing something and that is in accordance with my idea of having new land brought under cultivation to provide employment for a start while doing it and later to provide the means of living for our people. I know we have not got enough land, land is not elastic, but the situation can be improved by bringing under cultivation certain pieces of land which are not used but which could be used.

I hope the Minister will tell me when he gets up to reply, what he thinks about this, also I was disappointed that in his speech there was no mention whatsoever of a scheme such as I have suggested to try and take care of the unemployed and surplus population; I do not know whether it is in the Development Report, but it does not seem to be there either. I would suggest,

if we leave these particular schemes and better. If we leave these particular schemes and do nothing about them, I think that will be a tragedy. At this point I will again quote Sir Philip Mitchell on what can be done about it. He refers to Despatch No. 44, and I will read that quotation from the Despatch. "... is not acquiescence in the destruction of still more land by effective economic agricultural conditions and practices. But first to understand the problem which faces us and then with courage and energy, and it is the great iniquity, almost the whole of the African population, which is at present effectively equipped for the circumstances in which it has to live. To remedy those defects and to start up the hill, the steep and difficult hill which leads from uncivilized subsistence farming, carried out with hand tools, to a form of agriculture which, by increasing the production of primary wealth, by each unit engaged in it, will enable the standard of living of all to be raised. It is an idle dream to suppose that a liberal modern civilization and a high standard of living can be erected on a basis of production and a system of agriculture and which have been evolved to enable primitive tribes to subsist in a primitive way." It is an idle dream to think of anything else other than to go and face this problem with energy, determination, and an all-out drive to solve it as it was seen by Sir Philip Mitchell in 1946. I am trying to emphasize this need in this particular respect, and I will give examples of what I think could be done, as I have done with Tana River. He goes further, and in page 21, paragraph 54, he says how bad the need was: "Apart from the general long-range aspects of the problem which I have already discussed, in the native lands there are two urgent needs, (1) Protection and rehabilitation of land now in use (which is being done by the Soil Conservation Unit by the Swynnerton Plan and some others. That is being done). (2) "The provision of additional land to alleviate congestion." Well, I am not suggesting that somebody should grab land from someone else, but I am saying that some of this land which is not being used, that is not producing anything, should be used, and my suggestion is dam construction, channelling up rivers like the Tana River, places like the Thomson's Falls Swamp and places of that kind, which are not being used. Anything that is not being used should be used. I could quote more of this pamphlet, and I could give more of more of this reading, if you like, but I do not want to read all the irrelevant points. All I will say is that by using the additional pieces of land, reclaiming the Tana River Valley, for example, irrigation in the Kano Plains where any amount of rice and a lot of cotton and sugar could be

[Mr. Mochura] and very strongly, that the £2,000,000 should go straight, if we get it, into a scheme like this, and not to those elaborate schemes with Land-Rovers, graders and all these other things; just a plain simple scheme, with somebody marking out the areas of the road, the water engineers, finding water and digging the furrows, and all the work to be done by hand by the landless and the unemployed people in our country today.

Now, the next thing I wanted to talk about was the question of helping our local industry. I know I may be challenged but I look at it from this aspect. First, I have been a civil servant, and I have been one of the agitators for increased cost of living, and I know also all the rest of the things that have been happening. One of the things that I would disagree with, rightly or wrongly, is, as a wage-earner, I would not like to subsidize any local industry, because whatever I get I get it to keep myself and my family living, and if it costs me more to buy what is local, and the Government does not stop me from importing, I will buy my food elsewhere. I know it only too well, and this is, I believe, true in that our market here when it suits them is geared to the world market price, and when it does not it is geared to its own internal market price. Then of course there is a duty to stop the importation of a particular article of foodstuff. In this respect it may be said that the producer or the firm has got to be protected from competition. In other words, the working people, including the minimum wage-earner, is cushioning him against the difficulties and the problems of the competing market, and therefore what happens in Kenya is that most of these industries are, shall we say, run in a monopolistic manner. Take, for example, textiles, which I will deal with a little later, and sugar. Sugar is a monopoly in the sense that distributors for the Government to whom the Government pays so much in handling and who in turn also passes on somebody else, and by the time it comes to the consumer the cost will have gone up so high due to all this. The small man is subsidizing the big industry so that the industry can keep alive at the expense of the working man. A typical example would be this, that it would be much cheaper, for example, if we imported butter, wheat flour, even maize flour, from outside, Australia and other places. It would be much cheaper and the working man's wage would go a long way because it costs him less to buy his daily food. Another example of this monopolistic attitude of (a) the local industry and (b) I do not know which authority, but this does concern the East African Industrial Licensing Board and I think the Registrar or the Board refuse to allow competition. It is almost impossible for anybody, and I think this was mentioned here too, to get

a licence in the textile trade because we have got to subsidize the Jinja Textile Factory. I know for a fact that if this was allowed and somebody else was allowed to put up a factory, and I know of a famous British firm in this line which has applied for a licence and was turned down because it was going to create unfair competition, but if this firm was allowed to establish itself here it would have meant that I would have got my cloth cheaper—for example, khaki would have cost me Sh. 2/50 instead of Sh. 4/50 per yard; secondly, they were bringing in capital from outside Kenya; thirdly, some people would have been employed, and by turning it down and refusing to licence it we lost (a) cheaper living for the low wage-earner, and (b) we have denied these unemployed chaps the chance of getting employment.

Mr. Alexander: (Interjection.)

Mr. Mochura: Yes, you are quite right.

Now, I think, with due respect to everything else, the chances are that there should be a healthy competition in everything and the low wage-earners should not be penalized in these transactions and activities.

Well, we know roughly where some of our difficulties come from in respect of the low wage-earners because the weight of some of these restrictions, good as they may be, falls heavily on the man without any cushion, in that he pays more for what he could get for a little bit less. I cannot understand, for example, why sugar should continue to be controlled. I cannot understand why if that was the case there should not be a subsidy to subsidize the enormous staple like food like flour, probably sugar, and things of that kind, if this subsidy must be continued in order that the producers may be protected against outside competition. If there cannot be any subsidy then there should be no restriction in the importation of cheap foodstuffs and clothing, because then the increases in wages might be of some value, but otherwise I cannot see how we can expect to get our labour to be contented under these conditions because (1) lack of subsidy and care for minimum wage-earners in our price structure, (2) cushioning the local industries, and (3) we have not tried to create employment in the way that I have suggested by claiming new land and getting those people to work under better conditions.

Sir, I beg to support.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I understand that my Ministry has been put down for discussion separately and incidentally I presume that hon. Members opposite have done that in order to give me an opportunity to discuss the

[The Minister for Local Government and Lands] new departments that have been added to my Ministry lately. It would therefore be my intention to discuss Lands and Surveys unless I am warned by Members opposite that they want me to put forward a policy statement of all the Ministry. I have not been told why they want me to discuss this Ministry at all, but that is my intention unless hon. Members let me know that they want something else. I thought I would give this warning, Sir, before replying to the points raised in this debate.

I would like first of all to reply to the points made by the hon. Member for the West Electoral Area though it might seem like going backwards, but those are the notes in front of me at the moment. Sir, my hon. friend the Minister for Housing has asked me to state that in regard to Kibera the Government has not yet stated what local authority might administer Kibera, whether it should be the Nairobi City Council or the Nairobi County Council. That question will not be decided until Kibera is put into such shape that any local authority might be interested in taking it over. Of course, the wishes of the residents of Kibera will be taken into account when the area is allocated to one local authority or to another.

The points that the hon. Members raised with regard to my Portfolio were mostly to do with rating and he made a plea that the Asians on the lower wage scales or income scales were finding it very difficult to pay the rates that are now levied by the Nairobi City Council. That certainly has not come to my notice before and there has not, so far as I know, been a large number of people who were unable to pay the rates. As regards the valuations, the fact that certain land has been valued higher this year than it was two or three years ago does not necessarily mean that the person concerned will pay any more rates. I do hope that hon. Members will remember that, in fact, it is happening all the time. Local authorities, although the valuations have gone up, have reduced the percentage of rates to be paid on the increased valuation and the actual amount of money is not so much or is about the same level of the money which has had before to be found from the pockets of the ratepayers. That of course does not apply always and there is no doubt, I know, that a general increase has been paid but of course there is also a general increase in services supplied, and I think that hon. Members and the ratepayers themselves must make their minds up as to whether they wish to be in a fairly modern progressive State, with services going on and increasing, and paying a bit more, or to go back into slums and dirt and pay less.

Sir, if I may now turn to other hon. Members, the hon. Member for Ukamba asked when

Sessional Paper No. 10 was to be debated. Well, the situation is this, Sir. There has been a Working Party set up of the Council of Ministers on Sessional Paper No. 10 and it has sat now for a number of weeks and, indeed, months, and has taken evidence from parties who are specially interested, such as the Agricultural Board, the European Settlement Board, the Kenya National Farmers' Union, and so on, and that Working Party has just completed its deliberations and its report, which will be submitted to Government within the next few days. It is my intention to lay another Sessional Paper giving the recommendations of the Government on Sessional Paper No. 10, after they had heard the evidence, submitted to give an opportunity for this House to debate both Sessional Paper No. 10 and the amending Sessional Paper at this Sitting. It depends, of course, I presume, how loquacious hon. Members are as to when this Paper can be debated, but I hope it will be debated next month. After the debate the next step will be for the Government to draw up draft legislation which, I hope, will be placed before this House later in this year. So hon. Members will see that there will be a considerable amount of opportunity for all hon. Members to express their opinions on this Paper and on the Government intentions.

The hon. Member for Ukamba also requested an explanation of the policy in regard to the current land rent revision. Sir, this is rather a detailed matter but it is very important and I know that it has created a certain amount of interest in the country, and, Sir, I wish to take a certain amount of time on it. The Crown Lands Ordinance, sections 32 and 34, provides that in the case of agricultural leases granted for a term of 999 years, for the purpose of rents the terms is to be divided into periods, the first period to expire on 31st December, 1960, the second period on 31st December, 1975. For the first period the rent to be as paid today and for the second period, that is, January, 1961, at the rate of 1 per cent of the unimproved value of the land in 1960. The third period commences on 1st January, 1976, at the rate of 2 per cent of the unimproved value of the land in the year 1975, and for each subsequent period of 30 years at the rate of 3 per cent of the unimproved value of the land assessed every 30 years. The Commissioner of Lands is required during 1960 to cause the land to be valued for the purpose of determining the rent payable for the second period. In ascertaining the value of the land there shall not be taken into consideration in augmentation of such value the value of the improvements made or done on the land. It is the unimproved value. It is the Government's intention to carry out this Ordinance subject to the proposals for freeholding

[The Minister for Local Government and Lands] of agricultural land which were mentioned in Sessional Paper No. 10 which will be considered by this House.

With regard to the methods of valuation, information on the methods employed were sent to the Board of Agriculture as long ago as 1954. Here I must say that I am rather disappointed that there do not seem to be any agricultural Members in the House. I understand that this was circulated to all chairmen of agricultural committees, production committees, production sub-committees as they then were, and since then the methods employed have been discussed and explained to agricultural committees by the valuers in most parts of Kenya. Briefly, each farm is inspected and acreages of varying qualities of land estimated and values of land applied thereto which take into account such factors as soil type, topography, water supply, climate and situation. Regard is to be had to the potential earning capacity of the land and these estimates are checked where possible with actual transactions which have taken place. Now that leads to a certain complication at the moment on this valuation because not very many transactions have taken place in the last few months and therefore that check is rather difficult to ascertain. So far as the timetable is concerned, I assume that this refers to consultation with local advisory panels. It is intended that a start should be made on consultation with these local advisory panels in July as we wanted to have as much evidence of current sales available as possible. A notice setting forth the value of the land determined and the annual rate payable in consequence will be served on every farmer-lessee affected before the end of 1960. If a lessee objects to the valuation he has the right under section 35 of the Crown Lands Ordinance within one month, and here I would like to say that it is the Government's intention to amend the Ordinance to extend this period to three months, from the date of the notice of the valuation to notify the Commissioner of Lands in writing that he objects to such valuation, and the question of the value of land shall be determined by arbitration.

Section 33 originally provided for the first revision of rentals to take place in 1945. But this was amended in 1950 by an amending Ordinance and in 1960 by another amending Ordinance. Sir, therefore, in fact, it is 15 years, as I work it out, that the actual first period of this nominal rent of 20 cents per acre has been extended. Now, Sir, I want that to be particularly noted because some people have said to me that it is most unfair or, shall we say, bad luck that this revaluation is

taking place this year when there is a certain feeling—I do not agree that there should be any—of instability in that context. Well, the answer to that is that in fact the farmers have been helped by the Government for 15 years, when their rents should have been revised 15 years ago, and it will be very difficult indeed for the Government to extend the period any further.

Hon. Members may be interested in the composition of the advisory panels which were set up by the Board of Agriculture. They are members of agricultural committees and local representatives of the Land Board. The chairmen of committees will also have the power at their discretion to co-opt two additional members. There have been strong requests made by local authorities that they should be represented on these committees. It is not my intention that local authorities should be so represented. I do not think they have got a very strong case. They tried to tie the valuation of agricultural land to rating, and I look upon this as two distinct subjects. But there could be members of local authorities co-opted in these two places for their knowledge rather than as representatives of the local authorities concerned. The advice of the panels will be of a general nature confined to valuations of broad categories of land in their areas and not to individual farmers. The final decision on values of farms will be taken by the Commissioner of Lands on the advice of the valuer.

I think those are the only points the hon. Member for Ukamba brought up but they were important ones and I hope I have answered them to his satisfaction.

The next hon. Member, Sir, the hon. Member for the Nairobi Area, asked why African traders in markets and trading centres had to put up permanent buildings whereas Asians in trading centres were permitted to use temporary buildings. He also raised again the question of leases for Africans in markets and trading centres. Well, Sir, this matter was raised some time ago, in fact in December, when the hon. Mr. Ngala put forward a Motion which was accepted by the Government, and during that debate it was explained in detail the Government's plans for dealing with the problem. The Working Party was set up to consider the staff and finance required to implement the policy and it has not produced its report and £25,000 has been made available in the Estimates for the African Lands Branch of the Office of the Chief Secretary, at page 33 of the printed Estimates. This indeed represents money to enable the partial implementation of the recommendations of the Working Party and will enable Government to start recruiting staff, amongst other things for the issue of proper leases

[The Minister for Local Government and Lands] in markets and trading centres. The issue and registration of these leases, which we expect will be for 33 years, to all plot-holders in market places and unsurveyed trading centres will be a very large task and I am afraid it will have to be gradual. Some people will therefore have to await the completion and indeed wait for some time for the completion, and indeed some of these trading centres and areas have still got to be set apart. It is proposed that initially all conveyancing will be done by the Central Government's Land Office and at district headquarters. It may be possible for African district councils to assume responsibility for their own conveyancing in respect of markets. I hope that will be possible and we are going into the practicability of it. The registration provisions of the Native Lands Registration Ordinance will not for the present be applied to townships and surveyed trading centres, but the proposed pilot scheme for Embu will be carried through. We will also undertake a general survey to be made of trading centres with a view to regrading the large ones as townships and either abandoning the smaller ones or regarding them as markets.

And the general survey of markets should be carried out also on the lines of the survey already made in Kiambu and Machakos Districts with a view to introducing economic control over layout and allocation of the plots. The planned development of townships, trading centres and the larger urban settlements will receive separate and very urgent consideration in connexion with the Draft Town and Country Planning Bill, and its suitability for application to African areas. I hope that it will be able to be applied to African areas, and again bringing similarity of legislation throughout the country.

Among other recommendations of the working party is that of establishing separate land offices and assistants at Kiambu, Fort Hall, Nyeri, Embu, Bungoma, Kakamega, Kisii, Machakos and boundary! The fact, Sir, and I am referring again to the remarks by the hon. Member for Nairobi Area is not true really, or rather it is misleading the way he put it. Any African, of course, has the right to apply for a plot in a trading centre. At the moment he will receive a temporary occupation licence, and in doing so he then does not need to put up a permanent building. That is where the comparison lies. It is not racial at all. Some trading centres have occupants on the ground on temporary occupation licence, and they are not forced, therefore, to put up a permanent building, and that applies to any race who wishes to trade in that area, so there is no discrimination that on the one hand Asians are allowed to put up temporary buildings, and on

the other Africans are not. That is not so. In fact, the hon. Member for Nairobi Area made special reference to the Dagoretti market trading centre. Well there exists, in fact, in that area, two shopping centres, of which the hon. Corporate Member opposite me knows too well. The Dagoretti trading centre is gazetted under the Trading Centres' Ordinance, and the Dagoretti market, which was originally set aside under the Native Lands Trust Ordinance and is now set apart for a market during land consolidation. Building rules are applied under the African District Council of Kiambu to that market. I do not think I need go into any great detail in answering the hon. Member's question, especially as he is not here, but if he is interested I can give him more details if he wishes.

Sir, the hon. Member complained about the Kenya Bus Service and increased fares, and I think that has been dealt with, but I do want to re-emphasize that there is no discrimination in the raising of these fares against Africans. It is just the other way round, that the bus company had permission to raise their fares a year ago, and only did so on the generally European and Asian routes, leaving the African estates alone, so in fact the African estates have been favoured and not discriminated against.

The hon. Member also asked for an intimation as to how soon the local government system was to be overhauled, as promised by the Secretary of State at the Lancaster House. Well, Sir, I and my Ministry have not been idle on this at all. In fact, we have been working on it in the last few weeks, and indeed have come to quite a number of conclusions. It is my intention that the whole local government system should be enquired into and reviewed in view of the changes of the Central Government system proposed in the new constitution. It is appreciated indeed that the general principles contained in the Report of the Kenya Constitutional Conference should be, to some extent, and a great extent where practicable, applied to local government. On the other hand, I do want to emphasize that, local authorities, as their name implies, must have regard to individual local circumstances and cannot therefore be exactly standardized. Further, it is only right that the present local authorities should be consulted. They should be entitled to make representations on their development. I therefore intend at a very early stage to consult such local authorities, and seek their opinion on their evolution, although, of course, I will indicate from the Ministry the lines on which the Government thinks. I would here say that I think it will certainly be necessary to consider most closely the factors of franchise, which of course is a very important and very difficult one, and the adaptation of the new

[The Minister for Local Government and Lands] franchise adopted at Lancaster House for local authorities and their conditions, the area of local authorities, the number of councillors, the number of aldermen, the terms of office, the preparation of rolls, and so on. It is a very large task, but it is one we are well on the way of having launched. I think that it may well be that in municipal areas and indeed other areas, the principle of reserved seats, which has been adopted for this House, might well be applied to local authorities. I do want to make one thing clear, however, and that is in my view in rural districts—and there I mean all areas in rural districts—the predominant interest of the farmers in those districts must be maintained in any local authority which has power over such a district.

With regard to trying to bring all the different types of local authorities under one Ordinance and under the same principles, there are, of course, as hon. Members will recognize, certain fundamental differences. For instance, until the orthodox method of rating in African district council areas is practicable, it will be very difficult to adopt exactly similar methods of representation in African district council areas as compared with county councils and municipalities. After all rating is to some extent a basis of representation, and it must be a basis of representation on local authorities and therefore our very differences in method of rating in one area to another must have some reaction on the type of franchise.

Now, I would like especially to mention the matter of aldermen which was brought up by the hon. Member in regard to the Nairobi City in his speech, and I would point out that I think the time may well have arrived when we will have to apply the Specially Elected Member system to the aldermen to make certain a minimum number are allocated to each race, with a number of voters of any race. This system has already been applied to Mombasa. It is not one I welcome very greatly, but as a first stage I think probably that is what will have to be done.

Now, if I may turn to the hon. Member's specific criticism of the Nairobi City Council and the election of the Nairobi City Council and the election of the aldermen, I do admit that speaking in a previous debate I did say that I considered that one alderman would be elected by the Nairobi City Council under their new present constitution, and one African alderman would be elected. And indeed there is no doubt at all that one would have been elected, and indeed possibly two would have been elected if the African councillors had not walked out. I have made specific enquiries into

this matter, and indeed calculated the number of votes cast for all the different people, and there is no doubt at all that at least one would have been elected and probably two. I am informed that the action of the African councillors in walking out indeed deprived them of a number of votes they would otherwise have got by councillors of other races. They walked out on the grounds that they were going to insist, that they insisted, that the two vacancies should be filled by Africans. Well, Sir, there is no provision for insistence by anybody to that effect. The election of aldermen is at the discretion of the individual members of the local authority concerned. There can be no such insistence, and their attitude, as I say, deprived them of the sympathy of a number of councillors in the first place, and the four votes they deprived an African of by walking out, would have put an African in, if they had not walked out. So, Sir, I do not think that I need worry much more about that.

The other matters which have been raised by the hon. Member were, I think, the matter of tarmac roads in the estates, and he said that all European areas were tarmaced and Africans all European areas were tarmaced and Africans were not, or at any rate, words to that effect. He was, of course, referring to the new estates. I will admit that Ofafa Maringo has not had tarmac roads, but it is the policy of the City Council now to tarmac the roads of all new housing estates before they are occupied, and that has been carried out already in some instances, and I would also point out that the Woodley Estate, which is mostly occupied by Europeans, has no tarmac roads, so there is no racial discrimination, as I see it, in this matter.

Sir, the hon. Member, Dr. Adalja, has mentioned the City Council maternity home. I think there was also mentioned somewhere, either by him or someone else, that this maternity home might be handed over to Government. Well, it is against our policy to do this. It is indeed the policy that maternity matters should be the responsibility of local authorities, and indeed if we departed from that policy in one instance, we would have to do it in all, and it would completely upset our line of policy, which I am sure is right. For the information of hon. Members I would say that although there are only 75 beds in the maternity home at Pumwani, they are now very often accommodating 100 people, 100 expectant mothers, and also that they are estimating for a loss, which will be borne by the general ratepayer in 1960 of £20,000, so I do not really think I can force much more on to the City Council. I believe that they have done very well with this service. There is one thing they are going to do, and that is try to screen out-patients, and to make quite

[The Minister for Local Government and Lands] certain that women who do not really need hospital attention, or maternity home attention, do not take up beds which are otherwise needed for urgent cases, and I am afraid a lot of people feel that they must go into maternity homes to have a baby, when a simple delivery can more cheaply and easily and quite safely be done by a midwife at home, as long as she is qualified and inspected, and that, of course, the City Council will do.

I do not think, Sir, that there are many other important points. I would just touch on a point that the hon. Member for the Rift Valley—I can never quite remember—Mr. ole Tipis mentioned, and that was the tailors being removed from the verandahs—African tailors being removed from the verandahs of shops. This has been done, I am afraid, in Naivasha, because they were obstructing pedestrians. They were taking up most of the pavement, and people could not pass by, and they were then told, therefore, to go inside the shops. Some have, and I do not know if others have not, but it is not a matter of by-laws, it was a matter of police action.

I think most of the points mentioned by the hon. Member for Rift Valley have been covered, except that I would say to him that it is quite possible, if he really does require, or if any sections of the community in the Nakuru County Council area require, to put on a special rate for an education scheme, they can do so, and indeed the County Council has gone into a lot of detail in regard to a special rate on Africans in the County Council area to do this, and I am awaiting their recommendations.

The sands of time, I see, are running out, and I think I have covered all the important points, and there will be another opportunity anyway to cover these matters, and I therefore beg to support.

The Minister for Health and Welfare (Mr. Muimi): Mr. Deputy Speaker, Sir, may I first of all join the hon. Members who have spoken before me in congratulating the Minister for Finance and Development for the healthy Budget he has presented to this House this year. Sir, I consider it a great honour that I should be allowed to speak as the first African Minister constituency in this debate. It has been the feeling in this Council and in the country in the past that while Kenya was heading towards independence like other African countries, it was of the utmost importance that the Africans should participate in the formation of the Government of Kenya, and it has for many days been difficult for the Africans to decide one way or the other until after the Lancaster House Conference, the African Elected Members, with the support of

their constituents, found it necessary, and it is important at this stage of development of our political advancement in Kenya, to take part in the caretaker Government before the next constitutional changes.

In this maiden speech, Mr. Deputy Speaker, I think it is appropriate for me to speak merely in general terms on the situation in Kenya, as I see it today, but before doing so, Sir, I would like to give notice of my intention, at some appropriate stage, to deal with one or two points which have been raised by Members in the course of the debate, and more particularly the point raised by the hon. and gracious lady, Mrs. Hughes, in regard to the welfare of children who are picked up in towns, especially, and put in approved schools. I thought that matter more concerned the Minister for Approved Schools and not my Ministry. My information is that the gracious lady is not satisfied with certain aspects of the answer given by the Minister for Housing in this regard, and it is because of this I would like to take the opportunity of trying to expand on what the Minister for Housing has said in this subject.

Sir, Kenya's ultimate objective has for many years remained unknown, but today, Sir, the ultimate objective for Kenya is in no uncertain terms known to all of us. Today, Sir, we know that the ultimate objective for Kenya is complete independence, as declared and re-affirmed in a statement by the Secretary of State in his speech on 1st February, 1960, at the Lancaster House Conference. With this knowledge, Sir, it is common knowledge that having declared our ultimate objective, we should now set to work to achieve this objective. What is our aim in Kenya? Our aim in Kenya is to build a nation in which mutual tolerance and general acceptance by all of the right of each individual citizen to play a part in the development of our country exist. It is on the platform of these principles, Sir, that I stand and speak as an African Constituency Elected Minister.

Now, Sir, a great deal has been said in this House and on platforms outside this House about the need for co-operation, and the necessity for creating an atmosphere of confidence and goodwill in our country. We would be paying lip service to our country, Sir, if during the transitional period before independence, we did not ventilate to the world our moral obligations as responsible people. It is my considered opinion, Sir, that it would be folly for us to think only in terms of politics during this transitional period. There are other forms of advance, economic, social and educational, which are of great importance to our country. But, Sir, a sound and assured political foundation is always required before a country with the immense potentialities

[The Minister for Health and Welfare] of the calibre of Kenya can reach its strength. It is important, therefore, Sir, and I feel it is so, that every true citizen of Kenya, makes it his or her duty to discourage and denounce publicly all irresponsible acts of violence, intimidation or terrorism which may come in the way of our country's advance. Having said this, Sir, let me conclude on this theme by saying that with the Lancaster House agreement Kenya's psychological battle has been won. It now remains for all the true lovers of Kenya to lay down the armour of strife, hatred and mistrust and work in earnestness towards our goal.

Sir, I now turn to the points raised by hon. Members in the course of the debate affecting my Ministry. I am sorry that the Arab Member for the Coast is not here—I am sorry, Sir—the hon. Member for Ukamba, Sir Charles Markham, is not here. But in the course of his speech the Member raised the question of the effect on hospital services as a result of the increase of duty or tax on diesel oil. In his speech the Member stated that the tax will operate unfairly on those people who are using boilers that were requiring light diesel oil, in hospitals as well as certain industries and schools—schools using diesel engines which cannot be converted to heavy diesel, and that they would have to bear the extra cost involved. Well, Sir, my information is, that while we realize that the cost for the use of diesel oil will slightly affect the cost in hospital services where diesel oils are used, we hope in my Ministry that we can probably overcome the extra expenditure by using heavy diesel oil for the machinery and such things. It may be found necessary, however, in the first instance to spend a little more money in converting the machinery to the use of heavy diesel oil, and the cost can, roughly be estimated to be about £1 per boiler, to convert them, in other words. But a saving we hope can eventually be made by this factor. Well, Sir, I do not think there is anything more we can do at this particular stage.

Now, Sir, I may explain that the European hospital in Nairobi has steam generators installed, and these cannot be converted to any other fuel. It is understood, however, Sir, that an estimate of some £5,000 for additional costs of heating for the European hospital, as printed in the *East African Standard* of Tuesday, 3rd May, this year, is a preliminary estimate. Members may be aware that the European hospital is building a new laundry with a view to achieving savings on their monthly bills, amounting approximately to some £7,000 per annum. The new boilers are to supply steam for the laundry. If they have to pay more for their fuel they will not achieve as great savings as they probably expected, but I do

not think the new tax will involve them in any immediate expense. I am sure because of this that the European Hospital Association in these circumstances will not be probably prepared to wait until the Minister for Finance has been able to fully examine the situation again.

Finally, on this point, Sir, Members may be interested to hear that my personal researches indicate that there are only six boilers of this particular kind, or type, which cannot be converted to heavy diesel in the country. I hope, Sir, that the Member for Ukamba, who is not here, who indicated that he would vote for me in the next General Election, if I can persuade the Minister for Finance to "wear a new hat" will no doubt do so without hesitation, not because of my ability to persuade the Minister for Finance to change his policy but because of the policies for which I stand.

Now, Sir, I am sorry that the Arab Member for the Coast is not here, but he raised two points in the course of his speech affecting my Ministry. The hon. Member for the Coast raised the question of discrimination in diets for mental patients at the Mathari Hospital, and the prison convicts at Shimo-la-Tewa in the Coast Province. Sir, I should like to explain to the House that there are certain standards of diet laid down for various communities in the country, and as far as possible the patients at Mathari Hospital, and I believe at the prison in question, are given the appropriate type of such food as they are used to in their homes without any differentiation at all. The concern of my Ministry is to ensure that the food is good and adequate and that the patients all gain weight on the diet they get. In other words, to ensure that the patient is properly fed with the food he or she is used to. I may add, Sir, that there is a statutory visiting committee in Mathari Hospital, which I believe the Member for the Coast knows about, the function of which, Sir, is to ensure that the hospital is run on high standards. This committee is at liberty to report any matters on which they wish to comment after their visits, and any matters which they raise, I am sure, will be dealt with accordingly. Sir, I would like to add that relatives or visitors to the patients who wish to provide extra food at Mathari are permitted to do so. I should like to stress the point that the Arab Member for the Coast has, in the past, intimated that he would ask an Arab welfare association to visit Mathari Hospital frequently to ensure that every comfort possible is given to the Arab patients there. It is therefore, Sir, I believe, his duty to encourage these visits, and to encourage visitors to make such regular calls and to supply any welfare needs that the Arab patients require at Mathari Hospital. Now, Sir, as far as my

[The Minister for Health and Welfare] Ministry is concerned, there is no discrimination whatsoever, because every patient is given the type of food he or she consumes at home.

Now, Sir, I would like to add another point in regard to the intention of my Ministry on mental patients. My Ministry intends to establish provincial mental wards, one of which is now in operation at Nakuru. We are still to improve on this one, and when the other four, according to the provinces, are completed and in operation, I hope, Sir, it will not be necessary to accommodate mental patients in prison for care, when the full system is in operation. I can assure the House and the Member for the Coast that I shall be quite prepared to accompany him to Mathari Hospital at an appropriate and convenient time. But, Sir, I would like to sound a word of warning to the Member that the matter of convicts at the Shimo-la-Tewa Prison, who are not necessarily mental cases, is a matter of general principle, and not a matter for my Ministry, but any mental cases housed at Shimo-la-Tewa and elsewhere will be dealt with in the same way as any other mental case at Mathari or in any other hospital.

I understand the Minister for Internal Security and Defence has dealt with this point in as far as convicts are concerned but here, Sir, I must stress the point that the concern of my Ministry is entirely the health side of the patients and of the convicts and not the crimes.

With these points, Sir, I beg to support.

Mr. Alexander: Mr. Deputy Speaker, Uhura! Have you heard, Mr. Deputy Speaker, that when we get independence we are all going up into the trees so that we can become branch managers?

I am, Mr. Deputy Speaker, following straight after the maiden speech by the Minister for Health on the Government side of the House and I am sure that I am voicing the opinions of all of us on this side when I saw how delighted we were with, and how refreshing it was to hear such statesmanship coming from him. I am sure this is an indication of the future that lies ahead of us in Kenya when we have got people like the new Minister looking after our affairs in the way that he does and speaking about them and about this country in the way he has just done, Sir.

Mr. Deputy Speaker, may I complain again about the treatment—the delay in treatment—of Questions from this side of the House. If you look at the Order Paper at the beginning of any week you will see a list again with dates to them, many of them outstanding for several weeks. Now, Mr. Deputy Speaker, these Questions are put down by many of us, particularly before this Budget debate, particularly weeks before this Budget debate, in order that we may be reliably informed

from the Government side with information that we can use in the Budget debate. It is a serious inhibition for us to have this great delay and these dilatory tactics imposed upon us. The whole procedure for Questions is heavily weighted in favour of the Government side and why there should be this need for delay is difficult to understand. There is one exception, Mr. Deputy Speaker, and I see that he is not in the House at the moment, and that is the Minister for Education. I can only suggest that his exception is because he has had the training and the experience of dealing as a civil servant with Questions in the Colonial Office. And, of course, the practice in Britain, the practice in the House of Commons, is that Questions have to be answered within 48 or 72 hours. I do beg of the Government once again—we had a debate on the Adjournment on this particular issue, I think over a year ago—and I do beg of the Government once again to look at this and to see whether it is not possible to hasten the procedure. I believe what is happening on the Government side or on the civil servants' side of Government is that they sit down and try and think of every conceivable supplementary that might go into the Question. As a result of this, of course, they spend weeks and weeks puzzling as to what might be asked. That is not the intention of asking these Questions. What we want is quick replies so that we can come back again and ask another Question if necessary. But please, I beg, help us on this side of the House.

The Minister for Local Government and Lands (Mr. Havelock): I make no comment.

Mr. Alexander: Would you like me to sit down? No, I don't want you to speak now! May I ask you to speak a bit louder? At least, when I interrupt from this side—

The Deputy Speaker (Mr. Conroy): Order, order! Please address the Chair, Mr. Alexander.

Mr. Alexander: Mr. Deputy Speaker, may I carry on the theme that was started by the noble Lord sitting on my left when he referred to the interdependence of the East African territories. I believe that it is more than timely that we should now concentrate more of our thinking and more of our time on this whole question of the interdependence, particularly the economic interdependence of the East African territories. What has gone wrong in the past, Mr. Deputy Speaker, is that there has been a rather natural and understandable suspicion on the part, particularly, of Uganda and Tanganyika of the particular part played in this interterritorial scheme by Kenya. That suspicion has arisen mainly as the result of the particular type of heterogenous population in Kenya. But, may I suggest, Mr. Deputy Speaker, that both Tanganyika and Uganda now have an

Tuesday, 10th May, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

QUESTION No. 73

Mr. Slade asked the Minister for Legal Affairs:—

(a) Is it a fact that a certain woman was, on 19th July, 1959, forcibly and illegally taken by police officers to Mathari Hospital and thereafter illegally detained at that hospital for a period of four days?

(b) If so, what disciplinary action has been taken against the persons concerned?

The Minister for Legal Affairs (Mr. Griffith-Jones): The facts of the incident to which this Question refers are so complex that it has not been possible to give a full and accurate oral reply to either part of this Question. I have, therefore, given a full written reply.

Written reply as follows

1. At about 10.50 a.m. on Sunday 19th July, 1959, the woman in question rushed into Parklands Police Station shouting that she had been hit over the head and robbed of £100. The inspector on duty at the station took the report and tried to obtain details of the robbery from the complainant, but she refused to give any further information.

2. She had been brought to the station by a motorist who informed the inspector that he had found the complainant in the bushes at the side of Salisbury Road, Nairobi, in a very hysterical of state. She told him she had been robbed, so he had brought her straight to the police station. On the way to the station she had three times tried to jump out of the car and had had to be restrained by the motorist's wife.

3. The inspector then asked the complainant to show him where the offence had taken place. In reply she abused the inspector, telling him he did not know his job and that the police were useless. Eventually, he persuaded her to enter a police 999 car and she took the police to a spot near the Italian church.

4. On arrival the complainant continued to refuse to assist the police and refused to show where the offence was committed. At this stage

[Mr. Alexander] opportunity to look at Kenya in a completely different light. They know, as we know, that Kenya is heading for a situation where the majority of the people in this Council will be Kenyans and ultimately the majority of the people in the Government, in the Council of Ministers, will also be Kenyans. Therefore, Uganda and Tanganyika ought to be able to look at us now and in the future as fellow countrymen in Africa. I believe that if they adopt that attitude to us as we, I believe, have adopted to them always, if they will do it to us we will them always, all three territories, be able to make considerable progress along the road of economic integration that is so vital to all of us. The problem, Mr. Deputy Speaker, is a problem not of just six million people in Kenya. It is a problem of 20 or 25 million people in the whole of East Africa. And if any of the territories try to tackle their own problems in isolation they will find that they will not have the necessary economic weight in order to find the right answers to those particular problems. I would urge that we in Kenya should reassess our whole attitude to this bigger issue, this bigger horizon of East Africa, and that we should in this House, I believe, have an early debate specifically on this so that we may tell and show Uganda and Tanganyika precisely how we are thinking and how our minds are growing bigger as the result of that objective thinking. This does turn me, Mr. Deputy Speaker, on to the whole question of the monetary and the currency question in these three territories, a matter which I have raised and discussed several times in this House and which I intend to discuss in this particular debate. Of course, there is no more effective way of people being economically interdependent than through a common currency system and we will find, Mr. Deputy Speaker, that it is this, perhaps, more than anything else that will influence our move together and towards one another in these three territories.

Perhaps, Mr. Deputy Speaker, that is maybe a convenient point for me, if you agree, to stop and continue. I think I have given reasonable notice to the Minister for Finance to prepare himself for this particular complex problem and I will be asking him what has happened to the proposed movement of the Currency Board from London to East Africa.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): The time has come for the adjournment, so I accordingly adjourn Council until 2.15 p.m. of the afternoon of Tuesday next, 10th May.

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

[The Minister for Legal Affairs]

she became very distraught and started running up and down the road screaming, making abusive remarks about the police and shouting at members of the public passing by. A service was in progress in the nearby church, and her behaviour was by this time causing a public disturbance. The police therefore took her, by car, to the European Hospital as she was plainly in need of medical care. In the car she continued to scream and shout abuse. She also tried to jump out of the moving car.

5. At the European Hospital she was examined by a medical officer, who certified her to be of unsound mind, stating in his certificate:—

She is maniacal and unable to listen to reason. She is irrational in behaviour and speech. She exhibits a degree of paranoia; she is persecuted by everyone, especially police. She is unwilling to give any particulars about herself because, she believes the information will be used for ulterior purposes. She has at times been completely uncontrollable, except by force.

6. At the hospital she was invited by the police to contact her own doctor and was given the use of a telephone, but did not try to contact him.

7. On receipt of the doctor's certificate referred to in paragraph 5 above, the Assistant Superintendent of Police who was in charge of the police party, decided to communicate with a First Class Magistrate, in order to take the complainant before him under section 17 of the Mental Treatment Ordinance, 1949. He, therefore, telephoned the magistrate at his house (the day being a Sunday), reported the circumstances to him and offered to send the complainant and the medical certificate, by car, to the magistrate's house so that he could interview her. The magistrate thought it undesirable that he should see her personally, as this might have an adverse effect on her health, but he asked for the certificate to be sent to him. This was done.

8. After considering the certificate, the magistrate wrote out and signed a manuscript authorisation for the complainant's detention for a period of 14 days in Mathari Mental Hospital, to enable the officer in charge of the hospital to form an opinion as to her true mental state. This authorisation was not in the prescribed form, as the magistrate did not have access, on a Sunday morning, to the appropriate printed forms.

9. She was then taken to Mathari Hospital, where she remained four days under observation. On admission, she was diagnosed as suffering from hypomania. The psychiatrist in charge reported that she had "for no apparent reason

belated one of the European staff's children". She refused to comply with his suggestion that she make a statement to the police to describe her larceny which had been stolen, so that they might recover it. Although he found her overwrought, overtalkative and upset, she refused his offer of treatment. He described her as having a paranoid and litigious attitude. On 23rd July the psychiatrist, in consultation with another medical practitioner, decided that while she was certainly beyond the limits of normal talk and behaviour, she was not actually certifiable and she was, therefore, discharged.

10. It was subsequently discovered that the magistrate's order was invalid as it had not been made in compliance with the provisions of the Mental Treatment Ordinance, 1949. The action of the police in taking the complainant to the hospital for medical examination before referring the matter to the magistrate was not in strict compliance with the provisions of that Ordinance.

11. An enquiry into this affair was held by the Director of Establishments in consultation with the Director of Medical Services, the Acting Deputy Commissioner of Police and the Registrar of the Supreme Court. This enquiry established that all the officers concerned in the incident acted in what they considered to be the best interests of the woman who was clearly ill and in need of medical care and attention. The police and the authorities at Mathari acted on a certificate from a medical practitioner that she was of unsound mind, and on a written authority from a magistrate for her detention in Mathari. The magistrate's error was largely procedural and technical. The Government, therefore, decided that no disciplinary proceedings should be brought against the Government officers concerned. The Chief Justice decided that no disciplinary proceedings should be taken against the magistrate who had obviously acted in good faith and in what he considered to be the complainant's best interests. The position of magistrates would become intolerable if disciplinary proceedings were taken against them whenever they made an error in the application of the law.

12. A full and written apology was made to the complainant by the Government. The complainant also asked for and was offered substantial compensation. This she accepted without prejudice to the question of disciplinary action. When she was told on 16th January, 1960, that the Government had decided, for the reasons set out above, not to institute disciplinary proceedings, she refused to sign the normal receipt for her compensation and it has not, therefore, been paid.

QUESTION NO. 74

Mr. Slade asked the Minister for Agriculture, Animal Husbandry and Water Resources:—

(a) Is Government aware of the need to amend the Animals (Prevention of Cruelty) Ordinance?

(b) If so, what steps are being taken to that end?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): (a) Yes, Sir.

(b) Since the receipt in May, 1947, of the Report of Subcommittee of the Legislative Council appointed to enquire into the incidence of cruelty to animals in Kenya, delays have occurred in the preparation of amending legislation owing to pressure of other urgent legislation and to the Emergency. It has now been decided, in consultation with the official and unofficial interests concerned, that the present Ordinance should be completely repealed and replaced by legislation more suited to present conditions. A new Bill is now in rough draft but detailed examination is not yet complete. I greatly regret this long delay and hope that, despite the pressure of other legislation, it will be possible to publish this Bill soon.

Mr. Slade: Mr. Deputy Speaker, Sir, arising out of that reply, could the Minister be a little more specific as to the time which we may expect to elapse before we see further developments?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Yes, Sir, I could. I have prepared a paper which will go in front of the Council of Ministers at their next meeting and then should go to the drafting committee, so I sincerely hope that it will be very soon that we will be able to lay this new Ordinance in front of this House.

Mr. Bompas: Mr. Deputy Speaker, arising out of the first question, Sir, can we ask the Minister whether it is the intention of Government to include in that legislation the prohibition of the hawking of live animals?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, yes, I gather it is.

QUESTION NO. 85

Mr. Alexander asked the Chief Secretary does collective responsibility mean that Ministers are bound to support Government policy both in public and private and if so how and where do Ministers criticize Government policy if they wish to do so?

The Chief Secretary (Mr. Coutts): Collective responsibility means that Ministers are bound to support Government policy in public and in private. This is always made clear to Ministers when they take office. Ministers have ample opportunity to criticize Government policy in Council of Ministers and that is the proper forum for such criticism.

QUESTION NO. 95

Mr. Alexander asked the Chief Secretary what is the need for the regulation which compels civil servants who go abroad for leave to spend a minimum of 90 days overseas?

The Chief Secretary (Mr. Coutts): Officers who are eligible for vacation leave on completion of a tour of service are also eligible for free return passages up to a maximum cost of three adult fares in the grade or class to which they are entitled. Such officers are required to spend a minimum period of three months of their leave outside East Africa in order to justify the expenditure on their passages. A similar proviso is enforced in the case of civil servants in Tanganyika and Uganda.

Mr. Alexander: Mr. Deputy Speaker, in attempting to justify the expenditure on leave passages, is the Minister aware that this requirement of an absence of a minimum of 90 days is a great embarrassment to many officers?

The Chief Secretary (Mr. Coutts): I believe it may be embarrassing to some officers, particularly those with small children being educated; but I would like to point out to the hon. gentleman that the Government grants leave for recuperative purposes, not for a "jolly" outside East Africa in order to return to that officer both the mental and physical capacity which he requires to carry out his job.

Mr. Alexander: Mr. Deputy Speaker, does the Minister recollect that his answer is at complete variance with statements made at other times in this House, namely that the purpose of leave is mainly for officers to refresh their knowledge and acquaint themselves with new methods?

The Chief Secretary (Mr. Coutts): That, I would suggest, is only for professional officers: all officers must go for recuperative purposes.

Major Roberts: Would the Chief Secretary agree that this was introduced originally when Kenya was not a very healthy place? Because today Kenya is considered a health resort and people should not go for longer than is necessary.

The Chief Secretary (Mr. Coutts): If the person goes at all, Mr. Deputy Speaker, then he should

[The Chief Secretary]

go for 90 days in order to justify the expenditure, which was what I replied in the first instance.

Mr. Slade: Mr. Deputy Speaker, is the Chief Secretary suggesting that acute financial or other embarrassment is likely to produce recuperation?

The Chief Secretary (Mr. Coult): No, Sir.

QUESTION No. 89

Mr. ole Tips (on behalf of Mr. Mate) asked the Minister for Health and Welfare what further financial assistance does Government propose to give to mission hospitals so as to help improve their service to the community?

The Minister for Health and Welfare (Mr. Mumbi): There is provision for £60,000 in the recurrent Estimates of expenditure for 1960/61 entitled "Medical and Maintenance Grants to Missions and Private Hospitals". This represents a rise of £11,000 over the provision in 1959/60. A significant sum for capital grants to mission hospitals on a £ for £ basis has been reserved in the Ministry of Health's Development Plan for 1960-63. This compares with no formal provision made in the Development Plan, 1957-60.

QUESTION No. 76

Mr. Odlinga (on behalf of Mr. arap Moi) asked the Minister for Agriculture, Animal Husbandry and Water Resources:—

(a) Does the Maize Marketing Board operate in Baringo?

(b) Under what circumstances?

(c) And if not, what is the Government policy with regard to Baringo District?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie):

(a) Yes, the provisions of the Maize Marketing Ordinance, No. 6 of 1959, and the Regulations published thereunder apply to all areas of the Colony and Protectorate of Kenya.

(b) Most of the maize grown in Baringo District is grown for the domestic use of the grower and his family or for sale or barter to other Africans for their domestic use, and is therefore exempted from the provisions of the Ordinance under section 15 (6). Trading in maize is, however, subject to control and a special price structure has been fixed for Baringo District.

(c) Paragraph (c) of the question is not applicable.

QUESTION No. 77

Mr. Odlinga (on behalf of Mr. arap Moi) asked the Minister for Agriculture, Animal Husbandry and Water Resources how many Asian and African Millers in Baringo District are registered with the Maize Controller?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): No millers in Baringo District are registered with the Maize Controller who ceased to exist on 31st July, 1959. However, the hon. Member may wish to know the present position under the Maize Marketing Ordinance, 1959:—

(a) No millers in Baringo District have been registered with the Maize Marketing Board in 1960 to mill maize for sale. Two Asian mills have been so registered in previous years.

(b) A miller who restricts his operations exclusively to milling maize for a charge on behalf of producers within the district is not required to register his mill and there is therefore no record of the numbers of such conversion millers in Baringo District.

Mr. Odlinga: Arising out of the reply, Mr. Deputy Speaker, I have not been able to get quite clearly why African millers have not been registered.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): The answer to that, Mr. Deputy Speaker, is very simple. They have not applied.

QUESTION No. 78

Mr. Odlinga (on behalf of Mr. arap Moi) asked the Minister for Agriculture, Animal Husbandry and Water Resources how many districts in the Colony are outside the operation of the Maize Controller?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): The Maize Controller appointed under the Defence (Control of Maize) Regulations, 1944, ceased to exist with effect from the close of business on 31st July, 1959, when the Regulations were revoked. He was replaced by the Maize Marketing Board which exercises its jurisdiction under the Maize Marketing Ordinance in all districts of the Colony.

QUESTION No. 79

Mr. Odlinga (on behalf of Mr. arap Moi) asked the Minister for Agriculture, Animal Husbandry and Water Resources how many

(a) Africans (b) Asians in Baringo District

[Mr. Odlinga]

have been prosecuted under the Defence (Control of Maize) Regulations, 1944, from the time they came into force, and under what specific section?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): No detailed statistics are available of the number of people prosecuted for offences committed in Baringo District against the Defence (Control of Maize) Regulations since such offences were classified by the Police as "Petty Crimes". I am, however, advised, that some 60 such cases were recorded in the records of the Eldama Ravine Police Station of which a high proportion concerned offenders from the Baringo District. It has not however proved possible to give the breakdown of offenders by race.

DEPUTY SPEAKER'S RULING

The Deputy Speaker (Mr. Conroy): On 5th May, Mr. Mboya gave notice of the following Motion:—That this Council notes that a sum of £208,000 is set aside in the 1960/61 Budget for the Kenya Regiment. The Council being aware that this Regiment is a racial body, the existence of which is inconsistent with the declared policy and aims of the Government and people of this country, and constitutes therefore a constant point of fear, suspicion and friction, calls upon the Government to take necessary steps to disband the Regiment and to replace it with a system of military training consistent with the needs of the country and open to all its people.

I was then asked to give a considered ruling whether such notice of Motion and such Motion were in order.

There is nothing in our Standing Orders or procedure which prevents the giving of such notice of Motion. Whether such Motion can be debated is, however, a different question, and depends upon the facts prevailing at the time when it would be debated.

We are now debating the Financial Statement on the Annual Estimates. Thereafter we shall debate the Annual Estimates. Both these debates have precedence over Private Members' Motions. One of the specific questions on which the Council will have to take a decision in the debate on the Annual Estimates is whether the sum of £208,000 or any, and if so, what sum shall be provided for the Kenya Regiment in the financial year 1960/61.

Standing Order 29 provides that no Motion may be moved which is the same in substance as any

question which has been resolved in the affirmative or negative during the preceding six months, provided that a Motion to rescind the previous decision may be moved with the permission of the Speaker.

If, therefore, the Council has decided, when dealing with the Financial Estimates, either to provide money or not to provide money for the Kenya Regiment, Standing Order 29 will preclude the moving of the Motion of which notice has been given.

Even if this were not so, Standing Order 58, paragraph (2) would be a bar to the moving of the Motion. That Standing Order inhibits discussion of any specific question upon which Council has taken a decision during the current session.

It is my practice, when in doubt, to rule in such a way as to allow a matter to be debated. Here I am in no doubt. It is not irrelevant, however, that the matter will be capable of full ventilation in the debate on the Financial Estimates.

MINISTERIAL STATEMENT—E.A. CURRENCY BOARD

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, with your permission, I beg to make the following statement, which is in the same terms as the announcement which is being made in London at this time.

The Secretary of State for the Colonies has decided to transfer the East African Currency Board from London to East Africa, with effect from 1st July or as soon as possible thereafter this year, and has directed that the office of the Board should be sited in Nairobi. To give effect to this move he has appointed the following members to comprise the new Board when the transfer takes place:—

Mr. E. B. David, C.M.G., *Chairman.*

The Permanent Secretary to the Treasury in Kenya.

The Permanent Secretary to the Treasury in Tanganyika.

The Secretary to the Treasury in Uganda.

The Permanent Secretary to the Ministry of Finance, Somaliland.

The Financial Secretary, Zanzibar.

A representative of the Government of Aden, and

Mr. J. B. Loynes of the Bank of England.

The Secretary will be H. R. Hurst, C.B.E. The Currency Board will remain, as now, solely responsible to the Secretary of State.

COMMITTEE OF SUPPLY

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Resumption of debate interrupted on 6th May, 1960)

Mr. Alexander: Mr. Deputy Speaker, before we adjourn on Friday, I criticized, somewhat severely, the Government for delay in the answering of Questions. Today, Mr. Deputy Speaker, we have had nine Questions answered, and I must, with all humility, unreservedly withdraw the remarks I made last Friday, and congratulate the Government for the speed with which they have attended to this particular matter.

Precisely when we adjourn on Friday, I was, Mr. Deputy Speaker, talking about the interdependence of the East African territories. This particular debate, which is now on its fifth day before the Minister replies tomorrow, has dealt very largely with the domestic affairs of Kenya. That, Mr. Deputy Speaker, is understandable. We are moving to and in a period of very great readjustment and reassessment, and it is natural that we in this Colony should be concentrating our thoughts on our own problems. But I did attempt to focus attention on the need, as Kenya moves towards self-government and independence, to use some of our efforts and some of our wisdom on the greater problems and the even greater challenge of territorial interdependence.

This, Mr. Deputy Speaker, is surely timely now as our new constitutional plan must help Tanganyika and Uganda to abandon their suspicions of Kenya and their doubts about the location of the High Commission in Nairobi. It is proper, nevertheless, that we, in Kenya, as we look towards wider horizons, should have our own house in order, and the orderly government and stability of our own country is our first concern, if we are to gain the respect and the confidence and a hearing from others in these parts of the world.

I was just finishing on Friday to say how I thought that economic interdependence did rely mainly on a common currency system. In fact, Mr. Deputy Speaker, is not that the influence that drives the whole of the British Commonwealth together? Not only that influence, but I would rate it with a common language as the highest or the greatest influences in moving together the people of the Commonwealth. That is why, Mr. Deputy Speaker, I welcome the announcement a few moments ago by the Minister for Finance concerning the transfer of the Currency Board to East Africa. And here I do want to pause for a moment to congratulate our new Minister for

Finance on this particular negotiation—a negotiation that must have been delicate in the circumstances, as we know—that is, the suspicions of the territories one to another, which I hope are blowing away—and it is to the very great credit of our Minister that so soon after taking office he has been able to bring this particular outstanding matter to a successful conclusion. Nevertheless, Mr. Deputy Speaker, this transfer of the Currency Board must be regarded as a first step into what must become a wider development, because, of course, as has been pointed out in this House before, the Currency Board system has many deficiencies and many disadvantages to these three territories.

To support this, Mr. Deputy Speaker, may I quote what I have said several times, I think, in this House, about this system, and I quote: "The Currency Board system, and also the banking system has a fundamental deflationary effect. The deflationary effect, which is merely disturbing in times of inflation, is deadening, deadening in times of depression." This means, Mr. Deputy Speaker, that any time we move into a recession the present currency and monetary system will have a cumulatively adverse influence on the economic conditions of these territories.

There are therefore, Mr. Deputy Speaker, two further moves that now become of urgent necessity. Firstly, I do stress the need that a chairman be appointed with great experience of monetary and financial matters to be adviser to the territorial governments and the High Commission. He will have to be an official of high calibre and of very wide banking and economic experience. There is precedent for this Mr. Deputy Speaker. There is nothing new about it, and it is the process that Southern Rhodesia went through as long ago as 1949 when they realized the wisdom of having somebody on the spot with this very great monetary and financial experience to advise them on the whole of their fiscal policy.

The second move that is necessary is an enquiry into the banking system and the sterling exchange system operating under the East African Currency Board. Here again, Mr. Deputy Speaker, there is nothing new about this type of an enquiry. It is perfectly normal in the circumstances where a country is moving forward to self-government and subsequently to independence. It happened in Southern Rhodesia in 1948, in Ghana in 1951 and Malaya and Jamaica in 1956. And an interesting comparison is that in the case of Nigeria in 1952, when Mr. J. L. Fisher, an adviser to the Bank of England, was asked to advise on the banking system of the West African Currency Board, the liability of that Board at that time was £65,400,000, and today, or at least the very latest figures that

[Mr. Alexander]

I can obtain from the *Gazette*, that is 30th June, 1959, the Currency Reserve Fund of the East African Currency Board stands at £63,800,000, and therefore, what I am trying to suggest, Mr. Deputy Speaker, Sir, is that when a currency reaches that magnitude then there is a clear indication that the time is arriving for there to be an enquiry into the whole of the currency and banking system. And I would urge upon our Government to move to this position at the very earliest opportunity. I notice amongst the names that were read out just now, I think I recognized the name of Mr. Loynes, a member of the Bank of England, and it is interesting to note that it was he who finally went to Nigeria and advised them concerning the establishment of a central bank. It is fortunate that we will have him on this East African Currency Board, and I imagine that he will fly out from London from time to time when his services are required, and I urge upon the Government to make full use of the opportunity of his presence here to move forward along the lines that I have suggested.

Mr. Deputy Speaker, whilst talking about economic interdependence I am prompted to ask when we are to have the full results, full results, of the enquiry into road/rail transport which is under the chairmanship of the Minister without Portfolio whom I am pleased to see is in the House. He may be able to spend just a few seconds on his feet in this debate to tell us how he is getting on. For, Mr. Deputy Speaker, the situation on this immense question is becoming almost farcical and I imagine that that is what they are finding in their particular committee and that is why they are finding it so difficult to come to wise conclusions and report the matter to the Minister for Commerce and Industry.

Road transporters in Kenya are not allowed to operate on trunk roads running parallel with the railway for more than 30 miles, other than for the transport of perishables and soft drinks and beer. The railway concede that they are unable to compete with the door-to-door service provided by road transport over short distances, that is, up to 100 miles. However, it is unfortunately popularly supposed on the experience of local deliveries that road transport is more costly than rail; whereas, in fact, the figures are on runs of 100/1,000 miles, as follows. The railway average costs are 18 cents to 20 cents per ton-mile. For a long time this has been quoted at 20 cents, but I understand that recently the Railways have made it known that this is now regarded as amounting to approximately 18 cents per ton-mile of average costs. The railway operating costs total are approximately 7 cents per ton-mile. The cost for road transport, with maximum capacity

vehicles, works out at approximately 8.8 cents per ton-mile. The difference, Mr. Deputy Speaker, in the railway figures of 11 cents to 13 cents per ton-mile between the average and the operating costs is for, firstly administrative expenses, and secondly for capital charges. In the case of the Railways these are very heavy capital charges. The answer, Mr. Deputy Speaker, is surely for the Railway to be stabilized at its present size and any additional traffic offered to road transporters. The result would be, as has happened in other countries, that the road transporters would offer lower rates resulting in turn in lower rail rates, with the Railways searching for economies—bound to search for economies—with a consequent abandonment of short-distance traffic on which the Railways are already losing heavily. With the good sense on both sides, that is, on the side of the Railways and the road transporters, which there must be, Mr. Deputy Speaker, with big minds at work, the outcome must surely be, as in Rhodesia, for long-distance road transporters and the Railways to agree not to compete wastefully with each other. They would do this by serching the same rates and competing by sercharging to the public. This is the rational way in which to sort this out. Other big industries and organizations that service the public have had to sort their competition out in this way: insurance companies and the banks are good examples. It is wise that road and rail transport should, Mr. Deputy Speaker, do the same. There is practically no railway in the world today which is paying its way and it is generally accepted that dieselization is not the answer. The railways in Britain are showing a deficit of £350,000,000 after spending vast sums on modernization. There have been efforts in Britain in the past to favour the railways through the taxation system by taxing a road transport. I am not suggesting for a moment, Mr. Deputy Speaker, that that is what the Minister for Finance had in mind when he imposed his diesel tax—his tax on diesel—but the effect is certainly that. In Britain the fuel tax was 9d. a gallon before 1950. Sir Stafford Cripps increased it in 1950 by a further 9d. Gaiskell, in 1951, increased it by a further 4½d. per gallon. There was, as the result of this, bitter complaint by the Conservative Party and particularly by Mr. Butler, who immediately on the return of the Conservative Party in 1952, himself increased the fuel tax by a further 7½d. per gallon.

The Minister for Information and Broadcasting (Mr. Harris): Interjection.

Mr. Alexander: The Minister for Information has put the words into my mouth, but he has been kinder, because I thought, of course, of the

[Mr. Alexander]

typical sort of tricks that the Conservatives were playing in 1952, which we learned about, Mr. Deputy Speaker, in 1960. They were at it then and they are still at it today. But this attempt to protect the Railways or to favour the Railways was never the answer, and what it did was to leave a permanent inflationary factor in the economy of Britain. The increase in fuel tax and the increase in fares as has happened here in Kenya at this very moment in turn led to wage increases and the result of this and other influences at work in Britain has meant that Britain today is saddled apparently with a permanent 5 per cent per annum inflationary factor. There is no one in Britain yet who has discovered how on earth they are going to end it. I mention this here, Mr. Deputy Speaker, because I think that we can draw upon what has happened in Britain and I would urge that we go with care on this particular type of taxation.

Mr. Tyson: Have they got a differential tariff?

Mr. Alexander: If the Member opposite who sits on the Railway Advisory Board, Mr. Deputy Speaker, would like a dissertation on the whole question of differential tariffs, I would like him to speak in this debate now and we will deal with it because he knows as well as I do the fallacies that have been revealed recently regarding the differential tariff. I know that I can appeal to his great wisdom to remain silent at this particular moment. But if he wishes to deal with this we will certainly cope with him on it.

Before I alight from the Railways, may I, Mr. Deputy Speaker, congratulate them on their efficiency and their work and their effort for this Colony and these territories since the beginning of civilized history in these parts. They have been efficient; they have done a good job of work. It has been acknowledged frequently in this House. Nevertheless, we are at a time now, Mr. Deputy Speaker, when it is no use looking back on history; and when we look back on the history of our Railways we always do so with a certain amount of nostalgia, understandably. Now is the time to examine this complex question realistically and without any sentiment whatsoever. We cannot any longer, Mr. Deputy Speaker, afford in this Colony and in these territories to have any sentiment whatsoever about our Railways. Having acknowledged the great work that they have done, having acknowledged the work of the Transport Advisory Council—I believe that that is the title of it—and the fine work that has been done on that Council by the Member who interjected just now and others like him; having acknowledged all that, Mr. Deputy Speaker, now is the time to look realistically at the economics of this whole question.

Mr. Deputy Speaker, I turn now to the economic survey for 1960 and may I first congratulate the Minister for Finance for having presented this to us for the first time before the Budget and also the Estimates of expenditure. Here it is appropriate that I should congratulate the Minister on the workmanlike and shortened Budget Speech which he made. I commend him for having cut down very considerably the time spent on the Budget Speech, but I would suggest to him that he could, help us still more by next year cutting it down still further. He can do this by including his financial review, by tabling his financial review, as he has done, his economic survey, before the main Budget Speech. We would then be left only with the need to hear his proper Budget proposals and for him to bring up to date and highlight—merely highlight—any points in the economic survey or the financial review. I believe in this way, Mr. Deputy Speaker, we could have a considerably shortened Budget Speech and we could save this House and this country some money because we could then, I believe, go straight on with the business of this Council immediately after the Budget Speech; not necessarily to deal with this five days' debate but to go on with the routine business of the House. Sometimes we get summoned here for a mere half hour to have some Bills tabled. Well, that is the sort of business that could be disposed of in those circumstances and save some money.

The economic survey for 1960 estimates the gross domestic product for 1959 as £215,000,000. In last year's Budget Statement the domestic income for 1958 was estimated at £175,000,000, a difference of some £40,000,000 which is, I understand, Mr. Deputy Speaker, accounted for in 1959 by the inclusion of production by subsidiaries and branches directed from abroad and by residents temporarily abroad plus a normal annual increase in production of 3½ per cent at current prices. I see, Mr. Deputy Speaker, the Minister frowning with some doubts perhaps as to what I have said and I look forward to his explanation when he replies tomorrow. This concept of gross domestic product at factor cost, is new to us in the economic survey. I welcome, Mr. Deputy Speaker, the additional information that we are now being supplied with both in the Economic Survey and in the Description of Sources and Methods. Here again, we owe our congratulations to those who search for these elusive figures and present them to us methodically. Particular thanks go mainly to the East African Statistical Department and its director, who over many years now has done so much to bring the economic facts and statistical records of this Colony up to date and present them in an understandable manner. But having come this far with detailed economic

[Mr. Alexander]

information it would be useful to know, Mr. Deputy Speaker, the net result of the main factors in the Gross Domestic Product; for example, using the 1958 figures, it would be interesting and significant to know the net result arising from the gross figures of £63,000,000 for agriculture, £20,000,000 for livestock and £21,000,000 for manufacturing with a further breakdown, if that is possible, between the main sections of each factor, as for example, between the different types of agriculture. Only then will we have a real appreciation of which economic factors, which economic activities, really matter to our country. It is right that we should have a proper assessment in this way now because there is a great deal of woolly talk and inaccurate talk in this country at the moment regarding the importance or otherwise of certain of the economic factors upon which our lives are generated. In addition, I trust, Mr. Deputy Speaker, that the Minister will in the reasonably near future be able to gather the information on which at least he might give us an estimate of the invisible exports from each of the territories or rather in his case—from Kenya. But it will mean, of course, segregating each of the territories in respect of their invisible exports. There are many of us that believe that the services of Nairobi and Mombasa, for example, are today contributing far more to the economic well of our country, than is perhaps imagined from a casual glance at overall figures.

Mr. Deputy Speaker, there is much I have to say about the Civil Service, about the future of the Civil Service, and here before I embark on that perhaps it is appropriate to deal with just one point that concerns this Council. In the last few days we have had three Members from this side of the House who have gone to the other side of the House. We have congratulated them for having done so, although it depletes our numbers here. But in depleting our numbers on this side by three, Mr. Deputy Speaker, in theory at least it should be possible to reduce the numbers in this Legislative Council by six and still retain a Government majority. Perhaps we may be told when there is a reply from the Government Benches of whether the Opposition side is as big as it was before or bigger than it was before these three Members went over or whether they have in fact done anything to compensate for these three Members that we handed them from this side of the House and thereby save the country some money. The estimate of the price—not the price, the cost—of a Member—

Sir Charles Markham: I am not certain.

Mr. Alexander: The price is far more than the figure I am going to quote in certain respects. Mr. Deputy Speaker, I have heard a figure of £5,000 that it cost some Members to get here. However, the cost to the country per Member may be taken at approximately £1,000 a year and if we can save the services of six Members in this House, then the country will be saving at the rate of £6,000 a year.

Mr. Deputy Speaker, when talking about the Civil Service, it is easy to refer to it by voicing the fears, the anxieties, the suspicions and the doubts, imagined or real, of civil servants in the present circumstances of constitutional change in Kenya. Two previous speakers have already done so without providing us with any constructive ideas upon which to answer the Civil Service. However, the New Kenya Group is more imaginative and positive and will, within a few days, be issuing a policy statement on the future of the Civil Service. Meanwhile, Mr. Deputy Speaker, it is fundamental, quite fundamental, that we acknowledge now that in the best and vital that we acknowledge now that in the best and vital interests of Kenya there must be positive incentives for efficient public servants to remain; just the same as we want efficient farmers to remain and industrialists and businessmen and others. How best can we do this, Mr. Deputy Speaker? How can we induce efficient public servants to remain? Firstly, we must show them they are wanted in convince them by word that they are wanted in Kenya. Secondly, our standards of public administration and integrity must be such that the best of civil servants will want us. We must realize now, Mr. Deputy Speaker, that no worthwhile civil servant is going to remain here if we allow our standards to fall below what they have created and what they are used to. Thirdly, our terms and conditions must be attractive and take account of market value for similar work in other parts of the world. Fourthly, I believe that none of them will wish to leave if they know for certain that in the unhappy event of their services being prematurely terminated, they will be suitably employed elsewhere by Her Majesty's Government. We have an opportunity here, Mr. Deputy Speaker, to press upon Great Britain the need to establish now a Commonwealth Service or an Overseas Service directly employed by Her Majesty's Government in the United Kingdom. The direct employment of all ex-patriate officers by Her Majesty's Government and their secondment to various territories both before and after independence would preserve the rights of members of the existing overseas Civil Service without any change of employer or of obligations on the employer's part.

Fifthly, Mr. Deputy Speaker, in these measures to induce efficient civil servants to remain, fifthly

[Mr. Alexander]

Because I am sure that there are many hopes at this moment being created in the minds of land-owners as a result of this kind of talk, hopes which may be utterly misleading, and hopes which in the end may lead to greater disillusionment. It would seem to me, Mr. Deputy Speaker, that if the worry is that an evil Government in Kenya in the future might dispossess lawful landowners then surely the knowledge of a big fund of money available, a fairly godmother round the corner, would be the greatest encouragement to that Government, if it is prepared to be so evil, to push the landowners out and take the money that is set aside for it, or the money that would circulate in Kenya as a result of it.

I have just two more questions for the Minister for Agriculture. We people who live in the towns are often fascinated with the workings of his Ministry and the various boards that work under him, and I am wondering if he can tell us just what the functions are of the Board of Agriculture. Are they, Mr. Deputy Speaker, intended to deal with politics, because I have recently heard that the Board of Agriculture has been dealing with this whole question of citizenship. Now, perhaps he could tell us what on earth that is to do with the Board of Agriculture. I thought their job was to deal with agriculture and keep away from politics. Would he tell us, also, when he replies, what is happening to the MacGillivray Committee.

An hon. Member: It has gone to Rhodesia.

Mr. Alexander: Do I understand that the MacGillivray Committee has gone to Rhodesia and that their needs are greater than ours? We have the brains of Africa in Kenya and they are allowed to go back to Rhodesia to sort out their problems.

I turn now, Mr. Deputy Speaker, to the Ministry of Information. May I welcome the new Minister for Information who is not unfamiliar on the Front Bench, but I am sure now freer to interject to us on this side of the House, because it is only when we have his type of interjection that the debates are made more friendly and more interesting. He has a particular flair, a reputation, for public relations, and I am sure that we will find this particular quality taking shape in the months ahead. Already an example, Mr. Deputy Speaker, is the handling of His Excellency's statement published today, which we read and heard in Kenya before being told about it from Britain. So often our local Press and broadcasting suffer the indignity of having news about Kenya and news in Kenya about Kenya told to the world from overseas, and I can see that the Minister has already started to put

this one right, and he has started with an excellent example, and we congratulate him on it, because he will realize, I am sure, in any case, that the news that we hear from overseas about Kenya usually on the B.B.C. invariably has misleading headlines. Perhaps he would take the chance to tell the B.B.C. this from time to time, and be ahead of them in Kenya so that we need not listen to the B.B.C. headlines about Kenya.

As I noticed that his particular heading comes very low down on the list we are unlikely to debate it in the Committee of Supply, and I would like to take this opportunity to ask the Minister to tell us today what, briefly, his plans are regarding his new Ministry, and particularly regarding our overseas public relations, and, most particularly of all, of course, the future of the Kenya Office in London.

Turning now to diesel tax, may I, Mr. Deputy Speaker, just quote from the Minister for Finance's statement. In three or four places he said this, and I quote: "I have also been considering the taxation of motor fuel. The proceeds of the consumption tax, like those of the vehicle licence fees, go to the Road Authority. No duty or tax is paid on light diesel oil used in motor vehicles." Then he goes on, and I quote: "Not only, therefore, is the present system weighted in favour of the heavier diesel vehicles, but the revenue is not receiving the contribution towards the wear and tear on the roads in proportion to the annual mileage run." Lastly, and I quote: "The consumption tax, including the small increase in the petrol consumption tax, should bring in an estimated £260,000. This, together with the £40,000 to be derived from licences on the small vehicles during the next financial year will go to the Road Authority."

Now, Mr. Deputy Speaker, gas oil, or light diesel as it is otherwise called, is used for many industrial purposes, in stationary boilers, for steam raising, water heating in hotels, laundries, hospitals and industrial processing and in respect of the engines of the high-speed type which are used all over the country for generating electric power on farms and in up-country factories, pumps, cotton ginneries, tea, coffee and sisal factories. The result of this diesel oil tax, and here, perhaps, Mr. Deputy Speaker, I ought to declare an interest as being connected in some measure with this type of product, and the examples are that we have already heard of hospitals, or one hospital, and there I am told that it concerns some 9,000 gallons per month, and the additional is likely to be £5,000 a year. In the two leading hotels in Kenya, that are burning this fuel in boilers, there is another £5,000 a year. It also affects the Veterinary Department at their new research institute, where

[Mr. Alexander]

they use two boilers on gas oil, and it is likely to cost them £2,000 a year. The Kenya Police and the East African Posts and Telecommunications Administration use a small number of diesel generating sets, and lastly, and this, I think, is the worst one of all, because it directly concerns the farmer, is that this will adversely affect the Kenya Co-operative Creameries. Now, what on earth, Mr. Deputy Speaker, all these examples have got to do with roads I do not know, and I do not think it was ever the intention of the Minister that stationary engines and boilers and the like that never go near the roads should have an imposition upon them to pay for the roads. It does not happen in the United Kingdom. Gas oil for industrial uses is exempted from this type of tax in the United Kingdom, and I hope when the Minister replies he will be able to tell us that that is the intention here.

The Secretary to the Treasury, when answering the hon. Member for Kiambu, did I believe enter into a complete misunderstanding. What he said, and I quote, was, "The hon. Member for Kiambu even renewed his old idea that I thought had been very faithfully dealt with in a debate about a year ago, that an Economy Committee should be appointed. Hon. Members do have the full opportunity of challenging both the policy and details of our Estimates." Mr. Deputy Speaker, he has completely missed the point, and I fear that Government are continually missing the point of this question that was so ably raised by the Member for Kiambu nearly two years ago in a Motion that he proposed. What it is that we are wanting is not to be told how much money has been saved, although we welcome that, but what we want under this particular heading is to know that we have got money's worth, that for every Sh. 20 spent we have £1 of value, and the only way to do that is by a management or an efficiency audit to check on human effort and labour time. It is interesting that the wisdom of the Member for Kiambu some two years ago has now been confirmed by no less a person than the Deputy Prime Minister of the United Kingdom, Mr. Butler, and the *Economist* of 16th April, page 233, says this, if I may quote, with your permission Mr. Deputy Speaker, two short extracts. "It now seems likely that the Government is ready to risk quite an important constitutional innovation in its attempt to meet Tory complaints about the lack of parliamentary control over expenditure. The Government is now thinking of exposing both its Ministers and their senior advisers to an ordeal before either a new Committee on National Expenditure or an expanded and reinforced Select Committee on Estimates. This apparently is what Mr. Butler

had in mind when he made his curious reference to 'administrative policy as a legitimate new field for M.P.s' enquiries'. Ministers are theoretically supposed to decide policy and civil servants to conduct administration." That is what the hon. Member for Kiambu was trying to drive into the heads of Government some two years ago.

On this theme, it is in this particular respect that I believe that the glaring example before this House went wrong, and I refer to the Supplies and Transport Department, and the administrative policy in connexion therewith which was considered by a Committee under the Chairmanship of the Minister for Finance who recommended that it should be amalgamated with the Ministry of Works, and that particular recommendation never really got to the Council of Ministers. We in this House should have had an opportunity, and there should be an automatic system, for dealing with that type of shortcoming in the Government.

Mr. Deputy Speaker, I am disappointed that the Minister has not been able to meet us with some concession to owner-occupiers of their own houses. Perhaps he could explain when he replies why there are concessions in favour of those who invest in life assurance, why there are concessions to those who invest in tax-free bonds; those concessions have no financial policy, Mr. Deputy Speaker, but they are purely a political device, and very wise, we have no objection whatsoever, but why should the owner-occupier be penalized against these types of investors. Owner-occupiers are, I believe, the greatest stability to any country, certainly greater than those who invest in life insurance or tax-free bonds, and I would commend to the Minister that he gives this very serious consideration.

Finally, Mr. Deputy Speaker, some ten days ago there were two very excellent speeches in this House that established quite clearly the nature of the agreement in the recent constitutional talks. The first move from that agreement has happened, namely that three African Constituency Elected Members have now joined the Government. I believe, Mr. Deputy Speaker, that it is now for all Kenyans to move wisely and carefully to our independence, and I say our independence deliberately, because what we are seeking is not the independence of any particular section or race in Kenya. It is not African independence, or Asian, or European independence, it is our independence. Mr. Deputy Speaker, as Kenyans, and the sooner we realize that, the sooner we will come to it wisely and surely. Meantime we need to reject all the false prophets in our midst. There are leaders in each community at this moment creating false hopes and creating false expectations. We must reject them, because

[Mr. Alexander]

if we do not, and if we do not answer them soon, the last state will be worse than the first in that the disillusionment will be embittered. I do pray that the leaders of all communities will cease preaching this gospel of false hope in Kenya and get down to the reality that faces us.

Mr. Deputy Speaker, the focus is on Kenya; the world focus is on Kenya and it has been so for a long time, and we are inclined to regard it as an irritation, whereas in fact I believe we should regard it with pride because what is happening is that Kenya is supplying the answer in human relationships to the whole world and that is why the world is looking at us. When we have sorted this one, and when we are finally free, we have got the bigger task of freeing Britain because Britain today suffers from the inhibitions of pressures; principles have really ceased to matter in their thinking.

Mr. Deputy Speaker, I beg to support.

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Deputy Speaker, Sir, I shall be very brief. I shall be brief because very soon in this House there will be a debate on my Ministry's Estimates and today I just want to make one or two observations regarding the question of economic confidence in Kenya as well as one or two points that were raised by my hon. friend the Member for the Nairobi Area.

The Minister for Finance in his speech referred to certain allegations of lack of confidence and outflow of capital from Kenya. He did reassure us that on the overall position there was not so much lack of confidence in Kenya as that the outflow of capital was more or less comparatively negligible. I think that it is important for me to stress that in the short time during which I have been Minister for Commerce and Industry I have been particularly impressed by the somewhat optimistic attitude that I find among the many representatives of the industry who visit my office quite often. Confidence is not something that can be taken for granted but it is something we must work continually for, and this means that the various statements we make in this House or on political platforms will have a direct effect on whether or not the intending investors will come to this country. I would like to say, for example, that some people who seem to be more interested in creating doubts about Kenya rather than creating confidence in Kenya are the people who have mistaken the words uttered by my colleague the Minister for Defence recently when he talked about the signs of the resurrection of the *Mau Mau* spirit, and some people have taken that as another way of creating doubt as to what is going to happen in Kenya and to a certain extent seek-

ing to increase fears about this country and raising doubt as to whether there will be stability in this country. I am glad to say that the area referred to by my colleague, the Minister for Defence, was largely confined to the Central Province area and I can tell this House, not by guesswork but from clear observations as I have been spending quite a lot of time in the Central Province recently, that the majority of the people in those areas are just as much against anything that could endanger the security of this country, or any thing that could bring instability to this country, as the Members in this House, and the various signs that my colleagues referred to, the signs of perhaps somebody seeking to be rich in a hurry by giving some oaths to the people, the people of that type, or the behaviour that was described, must not be used either by Members of this House or by the politicians elsewhere as a way of saying that Kenya is now about to enter another crisis. Kenya is not about to face another crisis in regard to security. What was said was that these things were happening and that the Government was aware of them and that the Government was determined to see that security and stability continue. I have to say that because some of the visitors to my Ministry recently have brought this question to me, wondering whether they should change their attitude, wondering whether the stability and confidence we have promised them are being endangered by what was described in this House, but this actually means that somebody did misunderstand the intentions of the Minister for Defence by seeking to magnify what he simply gave us as a factual record. Those who think these things might have seen a motion which was passed unanimously by thousands of people in the Fort Hall District, and referred to elsewhere, which was, "That this meeting condemns all crimes of violence and oath-taking and categorically dissociates itself from anyone who might do anything that might lead to an outbreak of violence." This motion was fully accepted, Sir, by some thousands of people in the district, and it is this kind of positive attitude of trying to do something positive that will still the country instead of the negative ways otherwise. I will also say that the African Elected Members, with whom I have been associated and am still associated with, have repeatedly said that the changes they will bring about in this country will be brought about using constitutional and peaceful methods. They, being the leaders of their communities, as we all are—

Sir Charles Markham: Civil disobedience?

The Minister for Commerce and Industry (Dr. Kiatio): Now, Mr. Deputy Speaker, a question is being raised about civil disobedience. I do hope

[The Minister for Commerce and Industry] that the Member for Ukamba will raise that question with the proper person, who unfortunately is not in the House today.

Sir Charles Markham: Who is that?

The Minister for Commerce and Industry (Dr. Kiatio): I will say that we have nothing to fear, that we will achieve what we aim at through the legal and peaceful methods. In my short time as Minister for Commerce and Industry I have actually seen much desire on the part of investors, both foreign and local, to participate in the building up of the economy and to have the Africans taking an increasing part in that process. It is therefore up to us to demonstrate by our attitude and action that we will make this process possible and indeed that we shall give encouragement to those who are willing to help us increase the prosperity of the country and raise the standard of living of the people. In so doing, I must point out one thing, that my Ministry is particularly concerned with the efforts of reducing and obliterating commercial malpractices that go on, particularly in the urban areas. As long as a large number of traders participate in such methods, the not really legal and honest methods, then we shall have a difficult time trying to improve the economy of this country. I do ask all the people in this House who are associated with various businessmen and various groups, to put it to them very clearly that with malpractice in this country we cannot do our job of economic development as quickly and as well as we ought to do otherwise.

I also agree with the viewpoints raised by my hon. friend the Member for Nairobi Area. I am sorry he is not in the House. The question he raised was about the growth of local industry and how it is being facilitated. I would agree with him entirely and actually my Ministry is very much interested in increasing local industries and in helping them to expand. He referred to a certain textile industry that seems to have been denied a licence, or something to that effect. In the case of textiles, which the hon. Member for Nairobi Area mentioned, this is scheduled under the Industrial Licensing Ordinance. The East African Industrial Council is an East African body and it is this Council in which all the territories are represented and it is this Council which decides who to grant the licences to, and also it has defined the various procedures for issuing licences.

The Council's decisions are subject to an appeal to the Industrial Licensing Appeal Tribunal, and these bodies take into account all the relevant factors collected over the scheduled

industries. I hope that will clarify the point he raised in regard to the textile company he has in mind.

Reference was also made to the need for insuring in the economic life of the country that the Africans participate fully. He was concerned about what my Ministry particularly is doing to help the African business class, and particularly from the point of view of facilities for loans. I can confirm that we are doing everything possible to encourage the development of the African commercial class, and when I introduce my Ministry's Estimates later this week, or early next week—I think it will be later this week—I shall give to the hon. Members details of schemes now in operation, and others which are being proposed and designed to assist the Africans to take a fuller share in the economic and industrial life of this country. These schemes contain provisions, not only for loans suitable for individuals, but also for the essential training in commercial matters, and may I say that up to now the I.C.A. loan schemes for African artisans and businessmen and industrialists have been operating mainly in the rural areas, and I am pleased to say that action is now being taken to extend the facilities of these loan schemes to all the African people in the urban areas as well.

Now, my hon. friend also referred to the impression he had gained about the staff of the Nairobi Airport. He felt that Africans were being barred from the more functional and responsible positions in the Airport, and were being made to do the job of carrying the baggage. I can say that there is no question of a person of any race being barred from any particular job, provided that he has the necessary ability and qualifications and experience, and as hon. Members are aware, the Civil Service Commission is responsible for making appointments in the Civil Service, and it is open to anyone who feels that he is qualified to apply, to apply for the particular job that may be advertised.

On the general question of the increase of employment of Africans in the Civil Service in commerce and in industry, there are, in fact, very welcome indications that the African is going to be taking an increasingly more and more important part as his experience and qualifications improve, and I know that everybody wishes to continue in this process of putting Africans into more and more responsible positions, not only in the Civil Service, but also in business. My Ministry is definitely interested in seeing this developed, but I must continue to point out that the Civil Service Commission is the one that actually does the handling of the Civil Service employment.

[The Minister for Commerce and Industry]

Now, my hon. friend, the Member for Mombasa Area, had a question about restrictions on cement, and I will give him the details about this when I introduce my Ministry's Estimates, and all I can say now, is that these restrictions have proved to be essential to protect valuable local industry. Prices of locally manufactured cement are truly competitive with any normal supplies from overseas. Further details will be available to him, and I would therefore end by saying that although many questions are still flying in the political atmosphere of Kenya, and although many statements have been uttered and printed by various people who do not seem to want to help us give confidence in this country, my Ministry states that in the Kenya of next year and the Kenya of later this year, we shall be prosperous, as I have observed through increasing investment of capital both by local industries and by prospective investors, and those already making investigations, and that unless anything drastic and unforeseen happens the future is happy.

Mr. Farah (Nominated Member): Mr. Deputy Speaker, my first points are as follows. It needs constant repetition that the Northern Province is different in many ways from Kenya. The Northern Province suffers from a lack of publicity and understanding. Perhaps the Northern Province is not facing in the same way as Kenya. This still remains true, but as the Northern Province is not a properly integrated part of Kenya, it differs in climate, tribes, economy, religion and has much in common with adjacent territories. So, it is wise to ascertain what the majority would favour. We want to avoid the real danger of violence by finding out the wishes of people, which should be respected when the time comes to end the Colonial period in the Northern Province. Why not have a Commission of Enquiry to consider its future? It would be better now than in circumstances of possible civil disturbance in future.

Sir, the feelings of the Somalis in Kenya should be found out so that they will appreciate their status. They are an important section of the people of Kenya, and they contribute a great deal towards its economic development.

Sir, my second point is the principal gap between the Northern Province and the rest of Kenya in its way of life—nomadic people—dependent on stock—only a small minority of town-dwellers—life precarious and hard, owing to the chronic shortage of water resources and good pasture, and allied problems are rotational grazing, stock health and breed improvement. It all costs money, and the people of the Northern

Province feel that the rest of Kenya are more vociferous and they get more money for development. Northern Province development has been very considerable in the last five years, but it is still not enough.

At the present rate the country will not compare favourably with the rest of Kenya. It is vital to inject more development money at once. Of £5,000,000 promised by the United Kingdom for Kenya development, at least £1,000,000 should be the fair share for the Northern Province. Other needs are: (1) better roads to all-weather standards, since the whole of the Northern Province traffic comes to a standstill during the rains to the great loss in terms of trade. My failure to attend the House in recent weeks was partly due to the fact that it was impossible to get out of Moyale by road. (2) Improved facilities for the sale of stock. The African Livestock Marketing Organization is unpopular as a Government monopoly. It is appreciated that veterinary control of stock movement is necessary to prevent disease spreading, but why cannot people take their own stock from the Northern Province to the Central Province to sell there under veterinary supervision to any buyer that offers? Why is the African Livestock Marketing Organization the middle man? Why must Garissa sellers sell to the Kenya Meat Commission middle man and not to direct purchasers? (3) Education. There is no secondary school, only two intermediates, and education must be forced if the Northern Province is to compete in a changing world.

Mr. Deputy Speaker. I beg to support.

Mr. Odinga: Mr. Deputy Speaker, Sir, I was not present when the Minister delivered his speech and, therefore, unfortunately I will not be able to join the chorus of those who have thanked him for a clear speech. But I would say that I trust what they said might have been correct and, therefore, I will also not contend with it. Mr. Deputy Speaker, before, I have studied the previous HANSARDS and I have found that in all those Budget speeches made previously they only lightly touched on African affairs as a rule. As one of the African representatives of the African people in this Council I could not find myself one of the parties to support the present Budget speech. I do feel that it has touched the issue very, very lightly about African affairs and I think, in the course of my speech, I will enlarge on that.

But, before I do that, Mr. Deputy Speaker, I will deal with one of the allegations which was made by one of the Ministers here about our repetition each time. You will remember that when we were talking about the extension of the

[Mr. Odinga]

sittings here many people felt very strongly that it was not necessary. Well, one of the Ministers mentioned that he does not see why the time should not be altered, because every year we repeat every now and then the same thing. But I do not understand what he would like us to do if he does not like us to repeat. If what we say this year, and then next year we find it is just still where it was, what else would he expect us to do—as representatives of the people, but to go on pressing for it. The people asked "What about this: did you put it before the Government", and you find you already talked about it last year and this year nothing has been done about it, or nothing has been mentioned. You must go on repeating and insisting on it until something is done.

For example, Mr. Deputy Speaker, here if I could just take a few examples. I have most emphatically in this Council here repeated many times that in my area the people have asked for a district hospital in Central Nyanza ever since 1925, and they keep on repeating it and repeating it. Why should I not go on repeating it each year? Probably the Minister has not been able to listen to me or understand me.

Now another thing—about the secondary schools in that part of the world, too. They have asked for all those years about the Government secondary schools in Central Nyanza, and each time they shout about it, it is built in another area and not in Central Nyanza. Why should I not go on repeating that until it is done.

Now, Mr. Deputy Speaker, there are so many. I could also say the fisheries in Lake Victoria. What about that? Recently, I heard that the restrictions are being lifted. The East Africa High Commission have decided to disband that and now I hear that Kenya is trying to strengthen their side of this at the controlling lake and if that goes on why should I get tired of repeating it each year and moving Motions if I can.

Now, Mr. Deputy Speaker, there are so many and I will not enumerate all of them, because I think my time is limited, and I have other very important matters to deal with.

Now I will again, Mr. Deputy Speaker, mention something which was raised by one of my colleagues on this side, the Member for Mombasa Area, about the protection of local industries. Well, the reason advanced by the Minister in the course of his speech is that he wanted to encourage the local industries to thrive. That was the main justification for the imposition of some of the higher rates on the imported goods. But I should say that exactly in the same manner, we have raised here many

arguments about the African. What about the Africans themselves? If we protect the local industries we are protecting the local industries because they are young, and they cannot compete equally with those factories, or those industries, from overseas. Well, if that is the case, or that is the reason, when it comes to the side of the Africans, we always stress here that the Africans are all just springing up, either into the business world, or into industrial developments. Recently when the Transport Licensing Board was discussed, I think the chairman here said he would not consider the Africans differently from the other races. That all the applicants will be considered equally. Well, if the local industries, which are owned by those who claim to be efficient, those who claim to be able to carry on with it. If they actually still need to be protected from competition from overseas, why not the ordinary African here? Why not the Africans who are now coming up into the business world, who is coming to compete with those who are already established in the business world? Why should he not be protected? Why should he not be given special consideration when he requests it? And that, Mr. Deputy Speaker, is why I said that the African case is taken very, very lightly in this House. I am sure that if the chairman of the Transport Licensing Board wanted really to help the African I am sure he will help the African. The African must be given special consideration because the other people have already been in that business for some years, and they are better able to defend themselves than the African.

Now, Mr. Deputy Speaker, I will again raise one or two questions which will illustrate to the Minister for Finance my reasons for taking very, very seriously that he does not bother to go deeply into the African problems, or into the African affairs, and try to get a solution for them. Here is one of them, where he has stated very clearly that, and I will just quote it in his own words. "The most remarkable expansion has been in the sphere of peasant farming, where the moneys so far spent on the Swynnerton Plan are now coming to fruition, and where we are really beginning to reap the benefits of land consolidation and farm rearing." Now, Mr. Deputy Speaker, can I not planing." Now, Mr. Deputy Speaker, is it take that to be just a piece of propaganda. Is it not a fact that the policy the Government is trying to defend here is the policy which they have put into the field, and have tried to use a piece of propaganda to defend themselves in the eyes of the world? If we could say the land consolidation is not some years back—it is about a year or two old—and in only a few areas in the whole of the Colony, and even in those areas there are many, many complicated problems

[Mr. Odings]

which go with land consolidation have not even been settled 25 per cent. How could one boast of having settled it and now reaping the benefit?

Now, again to give the African farmer another discriminating name which is different from the other farmers and that an African farmer is called the "peasant farmer". I think that is a word that is discriminating, and minimizes the importance of the African agriculture in the eyes of the country and even in the eyes of the world. To make it look something which does not really matter at all. It is worthless. It is something that can just be touched on lightly. And so to call it peasant planning and deputing the produce from the African farmers, and you take the aggregate of it compared with the farming products from the other areas, I am sure you will find it to be many, many times bigger than the produce from other areas, and as such why should it be given a different name from the other farming. By giving it a different name you clean it up a bit in the department and you create also some people to deal with it differently from the other farming areas.

And here is another one to quote Mr. Deputy Speaker again. It is said here, and I will quote it word for word: "Government invests very large sums in peasant agriculture. All this investment must be continued if the income per head is to grow at a satisfactory rate, and to result in a national income which will permit us to have those conventional necessities which do not mean cigarettes and beer, but schools, hospitals, roads and other assets to future growth and amenities for the wellbeing of the community." Mr. Deputy Speaker, the Government invests very large sums in peasant agriculture in this country, and I wonder whether that is true. I wonder whether there is an African in this House who will support the Government in saying that they invest large sums in African agriculture, and if there is, I am sure I will come back to the Minister to put it in black and white to us today and tell us exactly how much it is which is going to peasant agriculture which is much more than going to other kinds of agriculture.

Now without labouring so much on that, Mr. Deputy Speaker, because I mean to make my speech really very short—I do not want to make it long unnecessarily—I will turn to the statement made here by the Minister for Internal Security and Defence. The Minister when replying to the debate last week made some statements which I thought were so strictly correct, and they need some comment. If I could just quote a passage of his speech; he said that:—"There has been a revival of the spirit of *Mau Mau*, not by speakers

on the platforms of public meetings, but by thugs and trained choirs who sing *Mau Mau* songs." This, Mr. Deputy Speaker, really defeats me. If the *Mau Mau* spirit could be revived by the thugs and thieves, and I should say that the thugs and thieves in Kenya are not anything different from thugs and thieves in Europe, in Asia or even in America. I am sure that thugs and thieves are the same all over. They are thieves, they are stealing, all that they go in for is more or less the same. Why the thugs and thieves in Kenya should be so different, I should think, having the spirit of *Mau Mau*, that really defeats me. Again, it is said that there are some trained choirs who are singing the *Mau Mau* songs, I do not understand that. It has never been explained to me what are the *Mau Mau* songs.

An hon. Member: You ask the Kikuyu.

Mr. Odings: Ask who?

An hon. Member: The Kikuyu.

Mr. Odings: Well, ask, the Kikuyu. I think the man who has said it here is the one who should be answering. He is the one who knows it. The Kikuyu have never said what are the *Mau Mau* songs. It is the man who said it here, who knows them, who should explain them to us, and should put them in black and white for us to know.

An hon. Member: Yes, for you to sing!

Mr. Odings: Yes, if I find it is a sweet song for me to sing, why in singing, you can never control my mind.

An hon. Member: Hear! Hear!

Mr. Odings: You can never control it, and I would like these things to be clarified quite clearly, because these things when they go to the countries overseas then people there think they are big and important and they see substance behind them, whereas in actual fact they are just made up stories to justify the feelings of some people, which is very pitiful indeed, and I would repeat that it is something which should not come from the mouth of a very, very important and responsible man.

Again, if I go on, I shall put it again. "We have been unable to find any political significance in these crimes of violence. There are signs of personal strife in particular cases, and in general terms I think we can say that they are crimes carried out by thugs."

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

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

If they have not been able to find any political significance in these crimes of violence, then I

[Mr. Odings]

do not know how it should be said that there is a revival of the *Mau Mau* spirit in the country.

Now, Mr. Deputy Speaker, I once said here that if the Africans who are now being detained need to be "rehabilitated" that it is time also we say that there are also among our Ministers some of them who need rehabilitation from *Mau Mau* thoughts and *Mau Mau* ideas, because so long as we keep ourselves all the time *Mau Mau* conscious—and even long after the cessation of *Mau Mau* ideas into the minds of the people, you still find some people trying to revive the idea. They try to revive the idea in the minds of the people. You will never actually get this thing out.

The Minister for Legal Affairs (Mr. Griffith-Jones): Not on the Government side.

Mr. Odings: It is the Government side who are trying to make it, and I am coming to what you have in your mind. I am coming to it.

Now, Mr. Deputy Speaker, I will now come to the thorny question to some people which was made by His Excellency the Governor just yesterday. I have here the Governor's speech yesterday, and I will not deal with that speech, but I will only quote some very important parts, where he refers us to some warnings and advices. There is a place where he says, "I have been here long enough to know that without such co-operation Kenya will not become a modern and developing nation, but will split up into opposing tribes again and either stagnate with a threatened return to savagery or be subjected to the fears and intimidation of a dictatorship". There, Mr. Deputy Speaker, I would definitely say that His Excellency the Governor and the Government in general should understand that we, as African people, we are adult and we are mature. We have been to so many parts of the world and those people you referred to have lived in Europe for the last 18 years, and it is for them to decide what type of civilization they are going to pursue. I do not think that it is the worry or the problem of anybody to come and tell them or decide for them, what type of lives they are going to lead in their own country. The lives which will be led by the Africans in Kenya will be decided by the Africans themselves. They have experienced life all over the world. They have seen all those, and if they like to accept those they will do so. If they do not like to accept it, if they feel that savagery is the most fitting thing for them they will decide on it.

The Chief Secretary (Mr. Coutts): Shame!

Mr. Odings: If they feel — Well, from what you tell me yourself, your savagery probably is

not savagery to me and therefore you will stay the same and on my side our thinking is probably diametrically opposed. Such might well be so.

The Minister for Legal Affairs (Mr. Griffith-Jones): God willing it is.

Mr. Odings: And therefore it would not be for anybody, and I would like to say that it is not polite for somebody to call my own way of life, and how I look at life to be savagery, because if you call it savagery, I may also just think the same of you.

Mr. Deputy Speaker, I would also like to quote a little bit. This word I am just quoting which His Excellency the Governor said to be the main reason for his not releasing Kenya: "In the decision—which was his own—not to release Kenya, politics was not his concern. His concern was security and a full stop to the use of violence and witchcraft, and intimidation for political or any other ends. The campaign for Kenya's release was inflaming old antagonisms and increasing the security reason for continued restriction." I think this is directly the opposite of what I think.

An hon. Member: So what!

Mr. Odings: What I am expressing is not my own personal opinion, and as a representative of the African people, and a man who has laboured and participated in so many public places and social gatherings of the African people, I will only say, only represent the considered opinion of the African people in this country. With the African people in this country if you allow me to say so, the arrest and detention and imprisonment of Jomo Kenyatta has caused a deep wound into the hearts of the African people which will never, never be healed until he is back among the African people. And that I will repeat many, many times, as I have already repeated it here many times, and no one seems to listen to me. Many times, and no one seems to listen to me. I know that the time will come when things will be frustrated and things will go to confusion and I shall be taken to be the guilty man and I shall also be charged as Jomo Kenyatta was charged, and I shall be taken to be the victim of it. The time is coming for it. Now I am warning people, and then later on when things become worse, I will be taken to be the victim. Jomo Kenyatta was also taken just exactly in the same manner. He kept on reminding people of all these problems in Kenya. He kept on year after year, year after year doing it, and when things came to the worst, then he was arrested and now he is taken to be the worst man that ever lived. I do not agree with His Excellency the Governor to think that this question is not political. It is real politics in Kenya, and I am

[Mr. Odinga]

sure that when we were in London after the discussions of the Lancaster House agreement we put it plainly before the Colonial Secretary and before the Governor that having accepted the constitution the next question to be urgently considered and decided upon immediately is the question of the release of Jomo Kenyatta and all those detained Africans. Without his release and the release of all those people this agreement is not complete. We made that not only once. Many times we made it, and I am sure that last year when I led the delegation where I had also some of my Asian friends with me, we had only two things to put before the Colonial Secretary. That was the round table conference and the release of Jomo Kenyatta, and in all these meetings with the Colonial Secretary each time he told us that the question of his release was for the Governor, and the people of Kenya, which means that the British Government there have nothing actually against Jomo Kenyatta or to stand in Jomo Kenyatta's place, but there is someone who holds strong grudges against Jomo Kenyatta in this country. And he is the one who is making it very, very difficult for himself to live in this country and that is the man I am warning and that is the man I am requesting to reconsider his position.

We have said many times that it is no use holding grudges; grudges will help nobody in this country. It is better that we forget the past and I am glad His Excellency the Governor also has said, "Let us forget the past; let us start all over again." We know that many people hold various grudges: I hold some very, very strongly and in my opinion I hold very, very strongly that Jomo Kenyatta is innocent. And there are so many people on that side who hold very, very strongly also that Jomo Kenyatta is guilty and evil and a very bad man. But I am asking these people that what will help us in this dilemma is that Jomo Kenyatta and all those people should be released and let us forget the past. Let us all leave those people. Even I, I should no longer hold any grudges against anybody. I should not actually keep that grudge within me. But these people also on their part should also forget the past and let Jomo Kenyatta and all those people come back. And I maintain—and I know that all Africans in this country, although some people say that there are many of them who will go against Jomo Kenyatta, who do not like Jomo Kenyatta, they do not want him to come back—well, I think that they are hiding behind all those reasons but they are very lame reasons. I know that the Africans and the large majority of Africans who are in this country all want Jomo

Kenyatta back. They want him to come back to lead them to independence.

Now, Mr. Deputy Speaker, I will just quote one paragraph only of His Excellency's speech where there is actual advice to me of what I should do. "The door was not shut. There was one clear way for the people who led the release campaign—to work actively as many leaders were doing, to bring to an end the divisions and personal fears among the Kikuyu peoples and other people in Kenya and to produce an atmosphere of stable political achievement on the Lancaster House pattern." Well, Mr. Deputy Speaker, here again I am told that we should alleviate the fears of some other people among the Kikuyus and we have got here as Minister for Commerce and Industry Dr. Kiiano who has stood plainly outside here and said that those who voted him into the Legislative Council were all those loyalists.

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

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

They were all loyalists, people with loyalists' certificates in the Central Province, and I am sure that even next time many of those people who will come here will be voted by those people and he, Dr. Kiiano, was the man who was also advocating that Jomo Kenyatta and company should come back.

The Deputy Speaker (Mr. Conroy): I fear, Mr. Odinga, that you have used up your 30 minutes and a little bit more; you are over-running your time.

Mr. Odinga: Oh, I see. All right, thank you very much, Mr. Deputy Speaker. I think I have raised several points and I hope that the Government will reconsider their position.

The Minister without Portfolio (Mr. Madan): Mr. Deputy Speaker, Sir, there is just one point I would like to deal with which was raised by the hon. Member for Nairobi West. He referred to the appointment of the Committee to examine the Transport Licensing Ordinance and asked when the Committee was likely to present their final report. He also mentioned certain costs which are incurred in the transport of goods by road haulage and also certain railway costs and stated that the position was becoming farcical and perhaps this Committee was finding it difficult to come to decisions.

I should like to tell the House, Sir, that this Committee was appointed in November 1958 and after its appointment naturally a period of time

[The Minister without Portfolio]

was given to the public to submit their memoranda and also to notify the Committee whether they wished to give evidence before the Committee. In other words, Sir, the Committee did not start functioning until about the beginning of 1959. In addition to myself it had four distinguished members and I feel happy, Sir, and privileged to be associated with them in this task. They are important people, Sir; they are business executives of considerable standing and they are rendering their service on a voluntary basis in the interests of the country so that the problems of the transport industry may be resolved.

When I was appointed chairman of the Committee, Sir, might I say that I made it my business to try and acquaint myself with this problem, that is, the problem of road/rail competition as it exists in other countries. In so far as my researches into this field extended, I was unable to find any country in the world which has been able to solve or resolve this problem of road/rail competition. There have been commissions on this matter in several countries. They have taken—some of them—much longer than we have and it is no that the Committee finds it difficult to come to decisions. The main difficulty that I find is how to meet—. It is not due to unwillingness on the part of the Committee members or myself. It is not due to lack of co-operation. It is not due to lack of appreciation of the fact that our task is urgent and it requires a speedy a treatment as we can possibly give it. However, there have been intervening factors which have made it impossible for us to proceed more quickly than we have done, Sir. I should like to say that since our appointment we have—speaking from memory—had 23 meetings of this Committee. We have submitted an interim report during August 1959 and it was laid in this House in the form of Sessional Paper No. 2 of 1959/60. Hon. Members will bear in mind that towards the end of last year or the beginning of this year there was the London Constitutional Conference which meant that members were not available for the deliberations of this matter for nearly two months. In addition to that one of the distinguished members of the Committee is away in London, probably on business. Another member has been unable to attend our meetings, I understand, due to personal reasons. But even with this depleted condition the Committee continues to meet. The last meeting of the Committee was held only this morning and we have fixed three other meetings during the next fortnight.

Sir, it would be well to remind the House what are the tasks that have been the concern of this

Committee, I think they can broadly be divided into four parts. The first, of course, is the detailed examination of the Ordinance; secondly, the mechanics of transport licensing; thirdly an examination of the general purposes of this legislation, that is, the Transport Licensing Ordinance; fourthly, a definition or consideration of the definition of the public interest. I think the hon. Member for Nairobi West will agree that that perhaps is the most important part of our task, how to define public interest in the context of road/rail competition so that neither is excluded from fruitful co-operation in this Colony.

The hon. Member, Sir, referred to the total cost of railway operation. He referred to charges of 7 cents per ton-mile and he said, if I understood him rightly, that the railway costs were higher because of administrative expenses and also because of administrative charges. Now, Sir, it is not a part of my capital charges. Now, Sir, it is not a part of my business to defend the Railways' position or the manner in which they operate their Railway system because I feel that I would be abdicating my position as an independent chairman of this Committee were I to do so. I think my duty is to remain impartial in this matter without taking sides, but I would like to say this, Sir, that I think the hon. Member overlooked a very important factor, i.e. the factor of the differential tariff which the Railway administration is expected to operate when fixing its charges. This is brought out in paragraph 9 of the interim report of the Committee which we submitted during the month of August last year. With your permission, I will read a portion of it which states: "The case for protection lies in the fact that the administration is obliged by clause 21 of the East African Railways and Harbours Act to be administered on business principles and so far as it is not inconsistent therewith or with the principles of prudent finance, cheap transport shall be provided by the administration to assist agricultural, mining and industrial development in the territories. It therefore seems to us that the provision of cheap transport for certain industries can only be at the expense of higher average rates for other goods and commodities, and that the Railways administration is particularly vulnerable to road competition in these higher sectors of the rating system." I merely quote that, Sir, to say that that is the case as far as the Railways are concerned.

It is not part of my business here to defend either road transport or the charges or rail transport charges. It may be, Sir, that our country so far has not been able to arrive at a policy decision which would ensure that there is no wasteful competition to which the hon. Member referred quite rightly, if I may say so. I think not only transport interests on both sides, that is the

[The Minister without Portfolio]

Railways and the roads interest, but the interests of the country and the general development of the transport industry which is another factor in the economy of this country, demand that if possible at all wasteful competition between these two sectors of the transport industry should be avoided. He has my whole-hearted support in that wish, but I would like to tell him, Sir, that perhaps he will not see his wish realized until such time as we have a developed system of road transport, until we have people who engage themselves in road transport working in co-operation with others preferably on a co-operative basis and preferably as joint ventures rather than as individual efforts which must, of necessity, introduce an element of wasteful operation as well as wasteful competition. It is up to the people themselves who are engaged in road transport to see that they create conditions in which they will be able to operate more fruitfully the road transport section of the transport industry. But it is, I fear, not likely to happen in the near future because my own feeling in this matter is, having, if I may say so, studied the problem with some close attention, that, I repeat, it is not likely to happen in the near future because we are in a state of emergency as far as the transport industry is concerned. We are at a stage where people are experimenting in the transport field. They are trying to see whether to establish themselves firmly would be a paying proposition in the long run. As against that, Sir, I—

Mr. Alexander (Interjection.)

The Minister without Portfolio (Mr. Madan): Let me finish and then question me. As against that, Sir, I am aware of the existence of well organized large-scale transport companies who are providing an example to others of what should be achieved by people who are interested in this venture, Sir.

I hope the hon. Member is satisfied that the Committee which was appointed to examine the Transport Licencing Ordinance is doing everything possible that it can to expedite the report. But I must say, Sir, that I fear it may not happen for quite some time because although we arrange meetings as often as we can it is not possible to meet often than we do.

Mr. Muliro (Nyanza North): Mr. Deputy Speaker, I am very pleased to be here at least to take part in these mental gymnastics which are very useful during the Budget debate. I find that the Minister for Finance managed to balance his Budget this year and I think that to a very high degree has been balanced at the cost of progress; that is, it has been balanced against the expense

of progress. For I feel that since during the Emergency we were having more and more unbalanced Budgets we should continue with such Budgets because in a young country which goes in for development one normally suffers this disease of an unbalanced Budget. Now, we want more money to be spent on education because it is very clear that the Emergency is over. It is also very clear that Kenya is moving towards her independence and therefore more money should be spent on equipping Kenya citizens for their responsible roles which they have to play in the future. This is the reason why I say, Mr. Deputy Speaker, that we would have rather liked an unbalanced Budget rather than the balanced one we got from the Minister for Finance.

One sore point is this question of direct taxation. I think the Minister would have done very well to raise a few taxes on some of these consumer goods and various commodities of indirect taxation, rather than continuing with this direct taxation. I feel we should try as much as possible to avoid direct taxation.

The Africans, especially in the lower income group, are suffering more and more as a result of direct taxation, and this year, in fact, nothing has been done to alleviate it. I find that the Africans in the lower income groups who are paying Sh. 20 still, many of them, go to prison because they are unable to pay the money. I have said time and time again at Budget speeches in this Council that it is no good putting people into prison who are unable to pay their taxes. The best thing is to leave them out, because when they go to prison what happens is that the money which is for the various developments is used to feed prisoners in gaol who actually have no money to pay the taxes. If these persons were not in prison they would have been able to feed themselves.

Another point that I would like to raise again, Mr. Deputy Speaker, is on this tax on diesel. I do not know how the Treasury is going to tax these people who own tractors or who use diesel oil, and I do not know how they are going to prove that the diesel was used for farming purposes. This is one of the most silly aspects of the whole case. I do not know how they are going to have inspectors to go round the various farms to find out whether that was used for farming purposes or whether it was used for purposes of running cars. I would have thought that to tax a person purely on a utility basis is one of the bad principles which would never have been applied.

Now, when I look at the Budget and the amounts which are going to be spent on education, I find that amount is most inadequate. I

[Mr. Muliro]

have said in this Council before that keeping the Northern Frontier Province of Kenya and the Masai areas, and the Samburu, and various areas like that, backward educationally is a serious menace to this country; to keep a portion of Kenya as a human zoo for the American tourists can never be the best solution for Kenya's problems and, therefore, I should urge the Government that education should be one of the priorities and particularly in those parts of Kenya which are more backward, more concentration should be placed on those areas. I would have thought that more money should be devoted to education, particularly for people in the Northern Frontier Province and people in the Masai districts and also some parts of the Samburu and various parts of the Coast Province where people do not think about going to school at all. This is raising a most serious issue indeed. We are all looking forward to the day when Kenya is going to be independent. But this lopsided development of Kenya by developing certain areas while others remain more backward is going to be a serious risk to the independent Kenya. Therefore, this is the time for the Kenya Government to re-think seriously and take more interest in these areas than they have done in the past. Well, the Minister for Education or the Director of Education will probably tell us that these people do not want to go to school. But I do not think that this is right and good. Build the schools and use whatever methods you can use in these areas to induce these people to go to school. After all, many of them want to go to school, but there are no schools for them. You have not got schools in the Masai areas or the Northern Frontier Province, which are empty, to show that these people do not want to go to school. Now, this, Sir, I regard as one of the most urgent problems for Kenya, and unless we work now very seriously we are going to find it very difficult in the future. I know the mind of the Government is much more backward than probably the minds of the ordinary politicians. We feel that Kenya is becoming independent more rapidly than the Government thinks. Therefore, the Government must move as fast as we are moving.

On higher education, Sir, more loans should be given to Kenya children to go overseas and be trained to get ready to take over this Government. I know countries which depend very much on expatriate civil servants are suffering a loss. They are paying a lot of money for these expatriate civil servants, and we do not want Kenya to face the same position. We have sufficient young people for this country, men and women, who could be useful citizens of Kenya and take over our Civil Service when some of

these experienced expatriate staff go back to Britain or decide to remain in Kenya.

Another question I would like to raise, Mr. Deputy Speaker, is the administration of people in prison. We find it very difficult to detain anyone in prison. Mr. Odinga said today that some of the Ministers should be rehabilitated and I think that that should be carried out. I know that there are some of the Ministers in the Government there who could do with a little bit of mental adjustment. When we look at the Africans who are in detention camps; when we look at the African leaders who are now detained and at the pittance of an allowance that is given to them; when we see this, the African cannot help but say that whatever is given to these people probably is calculated to ruin their health. In Uganda they are given £60; in Kenya it is £6; this is ten times less. These people should be released. When I think of my own countrymen I think of Eliza Kasinde. This man was detained in 1948. He has been in detention ever since that time up to now. For 12 years he has been in detention. Why I ask the Kenya Government? They will tell me that this man is a lunatic. Why, if the man is a lunatic, should he be in a detention camp? I think the place for him should be Mathari. Why should he be thrown in the Northern Frontier Province, when actually he ought to be undergoing treatment at Mathari? That convinces me that this man is not a lunatic, and I am urging the Government of Kenya that they should let me take the complete responsibility of the future of this man. Let him be brought back to the district, and if he goes out of control, please blame me for it. Next time I will go to the detention camp in his place. But let him come back. Twelve years in the Northern Province is not a joke. The Ministers say that Kasinde is a lunatic. Bring him—either you bring him back to Mathari for medical treatment or allow him to come home, and then hold me responsible. I am saying that responsibility as the leader of my people. Hold me responsible, but let him come back, because it is most unfair for someone to be in detention, Sir, on flimsy excuses that he is a mental case, especially when he is not having any treatment at all.

On the issue of Jomo Kenyatta and the other detainees of *Mau Mau* the whole question has been made clear today by the Governor. I find that this has been a most unfortunate statement. The Government must be more realistic. Everybody in this country wants peace; everybody in this country wants security. You want economic stability but you will never have economic stability without political stability, and I cannot see how you can have political stability when Kenyatta is further detained. Let us have Ken-

[Mr. Muliro]—The Government people may argue jatta back. The Government people may argue that they are keeping Kenyatta away for his own safety—“If he comes back people will murder him.” They will say that. All right, you say that Kenyatta is a most brutal man. All right, if he comes back the people will finish him, if you are afraid. After all, you do not like him, and if you do not like him let the people finish him. But I am telling you this, that Kenyatta can never be murdered by his people, and the Government is doing more serious harm to the future of Kenya than good by detaining him further. I have known cases in history, and I have said in this House before, Mr. Deputy Speaker, that Archbishop Makarios, the organizer of violence in Cyprus, a known terrorist, has been the key man in the solution of Cyprus. Why does the same Government, the same British mind, very ingenious as they are, who use Makarios and who now use Dr. Banda, why do they not use Mr. Kenyatta.

Now, I say that any further detention of Jomo Kenyatta is not going to bring the harmony and the prosperity in Kenya that everyone in Kenya looks for. On this I want to make my position very clear, as the leader of my party, that the African Elected Members have made it very clear that we will never go in for violence, and I will repeat it here, that we are not going in for violence, because what I know is that actually violence breeds violence. The British Government and the Kenya Government have been very violent in the last eight years during the Emergency. The Africans in this country are ready for independence, they are ready to govern this country and do not want to be delayed by violence. On this I am very convinced, Mr. Deputy Speaker, that we will do all that we can not to see any more violence in this country, because I believe that violence which will delay us will not be of any good for this country, and also I would like to say something about local government.

The Minister for Local Government has spoken about the achievements of African district councils but not at the rate we want. He passed a Motion in this Council that all or many African district councils are going to have African chairmen. But as yet up to now there are only two district councils with African chairmen. I do not know whether the rest of Kenya is so backward that actually there are no Africans in those areas to be chairmen of their district councils. I should urge him that all district councils should be real local organizations, and that the Africans should be allowed to occupy the chairs and here I want to put the Minister for Local Government to task. I have just received information from my

constituents; an old man came here who was put in the cell for three days because he said *Uhuru!* to someone. And the President of the African Court is the practical man for the business. This man was put into a cell for three days and when he went before a magistrate he said that he would have nothing to do with it and there was nothing wrong. I think the Minister must give instructions to some of these civil servants of his to know that greeting someone with *Uhuru* is not bad. After all, why should someone be put into a cell for three days?

Then the African District Council of Elgon Nyanza just now, many people are screaming because the African District Council has said “You pay your poll tax up to some date in April and after that there will be penalties imposed. Now there are penalties imposed on the African District Council rates, but the Government rate is only getting penalties in June. This is worrying many people, yes, it is very serious. Well, we are not worried whether it is an African chairman or not, it is your responsibility, you are the Government. I am not worried whether the chairman started it off or not, the thing is that people should not be penalized on local rates at least in this discriminatory manner as these people are being discriminated against.

Now, let me come to the Ministry of Agriculture. Now, this Ministry of Agriculture is one of the chief industries of Kenya. The future well-being of the whole Government of Kenya depends very much on this Ministry and if therefore the Minister for Agriculture should make more experiments in cash crops everywhere in Kenya. I say this because a great proportion of those crops could be grown. In my own district—North Nyanza—there are areas where they have planted a certain type of coffee, agricultural officers have refused people who have after planting the coffee nurseries permission to have more than 50 trees and no more. But what we should bear in mind, Sir, is that unless we can intensify agricultural production this country is not going to have the money for the necessary development and therefore the Minister for Agriculture must crack his head, his marketing organizations must work hard and see that new markets are discovered. When I was in Israel I could see that we could send some of our goods there, and we could at least export Kenya pork to Ethiopia, the next station to here, why do we not do that? When I was in Ghana I found that they import food products from South Africa and yet the Minister says, “Oh, we have to find markets for our products.” If South Africa is finding markets in spite of the fact that they do not want South African goods because of their politics, why do not we, with our clean hands, tackle that market?

[Mr. Muliro]—So I would advise the Minister for Agriculture to work on these lines and see what he can do.

Another thing, Mr. Deputy Speaker, is for the Minister for Commerce and Industry who is not here. I think we should aim at opening up more industries to create work in Kenya. There are certain goods which are imported in a finished form from Britain and I think the Kenya Government should aim at inducing some of these industries from Britain to come and establish their industries in Kenya here, so that they get our labour employed. It would be much better if the goods could be manufactured in Kenya here. For instance, the cotton textile industries which are in Britain; cotton is from Uganda, why do we not have the industries in Kenya to take cotton from Uganda in order to get our people employed. If we can do this our solution of unemployment is not impossible. As long as our streets in Nairobi, Mombasa, Nakuru, Eldoret and Kisumu are crowded with unemployed, our social problems will never be solved because those who are running about the streets want something to eat and these people want employment, therefore the Kenya Government, the Minister for Commerce and Industry should rack his head, along with this Government, to create some industry in Kenya so that we can get our people employed here in this way.

With these few remarks, Mr. Deputy Speaker, I beg to support.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Deputy Speaker, Sir, the Kenya Broadcasting Service requires a salesman to sell advertising time on their programmes. Having heard the last hon. Member suggest, I believe, that we should sell pork to Israel, I think he is just the man for the job!

I had intended only to deal with two hon. Members, but they have reduced themselves to one and the hon. Member for Nyanza Central, Sir, made the most provocative speech in the whole of this debate and I do not think sat back on his bench but disappeared out of the door. I had intended to put into context some of the things he quoted out of context, to correct him when he misquoted my hon. friend the hon. Nominated Member Mr. Jones, and deal generally with his speech. He said, Sir, that the Africans were now adult and mature. In most adult and mature legislatures it is a tradition that Members after making provocative speeches remain in their places for half an hour to let other people get their own back. Under the circumstances, Sir, I do not intend to deal with the hon. Member. Actually, Sir, had he not had that extra cup of tea I would have dealt with him.

The hon. Member for Nairobi West, Sir, raised the whole question of the new Ministry of Information and Broadcasting. I would like to say that I regret that we shall not very likely get to the Head when we take the votes as I would have preferred to have had a fairly extensive time to discuss the new Ministry. As it is, Sir, there is a considerable deal of thought going into the proper organization and structure of the services which the Ministry provides due to it having been severed from what was a larger Ministry in the past. I do appreciate that there is a tremendous job of work to be done and I hope very soon to be able to tell the House how I intend to do it. At the moment the Public Relations Officer from London is in Kenya and I want to take the opportunity of his presence to discuss the matter that the hon. Member mentioned, namely our future activities overseas.

He did ask me, Sir, to tell him today what I was going to do with this Ministry but there is not time as this debate is running out and he took up very nearly two hours of it. I am afraid he will have to wait for a later occasion but I shall try to initiate a debate or ask the hon. Member to, perhaps, move a Private Member's Motion, in a little while when I am ready to go into greater detail.

He only mentioned a few points which I think I can deal with now. One is that he appreciated that we are now getting Kenya news in Kenya before the British Broadcasting Corporation. I am conscious of the criticism of that in the past and we shall try to do as we did this morning, in the future. It must be appreciated, of course, that the House would not agree if I came to ask them for supplementary estimates in order to have a news service to Monrovia, and it is very difficult with some of the visits of our politicians to keep up with where they are going to make a speech next. It is only to the important centres of the world where we have news connections and can get in before we get the news back through British Broadcasting Corporation channels.

The other point which he made, Sir, was that British Broadcasting Corporation news had been biased, I think was the word he used in their headlines. I hope, Sir, that he will notice an improvement in that in the future and I would only say this, that I believe the British Broadcasting Corporation do try generally to be objective and I can only say that it is probably the fault of the service that we have provided to London in the past that sometimes they get hold of the wrong end of the stick, and that is a thing which I hope to put right in the very near future. In the meantime, Sir, I beg to support.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, fortunately the Estimates for my Ministry are coming up first which gives us the opportunity if we need to to continue for 15 days so although a number of questions were asked on agriculture, a certain number of them I will leave as they will be better dealt with under my Estimates when we get on to them tomorrow afternoon.

Now, Sir, the hon. Member for North Nyanza mentioned that unless we intensify—and I see that he has gone out; Mr. Deputy Speaker—our cash crops in agriculture we may over the next few years feel the pinch economically. Now this is one of the aspects which I am going to cover very, very fully tomorrow afternoon, but I would like to emphasize, Mr. Deputy Speaker, that unless when we intensify cash crops, especially in African areas, we have the full co-operation of the producer and the farmer in that area, it makes our job very, very difficult indeed.

He mentioned that he had had a trip to Israel and to Ethiopia and that there were markets wide open and the Ethiopia was the next station down the way. I am sure that he appreciates, Sir, that there is no railway running from here to Ethiopia and the next station that he talks about is a very difficult station to get produce into. At the present time every available kilo of air freight that goes from Nairobi into Ethiopia is taken up with Kenya produce, no aircraft leaves with any space available which is going to Ethiopia. One of the difficulties with that market is that there are no refrigerated ships which call at the port used by the extended end of the railway line at Jibuti from Ethiopia.

He also mentioned Ghana. We have no air freight available direct from Nairobi to Ghana, and shipping is practically impossible to get from Mombasa to Ghana. South Africa is in a fortunate position that they have Government shipping lines, they have ships of their own and they are on the end of direct shipping routes which call at Ghana.

Those are a few obvious reasons, Sir, why we cannot get more stuff into both these countries, although we do get pork and bacon products and dairy products into Ethiopia.

Now, Sir, the hon. Member for Central Nyanza raised many interesting points which I am greatly looking forward to being able to put down in black and white when I move my Estimates tomorrow, and I sincerely hope that when they are down in black and white they may, for once and for all, convince him that the figures that my Ministry gives him are correct and not, as he says, incorrect.

Sir, the hon. Nominated Member, Mr. Luseno, raised one or two points and I would like to take this opportunity of thanking him for his encouraging speech and the kind remarks he made about agriculture and the personnel of my Ministry who are doing their utmost to help the people mainly in his area and the other African areas.

Sir, we had planned to go a little faster in our plan of campaign for cash crops, and again this is a point which I would like to cover more fully under my Estimates. But I would like to tell him that we have not forgotten a tea factory in Nyanza—I will touch on this tomorrow. But I would like now to say that there are a number of schemes by commercial concerns who have agreed to the purchase of green leaf from African growers in the Kisii, Kericho, North Nyanza, Nandi and Kiambu areas. I would like to take this opportunity of thanking these commercial concerns for the tremendous amount of help that they have given us, not only in available space in their tea factories for our African growers' green leaf, but for the very great interest they are taking in the development of the tea industry. By this concession of theirs it means that we can put an approximate extra 3,000 acres under tea in those areas which I have mentioned.

Now, Sir, the hon. Member for Ukambani asked for a statement on the outcome of my trip to London, my discussions with Her Majesty's Government and in Washington, of my discussions with the International Bank for Reconstruction and Development and other international finance houses. I am afraid this would take a lot of time to put across now. I am going to spend 40 minutes of my Estimates time in giving not only the discussions I had, but the outcome of the scheme which my Ministry is working on.

Sir, the hon. Member for Eastern Electoral Area raised the question on a settlement scheme for Asians. This, Sir, falls into the scheme which I have mentioned *appropos* of my visits to London and Washington, and I will be covering that in full tomorrow as well.

Sir, the hon. Member for Central Rift did—and I think he is another one of those not here—mentioned that he wanted to know why more water was not available in the better ranching areas of Masai. Now, Sir, I was going to give him a list of—I think I had better do so as I presume he will read HANSARD—what we have done in Masailand. We have put in an extension of the water canal running from Lake Amboseli, we have piped the Little Kedong, which is capable of further expansion, that is with the help of the local African district council; we have

[The Minister for Agriculture, Animal Husbandry and Water Resources] breeding will not go ahead as quickly as we would like to see it.

He also raised the point, Sir, of what were we doing about cattle diseases in Masailand. Now, Sir, the two main cattle diseases of Masailand are rinderpest and pleural pneumonia. For many years the Veterinary Department have provided a free inoculation service against rinderpest to Masai stockowners. Last year, Sir, we inoculated 331,000 cattle in Masai country and we know, Sir, that although this disease is still rife in game in that area, no serious losses were suffered by the Masai.

Sir, there is a dangerous increase in rinderpest in game in Masailand and especially in game coming through from Uganda because of the breakdown of inoculation in the Sudan and I sincerely hope that the hon. Member will use his influence in encouraging the Masai stockowners to bring their cattle to be inoculated for this disease.

Now, Sir, pleural pneumonia. The vaccines which we have had available over the last eighteen months to two years have not been as reliable as previously. Pleural pneumonia vaccine is a very touchy vaccine indeed and Dr. Binns of E.A.V.R.O., who actually dealt with this inoculation—this vaccine—has been in Australia and has only just got back where he has been having a look at how they go about it in that country.

Now, Sir, I will admit that Masai stockowners usually co-operate with Government very well on these inoculation programmes but they must remember, Sir, that the Masai, once they start dodging quarantines and moving infected cattle illegally as they have been doing over this last year, then indeed disease will spread not only over Masailand but over the whole of this country and affect our exports very disadvantageously.

Sir, I have already mentioned beef measles but I think that, perhaps although the hon. Member did not mention it, he may have been meaning East Coast fever. Now, Sir, we can only control East Coast fever in Masailand—and I appreciate that they have had a great number of deaths this year—on condition that the cattle are controlled and controlled in grazing schemes. If they wander about in Masailand and dip irregularly, only three months, or so when they come near a dipping tank, or if there are rains up the hills and they decide to go up into the hills in those areas where there are no dipping tanks, then by spasmodic dipping they will only make their animals more likely, more susceptible to East Coast fever and until they are prepared to operate grazing schemes, or enclose part of their land themselves to individual ownership, combating of East Coast fever is going to be very, very difficult.

Now I would like to remind the hon. Member, Mr. Deputy Speaker, that many Masai livestock owners are wealthy men and they are a wealthy tribe. In fact, a number of them are wealthy by any standards, and they must learn, Sir, as other areas have learned, that they have to a certain extent to help themselves.

Now, Sir, the hon. Member also mentioned beef and dairy, those two industries, and wanted to know why we did not utilize more Masai stock and Masai produce. In the Kajiado area alone, Sir, in the last six months of 1959, nearly 18,000 head of cattle were exported to Tanganyika. At the beginning of this year, the Kenya Meat Commission raised the price for fourth grade beef and since then ALMO have bought well over a thousand head, and I hope that ALMO will be able to purchase over the next two or three months at the rate of 2,000 head a month from Masai. But, Sir, I must give a warning to the hon. Member which I have given to him before in this House, and I hope that this time by reading HANSARD he will be able to absorb it better than when I tell him. That is, Sir, that the Masai are known to have a high incidence of measles in their cattle, and until this problem is sorted out they are going to run into difficulties in getting the full price for their beef as other people do.

Now, Sir, he mentioned dairy products. I know of no surplus dairy products which are available in the Masai country, and even if there were, Sir, the Masai tribesmen must learn to have better and more hygienic methods of milking their cows and bringing their produce for sale into the cities and towns.

Sir, Government cannot move a wand and make these Masai cattle better and produce more milk and better calves overnight. It is up to the Masai themselves, they have got three training institutes in their area and they must take advantage of this and use them more. They have got the Veterinary Training Institute at Ngong and they have also got Institutes at Narok and Kajiado and unless they use those more fully, Sir, then I fear their advancement in cattle

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

On the marketing of their cattle, the hon. Member will have seen in my Estimates that we have provided for and extra senior officer to plan and co-ordinate the framework of A.M.O and I sincerely hope that he will be able to help the Masai in marketing the livestock through the Kenya Meat Commission more beneficially than they have up to now.

He also raised the question, Sir, of whether Masai stock could be raised by having better stock brought into the Masai, Sir, he knows one of the greatest difficulties of the Masai as well as I do, that they do not like the intention or the thought behind artificial insemination, over and above that they take great likings to bulls in their own herds and are not over-keen on having bulls of other breeds or sold by Government to be put into their herds. The only thing it is to educate the Masai and we in my Ministry are doing our utmost to do so, But, Sir, I do ask Members such as the hon. Member to see that they can do a tremendous amount to help on this, to go amongst these people and at the *barazas* and at the political meetings to put it across that my Ministry are prepared to help to the utmost but they must to a certain extent help themselves.

We have in the Veterinary Department, Mr. Deputy Speaker, fifteen breeding farms spread around the Colony where we have got an intensive plan of breeding to bulls. We have just imported fifteen bulls from India and Pakistan and we held a sale not so long ago in Nyanza and found that it was impossible for us to get any African in that area to consider buying these bulls. We then held an open sale—I ought to mention, Sir, I think the best price we got was something like £11—but in the open auction sale I think the top price bull which nobody had wanted before went for over £80, it was sold to a farmer in the settled area, which does show, Sir, that we have potential bulls available for the African areas of very good quality.

Sir, the hon. Member for Nairobi West raised three points. One was the land settlement scheme, compensation, stabilization, etc. That, Sir, tied to the point raised by the hon. Member for Ukambani is one which I would rather touch on in full tomorrow. He also asked me, Sir, about the MacGillivray Committee. The MacGillivray Committee Report, Sir, is at this moment being looked at by an officer in my Ministry, as a draft which has come back from the printers for technical errors. When it is checked—and I hope he will cease checking it within the next 48 hours—it will be returned to the Government Printer who hopes to have it available for it to be laid

Now, Sir, he raised a point on the functions of the Board of Agriculture. I am pleased he brought this to my notice, Sir, because it had already been mentioned to me by somebody else outside this House. With your permission, Sir, I would like to read what Section 54 of the Agricultural Ordinance says on the functions of this Board. "Functions of the Board in Scheduled Areas shall be to advise the Minister on all matters that relate to agriculture, Scheduled Areas, referred to it by the Minister to perform the duties proposed and use the powers conferred upon it by and generally to further within the Scheduled Areas the objects of this Ordinance."

Now, Sir, I think that what he was actually referring to was a Board of Agriculture meeting which was held on 28th April. Sir, certainly the agenda and I was actually at the meeting, ranged over certain matters which I agree were more political than agricultural, and I will, Sir, have a discussion with the chairman of the Board of Agriculture on this matter.

Sir, I, then come to points which were raised by my friend the hon. Specially Elected Member, Mr. Muchura, and I see, Sir, that he is another one of these absent Members. Time is beginning to run short, Sir, so I will only answer two or three of the many, many points which he raised and I hope that my colleague and fellow clansman will answer some of the others.

Sir, the first point which he raised was that land consolidation was depriving many of land and living and driving them into the towns. Well, now, Sir, he has been a Member of this House now for some years and if he had listened into many of the agricultural debates he would know, Sir, that this was not correct. Nobody under land consolidation who possessed his land before consolidation has been deprived of any land whatsoever, except a very small percentage which may have been taken into roads of access and open spaces for a town or market space. But nobody who owned land before consolidation has been deprived of it, other than perhaps one or two terrorists but in the way he put it I am afraid, Sir, that he was completely incorrect.

He then went on to a second point in asking me how the £2,000,000 loan if obtained from the International Bank for Reconstruction and Development would be spent, if it was being added to further land consolidation or in what ways it would be used.

Well, Sir, while I was away in Washington I gathered—and I have read the HANSARD—it was made perfectly clear in the debate on the Motion

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

loan from the International Bank for Reconstruction and Development, but in case the hon. Member as today he is not here he may not have been here when this was debated, however I hope he is one of these Members who read HANSARD so I shall spend about two minutes explaining it to him in easy words. £1,000,000, Sir, of the £2,000,000 loan will be spent on roads of access in the high potential lands which is benefiting from the other £1,000,000 of this loan, that is land above 4,000 ft. and about 25 in. rainfall in the African land units following the Swynnerton Plan. Those roads of access will take the produce from those areas to railheads, coming right through the Highlands areas and in other instances they will run through African land units but they will all be coupled to the potential area as roads of access to railheads. The other million, Sir, is a loan programme which will accelerate development for the individual land holders after land consolidation.

Now, Sir, there has never been any mention at all that these loans will be used either for furthering land consolidation or, as the hon. Member mentioned, added to a new Swynnerton Plan.

Sir, the third point he raised he suggested a large irrigation scheme could be formed by using more money, if not all the money we borrowed on the Tana River. Well, Sir, the answer to that is simple. The international money that we are borrowing, the International Bank for Reconstruction and Development money, cannot be used for an irrigation scheme on the Tana River. We already have numerous irrigation schemes operating, Sir, and the—(Inaudible.)—..... Scheme is actually operating in the higher reaches of the Tana River watershed. No, Sir, there is another aspect of this that while my Ministry is not interested at the moment in any large-scale irrigation scheme midway down on the lower Tana, irrigation schemes, Sir, are very expensive indeed and when they produce only bread and butter produce, such as rice of which we are going to have enough for ourselves, all they do is to put a surplus on to the market, which means that economically the scheme is very, very difficult to make ends meet. If we could find a cash crop—and a well paying cash crop which we produce on these irrigation schemes—then, Sir, the whole position might alter.

But over and above this is another reason why we cannot look at the Tana River at the moment, and that is the firm flow of water on the Tana with the information which we have available at the moment, is not enough to go ahead with a large-scale irrigation scheme. I am covering irri-

gation in general and will touch upon this point and other points which were raised by the hon. Member in my estimates tomorrow.

But, Sir, there is one point which he raised over which I would like to take a few moments in covering. Sir, the hon. Member did end up with—and I listened to his speech with great interest and I must admit it beat me. What he said was that the protection of local industries by controlling imports and issuing subsidies increases the cost of living to the man in the street and impedes free competition and he instanced sugar, butter, wheat and maize which could be imported and sold at cheaper prices than the local product. Sir, on one hand the hon. Member called for expanded production under the Tana River irrigation scheme for rice and other crops and also belaboured my Ministry for not developing other crops in other areas, they were bread and butter crops. Then, Sir, at the end of his speech he comes forward and asks us to expand imports to undercut that local produce he has asked us to put money into developing. Now, Sir, it is any good putting money into an irrigation scheme to remove the import tariff, to bring in cheap rice so that we cannot benefit from the irrigation scheme? I do ask him, Sir, how does he think we are going to meet the interest, let alone the repayment cost of this scheme?

Now, Sir, I believe that the hon. Member originated from Central Nyanza and I would like like to give him a further clue on why what he wants us to do will not work. One-half to three-fifths of the Colony's maize comes from Nyanza. Now, Sir, £1,500,000 is approximately what is put in the pockets of the people in Nyanza by the sale of this maize. Well, now, Sir, what would happen if we imported cheap maize? What would we do with the people who have this amount of money taken away from or even if £500,000 were taken away from them? Sir, there is no difference in sugar, butter, wheat, any of the bread and butter produce that we produce. What I would like to ask him, Sir, is to think before he speaks on this subject again and turn it over in his mind, and he will have the opportunity to read HANSARD and come back at me under my own Estimates. What would he do with the hundreds of thousands of farmers who would be going around unemployed if we did what he asked us to do?

Mr. Deputy Speaker, I beg to support.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I feel rather like the understudy coming in just after the—

Hon. Members: (Interjection.)

The Chief Secretary (Mr. Coutts): Thank you for all these suggestions! What I was going to

[The Chief Secretary]

I say was that I feel like the understudy coming in just as the curtain is going upon the first night, not having been here in Legislative Council this last week. However, I was able to read HANSARD and I must say, Mr. Deputy Speaker, I was very pleased to discover that other people's speeches read just as badly in an uncorrected HANSARD as mine do!

First of all I would also like to add my compliments to the Minister for Finance, not only for the Budget which he presented before this House and which has obviously been met with great praise, but also for the way in which it was delivered. I feel that he gave it to us with great clarity and we could follow his arguments all the way through. I would also like to thank those people who are the devoted persons in the Treasury upon whom a great deal of the work must fall from year to year, particularly in preparing the Financial Statement which has already been praised in this House.

Now, Sir, I am taking one or two points on which I would like to speak this evening. The first I put down was the subject of questions which have been raised by my hon. friend the Member for Nairobi West, and rather like a Montague I was going to say "Do you suck your thumb at me, Sir?" and expecting to get the reply "No, Sir, but I suck my thumb." And I was somewhat taken aback by the fact that he almost immediately on rising to his feet today apologized most handsomely for having criticized the fact that Government has not recently been answering questions. However, as I have brought the information here I thought perhaps he would like to know that there are ten questions now outstanding—not answered by the Government—one of which I admit to the hon. Member is fairly old and asked by him in November of last year, but I think he understands the reason why it has not been possible to answer that question, the others are all fairly recent and I hope, Sir, that we will be able to give him and other Members of the House our answers as quickly as we possibly can.

Now I want to mention the subject of elections. The hon. Member for Nairobi Area did mention this in his speech. Our present programme, that is the working party which has been set up by the Governor consisting of the Attorney-General and myself is to hear as many of the political groups as we can and indeed we have heard now the views of all the political groups and we have also studied a number of very useful memoranda which have been received, but some of the groups still have not put forward their final views, particularly on the delimitation

of constituencies and I would say that we do wish to get on with the submission of our report as quickly as possible as, indeed, this was the point which the hon. Member for Nairobi Area was making, and I would ask that political groups should submit to us, and indeed any other members of the public who wish to, their views and anything else that they wish to say to us as quickly as possible. Also I hope that after we have been able to submit our report within the next week or two, that the Attorney-General will be able to start drafting the necessary legislation which probably will be made in an Order in Council. The object of that is in order that we should be able to deal with the initial registration as soon as we possibly can. At the moment we are aiming at August as the first day of registration and thereafter, depending entirely on how quickly registration can be done and you have got to remember that we may have to register as many as 2,000,000 people, that we would aim at somewhere towards the end of the year or the beginning of next year for nomination day and thereafter the holding of elections. All of this, of course, is dependent on the speed that we can muster in this matter and also depends to a large extent on the close co-operation of all the Government officers in the field.

Now, Sir, I want to turn to matters concerning the Civil Service. Before I deal with what I conceive to be the main difficulty confronting the Civil Service at the moment, I want to get out of the way two points, one which was raised by the Member for Nairobi Area on the elimination of waste. He quoted an extract from the Minister for Finance's speech when he said we must continue to eliminate waste and put economic necessities before all else and the Member then went on to ask whether the Government itself was following the Minister's words in practical terms and he referred to provision for administrative officers and policemen and said that there were too many assistants to assistants and deputies to deputies in the field. Well, Sir, close administration is accepted Government policy and the size of the establishments of the provincial administration such as the police is dictated by this policy and as far as I am concerned there is not intention of altering this policy, in fact in present circumstances it would seem to me to be fatal to do so. I therefore see no justification for reducing establishments and going in for retrenchment in either of these services, or particularly in any of the field services, which after all are mainly responsible for uplifting the general standard of living of the people of this country and on whom so much depends. On the question of control of staff, I would remind him that we have since 1956 introduced a staff

[The Chief Secretary]

adviser whose main job is to look at the whole question of complements in all ministries and departments and I quite recently in consultation with my other colleagues in the Government formed a committee. Their main duty is to keep under constant review the administrative machinery of the Government, and this committee meets regularly and reports regularly to me.

Now the hon. Member for Mombasa Area raised the question of the Civil Service Commission. He said the Commission has not done the good work it was expected to do as it had failed to Africanize the Civil Service. In saying this in my view, he clearly misunderstood the purpose of the Civil Service Commission, which is to appoint the best and most suitable candidates from local sources to fill vacancies in the Civil Service when they occur and it is for them to choose the right man for the job regardless of race.

In regard to the composition of the Civil Service Commission there is an African member who is on an equal footing with other members of the Commission. Also the hon. Member raised the question of Makerere graduates and the difficulty they find in getting employment through the Civil Service Commission. The practice is, in Kenya, different from Tanganyika and Uganda. In the other East African services such appointments are dealt with by the Public Service Commission, but here candidates for such posts appear before the Secretary of State's Appointment Board in Kenya, which recommends successful candidates to the Colonial Office for appointment at the level of professional and administrative officers recruited from the United Kingdom. The Civil Service Commission, therefore advertises very few posts for which academic qualifications at degree level are required. Exceptions to this are the post of education officers engaged in administration—but these are not many and most African graduates are employed as teachers in secondary schools. They are not therefore civil servants as they are members of the African teaching service.

With regard to those posts which fall within the option of the Civil Service Commission, and for which students from Makerere are eligible to apply, no difficulty is found in placing them in Civil Service, and students with agricultural and veterinary diplomas are regularly found employment. In order to help Makerere students who wish to join the Government service arrangements are made towards the end of each year for such students to be interviewed in Nairobi by senior officers from Ministries and departments. If such students successfully complete their

degree course, and if they are suitable in all other ways they will, though not necessarily through the Civil Service Commission, be employed in the Government service, and I hope that answers the point which he made.

Now, Sir, the hon. Member for Nairobi West, and, indeed, a large number of Members of the House referred to the present position of the Civil Service in Kenya. I think we have to divide the Civil Service in Kenya into two. First of all the Overseas Civil Service, and those people who are recruited locally. Incidentally, I want to repeat here what I have said before in this House, and that is that there is a standing rule with the Civil Service Commission that they must on no account try to employ anybody from overseas until they have failed to get a suitable candidate locally. The main difficulties which are besetting the Overseas Civil Service at the moment are those which are besetting a number of people in this country for approximately the same reasons. It is a question of insecurity. If you are a person with a young family, you look to the future, and you must look forward to the time when you have ever-increasing education bills for that family, and you wonder what is going to happen to you. I am going to deal with the Overseas Civil Service first, as it was touched upon to a very large extent, by the Member for Nairobi West this afternoon.

I think that the Overseas Civil Service at the present time do need some guarantees in the way in which the hon. Member mentioned this afternoon. I say this specifically because I believe this country, in common with farmers, in common with the industrial people, in common with the people in all walks of life, is going to require a Civil Service of high standard, and high morals, for a very long time to come. I say so advisedly, not only because I believe it, but also we know that in those countries which have reached rapid independence, and who have broken up their Civil Service and scattered it to the four ends of the world, they have bitterly regretted it and, indeed, in most cases they have very often had to take back those people whom they previously employed at higher salaries than they paid before. Now, Sir, I myself regard that sort of thing happening in Kenya as nothing less than a disaster. I am proud, as I have said in this House before now, to be a Member of the Kenya Civil Service, and I have always believed that the Kenya Civil Service, despite what has been said about it, not only inside this House, but outside it, is a good service. It has all the best traditions in it. And, if I may say so, I think it is because in this country we have had a virile population who have been prepared to criticize that service as often as they felt inclined to, and the service

[The Chief Secretary]

has felt because of that criticism it must live up to these standards and have endeavoured to do so.

Now, Sir, they have reached the cross-roads, and, indeed, a number of other people have met the same cross-roads in other parts of the world. But I feel very strongly, and what I say now is not to be regarded as Government policy, because in such matters the hon. Member will realize and, indeed, he himself said it, that Her Majesty's Government will naturally have to take a part if such guarantees are to be given. I feel very strongly that it is in the best interests of this country that this machine, and it is a machine, which has been built up so laboriously and with such effort over the years should be kept in being, and should not be smashed as other machines have been smashed and scattered to the four ends of the earth. Therefore, as the hon. Member has said, certain guarantees will have to be given.

One of the first of the guarantees is that I think that African leaders and politicians will have to say quite unequivocally that they realize that this machine is necessary to them if they are going to run the country properly in the future. Other guarantees are such as those which the hon. Member has mentioned, and I would agree with him that we should do our best to try and obtain something which will give these people a future and something for which they can work, irrespective of the political changes which are going to take place in this country.

Now, Sir, that is one part of the service. The other part of the service are the local people, and as I have already said, it has been our avowed aim to try and get as many local people into the service as we can, and have done for quite a long time. We have felt, for some time now, that Civil Service matters have been raised in this House so often that we felt that it was necessary for us to try and set up a working party, or a study group who could look at all the problems that we have at the present time, both as regards localization and as regards other matters affecting the Civil Service. With that end in view we set up quite recently a study group with the following terms of reference: "In addition to terms and conditions of service of local members of the service, the group shall consider policy and progress in regard to localization with particular reference to training, training programmes and also the position of expatriate service, and the question of reorientation of educational policies, with a view to meeting the requirements presented by a determined effort to localize the Civil Service." This study group is composed of representatives of the Elected Members' Organization, of the Central

Whitley Council, the Director of Establishments, the Deputy Permanent Secretary to the Treasury, and the Chairman of the Civil Service Commission has been appointed chairman of the group. Since we agreed on that establishment we have also agreed to appoint a member of the Joint Industrial Council, which has quite recently been set up. The origin of this group, as I said, does go back a little way, because we ourselves felt that Civil Service matters were being heard too frequently in the House, partly, I suppose, because there were legitimate grievances which had to be aired, but also because we felt that other members of the public did not fully understand our aims and our objects. I have great hopes of this study group, and as everyone knows it was hastened on by the results of the Lancaster House agreement, and what happened in London during the Conference. I want to point out that this study group is entirely advisory. It will be advisory to me and will report to me, but I sincerely hope that by putting on it as many people as possible with varied and wide experience as well as varied and wide viewpoints, that we may be able, through this study group, to do something which is really positive for the future of the Civil Service in Kenya, and by that I really mean the Civil Service in Kenya.

Arising out of what the study group will have to do, of course, is the whole question of training, and I admit as freely as anyone that the lack of training in many respects has been a bar to people getting on in the service, particularly those who are recruited locally. We have had, for a long time now, departmental training schemes, all of which have brought on local people with some success, but I feel that now the time has come when we should produce an overall training scheme whereby we can give to our people in Kenya the best possible chance they can of getting into the Civil Service.

The hon. Member for North Nyanza today talked about giving young children bursaries to go overseas in order to get education, in order to come back to join the Civil Service. I hope he realizes that the Government must depend not only on the young entrants, but also people of mature experience, who will give of their best to the Government.

Sir, turning now to one point which I think has been fully covered in this debate by many speakers, that was the question of the intimidation of labour.

Hickory, dickory, dock.

The mouse ran up the clock.

The clock struck, and the mouse came out in sympathy.

[The Chief Secretary]

Far too often these days in labour relations we find that people for their own particular ends, or their own particular uses bring people out on strike who have no idea whatsoever about what they are striking, and having examined the situation for myself in the Thika and Ruiru areas recently, it appeared to me that many of the labour were being wantonly led astray. I am glad to be able to say today that I believe now, at this present time, there is only one strike left on an estate, and I hope that this will mean that the employers and representatives of the trade unions will now be able to get together and sort out a lot of their difficulties.

But one of the grave difficulties, I think, has been this whole question of intimidation, and it is a matter which must give us all a great deal of concern. So much so, for myself, in respect of this particular area, I have asked the Minister for Defence to mount a very special exercise to find out who are the intimidators and why they are intimidating labour, and indeed if we can find out, as I hope we will, we will not stop from giving them their just dues. But it is important, and it is important in connexion with a number of matters which are going on at the present time.

That brings me really to the speech of the hon. Member for Central Nyanza. He talked about the speech which my colleague, the Minister for Defence made in this House during last week and severely criticized it. I would like to say that having read that speech I consider that it was a bold and honest statement of the position as seen through a Minister of the Government's eyes. Too often, on this side of the House we are criticized for trying to cover up, for not giving the public the facts and not, in fact, saying what the actual position is. I would not minimize one word which the hon. Minister said on that occasion.

The hon. Member for Central Nyanza said that this question of the revival of *Mau Mau* defeats him. Indeed, it would defeat anyone with such a shut mind as he has got. He asked why thugs and thieves were different, and why *Mau Mau* is different from thugs and thieves. I assume, Sir, he did not live in the Central Province during the raging and ravages of *Mau Mau*, and therefore he does not understand the difference between the methods of *Mau Mau* as it then was, and of thugs and thieves which he has described are in other places in the world. He also talked about these being made-up stories. The Lord preserve us, Mr. Deputy Speaker, from giving from this side of the House the made-up stories of matters which are of such vital importance to this country. I sincerely hope that no one on the other side,

least of all the hon. Member, thinks that we are going to make up stories about a security situation, and indeed, Sir, speaking for my own part I resent that statement very much indeed. He said that Ministers required rehabilitation from *Mau Mau*. I think what Ministers require is rehabilitation from having to listen to the sort of nonsense we had to listen to this afternoon. Then he went on to say that he had got a copy of His Excellency's statement which was published in today's paper, and he said he "will not deal with it". Well, why will he not deal with it? Is it because he shies away from a statement which was of extreme clarity, perfect honesty and simple expression? Something which, in fact, was not, as His Excellency said, a challenge to the African people, but a really strong feeling of his own people, of what the real issues were, and the sort of issues which everyone, whether he be of European origin, of Asian origin, of Arab origin or African origin has got to face up to in Kenya now and in the future. If we do not face these issues, we are going to get nowhere. The hon. Member said "what type of life do you think we are living? Are we going to live a life of savagery. Let us do that."

That, Sir, seems to me the complete epitomy of base. Here is a person who is a leader who says that we would rather live a life of savagery than in fact face up to the things which we must in fact face up to in Kenya at the present time. In a rather joking way he referred earlier to a statement which had been made by the Minister for Finance as being nothing more or less than a piece of propaganda. It seems to me that the statement he made this afternoon was nothing more or less than a piece of propaganda. He quoted from the speech—he quoted out of context—which is a bad thing to do. I would like to quote from the speech also out of context, but there are one or two things here which I think we ought to remember. His Excellency amongst other things said:—"He referred to the African struggle between light and darkness, life and death." He also said "there had been those who had not scrupled to use it (violence) for their own purposes and requirements. Men have been murdered for their political beliefs. Those who opposed the Government, except by constitutional and parliamentary means will be obstructing their own people and holding back their independence." I wonder if he has pondered on that one? "And also for all the damage of selfish subject." "And also for all the damage of selfish and idle words, the goodwill is there too in great and measure to help us all along the road." Is that not really, Mr. Deputy Speaker, the issue which is in front of us now. We need goodwill. We need goodwill on all sides. His Excellency has put it as clearly as I believe any man could have put

[The Chief Secretary]

it, that you can choose between light and darkness. You can choose between goodwill on one side, or intimidation and fear on the other. This is not a challenge, and it seems to me that you have got the choice between the easy destructive road where there is no responsibility or a constructive road which will do something for this country in the future.

I beg to support.

**ADJOURNMENT MOTION—NOTICE OF
WOMAN DETAINED ILLEGALLY AT MATHARI**

The Deputy Speaker (Mr. Conroy): If no other hon. Member wishes to speak, perhaps it would be the wish of the Council, that I should adjourn now in order to give the Minister for Finance a clear run tomorrow. Before I do adjourn the Council, I must inform hon. Members that, in accordance with Standing Order 10, Mr. Slade has asked whether he can raise the matter of Question No. 73 (which he asked this afternoon) and the written answer which he got to it, on an adjournment debate. In accordance with that Standing Order I have allotted Thursday, 12th May, as the day for the adjournment debate and I thought I would give hon. Members notice that the sitting of this Council will go on longer on that day, so that they could make personal arrangements to attend.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I now adjourn Council until 2.15 p.m. tomorrow afternoon, Wednesday, 11th May.

*The House rose at twenty-two minutes
past six o'clock.*

Wednesday, 11th May, 1960

The House met at fifteen minutes past Two o'clock.

(Mr. Deputy Speaker (Mr. Conroy) in the Chair)

PRAYERS**BILL****FIRST READING**

*The Specific Loan (International Bank for
Reconstruction and Development) Bill*

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

COMMITTEE OF SUPPLY**MOTION**

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of debate interrupted on 10th May,
1960.)

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I should like to begin my reply by thanking all those hon. Members who have had such nice things to say about the presentation of the Speech. I was also happy to note that with, I think, about one or possibly two exceptions, all Members have felt able to support the proposals in general, even if they felt it necessary to criticize on points of detail. I particularly appreciated the hon. Member for Kiambu's reference to "roast beef, two veg. and Yorkshire pudding". In my humble opinion that is the sort of thing that our Budgets should normally be made of, good solid fare without too many fancy accompaniments. It may be that that is rather unexciting; but there again, however, I do not think that Budget time should too often be an occasion for great excitements. It should rather be an occasion for a sober assessment of our day-to-day needs during the year ahead and of our prospects of financing those needs. This is only likely to lead to exciting fare, either if we are going broke or if we have found some way to get rich quick. I hardly think that any of us would welcome the former kind of excitement. As regards the latter, I have little faith in financial wizardry or in magic wands.

This leads me, Sir to the Member for North Nyanza's point about having a deficit Budget. I said in my Speech, Sir, and I repeat it now, that little countries like Kenya cannot afford such luxuries. It would be easy enough to budget for a deficit, but this has not been our practice even at the

[The Minister for Finance and Development]

The danger is that it is too easy to acquire the habit: a little this year, and more services; a little next year, and still more services, and so on, until the creditors foreclose, and then there is retrenchment all round, tribulation and disillusion, and you find yourself far behind the solid plodding sort of chap who has been content to go along quietly paying his way. A deficit on the Budget, Sir, could only be financed by the use of reserves or by borrowing. Our Development Programme will absorb all the money we can borrow, and in any case the burden of surviving the additional debt that will result from carrying through our Development Programme will constitute an increasingly heavy charge on the recurrent Budget. We no longer have any reserves. These were used up in the Emergency, and the balance in the Colony's Exchequer at 30th June, 1960, will be less than two week's revenue. This, Sir, is a very small reserve to hold against the excess of expenditure over revenue which is normal during the early months of the year and to meet possible shortfalls in revenue or other unforeseen contingencies which may arise during the year. A further point, Sir, is that we are financing from our Development Budget services which we should really be financing from the recurrent Budget, and as is shown in the table on page 57 of the Development Programme Sessional Paper we shall, in the last year of the next Development period, that is in 1962/63, still be carrying on the Development Budget recurrent expenditure amounting to some £1,500,000. We have, however, been able to find an additional amount of over £530,000 for education next year. That compares with an increase of a little less than £250,000 between the approved Estimates for 1958/59 and the approved Estimates for 1959/60. The importance of further advance in the educational field is fully realized by the Government, but it must be related to an expansion in the economy and in our ability to meet the additional costs.

Mr. Deputy Speaker, a short time ago I mentioned foreclosure, and that leads me to the Member for Trans Nzoia's request for an assurance that Her Majesty's Government would underwrite our loan charges. With one or two exceptions of a special nature this has never been done in respect of any Colonial loans. Her Majesty's Government believes that the credit should be that of the Colony. They help in other ways by grants and Exchequer loans; they do not think that any Colony or ex-Colony is going to be silly enough to default.

So far this view has been justified. As I said in my speech, no one owes us a living. A bank-

rupt country leads to bankrupt individuals. So far the world has treated Kenya well, putting in a very great deal of capital. So long as we meet our obligations that will go on. If we do not it will equally surely stop, and with it all development. For that reason, I think the charges will be met in the future as in the past. Budgets, Sir, are not concerned with expenditure as such, but with the financing of expenditure. We shall in the days ahead be dealing in some detail with the expenditure proposals for 1960/61. There have, however, quite rightly been reference during this debate to the general level of expenditure, which the Budget proposals are intended to finance. There have been one or two suggestions that some services might be expanded, or that matters should be taken in other ways to increase the calls on the taxpayer for individual services. For example, one hon. Member suggested that we might spend more on the National Parks. Another suggested that we might lower the fees for education, which from the taxpayers' point of view leads to exactly the same result as an expansion of the service. Yet another suggested that as a possible alternative to the present arrangement for the Kenya Regiment we should have compulsory military service for all. I do not propose to deal in this reply with individual Heads of expenditure. This has already been done to the extent necessary by my colleagues on this side of the House, and we are, of course, also going to have ample opportunities to discuss expenditure during the coming weeks.

I would like, however, to confirm what my hon. friend, the Minister for Defence, has had to say about military service for all races. This is truly a very big question, and I can only believe that the financial implications would well produce a wince, not only in me, but in all the taxpayers of the Colony. I do not think that I would be in any way prejudging the issue if I were to suggest that compulsory military training for all, for all the citizens of the Colony, would involve either severe cuts in services, or severe increases in expenditure. The Kenya Regiment was, of course, brought into the debate as a possible subject for economies, and most of the references to expenditure embodied suggestions that expenditure in certain directions was high and ought to be reduced. Unfortunately, as so often happens on these occasions, there was little agreement among hon. Members as to where economies could best be made. My colleagues have already pointed to the somewhat impracticable nature of most of the suggestions if Government policy is to be carried out, and if we are to maintain the basic standards of law and order without which we might just as well forget about economic progress or social welfare.

[The Minister for Finance and Development]

My hon. friend, the Secretary to the Treasury, dealt in his speech with the suggestion that there was a good deal of over-staffing in departments, and that we had too many people at work in the field. I can do little more than endorse what he said. The Treasury goes into these questions of increased staff extremely carefully, and so indeed do departments, who never seem to have enough money to do all the things they would like to do, and have therefore always to jettison everything that is not really necessary, and a good deal that would be desirable with it. There is, of course, always scope for further probing, and that is why we have our Organization and Methods Unit, our staff adviser, our Controller and Auditor-General, and our departmental internal audits. We have also the assistance of the Public Accounts Committee, of whose work nobody is more appreciative than I, and there is a continuous pressure from this House as a whole, though unfortunately it is on occasions offset by the request for expenditure on policies which would far outweigh any savings we are likely to achieve through our continuous attention to the candle ends.

I welcome, however, the support of this House, and in particular the Public Accounts Committee for pressing for economies in expenditure, but it would be disingenuous of me not to say that administrative economies, important as they are, are never likely to be more than marginal.

I come now to the reference that was made to discussions in the House of Commons on the parliamentary control of expenditure. I have been able, Sir, to trace the debate which took place on 16th March, 1960, on an amendment to the Consolidated Fund Bill, which suggested that the House, before consenting to the Second Reading of this Bill, desired to be satisfied that no improvements can be made in the machinery for the control and limitation of expenditure as well by the supervision of the Treasury as by the informed and effective exercise of the authority of this House. The debate is reported in columns 1315 to 1375 of the United Kingdom Hansard of 16th March. I found it fascinating reading, and I can well recommend it to all Members of this House who are interested in that kind of thing.

It would not be appropriate, Sir, for me to attempt to summarize the arguments which were made in the debate which tended, on the whole, to cut across party lines. It is sufficient for me to say that in his reply the Home Secretary and Leader of the House dealt first with Treasury control and pointed out that

been appointed under Lord Plouden to enquire into methods of Treasury control and that this committee would report in the not to distant future. As regards what he called the "main question" the informed and effective exercise of the authority of the House of Commons, the Home Secretary reviewed the various suggestions which had been made and said that he thought that there should be discussions between the Government and the Opposition on three matters. First, and I quote: "Whether the House of Commons can have an opportunity, as a whole, of considering supply at an earlier period of the year. Secondly, whether any alternative methods can be found for supplementary estimates for consideration of supply under the general allotted scheme for an increased allotted scheme. Third, whether a more detailed examination could be made, preferably not by spilling the work of the Committee of Public Accounts, but either by considering the work of the committee on Estimates, and having it either larger, or having it given some delegated powers, or by an alternative Standing Committee on expenditure." Mr. Butler went on to point out that the House of Commons really preferred discussing policy and politics, but that if there were to be more detailed examination in a committee, there must be some method of giving a greater opportunity for discussion when reports were received. As he put it: "Then we should have a detailed consideration, and a grand jury of the Commons would examine them in detail."

I think, Sir, it is no less true here than in the House of Commons that most Members prefer discussing policy and politics to "roast beef, Yorkshire pudding and two veg.". As, however, the Secretary to the Treasury pointed out in his speech, we do, in fact, already devote more of our time to the detailed consideration of Estimates than does the House of Commons. Nevertheless, regarding, as I do hon. Members as my natural allies in the struggle for economy, I am always ready to examine anything which appears likely to make my allies more effective. I suggest, therefore, that we might take careful note of whatever comes out of the proposed discussions in the United Kingdom, and that if it looks as though they could be profitably adapted here, we should consider doing so. I also suggest that as a measure of self-help we might invite our own Estimates Committee to have a look at its procedure and see to what extent it could make itself more effective, either with or without enlargement in its terms of reference. I would, however, like to make two warnings here. The first is that like Mr. Butler, I think it would be unfortunate if we were to do anything that would detract

[The Minister for Finance and Development]

Auditor-General of the Public Accounts Committee. The second is that we should do nothing which would interfere with the direct responsibility of Ministers for the proper conduct of their departments. In short, let us criticize and let us point out where the machinery needs a drop of oil, but do not let us do anything which would merely amount to "throwing sand in the wheels". Nor—and this is important—let us end up with more staff and no greater degree of effectiveness.

Before leaving expenditure, Sir, there are one or two points which were made, with which I should also like to deal. The first is the suggestion that we might look at the whole system of travelling allowances, and see to what extent we are still justified in allowing people to draw mileage rates based on the cost of running large motor-cars when small ones are effective over so many of our roads. I can assure my hon. friend who raised this matter that expenditure on travelling expenses is continuously being examined and re-examined, both by the Treasury, the Establishments Division, in consultation also with the staff associations. I think, however, that his point was a very fair one, both as regards small cars, and as regards public transport, and I will certainly arrange for a further special re-examination of this aspect to be made.

While on the subject of transport and travelling, Sir, let me also say to the hon. Member for Nairobi West that the effect of the introduction of the new air fares and classes as from 1st October, 1960, is, and has been for some time, been given very careful consideration by the Government. It is, of course, also a point which will have to be taken into account in any future review of terms and conditions of service.

My hon. friend, Commander Goord, also mentioned Civil Service pay, and, in particular, he suggested that a system of marriage allowances might be introduced. This again is a subject which has been looked at from time to time. I am, however, advised that a system of pay based on the employee's marital status is not generally regarded as being in accordance with the best labour standards and practices. I would also suggest that the tendency for people to marry early is quite sufficiently marked without giving people financial incentives to do so. That is not, of course, to say that nothing is being done, or should be done for the married man at the present time, as everyone is aware there are income tax reductions and allowances which help a little. My own personal view is that we would not be very wise to go beyond that.

On Civil Service pay generally, Sir, I gather that there has been a misunderstanding what

I said in my speech. Let me make it clear. I said that "in future it would be necessary to hold the majority of votes approximately to their present levels, and to cover the need for additional provisions, for increments and other adjustments by administrative economy". This applies to levels of pay as much as to anything else. I did not, however, say that there would be a complete ban on all adjustments. I said, and here I quote: "The Government has always recognized that selective salary adjustments may be needed to assist recruitment or to retain the services of experienced staff. This still holds good." In fact, Sir, I understand that discussions are at present taking place within the Central Whitley Council as to how best to give effect to this policy wherever adjustments may be necessary. I also went further than that, however, and I said, and here again I quote: "It is also probable that we may have to look in a more general way at the relationship between the remuneration of our civil servants and that of comparable employees in the field of recruitment. In my view this sort of more general review, which is really a matter of selecting comparative facts and assessing them, could well form the subject of a series of special studies in which both the staff side and the official side could co-operate. Alternatively, an overall review could be undertaken by an impartial outside assessor."

In this connexion, Sir, hon. Members will have seen the report of the statement by the Governor of Uganda that the Secretary of State is taking urgent action to appoint a Salary Commission in the Protectorate and to get it into operation as soon as possible. It now seems probable that all the East African territories and their administrations will be invited to participate. Holding the views expressed in my speech, the Kenya Government have given very serious consideration as to whether, if invited, it should participate. We decided that provided the terms of reference were not wholly inconsistent with our views, Kenya would be better in than out. Otherwise, we might find ourselves faced with a pattern in the shaping of which we had no hand. We have not yet received a formal invitation to participate, nor have we seen any suggested terms of reference, though we, ourselves, believe that they should be limited to what is needed to recruit and retain the staff we need, and that they should take into account, and indeed must take into account, the ability of the country to pay. The House will, of course, be informed of developments. I should add that as I said before, in view of the Government, any general upward movement of salaries would appear to be unjustified, and it would have the most serious economic and financial consequences.

[The Minister for Finance and Development]

One final point, Sir, on the Civil Service. One hon. Member said that we were employing people who should be retired. I am sure that all of us on this side would be grateful to the hon. Member if he would draw our attention to concrete instances of this.

I now turn, Sir, to another subject, regarding which many Members have shown a very proper concern. That was the subject of unemployment, or, as I prefer to call it, the problem of employment. Most of the points made here in debate have already been covered by my hon. friends, the Ministers for Tourism and Labour, and the Permanent Secretary to the Treasury. I was interested in the suggestions made by the noble lord, the Corporate Member for Agriculture, that we should approach the problem on an inter-territorial basis. I can assure him that his words will not be lost on this side of the House. We have indeed already machinery in being for inter-territorial discussions, and co-operation on economic matters, and the benefit to the common market will be one of the main objects of study for the Economic and Fiscal Commission which has been set up. There are two other points connected with employment to which I must refer. The first is that one hon. Member said that we should do more to bring Africans into the economy. I can assure the hon. gentleman that this is one of the basic aims of the Government's policy. I can also illustrate the success of this Policy by referring him to my speech where I pointed to the increase of £1,500,000 or 20 per cent in the cash income of our peasant farmers between 1958 and 1959. This, Sir, is not propaganda. It is a plain statement of fact. Until relatively recently, of course, most people in this part of Africa had little desire to be brought into the cash economy of the country, nor indeed was there any cash economy for them to be brought into until a very few decades ago. The movement is, however, now well under way, and I am sure we all regard it as vital to the future progress of Kenya. Incidentally, I hope this answers the points raised yesterday by the two hon. Members for Nyanza. I did not refer specifically to Africans in my speech. This was not, as they suggested, because I and the other members of the Government are not interested in the welfare and progress of our African member citizens.

It was first because I thought it unnecessary in this day and age to refer to Africans in some special way as if they were some rather strange class of being for whom differentiating treatment was needed because they were unlike other men. It was also, Sir, because I thought it was plain for all to see that the most important theme running through all our efforts was that we should bring

our African fellow citizens along. In case anyone doubts that, let me once more emphasize that that is another plain unvarnished statement of fact. The other point, Sir, was the suggestion that the £2,000,000 about which we have been negotiating with the International Bank should be used to open up new land and for such purposes as irrigation. I must tell the hon. Member who raised this matter that there can be no question of using this money for any other purpose than that set out in the agreement with the Bank which will be for re-lending to farmers in the areas of high potential and for making roads in those same areas. I can assure the hon. Member too that having taken the best possible advice that is available to us that this is the most effective way of increasing the total wealth of the country and thus providing more opportunities for employment and a better life all round. We are, I think, Sir, all aware that the only way to solve the employment problem in the foreseeable future is to push ahead as quickly as possible with public and private development. This leads me straight away to the question of confidence. The Secretary to the Treasury has already referred to some of the reasons for maintaining confidence and some of the indications that major investors are not afraid of bringing more money into the Colony. There is no need for me to pursue this at the present stage, beyond noting some of the investments, such as that of the Aluminium Factory, are very substantial. Above all, there is, of course, also the really major investment of the Shell Company in the oil refinery.

Dealing with the other aspects of confidence, I am glad to learn that the hon. Member for Rift Valley did not claim that he knew that £900,000 a week was leaving the country and what he actually said was that he "had heard" that it was so. I am sure that the hon. Member is as aware as I am of the danger of quoting exact figures in matters of this kind. I am, however, glad to see that we are at one on the main issue which is to restore confidence and to ensure that there is in fact no further flight of capital. That is, of course, the aim of the Government in all its policies and I am sure that we would prefer to be judged by our works.

One hon. Member—I think it was the Member for Kiambu—suggested that instead of merely reporting to the Council if anything went seriously wrong, I should make frequent reports to this House on the question of capital movement. He will, I am sure, be glad to know that I am consulting with the appropriate authorities in the banking world and elsewhere to see to what extent I can comply with this request. I fully agree that the House should be given every

[The Minister for Finance and Development]

information on this subject which can be made available without disclosing confidential matters and provided we have a reasonable degree of confidence in its accuracy. That is what I hope to be able to do in the light of my present consultations.

Before turning, Sir, to a matter more strictly related to the Budget, there are one or two economic questions raised by the hon. Member for Nairobi West to which I would like to refer. The first concerns the move of the Currency Board to East Africa. While thanking the hon. Member for his very generous references to my own small efforts, I must point out that this was a co-operative effort for which credit must be given to all the Governments involved. As regards the point he made in respect of future developments, leading up as they no doubt will in due course to the creation of our own central bank on, I hope, an East African basis, let me simply say that I agree that these are important points to which I am sure attention will be given, both by the Board itself and by the Government. I do not think the hon. gentleman will disagree with me if I also suggest that in view of the importance of sound foundations in these things this may well be a case in which haste should be made slowly.

On the economic survey, Sir, the hon. Member asked me what were the reasons for the increase to £215,000,000 this year as against £179,000,000 last year in the national income, in the figures mentioned in the speech. The answer, Sir, to this and to the other points raised about this document is given in the East African Statistical Department's publication—*Domestic Income and Product in Kenya*—which was issued last year. I think copies were distributed to all hon. Members, but extra copies are available for them from the Government Printer at a cost of Sh. 8. Briefly, the Estimates have now been recalculated on a new and better basis and the figure for 1958 comparable to the 1959 figure of £205,000,000 is £206,910,000. As regards invisible exports, I noted the hon. Member's point about the importance of Nairobi and Mombasa which is, I think, of considerable validity.

Turning now, Sir, to more strictly financial matters, one hon. Member suggested that the assistance being given by Her Majesty's Government towards the cost of the armed forces should be used either to build up an increased surplus which would help us if we ran into difficulties in the future or to help with development. To deal with the second point first, it is precisely for the development of our services that we have used this money. Without it, there could have been very little in the way of increased social or other

services during the coming year. As regards the other point, the building up of a surplus, I said before that I do not believe in budgeting for large surpluses, since that would, as I see it, merely impose an extra and unnecessary burden on our taxpayers. There is, of course, also the fact of which the House can be quite sure that Her Majesty's Government would not have given us this assistance merely for the purpose of building up a surplus.

I said in the speech that none of this means that if we follow the dictates of self-financial administration we shall not have fortuitous surpluses thrown up at the end of some years. I would propose to use those first as working capital, second to meet unforeseen contingencies during the year and third to assist in our development position.

A number of hon. Members referred to the omission in my speech of any references to direct taxation. Some Members advocated that we should do something to encourage the well-to-do and to keep their surplus funds in the Colony by reducing the higher rates of income tax. I quite see their point of view and I can assure the hon. Members concerned that nothing would please me better than to be able to reduce all kinds of taxes. I am sure, however, that they will not be surprised if I say that I did not find this possible during the current year and that I would have been surprised if with the ever growing demand for services of one kind or another and particularly the need to take over the remnants of Emergency expenditure this had been possible. It is for this reason too that I was unable to contemplate this year any further reduction in Personal Tax. I can assure the hon. Members who showed interest in this point that the matter was not overlooked. I examined the possibilities most carefully and even produced one or two bright ideas of my own with which, since they have proved to be impracticable, I will not detain the House. The fact is, of course, that the Personal Tax, particularly at the lower levels, is not a very economic tax to collect and for that reason alone I will be glad to find myself in a position where I could dispense with it. Unfortunately, I could find no satisfactory alternative method of raising something of the order of £1,000,000 during the coming year. I can give every assurance that the matter will not be overlooked, but here again it would be disingenuous of me to suggest that I can at present foresee the timing.

Of course, hon. Members will realize that under section 18 of the Personal Tax Ordinance by district commissioner or a person authorized by him may remit the tax and any penalty on the grounds of poverty or any other good cause.

[The Minister for Finance and Development] There were three other points, Sir, made concerning direct taxation. The first was the suggestion that we should replace Personal Tax by fees for services rendered. I agree that the idea has its attractions. The hon. Member who raised it will, however, have noted that the imposition of fees or the increase of fees that already exist does not have a universal appeal in the House. There is, of course, also the important point that in many ways the tax is a fairer method of insuring that the burden is imposed where it can best be stood rather than as a system of fees. In this connection I should say in passing that in answer to a remark made by one of the Members opposite as I have just said section 18 authorizes rebates in proper cases and poverty is one of the instances in which this can be done. The second point on direct taxation was the reference to our old friend, the owner-occupier, by my hon. friend, the Member for Nairobi West. On this I am advised that it is incorrect to say that an owner-occupier is discriminated against for tax purposes as compared with, say, investors in insurance policies or treasury bonds. An owner-occupier who saves up to purchase his house by the usual medium of a building society mortgage is entitled to deduct the interest element of his instalment from his chargeable income.

Finally, Sir, on direct taxation, I was asked to express an opinion on whether the flow of death duty money which had not really started before the end of last year but which it was believed might have been coming forward now but for the events of January and February has in fact dried up. All I can say is that that is a very hypothetical question to which I do not propose to reply. In view, however, of what I said about the probable attitude of any conceivable future Government in this country towards outside investment, I can see no reason why if such money is in fact available it should not be profitably invested here today.

As was to be expected, Sir, a considerable number of points were made regarding indirect taxation, both for revenue and for protective purposes. The Secretary to the Treasury has already dealt with those who would have preferred us to go on with the old favourites. The short answer is that the object of taxation is to increase the revenue and that we are very doubtful whether an additional impost on either liquor or tobacco would have achieved that object at this stage. The criticism has also been made that my net has been too widely cast and that my measures will hit too many people. It cannot be said often enough that if an indirect tax is to be effective it must be very broadly based. Luxuries can, it is true, often be taxed to a certain extent

and they are so taxed but from my point of view the trouble with luxuries is that people can so easily do without them. I must therefore look to the necessities and conventional necessities, to those things which people are not prepared to do without.

Sir Charles Markham: Whisky!

The Minister for Finance and Development (Mr. MacKenzie): The argument I have just been using applied to protective measures just as much as to anything else. If we are to build up local industries we must be able to protect them from the competition of long established manufacturers in other countries. It is for that reason that we protect such articles as footwear, leather and even tomato *purée*, not to mention enamel hollow-ware. It is also for that reason that we protect our producers of agricultural produce. We must go on doing these things if we wish to make our people more prosperous and to avoid unemployment. I can assure hon. Members who have raised these points that if the measures of protection to which I have referred were to be withdrawn, it would not be a case of the poor man getting more at cheaper prices. The poor man would find himself unemployed and would not be able to buy even the cheapest imported goods. Some of the hon. Members who supported protection as a general instrument of policy asked me if it was a continuous process and what facilities there were for reviewing measures already taken. I entirely agree that the process must be continuous and that there must be regular opportunities for review. This is, of course, the fact. The Customs tariff is the constant theme of study both by the Treasury and by other interested Ministries in Kenya, by the Customs Department of the High Commission and interterritorially. These matters are gone into very carefully before any action is taken. We also keep an eye on what has already been done to see if it is successful or if it needs modifying. I need hardly mention too that there are plenty of interested parties in the Colony who are only too ready to offer unsolicited advice if they think that a protective measure could be dispensed with.

To deal with some of the specific points which were raised, the hon. Member for Mombasa asked me to have another look at this suggestion that a protective duty should be placed on lime. I can assure the hon. Member that his suggestion was not forgotten and that the matter was thoroughly investigated during the course of last year. The proposal was however rejected as the local industries already enjoyed a considerable price advantage over the imported product and consequently enjoyed the bulk of the market already. I am indeed advised that throughout 1959 Kenya only imported about 41 tons of

[The Minister for Finance and Development]

imported lime at a cost of Sh. 218 per ton. The local product only cost about Sh. 170 to Sh. 180 at the quarries and Sh. 188 in Nairobi. I am informed that Mombasa building lime was available in Nairobi at a higher price than this but naturally its main market is Mombasa where the cost is not inflated by freight rates. Imports into Uganda and Tanganyika were higher than those into Kenya. It is not clear why this should be so, but I am sure in the light of the figures I have given there must have been some good reason. If the hon. Member would, however, like me to do so, I shall be happy to look into the matter further and to let him know the result.

The hon. Member for Mombasa also spoke about the entry of subsidized cement into Mombasa. Here again I shall be glad to have the matter investigated and to let him know the result of the investigation and anything that can be done to improve the matter. Before leaving his points I should also like to thank the hon. Member for Mombasa for drawing my attention to the error on page 7 of the Financial Statement under the heading "Excise Duty: Wine". He is, of course, quite right. The imposition of the duty is not intended primarily to protect the Customs and Excise revenue derived from spirituous liquors. It is not even seriously regarded at this stage as a revenue measure at all, since it is most unlikely that in the immediate future any large quantities of local wine are going to be produced, whether sparkling or otherwise. The measure is, as I said, in my speech, primarily a tidying up one designed to close a possible loophole which although of no consequence at present could become important in the future.

One or two hon. Members, Sir, referred to the increased specific duty on footwear and on leather. I can assure them that these changes in the tariff were not designed nor even proposed primarily to assist Tanganyika. The chief protagonists for an increase in these specific duties have been we ourselves in Kenya. It so happens, however, that Tanganyika will benefit equally presumably because their conditions are rather similar to ours. I think it might help if I were to give some background information. The Indian tan stock market is unaffected by the world market as its low grade leather production is wholly absorbed internally. Kenya, however, imports hides and skins and world prices have a rapid effect on leather prices. Thus, in the first quarter of 1959 costs of leather increased by some 90 per cent. The result was that the existing duties were insufficient to protect the position and we were faced with two major dangers: first, that local tanners would be put out of business by cheap leather imported from India—and I would point

out that £500,000 has been invested in local tanneries and their export business depends to a very large extent on their being able to sell their lower price products on the local market for the production of a cheaper grade of shoe; secondly, the local tanners would have put out of business the local cottage industries which have grown up while the import of cheap shoes would also have ruined the local shoemakers. As regards shoes, I am informed that in 1958 the total estimated Kenya production was 1,250,000 pairs. The Bata Company production was 750,000 pairs while the remainder was produced by small cobblers. The Sh. 5 duty matches the 22 per cent *ad valorem* duty at about Sh. 23 a pair. In 1958 85 per cent of Bata's production would have been effected by the duty at that rate and 70 per cent of the shoemaker's production. These figures show how important is the market for cheaper footwear to local producers. There is also no doubt that the imported product has been of extremely poor quality and that the protection to the local producers will also assist the indiscriminating consumer by insuring that it gets better value for money. Finally on footwear, one hon. Member suggested that we should reduce the duty on imported footwear and impose an excise on locally produced footwear. That would, of course, be justified if what we were interested in was raising revenue. It would, however, completely defeat our economic and social objects, namely to encourage local production and thus provide more employment for people in Kenya.

Sir Charles Markham: Is that taxed?

The Minister for Finance and Development (Mr. MacKenzie): Before leaving the subject of protective duties I must deal with two points made by my hon. friend, Mr. Nur Mohamed. The made by my hon. friend is that I am advised answer to his first point is that I am advised that if the factories at Mombasa and in Uganda were to expand to their full capacity on a three-shift system, they could probably meet all of the East African demand for enamel hollow-ware. They are not doing so at present. This is because the Uganda factory had to close, its hollow-ware production last July as a protection we granted last year had come a little too late. I understand, however, that they have now begun production again, and are building up their output. The Kenya factory has, of course, been in production throughout the period. The degree of protection now afforded in all three territories hon. Members will no doubt be glad to know that Tanganyika, although without a factory of her own is co-operating in this matter to assist her neighbours. It should be possible for the two factories gradually to build up their production and to capture an increasing proportion of the total East African market.

[The Minister for Finance and Development]

My hon. friend's other question was whether Zanzibar was in the East African Customs Union. The answer there is "No". I am sure that they will be welcome if they wish to join. That is, however, a matter which is fairly within the competence of the Government of Zanzibar, who must be left to decide these matters in the light of their own interests.

One or two Members spoke about the increased licence fees for vehicles weighing up to 2,500 lb. tare weight, and said that this would have serious effects so far as the small man was concerned. I am afraid that those hon. Members cannot have listened to my speech as carefully as I had hoped. If they had listened, they would have heard that the maximum effect would be Sh. 1/50 a week. I cannot believe that this is an intolerable imposition on anyone who can afford to run a motor-car, nor can I believe that motor-cycle or even motor-scooter owners will suffer hardship if they have to find an extra 58 cents a week or 77 cents if they use side-cars.

Nearly all the speakers in the debate, Sir, have mentioned the proposed taxation on what the Customs tariff called "light amber mineral fuel oil for high-speed internal combustion engines". This is what I called diesel oil in the Budget Speech, and I am told that the common term is gas oil. I am also told that all references to the rate of duty should be taken as referring to 75 cents for an imperial gallon and at 62½ F. Before dealing, Sir, with the various criticisms of detail which have been made I would like to clear up two general points. The first is in answer to my hon. friend, Mr. Jones, that I am conscious of the dangers of regarding the petroleum industry as an easy and ever-present milk cow. While I have said one cannot reasonably avoid taxing goods because everyone uses them, I am aware of the importance of transport to the economy of this country and I shall certainly bear what he had to say in mind whenever these matters have to be considered. The other point concerns the remarks which have been made about the Railways. Hon. Members may rest assured that these measures were not inspired by the Railways Administration. Members may also wish to know what will be the effect of the proposals on the Railways. It is true that their competitive position will have been improved as compared with heavy and long-distance road hauliers, and that is unavoidable unless we are to tax the oil used in railway engines. However, such a measure would involve a review of the whole position of the Administration under the Customs tariff and it would also involve interterritorial consultation. It might moreover have serious

effects on the maintenance of the differential tariff which is of such great importance to our major industries. I personally believe that the balance of advantage may well be against depriving the Railways of their privileged position in so far as fuel for their locomotives is concerned.

In passing I would point out that they are by law a non-profit-making institution. I agree that the hon. Member for Nairobi West raised some important and fundamental questions about future policy on transport matters. It would not be appropriate to go into this subject at length now, even if I were able to do so, or competent to do so—which I am not. They will, however, have to be looked at both now and in the future and I am sure that this will be done. All this, of course, does not apply to Railway-owned vehicles. The view of the Kenya Government is that where Railway vehicles use the public roads, they should pay tax in just the same way as any other road using vehicles. This is particularly so where they are in competition with private enterprise, but I think it holds good generally. Here again the matter is not one which can be settled unilaterally. It is, however, being dealt with as a matter of urgency and I am sure that since we are dealing with people who are both reasonable and able, we shall come to a satisfactory conclusion.

Now, Sir, the criticisms of the taxation of light diesel oil fall mainly into three groups. There are those who suggest that the whole idea of imposing duty on gas oil is wrong because it increases production costs and hits the poor man hardest.

To these I can only say that the Government has no more desire than anyone else to increase transport costs for the sake of doing so. We are fully aware that the effect of this taxation will ultimately be felt by the consumer. As I said before, if one is going to obtain large amounts of revenue, and in this case the amount involved is some £675,000, one must spread the net pretty widely. As a number of hon. Members have recognized, it is not inequitable that gas oil should pay import duty and consumption tax at the same level as petrol. The measure is also equitable in that the payment made will be directly related to the mileage travelled. I can assure hon. Members that I gave great thought to the matter and considered various possible alternatives and alternative ways of raising the same amount of revenue. I and my advisers were just as conscious as any Member of this House of the objections which might be raised. We decided, however, that having considered all these matters the present measure was less objectionable and more equitable and less onerous than any of the alternatives. I am fully satisfied that that decision was right.

[The Minister for Finance and Development]

The second class of critics accepted the equity of taxing gas oil used in road vehicles but suggested that the refund system which I propose to apply to gas oil used in tractors employed in agricultural logging should be extended to all types of stationary engines used on farms or in forests or by industry or in such institutions as hospitals.

To deal first with the farmers and sawmillers, let me put them out of their misery by saying here and now that I propose the system of refunds should be extended to all light diesel oil used on farms except in road vehicles. The same will apply in respect of sawmilling. I am advised that the loss of revenue from this concession will not be very great. I am also satisfied that it will not increase the possibility of abuse. I believe that we can devise a refund system which will largely eliminate this particular risk. I feel sure in any case that all concerned will not have overlooked the fact that concessions can be withdrawn as well as granted and that privileges which are abused tend to be withdrawn. I have no doubt that the vast majority of those to whom the refund system is being applied will be much more interested in ensuring that the concession is maintained than in attempting to defraud the Exchequer.

As regards non-agricultural and non-forestry users, I have a good deal of sympathy with the pleas which have been put forward on behalf of hospitals and other non-profit making institutions. If eventually I am satisfied that there is no other way of protecting these institutions from the full effects of the new taxation I will be prepared to re-examine the possibility of extending the refund system to them. I am, however, advised that in most cases it is in fact possible for the owners of stationary engines or burning equipment to escape the worst effects of the new taxation without undue cost or great inconvenience. I should therefore be glad if the non-profit making institutions concerned would examine this matter carefully before pressing for action by the Exchequer. But what I have just said about alternative methods of escaping the full effects of the tax apply with equal force to industrial users. I suggest that before they shrug too loudly about what has been done to them they should see whether they cannot protect themselves in consultation with their technical advisers, including their suppliers. The advice which I have received, and it is the best available in the Colony, is that in most cases remedies other than a refund of revenue are available. Hon. Members may ask me why if this is so, and if industrialists can therefore avoid the main impact of the taxation, I should not extend the refund

to them, particularly since I am told that the amount used is only some 7 per cent of the total consumption for the Colony, and that extensive increases are unlikely. The answer again is that, according to the best advice which I can obtain, any further extension of the refund system beyond agriculture, forestry and possibly non-profit making institutions, would indeed open too large and too widespread a loophole. Although therefore I am prepared to look at this matter again, to look at it yet again, I must make it clear that I do not at present consider it at all likely that my final decision will be any different from my original one, and I suggest that those likely to be affected will be best advised to seek other methods of helping themselves?

Sir Charles Markham: Who is going to pay for it?

The Minister for Finance and Development (Mr. MacKenzie): I now come to the question of abuse. I have said that provided the concession is confined to agriculture and forestry possibly to a few non-profit making institutions, I do not think that the risk of abuse of the refund system is unduly great. So far as other non-road users are concerned, I have suggested that there are alternative methods of helping themselves. If they do so I shall not be particularly perturbed. The fact is that this fact was primarily devised in order to put those people who use diesel vehicles in exactly the same position as regards taxation as those who use petrol-driven vehicles. It was also devised to ensure that this object was achieved in an equitable manner. Among the other alternatives which I considered was the possibility that the licence fees might be increased to such a level that they would bring in as much revenue as will the taxation on diesel oil. For a long time I myself have hoped that this might prove to be the simplest and least objectionable method of dealing with the problem. I was however convinced on the statistics that such action would have been thoroughly inequitable and would indeed have involved increasing the licence fees on diesel vehicles not by multiplying them by two, as was the case up to 30th April, but by multiplying them by seven or eight. Even then the really heavy user will get off lightly as compared with the owner of a petrol vehicle, while the medium or low mileage user such as the farmer, or the man who runs a diesel lorry in connexion with his business, would have been very hard hit. In the light of facts like these I was convinced and still am that the only equitable way to deal with the problem was to tax the motor-car itself.

I have dealt, Sir, with the possibility of abuse of a refund system to be applied to agriculture

[The Minister for Finance and Development] and forestry and have said that I am pretty certain that we can deal with that. There remains the danger that those whom this tax is designed to catch, those who run road vehicles for which gas oil is the motive power, may try to escape the effects of the tax by using some other type of fuel. I am advised that this problem has had to be faced in other countries where gas oil is subject to taxation. One way out of the difficulty will be to tax all alternative sources of fuel. I have considered that possibility which has, indeed, its attractions from a revenue point of view. It has, however, objections both economic and social, and in these circumstances I have not pursued it at this stage. It has, however, objections both economic and social and in these circumstances it is, of course, still available, that is, taxing other sources of fuel. It is still available as a bolt in the locker should it be necessary. I hope that all concerned will in the general interests of the Colony make it unnecessary for me to use it. The other alternative which I am advised is used in other countries is that we should outlaw the use in road vehicles of all types of fuel other than petrol and light diesel oil. This method is, as I say, used in other countries which have had the problem and it is effective provided the penalties are sufficiently realistic and sufficiently drastic. It is the course which the Government proposes to adopt. Arrangements are being made for the necessary legislation, for which I am advised that precedents exist, to be prepared and to be brought before the Council as a matter of urgency. Hon. Members will note that this measure would only affect people who are deliberately determined to improve their own position at the expense of the revenue, that is, at the expense of every taxpayer in this country, since if I did not get this revenue from this source I should have to find it from another. I am sure that no Member of this House has any sympathy with such people and that they will support me in the measures necessary to defeat such of them as may exist. I also hope, however, that anyone who may contemplate this type of self-help will also be deterred from doing so not only by such draconian penalties as may be introduced, but also by the thought that if they do so I have available other possibilities which I prefer to use at present because they would not in my opinion have the most desirable effects, but which are always there as an effective last line of defence.

I have referred on a number of occasions to the availability of advice and to my having taken the best advice available in the Colony. This expression, of course, refers to our good friends

the oil companies. For obvious reasons it was not possible for me to consult them in advance of the Budget. I have, however, been in close touch with them ever since, and I should like here and now to pay tribute to the way in which they have co-operated with me and my advisers.

I would also like to let the House have information about one fact which may not be common knowledge. Gas oil or whatever we call it, was not dutiable on Budget Day. The oil companies were, therefore, under no obligation to have paid any duty on stocks in hand at that date. They would only have to pay on light diesel oil entering the Colony after Budget Day. At the same time in order to prevent the cheap hoarding of stocks by retailers and others it was necessary, as it is in these cases, to increase the price in accordance with the Budget proposals as from the day after Budget Day, 28th April. Hon. Members will note that depending on the amount of such oil in stock the companies could, quite legitimately, have made a handsome little profit. I am glad to be able to inform the House that they have quite voluntarily offered to pay the amount involved on their stocks in hand at the time that the duty came into effect. So far as Kenya is concerned, I am informed that the amount involved will be of the order of £150,000 of which nearly £50,000 will go to the Road Authority as part of the statutory grant payable in the financial year 1959/60. I am sure the House will agree with me when I express my thanks to those concerned for what is a most generous—though not, I believe, uncharacteristic—act of public spiritedness.

Mr. Deputy Speaker, Sir, when I began this speech I said that I had little faith in financial wizardry or magic wands. I believe that the essential aim of any Budget should be to meet the expenditure of the Government with the least disturbance to the economy and hardship to the taxpayer. I believe that in approaching the matter in this way we are likely to help our productive enterprises far more than if we seek special remedies. This does not mean that in certain circumstances special measures do not help. I have, indeed, referred to the value of protection to the industries of East Africa and to the employment of our people, but we should never in my opinion allow ourselves to be distracted from the main purpose which is to foot the bill in the way which will be least inconvenient for the general body of taxpayers. That, Sir, is what this Budget has attempted to do.

Mr. Deputy Speaker, Sir, I beg to move.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE 21—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, I beg to move that Mr. Deputy Speaker do now leave the Chair in order that the House may consider Draft Estimates of Expenditure for the year 1st July, 1960, to 30th June, 1961, for Vote 21—Ministry of Agriculture, Animal Husbandry and Water Resources.

As Agriculture, for the first time for many years, is the first Head to be debated I intend covering it in far greater scale than over previous years. I would like to take this opportunity of expressing how pleased I am that an Assistant Minister has been appointed to my Ministry to help me in my difficulties.

As you may already know, Sir, I am by profession a farmer, and farmers by general reputation are a slow-moving sort of people, so perhaps you will not be surprised when I tell you that in the midst of all this political tumult which has been going on and all the changes which have been going on round about us, the main objective of my Ministry remains unchanged, and by that, Mr. Deputy Speaker, I mean the development of our land, the building up of agricultural production in all areas, and I stress all areas, the maintenance of stable prices for the main products, and the fostering of markets for these products. In this work on which the economy of the country very largely depends farmers of all races have a most important part to play and the aim of my Ministry is to strike a fair balance in the assistance which it gives to the various sections of the farming community. Now, for a number of years past I think I can rightly claim that we have been working on the right general line, which is why I do not propose to make any new major changes in the agricultural policy except with one important exception, about which I will speak at length later. While I am not proposing any new changes, Mr. Deputy Speaker, with that one exception, there are in fact many major advances which are taking place in agriculture. Now, agriculture in its broadest sense, and as agriculture in its broadest sense improves, so do many problems and so do many new problems often arise, although often these new problems have been small problems which have been lying dormant; and a very good example of this one is that as we have developed

the Swynnerton Plan so we have brought about the problem of finance for loans for the farmers who have come out of the Swynnerton Plan. Over and above that we have developed a further problem which is the improvement of roads of access from those areas which have been consolidated and improved in getting their produce to the railhead and to market. These two I hope will be able to overcome by being able to borrow £2,000,000 from the International Bank for Reconstruction and Development, and there are many other examples which I could give. Two particular reasons why I think we are on the right general lines are as follows: The committee which was set up under the chairmanship of Sir Donald MacGillivray has made its report which I hope to be able to Table very shortly in this House, and I am most grateful to Sir Donald and his two colleagues, Mr. Angus Lawrie and Mr. White, for their most painstaking and comprehensive survey of our agricultural industry. I am sure hon. Members will endorse my thanks when they see the report which runs to over 250 pages. Here I want only to say this, Mr. Deputy Speaker, that the MacGillivray Committee Report reached conclusions which are generally favourable to the boards and committees which operated in the field of agriculture, and it may interest the House to know that a very knowledgeable authority on agriculture, who was recently in the Central African Federation, has compared our system more than favourably with the system operating in that country, and, secondly, while I am very far from complacent about it and recognize that an enormous job still remains to be done still I claim that the progress which has been achieved in agriculture in Kenya during the last five to ten years has been indeed remarkable. In saying this I cannot forbear mentioning the names of my two predecessors in office who did so much for agriculture, Mr. Michael Blundell and Sir Ferdinand Cavendish-Bentinck. It is to them and to the officers of my Ministry that the progress which has been made over the years is mainly due, and also to the work and skill of many, many individual farmers of all races.

We have in Kenya, Mr. Deputy Speaker, a varied form of agriculture based on sound agricultural practices and we produce produce of an excellent quality. We are, however, very dependent to a large extent on the uncertainties of the world market, especially as some 85 per cent of our agricultural exports go overseas. When I mean overseas, Sir, I mean outside the three East African territories. During 1958 we went through a difficult period mainly in the dairy and bacon industries, but prices in these two industries have recovered in 1959. The price of sisal has also recently risen and sales of Kenya pyrethrum continue to expand. We seem able to continue to sell

43) Committee of Surplus

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

Kenya coffee at a continued premium since even though lower grades from other countries have declined appreciably. Nevertheless, Mr. Deputy Speaker, our dependence on this market makes us vulnerable to world price movements in the intensive competition from other producing countries and to periodic economic surges, and, of course, to the subsidies in agriculture given by industrialized countries. This makes it difficult to maintain stable normal agricultural prices on which an expansion of production depends. Our main defects in this position in my opinion lie in the following areas:—

- (a) Ensuring that we continue to produce produce of high quality.
- (b) Research into lower production costs.
- (c) Improved marketing in storage, packing, methods of export.

All these three points receive the continuous attention of my Ministry. The real value of agricultural exports exported areas rose from £26,000,000 in 1958 to £20,000,000 last year. Exports to Uganda and Tanzania amounted to a little over £6,000,000 but no more. Mr. Deputy Speaker, can tell what the future holds. Therefore we must improve efficiency, lower the costs of output, and still maintain the standard of quality, and I do so on purpose. Mr. Deputy Speaker, to continually remind the Members that the theme must be quality.

The better part of our exports come from European farms but the economies made by African farmers once again show a substantial increase. I have no doubt that intelligent Government in the future it will go on because for I am sure there is a great deal of good land in African areas which is not cultivated. A large part of my Ministry's development programme for the next three years is directed at bringing this land into greater production. Now, Mr. Deputy Speaker, since coffee is such an important crop for Kenya and indeed for the entire East African economy, I am sure that the Members will be interested to know that an International Coffee Group which was set up as a result of conversations last year has now started its work in Washington, largely on the impact of the Coffee Boards of Kenya, Uganda and Tanzania. An experienced officer of the Home Commission, Mr. London, has been posted to the British Embassy in Washington, and I would like to take this opportunity of thanking Her Majesty's Government for allowing us to rest his facilities and attach him to the Ambassador's staff in Washington. His job will be to assist the Staff Leader with particular regard to the interests of East African

coffee producers. I was fortunate enough to arrive in Washington at the same time as Mr. London and had discussions with him both in London and in Washington, with the Colonial Office and with the United States Government people who are interested in the future price structure of coffee.

I have no doubt that a number of questions of detail will be raised in the discussion on my Ministry's Estimates and therefore I propose to leave these until a little later but will now set two main themes only. First, I will make some remarks on the general shape of my Ministry's Estimates. After that I would like to explain the new project for small farm settlement in the scheduled areas corresponding roughly with the area which up until now has been known as the Highlands. This project has been only recently formulated and so it is not reflected in the Estimates now before you but it is in my view of such major importance for the smooth transition from the old Kenya to the new Kenya that I feel I must take this early opportunity of telling the House about it.

First, some general remarks about the general shape of the Estimates of my Ministry. The net increase in our Estimates is approximately £116,000, the gross increase being £245,000, but this has been offset by an increase in the Appropriations-in-Aid by £129,000 much of which has come from increased revenue which is expected to accrue from productive stations and services. The net increase is 74 per cent of the previous year's Estimates, but excluding a number of items which have been transferred from other Votes, the true actual increase is about 3 per cent or one-third, and I would like hon. Members to note this, of 1 per cent of the Colony's Budget. It is a remarkably small increase in view of the fact that with the continued development of agriculture in the Colony there is a continued increasing demand for more agricultural services. With the completion of land consolidation in many areas a demand for rural credit has developed, and hon. Members may remember that towards the end of last year we had a visitor with the financial help of I.C.A., a Mr. Williams, who wrote a most excellent report on Rural Education and on Rural Credit. Now, Sir, if we are going to have the expansion which we hope to have under the Swynnerton Plan this demand for development money and money to help the farmers must be found. Funds have been provided in the Development Budget on a greatly increased scale, and if we obtain the £1,000,000, which we hope for, from I.B.R.D., that £1,000,000 will be the first of a block of money to help in this. It is also necessary. Mr. Deputy Speaker, to provide a sound organization to administer these loans. An extra provision

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

has been made for the headquarters staff to look after that both on the administrative and on the accounts side, and extra funds will have to be sought to provide the technical staff in the field with assistance in order that their time might not be taken up too much with the administrative side of this loan programme. The principle behind these loans is that they will be largely for supervised credit in order to make sure that most productive use is made of the money which we obtain, but where possible security will be sought even in land or moveable assets belonging to the borrower.

Mr. Deputy Speaker, the demand for agricultural services is now outstripping the resources of my Ministry and it is becoming necessary now to seek ways of ensuring additional services can be provided from other sources, that is, other sources than from Government revenue of loan funds. Contributions to research services have already been made by producers and the Coffee Board particularly are a very fine example. The coffee services are now being separated from the other services for the ease of accounting. It seems likely that increases in our other research services will have to depend on future industry and the contributions that we get. The greatest need, however, is for the advisory and expansion services in the African areas. To achieve the desirable ratio of staffing to farming units as more and more farms are becoming productive requires a considerable increase in staff. These increases can only be supported by the producers themselves. In other words, Mr. Deputy Speaker, self-help. Arrangements have already been made for transferring the accounting staff, who up to now have dealt with the land development loans granted by the Settlement Board to the Ministry. This, together with the Rural Credit Section which we will set up, will have the advantage of bringing into one place a strong loans section. Provision has had to be made for the staffing of two more livestock and an additional improvements centre at Homa Bay and Cheborogwa. It has been considered desirable that the grader at Uplands Bacon Factory should be an official grader and independent of the factory. He will therefore be employed by Government although the cost will be borne by the producers.

With the running down of Cotton Board funds it has been necessary to take over certain agricultural services in the Coast Province which has hitherto been financed by the Coast Province Cotton Production Committee. Provision is also made for the expense of winding up the Dam Construction Unit. I personally will be very sorry to see these units being wound-up. They were started at a time when contractors were rarely

available and certainly not for operations in the more remote and difficult areas of the Colony. The continued need for them now, we maintain, has largely ceased. ALDEV operates two small dam construction units in the more remote parts of the African areas which will continue to operate and the soil conservation services will continue to construct small dams in the scheduled areas.

The Ministry's Market Research Section after some setbacks has begun to get into its stride. At the same time during the past financial year the K.C.F.A.I. and the A.P.E.A. came together to form a joint marketing committee with its own staff which I am pleased to say works in very close liaison with the Ministry's Market Research Section. The value of these efforts is already beginning to become apparent. It is hoped that they will bear fruit in the very near future. It is obvious that it is not a sound proposition for Kenya to depend on offloading any products that have been surplus to its internal requirements on the highly competitive and very vulnerable United Kingdom market and it is the Ministry's intention, with the help of this body which has been set up, to explore and to encourage others to explore what has to be called the local export market, that is the market in the surrounding East African territories and in what I like to call the Indian Ocean sphere and the Persian Gulf. One of the great problems of marketing Kenya's produce outside the territory is the maintenance of a standard, and to this end my Ministry is studying whether more effective grading and packing arrangements cannot be made. As a contributor to world markets it is essential for Kenya to export goods of high quality if she wishes to maintain a place for herself and obtain the prices for that produce which will enable the economy to be sustained in the difficult times which we may quite easily have ahead. There is also always a market in the world for goods of quality although it may be in some instances a small one. Special attention is being given to the problem of marketing potatoes and I hope very shortly to have available a report on this difficult item.

Now, Sir, if I could touch on agricultural staff, I am very concerned about our ability to recruit qualified agricultural officers for the Agricultural Department. There are at present 25 vacancies on the A scale and we have been advised by the Colonial Office that they can only fill three or five, or three to five, this year. I am also worried at the lack of interest of Africans in particular in taking degree courses in agriculture at Makerere College. Even if all those people who are at Makerere College now pass their examinations year by year over the next three years we

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

can only obtain seven people. This is no way in which to achieve localization of the service by men, by our own people, and we will certainly need these people if we are going to continue to develop our agriculture as we would all like to see it, and I would like to take this opportunity of calling on all Members of this House, and especially the African Elected Members, to encourage people to take science in the schools and then go on and take agriculture at Makerere.

I am also very keen to get Africans into more responsible posts in the Ministry and for this purpose I hope with the assistance of the International Co-operation Administration who I saw when I was in Washington to give some of the existing agricultural staff higher training in the United States which, if they complete satisfactorily, will qualify them for advancement in the Service back here in Kenya.

Funds have been included in the 1960/63 Development Programme for putting in the necessary development at Siriba Agricultural College to start a course for the diploma standard in agriculture in 1961. With the assistance of the Rockefeller Foundation and the Hindocha Trust it has been possible to get the additional buildings started a year sooner than we expected. Once again, Mr. Deputy Speaker, we are up against an old problem and that is the problem of recruiting qualified lecturers. Although asked to do so a year ago the Colonial Office have failed to find anybody to fill the five vacancies for lecturers and does not expect to obtain them this year either. This is a very pressing problem and I attach great importance to the establishment of this College at Siriba. While the Agricultural Department may be able to second officers to fill some of these lecturing posts, and we have done this in previous instances, we have again turned to I.C.A. in Washington to see if the United States can find us lecturers in chemistry and biology and advisers on agricultural education so that we can set them up and start a course to tide us over for this important first two years. What this does show us is that people of this standard and of this calibre are difficult to obtain on the world market today.

Now, if I may touch on finance, Sir, so far as my Ministry is concerned, in his Budget Speech the Minister for Finance laid stress on the importance of fostering agriculture in support of the economy of the country. I am naturally worried about the cuts which it has been necessary to impose on the Estimates of my Ministry both last year and this year. In the interests of the country it is necessary to expand the agricultural economy as fast as it is humanly possible

and in many ways this can be stimulated by services from Government if they can be provided. I have a number of things in mind. The value of the pyrethrum industry will I hope go up from approximately £1,000,000 in 1957 to £3,000,000 by the end of this year with the prospect of a continued expansion. Government in conjunction with the industry, or with that that industry, should be providing expanded research for his valuable crop now.

Agricultural education is the need of our senior experienced officers to guide our big programme of degree diploma instruction and farmer training, the training extension of officers in modern techniques and to provide a constant supply of teaching aids, and so on. The expansion in the national economy will come as much from understanding by farmers on how to improve their farming as from the growing of cash crops. As my colleague said, the modernization of peasant agriculture is a vital factor for the future and I make no apology for using the words "peasant agriculture" because the words "peasant" and "peasant agriculture" is used in many agricultural countries of the world, and as words I think they are delightful words.

A very big expansion, Mr. Deputy Speaker, is needed in the distribution of artificial insemination if appreciable improvement is to be made in providing productive dairy cattle and in some instances beef cattle for the rapidly increasing number of planned smallholdings of which there are approximately 14,000 today and which could quite easily be 100,000 within the next ten years. A much stronger organization is needed in the field to expand the development and management of co-operative societies, that is if the rapidly increasing production from the African areas is to be marketed in an orderly fashion to yield the best return to growers. Co-operative societies have since 1st May fallen under my Ministry and I intend in the next few weeks giving some thought to that organization. It can and must play a vital part in the increasing of production in African areas especially.

Now, on cash crop development, I would like to say that nowhere can money be better invested or the standard of living of the people more rapidly raised than by developing good farming. Water supplies and cash crops in the African lands of high potential where the denser population lies is the area which I consider falls into this most of all. Movements of vast populations to new lands is very costly and there are few alternative lands which have half the potential of the present populated areas which I have mentioned, and that area in which they live now is of a very great potential. My Ministry is actively engaged on accelerating programmes of cash

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

crops development. This is in answer to a question which was asked of me during the Budget debate. Prior to consolidation the rate of such development was likely to be retarded since farmers had no secure title to their land and because the plots on which they could grow their coffee or tea were often some distance from the homes in which they lived. It is obvious that the provision of advice to farmers is far easier to give on a consolidated land scheme than on fragmented land with bits and pieces of land owned by that farmer in all directions. The efforts of limited agricultural staff are therefore obviously far more effective in these consolidated areas and in fact in those areas we can do more, far more, to achieve the aim which we all want, that is a better standard of life for the half million peasant farmers in this country. Nevertheless, Mr. Deputy Speaker, there is an increasing need for more and yet more experienced officers to speed up the process and to put across to the farmers that the results of research must be used in their farming and to see that farmers make the best use of loan funds such as those which are available at the moment through the help we have had from I.C.A. and the future help I hope we will have from I.B.R.D.

Now, Sir, if I may touch on African coffee growing, the programme is well up to target and with the progress made with land consolidation we are now planning to expand the rate of planting where co-operative societies are able to handle bigger areas, and the nurseries required, and where the field culture can be adequately supervised. I would like to impress upon the hon. Members who represent the farming constituencies that it is up to the co-operative societies to play a far bigger part than a lot of them are playing at this stage. We are not losing sight, Mr. Deputy Speaker, of the quality aspect in our expansion plans in these areas.

Indeed we are concerned to keep the yield and the quality of Kenya coffee at its present high level, and to this end the small cess has been raised on the coffee crop to help provide the additional services which are needed. Its yield and quality are to be maintained from the greatly expanded areas which are now being planted with coffee. In fact the Estimates themselves show the Central Province Marketing Board, out of the coffee cess, is to pay for three extra coffee officers, 32 instructors and 197 assistant instructors in the coming year, and this is the type of self-help which we must see more of. There may be some, Mr. Deputy Speaker, who will grumble at this, but it must be remembered that the cash return

per acre of arabica coffee to the African farmer in Kenya is approximately three times that of his Tanganyika counterpart, and very nearly four times that of his counterpart in Uganda. I do not suppose that any hon. Members will grumble at that. And the small cess levied to provide the services which are vital to maintain this level of cash return, is a small price to pay for so handsome extra money.

Now, Mr. Deputy Speaker, the development of tea as a cash crop is very much more difficult and is far greater in difficulty than the coffee one. Principally because of the much greater capital expenditure which is needed in producing tea at cost per acre. We have in the Nyeri District, in the Ragati area what we believe to be the only peasant tea scheme in the Commonwealth which produces tea of a quality comparable with the best estates in other parts, and this scheme is being used as a basis of future development. African grown tea has hitherto been developed by Government resources, but Government, Mr. Deputy Speaker, can no longer face alone the cost of developing a much larger acreage. There is therefore call for the assistance of the Colonial Development Corporation and interested companies to help provide the finance for development, and at a later stage development of the factories. The funds drawn from these sources will be controlled by the development authority which will co-ordinate and control the development of tea, and will co-ordinate and control any other cash crops which we may, at a later date, get put under the authority. The plan, if the parties concerned are able to participate, involves an additional 9,500 acres of tea in the next five years in addition to over and above the 1,500 acres which we have now, making a total of 11,000 acres of tea at the end of the next five years. This will come about at a cost of a little over £650,000. This acreage includes schemes for sale of green tea leaves to existing estate factories, which particularly benefit the Kisii, Kericho, North Nyanza, Nandi and Kiambu Districts. The factories which will be built will benefit the districts of Central Province, remote from existing factories. Also Kericho and the Kisii Highlands. Mr. Deputy Speaker, if these prices do not collapse this project alone will bring in an additional income of £500,000 a year into the pockets of these African tea growers. We hope that this will only be the forerunner of bigger development as there is estimated 700,000 acres of land, and I repeat this—700,000 acres of land in African areas, which is suitable for tea production.

It is envisaged that eventually the cash crop development authority may take under its wing, as I have mentioned, other cash crops in African areas.

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

Now, pyrethrum. There has been a big increase in the pyrethrum quota allocated, not only to European pyrethrum growers, but to African areas, and this increase is from 850 tons this past season to 1,500 tons next season. And for the benefit of hon. Members opposite I think I am right in saying that this figure of 850 tons was not obtained over the last season. In the plan for Pyrethrum Board to expand markets and go ahead as the Chairman and that Board anticipate, there will be an expanding opportunity for all growers to grow more pyrethrum in the high altitude zones.

Now, Sir, if I may just touch on a part of my Ministry which people are apt to forget, and that is the research side. The agricultural and veterinary research services are indeed doing an excellent job on behalf of Kenya in many varied fields. They are giving a guide to improved farming and to animal husbandry, to the better management of grass land, to the use of fertilizers, and to the control of pests and diseases, both of plants and of animals. At the same time better varieties of wheat, maize and other cereals are being produced, and a wide range of crop varieties, and a new crop are being tested. They also exhibit a fine principle of self-help for research. This is where a number of industries have been most helpful and are keen to improve on their performance, to prove to us on their own performance, that they have been willing to invest large sums of money in research, and I would particularly like to refer to the coffee, sisal, tea, pyrethrum industries, the Kenya Meat Commission and the pineapple industry, and last, but not least, the cereal producers.

Now, Sir, livestock has over the last year notably contributed towards the 14 per cent increase in the total agricultural exports recorded in 1959. 61 per cent more meat and meat preparations were exported, and very interesting one, 23 per cent more wool. Also, Mr. Deputy Speaker, no less than 7,250,000 lb. of butter was exported, an increase of more than 50 per cent over the year 1958. Encouraging new markets were found for poultry products, and the poultry industry also increased greatly in numbers. All these figures, Mr. Deputy Speaker, are encouraging, but progress must be maintained and increased, especially we must try for an improvement in the production of the individual animal. There is plenty of room for this, and the tools and the services are ready for those farmers who are prepared to use them. The Central Artificial Insemination Station at Kabete carries studs of pedigree bulls of most of the well known breeds, and the Veterinary Department also have available, which may not

be known, courses of instruction in the technique of artificial insemination for peoples of all races. The price of semen in this country is very low indeed, especially when I compare them to what I found prices were in the United States of America.

Coupled with improved blood in our livestock we must strive for better management of these animals. However good your stock are from the breeding point of view, it is impossible for it to produce its potential without the best stockmanship, feeding and management, and this, unfortunately for a number of people, means personal supervision by the farmer himself, and a very great amount of hard work.

Mr. Deputy Speaker, we must never forget the disease factor in Kenya. I did touch on this point yesterday, but I would like to re-emphasize it again today because it is of such vital importance to us. And that is the disease rinderpest. Although the Veterinary Department itself inoculate free a very great number of animals each year, and I think last year we inoculated something like 1,400,000 head, the disease has been increasing lately. Now, Sir, if we get an outbreak of rinderpest in our main production areas it would be a tragedy. Therefore, I think that the farmers with unvaccinated cattle, especially those who are adjacent to forest reserves, and the areas are in a considerable number, are, I think, in considerable danger themselves, and should take immediate precautions and vaccinate their cattle. It is well known that over many years we have sold a great amount of vaccine to the Sudan. Over the last year we have hardly sold any at all, and from this it is obvious that a great block of land to the north of us has cattle which are now not being inoculated.

Now, Mr. Deputy Speaker, if I may turn to water. I feel that a great number of people do not appreciate how badly off we are in Kenya for water. People glibly talk about subdivision of land here, subdivision of land there—talk about putting villages here; talk about putting villages here; irrigation schemes here; barrages across this river and that river, without realizing just how little water we have, and how expensive water undertakings usually are. Now, before any work on water can be undertaken, whether in connexion with township, rural supplies, or for agricultural purposes, extensive surveys and technical investigations must be undertaken and, again, more especially in a country such as ours, where we are so short of this commodity. With the steadily increasing demand for water, both urban and agricultural use, including irrigation in the Scheduled and Non-scheduled areas, it is becoming very evident that in many cases it is necessary to plan water development on a regional

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

basis rather than on a district basis. Mr. Deputy Speaker, failure to plan on a long-term programme, and on a regional basis will lead to piecemeal development, and will lead to waste and even extravagant waste of water, and I should like to refer to one or two investigations, and perhaps two of the most important investigations going on in Kenya at the moment.

One, Mr. Deputy Speaker, is the surveys we are doing for water requirements in the heavily populated area of the Kiambu District. This has resulted from the policy of village organization, or the villagization on a lot of the ridges in that district where there are approximately 100 villages, and some of them in size are, or could be the description, very nearly of "small towns" rather than of "villages". Now all these 100 urgently need piped water and safe water supplies, but there are also the great agricultural requirements for water in the same area, and in many cases the same schemes can serve both villages and the agricultural districts. It has, therefore, been decided to start in this area with an investigation by the hydraulic branch to see just how much water will be necessary to be used.

The further one, Sir, is the investigation in the Lake Victoria drainage area. Two other important ones as far as water are concerned, Mr. Deputy Speaker, are the Njoro stream itself, and an investigation being carried out in the Uaso Nyiro drainage area.

Now, Sir, if I may turn to my one exception, which is a small farm plan programme, and, Sir, in all that I have got to say on the small farm programme, one must bear in mind that Sessional Paper No. 10 still has to be debated, and also legislation will have to be debated arising from Sessional Paper No. 10.

Mr. Deputy Speaker, arising out of discussions which the Minister for Finance and I had with representatives of the Colonial Office and with international finance houses, and with the I.B.R.D., plans have been drawn up by my Ministry with a view to purchasing suitable land offered for sale in the first instance in the Scheduled Areas and subdivide these into small farms on a non-racial basis of something round about 50 acres on the average. Our immediate target once the proposed legislation has been passed is to settle 400 to 50 small farmers on their farms early in 1961. I have had discussions with the European Agricultural Settlement Board, and the Board of Agriculture, on the ideas which my Ministry have put up. The present Agricultural Settlement Board, or it is envisaged that the Present Agricultural Settlement Board

will be replaced by the Settlement Board (Scheduled Areas), which will be established in the October/November sitting by an amendment to the Agricultural Ordinance.

This Board, it is hoped, will consist of the following: A Chairman, nominated by the Minister. Four Government officials, six farmers from the Scheduled Areas and two farmers from the Non-scheduled Areas. It is also proposed that the six members from the Scheduled Areas, plus the Chairman, will be the trustees for the tenants and assisted owners who are at present taken care of by the European Agricultural Settlement Board. There are approximately 350 of these tenants and/or assisted owners, and I would like to draw the attention of the House that if, at any stage, these 350-odd people decide for one reason or another to stop their tenancy to the Settlement Board, Government would have to find £600,000 under the Landlord and Tenant Agreement they have with them to pay for the development which these people have done on those properties from their own money. The new Board, Mr. Deputy Speaker, will select from farms for sale those which appear, on expert valuation and report, to be suitable for subdivision into small farms, as I said, of an average of 50 acres. This land will be high potential land, capable of growing cash crops, such as coffee, pyrethrum, or a figure which we maintain is the level at the moment of producing 12 bags per acre of maize and/or its equivalent in other cereal crops. Land, and I want to be specific on this, land which is already fully developed will, as far as possible, be retained in large units for resale to those wishing to purchase larger farms. This is an activity which is carried on at the moment by the European Agricultural Settlement Board, and will be continued by the new Board, but on a non-racial basis. Land of average, or below average fertility under this scheme will not be suitable for breaking down into small farms if they are to be fully economic.

Now, Sir, this new settlement authority, or the new Settlement Board, to be known as the Settlement Board Scheduled Areas, will decide on the basis of valuation and other factors involved. It is at present envisaged that applications for land will be vetted by the Provincial Administration, and then trained by the Agricultural Department. Firstly, at the department's farm institute, then on the farm itself on which they are going to be settled. The settlers will be employed in the general development of the farm, for instance, on the roads and survey, water supplies, fencing, buildings, as well as to continue with their farm training. A settlement officer, experienced in agriculture, will be appointed by the Settlement Board to take charge of one or more groups of settlers. The settlement officer will be responsible to the

[The Minister for Agriculture, Animal Husbandry and Water Resources] to the District Agricultural Committee, which will be subordinate to the Settlement Board Scheduled Areas. Both the district agricultural officer, and the district commissioner are, and will be, members of the District Agricultural Committee. In this way technical supervision will be ensured, and both the district commissioner and local farmers will be able to keep in touch with the progress of the settlement.

Each settler who requires it will receive a loan for approved essential development, which will be strictly supervised by the settlement officer and will be repayable with interest in a set time.

Now, Sir, in the discussions which we initiated in London with the international sources of finance, it was made perfectly plain to the Minister for Finance and myself that money from those sources could and would not be allowed to be used for the straight purchase of land. The only kind of finance which they were interested in on an agricultural project was on the reconstruction and on the development side, and both the reconstruction and the development had to be economic, otherwise they were not interested in putting finance into that project. Therefore, it was left to us to find other sources of finance which would be used for actual purchase of the land, and it is on this aspect that our discussions took place with the Colonial Office. What is now envisaged and is hoped is that during the current Colonial Development and Welfare period Her Majesty's Government will give us a total of £3,150,000 for the project on condition that we can obtain the further amount of approximately £1,500,000 per year from international finance to do the development and reconstruction side of this. And I have in mind that we may be able to get this international finance from such people as the I.B.R.C., C.D.C. and others. This will mean, Mr. Deputy Speaker, that the total amount which we hope will be available per year will be £2,400,000, £900,000 of which will be for the purchase of land, and the £1,500,000 for, as I have already explained, the development on an economic basis. On this basis some 50,000 acres per year could be bought on which 800-odd small farmers could be established with their families.

A project on these lines has been prepared for submission to those people who control international finance, and we sincerely hope that this will lead to a mission coming out to Kenya to discuss this problem with us later on, but not too late in this year. It is considered most desirable that the first settlers should be established on their land early in 1961, in time for the planting in March and April. To allow time for training these settlers and developing the farm suitable land

should be earmarked, and, if possible, purchased just as soon as it is possible in this year, and that 40 to 50 future settlers on a non-racial basis should be chosen at the same time.

Hon. Members may like to know that a number of properties have already been offered for sale to the Government. As regards African settlers there is considerable interest among farm workers in the settled areas, including a number of farm headmen likely to make very suitable settlers, as well as farmers who are already established on 7- to 10-acre farms in African land units.

The Chief Commissioner has been consulted about methods of selecting Africans from the African areas, and has advised that selection should be in the hands of district commissioners, assisted by district agricultural officers, and where appropriate, District Agricultural Committees.

Now, Sir, one is sure to be asked what the basic principles of this project are, and I would say that they are four in number. (1) The aim is an economic project which will increase production from the land, and this is all, as I have already said, that international finance is interested in. (2) We must therefore rule out of the project one extreme low level of subsistence agriculture and at the other extreme, fully developed and fully productive land. This type of land should be retained in large, economic units for farming as large farms. (3) The project should concentrate on undeveloped and underdeveloped land, with the object of establishing fully economic intensive farming on such land. (4) There is no justification for any subsidy.

Now arising further out of our discussions which we had both in Washington and in London, it was put to us that the Land Bank should be removed from under Government's wing, and be set up as a statutory authority with an unofficial chairman of its own accord. It was felt that if the Land Bank was set up in this fashion, and was set off with the two million pounds which Government has got in it now being given to them free of interest, that international finance would be available for this Land Bank. It was felt then that whenever any settler under our project owned 30 per cent to 40 per cent of his land, he would then move away from under the wing of the Settlement Board Scheduled Areas, under the Land Bank. The money would then become available again to the authority, to the Settlement Board Scheduled Areas, so that they could turn the money over again if it was necessary and if the land was available.

In the discussions which we had with the international financial people, it was agreed that if they did come into such a project their money

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

would not be tied to the development of land purchased in what is now known as the "Highlands". It would be available for high potential land and medium high potential land anywhere in the Colony.

I would like to re-emphasize that the whole of this scheme will operate through the machinery which will be thrown off by the discussions on Sessional Paper No. 10 and the legislation which will come from that.

Now, Sir, I might be asked whether this is the final move as far as this Settlement Board is concerned.

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

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

What I would just like to spend a minute or two touching on is that Phase II will be the setting up of a Land Use Authority which will have two prongs to it. It is envisaged that the Land Use Authority will consist of a third coming up from the scheduled areas, a third from the non-scheduled areas, and a third from the Government services in the Ministry. That authority will have under it two prongs. One will be a combination of the Board of Agriculture, with the Settlement Board Scheduled Areas, and the second prong will be the, what is presently known as ALDEV, with the development and settlement authority for the non-scheduled areas.

The reason why we have changed our ideas and are going back to a third civil servants on these authorities and boards is that international finance is not interested in lending money to a project, where that project is not supervised by at least a third Government servants. They maintain that from the experience they have had from other countries, no matter how poor quality the civil service is, it is always the civil service element, and that if political rumpuses start, it will continue to operate such schemes and see that they are continuing to be run on a sound basis. So, whether we like it or not, if we are going to use international finance we shall have to have the third technicians—the Civil Service technicians—on those boards.

Now, Mr. Deputy Speaker, during yesterday's debate the hon. Member for Nairobi West raised various points, most of which I have covered, except he was asking for Government's opinion on what was meant by compensation, line of credit, stabilization, and I cannot remember the fourth one he mentioned. What I would like to

explain in answer to his questions—how I would like to answer it—and I think he mentioned that he had heard people talking about a stabilization fund of £30,000,000. The view of my Ministry is that if a fund of £30,000,000 were set up outside Kenya to be used by anybody who wished to leave Kenya and in some instances they said before independence, and in other instances they said after independence, what is felt by my Ministry is that if this fund was made available now, and there was rush to absorb this fund, we may find ourselves with £30,000,000 worth of land thrown at us to put farmers on to it. Now that task would be impossible for my Ministry, and the people who would suffer would be the people of Kenya. The national economy would take a knock because £30,000,000 is approximately 25 per cent of the Highlands of the European areas. Now, Sir, if £30,000,000 was available, what would happen, and there was a rush to it, what would happen to the people who were half way down the queue, or at the end of the queue? How would you decide who was to have it and who was not to have it? How would you block the great drain that there would be on the national economy? Therefore to me it seems that those who would win this race would be the ones who would benefit, and those who are determined to stay here to help Kenya and its future would be those who suffered. Now, Sir, I have heard talk and discussions that there should be a fund of £120,000,000 set up, which they maintain is the full value of the Highlands, so that anybody can sell his farm and leave Kenya at any time which he may please. Well, Sir, after my wanderings in the United Kingdom and the United States I am certain that it is impossible to get this amount of money, or any money for this type of project, from international finance. The answer is, "Why does not Her Majesty's Government give this £120,000,000?"

Mr. Alexander: Or £30,000,000.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Then, Sir, I come back to the same problem which is the £30,000,000 one. We, in my Ministry, would have this land thrown at us, and we would have to attempt to hold up the national economy of Kenya, which would be an impossibility. Now, Kenya, a lot of people may not appreciate that the value of the Highlands is round about £125,000,000, of which roughly £50,000,000 is in mixed farming, £50,000,000 in plantation, or potential plantation land, £20,000,000 in ranching, and a further £5,000,000 is made up by odds and ends.

Well, Sir, perhaps it would help in answering the question which was asked by the hon. Member for Nairobi West, if I could just paint a picture

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

of what we believe would happen if this fund of £20,000,000 or other amount were available. I think I have covered the two main points on it, Sir, but there is one point which I have not covered, and that is that in all these schemes, to me and to my Ministry, there is a taint of compensation in them. The only scheme that we think that has not a taint of compensation in it, is the scheme which I have put forward to you today. I appreciate that that may not go as far as some people may like in what they call "stabilization of farm prices", but I am quite prepared, Mr. Deputy Speaker, to stand here and to prophesy that land which is worth £20 an acre today in the European areas in five years, and this is high potential and medium potential land, will be worth more than double that amount of money.

Mr. Alexander: Where is the £30,000,000 coming from?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Sir, the question of the £30,000,000 where it is coming from, we, on this side of the House, have not the vaguest idea where it will come from.

Mr. Alexander: Exactly!

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): And it has been suggested in other places that this £30,000,000 was promised by somebody or other. We on this side of the House, know of no promise for £30,000,000, as has been suggested.

Mr. Alexander: I see.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Sir, I believe that European farmers in large numbers will continue to farm their land here, both with profit and enjoyment despite changes which may take place, and I do not believe that any responsible Government will plan to drive our European farmers. Although I do know there are some people who cherish these fears, I consider that they are much exaggerated, and my agricultural policy is to do nothing to encourage such fears. If any of the farming community want to leave now, that is their affair, and it is up to them to find buyers for their farms: I feel that they may find that there will come in the next few years greater interest from other races to purchase their farms if they do, in fact, wish to sell them at that stage.

I have already emphasized, Mr. Deputy Speaker, that it is not Government's intention under the schemes I have proposed to buy up all

the land offered, but only that land which is likely to be resettled, which is liable to be resettled as a subdivision scheme, that is the settlement in small farms. I sincerely hope that hon. Members opposite will join in this debate on this subject, and I hope, too, that the African leaders will take this opportunity of reiterating what they have told me in conversations which we have had at various times, when they have said that they have no intention of upsetting the agricultural economy of Kenya just as long as the farming community continue with their normal development and continue to help towards the national economy. But if the worst should happen, and some many years hence the Government did go in for large-scale ex-appropriation, then at that time suitable action could be taken.

Now, Mr. Deputy Speaker, may we look at the other side of the picture to see what would be the result if we continue to farm as we have in previous years. I feel, Mr. Deputy Speaker, that with the value of Kenya's great cash crops which have developed so much over the last three or four years, that the continuation of European farming in Kenya will not only continue to help the national economy, but will continue in future years and make itself invaluable to the future of the country.

Now, Sir, the last point, which I cannot emphasize too strongly, is that agriculture, and agriculture more than anything else, is vital to the prosperity and future of this country. Let politicians, be they true politicians or pseudo, defeated, old, young, inexperienced, swollen-headed, ambitious, commercial, new, post-war, ex-Service, loud-mouthed, or just common decent politicians—

Mr. Alexander: He has left me out!

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Let them tamper with the agricultural structure which does so much for us all, or let them tamper with the genuine farmer of all races, and I emphasize, the genuine man of the soil of all races, who continues to produce and develop over and above the hue and cry of politics, who continues to develop and produce to the advantage of the national economy—tamper with him, and you will bring this country to its knees.

My last word of warning to the above gentleman, Mr. Deputy Speaker, is that if ever you tamper with the genuine man of the soil you may find that he may become difficult in his roar.

Mr. Deputy Speaker, Sir, I beg to move.

Mr. Webb seconded.

Question proposed.

Group Capt. Briggs (Mount Kenya): Mr. Deputy Speaker, Sir, I have listened to the exposition of policy by the Minister with very great interest: I do not propose to comment on matters of statistical and other interesting information which we have been given. I am very glad to hear that progress has been made in regard to developing new markets for agricultural produce, and I think that is very much of a move in the right direction. But I am concerned about one of the proposals to which he has referred, and that is the settlement proposals, and I really think he has been rather naughty in introducing these proposals prior to the debate on Sessional Paper No. 10, with which, quite clearly, it is very much tied up.

And another feature of these proposals, which is a fairly obvious one, is that if land of high potential only is going to be purchased, as I rather gathered from what he said—I may have been wrong, but that was the impression I gained—if land of high potential only is going to be purchased, this does place the bad farmer at a great advantage as compared with other farmers who may have fully developed their properties, and that seems to be a very wrong approach.

Now, the Minister in the course of his remarks made references for a few moments to the Land Stabilization Fund, and I would like to devote the greater part of what I am going to say to that matter, for yesterday we heard the Chief Secretary speaking in a very able speech on the need for maintaining confidence within the Civil Service, and warning the House of the dangers of allowing the Civil Service to disintegrate, as it has done in other countries. Now, I do suggest that the very common sense views he expressed then, are equally applicable to the farming community, and I am referring to the European farming community in Kenya today.

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

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

European agriculture, as the Minister is aware, is responsible, according to the last figures I had, for something of the order of four-fifths of the total exports of Kenya, and it must be obvious that any falling off in those exports due to lack of confidence on the part of the farmers, must affect that very major contribution to the economy. I think it must be accepted that no sensible farmer will invest in further development unless he has confidence as to the future. And I think it is quite useless to pretend today that

farmers have such confidence following the Government's land proposals in the first instance, and later the results of the Lancaster House Conference.

Now, as long ago as 27th May last year I referred in this House to the need for Government to provide a financial cushion to stabilize farm prices. And I made those comments during the debate on the African Land Control Bill when Government's proposals in regard to the land in the Colony had been made clear. Therefore, when at Lancaster House the United Party delegation, which I may say represented four of the major farming constituencies in Kenya, found that the general pattern of the proposals, the constitutional proposals, was such as in their belief would be likely to lead to a considerable lack of confidence among the European farmers in Kenya, they considered it their duty to make representations to the Secretary of State and to the Minister of State on the question of setting up a land stabilization fund.

In the course of those representations we made it quite clear that we considered that the economic effects of any major exodus of European farmers as a result of the lack of confidence would be disastrous. We suggested that this could only be prevented by the provision of a considerable sum of money—in the form of finance—and we suggested a sum of approximately a third of the total capital assets of the European farming industry, which I understand is somewhere between £100,000,000 and £120,000,000, would be adequate; in other words somewhere in the order of £30,000,000, and I would like to refer here to some of the remarks made by the Minister. To be quite frank, when I listened to him, I felt quite sure that all the arguments before and I may say that all the arguments he advanced against setting up such a fund were the arguments which we had to deal with at the Colonial Office and I am bound to say that I would have thought that as a farmer himself, I would have thought that as a farmer himself, he would have seen the point of view of the European farmer and in this House today would have expressed their view rather than that of the Colonial Office.

To continue, I would say this, in the course of those discussions, we emphasized that inadequate finance would not tempt farmers to stay here and see how things work out in practice, for, should conditions become intolerable, as indeed they might, they would find themselves unable to dispose of their farms for the reason that the fund had been exhausted. In deed, such a plan might very well precipitate just the general exodus of farmers which we are anxious to prevent. I do not believe myself that if an adequate

[Group Capt. Briggs]

fund were provided that there would be any great danger of such an exodus taking place, because I think if any farmer felt that the conditions became intolerable and so difficult that they did not wish to remain, if they felt that there was an insurance scheme there in effect and that his farm assets were underwritten and that that he could go out within a given period if he opted to do so, then I think that the great majority would stay here and see how things work and try and make things go as well as possible, but I am quite certain that if that is not done, I am absolutely certain that a very considerable number of farmers will leave this country.

On the question of obtaining international finance for schemes of this sort, all I can say is that I do not consider that it is a question of obtaining international finance. The provision of this finance is clearly the responsibility of Her Majesty's Government, for Her Majesty's Government must accept the responsibility for having brought about the conditions which make it necessary.

Now, in the course of a great many very lengthy discussions with the Secretary of State and the Minister of State, we suggested that a Commission should be sent out to Kenya to examine this particular problem on the spot here in Kenya. This was not accepted, but before we left London, it was promised that a Working Party of the Kenya Government would be set up for the same general purpose. Therefore, shortly after my return to Kenya, I, not unnaturally, made enquiries in the highest quarter to ascertain what was being done and, much to my surprise, I found after this relatively short time, at least I was informed anyway, that the Working Party, had finished its deliberations and that the Minister for Agriculture was on his way to London to discuss the matter with Her Majesty's Government. Well naturally, I was somewhat surprised that the United Party delegation, which had initiated the whole matter, had not been consulted and, as far as I know, I do not know what other parties were consulted in this country before the Minister returned to England. In the light of what I have said, I would like to urge on the Minister, again to go into the whole of this matter with a fresh outlook and to ascertain the views of the farmers in this country on it. And furthermore, I would urge him most strongly to put forward a proposal for a Commission to come out here and to examine the matter properly on the spot, with a view to formulating proper proposals and finding out what the farmers in this country really do feel. In the light of the very unsatisfactory remarks of the Minister on this

particular matter, which I must say I consider he has treated very lightly, I fear that I must make clear that, failing some reasonable explanation I shall have to oppose the Motion.

Mr. Mate: Mr. Deputy Speaker, Sir, in this general debate on the Estimates, I would like to begin by answering the hon. Nominated Member, Mr. Luseno, who spoke last week on *uhuru*. Mr. Luseno complained that the African population in Kenya—

The Deputy Speaker (Mr. Conroy): It is quite out of order to try to continue an earlier debate when another Motion is under discussion. We have completed the debate last week and now we are dealing with the Agricultural Vote.

Mr. Mate: Thank you, Mr. Deputy Speaker. Touching on the matter of agriculture, I was gratified to hear the Minister for Agriculture mention the plans he has in mind for the development of agriculture in general and especially the promotion of those people already in service through further courses of studies. I feel, Sir, this kind of thing is one of the many things we have wanted the Department of Agriculture to do so that we could get better qualified staff. At the same time, he talked about certain cash crops like coffee, which he said were important to the economy of Kenya, but for the African farmers. For a long, long time, the acreage which he has been allowed by the Department of Agriculture to plant as an individual is still too low. The average in a district like Meru, which has been growing coffee for a long time, 25 years now, is only about 317 trees. We would like to see an African plant more coffee than he has today, so that he can compete with farmers in Kenya of other races, because not only should quality be stressed which I agree matters, but quantity too, and I feel he should give this matter far more attention especially when a situation arises like we have in Meru today where last year the farmers wanted to plant more coffee, they were told they had no nurseries. There was a drive towards bigger nurseries and then this year they were told that because of this shortage or the other shortage, they cannot plant, so that one year the farmers dig the holes the next year they are short of trees. I wish the Department of Agriculture would co-ordinate the two things, tie up the digging of holes with the number of trees in the nurseries, and at the same time ask the societies and the people concerned to get the land in order to get the nurseries that are required. And I hope that in future this kind of thing will not happen—people digging more holes than trees or having more trees and no holes.

At the same time the farmer should be given more direct responsibility in running his own farm. As the Minister said, the skill of the farmer

[Mr. Mate]

is as important as the quality of the product. The African farmer has been very little trusted by Government to run his own affairs. Advice is required but for a long, long time the African farmer has been too much under the thumb of the Agricultural Department.

At the same time, talking about coffee, I would like to mention that in districts like Meru and Embu the farmers are feeling very happy about the suggestion that coffee might be grown further down below a certain line that has been there up to now so that they could not plant trees in the lower drier areas. They are waiting to see that Government implements this new idea as quickly as possible. I need not repeat their joy at this kind of news, but they also appreciate that quality and yield are important and they are not mad to go on planting trees right down even in areas where it cannot do well. They do appreciate that and I am sure with the help of the Agricultural Department staff there it is not going to be a kind of mad rush into mad plans or planting coffee just anyhow. They themselves are interested, in the money they get and the quality of the coffee they get and they are going to do it with discretion.

Sir, talking about more cash crops, it brings me to the big question of marketing which the Minister did not seem to give much light on, according to the arrangements today of the controls. We have, for instance, in Meru plenty of maize, plenty of other foods. In Kitui they are very short of foodstuffs. What happens? Across the River Tana there is a black market all the time. People in Ukamba need this food and they buy it. Some traders from Meru are arrested for this or some other reason or from Embu, yet Government are not taking all these foodstuffs into the depot at Meru but only control into the Provincial Marketing Board at Meru. I would like him again to think about the local market for the internal trade of this country and remove these controls. To my mind, I do not see the sense in it at all. For large schemes or for large so-called export markets and things like that it may be necessary to have a quota of production but of the extra, why does not Government allow people to sell where they can? Around the Meru District, for example, we have areas like Isiolo, Kitui and Nanyuki. We have other areas like Kitui; we have got the Northern Frontier. Why should people not be free to sell their native products there without having to go all through these arrangements about controls, for instance, and many other cumbersome arrangements. They are encouraged to plant and grow more produce but when it comes to marketing there are no proper arrangements. I agree Government get the quota they want but what of the remainder? I do not think this ques-

tion has been tackled at all. Again, I say there is movement into other districts but moving foodstuffs from one part of the district to another becomes very difficult. I would like the Minister and the Department of Agriculture to give this side of things more attention. It discourages the farmers to be told to grow crops and when it comes to marketing Government does not go into detail. I do not think it is an impossible problem if Government really and seriously give their attention to it.

Sir, coming to the other difficulty in connexion with farming, African farmers are looking forward to getting bigger and better loans from the money that has been suggested for farming and they feel that with more money they will be able to do better than before. In Central Province, for example, where land consolidation has gone on and is still going on without bigger loans the farmers cannot go on very well.

Mr. Deputy Speaker, when talking about agriculture it is very difficult to leave out grazing schemes for certain parts of the country that are not very good for agriculture and I would like to press on the Minister again on behalf of the Tharaka and Mberera in the lower areas of Mount Kenya, eastern side, like the areas next to Kitui that the schemes that have been planned there are very slow. The tsetse fly scheme is very slow, yet the Tharaka themselves have studied growing crops and have become more and more interested and we would like to see more money spent on that kind of scheme so that grazing can develop more than it is doing now.

At the district level we are told that there is no money for these schemes and therefore central Government must provide it. I would like the Minister to give this assurance, and I support this where the land is not good enough for agriculture but is suitable for grazing. I do not see why we should have to import sheep and goats from the Northern Frontier District all the time when we have got areas nearer which should be encouraged to produce goats and sheep and get money from it and develop that part of the country. We are grateful for the schemes which have been started in Meru, grazing farming schemes and all we want is more help.

On the question of education for farmers, the Minister said that education for farmers is an important part of the scheme. I do not know whether he proposes to expand the institute so that farmers can have short courses there, but I feel that while that sort of thing is all right, what you need more is to train the younger people who have farming as their career, not only to give refresher courses to farmers who are already farming but younger people should be

[Mr. Mate] given full opportunity to learn farming so that they can improve their education. In the Meru District I should like to remind the Minister that we are still waiting for some of the buildings for our Agricultural School at Kaguru near Nkubbi, a large farming area, and we want this kind of education so that the future farmers can have a chance of farming with a knowledge of the economics of farming so as to contribute their fair share to the development of our country.

The Minister mentioned co-operative societies, and I am glad to hear that he is thinking of giving development courses for agricultural staff. Would he consider assisting those co-operative societies who would like to send their staff overseas perhaps with their own money, to learn more about co-operation and marketing under co-operative societies, because we have these co-operative societies growing but they do sometimes become out of date and I believe by going to such places as Britain, Israel or the United States where this kind of thing has been done before it would rejuvenate their thinking and give impetus to our societies. I feel that without this kind of thing we are very likely to become short of qualified staff. It has been mentioned that it will be difficult to get people from overseas for these jobs or enough of them for the service and I believe that if something were to be done to improve those who are already in the service, I think it would assist the farmers very, very much.

Sir, another problem is, is that when it comes to exotic cattle that Africans are adopting today for better agriculture, many farmers especially in Meru and in Embu have many complaints that it is very difficult to get these animals; they are supposed to fulfil so many rules about the animals that sometimes in doing what they are told they spend a lot of money. This is because of the backwardness of the Agricultural staff, and here I would like to refer the Minister to the staff in the Meru District and a question I raised in this House previously, particularly in the Nithi Division. I compared the work done by the Veterinary staff there and that being done by the Agricultural staff.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Please speak up so that I shall be able to answer your queries.

Mr. Mate: The Agricultural staff as compared with the Veterinary staff. The Veterinary staff, Sir, are doing a much better job than the agricultural side who are said to be more experienced. I believe that the agricultural people it is time that we got younger people who appreciate the new changes and appreciate farming in that

area. I feel, Sir, that when we talk about educating farmers you cannot have the uneducated or untrained, but someone who is educated and experienced as an agricultural officer to go ahead with the people who are more intelligent to see that they get the education they are aiming at. So I would like to see a change of the head of the department in the Nithi Division as soon as Government can do it. If he is very good let us transfer him to another area, if he is very bad he is only taking advantage of what has been done up to date. I feel that it is keeping the farmers down and not helping them to improve.

When we talk about the training of agricultural staff, I would like to see the Embu Provincial School improved so that these schools can train officers for the Central Province. Embu has the building, it has all the facilities and I would like to see it improved to educate agricultural officers.

On the whole it is very heartening to hear what the Minister has said on the general question of improvement.

The other point I would like to raise with the Minister is the grazing in the Mukogodo area of the Nanyuki District there have been problems there connected with the grazing there and stock of the people. There is a feeling among the people there that the Government are treating them just very ordinarily. I would like to see a change there so that they understand the kind of treatment they get, why their cattle are auctioned and why the grazing is so poor today that they feel it is not benefiting them. I think in Kenya today no area should be regarded as so backward as that area, I would ask the Minister to look into the grazing and the complaints connected there so as to make them see and feel that what efforts Government are making are being done for their good instead of as it is now where they feel that the facilities are against their interests.

Mr. Deputy Speaker, I beg to support.

Comdr. Goord: Mr. Deputy Speaker, I should like to reply quite briefly to the speech made by the hon. Member for Mount Kenya. In his speech he mentioned the fact that the United Party was the first body to put forward proposals for land stabilization funds or stabilization of land values. With representatives of the British Government. Members of the United Party, Sir, were kind enough to let me, among others, to see their paper on this subject and unless my memory plays me false, that paper was entitled "Compensation" and not "Land Stabilization". In this House, Sir, I do not really need to stress there is a great difference in approach between these two concepts. On the one hand there is a concept of maintaining the value of land at a reasonable level through

[Commander Goord] the infusion of capital, on the other is the conception of compensating people who wish to pull out.

Now, Sir, even supposing—which is highly unlikely—that the figure which has been suggested were available, would it in fact, if used as compensation, present the exodus as the hon. Member says he thinks it would? It is commonsense that, if a body such as the British Government offers a large sum of money, thereby implying that there is a risk in landownership in Kenya, that landowners on the whole could possibly resist that offer? I would suggest that the hon. Member is mistaken in what he thinks; that in fact many farmers feeling that perhaps this was their last chance to get this compensation would be induced to take it.

Now what, Sir, would be the effect on this country? The hon. Member himself has said that it would be disastrous on the economy of this country and on the standard of living of all those Africans mainly, who were left here.

Sir, I suggest that the scheme which the hon. Member put forward is quite impracticable. First, it would encourage and discourage farmers to leave. Secondly it would encourage those who desire them to leave; thirdly, Sir, for the reasons which the Minister has given, it would be quite unworkable, and fourthly it seems very doubtful that capital could in any case be made available.

I feel—very strongly, Sir, that the approach to the problem which was initiated in London by the New Kenya Group and which has been taken up by the Minister on behalf of the Government is the right one and the only possible one. The only criticism I have (it is not really a criticism at all), is that more capital is undoubtedly required.

To conclude, Sir, I have one small suggestion to make which may be constructive. We want more capital and we understand that the Land Bank will be set up as the repository of that capital. I would suggest that land bank stock might be issued to the public so that farmers could take up such stock, which presumably would bear a regular and reasonable rate of interest and thus be investing in their own future and, of course, there would be an additional attraction if the land bank were incorporated in London and that extra bit of security were involved.

Mr. Deputy Speaker, I beg to support.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I have listened with great interest to the speech which has just been delivered by the Minister for Agriculture, I was very much surprised to see that in the very comprehensive exposition of the agricul-

tural position of Kenya which he made, he completely omitted to make any mention of the Coastal Province or even any consideration of the needs of the coastal people. His speech was mainly concerned with areas of medium potential, high potential, and also concerned cash crops which none of them can be grown in the Coastal Province. He completely omitted to deal with the needs of the coastal people by telling us what progress or programmes the Government has got to improve the cashew nuts, the cotton, the coconut and fruit trees which are the only products which can be grown in the Coastal Province.

Sir, as a teacher I was taught that the best teachers pay greater attention to the students who are weaker in the class than to those who are geniuses, and therefore I submit that the Government ought to pay more attention to the needs of the coastal Africans to enable them to improve their knowledge of agriculture, and to improve their agricultural land in general so that they can be able at least, if not to contribute more to the prosperity of this country, but to make them be able to make a decent living. Everyone knows, and the Government knows it very well, that climatic conditions, lower standard of education, poor soil and poor rainfall, all these things militate against the soil in the Coastal Province and therefore do not help the coastal Africans to improve themselves.

The Government has up to now done very little research in trying to improve the conditions of the coastal people so far as agricultural potential of the Coastal Province is concerned. We know, we people from the coast, that there are in the coastal areas, areas of high potential as well as areas of medium potential. For instance, in the Taika Hills, I think that could rank as an area of high potential, but even in the other areas, for instance near the Shimba Hills in Kakoneni in the Kwale District and some parts of Malindi District, can also be considered to be areas of medium potential, but all that is required at present is that it should be done by Government, to see that conditions of these areas can be improved, so that the people can reap the full benefits of scientific agriculture in these areas.

I submit, Sir, that the coastal Africans have as much need of financial aid and assistance in improving their land as people of other areas. The population at present is somewhere around 500,000 people in the coastal areas and the Government must look at their interests as they are now doing for those people in other areas of the Colony.

Roads in most of these native reserves also need to be improved, and dam construction also requires the attention of Government in order

[Mr. Khamisi]

that people may be able to get water, not only for their own consumption but also for irrigation if it is needed.

Co-operative farming of course, and co-operative societies, need also the attention of Government because as people of other areas do, the people in the Coastal Province need money to educate their children and also to put themselves in a good standard of living.

Now, Sir, during the talk in London, we were informed that the Government was considering giving us a grant of about £5,000,000 for the purposes of agriculture and education, to be utilized in Kenya. I was listening very carefully to hear whether the Minister for Agriculture can tell us how much of this sum he expects or intends to use for agriculture, and I hope that if any of these sums, or this amount of money, will be available some part of it at least will be allocated to the people at the coast, in the Coastal Province.

Sir, I understand also from his speech that there are training facilities for agriculture which are available and I hope that the coastal people will also be included and will be given their quota of trained people who would return and till their land and make good use of agriculture in the coastal regions.

With those few remarks, Sir, I beg to support.

Mr. Luseno: Mr. Deputy Speaker, in rising to support this Motion before the House I would like to say that I am very much impressed by the very many interesting points which have been raised by the Minister during the course of his speech. I will only refer to one or two of them, the first one being on co-operative societies and co-operative unions. It is my feeling, Sir, and I think the feeling of many other people, that these societies must work for the benefit of their members, who are their primary producers, and if they are to do this successfully, Sir, I feel that they must not get involved in politics because if they do they will damage the co-operative organization. I feel, Sir, that it is high time, and very necessary too, for co-operative societies in this country to plan the development of cash crops, long in advance, in association with the Agricultural Department.

For coffee, Sir, I think it is necessary for the societies to order plenty of seed, to plant big enough nurseries, and develop factories on a big enough scale, in order to meet the needs of the growers. I also feel, Sir, that they should help the Agricultural Department in teaching the growers to look after their coffee well, and to control pests and diseases. I think that these are some of the right functions of co-operative

societies, which if followed will benefit the growers by better yields, better quality, the best prices, and well running of their societies. I should say that these are some of the things our people should do to show other people that we can take and handle responsibilities.

My second point, Sir, is to welcome the Government Tea Development Programme, but I regret to say that I understand there is going to be a shortage of about 4,000,000 stumps for planting in 1961. I hope, Sir, that all those people responsible for tea development will plant more and bigger tea nurseries. I would also add that it would be a good idea to place contracts with the big tea companies to grow tea plants for Government to supply to the African farmers.

I would also like to say, Sir, that if Government will set up an authority to help develop tea growers in the African areas, Africans if possible should be represented on that authority to see that development is pushed ahead as fast as possible.

Now before I sit down, Sir, I have a third point to make, and that is about coffee again. In both Elgon and North Nyanza where I come from, coffee is suffering from pests and diseases such as beri-beri. I would beg the Government to establish a research station in that area for the coffee growers if there are any funds available for the purpose.

With these few remarks, Sir, I beg to support the Motion.

Mr. ole Tipsi: I would just like to make a few observations on the estimates presented by the Minister for Agriculture. First of all I would like to touch on a few points which were raised yesterday in relation to the general Budget debate on the points I raised earlier. The first of them concerns the improvement of livestock in the African land units. He did say that in some cases some people are rather reluctant to the application of artificial insemination to their cows. Now this might be quite true, Sir, but on the whole I think it is only fair and reasonable that the officers of his Ministry should try and help in educating the people that such a method is entirely done for their good.

Now, he went on to mention the difficulty which is there as to the ways and means of trying to control the livestock diseases and this is what he said: "The Masai are known to have a high incidence of measles in their cattle, and unless this problem is sorted out they are going to run into difficulties in getting the full price for their beef as other people do." Then he went on referring to the outbreaks of other stock diseases such as rinderpest and the rest. Now it is quite true,

[Mr. ole Tipsi]

and I think the Masai people do not underrate the problem facing them as stock owners. But we should really ask ourselves whether it was not time at all for both the Veterinary and the Medical Departments to do all they can to eradicate these diseases. I am sure that the two departments, with all their research workers and experts, could help a great deal. It is no good just saying "Well, there it is", and at the same time doing absolutely nothing to help.

The Masai of course would only be delighted to co-operate in helping. He went on to mention the difficulties encountered by the Veterinary staff especially with regard to the spread of the diseases, and he said that some people avoid the quarantine areas as much as possible, and help in spreading the diseases. This is quite true, Mr. Deputy Speaker. Now I am as much concerned as he is in trying to find a way out, and I think it is only fair, Mr. Deputy Speaker, to mention that the problem really facing the Masai—as far as the stock diseases are concerned, is very, very serious. I know the Government is doing all it can especially in the way of inoculations and other methods to prevent the spread of the diseases, but I do not think that we can entirely put the whole blame on the Masai people for the spread of the disease, because even if some of the Masai avoid and run away from quarantine areas, surely with the large herds of game which are known to be carriers of these diseases, surely the herds do not respect the quarantine area boundaries, and it is difficult because how to control the game is quite impracticable. This of course will necessitate the expansion of the veterinary services throughout because unless we do so then we might as well have the whole Masai land unit under quarantine.

The other thing, I am delighted to know that the Government is trying all it can to expand the agricultural programme of the whole country, but I still feel that there is quite a lot to be done especially in the improvement of livestock, as I have mentioned earlier, because the improvement of livestock goes hand in hand with the provision of water supply. Surely you cannot become a rancher and expect to upgrade your livestock if you have no water? He did mention that the Government has spent quite a sum of money in providing water in some areas and in constructing the dams, it is all well and good to spend some money on dam construction, but is he really satisfied that all the dams constructed are now even holding any water at all? I think this should be gone into very, very carefully because you cannot really improve anything when you are moving from this place to another place all the year round. It is impossible.

There should be some sort of water supply and I think the Government has been very, very late; it only woke up a few years ago to try and help these people. It is the cause of the delay which is annoying me; and having woken up it is time that they accelerated the pace and did all they can to help so that these people can catch up with the rest of the country, because as far as beef and dairy produce are concerned, very little has been tapped from the Masai people. I know and admit that the milking methods in some areas are not as hygienic as we would like them to be, but all the same I do not see why we cannot at least try to improve them. Let these people produce ghee, which I am sure has a market all over, instead of fresh milk. The same thing also applies to establishing and training these people in forming societies to run a few ranches all over. It will help. In the same way in places like Mau which adjoins the Mau/Narok European farming area, there you can see very good flocks of merino sheep which produce excellent clips of wool and mutton as well. If such areas could do the same then why not try in the adjoining Masai area. I know there is a sheep ranch there. But I think such ranches should really be run on business lines, not as an experiment, by somebody who has no business clue, not only an expert or somebody who knows how to look after sheep or cattle for that matter.

Now, the other thing, Mr. Deputy Speaker, is that I was glad to hear from the Minister that he has at last noticed the lack of African young men and women taking an interest in agriculture and in veterinary training, but I do not think that the hands of his Ministry are quite clean in this respect. There must be some causes and reasons for this, Sir, because I think everybody looks to a profession which has a bright future, because agriculture is one of those professions, but I would advise him or ask him to go very, very carefully into the conditions of, say, the Makerere veterinary graduates and the so-called livestock officers. There is a mistake somewhere, Mr. Deputy Speaker, if I can compare the two, the whole thing is this, that you have a chap who has passed his School Certificate. He then goes on to Makerere for a course in the veterinary science, which lasts for six years. He comes out with a diploma in veterinary science. Now, you find another chap who may be a son of a farmer in this country; he might be even a failure in School Certificate. He goes to the Egerton School at Njoro; he undergoes a training for three years; he comes out and he starts as a livestock officer or something of that sort. Now, when this African who has gone right up to Makerere and spent six years there comes out he is posted to a district under a livestock officer. It is really difficult to

[Mr. ole Tipis]

see the fairness in these two cases. I can see the Minister shaking his head, but he should not shake his head, Mr. Deputy Speaker, because these, I presume, are facts. It is all very well shaking heads; I can say that. These are facts, and I am sure he will enlighten me when he comes to reply, because surely there is something wrong somewhere. You have this chap who has spent six years at Makerere and you have his counterpart who went in for medicine; he turns out better off, and he is at least given responsibilities and recognized as a doctor. The scales of pay between the two have no comparison. What sort of qualifications are then required when you place a man who is more and highly qualified under a less qualified person? I remember cases when going to some of these livestock officers for a prescription: they are not entitled to issue one, but you will find that these Makerere graduates are recognized in East Africa; they can give you a prescription. Why place them under somebody less qualified? The veterinary graduates are professional. I do not really see why they should be so unfairly treated.

That brings me, Mr. Deputy Speaker, to this Egerton School of Agriculture. What has the Minister done to let Africans who want to take up agriculture as a profession to have the training at Njoro. What has he done? I remember that if they can allow an African to go to Egerton School as a lecturer, which they did at one time, why not as a student. I was there at one time and saw this African as a lecturer there in animal husbandry. Why not let African students in?

Now, the other thing, Mr. Deputy Speaker, is the expansion of our tea industry and other cash crops. It is all very well talking of some areas of high potential. We agree. I mean, we have got to follow the expert advice. I think it is only fair that we do really go right into the whole thing and send experts, the few we have, to see whether there are not any other suitable areas which have not been listed yet. I am not a tribalist, because when it comes to agriculture there are no tribal boundaries.

Now, I was surprised the other day when on my way I passed through Kericho on my way to a meeting at Nakpetet. I stopped at Kericho and talked to quite a number of my Kipsigis friends who are really keen and interested in having and planting tea on their farms. What most of them told me was that in the first year they are only allowed to plant, say, one-third of an acre; in the second year another third, and by the third year another one-third; and then they reach the limit of one acre, in order to allow others who are rather slow or who are not as keen as the first chap to catch up. What is all this catching up in

the production of cash crops? I mean, if you, as a Minister for Agriculture, a good farmer, you are interested and you can develop your farm rapidly, why hold you up on account of me? A farmer who only walks round, smokes and puts hands in pockets, why should this lazy farmer be the cause of other people's hands being tied. The industrious farmer should be encouraged, not to be told, "All right, you have planted one acre during the last three years. Wait until we go to the other chaps and see if they are interested before we can allow you to increase the acreage of your tea crops." This is very bad, and I hope it will be removed.

Now, we talk at times about the loans to African farmers. I know some of them have benefited from the I.C.A. funds and if I may turn to the original subject I would like to know how much of this money has been lent to the African cattle owners for that matter. I know some of them are doing their best to improve their areas and I think the Minister knows it too, but he cannot only concentrate on one side of our agriculture; they must go both hand in hand. I would very much like to know how much of this money will be given to African farmers both agricultural and stockowners. Now, again it is no good trying to talk of having competent farmers. We know and we want them. But how could a man become a competent farmer if he has not got land to farm on. He must have land first and then you can be sure to farm, but to talk of a competent farmer, you can get the highest degrees in agriculture, but unless you come and practice on the land surely you cannot farm the air—it is impossible.

Now, well I see that coming to that, what I was getting at was this. We have some unused lands. I know that the Government is as keen as I am to see some of this unused land, especially in the Highlands, put to proper use.

An Hon. Member: European Highlands, or Masai Highlands?

Mr. ole Tipis: European Highlands, please.

Now, some of this land I should say should really be given to at least the landless Africans and these people helped out to develop them and to make the best use of them. You cannot tell me now that the only thing which is hindering it, is the fact that they are not competent farmers. I know they are, and I know that some of the European farmers who are on this land are bad farmers and you cannot really convince me that they are all good farmers. I know some of them who have no farming experience at all. They are just there as a matter of interest and that is all. This land should be made available immediately to African farmers.

[Mr. ole Tipis]

Now that, Mr. Deputy Speaker, should really be given priority. I see also in the Estimates of expenditure that there are about 54 officers, who are classified as technical staff on the scale CS—3. I would also like to know from the Minister when he comes to reply as to how many of these officers are assistant veterinary officers and livestock officers. I would also like to know the time of training taken to produce a livestock officer, and an assistant veterinary officer, because this is very important. I know he knows as well as I do that in the whole of the Colony, if my information is right, we have only about six African Makerere graduates with diplomas in veterinary science. Some of them have long service, some of them more than 15 years' service, and some of these officers have done quite a lot of good work, but since they feel they are unfairly treated not many Africans are now wanting to take up veterinary or agriculture as a profession on account of this. But those who go in for medicine come out as medical officers and the rest of it, and are given responsibility recognized as such. But then when a man has all the qualifications required and he is not given any responsibility but he is told, "All right, your post does not carry any responsibility", surely you are discouraging him, and others and they will not want to take up a profession whose future is not bright. That is the reason, and I hope the Minister will also help. It is no good him asking us to help from this side only. I think he has more to do than we by seeing that these officers receive equal and fair treatment with their other professionals in other fields.

With these few words, Mr. Deputy Speaker, I beg to support.

Mr. Slade: Mr. Deputy Speaker, Sir, I should like to congratulate the Minister on his very comprehensive survey of the work of his Ministry and department. It is an enormous department, and it is impossible, of course, to cover in one speech all its undertakings, but it was what I might say, a broad survey by a broad man. At the same time, Sir, I think that the tribute that he gave to those who have worked in the Agricultural Department, and in his Ministry for the past 20 years or so, was fully deserved. They can be very reasonably proud of what they have achieved. And, Sir, just as it is difficult for him to cover everything, so it is difficult for us to comment on all that he spoke on, or did not speak about, and I think it would be better if I confined myself to one point only—a very important point, I think, in the circumstances of today. That is his plan for resettlement and development of land. Sir, again I must congratulate him on what he has already achieved in obtaining finance for this

scheme, even though I am going to say very soon that I do not think it is enough and give my reasons why. And I think we must also give credit, Sir, to all those others who have helped him in that, either officially or unofficially, and I should like to pay a particular tribute to the Kenya National Farmers' Union, whose officers went to England at their own expense to try and foster this very kind of project. I think we owe a lot to them. I am quite sure their unofficial pressure must have helped a good deal in getting the result that has now been achieved.

Sir, the importance of this business of resettlement and development of our land is, of course, obvious. It is very important and very urgent, because we cannot afford to bring this country into independence without first establishing peace and prosperity, and our prosperity is going to depend first and foremost on the fullest possible development of our agricultural resources. For that reason, Sir, I do suggest that the present scheme is inadequate both in range and in ambition, as to the amount involved, and I suggest also, that it fails to cater for another aspect which has importance, and that is the matter of land stabilization, to which other Members have referred.

Now, Sir, looking at the question of resettlement alone, without considering land stabilization, I do not quite understand why the proposal should be limited to areas of high potential and undeveloped areas of land, because I do believe that there is great scope for development and improvement in areas of low potential, and also in areas that have been developed but it could be used more extensively. In fact, Sir, I very much doubt whether there are so many large areas of undeveloped, high potential to be found in the country. You are very much limiting the scope of the scheme. Admittedly, if you are going to try and develop areas of lower potential, which we must do, you will have to allow a larger acreage for each holding, but there is no great difficulty about that. Likewise, if you are going to develop more intensively areas that have already been developed, you have got to do it in a way which will make use of the capital which has been put in there already, and you cannot afford to write off large sums of capital development. That I believe, can be done on a co-operative basis, using the central development as the communal centre for those who have independent holdings.

And again, Sir, I know the Minister has this in mind, but we must not look only at the scheduled areas, when it is a question of resettlement. We have got to look at whatever area is going to give us the best return for the money spent on its developments. I know the Minister has that in

[Mr. Slade]

mind, and will confirm that when he replies. He has told us himself how there are 700,000 acres in African Land units suitable for tea, and it may well be that the money we have available for settlement and development will produce a bigger return spent in those areas than spent in the scheduled areas.

Sir, I would ask the Council now to look for a moment at the other aspect of the resettlement scheme. That is the question of land stabilization—market stabilization. Now there is a great deal of talk at present of lack of confidence. Lack of confidence among farmers, which is endangering the stability of values of land. Now, Sir, I am quite certain that that is over stated, and I know from my own evidence, in this case, just as in others, that what farmers are saying or appear to say, is not the same as what they are doing. One reason, of course, is that those who talk most are those who farm least. It is a fact in this case that there are buyers for farms. I have seen farms change hands—large farms at good prices. I know at least one case of a prospective settler in my own area who has been there now for two months trying to buy a farm of a thousand acres at a reasonable price, and quite unable to get one. Farms are for sale—yes—but at fancy prices. Just as we saw during the Emergency, when we were told that farmers wanted to sell out. As far as I can remember only two in my constituency sold out throughout the Emergency. Others were prepared to sell out at fancy prices which they could not get. But it is not only that which is the evidence on which I rely. There is also the evidence—the irrefutable evidence we heard the other day from the hon. Permanent Secretary to the Treasury, of the growing stream—not diminishing stream—the growing stream of applications to the Land Bank. For what purpose? For development of the land. Buying and developing land. That is the only thing, the only purpose for which you can get money from the Land Bank. When more farmers are asking for more money from the Land Bank, they are not packing up. They are not ceasing development. Look in other fields. Look in the field of commerce where farmers buy what they need for their farms? You will find the story is quite different from what you would expect in the trend of purchases. And facts, Sir, cannot lie. And there are these facts which show that there is much more confidence and determination in the farming community than many of us are led to believe.

All the same, Sir, in spite of that, we must make sure—we have got to ensure against any possible, even temporary, collapse of the land market in this country, and one has got to face that possibility. I say it is not there today. I will not pretend

that it could not be there tomorrow, unless we ensure, and the way we have got to ensure is to give market support, to make sure that there is a substantial buyer in the field at all times during the next few years for farms, developed or undeveloped farms. There must be a buyer in the field. Now, Sir, I must make this absolutely clear, just as the hon. Nominated Member, Commander Goord, made it clear. I am not talking about compensation. I am talking about market support. In fact, to use two very expressive phrases—not my own, one of my colleagues—to distinguish between what I am talking about and what some others are talking of. I am asking for market support. I am not asking for an evacuation fund.

An Hon. Member: Nobody is asking for that!

Mr. Slade: I hear behind me that nobody is asking for that. I am very glad to hear it. I think some people must have stopped asking for what they were asking for previously. Just to make sure that nobody does ask for an evacuation fund in the future, I would like to support very strongly what the hon. Nominated Member said, and just add a few words. It is an utterly impracticable conception that you must have a fund to enable people to evacuate. It is an utterly wrong conception. It is impossible because, as he said, you cannot get the money for such an uneconomic project. If you provide a fund so that anybody who likes can sell his farm and expect some specified price, when the fund is unable to dispose of that farm, the fund will not last very long, even if you get any fools to put money into it.

It is an impractical project, but it is a very bad project too, even if you could get the money; not only because you are encouraging people to quit instead of staying, but you are creating an artificial market which has all the dangerous effects of destroying the natural market, and you are breaking the economy of the country. What we must have is a buyer in the market who can buy on a substantial scale at the proper price. But the buyer must be there, Sir, in order to have full market support, not only to develop land of high potential, but again I say he must be there to look at purchases of land of low potential and land that has been fully developed. Otherwise you will not get your full market support. That goes hand-in-hand with what I said about the full range of development we should be undertaking.

With regard to the price at which this fund should be used to buy farms, we must again be careful. I think, we have got to be careful in two ways. If it is to be true market support, it must be paying prices that are reasonably related to current market values, that is to say real market values if there was not a temporary panic or some other temporary emergency. It has got to

[Mr. Slade]

be related to the value of the land and its productivity which, I know, the Kenya National Farmers' Union have emphasized. The real value of the land is what it can give you, what return it can give you in money. It has also got to be related to the actual market value to some extent, even if that is depressed. It has got to take a responsible line of balancing between the two. Really what you have got to make sure is that the fund does not play the market, does not cash in on temporary low values. I see the duty of the Settlement Board operating this fund as similar to that of a bank or building society which maintains rates of interest steady when elsewhere there are jumps up and down. They serve a very useful public purpose in that way, and the same purpose has got to be served by the Settlement Board with this fund.

Sir, I do urge more money than that which we are now promised must be available, not necessarily that we will need to use a lot more in any one year or that we will be able to use a lot more in any one year, it depends a good deal on what land becomes available, but the money must be available and available for quite a long period, say, ten years, to be used in case of the need and opportunity arising. We must know it is there. But the amount now proposed is disappointing. Sir, and even in London at Lancaster House we were promised a minimum of £5,000,000 for this purpose, which I understood to be separate from money for development; and at that time we did not think it was enough, and I would ask the Minister to go back and, without being ungrateful, point out that not only is it less than promised, but it will not be enough either to get us ahead with our development at the pace we must go now, or to provide full market support.

Sir, I know there is a difficulty about proceeding too fast in buying land for resettlement, that is the difficulty of handling the land that you have bought to resell, because you are going to have to develop it, and going to have to develop it under supervision. You must therefore not only have the corresponding amount of money for development. You must also have the officers to supervise the development. Even so, Sir, I would urge that if we can get available in case of need on call over a guaranteed period over the next ten years, something more like £2,500,000 a year or £3,000,000 a year, then it would be well worthwhile going for more development money on a purely economic footing and including money that we need for the supervision of the development, because that cost of supervision will pay for itself. It should, if the purchase and resale is properly handled.

Sir, I have nothing more to say on this, except to repeat that I congratulate the Minister, in spite of playing Oliver Twist. It is only a question of making it broader. Just as I congratulated him on a broad survey, I am asking him to be broader now in this scheme, broader both in scope and in the amount involved.

I beg to support, Sir.

Mr. Kiamba (Machakos): Mr. Deputy Speaker, the art of tilling the ground that you call agriculture is not a new thing to the African people in Kenya, but the school type-farming that the Europeans have brought into this country have brought more benefits to the Africans in this country. That is why we keep on pleading with the Government to supply the Africans with more means of obtaining more returns from their labour in these ventures. These loans will go a long way to help the Africans to produce more and by selling their products they will get more money and it is only at that time that we can call for more taxes to run the affairs of this country.

But there is one aspect and I am going to emphasize on, that we have in this something which will spoil the whole thing and this is the punitive laws or by-laws that we have, which are exercised by the agricultural officers in some areas, especially in a place called Yatta, there are grazing schemes going about there, people moved there a long time ago, probably some time before it became a Crown land, then they were told that it was Crown land and there came a time when the Government said, "Well, we are giving this part of the land to you people and to the Kamba people who live in that area for your enjoyment." Recently, the Government have taken the measure of moving families from one area to the other without even considering the possibility of paying the cost, because you know that once a person has put up a house it is a very difficult thing to have another house built, it costs a lot of money and these people are not rich. It is costing the people a lot of money, they have cattle there and they are allowed to keep about nine or ten head of cattle. But the fines that they pay in a year are too high and probably they are beginning to feel that there is no quiet way of living in that area. It is only in this respect that the Government is making these people lose their confidence in the Government, although I think that the best way will be to educate them, to make them feel as one hon. Member on this side of the House has said, to feel that the move is beneficial to them. It can be done by educating them or use propaganda so that whatever you do will be acknowledged by these people. I do not think that by fining them more than sometimes they can pay, and sometimes go to the

[Mr. Klamba]

prisons will help them feel that the Government is helping them. I can say the same to the people of Kitui and people of other parts of Machakos, they are being fined heavily and I think the Minister should look into this. I have raised the matter before and I hope it is occupying his attention.

I am not asking the Government to do this if they do not want to, I mean this present Government—because I know this thing has got a psychological effect in the minds of the people there. For example when you asked them to destock, reduce their cattle, they do sometimes throw their eyes across the border and see a country which is unoccupied, not being used, but they are not able to go there now but may be a future Government will make it possible for them to cross the border, but in a legal way.

With those few words, Mr. Deputy Speaker, I beg to support.

Mr. Kebaso (Nominated Member): Mr. Deputy Speaker, I rise to support this Motion. Before I do that I must congratulate the agricultural officers as well as the officers who have been working in my highlands in recent years, especially co-operative officers. But there is one thing which I must raise in this particular Motion. Since the Government announcement that the £5,000,000 has come and that money is to be used in the Central Province land consolidated area. If that is the case, then it looks as though the money is being used to reward the people who fought against *Mau Mau*. The money should be shared between all areas like Kisii Highlands, Maragoli, Kipsigis and other places.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Will the hon. Member make it clear what £5,000,000 he is talking about?

Mr. Kebaso: The money which has come out from Lancaster House Constitution. Sir, I hope the Minister will consider ways of spending the money and distribute equally between the Kisii, Kikuyu, Maragoli and the Kipsigis. In some parts women have to go 15 miles in order to get water, such places as Gwasi, Kavungu, Karachirongo and other places. I would like the Minister to consider putting money aside to pipe water from Lake Victoria to help the people, as well as cattle. It is so wrong that a woman must carry a *debe* of water five or six miles or ten miles in order to get sufficient water for the household, and I hope the Minister will sympathize in this respect.

Now, Sir, another important question, Mr. Deputy Speaker, is the question of movement of produce between the provinces. When the Maize

Marketing Ordinance was brought into force last year, if I am not wrong, somewhere it stated that in the provinces an African could move five bags of maize. I remember the hon. Member for Central Nyanza raised this question last year before Legislative Council. Although the former Minister agreed to the Motion and allowed maize to be moved from one district to another within a province, it is difficult now for people who live out, especially those who live in Kericho to move more than 60 lb. of *posho* from their own granaries. They are having difficulties in feeding themselves. Before I came to Nairobi I visited the Brooke Bond shops to see whether they were getting sufficient *posho* but I found that they only had two bags of maize meal in stock and I found that most of the Africans there had to buy maize meal from *dukas* in Kericho township. I must ask the Minister to consider this particular case and the question of allowing some farmers who put their own food in granaries to be allowed to transport at least a bag of maize meal. This would reduce hardship in various *shambas* and also although the Government think that all the estates in Kericho are having *dukas* available to African workers, it has come to my notice that in some *shambas* there is not a single shop. I would mention one instance, the Kimasi estate. There is no shop and from there to Kericho it is nearly 30 miles. There is no means of them getting any *posho*. I know the labourers are given sufficient money in some *shambas* for workers to buy *posho* but at the same time I would like the Minister to consider giving some allowance to marketing officers to issue passes for movement at least for one or five bags, at least within the province.

Now, I come to the question of the Nyanza Marketing Board. Sir, each year the African traders who buy produce in this market do pay a certain amount of money to Nyanza Marketing Board. In the various places there are some traders who bought maize in January and owing to difficulties of transport that maize is still idling in the store. A week before I came to Nairobi, I approached the district commissioner to see if we could send the African district council grader or something of that sort to enable those traders to dispose of their maize. Now, if that maize is spoilt by weevils, why do the African district council or the Nyanza Marketing Board expect to collect three shillings for each bag? I would like the Minister to consider if it is within his Ministry—the Nyanza Marketing Board—the need of money to improve roads in the African areas where the African district council is concerned. I feel it so wrong for someone to pay each year a certain amount of money, through the produce, and then he does not get any service.

[Mr. Kebaso]

Now, there is another very important question which I would like to raise on this Budget and that is the Co-operative Ordinance, 1955. Now, in certain co-operative societies and unions in my Highlands certain amounts of money were lost and through that loss the co-operative officers and the agricultural officers had no power at all to deal with the people who were concerned in this dishonesty because the Ordinance allows the co-operative officers to allow the management committees to conduct their own affairs democratically, but, in the Ordinance, it should be amended and laid down that district officers or district commissioners or co-operative officers should be able to liquidate at once and deal with that loss of money. Several cases went to court last year, and it meant that few people who were managing the societies caused the money belonging to the very poor farmers to get astray and to get lost because of that very old Ordinance, 1925, which does not give any powers to somebody else, I do say this knowing full well some African Members may blame me that I am putting the clock back, but that is the case. What I want to protect are those women who are half naked in some ways and who work the whole day, and old men, and the few people who are interested in the societies. I would like the Minister to consider and approach the Legal Department to get that Ordinance amended at once, or if that is not the case then there is no protection given to coffee farmers, tea growers and others.

Now, Sir, another point which probably the Director of Agriculture knows about, is that tea growers have been engaged in tea growing for the last two or three years. Now, those which have already started harvesting are having to send their tea 14 miles round a long road instead of one and a half. Now, that one and a half mile road passes through a European farm and that farmer has been in touch with the District Commissioner and the Provincial Commissioner for more than four years now. He has refused to allow the Government to make a road to reach the Sotik Highlands, and as a result people have to transport tea 14 miles to get it to the factory. I would like the Minister to say whether that farmer, Mr. George, should be asked to allow us a road through, or sell that farm and go to England. It is very bad that so many farmers are now suffering. They cannot get through with their tea, and yet that *bwana* is there all the time and will not allow the people to go through. I do not know whether it is the Government that should do something or whether we should say, "Shut up—we are passing through this road here".

Another question, Sir, is that of veterinary experimental stations. Now, the station at Kisii

has got nearly 500 acres. It was established before 1945. We expected to have studies at that station; we do not buy milk; we do not get any bull for the improvement of our cattle. Now, we would like the Minister to tell this House, when replying, of the benefit of that station, because if I go there and say, "Send me a young bull because I want to improve some cattle," he says, "This cannot be done; it is not time yet." Yet, every week young bulls are being slaughtered, for what purpose I do not know. I would like the Minister to get in touch, on this question, as he has done very good work in the Kipsigis areas. When I passed the Kipsigis area recently they told me that the agricultural officer has improved their cattle very considerably and I hope the same services will be applied to the Kisii Highlands.

Now, there was one question which was raised by the hon. Member for North Rift. This question of staff for the Veterinary and Agricultural Departments was touched on. I always think that provision for agriculture and veterinary services is one of the sacred provisions in the world, but it is, I am surprised, true that very few Africans are trained to become proper agricultural and veterinary officers, only very few. When I enquired from the Assistant Director of Agriculture in the Nyanza Province I was told that very few people, after passing Cambridge, do apply to go to Makerere for this particular course. I will not be surprised to see the Minister advertising in the newspapers calling for applications from qualified Africans to go overseas for training as agricultural and veterinary officers. That would be a very good service to us.

The Deputy Speaker (Mr. Conroy): Would the hon. Member prefer to continue tomorrow or finish his speech this evening?

Mr. Kebaso: I would rather finish this evening. I would like the Government to get us proper allocations of money for this particular purpose because it is of no use Africans crying daily "Uhuru, uhuru!" and "Freedom!" if there is no proper training for the people to hold responsible jobs. The first duty of the Government is to train the people and not to expect *uhuru*, to get people from the bush and make them Ministers and veterinary officers.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I now adjourn Council until quarter past two, tomorrow afternoon, Thursday, 12th May.

The House rose at thirty-two minutes past six o'clock.

Thursday, 12th May, 1960

The House met at fifteen minutes past two o'clock.

[Mr. Deputy Speaker (Mr. Courty) in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

QUESTION No. 91

Mr. Mate asked the Minister for Tourism, Game, Forests and Fisheries will Government undertake to investigate the claim of the Chuka people to the effect that the present forest reserve boundary unjustly deprives them of a portion of their land which could with advantage be used for the cultivation of tea?

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Government does not accept the claim of the Chuka people to the ownership of any land included within Mount Kenya forest, which is a Crown forest reserve.

Paragraphs 577 to 581 of Part I, chapter XVI of the Kenya Land Commission Report (1933) deal with the claims put forward by the Embu people, among whom were included the Chuka, Muthambi and Mwingi, and I quote paragraph 580 of the Report—"We have no evidence that there was any considerable native cultivation above the forest line or that the Embu made use of the land to any extent, and we do not recommend any alteration to the boundary as it would be certain to lead to the destruction of some of the best forest in the Colony."

No representations from the Chuka people were received by the Forest Boundary Commission which, between the years 1948 and 1951 considered possible excisions from the forest estate for agricultural development, nor, as far as I am aware, have any specific complaints been made since.

The Government is already aware of the potential value of the lower contours of this part of the Mount Kenya forest reserve for the production of tea, but is not prepared to consider excisions until conclusions can be drawn from the water catchment research now taking place in the southern-western Mau forest reserve, with particular reference to the effect of converting indigenous forest to tea gardens.

Mr. Mate: Mr. Deputy Speaker, Sir, arising out of the reply, is the Government not aware that the Chuka people have through the African district councils and the district commissioners of Meru been complaining about this piece of land?

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Government is not aware of that and that many representations have been made to the African District Council. They have not come up to Central Government.

Mr. Mate: Arising out of the original reply, since the Commission accepted that there was some but not considerable cultivation in that part of the country, would Government go into it further?

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Government can take no further steps with regard to excisions, as I have said, until they are satisfied that it would not prejudice adversely the water supplies in that part of the mountain area.

Mr. Cooke (Coast): Mr. Deputy Speaker, the hon. gentleman has given two reasons but in view of the not too good economic position of this country, would it not be advisable for Government to revise its policy and go in for a short-term profit rather than for long-term forest planning in certain specific instances without necessarily acknowledging any right to that particular part of the land on the part of the Kiambu?

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Mr. Deputy Speaker, the hon. Member has misunderstood the reply. It is not so much long-term forestry planning as water conservation. It is of vital importance that the sources of water which provide water for the Embu tribes shall be protected. That is the reason why the forest must at the present time remain.

Mr. Mate: Mr. Deputy Speaker, Sir, is the Minister aware that the rivers in that part of the country come through that particular bit of forest from the top and that the forest does not affect the water supply in that particular area, for example, Thuchi or Ruguti and Tunga River are there.

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Mr. Deputy Speaker, I do not think Dr. Pereira, who is an expert, would agree with the hon. Member on that point.

Mr. Cooke: Mr. Deputy Speaker, I am not an expert either but I know that land pretty well and I do not see that any very great risk would be taken by allowing a few thousand acres to go under tea cultivation. I should think it would be a very wise thing to do and I would ask the hon. Member to reconsider it.

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Mr. Deputy Speaker, I will bear the hon. Member's words in mind but until we have a report on the possibility of developing tea in that part of the world without it having an adverse effect on the water supply we could not put his proposals into practice.

QUESTION No. 92

Mr. Mate asked the Chief Secretary:—

(a) How many Meru people are employed by the Government as district assistants or district officers at present?

(b) What steps is Government taking to increase this number?

The Chief Secretary (Mr. Coutts): (a) There is one Meru officer employed as a district assistant. There are no Meru district officers.

(b) District assistants and district officers are not appointed on a tribal basis, and Government does not intend to introduce tribal qualifications for appointment to these posts. Members of the Meru tribe who are suitably qualified may apply to the Civil Service Commission for any vacancies which may be advertised and their applications will be considered in competition with those of other applicants.

Mr. Mate: Mr. Deputy Speaker, is the Chief Secretary aware that there have been discouragements to Meru people from joining the Service, and they are taxpayers of Kenya?

The Chief Secretary (Mr. Coutts): It may be assumed, Mr. Deputy Speaker, that they have been discouraged by their own people, not by Government.

Mr. ole Tipsi: Mr. Deputy Speaker, can the Minister tell us as to when we can expect Africans to be promoted to the post of district commissioner in Kenya.

The Chief Secretary (Mr. Coutts): At the present moment, Mr. Deputy Speaker, there are five African district officers. No doubt when one of these becomes qualified he will be promoted.

Mr. Mboya: Will the Minister state what is being done to qualify these people?

The Chief Secretary (Mr. Coutts): By experience, Sir.

Mr. Mboya: Mr. Deputy Speaker, will the Minister define what he means by "experience"? Is it in terms of so many years, or being able to do a certain job?

The Chief Secretary (Mr. Coutts): Both.

Mr. Cooke: I was an assistant district commissioner during my first tour in this country.

The Chief Secretary (Mr. Coutts): The hon. gentleman took my reply right out of my own mouth.

MINISTERIAL STATEMENTS

SESSIONAL COMMITTEE APPOINTMENT

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I wish to inform hon. Members of

the Council that Mr. C. G. Usher has been appointed to be a member of the Sessional Committee in place of Sir Charles Markham who, recently resigned.

BUSINESS OF COUNCIL

I would also like to draw hon. Members' attention to the revised list of Heads which has been circulated as the result of a meeting of the Sessional Committee yesterday evening. Hon. Members will notice that there has been an alteration as between item 2 and item 4. Previously item 2 was the Ministry of Labour, Social Security and Adult Education. The Minister-designate is due to return to this country on Monday and we felt that it would be unfair on him to have to take this Head immediately on his return, and the Sessional Committee has therefore recommended that the Head of Education should be taken in the second place, and Commerce and Industry third, and thereafter Labour.

BILL

SECOND READING

The Specific Loan (International Bank for Reconstruction and Development) Bill

The Minister for Finance and Development (Mr. Mackenzie): Mr. Deputy Speaker, Sir, on 24th March, Council agreed to the following Motion:—

That this Council notes that the Government is seeking to borrow £2,000,000 from the International Bank for Reconstruction and Development to finance loans to African farmers and co-operative societies and to construct and improve feeder roads in African areas of high potential.

My hon. friend the Secretary to the Treasury at that time gave the House as much background information about the loan as was possible and told the House how we at that stage came to be in the position that actual negotiations with the Bank on details of the loan were imminent.

Whilst the Minister for Agriculture and I were in London during March we met representatives of the World Bank who said that the loan would be processed by them to a sufficient extent to be formally negotiated round about the end of April. We had to explain that for fairly obvious reasons—the Budget and things like that—it would be rather inconvenient to be in Washington at the end of April and the Bank rather exceptionally agreed that we could go over and have our discussions at an earlier date. It was necessary, Sir, for us to have legal advice during these discussions—indeed, Sir, as you are aware that became

[The Minister for Finance and Development] very necessary—and it was one of the most important parts of the discussions and you, Sir, joined us in Washington three days after we had arrived. As a result of the various discussions which took place it was agreed that the Bill which is at present before the House should go forward, although there are certain amendments, which were again agreed with the Bank, and which will be moved at the appropriate stage.

During the talks which took place in Washington sufficient progress was made for the officials of the Bank to be able to put the papers to their executive directors. That, I understand, is to be done within the course of the next few days, and if all goes well, and assuming that this Bill is enacted, we have every hope that the loan arrangement will be signed by Her Majesty's Ambassador at Washington before the end of this month. I should say, Sir, that the loan will be fully guaranteed by Her Majesty's Government in the United Kingdom, as it is one of the essential points in respect of all loans by the International Bank to dependent territories.

The House, Sir, is already aware of the reasons for the loan. That it is primarily intended—that it is intended for two purposes. The first being to make loans to African farmers in the areas of high potential, and also the provision is there for them to be made to co-operative societies; and also for making and improving feeder roads in the same areas. The areas in question are defined as areas in the native lands having more than 25 inches of average annual rainfall and an altitude of more than 4,000 ft. above sea level. Under the agreement which will be signed up to £1,100,000 of the £2,000,000 will be drawn for the agricultural loan programme, and up to £900,000 for the road programme.

Hon. Members will, I am sure, wish to know something about the terms of the loan. As my hon. friend, the Secretary to the Treasury said when the resolution was taken, these will not be easy. The International Bank is not a charitable institution, and does not behave as such. It insists that loans which are granted shall be fully economic and, of course, it goes into the question of repayment carefully and into the ability to repay carefully before the loan is granted, but, of course, during the period of the loan the Bank's officials have the right to come and see how things are going on and to make sure that everything is being done in accordance with the agreement.

The Government, Sir, will have to pay to the Bank a commitment charge at the rate of three-quarters of one per cent on the whole amount of the principal which is not withdrawn from time to time. The maximum, of course, would

obviously be £15,000 a year, and that amount will be reduced as the loan is drawn.

As regards the terms, the loan will be repayable in 14 instalments beginning on 15th January, 1964, and ending on 15, July, 1970. From that, as I say, hon. Members will realize that the repayments will be pretty heavy. I am, however, advised by my colleagues that there is no reason why it should not be possible for these repayments to take place. The question, of course, will arise as to whether the fund that will be set up in this way will be a revolving one or not. The hon. Specially Elected Member, Mr. Slade, I noticed, raised this point during the debate on the resolution. I think, Sir, that possibly at this stage it may be a little early for one to give a definite assurance one way or the other on that. I would hope that these loans, which are intended to do very much more than prime the pump in the areas of high potential would also increase our revenues, and would increase our national income to a sufficient extent to make it possible to bring into being something in the nature of a revolving fund, but I think it would be better for me not to commit myself on that particular point at this stage. After all, it is three and a half years from now before the first repayment will have to be made, and I think the decision on whether we regard this as a 10 year exercise or whether we regard it as a continuing one will have to depend on how the position runs and on the financial position at the end of that time. I merely say that I, myself would hope that we would in one way or another be able to provide something in the way of permanent capital for this kind of thing.

I am afraid I am not able to say what the actual terms will be because the rate of interest for these loans is only fixed on the day on which the loan is signed, and as hon. Members know, rates have a habit of fluctuating fairly rapidly. At the time I was in Washington a similar loan for a very similar purpose to this was signed on behalf of the Rhodesian Government, and at that time the rate of interest was 6 per cent. Incidentally, the amount involved was exactly the same as in our case, and so were the terms of repayment. And I think it is likely that the rate of interest will be of the order of 6 per cent. I am afraid it is unlikely to be much less than that, if any less, and it is more likely to be a little over than a little under 6 per cent.

The Government, Sir, is required to consult the Bank before making any changes in the general arrangements which have been agreed for providing and administering credit to African farmers which could materially affect the provision and administration of the loans under the

[The Minister for Finance and Development] project. The Government is also required to undertake that all the roads included in the project, and all the other roads connecting these roads to the marketing or processing areas will be adequately maintained in accordance with sound engineering practice.

Of course, Sir, as the House is aware, this loan is only part of the financing of our general agricultural programme, which is designed to increase the general wealth of the Colony. The total expenditure on agriculture, and indeed on African agriculture, will be very much more than this £2,000,000. The importance, however, of this particular transaction is first of all that it will be the first time that this Colony has had a loan from the World Bank, and I think hon. Members probably realize the importance from a general credit point of view of being one of the World Bank's clients. It does, so to speak, act as a hallmark in that they do not lend money without making sure that the loan is secure, and I think, Sir, that this may also prove to be a very useful introduction into fresh financial fields for our loan requirements. I certainly hope that that will prove to be the case because the more such new channels we can find the better. I think indeed that that is probably the most important point about the whole thing.

The other is that this will provide African farmers with means whereby to increase their productivity, and therefore increase their wealth much more quickly than has ever been possible before, and they will be able to do this on a considerably larger scale. I do not think, Sir, that anybody should overlook the importance of this from that point of view. It is, Sir, another earnest of the Government's intention to do everything possible to raise the standards of productivity and the wealth of the African people of this Colony as quickly as possible.

Sir, I beg to move.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): seconded.

Question proposed.

Mr. Alexander: Mr. Deputy Speaker, I think the most welcome news from the announcement of this Bill before us is that it is to be guaranteed by Her Majesty's Government. I say that, Mr. Deputy Speaker, because in the past when there have been suggestions from this side of the House regarding the obtaining of capital from friendly governments with exportable capital, we have always been told that it was the policy of Her Majesty's Government not to guarantee such loans. This, of course, is foreign capital. The

resources of the World Bank are, as we know, drawn from countries all over the world and I would like to ask the Minister when he replies whether he can tell us that there has been a departure in the policy of Her Majesty's Government. He himself did say, Mr. Deputy Speaker, that the more new channels we can find the better. But we do know—we do know—Mr. Deputy Speaker that there were governments in the past who would have been prepared to lend money to this Colony, provided it was guaranteed by Her Majesty's Government and I take it from the remark of the Minister that he will now go out in search of these new channels to supplement the £2,000,000 that are in this Bill and more millions that we are to learn about in other Bills later.

Sir, I would like information particularly, it refers to clause 3 where it talks about or it says the sum of £2,000,000 sterling, does that mean to say, Sir, that this loan will have to be repaid in sterling, and if so, and remembering that we have been told that it is repayable over 14 instalments, what would be the position if in that time we decided to move off or away from the Sterling Area? Or if we cease to base our currency on sterling?

May we be told also, Mr. Speaker, whether the security in clause 4 is the only security that is required for this loan, or whether this Bank has in mind reaching further out into the life of our Colony and the activities of our Colony in more specific forms?

May we be told also whether this loan has a prior charge over loans already made. We do know from paragraph 5 that future loans from other sources may rank *pari passu*, but whether in fact this loan has a prior charge is something we should be told.

Then, Mr. Deputy Speaker, may we know what is the security to be demanded by our Government from those to whom this capital is passed on? That is, of course, the areas in which the roads are constructed and the individual farmers and the co-operative societies. As I understand it, Mr. Deputy Speaker, most of these roads will be in district council areas, are we then to assume that the responsibility will be carried by the district councils through their own rating systems, or is this in fact to be a charge on the Colony Central Government revenues? If it is so, it would seem somewhat unfair and unreasonable, because of course local authorities do always expect to carry the responsibility for this type of borrowing, because these are roads, of course, Mr. Deputy Speaker, that will serve a particular area.

Then we should know what the individual is going to provide by way of security. Is it to be charged on his title deeds or is he to give some

[Mr. Alexander]

form of collateral, and how are the co-operatives to secure the money that is advanced to them?

We are not told here the exact terms and conditions of this loan. Will we have an opportunity, Mr. Deputy Speaker, of being informed of these? Will we have from time to time papers laid telling us what has been agreed to? We have been told that the interest rate cannot yet be fixed, it might be six per cent. Would it not be wise, Mr. Deputy Speaker, for us at least to have a maximum and minimum in this so that at least we may know the worst and at the same time know the best? It is, I suppose, quite possible that we may have to pay eight per cent if somebody decides that conditions are moving that way.

Was it not possible, Mr. Deputy Speaker, to finance this through the sinking fund method, because as the Minister has told us, a straight repayment of 14 years means a very heavy burden and I would have thought from what he has told us of their confidence in this country, that the Bank would have been prepared, if pushed to it, to finance this on a sinking fund basis so that we could, in fact, refinance it, perhaps, after 14 or 15 years and make the annual instalment that the Colony has to pay a far lesser amount.

May we be told, Mr. Deputy Speaker, whether the Bank requires any particular skilled supervision in respect of the spending of this money. It seems strange that £2,000,000 should be placed in our hands in this way without any requirement as to what calibre of person will administer this in the field.

I said in another debate, and I intend to take the opportunity again in order to provoke the Minister for Agriculture to comment on this, as to why, whether the requirement is there or not by the Bank regarding supervision, we ourselves do not take advantage of this incidental money to encourage countries with the skill that we want to send it here under conditions that would be attractive to them.

Mr. Deputy Speaker, mostly I am seeking guidance and seeking information. I must congratulate the Ministers for Finance and Agriculture on what they have done for us in these negotiations and I hope that in the information I have sought that it is not taken as criticism from this side.

Mr. Deputy Speaker, I beg to support.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I beg to support this Motion before the House and also to congratulate the Minister for Finance and the Minister for Agriculture for the efforts they have made in negotiating and obtaining for us the sum of £2,000,000 which will be used mostly in African areas.

Although I very much endorse the necessity and the desirability of obtaining a loan such as this in order to improve the African areas, I take very great exception to the terms and conditions of this Bill in so far as this loan will only be used in such areas which would exclude the Coastal Province. Once more, Sir, I would like to drive home to the Government, as I have done in recent times, that the tendency on the part of Government is to make it extremely difficult for the Africans in the Coast Province to benefit from schemes of this nature. According to the Schedule attached to this Bill, the loan can only be used in areas whose rainfall is 25 inches per annum and whose height is more than 4,000 feet.

Now what I do not very much understand is from which source will the funds to pay the interest on this loan be got? Will it be taken from the taxes which are paid by people living in this area, or will it be paid from the general funds of the Colony, which include taxation from the people who live at the Coast? I feel it is absolutely wrong and shameful on the part of Government that the poorer the people are, they should be used to subsidize schemes of this nature for the benefit of people who are in areas which are better off.

I do not suggest for a moment that it is wrong to improve the agricultural potential of the high potential areas, but I maintain and stress that it is absolutely essential that the people at the Coast should be able to benefit from loans of this nature. I am completely distressed and sometimes completely fed up by Government putting up in this House Bills such as this which are only going to benefit people in one area at the expense of the others in the other areas.

Mr. Alexander: And only the Africans!

Mr. Khamisi: And the Africans too, yes. For that reason, Sir, I would, although I do support this Bill, like to ask Government whether they have any plans or programmes for spending a sum similar to this or anywhere near this for the regions which will not benefit by this particular loan. I urge the Minister for Finance and the Minister for Agriculture to tell us and to make whatever efforts they are able to make in order to obtain further funds for us in the Coastal Province.

With these few remarks I am not sure whether to support or to oppose this Bill.

Hon. Members: Shame!

Mr. Khamisi: However, I support the Motion.

An Hon. Member: Well done!

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I was most

[The Minister for Local Government and Lands] interested in the remarks by the last hon. Member when he stated that he thought that the money being spent in one particular area should not be serviced and paid for by others in another particular area. It sounds to me very much like an old policy which I remember was published some 18 months to two years ago, I think under the Federal Independence Party. And that seems the answer to the remark by the hon. Member for Nairobi West with regard to money being spent on roads in African district council areas. This money will be dealt with, of course, like any other money is for grants for roads. If the African district councils were expected to service this money, pay interest rates, etc., then one would naturally have to be fair to everybody else and all the loan money granted for development to county councils, municipalities and so on, would also be so serviced. But that has not been the practice in the past and, surely, it is not right that it should be done now. Expenditure of money on roads of this sort is going to be for the benefit of everybody, not any particular area only. So—I can see the hon. Member there with a puzzled look on his face, I would explain once more the capital development money which is made available to local authorities to improve and construct their roads coming from the Development Committee or the Development Fund money is also loan money and the taxpayer services that money. The money is granted to local authorities without service charges and as a direct grant, this money should be regarded in the same way if it is to be spent by African district councils.

I beg to support, Sir.

Mr. Odinga: Mr. Deputy Speaker, Sir, I find it really very difficult to support this Bill.

An Hon. Minister: Shame!

Mr. Odinga: Shame perhaps, but most shame on you, Mr. Deputy Speaker, getting loans is a welcome proposition if the loan is to be applied for the general development of the country. But when loans are brought to come and create a rift between the people of the country it is really a pity. Mr. Deputy Speaker, I feel that until recently the Government's policy has been to concentrate more on the European agriculture in this country the Highlands.

Hon. Ministers: Question!

Mr. Odinga: Yes, a question which it will be up to you to answer.

The Minister for Local Government and Lands (Mr. Havelock): Yes, I'm afraid so.

Mr. Odinga: Now, having seen the difficulties and the troubles which have come as a result of

that, they are trying again with the Africans to extend the same privileges for the Africans, some Africans, in order to create some divisions and to create a class of Africans as landlords against the landless population. I must protest most strongly about this. If there is money to be spent on agriculture, agriculture is agriculture, everywhere. We cannot say that agriculture which is on lands above 4,000 feet will probably produce more than the lands which are in the lowlands. I am sure that in those areas, even in those areas in the lowlands, they have some cash crops which they also will produce which will be used usefully. For example, there is sisal. Sisal is grown in lower areas and as such it also needs encouragement and it also brings in money to the country, and I do not see why there should be a concentration on the lands which are at altitudes of over 4,000 feet and at the same time with a rainfall of over 25 inches per year. I think that by making this a sort of discriminatory fund I shall have to oppose, oppose it strongly, although I welcome any loan which comes— (Laughter.) May I say that you are confusing me by laughing so much. Mr. Deputy Speaker, I welcome any loan which does not come to create divisions and discrimination among the people and any such loans which will come to be used in sisal growing areas. As such, Mr. Deputy Speaker, I beg to oppose.

Mr. ole Ndihamu (Nominated Member): Mr. Deputy Speaker, Sir, in the first place may I congratulate the hon. Ministers for Finance and Agriculture for their help, we believe, in getting this loan for this country. Personally, however, I find myself in a very difficult position at the moment because being on the Government side I particularly think that I must support the Government. There is one thing that I wish to point out, that agriculture in this country, I think, includes cattle and cattle management too. When this loan comes up—and the Government of Kenya says that it is going to high potential areas—we in a district like Masai land find that seven-eighths of it will be absolutely excluded. In that district there is no water. In that district the Government has done almost nothing to improve the cattle management. In that district the Government has not even done anything for agriculture. There is only one officer between Loitokitok and—(Inaudible)..... which is right up in—(Inaudible).....

who is supposed to look after the agriculture of the district. That is really why I do not understand whether Government has had that policy of the old, old Governors of this country who said that we should leave the country to die. I merely want to ask the Minister when he comes

[Mr. ole Ntimama]

to reply if there are other developments suggested by Government to come out of the finances of the Colony. I wonder whether it is the policy of the Government to make a loan even up to now when an African Government will take their place soon. I really always get to wondering because historians have said, even some very high Government officials of the past: "Look here, don't loan to these chaps. Leave them alone and they will die a natural death." I am really perturbed and when these loans come up again we have no water. Nothing has been done about the agriculture of the Masai country. They say it will be for high potential areas. The Masai District is left alone, even now. I would like the Minister for Finance particularly in this one—I think I am going to speak on the Agriculture Head some time so I will not touch on many points now—but I would like the Minister for Finance to tell us clearly what he thinks about the water in the Masai area, in this particular land, and when the cattle are going to be developed into an economic asset. One and a quarter million animals in that country are just useless because these people have done nothing to improve it.

Mr. Deputy Speaker, Sir, as I said before, I am in a very difficult position, but I will support the Motion.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Deputy Speaker, Sir, I also find myself in a very difficult position. I thought, Sir, that three senior Members of the Government had gone to Washington and carried out some very excellent negotiations in order to assist African—and I repeat, African—agriculturalists in this country. When, Sir, they come back and this Bill is presented they find opposition from African Members on the grounds that it is discriminatory. I am astounded and, like the hon. Member for Mombasa Area, I, too, do not know whether I ought to support or reject this Bill. Being a Member of the Government, Sir, of course, I am going to accept and support the Bill. But the hon. Member for Central Nyanza, Sir, does not seem to realize that if he borrows money to help him build a house it makes more money available for him to buy more beads—I said beads—and, Sir, there is no question of discrimination in this matter. If this is assisting African agriculturalists in particular areas it merely means that there is more of our own money available to assist Africans, and that is the policy of this Government in other areas. And I suggest, Sir, that this Bill should be opposed by a representative of the African people I believe is fantastic.

I support.

Mr. Rubia: Mr. Deputy Speaker, Sir, it was not my intention to participate in this matter, but I think I, too, feel that I should say something because it struck me as rather surprising that a loan that is intended to assist the class of community that we have here who actually have been in need of assistance in the way of loans should be opposed by, if I may say so, my colleague Africans in this House. It is a matter of fact that many people have aired views concerning the consolidated land but it will be a waste of, not only money, but also the time and energy that has been spent on land consolidation if these farmers will not receive financial assistance, let alone technical assistance. I would have expected therefore every hon. Member of this House to support the idea of these loans though not 100 per cent—that the whole loan should go to the Central Province, because I think that is what many people have in mind—but at least quite a big proportion of it because that is fair if the labour which has been spent on land consolidation is to bear any fruits. Financial assistance must be forthcoming and I think it is unfortunate that people should express doubts as to the intended way of using this loan. Personally, I am grateful because I think it will prove to those people who doubted about the benefits of land consolidation their mistake when this money goes to assist those farmers who have consolidated their land. But, Sir, I do not want to labour on that very much because I realize it can be very controversial and as originally from Central Province. I do not want to say much on it.

One other point which I would like to mention here: maybe the Minister for Finance did say this, but we on this side of the House do not hear very well when the Front Benches speak, and if he did, I am sorry: is the question of the allocation of these loans. I believe many people are aware that it is quite a difficult thing to do, to know to whom it is worth giving these loans to, who is likely to make the most use of the loans, and who is likely to honour the obligation of repaying the loan. But I believe, Sir, it is true to say that there are also dissatisfactions in the country where such loans which are being given to farmers now tend to go to people who are actually not in dire need of that loan. There are known cases of people who have as much, shall we say, as much as £1,000 in the bank and yet they take loans of, say, £200. I think, Sir, there should be better distribution of these loans. It is vitally important because the loans, I feel, should go to those who need it most.

I beg to support.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, I am very sorry to see that

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

none of the hon. Members who represent the Central Province are here today when we are discussing this most important Bill which has such a lot to do with them. I would like to thank the hon. Nominated Member, Mr. Rubia, for his kind remarks and to tell him that the Director of Agriculture will later in this debate be explaining just how the allocation of loans and the method is done.

Now, Sir, if I could move to the remarks made by my friend the hon. Nominated Member, Mr. Ntimama. Sir, what he must realize is that although this is tied—and other hon. Members must—although this is tied to 25 in. and 4,000 ft. it is available for cattle as well as for agriculture. What they must also remember is that as this money becomes available in these areas of over 4,000 ft. and over 25 in. of rain, so it will release other finance to be made available for other areas. Therefore, all the other areas will benefit from it. I will give a specific case of how the Coast Province is going to benefit from this. I would like to thank the hon. Member for Mombasa Area whom I look upon as a townsman, for taking such very great interest in country matters.

Now, Sir, we have operating at the moment the I.C.A. money which is available to African farmers and the moment the I.B.R.D. money becomes available, I hope that, with permission from the I.C.A. we may be able to utilize the money which is left and is still quite considerable for other areas—and I have in mind, in particular, the Coast Area. Over and above that, Sir, I hope that we may be able to use a certain amount of ALDEV's rural development money in the coastal strip.

Now, Sir, I would like to inform the hon. Member for Mombasa Area that I personally, since becoming a Minister, have taken a very great personal interest in the difficulties of farming in the coastal area and Mtaita Hills, and had I known at the time, that he was so interested, I would have asked him to accompany me on my trips in that area. I shall certainly do so in future and hope that he will accept the challenge to come round with me, to see what has been done at the coast and the great difficulties that we run into in those areas. I would like to take this opportunity of telling him that Taita is going ahead extremely well, and also consolidation in the Taita Hills. Over and above that, we started over the last year, a new research station just outside Mombasa and I am sure he will be hearing more about that in the very near future.

Now, Sir, if I may come back to my friend in the Back Bench from Masai land. I

would like to say to him that he and his people are perhaps sitting on the most highly potential land in Kenya today. Sir, they have high potential land which is excellent land for tea and for pyrethrum but, until the Masai tribe, as a tribe, come forward with some method which will allow us to get in and help them to cultivate that high potential land, our hands in Government are tied. He said that we had spent absolutely nothing on the ranching areas of the Masai land. But I do not want to go over all the figures I gave the hon. Member opposite who raised this very question yesterday, but when I answer in the Estimates debate I will attempt—if I do not have to answer him until tomorrow—to get out exactly what we have spent in Masai land over the last five to ten years, and I am sure that the hon. Member will find that it runs into very many thousands of pounds, and I think he must appreciate, as I think I have already said, that as this money is used in the high potential areas it will release money to be used in other areas.

Now, Sir, my old friend the hon. Member for Nyanza Central came back again with this question that less money was spent in African areas than in European areas. I have the figures available and I will answer that under my own Estimates. What he does not appreciate is that when one goes to international people to get a loan, they are the people who stipulate how the loan will be spent, not us, who are going to borrow it from them. All you have got to do is to keep arguing an uphill battle, and it may interest the hon. Member to know that in the first instance when we started negotiating, these figures were far less than official to the potential areas and the medium potential areas than they are today, and they are only there mainly because of the uphill battle which we carried on, in trying to allow the World Bank money to be used in a greater area, and I think he must appreciate that it is the World Bank in this instance, who must lay down, in the schedule and in the project, just how and where you can spend the money.

I think he must also appreciate, and this is also in answer to the question put forward by the hon. Member for Nairobi West, that World Bank money is true international money and it is not only world government money but it is commercial money, and I am sure that my hon. colleague the Minister for Finance and Development will be covering that point more fully.

Now, Sir, there was the point raised about the calibre of the person and the technical staff to be used in the field. I can heartily agree with what the hon. Member for Nairobi West said on this, and I appreciate that we are going to need

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

in all this development further technical staff. The moment the finance is available, and we know that without any doubt we are going to get it, I can give him an assurance that I will move into the country he has in mind to see whether there is not the staff available in those places who can help. He may like to know that I have started on this and have had discussions with the consultants of those countries who can help us in this scheme, as to the availability of technical staff from them, and the result I have had so far is more than interesting.

I beg to support.

Mr. Muhoya: Mr. Deputy Speaker, one of the things which really matters is agriculture. I support the loan wholeheartedly without any reservations. Agriculture is our chief industry, and in fact I would like to give some gratitude to the Ministry for the encouragement of agriculture in the African areas, and for the land consolidation and the land demarcation. In my area it has been completed, and I know the results better than most people. I oppose anybody who opposes it.

I will refer to only a few specific cases. I will refer to the Mbogo Institute established very recently. In my area—

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, on a point of order, should this not come up under the Estimates debate rather than under this loan programme?

The Deputy Speaker (Mr. Conroy): The relevance of an argument is not always at once apparent, and I was waiting to see the relevancy of the hon. Member's arguments to this Bill. I understand that he is speaking for the areas of high potential in respect of this loan.

Mr. Muhoya: Mr. Deputy Speaker, I was actually speaking on the loan and I just wanted to show the importance of the loan.

We have the Wambugu Institute where cattle are bred and where Africans are being trained to know the exact way of how to breed cattle. I think I should deviate a little and come to a very important matter in connection with this loan. Some of the hon. Members will remember that there was a factory at Karatina which was processing vegetables. I regret to say that it was closed on account of—if I may be excused—agitation of some amateur irresponsible politicians. I wish the Minister could try and get a part of this loan and open up a new factory at Karatina. Now, Karatina has a very easy climate, not only Karatina but most parts of Nyeri have a good climate, and I think this is what the Minister for Agriculture has called "areas of high potential"

and I will refer to a case where this again concerns the loan.

I have seen some farmers in Nyeri—as I have said just now it has a very good and easy climate; you can grow almost anything you want—and I think they should be encouraged in all directions to grow cash crops, to grow vegetables, to grow fruit. I know of a farmer, I will not mention his name, who has more than 100 trees of plums. Now, plums are very marketable especially in December when the hon. Members are aware that plum pudding is eaten. But this farmer has to go on looking for markets. He has to go to the ordinary small markets in the reserves to try to sell his plums. I happen to be very near him and I know how much he grows. It is not less than 10 tons of plums. Now, I do not know whether it is the responsibility of the Minister for Commerce or the responsibility of the Minister for Agriculture, but I would like the Minister concerned to try and see the special farmer—I will be very willing to tell the name—at his request.

Now, I come back again to the farm planning. It is very, very much concerned with this loan. I appreciate it and I like it, and anybody who opposes it knows nothing about agriculture. But I do not like strings. You get this money with certain strings. There are farmers who through experience have learned to know their soil, they have studied it and know it, even, I dare say, better than the Department of Agriculture, and these farmers could and should be given loans without strings. In fact this has been discouraging some farmers who are very capable from taking the loans. They say, "If we take these loans these people will be here every day telling me to do this and to do that, and so we would rather not have it." Therefore I would say that these loans should not be given only to those people who accept farm planning. I like it, as I have just said before, and it is very good, but if a farmer does not want it—I mean, if he is a successful farmer, why come and force it down his throat?

Mr. Deputy Speaker, Sir, once again I support this loan.

The Assistant Minister for Education (Mr. Waweru): Mr. Deputy Speaker, Sir, I do not want to keep the House in speaking on this Motion, but for the purpose of recording I thought that I would say a few words on the loan. It has been the wish of the Kikuyu, Embu and Meru people in the Central Province who have completed the land consolidation that loans should be made available to enable the new farmers to develop their land. This has never been accelerated by the Department of Agriculture in the Central Province which has always been wanting very

[The Assistant Minister for Education]

to improve the African agriculture in the Province because they have been handicapped by the financial difficulties.

Latterly before the House we have got this Bill and to my very great surprise I was perturbed when the hon. Member for Central Nyanza opposed the Bill. It would be very convenient if he would let this Bill go through and let him go to Nyanza in his own constituency and use his influence to stop the African farmers there not to have the loans and let the money be used in other high potential areas, and I am certain that his remarks would not be welcomed by the people of the Central Province. There may be some areas in Nyanza Province where the land enclosure has been completed. But if he found it so fit to go and oppose the money being used in his own Province where I am sure he would be punishing the innocent farmers who would like to get on with the improvement of their farms then I am sure that the whole of this amount can be used by the people of the Central Province.

With these remarks, Mr. Deputy Speaker, I support the Motion.

Mr. Kiamba: Mr. Deputy Speaker, Sir, I support the Motion, but in doing so I want to say that those Members who say that those who oppose the Motion know nothing about agriculture are not right. For I think they are opposing this because they think that it is a loan given to only one particular district or province. I am trying to say this because I know what kind of feelings people will have in other provinces. I cannot say that the loan is a bad thing, because I know it is a good thing. I would not like people in the Central Province to go without this loan, but I, at the same time, want the other people in the other provinces, to know when they will get a similar kind of loan, if not more, and I ask the Minister to say this when he comes to reply.

With these few remarks, Sir, I want to support the Motion.

Mr. Swynnerton (Director of Agriculture): Mr. Deputy Speaker, Sir, I want to speak on a few aspects of loans to African areas. There has been some assumption in this debate that Government has not got a co-ordinated agricultural development plan. I myself have been associated with co-ordinated agricultural development plans in this country for the last ten years. Those co-ordinated plans have covered all areas. They have covered the highland areas, they have covered the areas of high potential, they have covered the pastoral areas, they have covered the coastal areas, and they have covered rivers which have been used for irrigation. Government has allocated money to each of those different aspects

of development. This loan that we are just debating today is related to one particular aspect of that development. We have had money for carrying out the Troup Report, for improving the farm planning, water, construction services, for improving research. We have had £5,500,000 from the United Kingdom Government for the specific development of African areas in addition to anything that the Colony itself has put into the development or has borrowed for development. We got £1,000,000 more assistance for development in the African areas from the International Co-operation Administration. The Rockefeller Foundation has assisted us with the development of agricultural education. This, Mr. Deputy Speaker, is just one facet of our total agricultural development plan. It is being put into one particular area and there are very good reasons for this. Many Members in this House were not Members when the Royal Commission on Land reported. The Royal Commission recommended very strongly that what funds Government had available for agricultural development should be put into the areas that could produce the quickest return. The Royal Commission stressed that we were a poor country and that if we were going to increase our wealth, first of all it must come from agriculture, and secondly it would only come from productive development. They went so far as to say that less work should be done in the semi-arid pastoral areas than in the productive areas. The Government did not entirely support that view. The Government felt that perhaps three-fifths or four-fifths of the cattle population and livestock population and perhaps one-fifth of the total population were in the dry lands and that if those areas were neglected the desert might encroach into the more productive land. For that reason the Government did not go all the way with the Royal Commission on Land, so Government in the last ten years has put several million pounds of development into this dry land, the land below 25 inches, which is not covered by this loan. I want to make that point very clear, Mr. Deputy Speaker. Water has been developed in the drier areas, grazing schemes have been developed, and something of the order of 2,500,000 acres of grazing schemes are now in operation. Tsetse clearing has been done. Livestock marketing has been introduced. Diseases have been controlled, creating more problems in those areas for Government to continue to tackle. I want to make that very clear, Mr. Deputy Speaker, that this loan is only one facet of the overall development plan, and I believe that we have a good development plan.

Now, in taking loans, Mr. Deputy Speaker, we have a very great responsibility to see that they are recovered. Loans can, therefore, only be

[Mr. Swynnerton] carried by productive enterprises unless either the Government is going to subsidize the loans or unless there are going to be heavy losses on them. If a farmer is going to take a loan he must be able to service it and he will only be able to service that loan if he has a well-planned and well-run farm, if he has cash crops and if he has productive cattle on that holding, and only in that way can a loan be serviced. I have not got a table of repayment charges, but I would guess that if a person taking a loan for £500 has to repay it in five years he would have to find £130 a year in addition to any net profits he might wish to make. If he were going to repay it in ten years it might be something of the order of £80 a year. Those, Mr. Deputy Speaker, are heavy charges, and therefore only certain lands can carry those charges. In the drier lands the money which the Government has put in has been very substantially grant money for water supplies and that sort of thing, but those loans have either been on a £ for £ basis or even only 30 per cent of the total cost because the Government knows that those areas cannot carry the full loan charges.

Another matter is the question of security. The hon. Member for Nairobi West raised the matter of security. We recently had in this country Mr. Harold Williams, sent to us with the assistance of the International Co-operation Administration, who has 25 or 30 years' experience in the United States of operating the Farmers' Home Administration, which is a body which operates Government loans for farmers. It is called "supervised credit". "Hard credit" and that is the sort of credit that can be obtained from the Land Bank, which must be pretty fully covered by mortgages on land or chattels, and therefore people must have titles to land. But there are many worthy farmers who have not got titles to land or who may already have mortgaged their land and who can yet do with money to increase production and can repay those loans. Therefore, we have two types of loans, hard loans and supervised credit. In this country, with land consolidation, many farmers are getting titles to their land. In the Central Province very large numbers of farmers have had their land consolidated, but only a proportion of those so far have taken out freehold titles. In large areas of the country there is no title to land and, therefore, there is no land security in regard to loans. Therefore, security must be based on personal character, the ability of the farmer to farm, the ability of the Agricultural Department to help that farmer to farm and the knowledge of the members of the Agricultural Department of whether that farmer will, in effect make good with any loan he may get.

Now, the hon. Member for Nairobi West did suggest that we might get in people from outside. I think that in what I am going to say I will slightly contradict the Minister for Agriculture, Mr. Deputy Speaker, but I would say this, that if we are going to have adequate supervision of loans, if we are going to find out the ability and integrity of the farmers, we need people who are working in the field day by day, who can speak the Swahili language and who are known by the farmers and who do know the farmers. Therefore in the main it has got to be our own people in this country, our agricultural instructors in the field, our assistant agricultural officers, our agricultural officers and they by living in the districts which the farmers will know who is credit-worthy and who is not credit-worthy, because they themselves will be helping the farmers with their farm layouts, their farm plans, their cash crop developments, and so on. When a farmer has taken a loan they will be able to say to him, "You will be able to carry this loan only if you plant out an acre, two acres, three acres of tea, of coffee, or pyrethrum, or if you get a couple of Guernsey cows. Therefore it has got to be a very intimate process as between the lending body, the Government, and the farmer himself. The chain of loans will be that farmers together with their agricultural instructors and agricultural officers will draw up plans to apply for such money as is needed for farm development. Right through that planning an eye will be given to the productivity of the development. Money can only be put into something that will produce and not into something that will not produce. From there the application will go to the district agricultural committees on which are represented the technical people together with representatives of the African farmers. The MacGillivray Report I think is going to recommend that the members on the district agricultural committees should be elected by farmers. Therefore those farmers, those African farmers, on the committees will represent the people who are in those zones and will have a knowledge of them. That recommendation will come right up to the African Land Development Board, or whatever its successor may be, and will then be approved and issued. The money will then be issued back again through that same chain of command, back to the individual farmer, and the farmer will just draw those moneys which he needs for development at that time, drawing extra money as each phase of the development takes place.

The hon. Member for Mombasa Area did raise a number of points in connexion with the coast and I think the Minister replied to most of them. I would say, however, that Government has put a tremendous amount of money into coastal

[Mr. Swynnerton] development through loans, through the development of water supplies, the development of grazing schemes, and the development of cash crops, and I will speak on this in greater detail, Mr. Deputy Speaker, when we get back on to the Ministry of Agriculture's Estimates.

The hon. Member for Nyanza Central appears to be unaware of the level of Lake Victoria. Lake Victoria is 3,750 ft. above sea level, and it may be a few feet on either side of that, and you only have to climb 250 ft. to qualify for a loan. Now that means that practically every square mile of South Nyanza, Kericho, Central Nyanza, North Nyanza, Elgon-Nyanza will qualify for the loans. The exclusion of any areas would be purely technical.

The hon. Member therefore would qualify for loans if he and his constituents would get down to sound farming and develop sound farms, improve their livestock. It is merely his wish, I think, to camouflage the backwardness of his people and his unwillingness to try to urge them forward that makes him oppose a Motion like this. I am quite certain that within his own district and all the other constituencies of Nyanza Province good farmers will be just as much eligible for loans as those in the Central Province. In fact, we on our side will be very happy to see Nyanza get a bigger proportion of the loans, because Nyanza at present is further back than the Central Province and we would like to see an evening up in the development process.

The hon. Member for the Southern Province, Machakos, supported the Motion. Again, a substantial area of the Southern Province lies above 4,000 ft., substantial areas of Kitui, Machakos and Masailand, and if farmers will get down to good development there and provide security through their own ability they will be eligible for loans too.

I notice that the hon. Nominated Member on this side, Mr. Rubia, did suggest a means test. In hard credit it is normal to find out what are the assets of a farmer when he applies for a loan to see whether in fact he can finance the loan development himself or not in addition to his providing security, and his suggestion can obviously be looked into at the time that loans come up.

The hon. Member for Embu and Nyeri raised the question of the old Karatina factory. Well the old Karatina factory I am afraid is dead and gone, Mr. Deputy Speaker. We have two or three canning factories in other areas which are very readily accessible to Karatina and those other areas of the Central Province. There is a canning factory at Thika and there is a canning factory

at Machakos. Before another canning factory was provided it would have to be gone into very carefully to see whether it would not in fact flounder in competition with those other factories.

On the development of factories, it is a function not of this loan, but to go to such bodies as the Colonial Development Corporation for assistance. It is hoped in the very near future to set up a Cash Crops Development Authority, at this moment mainly for the development of tea, but it may well be that authority will be able to secure funds for other cash crop developments. If we have success with the sugar developments in Nyanza and if we wanted to go in for the factory at Karatina. That would be a more appropriate authority, Mr. Deputy Speaker, than taking a loan out of this particular fund.

I beg to support.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I think it is a great pity that the hon. Member for Central Nyanza is not here to have the answers to the points that he made. It is astonishing, Sir, how the hon. Member seems to get hold of the wrong end of the stick and get a firm grasp of it and wave it around. I do wish, Sir, that he had been here so that he could hear from my hon. friend the Director of Agriculture and from the Minister that the Government is doing this in the interests of all the African people of Kenya and that the only reason why this particular loan is restricted to the high potential lands is that the World Bank required a definite project; it also insists that its money shall be put into the sort of project which will bring in the largest returns most quickly, and that is going to be done by putting the money into the land of high potential rather than in putting it into the low potential areas where grant money and other types of much easier credit are far more appropriate. I do hope, Sir, that although the hon. Member is not present his colleagues in the House will try to impress on him that the Government does not spend its time thinking up means of creating rifts as between one part of the country and another or between one community in the country and another. The Government is equally anxious to see the welfare of all parts of the Colony looked after just as it is of all communities, and I do hope, Sir, that, as I say, the hon. gentleman's colleagues will do their best if they can to impress that on him and to try to get him to see that the Government is really trying to help him and his people and that this sort of criticism that he has put forward does not really help anybody.

Just one further word on the question of discrimination. As the House knows this Bill was taken before the Council of State and was fully

[The Minister for Finance and Development] discussed there and of course the point is, as I have said, that the World Bank must have a definite project and so what one did was to take a certain amount of the agricultural programme which could be turned into such a project and into one with a high return, take it out and finance it in this particular way. That means of course that the rest of the programme which is very considerable and indeed the rest of the Government's development programme which is going to require a total loan of £16,500,000, or £18,500,000, if this is included, it is so much easier to achieve the total of that programme.

Sir, my hon. friend the Member for Nairobi West spoke about Her Majesty's Government's guarantee in this case, and welcomed the fact that in this particular case they have broken with their normal rule and have agreed to guarantee this particular loan. The position there is, Sir, that the World Bank only lends to members such as, for instance, the United Kingdom, or alternatively it will lend to non-members such as Kenya if a member guarantees the repayments. At the time that these provisions were made the Parliament in the United Kingdom passed legislation in 1949 authorizing Her Majesty's Government to guarantee loans from the International Bank up to a maximum of £50,000,000. It is an exception to their general approach to this matter and I can assure the hon. gentleman that there have been discussions with Her Majesty's Government on the point which he put forward on the possibility of their guaranteeing colonial loans generally. There have been discussions on that from time to time. It is not a matter which is allowed to drop. But so far they have not felt able to agree to that proposal, I have no doubt that the matter will be mentioned again in the future. But they have done one thing to help in this picture. They have put up the Exchequer loan money which is really their answer to the situation in which the Colony—I say it is their answer and I do not say that the hon. Member agrees that it is the most satisfactory answer—has found itself of not being able to raise the money they needed on the London market in the way that they have been able to before. As I say, however, Sir, this, I hope will be the first of the loans in new fields, and I think that the very fact that we have been able to borrow from the International Bank, and the very fact that we can show ourselves loan worthy by their standards, which are very high ones, should certainly help us to get into other fields. I certainly hope it will.

Sir, the hon. Member for Nairobi West also referred to the statement in clause 3 of the Bill, that the sum to be borrowed would be £2,000,000 sterling. I would invite his attention to what

followed—"or the equivalent sum in other currencies". I understand, Sir, that to a certain extent the currency in which an International Bank loan happens to be made available to quite a considerable extent depends on what funds are available to the Bank at the particular time. In our case, however, they would certainly be converted into sterling for our purposes here. I understand, Sir, that it is likely—I should imagine it is very likely—that in actual fact this particular loan will be made available, or at least will be originally raised at the other end, in dollars. And indeed in the agreement with the Bank the reference will be to the dollar equivalent of this, that is \$5,600,000, but for our practical purposes we can take it that the sum we are dealing with is whatever is the equivalent to £2,000,000 sterling.

On the question of security, Sir, that is our security to the Bank, my hon. friend, the Director of Agriculture has dealt fully with the question of the security of people who borrow from us. But our security to the Bank, Sir—the position there is that this loan will not take priority over our other loans. What it does is to ensure equal priority with all other loans, and indeed, we shall, in the agreement, have to undertake that in the future, as the Bill says, we shall have to report any future borrowings so that they too will merely rank as equal with this particular loan. I think that is a very reasonable attitude to take. The same, position as it applies to us, will incidentally apply to all agencies of the Government as well as to the Government itself.

Now, Sir, on the question of security. As I say, my hon. friend, the Director of Agriculture, has dealt with that, and the Minister for Local Government has dealt with the question of the roads. There is not any intention of passing this charge on to the district councils concerned. This will be a case where the load will be borne by the taxpayer in the interests of general development, and as I say, it is our hope and belief that the results of this investment will make it possible, not only to repay the loan, but also to push ahead with further development.

As regards the terms, I would myself expect that the rate would be somewhere round about 6 per cent, unless something very curious happens between now and the end of the month. I have had some calculations done as to what the loan charges would be if the loan were at 6 per cent and had to be repaid in equated instalments—14 equated instalments during the period 1964 to 1970—and I am informed that according to Mr. Archer's tables the figure is £364,104 per annum. The repayment of the loan, which was a point which was raised by one hon. Member—I think it was the Member for Mombasa Area—

[The Minister for Finance and Development] the repayment of the loan that the Government makes, and the payment of the interest will be a responsibility in so far as the loan element is concerned, of the individual people of co-operative societies, or other institutions, whatever they may be who, in fact, are given the loans. It will be up to them to pay the interest, and as my hon. friend, the Director of Agriculture said, these loans will be put into the places where they bring in the best return, and we have no reason to believe that this is not going to be economically possible for the people concerned.

There is, of course, no question really of people in the other parts of the Colony subsidizing that part of the transaction, and indeed so far as the road side is concerned, these areas are becoming rich, and I think that they will, to quite a considerable extent, at any rate, through their own contributions to the revenue, indirectly and directly, they will themselves be contributing quite sufficient to cover any subsidy element that there may be on the road side. Certainly I would say that it would be quite incorrect to suggest that the coast was subsidizing the Central Province, or indeed any other part of Kenya in this matter.

The hon. Member for Nairobi West mentioned one other point, Sir, and that was, why could we not use the sinking fund method. We would, of course, very much have liked to be able to do so, just as we would very much have liked to be able to extend the loan over a longer period. It would have been very useful if we could have had the money for 25, 30 or 40 years, but in discussing this matter the Bank, Sir, made it quite clear that they regard this as an economic proposition for a shortish-term/medium-term credit and which should be able to pay for itself even on the terms it put forward. I think that is so. They certainly had a very careful look at our economy before entering into the agreement, and of course there is one advantage in this, that it ensures that because the matter is being dealt with as an economic one, in just the way that a commercial bank would deal with the matter, and as I said, the World Bank does not regard itself as a charitable institution, one important result of that is that the Government will have every incentive to ensure that the money is used in the ways which are likely to increase the wealth of the Colony most rapidly. I do not think, Sir, so far as I know, the International Bank does, in fact, issue loans under the sinking fund method. They expect to be repaid in full within whatever period is laid down. Of course, they do give one very great facility, and that is the period of grace at the beginning of the loan during which only the interest is payable on money that has been

issued, and the commitment charges in respect of money which has not been issued.

Sir, my hon. friends, the Minister for Agriculture, and the Director have, I think, dealt with all the other points which have been raised during the debate, and I beg to move.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE 21—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Resumption of Debate Interrupted on 11th May, 1960)

Major Day (Aberdare): Mr. Deputy Speaker, Sir, I would first of all like to pay a tribute to the Minister on his first presentation of these Estimates for the wealth of detail—at times I must confess somewhat confusing—into which he went, and I must say here and now, Sir, that after that most of my speech must be taken up in what I hope will be constructive criticisms.

Now, the text which I should like to talk on today, and I almost feel like a parson in discussing this matter in this House, because I feel so strongly upon it, is, Sir, to quote, with your permission, the last two paragraphs of the pledges, now somewhat out of fashion, which were given to the Europeans when they were induced to come and settle as farmers in this country. I will not bore the House with a long reiteration of all the other 10, but I would like to put on record once again, because it has already been done in this House previously, the Royal Warrant in 1953 which contained this paragraph:—

"And that in their deliberations our Commission should take account of existing obligations incurred by treaty agreement or formal declaration of policy in relation to the security of land reserved for the different races and groups in the various parts of the territories concerned."

And the next one, Sir, in 1954, by the Conservative Government, when Mr. Lennox Boyd was the Colonial Secretary:—

"Her Majesty's Government are not likely to lend themselves to encouraging people to come if they intend to betray them or their (sic) predecessors."

[Major Day]

Now, Sir, I would like to start. It is, I know, a matter of humour, and humour is a most destructive weapon, but humour or no humour, I am going to drive my points home today. I would like to clear up first, Sir, what I consider is a most unfortunate complication in that part of the Minister's speech dealing with resettlement, in which confusion was apparently created between the terms "compensation" and "land stabilization". Now, Sir, the hon. Member for Mount Kenya last year in this House first mentioned the matter of a financial cushion. There was no question of compensation as such, and I would further like to clear up a point which was made yesterday by my friend, the hon. Nominated Member, Commander Goord, who talked, I thought, rather fruitlessly, as to who might perhaps claim the credit for having first discussed this matter of resettlement during the Lancaster House Conference. But I must, in fairness, put on record that we were always attempting, Sir, to obtain a stabilization fund, in order that the land values could be maintained, because unless you have that stabilization fund you will not get back the confidence which at the moment is hovering very precariously among the European farmers in their land units. I cannot emphasize this too strongly, it is not our intention to indulge in a rat race. It has always been our intention to remain here if we can under reasonable conditions, but to protect our people with some form of insurance scheme.

Now, Sir, this scheme must be two-pronged, and when people talk, and perhaps some people quite unwittingly confuse the issues of compensation and resettlement and stabilization, it is something which land stabilization perhaps can easily happen because—let us be quite honest about this issue—we do not hope that that unhappy time will ever come when it will be necessary to have compensation for our land values, but, Sir, it might come, and if it does come it is the duty of this Government now, and not later, to see that we have an insurance, and not merely platitudinous political assurance, but something definite and concrete. I say this, Sir, and I hate saying a thing like this, but I say it because if you look at the history of England's treatment of her minorities, it is not one we should be unjustifiably proud of. We want a definite assurance now.

Now the other day I listened to a most excellent speech by the hon. Chief Minister opposite, in which he quoted a little nursery rhyme, and it is not out of context to what I am going to say, nor to the subject matter of this debate. What he said was, I think I am right in saying:—

"Dickory, dickory, dock,
The mouse ran up the clock".

I would like to emulate this little rhyme of his, Sir, and say:—

"Dickory, dickory, dock,
The mouse is working well,

And when its usefulness is over
It can go to blazes."

And that is the sort of attitude which we are very worried about. It may not be true, but that is what we want an assurance on. It is all very well to be told to trust the cat. Now most mice do not trust cats. In fact, if you, in your childhood have read a most interesting little playlet, entitled, "The Tale of Gloster", and I am sure that many of you have, you will see that in that, in spite of all the inducements of the cats, who were very attractive cats, I may say, none of the mice thought that a cat's word was sufficient. We want something concrete on this issue. Is it an illiberal attitude on the part of mice? Do you think it is illiberal because we should ask for this, because nowadays we have all got to be little liberals if we are going to get anywhere. It is not illiberal. We are asking this in justice.

Now the world, and England particularly, in this day and age, prides itself on its benevolence, its fairmindedness and its justice. Resettlement is a case of justice awaiting fulfilment, and let it be served. Let it be served, not only in the interests of the European farmers, whose morale is at a very low ebb, and we all know it in our heart of hearts, but let it be served also in the interests of the Africans who have been told that our land unit, and indeed all land is to be opened. Now it is not much good waving a wand or a carrot in front of their noses if they are not going to be able to do this, or get this land which they want so badly reasonably quickly and get the money to get it. The attitude of the Africans, and I cannot say I blame them for it in the slightest degree, I would probably have the same attitude myself if I were one of them. The attitude of the ones I have heard speaking on it, and have spoken to on it, is that the land should never have been given to the Europeans for European settlement, and since it has happened the issue lies between the European British Government in England and we European farmers in this country. I venture to suggest, Sir, and I sincerely hope that it is so, that there would be no opposition from them to a reasonable, well thought out, and fairly, sympathetic and large resettlement with land stabilization scheme. And I would like to emphasize here that in my opinion, Sir, it is indeed the responsibility of the British Government to find this money. Now we have been told time and time again, and the Minister

[Major Day]

himself said yesterday that there is no money, or there is very little money, and it cannot be done for this, that and the other reason. This has gone beyond a question of mere economics. This is a much higher issue involved, and I find it very difficult to believe this, because when I was in England, at the Lancaster House Conference, during the course of that six weeks or so the doctors, I think I am right in saying, the English doctors, got £20,000,000 back money, and during the course of the railway strike, by striking the strikers got £50,000,000 increase in wages. You may say that these matters are of no concern, and that they are irrelevant, but it merely goes to show, Sir, that where the will is, and where the obligation is recognized, the money can and should be found. Of course, farmers cannot strike.

Now I would like to turn to his scheme, and ask him with the utmost deference, perhaps in the course of his reply, to explain some of the points in it. First of all, I gather he is earmarking only high potential farms, I think I am right in repeating what he said, and if I am wrong I am open to correction, farm at 12 bags to the acre or more. I see he is shaking his head. I am very glad to see I am wrong.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Bags of maize.

Major Day: Bags of maize, not coffee.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): You are not confident.

Major Day: We have got to have some confidence. Now he also spoke, Sir, about a sum—I think I am right in saying of £900,000—which was actually going to be spent on the purchase of these farms. Now I only hope and pray that no new Government Frankenstein is going to be raised in this matter with such limited funds available, and I hope that the money is actually going to be spent on the job of resettlement without undue emphasis being placed on training and selection and all the other bits and pieces which could, and I hope will not, come into it. A certain amount is, of course, necessary, I know.

Another thing, Sir, I would like him to clarify whether this resettlement scheme, which I understand him to say the idea behind it is that there should be 50-acre areas, whether it applies to Asians and Europeans, because my mathematics, worked very roughly out, show that this land is going to cost £18 per acre, Sir. That is £900,000 for what I think he said was approximately 50,000 acres in one year. I ask these questions in a spirit of enquiry and not in a spirit of

criticism, but I would like him to come clean, and admit that this is not, in fact, resettlement, as the rank and file of people understand it among the Europeans in this country today. It is an excellent thing. Let it be proceeded with by all means, but apart from this, let us have a proper land stabilization scheme, which means something. More money. Not a pittance. I would also be very interested to know whether he informed Her Majesty's Government, or in his discussions in London, at the Colonial Office, whether he thought this was sufficient money.

If he did so, Sir, and if he and I are not thinking in two diametrically opposite lines on what we understand by resettlement, then I suggest he carries a very grave responsibility on his shoulders and I would beg him to consider that if the job, the overall job is to be done properly, a sum of something like between £35,000,000 and £40,000,000 is the amount required.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Over a period!

Major Day: Over a period, Sir, of ten years. But, perhaps I am very grateful to you, Sir, for interjecting because in view of what I said earlier about the unhappy possibility of the compensation element coming into it, it might be necessary, Sir, for this money to be used before that ten-year period is finished. I would like to warn this Government, Sir, as humbly as I can and beg them to have second thoughts on this matter, because they will undoubtedly have great influence if we can convince them that what we say is the right and proper method to proceed on. If their objective is to restore confidence among the farmers, Sir, I can tell them here and now that this scheme will do the precise opposite. We all want to restore confidence among farmers. This will do the precise opposite. It will create the very conditions which they are professing to wish to avoid. I conclude by saying that I have seldom experienced—and I say this with all deference—such a mass of platitudes designed to promote a policy of pure expediency. Does the Minister really consider that he has represented or taken into account the feelings of the European farmers? Or is it merely a deliberate attempt to brainwash not only the European farmers but those Africans who now have been promised they may have the opportunity of acquiring land in what is still today the European White Highlands?

Now, the Chief Secretary said that he agreed the other day, in an excellent speech to which I referred earlier, on that to scatter the Civil Service of this country to the four corners of the world and then rebuild it at considerably greater cost was stupid and he hoped it would not happen in

[Major Day]

this country of Kenya. This, Sir, was good, honest stuff, first class stuff. Sir, I would suggest, Sir, to the Government that we profit by the same type of thinking in this particular matter also, let us also, Sir, observe what is happening in other parts of the world today in so far as land is concerned. I will not mention specific countries but I think you all know what has and is happening in certain countries. What is in fact happening there is that agriculture is being destroyed and nothing is coming up in its place.

Now, Sir, do not destroy the farmers. Farmers want to stay here, they want to continue in this country, they wish to continue to stay in farming in this country, but you must give them the means to regain their confidence, you must give them a form of insurance, which, Sir, if you are generous over—if the British Government is generous over now, will probably never amount to anything like the sum of money which when I was asked I mentioned, because, Sir, if people know that money is available, then you will get your return of confidence and people will say "I will try this experiment out", and then, Sir, you will not have to use this money. But if you are pettifogging in the first instance, you will not get confidence—and I was not surprised to hear that some people had offered their farms already for this scheme. A sum sufficient to do the job, then you will get a true return of confidence.

Sir, I just wonder, and I tried to see both sides of this. I just wonder whether or not in their heart of hearts the Government do understand what the Europeans are feeling today, whether they know the truth. I would suggest, Sir, again that they think on this matter and they adopt a realistic attitude, because that is really what it boils down to, to be realistic over this issue. And I would add my request to that made yesterday by the hon. Member for Mount Kenya to the effect that some commission of enquiry should study this matter, Sir, and I am very much lost as to understand as to how this matter can, in fact, be gone into in any detail before we have even debated White Paper No. 10. The whole thing, Sir, seems to me to be just a little premature, just a little hasty. Second thoughts are often wise thoughts, with second thoughts, Sir, perhaps this matter can be resolved.

Now, having got that off my chest, I just want to make reference to one particular item which the Minister did not actually touch on yesterday and I would be most grateful if he would, perhaps, go into detail and elaborate on this. We hear today so much about this wind of change. I would suggest, Sir, that we really want if we are going to get changes—perhaps it is inevitable—rain in stead of wind of change. Rain is much

more healing and beneficial and in all the discussions up to date nobody has yet had the opportunity to ask how much money is available for and how does he propose, Sir, to develop this very important agricultural aid in marginal areas which is known as rainmaking.

Now, Sir, it may be an easy solution, therefore perhaps most of us are a little dubious of doing this, but I know it can work as I have seen the results and it is possibly the cheapest way, Sir, in which to make things grow in a place where the rain is short and where they may not have grown before, so perhaps he will explain this as I do honestly think that there are great possibilities for development in this manner for the development of some of the marginal areas in this country.

Mr. Alexander: Mr. Deputy Speaker, my intervention in this debate is to approach it with a strict business eye, because it does occur to me in the course of the last twenty-four hours on this subject that what matters in the end is whether the proposals being discussed are good business or whether they are not. I talked in the main Budget debate about the horror of false hopes and false expectations and I believe in this debate, Mr. Deputy Speaker, there have been introduced elements of false hopes and false expectations and I believe that we owe it to our community—at any rate the European community—to get our feet very firmly on the ground as to what are the issues and as to how they can be dealt with and when it comes to money—and sizeable money, that is what we are talking about, millions of pounds—we must very firmly face exactly what is at issue and how these sums are to be provided.

Before I develop that thought, Mr. Deputy Speaker, may I just clear what seems to have been a misfortune in this debate and it arises particularly from the words of the hon. Member for Mount Kenya when he said, and I quote: "I really think that he"—that is the Minister for Agriculture—"has been rather naughty in introducing the settlement proposals prior to the debate of Sessional Paper No. 10."

Now, Mr. Deputy Speaker, in defence of the Minister for Agriculture, I think it is from this side of the House that he has been provoked into dealing with this particular problem. I remember that the Member for Ukamba right at the beginning of his speech in the policy debate challenged the Minister to tell us exactly what has happened about the negotiations in London and in America and the developments arising therefrom and I know that I myself asked the Minister to clarify for us the great amount of confusion in relation to such subjects as compensation and stabilization and underwriting, and

[Mr. Alexander]

I am grateful that he used the opportunity of this debate to certainly clear my mind as to really what it is we are talking about.

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

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

I think it is somewhat unfair that the Minister should have been taken to task for having introduced this subject. I think he was right to do so, it is a burning question, a deep issue in the minds of very many people in this country and I believe it is timely that we should clear the air on it at this particular moment.

Mr. Deputy Speaker, Sir, returning to the whole question of finance, may I quote again the Member for Mount Kenya when he said—and I quote—"The provision of a considerable sum of money in the form of finance in the order of £30,000,000". Now we do know that others in Kenya have demanded a fund of the whole estimated value of European farms amounting to approximately £120,000,000.

Mr. Maxwell: Who has?

Mr. Alexander: There have been references by leading farmers in this country to the provision, the establishment of a fund of £120,000,000.

Mr. Maxwell: Never heard of it.

Mr. Alexander: A few moments ago—as a matter of fact I am surprised that the hon. Member for Trans Nzoia has never heard of it and I will clear it right at this moment, Mr. Deputy Speaker, because his predecessor, the Member for Trans Nzoia, wrote a letter to the *East African Standard* a few days ago when he referred to the sum of £100,000,000.

Mr. Maxwell: Mr. Deputy Speaker, who is my predecessor?

Mr. Alexander: I understand that the Member for Trans Nzoia before the very able Member who is here at the moment was a Mr. Letcher. If the hon. Member for Trans Nzoia will refer to the *East African Standard* of a few days ago he will see a letter with a reference to this £100,000,000.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie):
—(Inaudible.)

Mr. Deputy Speaker (Mr. Bechgaard):
—(Inaudible.)

Mr. Alexander: Sorry, Mr. Deputy Speaker, a few moments ago the Member for Aberdare

upped this amount when he was speaking of the £30,000,000 which the Member for Mount Kenya had referred to. I think his words were "£35,000,000 or £40,000,000". Sir, one way or another we are speaking about figures for this particular fund of somewhere between £30,000,000 and £100,000,000.

The Member for Mount Kenya went on to say this and I quote: "The provision of this fund is clearly the responsibility of Her Majesty's Government, for Her Majesty's Government must accept the responsibility for having brought about the conditions which make it necessary." Those were his words, Mr. Deputy Speaker.

Now those words have only any value if they are accepted by Her Majesty's Government and I believe the reality of the situation today, Mr. Deputy Speaker, is that you would not find in Her Majesty's Government any great support for the idea behind those words. I am not arguing whether they are right or wrong, I am merely saying, Mr. Deputy Speaker, facing the realities of the situation, is that they only have any meaning, any meaning at all if Her Majesty's Government agree the validity of them. I believe that what has happened in Britain now in relation to our affairs in Kenya is to some extent the same as what has happened with the attitude of Britain towards socialism, they have taken a big jump in respect of Kenya and they are now taking a deep breath. But there is no suggestion whatsoever that there has been a fundamental change in the thinking of Her Majesty's Government in the last eight or ten weeks. I believe, Mr. Deputy Speaker, it is in words like this that we are in danger of creating in the minds of our people false expectations, that will only make the last state worse than the first, because we will have on our hands a far more disillusioned people than we have at this precise moment. That is why I wish to approach this in a strictly businesslike way and with hard calculating business minds because that is the only way we will bring this thing into perspective. It is interesting, Mr. Deputy Speaker, that the leading farmers themselves who were advising on this particular problem did seek advice of business in this country. Some very able commercial, hardheaded businessmen did gather round a table to advise in all humility, to advise the farmers who were looking at this problem just how they, as businessmen saw it. This was when there was talk some eight weeks ago of a figure of £25,000,000 and the advice that the farmers received from the businessmen was that they could not really see that there was any hope of going to London and producing a kitty, a fund, a line of credit, an underwriting scheme, whatever name it goes by, to the extent of £25,000,000, in the circumstances of Kenya at the

[Mr. Alexander] moment and the circumstances of that particular problem. However, it is these millions that there are hopes about.

Now, this particular problem, unfortunately, Mr. Deputy Speaker, cannot be isolated from other problems analogous to it. It is impossible to look at this in isolation and in trying to face the realities I have to widen the problem somewhat—the financial problem—in order to show what really faces Kenya in terms of money and it is interesting that the Member for Mount Kenya himself linked this problem with that of the Civil Service and he used these words, and I quote—“The very commonsense views the Chief Secretary expressed about the Civil Service are equally applicable to the farming community. It is this overall problem that is facing many people in this country as the result of the constitutional and political changes.” And what is the figure when we add it, what is the total figure when we add to the farmers problems the problem of others? Let me just give you an example, Mr. Deputy Speaker, and I take my figures based on what has happened in the last few days in British Somaliland.

Now the position in British Somaliland is that the civil servants on abolition will get 4.67 times salary at the time of retirement, subject to a maximum of £10,000, plus one third of salary as disturbance allowance, plus six months' paid leave earned or unearned. And this is all interesting to the Minister for Agriculture because he has got a lot of civil servants and they are worried about this sort of problem and we will come to that in the more detailed Estimates. I would like him to listen to these figures because his servants will be interested in these. Plus two months further paid leave if six or more months of paid leave have already been earned, plus four months' paid notice in addition to leave, plus all costs of repatriation including effects, plus the waiving of the regulation prohibition against re-employment during leave and plus, of course, the full earned pension.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie):—(Inaudible.)

Mr. Alexander: What does all this mean in terms of total commitment? I am talking about British Somaliland and the Minister with all his experience will find it difficult to go there.

Mr. Deputy Speaker, taking an average £1,200 a year salary, this formula would mean in relation to Kenya, this sort of a size money problem, £1,200 per annum per public servant as the cash payment. It would mean for each person a cash

payment of £7,000. Now if there were 15,000, the total bill is £105,000,000, if there were 20,000 the total bill is £140,000,000, if there are 30,000 the total bill is £210,000,000 and for a payment of £10,000 per person, that is if the amount went up, for 25,000 people it would be £250,000,000.

Then, of course, there are others who would be involved, like chartered accountants! Those of course will be very, very expensive. The point I am trying to make, Mr. Deputy Speaker, is that it will cost £100,000,000 for farming £200,000,000 or £150,000,000 for civil servants and some more millions for other people, where precisely are we to find the fairy godmother? That is the reality that we have got to face. I ask particularly our community that they should face it now.

There is need, I believe, in this debate, Sir, to clarify between the previous Member for Aberdare, the Specially Elected Member, Mr. Slade, was saying about a market support fund and the ideas put forward by the Minister for Agriculture. There may be some confusion that the two are the same, whereas in point of fact I believe that they are two different approaches to same problem. When the Government replies, I would be glad—and I think we would like clarification on this side of the House between a market support fund as opposed to an evacuating fund, and the particular resettlement and development scheme that the Minister has talked about.

The hon. Specially Elected Member had these words to say—and I will quote him briefly—“The Government scheme for resettlement and development fails to cater for another aspect which has importance, and that is the matter of land stabilization. We have got to insure against any possible, even temporary collapse of the land market in this country the one thing we have got to ensure is to give market support, to make sure there is a substantial buyer in the field, a buyer in the market who can buy on a substantial scale at the proper price. A fund that does not play the market, does not cash in on temporary low values.” When the Minister replies I would like him to elaborate on those words of the Specially Elected Member and to tell us just how far the Government are prepared to go or have already gone in their thinking, with the principles stated there by the hon. Specially Elected Member, Mr. Slade.

Lastly, Mr. Deputy Speaker, may we clarify this word “compensation” because as I see it it surely only arises at the moment of expropriation and there is in our legislation at this very moment provision for expropriation of any land. There are laws about it and from experience of them they are always heavily weighted in favour of the owner. So far as I remember there is an added

[Mr. Alexander]

15 per cent to the owner of any land expropriated over and above the normal valuation on a commercial basis and I believe that the time to deal with this subject, surely, is when we come to deal with the details of the Bill of Rights, and here again I must refer again to the Specially Elected Member, Mr. Slade, because he was at his brilliant best I remember on a Tuesday in Lancaster House when he made this position very, very clear indeed, and I believe that we would be wise to talk and think about this particular problem when we come to deal with the Bill of Rights.

May I, as I sit down, Mr. Deputy Speaker, as a man of the towns congratulate the Minister for the clarity with which he presented his estimates to people in such a way that people like myself could at last begin to understand the mysteries that go on in the minds of people who apply such skill to this country as the Minister for Agriculture.

Mr. Deputy Speaker, I beg to support.

Mr. Smith (Nominated Member): Mr. Deputy Speaker, Sir, if I remember aright a year ago we had no Minister for Agriculture in this House and the Budget was put over very capably by my hon. friend, the Director of Agriculture and specifically on behalf of the agricultural Backbenchers I would like to congratulate the Minister on the way he has indeed put over his first Budget.

I would just like very briefly to mention three matters, one of which was an important part of his speech yesterday, two of which I am sorry to say he has not brought up and I hope I may. The first one, of course, is in connexion with his new settlement scheme. I did not quite understand one point made by the Member for Mount Kenya when referring to this scheme very briefly, he did say, if I remember aright, that an advantage would be gained by the bad farmer in the high potential area over the farmer who had developed his farm well. I wonder, Sir, if this is really so. As far as I understand it on the basis of a willing seller and a willing buyer and with no compulsion on either side I just cannot see what the hon. Member was getting at in that way. Presumably, the new Settlement Board when constituted for these areas will be valuing land, that is offered to them for purchase, and it will be valued on its condition plus improvements or without improvements. In the same way, surely, Sir, if you have improved your farm even if you do sell it the value of the farm will be such that you can get the value of the improvements, I would also like to know just why if you have got a well-improved developed farm in a high potential area in Kenya you would wish to sell it at all

Group Captain Briggs: On a point of explanation, may I, Sir, point out that the point that I was trying to get at, was that the Minister gave the impression that the intention was only to buy land of high potential, suitable for breaking up into small holdings of 50 acres or so, and it would be undeveloped land. Therefore, in effect the well-developed land which had been developed by a good farmer would not be considered. That was my point, Sir.

Mr. Smith: Thank you very much, Mr. Deputy Speaker, I think probably the Minister can answer that in greater detail but if I am right—and I am sure the Minister will contradict me if I am not—they will buy not only undeveloped land but also underdeveloped land and possibly developed land too. But that is a point that I am sure the Minister can clear up when he comes to speak.

On this same new settlement scheme, Sir, there is one thing that I would like to clear with the Minister if he will do so and I would like him to make quite clear the position of large-scale farms in this country, not only those in the ranching areas of the Colony but particularly those large farms which are devoted to wheat and maize. These farms to my utmost current knowledge, Sir, are individual holdings, large holdings, perhaps 1,000 or 2,000 acres which have been developed as single holdings for that purpose and the whole development and planning of those particular farms has gone to that particular acreage, whatever it may be, and I do feel it would be quite uneconomical to split them up into anything at all like the areas that the Minister has suggested of 50 acres, although perhaps a future scheme might be able to divide them up into something a little smaller but nothing on the present idea of the new scheme. I hope the Minister will make it quite clear that nothing of that sort is contemplated because the income from such land would be nil as compared with the income and revenue derived at the moment.

The next point, Sir, getting away from the new settlement scheme, is that I would like to discuss for a moment is the question of agricultural seed. It has been very difficult in the past for farmers to obtain a reasonable supply at a reasonable price of good seed, particularly wheat seed and barley seed. I have not noticed any particular new Head in the expenditure Estimates under this Ministry but I was very interested to read in the paper two days ago that the senior plant breeder is at last putting forward another scheme for seed for wheat growing which I sincerely hope will be a success. We have had several schemes in the past which I personally would say had not been very successful; some of them have been rather costly to the farmer, inasmuch as the question of

[Mr. Smith]

breeding seed, of course, Sir, and growing seed for bulking is bound up with this question of disease in wheat and particularly stem rust. We do know the difficulties there, but it has occurred and I know cases, my own cases, where you get two or three bags of a certain variety of good seed wheat released by the plant breeder to be bulked for cleaning and distribution for a larger number of people in the following year. This normally costs anything up to twice the value of a bag of ordinary milling wheat, a little less, a little more. Then, Sir, the farmer has to pay an extra Sh. 20 each year in order to be registered as a grower for certified wheat. During the growing season the wheat is inspected and just before the harvest it is inspected for certification. But it can happen and has indeed done so that a week before harvest one has been informed that the wheat will not be certified due to a breakdown to rust or other disease possibly in a different part of the country. This, of course, creates a loss for the farmer involved and this has gone on for some considerable number of years, Sir. Perhaps the Minister when he replies on this sort of thing would mention just how far we are progressing and particularly with the extra money that has been lent for this study of stem rust in wheat, how far we are getting and what the hopes are of getting some sort of wheat eventually which is likely to stay free from rust for a period of perhaps three or four years. This would be very useful for farmers.

Sir, I have one last point and I would like to advise the Minister how he can overcome the difficulties he mentioned in his speech yesterday on the subject of recruiting qualified agricultural staff. This is a very simple one, Sir. It may take a little time to fully appreciate it, but surely the simple answer is to start now and encourage the Young Farmers' Clubs of Kenya; the Young Farmers' Clubs of Kenya, Sir, of all races. As Members of this House must know, I have a particular interest in the matter of Young Farmers' Clubs as the movement has so far been sponsored and started entirely by the Royal Agricultural Society of Kenya. But these clubs, Sir, have grown in number. There are now eight in Nairobi alone and others elsewhere and I feel that it is quite imperative now, that a qualified organizer is obtained—with the suitable finance behind him to run these clubs, to instruct and organize the activities of these very keen young functions in our schools here. Now, Sir, this organizer may be necessary—I would like to put to the Minister is no longer or should be no longer a function of the Royal Agricultural Society. We have started this, Sir; the matter has

grown to big proportions and it is terribly important to all the young people of Kenya and I feel that it is a very good background that at any school they can get an intimate knowledge right from the start of agriculture in this country, even if they are not going to be farmers themselves or even if they are not going to qualify for ministerial jobs I will mention later. They take a great interest in the subject of agriculture and I believe it is a very good thing that they should do so. I believe the Royal Agricultural Society will continue to sponsor the movement if necessary; will continue to provide an awful lot of voluntary free hours from its members who help so enormously from all over the country; but the financing of a qualified expert organizer, Sir, is I believe, now the duty of Government and I think it must be got down to, very urgently. I would also like to remind Members that my Society has also just recently gone into the question of African Young Farmers' Clubs as well as European Young Farmers' Clubs. This, Sir, is equally important and the recommendation of my committee was that it was impossible to start on that side of Young Farmers' Clubs unless they started with a full-time qualified organizer. The cost would be somewhere in the region of £3,000 a year. That is just one side of the picture, Sir.

I do recommend these to the Minister and I beg to support.

Sir Charles Markham: Mr. Deputy Speaker, in his speech a moment ago the hon. Nominated Member, Mr. Smith, spoke about the young farmers. I would like to say, Sir, from this side of the Council how much I welcome his joining the club of Presidents of the Royal Agricultural Society of Kenya. And also, Sir, sitting as he does next to the President Elect, he is making quite certain he keeps the job in the family, if I may say so, for the next two years! But, Sir, we on this side have one of the trustees of the Society to make certain he keeps both those gentlemen in order.

Sir, this morning having had a most unsatisfactory breakfast I listened to the news and I was somewhat surprised to hear on the news at eight o'clock that the scheme announced yesterday by the Minister for Agriculture was a scheme to buy up the Highlands for Asian and African farmers. I was surprised because although I slept quite a lot yesterday afternoon I did think that the Minister had said the scheme was a non-racial scheme. Nevertheless, after what we were told by the Minister for Information and Broadcasting of how much the British Broadcasting Corporation had improved in recent months, perhaps, Sir, he must go back to them again and

[Sir Charles Markham]

give them a lecture on temporary improvements not being sufficient.

The Minister for Information and Broadcasting (Mr. Harris): Hear, hear!

Sir Charles Markham: But, Sir, before the Minister says, "Hear, hear!" I wonder whether in this instance the British Broadcasting Corporation were at fault. A statement as important as that made by the Minister in the House yesterday should in my opinion have been the subject of a Press release in order that the facts could not be distorted and my information is that although some of the Press had a copy of what the Minister was going to say, no such copy was available to the Kenya Broadcasting Service and there was a certain amount of hurry to get a despatch home to the British Broadcasting Corporation. It is small wonder that distortion did take place.

The Minister for Information and Broadcasting (Mr. Harris): What has that got to do with the Kenya Broadcasting Service?

Sir Charles Markham: Sir, the Minister says, "What has it got to do with the Kenya Broadcasting Service?" but I understand there is a very close liaison—he should know this, he is meant to be the Minister in charge of it—there is a very close liaison between the Kenya Broadcasting Service and—Do you wish me to give way?

The Minister for Information and Broadcasting (Mr. Harris): I just wanted to put the Member right, Sir, that the Kenya Broadcasting Service has no responsibility whatsoever and does not supply news to the British Broadcasting Corporation.

Sir Charles Markham: I did not say it did, Sir. I said there is a close liaison and I do wish the Minister would be more accurate before he gets up. (I hope the timekeeper is taking time off for these interruptions.) The point is this, Sir, that if it was as important as that, then in my view the Minister should have made certain there was a Press release through the machinery of Government to make certain there was no possible misunderstanding, particularly, as I believe the word "non-racial" means absolutely nothing in England. The words they use are "multi-racial" or, the words I prefer, "for the benefit of all races".

I think, Sir, this word "non-racial" is often capable of misinterpretation because quite frankly if I were a listener in England or perhaps elsewhere in the world and heard that expression I would wonder what on earth it meant, because we have all got a race whether we like it or not, and therefore the scheme as I see it is of benefit to all races and therefore I suppose it could be

called non-racial. I do suggest in future this is cleared out of the way.

Mr. Alexander: It is a very good word!

Sir Charles Markham: Sir, the hon. Member for Nairobi West said it is a very good word—I will deal with him in a minute.

The hon. Member for Nairobi West queried the fact that the Minister had been criticized for discussing details of the settlement scheme and mentioned that I had asked, I was one of the Members had asked for such detail. In my speech, Sir, which seems a long time ago now, when the Budget debate was started, I asked the Minister to give the House some indication of his negotiations in London and America, and I think, as the hon. Member said, it was quite right that the House should be aware of what was planned. However, having said that I was somewhat surprised that the Minister went into such detail, not of the money available but of the scheme itself which was, in my opinion, anticipating the decision of this House on Sessional Paper No. 10. Particularly I say that, Sir, because in that Sessional Paper there are paragraphs dealing with the composition of divisional boards and the Minister knows there has been a considerable amount of argument as to the functions and powers of those boards, and there have been representations made to him both by the Board of Agriculture, the Kenya National Farmers' Union, and others, about the powers of those boards to include powers of subdivision. As I understand it, the Minister has said that the power of subdivision will rest with the divisional boards concerned, and therefore I am surprised that he can announce to this House before that Paper has been discussed that he is thinking of any fixed acreages to be laid down in the high potential areas.

I would have thought that he could have said that he will recommend to the boards a certain consideration through the Agricultural Department. It is very unwise, in my opinion, to announce publicly what the size of the holding is to be when the principle has not yet been discussed or accepted in this House. I want to make that quite clear, Sir, because my criticism, which was also made by an hon. friend, the Member for Mount Kenya, is not because the Minister gave us details of what his thoughts in the matter were but virtually as it was put over by him yesterday it seems that as the matter has been decided, let us go ahead with it.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Question!

Sir Charles Markham: I am very glad he said "question"—I would be glad when he reads out this

[Sir Charles Markham] next essay he gets his facts right and avoids any possible misunderstanding in the future.

Now, Sir, let me turn to the scheme mentioned by the Minister when he talked about a settlement scheme on a non-racial basis in the high potential area, the undeveloped land in particular. I do not think anybody on either side of this House will argue against the principle of trying to get far more out of the other areas on a non-racial basis, if I may use the word for the hon. Member's benefit behind me, in the highlands, because I have accepted that principle myself. What I am concerned about, Sir, is the fact that this scheme is going to be limited to just a sort of peasant economy settlement scheme in the high potential country, particularly on that land which is undeveloped. Now funds must be made available to a settlement authority to allow farms of much larger acreages to be sold on a willing buyer willing seller basis, and it is this scheme which seems to be small because of the acreages. This scheme must be limited because of the Minister's own remarks that the land must be land capable of development and that the conditions of the loan are not the purchase of farms but are for the development of the land.

I accept that, Sir, as a good principle but it does mean that a scheme will be very limited and I cannot see where the future is going to lie if it is on the basis of only buying undeveloped land for development in the future. Again, Sir, I cannot see why there is this hurry which has been mentioned, why we have to do this so quickly. It seems to me, Sir, the Minister is very like the position at the moment of which is going to come first—the marriage or the child. In fact, there is almost indecent haste to get the wedding ring in case something happens and there is a premature birth.

I would have thought, Sir, that this scheme required the very closest attention of his officials, of the staff of the Director of Agriculture, and the various provincial agricultural officers, to make quite certain a mistake is not made. It is only very recently after all since this money was made available to the Minister, after his work in London and Washington, and I cannot see how he can say as yet that all the various aspects have been considered.

Let me give him one example, Sir, in case he considers I am just quoting figures for the sake of being obstructive as opposed to being constructive. At the moment if a farm, an undeveloped farm, in a high potential area is not developed, under the Agricultural Ordinance the owner can be made to develop it although he has to be given funds to do so, but

the fact remains that with a 1,000-acre farm, properly farmed as it should be with the control which is now possible by the Minister's own officials, that farm must automatically pay a certain percentage every year by way of profits for income tax purposes. Subdivide that unit down into, say, 1,000 acres into units of 50 acres, the resultant profit per 50-acre unit cannot result in that owner paying any tax at all, and therefore the economy of the country must suffer. If eventually all or a great proportion of your undeveloped and high potential land is going to return to a peasant economy, who, Mr. Deputy Speaker, is going to maintain the economy of the country?

I have got no feeling about the colour of the farmer who is farming it but I would much rather see funds being made available to loan to persons of any race who are suitable to be farmers, funds so we can set up a scheme, such as was originally done by the European Agricultural Settlement Board for the furtherance of European agricultural settlement. If that scheme was a good one—and I believe the Minister thinks it was—then surely a scheme could have been inaugurated for all races, not on a peasant economy but on a basis of what is a good economic unit regardless of race.

Now, I think the Minister himself will accept that this scheme is in the nature of an experiment, but I would like to ask him, Sir, now for a categorical assurance that the scheme will not go on continuing—if it is an experiment until we have a situation such as existed in Tanganyika with the about the necessity for consolidation taking place in the highlands. Having got over the problem of fragmentation in many parts of the native land units, the same will have to happen in the highlands unless we are very careful.

Now, Sir, I would also like to ask the Minister about the question of the fund for this particular purpose. As I see it, and the Minister, I know, will correct me if I am wrong, we are going to get £1,000,000 a year for three years from the British Government, and I think the figures he gave were £1,500,000 from the World Bank for three years—or is it £1,000,000? It may be £1,500,000 from the British Government and £1,000,000 from the World Bank.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, what I did say was that I hoped we would get £900,000 a year from Her Majesty's Government for the purchase of land, and £1,500,000 from international sources.

Sir Charles Markham: I thank the Minister for correcting me. The trouble is he told another

[Sir Charles Markham] board something different the other day so I was a little confused. I do apologize to him for getting it wrong now.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Further information has been made available to me since I last spoke to the hon. Member when he was sitting on a board.

The Chief Secretary (Mr. Coutts): On a point of order or information, this is not a Board.

Sir Charles Markham: I think that intervention by the Chief Secretary has nothing to do with this debate at all. The point is, when the Minister gave this information previously—and I hope the Chief Secretary is satisfied with that—he did give one very disturbing piece of information which I think I am going to mention, and ask the Minister to confirm whether it is still so. As there have been changes perhaps this also has changed in the last three or four days; perhaps since yesterday when the Minister spoke, this whole scheme has changed. We do not know. That is the question, of the international sources of money, involving the person who gives that money. Let us call it American money for the sake of argument, even though it may be commercial money, but the American or World Bank controls it, and would also have a complete say in the Colony's powers of raising money for other purposes, whilst that money is outstanding. If that is so it is a very sad position indeed, for it does appear to me that we may have prejudiced the whole of the future borrowing powers of the Kenya Government for what appears to me again to be £1,500,000 of American potage. I cannot believe, Sir, that that situation is true but if it is so, local authorities, who are in the position to go into the market, such as the Nairobi City Council, will be prejudiced by this particular operation.

Mr. Deputy Speaker, the Member for Nairobi West gave us an interesting lecture on what it would cost to buy out Somaliland: in fact for a moment I thought we might well have the answer for the settlement problem in Kenya with the amount of money they are going to get if they are bought out. But I would like to point out to the hon. Member that although his argument is perfectly sound I think he forgets one important point, and that is, as far as Kenya is concerned, farming is the sole backbone of the country's economy and if farming goes then the business will be the first to suffer. The civil servants, whose interests we must all protect and whose work we admire, will find it very difficult to claim a salary from the Kenya Government if there is no money to pay it, and that is why

Sir, I think we have got to treat the problem of Kenya and the farming economy very differently to those parts of the world which can manage either by industry or by secondary industry.

We are particularly vulnerable, as has been proved by the slump which took place two years ago, and that slump was reflected straight away in the commercial field as was proved by balance sheets and lack of profits. That is why I was sorry there has been this misunderstanding on the demand made by the public for some sort of stabilization fund, and I think it would be fatal in this House, Mr. Deputy Speaker, this afternoon to start going into details of how much is required, what it was required for, how it would be operated, because there is bound to be a difference of opinion throughout the country on it. But when responsible people such as the president of the Royal Agricultural Society of Kenya and the president and vice-president of the Kenya National Farmers' Union have supported the idea of some sort of stabilization fund, it is important, Sir, that the House is not under any false impression that because the Member for Nairobi West thinks it is not necessary or it is a false hope, that we should also oppose it. I do not think we can talk of any fixed sum: I think it is extremely dangerous; but I do believe we have got to press from both sides of this Council for the Government to initiate discussions with Her Majesty's Government for some sort of fund not to maintain prices as such but to be a cushion which we all want. Let us be quite blunt on this, Mr. Deputy Speaker.

If you ask the average young chap, the young farmer, today, particularly many of those who are tenants or assistant owners of the Agricultural Settlement Board, whether they would go if they got a price, most of them will tell you they are quite prepared—more than prepared—to stick it out. But they are not prepared to sacrifice the future of their children and for that matter their wives just because some politician from the Government Benches says that everything is going to be all right. That, Sir, is stark fact and very unpleasant sometimes indeed. But I should also tell the House this, that if you told a lot of these farmers that here is a price, will you go today, a great many of them would get out today because they have no confidence that in two or three years time assurances given by the Government of today will hold good for the Government of tomorrow. I should say straight away now, Sir, that the land in which I have an interest is not up for sale: but I may well be criticized by my children in the years to come for having been the person of false hopes and undue optimism by saying there is nothing to worry about. That

[Sir Charles Markham]

is why the Kenya National Farmers' Union proposal, supported by other responsible people, are wanting some sort of stabilization fund—call it what you like, it means nothing—some sort of fund which can prevent land being exploited, can give the farmer confidence to continue essential development, and can as well allow him if conditions become quite intolerable to move away and try elsewhere. That, Sir, is not panic measures; it is not the rats leaving the sinking ship; it is what is commonly known as good business sense.

How can that be worked, Sir? Again, as I said a moment ago, I do not believe we should in this House talk about the sums of money, as I believe quite a small sum of money may be the only sum involved. My ideas which I have put to the Ministry on previous occasions would be that your settlement authority, if it had enough funds behind it, could buy up farms at its own expert valuation which the Minister mentioned yesterday, and lease them out or sell them, again to people of all races.

The Chief Secretary (Mr. Coutts): Interjection.

Sir Charles Markham: If the Minister wants to say something would he say it a bit louder because I could not catch what he was saying. This is not the scheme which is being mentioned today—it is only the scheme for high potential country. If I am wrong and the Minister proposes to buy in the future land say of the medium or even low potential, then, Sir, it has been changed since the Minister spoke yesterday. If he wishes to correct me perhaps I could ask him to substantiate.

Hon. Members: No! No!

Sir Charles Markham: They are saying "No! No!" because I think it was made very clear in today's paper, who seemed to have a very good factual report of the Minister's speech, makes it very clear in the first instance that this scheme was high potential land, and I think the figure was given at ten or 12 bags of maize as one basis of the figure. But there are other acres of Kenya which are areas which are not of high potential at all, and I want to know what is to happen to farms, say of 3,000 or 4,000 acres, which are not doing well today, many occupiers of whom are just doing the minimum amount of development to keep going and hoping a fairy godmother will turn up out of the sky to buy them. We do not want that—that would be disastrous. If they knew there was this cushion they would take heart and do some of the essential work.

Well, Sir, time is getting short and perhaps this debate, as far as many Members from this side of the Council are concerned, has been too much on this one aspect of the important speech of the Minister. I think it was bound to be that, Sir, and in many ways it was so because we have not had this debate on Sessional Paper No. 10 as yet. That will come. Many of the arguments that have been used in this debate will, I am sure, be repeated on that occasion.

There are other subjects, Sir, which because of the limitation of time and which to the relief of the House cannot be raised at this time. But in his speech a moment ago the hon. Member for Aberdare did say that the Minister bore a very great responsibility. He does, Sir. He bears what might well be called an intolerable burden because in these times of stress he knows, as I know, the agricultural future of this country must depend on good farming methods and a sound economy. But I would warn him of this much, Sir. Unless he can obtain the confidence of the European farmers, particularly those in the areas at the moment very much affected by the political stresses and strains, then, Sir, he will lose the confidence of the agricultural community and his life will then become quite intolerable. If, Sir, the Minister says that it cannot be worse then I want him to know that it could be because if he falls foul, Sir, of all his unofficial chairmen of the various statutory boards and the agricultural committees then, Sir, if he feels that way, it will be rather like some of those tool sets you buy for home—do it yourself. That, Sir, would be very unpleasant for Kenya, and I beg of him before making decisions such as this present one on the settlement of a 50-acre basis, for example, to consult with those people who will be affected to get their reaction. I know that he has done that with the Board of Agriculture but it came as a great surprise to many of us who had the privilege of being present but this matter was not known to any of the Unofficials in the country districts before it was announced as being the Minister's thoughts on the subject. The same applies, Sir, I believe to my African friends. If the Minister would take them into his confidence and give them some of the thoughts he has for developing the African areas so much of this suspicion would not arise.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Interjection.

Sir Charles Markham: I did not hear that either. I said the African people and I did not say the Members of Legislative Council. They are not always the mass of the people.

Finally, Mr. Deputy Speaker, if I have been correct this afternoon, I wish to make it quite

[Sir Charles Markham]

clear that I bear no personal animosity towards my hon. friend opposite but in this issue I am speaking of a specific request of certain of my constituents who have very genuine fears that things have been pushed through so quickly without regard to economics and that the political background and the political necessity for these moves is having far too much importance compared with straightforward economics. I would, therefore, beg the Minister before going any further if he will ask his Director to go into it once more and find out whether there is a compromise solution between what he has suggested and what others feel, which achieves the same object but will not cause what many of us feel to be a disastrous economic adventure.

I beg to support.

Mr. Hunter (Nominated Member): Mr. Deputy Speaker, Sir, this whole question of agriculture is so fundamental to the economy of the country and the welfare of everybody in it that I make no excuse for talking about it in this debate in wide terms. In doing so, however, I would like to make it clear that I am trying to present the point of view of those engaged in what I might term commercial agriculture. In any event it is certainly a view most sincerely held by myself.

Despite the very understandable remarks of the hon. Member for Nairobi West concerning this question of the introduction of this debate before we have had a debate on Sessional Paper No. 10, I must maintain that I think it is a pity that it had to be so because a clear concept of future policy on land tenure in the country would perhaps go a very long way to restoring what I might describe as unambitious confidence in those whose main rôle is to play what to my mind is an essential and integral part in the economy of the country and it would therefore be a suitable background in which to discuss the Colony's most important undertaking and that perhaps particularly applies to resettlement schemes of the nature referred to by the last speaker.

Nevertheless, if we assume basically that there is to be a uniform policy over the whole country in which, subject only to certain initial safeguards and good husbandry, land anywhere can be freely bought and sold, then surely we can consider future agricultural plans in a sense of confidence common to all. I shall therefore confidently now turn to European agriculture. Confidently because in the context in which I have tried to lead up to what I am going to say there can be again nothing controversial about it.

In the first place then let us be quite clear that the African owes a great deal of his advancement and development to the enterprise and skill of

European agriculture, and in my thinking if this were to disappear or be assailed in any way other than by enlarged economic and non-racial ways of thinking—I must apologize to the hon. Member for Ukamba for using the word "non-racial"—not only would the economy of the country be so seriously set back as to make it practically impossible to be independent but the rapidly developing African agriculture would receive a set-back from which I believe that it would never recover. That is why in another place I have publicly advocated a policy whereby individual or family owned estates should now seriously consider the real advantages in certain circumstances of turning themselves initially into larger economic units which can be happy and compatible. These units would, I think, need to be small enough to ensure that the management would have an understanding of and be sympathetic to the real purpose of the development of land, and in sympathy with the aims and objects of its present owners. They should also have a reasonably commensurate return from the capital employed in each individual estate.

I make no secret of my initial purpose in making this suggestion. It is primarily one of insurance against political assault, not because that is aimed at the just political aims of anybody of whatever shade of political opinion, or of whatever race, but because in the early days of independence political pressures might be brought to bear on the African leaders which it would be difficult for them to resist however much they might personally think them economically irresponsible. Personally, I think that with independence African leaders will show themselves economically responsible because they cannot afford not to be. Far richer countries than this which have recently received independence have tried to show economic responsibility because if money has to be obtained for development and indeed it will, it will not come from outside sources if the Government of the day shows economic irresponsibility. Nevertheless, turning to the longer term advantages of economic farming units, I believe only in this way and by taking the initiative locally will we be able to attract outside British capital. If agriculture, by the means I suggest, can insulate itself from political pressures and senseless greed then it has as a future and investment potentiality as any comparable undertaking anywhere in the world.

Having said this primarily in regard to European agriculture, Sir, I would add that by its retention and continued development it can and will operate in harmony with and to the advantage of the expanding African agriculture; particularly will this be so if geographical limitations are removed and the whole scheme envisages

[Mr. Hunter]

African agriculture wherever it wants or whenever the stage of its development allows for that happiness and compatibility which I so much stress to play its part in these economic units in full partnership and in a setting which is removed far above politics. Provided commercial agricultural interests can be assured that Kenya agriculture can be placed in this sort of perspective and in consequential security where European and African enterprise and development can progress in harmony and, eventually, complementary lines, then indeed it is my belief that we can consider agriculture to have been placed on the soundest possible lines. If at the same time it can be taken outside political manoeuvrings and even perhaps begin to govern political thinking, then it is my belief that interest can be aroused in commercial capital for its development.

Finally, if we were all to search our hearts and forget all politics I wonder if we would find that anyone of any shade of political opinion or of whatever colour is really thinking so very differently over the fundamental needs of land use and agriculture in the real economic interests of the country.

In conclusion, it may not be amiss to point out that the type of capital I am hopeful—and I stress the word hopeful—may be attracted by these suggestions if carried out, would in no way replace Government schemes to attract World Bank finance or the K.N.F.U. schemes for British Government finance. Indeed, it would be complementary to land values stabilization schemes.

Mr. Deputy Speaker, I beg to support.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I confess to being somewhat unaccustomed to speaking on agriculture, but I thought I ought to underline a few points from the Government side for the benefit of the Board—I am sorry, Sir, for the benefit of the House.

The first thing I want to say, Mr. Deputy Speaker, is that the scheme which my hon. colleague outlined yesterday is a Government scheme. It is not a scheme which has been dreamed up by the Minister in the waking hours of the night, by himself, and although it naturally has got the full support of his Ministry this is a scheme which has been thought out by the Government and that is the reason why it has been mentioned in the course of this debate.

Now, Sir, we all know that money from outside of this country is very difficult to get. We also know that it is expensive. Furthermore, those people who have the money to lend are unlikely to lend it unless they are absolutely certain that whatever scheme they are going to put their money into is going to be economic. That means,

Sir, that it is highly unlikely that the Government is going to get either a large sum of money or even a small sum of money except over a considerable period, and it is going to take us time to get that money.

The hon. Minister when he was talking in terms of £900,000 a year and £1,500,000 a year from other sources was talking about the money which we hope to get and that, as a Government, I sincerely hope we will be able to raise. But in the meantime we are being told, particularly by the hon. Member for Aberdare, that we want assurances now. We must have assurances. Well, I must say the hon. Member for Aberdare began by saying that it appears that everyone is extremely confused in that compensation schemes had been confused with resettlement. He then went on to talk about getting on with schemes and, as far as I could make out, saying we should get on with schemes which concerned resettlement.

Major Day: Mr. Deputy Speaker, if the hon. Minister will allow me I would like to clear up the confusion, if there is any confusion in the minds of both himself and the Minister for Agriculture. I did refer originally to the fact that there was a difference between a resettlement scheme and land stabilization; if inadvertently I used the word "resettlement" too often I would say that I would now like to make it clear that I was referring to a land stabilization fund apart from this scheme which has been mentioned by the hon. Minister for Agriculture.

The Chief Secretary (Mr. Coutts): I thank the hon. gentleman for explaining what he said.

Well, Sir, I was trying to develop the theme that it will take us time to get money. People have said that they want assurances now, and it seemed to us that one of the best ways of giving them an assurance was to produce some money now so that in fact land could be acquired. The hon. Member who has just sat down has said that he was perhaps confusing resettlement with stabilization. If we have a stabilization fund what are we going to do with it? If we have got the money, surely we must purchase land with it. If we purchase land with it what are we going to do with it but resettle people on it. Therefore we are all talking the same language.

I agree with those Members who have said that we do not want compensation schemes and I also agree with those who talked about it in the context of the Civil Service when we talked about compensation. I agree with Members when they say we want to encourage people to stay, and the very first thing that is going to chase people out of this country, whether they be civil servants or farmers, is to compensate them. What we want

[The Chief Secretary]

to do in this scheme is to show as soon as possible that by providing some money from our own resources we can in fact purchase farms in order to stabilize the prices—

An Hon. Member: Hear, hear!

The Chief Secretary (Mr. Coutts): And I do not consider—to the hon. Member who has just said, "Hear, hear!"—that this is indecent haste. We have been asked now for assurances and this is the type of assurance we think we can give people at this present time. We hope, as I have tried to indicate, that this will expand and we will eventually be able to get a very much greater scheme going which will have the desired effect so far as I can see that most hon. Members want. The hon. Specially Elected Member, Mr. Slade, yesterday said that this should not be applied to high potential land only, and indeed this matter was touched upon this afternoon by the hon. Member for Ukamba, and I would like to assure them that it is not our intention to apply it only to high potential land all the way through. What I think my colleague said, and he will be able to fill in the details when he replies, was that in this initial sum of money that we are going to spend we consider that in order to make quite certain that it is an economic proposition it would be applied to high potential land. But that does not in fact rule out the possibility of applying further money that we get to other types of land.

Finally, Mr. Deputy Speaker, I would like to underline the point which my hon. colleague made about the possible rearrangement of the Land Bank, that is, cutting it away from present Government control and making it a statutory body on its own which would, in our view, on its own attract from outside sources other forms of capital. Therefore we are really trying to do three things. The first is to release some money now in order to purchase farms and provide a certain amount of stabilization; secondly to get other money later on to do exactly the same thing; and whilst we require the land to resettle people. Of course we must do that because we cannot use the land to do anything else. And thirdly by trying to put the Land Bank on a different basis to attract other kinds of capital which we might not get for ourselves.

Mr. Deputy Speaker, I beg to support.

Mr. Shaw: Mr. Deputy Speaker, I had not prepared anything to say in this debate as I did not mean to intervene and I do so only because of two telegrams which I received from Nyanza this morning. There was an announcement on the B.B.C. news last night about the Government

scheme about which the Chief Secretary has just spoken. Certain alarm and despondency was felt because it was not mentioned over the English B.B.C. news, that this would happen only after Sessional Paper No. 10 had become law, and I think I would just like the Minister to reiterate in his reply, to make that statement once again, that naturally any such Government scheme cannot happen until after Sessional Paper No. 10 has been debated. I would also like the hon. Minister for Agriculture, if he can, to give us any idea as to when Sessional Paper No. 10 will be debated.

The other thing I would like an assurance on, and I am afraid here that I join with the hon. Member for Ukamba in saying that today I think we are all carrying a rather increased responsibility, certainly the European Elected Members are, and I think the Minister for Agriculture does too, because we in Kenya have many people to whom Lancaster House and its decision has come as a great shock. The speed with which things are going has frightened people, there is no doubt about that, and I think many of us have people coming to us all the time asking us for advice. Now, nobody can give advice on a matter of whether people should stay in this Colony or whether they should go lightly, and I do think it has increased the burden and responsibility certainly of all European Elected Members, because it is a daily occurrence daily for people to come now and say, "What do you advise? Shall I stay and try and make a go of it or do you think it is best to pull up stakes now when we can and go home to England?", especially young people; and I do think that although I have advised people and my advice in the majority of cases is to stay and make a go of it—that is what my family intends to do. But at the same time there are some cases where it is obviously wiser where people are out of jobs and they are not very well off and have, say, three or four daughters who need technical after-school training—those facilities are so much cheaper and better at home—there it is wiser to advise them to go. I do think that this has also put a very increased burden on the Minister for Agriculture. Therefore if he can clear up this misapprehension we shall be grateful.

The other point, Mr. Deputy Speaker, on which I would like some, really, news, is that at Lancaster House the European Elected Members' acceptance of the agreement was on certain conditions, one of those conditions being that there would be safeguards written into any new constitution, safeguards against expropriation of land. Now, it is no good people saying, "Oh, those are not worth anything; they are not worth the paper they are written on." If there was an

[Mr. Shaw] independent judiciary then that judiciary after independence can still come under a Judicial Commission and still be appointed by such a Commission; if so then there is a certain value in such safeguards. It is now two and a half months since the Lancaster House Conference, and I got a letter from the Prime Minister yesterday in which he said the safeguards would undoubtedly be incorporated but still have to be drawn up. I would like to know, Mr. Deputy Speaker, if it is possible to have some information as to when these safeguards are going to be drawn up, because there is no doubt, and I can quote, and the Minister well knows, one American firm that did intend to invest here and then doubted very much if they would be able to put capital into this Colony unless they got some such assurance that no assets would be expropriated by this or any future Kenya Government and have some safeguards in the matter.

Those are the points I wish to raise, and I congratulate the Minister on his speech.

I beg to support.

The Assistant Minister for Education (Mr. Wanyutu Waweru): Mr. Deputy Speaker, Sir, I listened to the speech of the Minister when he was moving the estimates of this Head, and I thought it was one of the best speeches I had listened to in the past few months in this Legislative Council, and for that, Sir, I do congratulate him in the way he presented his case as Minister.

The points I have to raise, Mr. Deputy Speaker, concerns the livestock follow up in the areas where farm planning and farm layout had been done by the Department of Agriculture. I think, Sir, that it has not been keeping pace with the speed of growing cash crops. I think it would be a very good thing if the Minister, when he replies, would tell the House what steps are being taken to make the two ends meet. I know, Sir, that there are some parts in the Central Province where the farm layout and farm planning have been completed by the field officers, but as far as animal husbandry in those areas is concerned, I think that the speed of keeping pace with the farm planning and the cash-crop growing is not equal, and it would be a pity, Sir, to see that these very fundamental agricultural projects are going to be left behind. When I say this, Sir, I do not lose sight of the good work that has been achieved by the field officers of the Veterinary Department, but I think that they are given too large an area to supervise, and there are very few officers in the field to do what the Veterinary Department has in mind. I think, Sir, if this can be pushed much faster it would assist the economy of Kenya

in all parts of the Colony, especially in the African areas.

I now come, Sir, to the problem of administering the loans to the African farmers in Kenya. There have been a lot of complaints, Sir, that the farmers are not allowed the free use of the loans as they are using them. I would also equally be interested to hear from the Minister when he replies, or the Director of Agriculture when he speaks, to know if it would be possible to revise the method of releasing the loans to the farmers in the African areas.

With these remarks, Mr. Deputy Speaker, I support the Motion.

Mr. Maxwell: Mr. Deputy Speaker, Sir, I support to a great extent the views expressed by the hon. Minister for Agriculture on farming matters generally, but I find myself in disagreement with him in regard to the land stabilization fund and the settlement schemes, because he does not, in my opinion, go nearly far enough. I believe that he acted most unwisely in proceeding to London to discuss this most important matter before he had full consultation with such important bodies as the Kenya National Farmers' Union and other groups of farmers who are vitally interested in this matter. He knows full well that a great deal of work has been done by the Kenya National Farmers' Union and other groups of farmers in regard to the preparation of detailed plans for farm purchase, etc., and discussions are still proceeding. At the end of the Lancaster House Conference it was decided jointly by Her Majesty's Government and the Government of Kenya to set up a working party to work out the details of a satisfactory land stabilization scheme. If such a committee was set up, then I would enquire when and where did it function? Obviously behind closed doors. Certainly the hon. Minister had no clear mandate from the majority of farmers to conduct the negotiations he undertook in London.

Mr. Deputy Speaker, I wish to make it abundantly clear to the hon. Minister and all the hon. Members of this House that following the publication of Sessional Paper No. 10, and the outcome of the Lancaster House Conference, it has caused grave disquiet among European farmers of this country—at least to the majority of the farmers of this country, because they know that if and when—I hope personally not for many years to come—that this Colony finally attains its so-called independence, their position might become untenable as a result of probable discriminatory legislation brought about in regard to land matters. We all know that land is a human problem, and that when it is thrown into the political cauldron it can indeed become a high emotional issue. Arising from these genuine

[Mr. Maxwell] fears, the European farmers require Her Majesty's Government to inaugurate a mutually agreed finance scheme now for land purchase, resettlement, and I would add, personal rehabilitation, and this must be done without delay in order to restore confidence. A fund guaranteed by Her Majesty's Government—and this is where I disagree to some extent with the hon. Member for Ukamba, because I feel it is essential one should give some indication of the sum that is likely to be required—and the sum that we have in mind is in the region of £30,000,000 in order to make the scheme a reality, but obviously it would be unnecessary to provide this sum initially. It would operate as a revolving fund—purchasing and resale—and based on the Minister's estimate of increasing land values in the near future—I think he mentioned within the next two or three years—then the inauguration of such a scheme would be a business transaction. In my opinion, this House is not the proper place to discuss the precise details of a suitable land finance scheme, and I suggest that the hon. Minister should have early and frank discussions with all those concerned before his Ministry embarks on further representations to Her Majesty's Government.

I would like to refer to one point, or two points raised by the hon. Member for Nairobi West. He said before Her Majesty's Government—he can correct me if I am wrong—would embark on the financing of such a scheme it must take into account whether it is good business or otherwise. As I referred to earlier in this brief speech, I said that land values are likely to rise, so obviously it would be good business to invest in real estate, but not necessarily in the potential output of a chartered accountant.

He also said it was wrong to raise false hopes or expectations. Why are we making these demands?—because of the constitutional proposals that Her Majesty's Government has put before us. The Minister for Agriculture, the Kenya National Farmers' Union and other bodies are fighting for the inauguration of such a finance scheme because of the outcome of that Conference.

Mr. Deputy Speaker, Sir, I think the hon. Minister for Finance mentioned the other day—the cost of *Mau Mau* to this country—and I believe he said it was £57,000,000, of which this country contributed £26,000,000. I think he said the United Kingdom Government had given by way of free grant £25,000,000 and £6,000,000 by way of interest free loans.

Mr. Alexander: Interjection.

Mr. Maxwell: I did not suggest that we wanted £30,000,000 in one year, Sir, if the British Government can provide £33,000,000 to suppress

the *Mau Mau* rebellion then surely it is not asking too much of Her Majesty's Government to put a similar sum of money into what might seem to be a really sound business enterprise.

Major Roberts: Mr. Deputy Speaker, Sir, there has been a lot of talk in this House during the last two days about land in high potential areas. Sir, I gather the Minister for Agriculture believes that there is a considerable amount of land available, either as undeveloped land or underdeveloped land in these high potential areas. Sir, I would like to ask where this land is? He talks in terms of 50,000 acres. That is a very large area indeed, and I hope that when he replies he will give some indication as to where it is. I believe that there is land available by people who would be willing to sell, but such land would probably be fully developed, and the people would sell at a fair price. That I will grant. But, Sir, as my hon. friend, the Member for Ukamba, pointed out, to do so, and to divide such land into 50-acre holdings would not assist the economy of this country. Now it may well be that there are farms in this high potential area that would appear to be underdeveloped, but I can assure the Minister that there are farms of 2,000 acres with an average of 50 in. rainfall and at an altitude of 6,000 ft., but of these 2,000 acres probably only 300 are suitable for arable purposes and which could be considered as high potential land. The rest, Sir, is escarpments, murrum, gorges and rough stone. To break that sort of land down, although it is in a high potential area, to 50-acre plots would be quite ridiculous. All I can see the scheme doing, as outlined by the Minister, is to fragment land in penny patches throughout the scheduled areas to the detriment of farming generally. I thought, Sir, that one of the objects of Sessional Paper No. 10 was to produce a system of control which would prevent such a thing happening, and I regard the system as outlined by the Minister as one of fragmentation and infiltration. Sir, I would like to change the talking about high potential areas to that of the low potential land.

I would like to take the opportunity in this debate of asking the Minister to give me some information regarding a matter I raised last year. I think, in this same debate, and that was the question of that arid land in the Northern Frontier District and around Mackinnon Road. You will remember that at that time I asked if advantage would be taken of Mr. Horden's visit—Mr. Samuel Horden—I think his name was, who came to open last year's Royal Show—to get him to give his expert advice regarding how that land could be best utilized, and I would be very grateful if he would tell us what advice he received.

[Major Roberts]

Now, Sir, I would turn to the land stabilization scheme. It has become quite obvious to me that the money raised by the Minister for Agriculture and the Minister for Finance and this money which has been talked about in this debate bears no relation to any scheme put forward or land stabilization, either by the United Party, or by the Kenya National Farmers' Union, and I think many people are very confused over what these various schemes are. I think it needs to be made clear to the public that these are separate schemes. The position has further been aggravated by my hon. friend, the Member for Nairobi West, taking advantage to make capital out of one letter which was written in the paper referring to £100,000,000, thereby confusing the issue even further.

Sir, I am very grateful to my hon. friend, the Nominated Member, Commander Goord, who has cleared up something which has puzzled me ever since the days of Lancaster House. Sir, referring to the Lancaster House Conference, the United Party did put forward a scheme regarding land stabilization, and Mr. Deputy Speaker, Sir, we did receive very considerable support for this idea from both sides of the House of Commons, from the City of London, and even from the House of Lords, and Mr. Deputy Speaker, the Colonial Secretary himself did concede that there was considerable merit in what we were asking. So much so that he provided us with two experts, an economist and a legal adviser, to help us work out such a scheme. The outcome of the deliberations with these experts was that we came to the conclusion that a fund of some £30,000,000 would be required, and when we informed the Colonial Secretary of this decision, he said that he would first of all like to consult the Minister for Agriculture. Now I am going to apologize to the Minister for Agriculture because the other day in a meeting, not a Board, I did rather accuse him of being the person who "threw a spanner in the works" and prevented our scheme from receiving any further consideration. But I find I am wrong because Commander Goord has now made it perfectly clear it was the New Kenya Group, of the New Kenya Party—I do not know which is which—who, in fact, did bring out the very scheme which the Minister has now placed before this House, and so it is them, and not you, Sir, who "threw the spanner in the works", and I apologize to you.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Question.

Major Roberts: Now, Sir, after that no further mention was made of this £30,000,000 scheme,

and all we heard was some mystic £5,000,000 which was referred to in the Conference Report.

And now, Sir, I would like to turn to the remarks made by my hon. friend, the Specially Elected Member, Mr. Slade. Sir, I found it rather difficult to follow his line of thinking on this question of the land stabilization scheme. First of all he seemed to fully support the scheme as outlined by the Minister, but he went on to say that he wished to pay tribute to the Kenya National Farmers' Union for the help they had given over the scheme. Sir, I did not follow that because the scheme advocated by the Kenya Farmers' Union is not related to the scheme as outlined by the Minister, and I therefore cannot understand how the Kenya National Farmers' Union could have assisted in this matter. Sir, he ended by advocating a scheme that would need finance to the tune of £35,000,000. I think it was £3,500,000 for ten years, which seems much more closely related to our ideas and that of the Kenya National Farmers' Union than it does to the Government scheme placed before us. Sir, he went on to indicate that in his opinion there was no lack of confidence amongst European farmers. In fact, he said that there was a growing stream of applicants to the Land Bank to borrow money for development. I wonder, Sir, if it could be that some people would prefer today to borrow money for development rather than utilize their own. He then went on to say, Sir, that there were buyers for farms in this country, but not at fancy prices. I am not quite certain what he means by "fancy prices". Is it the price asked by the seller or is it the price offered by the buyer. I rather fancy it might be the latter.

Sir, there has been a lot of talk about it being quite impossible to raise this £30,000,000. Sir, I agree it might be difficult to raise it from ordinary commercial sources or from ordinary investment money, but I feel in this case Her Majesty's Government has a moral obligation to undertake this task, and I feel it is up to it to underwrite the money necessary for this scheme. Sir, I would assure hon. Members that there are many persons in the House of Common who realize that they have this moral obligation, and I believe if it was pressed home and the true position put to them they would face up to this moral obligation.

It seems to me that the Government is not going to help us in any way to try and get the scheme that we want. Therefore, Sir, we shall have to be left to "go it" alone. But, Sir, you know Her Majesty's Government is very confident that the outcome of the future of this country will be such that the Europeans will be perfectly happy in this country and there will be no need for them to go at all. Sir, if Her Majesty's Government has got that confidence, then surely

[Major Roberts]

there is no risk in underwriting the sum of money which has been mentioned. Sir, it is not only Her Majesty's Government who has great confidence, but my hon. friend, the Minister for Agriculture, has tremendous confidence. He has told us only yesterday that land which is worth £20 per acre to-day he prophesies will be worth more than double in five years' time. Well, Sir, I am sure if he can only do something to show people his sincerity, then, Sir, I feel that that would go a long way to restore confidence in the farming community. I know, Sir, he is not a gambling man, but I want to put a suggestion to him. I want him, in consultation with the hon. Member on his right, to have a small gamble and say: "Look, I will only accept half my salary for the next five years whilst I am Minister for Agriculture"—that is if he is still Minister in five years' time—and provided at the end of that time land in this country is worth more than double what it is today, or worth double what it is today, he would then receive double his salary for the period.

Sir, people will say, why have we lost confidence? Why do we fear the future may not be too good and we may want to leave? Well, Sir, since the Lancaster House Conference our African friends have not done very much to give us any reason to cast those fears aside. With your permission, Sir, I would just like to quote one or two things which have been said by African leaders, which cause us to have those fears. According to the *East African Standard*, Mr. Ngala, speaking at Mombasa on 28th February, said this: "If a farm in the Highlands is over-sized, it is going to be cut down and taken over." He went on to say: "We refuse to acknowledge Arab rights on the Coastal strip." And again, Sir, according to the *East African Standard* of 25th February, the same gentleman gave a statement to this effect. What we want to clarify is the position of land in the so-called White Highlands—a claim that land ownership and property rights are indisputable. They have been in dispute since the establishment of the white settlement in the territory of Kenya. The Bill of Rights can only apply in the protection of rights and the dispute of ownership cannot be given legal recognition without the issues being thoroughly examined and permanently settled." Those sort of remarks, Sir, do not lead the European farmer to believe that after independence he is going to enjoy a very pleasant time in this country, and it is because of these things that the farmer wants to be assured that if he tries to see this experiment through and it fails, then he will know that he will be able to receive fair value for his land and the work he has put into it.

Sir, I and my hon. friend, the Member for Mount Kenya, would ask the Minister for Agriculture for a proper working party or Commission to be set up to really examine this whole position and go into it. It would have the great effect of restoring confidence in the Europeans of this country, and I do not think it is asking very much, and I would beg him to take action on that very quickly.

Mr. Deputy Speaker, I beg to support.

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Deputy Speaker, I frankly confess I am a gambling man but I also confess that having listened to the somewhat complex proposition put to my two colleagues by the last speaker, I came to the conclusion that he was using the word with "ol" at the end of it rather than "le". This conjures up a rather pretty picture in my mind of two Pan-like figures tripping through the meadows crushing the daisies. Let us say one Pan-like figure because I hardly feel I should be in order with the E.A.S.P.C.A. if I tried to cram the figure of the hon. Minister for Agriculture into the size of Pan. Shall we say a Centaur and a Pan? I apologize for that digression.

Mr. Deputy Speaker, the hon. (and gracious lady from Nyanza said as I understood her, that there was a certain, perhaps, doubt or unease in the country, or her part of the country, as to whether the Bill of Rights, as it has been called, and the general preparation of the Constitution were proceeding and whether or not the Bill of Rights was indeed to be included.

I think I should therefore explain, Sir, that as the House knows, in accordance with the Conference Report a working party consisting of the Chief Secretary and myself has been set up to examine and recommend within the principles embodied in the report the rules which would govern the qualifications and nomination of candidates and the election of Members to the Legislative Council including the delimitation of constituencies, that is to say, broadly speaking, the proposed new electoral system. Now we are engaged on that task and we are, in fact, being somewhat retarded in our progress by reason of the fact that having, I think, as it was generally understood that we would, consulted all the elected groups in this Council, and having at their request left certain outstanding matters for their further consideration and submission of their views to us, we have not yet received all those views. The receipt of those views and the completion of our task as a working party is the first step in the constitutional exercise, because that step must be completed before what is known as the pilot Order in Council is a constitutional device to anticipate the operation of the substantive Order in

[The Minister for Legal Affairs] Council in order to enable the necessary preparations for the implementation of the substantive Order in Council to be carried out in advance. In particular, of course, it is designed in our present context to enable us to proceed with the registration of voters, the delimitation of constituencies and the like.

Now, that pilot Order in Council will not include the Bill of Rights or make any reference to safeguards, it is, as I say, a preparatory and intermediate step.

In the report the hon. lady and gentlemen opposite who are laughing are barking up the wrong tree because I am not really batting out time!

If there is, as I understand the hon. and gracious lady to suggest a certain uneasiness or doubt as to whether the Bill of Rights incorporating constitutional safeguards is going to be proceeded with, I would like to put the matter quite straight by referring to the Conference Report itself in which, under the heading "Safeguards", there appears—and I propose to omit sentences which are not material to the present considerations—the following statement: "After discussions, both in the Committee and outside, in which full agreement was not reached, the Secretary of State made the following statement", and then there comes a paragraph which it is not necessary for me to read, he then went on, "I turn first to the question of embodying in the Constitution provisions to safeguard fundamental human rights. We have had circulated to us several papers suggesting the enactment of provisions in the Constitution which would give legally enforceable protection to the fundamental rights of the individual against the State.

"A legal code of this kind, if included in the Order in Council, would not of course either invalidate or enshrine laws which are now in force in Kenya, but it would ensure that any measure by which those laws were changed would conform to the fundamental principles required to safeguard individual rights. Such a code would also set the standard by which the Kenya Government would adjust existing law and practice.

"The two main papers which we have had put before us are the extracts from the Nigerian Constitution which is, I think, accepted as a very recent and detailed model for the enactment of such a code, and a very helpful paper by Dr. Thurgood Marshall outlining the kind of provisions which might help to meet the situation.

"It is the firm view of Her Majesty's Government that legal provisions are needed in the proposed Constitution, which will be made by

Order in Council, to provide for the judicial protection of human rights, on the lines of the Nigeria (Constitution) Order in Council, taking into account the draft prepared by Dr. Thurgood Marshall and the special circumstances of Kenya. I have asked my own Legal Adviser, Sir Kenneth Roberts-Wray, to supervise the drafting of these provisions."

Now, that, I submit, Sir, is a clear expression of Her Majesty's Government's views and of the intention of incorporation in the Order in Council what we have come to know as the Bill of Rights, these judicial safeguards of individual rights for the individual against the State.

Sir, I believe the hon. and gracious lady wishes me to give way.

Mrs. Shaw: Sir, I thank the hon. Minister for giving way. I did not want to interrupt the flow before. All I wanted to know was had Sir Kenneth Roberts-Wray got on with the job?

An Hon. Member: (Inaudible.)

The Minister for Legal Affairs (Mr. Griffith-Jones): Now, I am not going to be deterred by the hon. and gracious lady's over-simplification of the problem she put to me.

My hon. friends opposite will remember that when we were discussing safeguards both in plenary and, I think, in Committee, and in the course of the informal discussions between groups which took place outside the plenary and committee stages of the Conference, whatever disagreements there were and, as stated in the Report, full agreement was not reached, there was no disagreement on the fundamental principle which, I think from recollection, was indeed embodied in Dr. Thurgood Marshall's own statement which was adopted by the African Elected Members and submitted by them to the Conference, was embodied in that paper and generally agreed by all groups, the principle that the Bill of Rights should include a positive provision that there should be, would be and could be no expropriation of property without full and fair compensation and that the propriety of the expropriation and the adequacy or otherwise of the compensation would be open to judicial assessment as of right, and I can only tell the hon. lady that so far as I know, Her Majesty's Government's views, and certainly my own views, on this subject and on the importance of that particular matter, have not changed since Lancaster House.

The hon. lady asked if Sir Kenneth Roberts-Wray had got on with the drafting. May I remind her that Sir Kenneth Roberts-Wray is to supervise the drafting? Now, I have a shrewd suspicion, on which indeed as a gambling man I would be

[The Minister for Legal Affairs]

prepared to wager a considerable sum, that it will not be Sir Kenneth Roberts-Wray who produces the first draft. I would be prepared to wager a further considerable sum that it will be I who will have to produce the first draft!

All of which brings me back to the logical sequence of my answer to the hon. and gracious lady's query, that I cannot do everything at once, that I am on the working party with my hon. colleague the Chief Secretary, that we are carrying out the necessary preliminary work before we can start to draft, and that we are indeed being somewhat held up by the lack of final views on outstanding points which we have been promised by some of the groups; we have received some, we have not received others. When those have been received and we are in a position to conclude our task and make our recommendations, then and only then really will it be possible for me to embark on the drafting because it is by the drafting that I will be reflecting the decisions taken on the result of the labours of my friend the Chief Secretary and myself in the working party. When that has been done, and may I remind hon. Members that the first task is to draft the pilot Order in Council, then and only then shall I be able to get on with the draft of the substantive Order in Council which will incorporate, as I have said, the Bill of Rights and safeguards which were projected at the Lancaster House Conference and in the Report I now hold in my hand.

I beg to support.

ADJOURNMENT MOTION

WOMAN DETAINED ILLEGALLY AT MATHARI.

The Deputy Speaker (Mr. Conroy): I would ask a Minister to move that Council do now adjourn.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to move that Council do now adjourn.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Seconded.

Mr. Slade: Mr. Deputy Speaker, Sir, there is a particular matter of importance which I would like to raise before the Council adjourns and I am grateful for this opportunity of doing so, I am also grateful to those hon. Members who have the patience still to listen to me with their thirst unassuaged, if indeed it be unassuaged.

Mr. Deputy Speaker, this matter arises out of Question No. 23 which I asked the Minister for Legal Affairs and to which he gave a written reply two days ago.

Sir, the question was very short and, I should say, fairly simple: "(a) Is it a fact that a certain woman was on 19th July forcibly and illegally taken by police officers to Mathari Hospital and thereafter illegally detained at that hospital for a period of four days?" Now, that was capable of an answer "Yes" or "No". The written reply which the hon. Minister put in runs over a great many paragraphs and is really an account of what happened and a purported justification of what happened, but quite clearly contains in all those paragraphs the answer "Yes". A certain woman was forcibly and illegally taken by police officers to Mathari Hospital and thereafter illegally detained for four days. The second question was: "If so, what disciplinary action has been taken against the persons concerned?" The answer to that one, wrapped up in the written reply, is: "None and none intended." Now, Mr. Deputy Speaker, the written reply which I hope most hon. Members will have read in HANSARD purports to exonerate the various persons concerned on two general grounds. One is that they were acting in the best interests of this woman; and the second is that their errors—their admitted errors—were largely procedural and technical. Sir, I am not concerned here today with the merits of the case, in the sense of (the state of this particular woman, or with what excuses there are for the conduct of the officers concerned; nor yet is my concern with compensation of the woman in question, because indeed, as stated in the written reply, compensation has been offered. I do not admit that the statement contained in the written reply is a full and utterly impartial statement of all the relevant facts, or necessarily all the reasons and motives for what was done. I am not concerned with, that, Sir, I am not going to waste the time of the House on it. What I am concerned with and shall continue to be concerned with in any other case like this, is the attitude of the Government towards the law, and particularly the law affecting the freedom of the individual.

Now, Mr. Deputy Speaker, forcible detention, forcible imprisonment, is a serious matter at any time. It is particularly serious, I suggest, when it is forcible detention in a mental hospital; not only because of the stigma that that particular detention involves, and which can stay in the mind of any who come to know of it for a very long time afterwards, but also because of the isolation of those who are detained in mental hospitals and the great difficulty that they have in communicating with the outside world and asking for help once they get there. You are taking a very great responsibility when you forcibly take and detain someone in a mental hospital. And it is in recognition of that great responsibility that the law is very precise as to measures for the protection of the individual, to ensure that they are not

[Mr. Slade]

forcibly detained without good cause. The matter is governed by the Mental Treatment Ordinance of 1949 and that Ordinance provides very carefully as follows. No one can be forcibly detained against his or her will in a mental hospital without a magistrate's order. It requires the authority of the judiciary first. Police who find a case they think is a case for detention in a mental hospital must take that case to a magistrate forthwith, if they want to interfere with his or her liberty at all. That is covered by section 17 of the Ordinance: "Any person so taken into custody shall be taken forthwith before the nearest magistrate." When the police take such action, the magistrate's powers to make an order for reception into a mental hospital only arise after he has himself examined the person concerned (sections 20 and 21 of the Ordinance). And if there is to be a medical examination, so that he can make up his mind; he must direct that medical examination (section 20). The form of the order that he should make for reception into a hospital is prescribed by law and in that form are the words, So-and-So "has this day been brought before me" and on it goes. The mental hospital is prohibited by law (sections 3 and 26 of the Ordinance) from receiving anybody under compulsion except in pursuance of an order made by a magistrate in due form.

Now, Mr. Deputy Speaker, that law, I suggest, is very necessary, for the reasons that I have given earlier. But what happened in this case, you will see from the written reply if you look deeply enough. You will not quite see all of it. First of all, the police did not take this woman straight to a magistrate. They took her under compulsion to a hospital and there put a doctor to examine her. No magistrate ever saw her at all, but a magistrate made an illegal order for her to go to Mathari in no prescribed form at all without having seen her, without having ordered any medical examination, simply on the *ipse dixit* of the police by telephone, I believe. It was, incidentally, Sunday afternoon. The police acted on that illegal order and took the woman by compulsion to Mathari Mental Hospital. The officers of Mathari Mental Hospital received her on the strength of a clearly illegal order, illegal on the face of it, simply because the police asked them to do so. And last, but not least, the next day the magistrate—I regret to have to use the word—falsified a reception order. The next day the magistrate made out an order in the prescribed form purporting to be dated the day before which started with these words, signed by the magistrate: "So-and-So has this day been brought before me." And the end of it all was that within four days it was found that the lady was not

certifiable. She was released; and, though it is nearly a year now since this event, she has never been certified since.

Now, Mr. Deputy Speaker, I do submit to this Council that no circumstances—none whatsoever—hard cases, good cases, none can justify such disregard by a series of officers including the judiciary, of basic law, not mere technicalities, basic law devised for the protection of the freedom of the subject. Otherwise, Sir, the police, the officers of Mathari Hospital, even, the judiciary can disregard the law if they like for reasons that they think good with the hope that Government will wink at it—and obviously a well-justified hope, that Government will wink at it. Now, did the people concerned in this case not know the law? Or did they deliberately ignore the law? It is equally bad either way. What protection is there for any of us here if this is the state of affairs, that no one worries if such vital law is known to the officers concerned or if they know if they disregard it? If no one worries if a magistrate falsifies an order? What point is there in having any law for the protection of the individual?

Now, just to emphasize the attitude of Government in this matter, Sir, I must refer to paragraph 11 of the reply: "The magistrate's error was largely procedural and technical." In another part of the same paragraph it says: "The position of magistrates would become intolerable if disciplinary proceedings were taken against them whenever they made an error in the application of the law." Now, Mr. Deputy Speaker, is that a fair statement of the circumstances of this case? The magistrate is told quite clearly by the law and by the prescribed form what he has to do. He does not do it. Then, knowing that he has done wrong, he tries to put it right afterwards. And that is described as an error, "procedural and technical", or an "error in the application of the law". I can only describe that attitude of Government, Sir, as a shocking attitude to a law of this kind. And I say, Sir, that all such cases must call for disciplinary action, even if it is only for the future, that if ever a case like this arises again where any officer has been encouraged because of the Government's attitude in this matter to believe that he can disregard laws made for the safety of the individual, for the protection of personal freedom, I for one shall pursue it relentlessly; and I am asking this Council now to note the circumstances of this case, just as it will be recorded in HANSARD for the future, because we here must guard jealously the law, and particularly on the liberty of the subject. I hope we all intend to do so. The police and magistrates and other servants of the Crown must know and

[Mr. Slade]

must observe those laws. But will they trouble to do so if there is no sanction of disciplinary action for any default?

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, I think the hon. gentleman is somewhat less than generous in his criticism of my reply to his question. I shall bear in mind his suggestion that in future parliamentary questions should be "answered monosyllabically but I shall not resort to that expedient when, as the hon. gentleman well knows, to do so as in this case would be to give this Council a half truth only; indeed, in this case not to have given it any information about the case concerned at all. The hon. gentleman has also fallen into the error—which I admit he does not often do in my experience—of grossly overstating his case. He has suggested in effect that where circumstances arise such as in this case there must be automatic punishment of the officers concerned. Now that, Sir, is a heretical principle to any lawyer. I would like to quote to the House the demolition of such heresy in regard to the criminal law by two of perhaps the most outstanding Attorneys-General of England of recent years. I quote from a speech by Sir Hartley Shawcross to the House of Commons, I think it was, 1950. "It was seriously suggested," he said, "that the operation of the law should be virtually automatic—which is what my hon. friend has suggested—where any breach of it was known or suspected to have occurred. The truth is, of course, that the exercise of discretion in a quasi-judicial way as to whether or when I must take steps to enforce the criminal law is exactly one of the duties of the office of the Attorney-General, as it is of the office of the Director of Public Prosecutions, who works under the direction of the Attorney-General.

"It has never been the rule in this country—I hope it never will be—that suspected criminal offences must automatically be made the subject of prosecution. Indeed, the very first regulations under which the Director of Public Prosecutions worked provided that he should intervene to prosecute, amongst other cases, 'whenever it appears that the offence or the circumstances of its commission is or are of such a character that a prosecution in respect thereof is required in the public interest'. That is the dominant consideration.

"So," he went on, 'under the tradition of our criminal law the position is that the Attorney-General and the Director of Public Prosecutions only intervene to direct a prosecution when they consider it in the public interest so to do. Lord Simon, who was once himself a most distinguished Attorney-General, put the position very clearly

when he said in debate in this House, 'There is no greater nonsense talked about the Attorney-General's duty than the suggestion that in all cases the Attorney-General ought to decide to prosecute merely because he thinks there is what the lawyers call "a case". It is not true and no one who has held that office supposes it is.' That is the principle which, although discredited expressly by those authorities, the hon. and learned gentleman would have us adopt by analogy in the application of discipline within the Government service. We will not adopt it.

Officers in the service have the right to expect fair and equitable treatment and it would be wholly wrong, wholly inequitable, to make any presumption of guilt, or to make any automatic application of punishment, irrespective of the facts and circumstances of a case, including mitigating factors.

The hon. gentleman suggested that nobody worried about this case, other than presumably he himself. Again, he is less than generous. Quite apart from the fact that Government does not normally treat lightly matters of this importance, matters affecting the liberty of the subject, in the reply which I went to considerable pains to give him in this House I said: "An enquiry into this affair was held by the Director of Establishments in consultation with the Director of Medical Services, the Acting Deputy Commissioner of Police and the Registrar of the Supreme Court. This enquiry established that all the officers concerned in the incident acted in what they considered to be in the best interests of the woman, who was clearly ill and in need of medical care and attention. The police and the authorities at Mathari acted on the certificate from a medical practitioner that she was of unsound mind and on a written authority from a magistrate for her detention in Mathari." That, I think, is hardly consistent with the suggestion that Government has acted irresponsibly in this matter and dismissed it without worrying about it. Let us at any rate be as accurate as we can be in our facts and in our accusations against each other.

Now, hon. Members may not have read the full statement of the facts which have been disclosed by this Governmental enquiry, at very high level, as set out in the reply which I gave in this House.

But let us just consider the facts in summary. This woman was found in Salisbury Road by a European motorist and his wife, as they said, in a hysterical condition in the bushes, saying she had been robbed. They took her in their car to the police station. On the way she tried to jump out of the car three times, when it was moving, and had to be restrained by the motorist's

[The Minister for Legal Affairs]

wife. She arrived at the police station, presumably to report the robbery perpetrated on her. She refused to give any details. She refused to assist the police. She abused the police officers and the police generally. They tried to persuade her to accompany them to the scene of the incident. Only after a great deal of patient persuasion was she persuaded to do so. When they arrived at the scene, far from helping them, she abused them more, she screamed, she shouted, she ran up and down the road, and created a public disturbance. The police, who were of course entitled to take her into custody, retain her in custody until the next sitting of a magistrate, which would have been the following day, and have penal sanctions applied to her, did not do that. They decided that what she needed was not penal action, but help in the form of medical attention, and they took her, therefore, to the hospital.

At the hospital she was examined by a doctor—not a Government doctor, but a private doctor. She was asked if she wished to contact her own doctor and a telephone was made available to her and she was given an opportunity to do so, but she declined to do so. The doctor's certificate—this was not a Government doctor—let me read it. It was issued at that time, after examination. "She is maniacal and unable to listen to reason. She is irrational in behaviour and speech. She exhibits a degree of paranoia: she is persecuted by everyone, especially police. She is unwilling to give any particulars about herself because she believes the information will be used for ulterior purposes. She has at times been completely uncontrollable except by force." This doctor issued that certificate. What were the policemen to do in those circumstances? They could have taken her back and put her in the cells and left her there and kept her there until the following day and then taken her before a magistrate. They did not do that. They elected again to pursue the path of helping her. They got in touch, and this was a Sunday, with a first-class magistrate at his house, and they told him the position.

The magistrate asked to see the doctor's certificate, which was sent to him. He decided, rightly or wrongly, but in good faith, and I do not think objective considerations of this affair would lead me to think otherwise, he decided rightly or wrongly, but in good faith, that if he were to see her for the purpose of committing her, as it would be and as he would have had to explain to her, to a mental institution, then in view of the condition of the woman which had been described to him both by the police and in the doctor's certificate, that it might do greater harm than if he did not see her. He was wrong. I admit

that. He did not see her. But that is the reason that he has given, that he felt it might upset her even more, and I accept that reason as an honest one. He therefore signed an order. Now this was a Sunday. He was at his house. He had none of the printed forms which are prescribed under the Ordinance. He had not his books to refer to. He had to take such action as he could, and he wrote out an order in his own hand. He did not even have a typist. He gave it to the police officer, ordering her detention in Mathari Hospital for up to 14 days for the purposes of observation. The police officer took her, having the doctor's certificate—not a Government doctor's, but a private doctor's—and having the magistrate's manuscript order written out in his own handwriting and signed in those circumstances—in incorrect form, I freely admit, and without having seen the woman, I freely admit. They took the woman to Mathari. They presented the doctor's certificate and the magistrate's order and the woman, whose condition I have already described to you. The mental nurse admitted the woman on that basis. Strictly speaking, the mental nurse should not have done so, because the order was, in fact, invalid, as we subsequently discovered, but the mental nurse did so in those circumstances, and I hardly think, again, that an impartial consideration of these facts would, in fact, condemn the mental nurse for doing so.

At Mathari the woman was kept under observation by the psychiatrist and his assistant psychiatrist in the hospital for four days, at the end of which she was discharged, but on admission she was diagnosed as suffering from hypomania, and the psychiatrist reported subsequently—the psychiatrist in charge of the hospital—that for no apparent reason she "belted one of the European staff's children". She refused to comply with his suggestion that she make a statement to the police to describe her handbag which had been stolen, so that they might recover it. Although he found her overwrought, over-talkative and upset, she refused his offer of treatment. He described her as having a paranoid and litigious attitude. However, after four days he and his assistant decided that while she was "certainly beyond the limits of normal talk and behaviour"—and I quote their words—she was not actually certifiable, and the reason they came to that conclusion, as they reported, was that she was not then suffering from any apparent delusions.

Those are the facts.

The magistrate did sign an order in the proper form next day. He did purport to date it as of the previous day. He obviously did not read through the printed form of the order because he undoubtedly signed it when it said he had seen the woman, and he had not, in fact, seen the

[The Minister for Legal Affairs]

Woman. He should not have signed that order, and of course it could not operate to validate *ex post facto* the order of the day before which was illegal and invalid. But is there, in this account of the facts, any offence committed by any of the officers which one would not regard as largely technical or procedural? And may I say this, and I think this is a fair thing, and I feel impelled to say it in view of the remarks of my hon. and learned friend opposite, that had every detail of the correct procedure been complied with, then there is no question on the facts but that the outcome would have been precisely the same. However, procedurally and technically there were errors, and they were fatal errors to the validity of the authority under which this woman was detained in Mathari. Accordingly Government admitted that and offer her compensation. She has not seen fit to accept it because she says she is determined that the officers concerned shall be punished disciplinarily. That is none of her business. The Government must retain control of the discipline in its own service. She has refused to sign the normal receipt and discharge, and therefore she refuses to accept the compensation. It is still available for her. It is still on offer to her at any time she chooses to accept it. It is a considerable sum of money. But she will not be paid it until she signs the normal receipt and discharge which one is entitled to expect in these circumstances.

Now, steps have been taken to ensure that police officers are acquainted with Police Standing Orders which set out the correct procedure, though I do not accept that the police officers involved in this case acted in any sense really culpably.

Steps have also been taken by the Chief Justice to ensure that in future applications under the Mental Diseases Ordinance are dealt with only by legally qualified professional magistrates. The magistrate in this case was not a legally qualified officer.

The Government regrets very deeply the errors that occurred in this case. It has dealt as equitably in the circumstances as it considers possible with the woman by its offer of compensation. It not only reserves the right, but it demands the right and will exercise the right, to deal with its own officers no less equitably.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): The time for Council to adjourn has now arrived, and I will therefore adjourn the Council until 9 a.m. tomorrow morning, Friday, 13th May, 1960.

The House rose at two minutes past seven o'clock.

Friday, 13th May, 1960

The House met at Nine o'clock.

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

PRAYERS**COMMUNICATION FROM THE CHAIR****ASSENT TO BILLS**

The Deputy Speaker (Mr. Conroy): I am directed by His Excellency the Governor to inform you that His Excellency the Governor has assented to the following Bills, which were passed by this Council in March, 1960:—

No.	Title	Passed Third Reading of Assent	Date
8.	The Consolidated Fund Ordinance, 1960	23-3-60	11-4-60
9.	The Widows' and Orphans' Pensions (Amendment) Ordinance, 1960	24-3-60	11-4-60
10.	The Cerebral Grafting Ordinance, 1960	24-3-60	11-4-60
11.	The Credit to Africans (Control) (Special) Ordinance, 1960	24-3-60	11-4-60
12.	The Native Liquor (Amendment) Ordinance, 1960	24-3-60	11-4-60

The Hindu Marriage and Divorce Bill, 1960, which was passed by the Legislative Council on 24th March, 1960, has been reserved by His Excellency the Governor for the signification of Her Majesty's pleasure.

PAPERS LAID

The following Papers were laid on the Table:—

The African Courts (Affiliation) Rules, 1960.

(By the Chief Secretary (Mr. Conitts))

The Guaranteed Minimum Return Advances Interest) Rules, 1960.

The Crop Production and Livestock (Livestock and Controlled Areas) Rules, 1958.

(By the Chief Secretary (Mr. Conitts) on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie))

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C., in the Chair]

The Specific Loan (International Bank for Reconstruction and Development) Bill
Clause 2 agreed to.

Clause 3

Mr. Webb: Mr. Chairman, on behalf of the Minister for Legal Affairs, I beg to move the amendments of which notice was given and published in the Orders of the Day for last Wednesday. The first amendment, Mr. Chairman, I have to propose is that clause 3 be omitted and that the following new clause be inserted in place thereof:—

Borrowing from Bank.
3. (1) The Governor is hereby authorized, in the name of the Government, to borrow from the Bank the sum of two million pounds sterling or the equivalent in pounds sterling and other currencies, or the equivalent in other currencies.

(2) The borrowing shall be deemed—

(a) to be made on the date that any agreement providing therefor is signed, notwithstanding any other date on which the Loan or any part thereof may be made available or may be drawn; and

(b) to be in such amount of pounds sterling as is the equivalent, at the rate of exchange in force at the date of such signature, to the amount of the Loan as expressed in the currency in which the Loan is denominated for the purpose of such agreement.

(3) The Governor may delegate, by instrument under his hand and the public seal, to any person by name, or to any person holding any office specified in such instrument, the power to execute and, if necessary, deliver any written agreement or any other document required by the Bank.

Mr. Chairman, this amendment expands what was clause 3 into three subsections. The first subsection repeats almost identically the existing clause, expanded merely to make it clear that the Loan may be made in pounds sterling, or in pounds sterling and other currencies, or wholly in other currencies. The new subsection (2) is merely designed to bring the clause into line with the Agreement particularly with regard to making the position clear with regard to commitment charges, and to clarify that the rate of exchange is that as at the date of the signature of the Agreement. The new subsection (3) is really inserted from an abundance of caution since we probably have powers both at common law and under the Government Contracts Ordinance, 1956, so as to enable the Governor to empower Her Majesty's Ambassador in Washington, Sir Harold

Caccia, to sign the agreement on behalf of the Government of Kenya.

Question proposed.

Question that the clause to be left out be left out put and carried.

Question that the new clause to be inserted in place thereof be inserted put and carried.

Clause 3 agreed to.

Clause 4

Mr. Webb: Mr. Chairman, I beg to move that clause 4 be amended by the addition at the end thereof of the words "which are hereby appropriated to that purpose".

Clause 4, Sir, charges the principal moneys and the interest on this Loan on the Consolidated Fund, but hon. Members will have seen that I shall be moving at a later stage that clause 10 of the Bill be deleted. There was a certain amount of duplication, Sir, between clauses 4 and 10, and provided the words which I have now moved be added to clause 4 so as specifically to appropriate these moneys, then clause 10 becomes redundant.

I beg to move.

Question proposed.

The Minister for Finance and Development (Mr. MacKenzie): I think, Sir, this may be a convenient opportunity for me to make quite clear one point which I did make yesterday, but which I gather may not have been fully understood, or alternatively, looking at this morning's newspaper, that the printer's devil may have been at work. What I would like to make quite clear is that I said yesterday that as regards terms, the loan will be repayable in 14 instalments, beginning on 15th January, 1964, and ending on 15th July, 1970—that is 14 half-yearly instalments, not over 14 years.

There is one further point, Sir, and that is, of course, that we have a period of grace from the date of signing the loan until 15th January, 1964, during which no repayments of capital are necessary, merely payments of interest.

Question that the words proposed to be inserted be inserted put and carried.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6

Mr. Webb: Mr. Chairman, I beg to move:—

(1) THAT clause 6 be omitted;

[Mr. Webb]

(2) THAT the following clause be inserted in place thereof—

Appropriation of Loan.
6. The money raised under the authority of this Ordinance shall be appropriated to and applied for the reimbursement of expenditure incurred for the various purposes specified in the Schedule to this Ordinance:

— Provided that where in the opinion of the Governor it is not possible, in respect of any part of the money so raised, to apply it for the purposes so specified, such part may be applied to such other purposes as may be approved by him and agreed by the Secretary of State with the concurrence of the United Kingdom Treasury and the Bank.

Sir, the purpose of this amendment is primarily to delete the specific reference in the existing clause to African farmers and co-operative societies, which was both at once too wide and too narrow, and to substitute the reference to the purposes specified in the Schedule, which I will be proposing should be added to the Bill at a later stage. The purposes specified in the Schedule are word for word those set out in the Agreement itself, and it was therefore thought preferable to specify them too in this Bill.

I beg to move.

Question proposed.

Mr. Alexander: Mr. Chairman, Sir, yesterday I did raise the question of local authorities in the areas specifically concerned being required to carry the debt for these roads. I was grateful to the Minister for Agriculture for having explained that this money will be repaid from Central Revenue in accordance with Government policy in respect of grants for roads in local authority areas. Since then I tried to study a little bit more of this question, Mr. Chairman, and I refer to the White Paper No. 1 of 1957/58—the financial relationships between the Kenya Government and the African district councils—and in that there is very little reference, so far as I can see to roads, though what it does say at heading number 14 headed "Road Authority Grants" is that these grants which have been in operation since 1st January, 1954, will continue, I imagine, therefore, that the grants, or the policy to which the Minister was referring yesterday, is that particular policy.

Now, Mr. Chairman, we learn from this amendment, which is more specific, that these roads are to serve "agricultural sections of the areas of high potential"—agricultural sections. And I still think, Mr. Chairman, that it would be wise, and would

be fair and would be certainly better financial policy for the very local nature of these roads to be, the responsibility of them, to be passed on to the local authorities. As I see it, the policy in respect of grants through the road authority is for main district roads, or should be for main district roads, particularly roads connecting between one section and another. But these roads, as I understand it, Mr. Chairman, are to serve very particular spots, agricultural sections, and I believe that it would be far wiser for the local authority itself to be responsible, and also for another reason, Mr. Chairman, we were told yesterday, although it does not include it in this amendment, that the maintenance also on these roads is to be of a standard and a kind approved, or specified, by the World Bank, and I believe that if the problem was brought right down to the people themselves, the people on the spot who are going to use these roads, then there is far more likelihood of them being used properly and being maintained properly, and it would bring right home to the people on the spot their particular responsibility for these assets. As I understand it, this money is not really appropriated by this Bill, and there will be, I imagine, an opportunity to discuss the appropriation of it in the development programme debate, and perhaps that will be the moment to come back again and challenge the wisdom of this particular policy relating to local authorities in this respect. But I did think it was a useful opportunity to try and get this out of the way today. I do believe, Mr. Chairman, that the people themselves would have a far more realistic appreciation of this spending, and of the complicated negotiations that have gone into producing this money if they themselves were more closely connected with the responsibility of repaying it.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Chairman, I am glad to note that the hon. Member has said that he will not persist in this argument in this debate, but may bring it up again in the Development Estimates, and I would like to give him one or two ideas to chew over until that time arrives.

I cannot see why we should make any difference, and use this money in any different way in the areas concerned that we do today with the development money which indeed is Government loan money. When the hon. Member said that these roads are very specific, and are serving particular sections, that may be, but the same applies to roads today. In fact, in the county council areas it is the Road Authority's policy, but in not only the county council areas, but it is a main principle of the Road Authority to favour roads all over the country which help to bring produce to railhead and to

[The Minister for Local Government and Lands] distribute it. That, I think, is a policy which is a fair one, and a right one, because it does indeed help the actual production of food-stuffs and the production of exports, etc., which benefit the whole Colony. There would certainly be no difference to my mind between the roads on which this money is spent, and may I give the example of the Embu/Meru road, which indeed requires a considerable amount of improvement and is serving an extremely important agricultural producing area in the Colony. What difference is there between that road and, say, the road to Kipkabus and even up to the Trans Nzoia, which again are other areas which are vitally important to the economy of the Colony due to the products which come from those areas?

Well, Sir, all I am saying is that if the policy advocated by the hon. Member for Nairobi West were adopted in this instance, then it would necessarily have to be applied in all areas of the Colony, and all loan money channelled through the Development Committee or not then should be serviced by the ratepayers of the areas to which that money was applied for roads. Otherwise we would be discriminating against one particular area of the Colony, and I personally feel that it would be most unfair at this time to saddle the ratepayers of any particular section or indeed the ratepayers of the whole of the agricultural areas of the Colony with this liability for the construction and maintenance of what are essential parts of the economy of the country as a whole, and are not necessarily only confined to one particular area.

Question that the clause to be left out be left out put and carried.

Question that the clause to be inserted in place thereof be inserted put and carried.

Clause 6 agreed to.

Clause 7

Mr. Webb: Mr. Chairman, I beg to move that clause 7 be omitted, and that the following clause be inserted in place thereof—

7. The terms and conditions upon and subject to which the Loan shall be borrowed shall be such as may be agreed with the Bank consistently with the provisions of this Ordinance, and such agreement may, *inter alia*, provide for the creation and the issue of such instruments, including bonds, as may be required by the Bank.

Terms and conditions of the Loan.

Mr. Webb: Mr. Chairman, I beg to move that clause 7 be omitted, and that the following clause be inserted in place thereof—

7. The terms and conditions upon and subject to which the Loan shall be borrowed shall be such as may be agreed with the Bank consistently with the provisions of this Ordinance, and such agreement may, *inter alia*, provide for the creation and the issue of such instruments, including bonds, as may be required by the Bank.

Mr. Webb: Mr. Chairman, I beg to move that clause 7 be omitted, and that the following clause be inserted in place thereof—

7. The terms and conditions upon and subject to which the Loan shall be borrowed shall be such as may be agreed with the Bank consistently with the provisions of this Ordinance, and such agreement may, *inter alia*, provide for the creation and the issue of such instruments, including bonds, as may be required by the Bank.

Question proposed.

Question that the clause to be left out be left out put and carried.

Question that the clause proposed to be inserted in place thereof be inserted put and carried.

Clause 7 as amended agreed to.

Clause 8

Mr. Webb: Mr. Chairman, I beg to move that clause 8 be amended by the insertion, after the words "of the guarantee" in the second line, of the words "in respect".

This, Mr. Chairman, is a purely verbal amendment which will have the effect of making the first few words of that clause read: "Any sums issued out of the Consolidated Fund of the United Kingdom on account of the guarantee in respect of such loan by the United Kingdom Treasury. . ."

I beg to move.

Question proposed.

Question that the words proposed to be inserted be inserted put and carried.

Clause 8 agreed to.

Clause 9

Mr. Webb: Mr. Chairman, I beg to move that clause 9 be omitted and that the following clause be inserted in place thereof:—

9. (1) The Governor, or the Crown Agents acting on his behalf, may issue such instruments, including bonds, as may be required by the Bank in accordance with the terms of the Loan.

(2) The Minister, or such other person as he may appoint in writing, shall sign such bonds in the name and on behalf of the Governor.

Mr. Chairman, the purpose of the first subsection which virtually repeats the existing clause 9, is to bring that clause into line with clause 7 in the way in which the Committee has just agreed that that clause should be amended.

The new subsection (2) is very largely formal and brings the Bill once more into line with the agreement with the Bank. It proposes to give the Minister for Finance power to delegate the signature of bonds, and since these may well be issued in London or New York that is obviously very necessary. The giving of this power to the Minister is simply for an abundance of caution, so that the validity of the bonds, when signed by somebody else, cannot possibly be questioned.

Question proposed.

Question that the clause to be left out be left out put and carried.

Question that the clause to be inserted in place thereof be inserted put and carried.

Clause 9 agreed to.

Clause 10

Mr. Webb: Mr. Chairman, I beg to move that clause 10 be deleted from the Bill.

As I explained, Sir, in moving the amendment to clause 4 of this Bill, a certain amount of duplication exists between this clause-10, and clause 4 and with the amendment which the Committee has agreed to clause 4 a great deal of clause 10 becomes otiose. Certain other parts of clause 10 are really purely administrative and do not require legislative action.

I beg to move.

Question proposed.

Question that the words proposed to be left out be left out put and carried.

Clause 10 agreed to.

New Schedule

Mr. Webb: Mr. Chairman, I beg to move that the following Schedule be added to the Bill:—

SCHEDULE

(Section 6)

1. The completion of the Government's current programmes for agricultural development, for the three-year period ending 30th June, 1963, under the plan to intensify the development of African agriculture, commonly called the Swynerton Plan, in those areas in the Native Lands with more than 25 in. of annual rainfall and an altitude of more than 4,000 ft. above sea level (hereinafter referred to as "the areas of high potential") including:—

- (a) land consolidation and the establishment of individual land rights on about five million acres;
- (b) the establishment and improvement of protective forests;
- (c) the improvement and expansion of agricultural services, including experimentation, demonstration, extension and education, soil conservation and farm planning, to enable African farmers to develop their farms into viable units and to improve their standard of living through increased production of food-crops, improved animal husbandry and production of cash-crops;
- (d) the improvement and expansion of supporting measures, including the provision of water supplies and the establishment of co-operatives for marketing and processing; and

(e) the provision of loans through the Ministry of Agriculture to African farmers and co-operatives for agricultural development.

2. The construction and reconstruction of 23 roads, of a total length of approximately 564 miles, serving agricultural sections of the areas of high potential. The general location of such roads and the designs and standards therefor to be as agreed with the Bank.

Mr. Chairman, as I mentioned in moving the amendment to clause 6 of the Bill, this is the Schedule which sets forth in considerable detail and yet with very considerable room for manoeuvre the purposes to which the loan may be applied and, as I said, it follows precisely the terms of the Agreement with the Bank.

I beg to move.

Question proposed.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I think it may be useful to hon. Members if I were to explain as regards clause 2 of the Schedule that the expression "serving agricultural sections of the areas of high potential" does not necessarily mean that these are relatively small by-roads of any kind. They include, Sir, some of the most important roads in the areas concerned and the expression "agricultural sections" is merely included in order to make it clear that the purpose of the roads is to move agricultural produce. I am sure, Sir, that although, as my hon. friend explained this wording has been used in order to give flexibility, I am quite sure if it would help hon. Members it will be quite possible to make available to them a list of the roads involved and if they would like me to do so I should certainly be only too glad either to do that myself or to ask my hon. friend the Minister for Works if he could have it done.

Sir, I beg to support.

New Schedule read a First Time.

The Question that the New Schedule be now read a Second Time put and carried.

Question that the New Schedule be added to the Bill was put and carried.

Title

Mr. Webb: Mr. Chairman, I beg to move that the Title be amended by inserting after the words "TWO MILLION POUNDS STERLING" the words "OR THE EQUIVALENT IN POUNDS STERLING AND OTHER CURRENCIES".

This amendment, Sir, is consequential upon the amendment to clause 3, which the Committee has agreed to, so as to make it clear that the money

[Mr. Webb] can be raised in sterling or other currencies or in a mixture of both.

Question proposed.

Question that the words proposed to be inserted be inserted put and carried.

Title as amended agreed to.

Clause 1 agreed to.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I beg to move that the Committee doth report to the Council its consideration of the Specific Loan (International Bank for Reconstruction and Development) Bill and that it has agreed the same with amendments.

Question proposed.

The question was put and carried.

The House resumed.

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

REPORT

The Specific Loan (International Bank for Reconstruction and Development) Bill

Mr. Webb: Mr. Deputy Speaker, I beg to report that a Committee of the whole Council has considered the Specific Loan (International Bank for Reconstruction and Development) Bill, 1960, and directed the same to be reported with amendments.

Report ordered to be considered tomorrow.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE 21—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of debate interrupted on 12th May, 1960)

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, the hon. Member for Nyanza raised the question yesterday with regard to Sessional Paper No. 10. I indeed informed the House about three days ago in some detail of the programme with regard to Sessional Paper No. 10 but obviously it does not seem to have permeated to every Member and I had better repeat it. The Government will be laying a Paper on Sessional Paper No. 10, probably within the next week or ten days. This Paper arises from a re-examination of the suggestions

put forward in that Sessional Paper by the Government in the light of representations made by individuals and associations particularly concerned with this problem. There are, of course, amongst others, the Board of Agriculture, the Kenya National Farmers' Union, the Settlement Board and so on. It is hoped, Sir, that there will be an opportunity to debate both Sessional Paper No. 10 and the consequential Paper or subsequent Paper in June, so that hon. Members will have every opportunity to discuss the points made in both Papers. Arising from that debate it will be necessary to draft legislation and present such legislation to this Council. There again there will be another opportunity for debate on that legislation which we hope will be before this Council in either October or November. It will be necessary for such legislation to be passed before the end of the year as hon. Members will have seen it is hoped that the provisions suggested in Sessional Paper No. 10, the main provisions there and other provisions which shall be put before this Council, should take effect as from the beginning of 1961. So, Sir, I do not think there is any real justification for criticism that the Government is trying to rush these things through. I would also like to say that the scheme put forward by the hon. Minister for Agriculture cannot be implemented without the legislation arising out of Sessional Paper No. 10 and indeed the Minister has put forward his ideas in this debate in order to give the House an opportunity to discuss his ideas, to put forward their suggestions, and indeed a considerable amount of time in which to do so. There is, of course, one way in which the scheme put forward by the Minister for Agriculture could be implemented before the legislation arising from Sessional Paper No. 10 and that would be by the Highlands Board agreeing to the purchase of land by the Government and the resale of that land in what is known as the Highlands at present to persons of other race. So that is one way in which it could be done before the land legislation is passed through this House. As hon. Members know, that particular aspect is entirely in the hands of hon. Members opposite. There can be no question of the Government bull-dozing that through.

Sir, it seems to me having listened to this debate that in spite of the fulminations on the other side of the House that there is a very narrow gap between the suggestions put forward from Members opposite and those put forward by my hon. friend. I think the differences are really a matter of degree. I think it has been made quite clear by Government speakers that the specific scheme described by the Minister for Agriculture is merely a pilot scheme; that these are ideas and indeed there is a determination on this side to proceed with a much

[The Minister for Local Government and Lands] wider and bigger scheme of development and indeed when figures like £30,000,000 are banded about I personally do not feel that there will be much difference between that figure and the ultimate figure that will be spent on this sort of scheme in the future. But it is not possible for a Government to tie all these things up in such large sums of money in a very short time and therefore it is not possible for a Government to commit itself in a few weeks or months to such enormous and important policies but they must go slowly and must tie up the loose ends which take time. It is all very well for hon. Members to say they will want guarantees of £30,000,000 but they are not easy to get. And who indeed wants guarantees of £30,000,000? What we really want is the money in proper practical quantities to be spent on practicable economic propositions over the years within the capacity of any administrative machine that we have to improve the development and productivity of this country and thereby and incidentally—or I shall not say incidentally—thereby maintain proper sound agricultural farm values. And that is the basis of the Government scheme which is very, very little apart from any suggestion that has been put forward by hon. Members opposite.

And indeed may I say my one disappointment in this debate is the fact that hon. Members opposite have got up and said: "Oh, this is not the place to talk detail." Surely this is just the place to talk detail. This sort of debate is just where the Government want to know the practical detailed ideas that hon. Members may have opposite so that they can consider them and see if they are practicable and economic and possible. But instead of that, hon. Members get up and say in wide terms that we must have this, we must have that, giving no real description of their ideas and merely making vague references to figures such as £30,000,000.

I do suggest to hon. Members that they have not been of very great help to the Government in this extremely important and urgent task, and I also suggest that what has been put forward by the Government has been constructive and practical, and I only hope that hon. Members will help the Government to work this out.

The Deputy Speaker (Mr. Conroy): I would remind hon. Members that it is difficult for Back Benchers on both sides of this House, owing to the acoustic properties of this Chamber, to hear what is being said by the Members on the Front Benches on each side.

I have also noticed difficulty in the palantypists' box in hearing some hon. Members when they are not speaking near one of the microphones. I

would ask hon. Members to keep their voices raised when they can remember to do so.

Mr. Muliro: Mr. Deputy Speaker, I also rise to speak on this Vote of Agriculture. I always regard the Ministry of Agriculture as the most important Ministry, probably, in Kenya, and I say so because agriculture is the basic thing and, in fact, the backbone of our economy.

Now, what I am going to say today is not very much to repeat what I have said before, but I would urge the Minister for Agriculture when looking at the development of Kenya to look at Kenya as a whole rather than go in and concentrate mainly in areas of high potential. For instance, I regard the development in the Northern Province as one of the most urgent issues before Kenya now. When one goes to the Northern Province there are people who are taking a lot of goods to ship by camels. Now these people require water more desperately than any other part of Kenya, and I was talking to the Minister for Agriculture yesterday, I listened to him, and I think this should be pursued again, that they should go, for instance, to a place like Israel where people have carried water from 200 miles in the north down to the south to water the desert so that they could utilize the desert because they have hardly any land. Now there are technical experts in water techniques who could be of great and tremendous value to Kenya. I think water in Kenya is going to be one of the great problems in the future, but we have—

Mr. Swynnerton: Mr. Deputy Speaker, I wonder if the hon. Member could give us the figures of the cost of this project he talked about in Israel because it would help to give us a clearer idea of this.

Mr. Muliro: What I am suggesting, Mr. Deputy Speaker, is that our Ministry of Agriculture should send our people there to do that, to go and receive advice and gain knowledge from these people. I never went there as a technical expert to supervise their expenses but I think very honestly that we could benefit by their sort of knowledge and not ask me to be a substitute for their specialist in Israel.

Now, another point I would like to raise, Mr. Deputy Speaker, is that if we want to stimulate agricultural produce we must get markets. I am pleased that the Minister for Agriculture is busy with market research, but in the African areas one of the biggest stumbling blocks is that they have got co-operative organizations. Now, those co-operative organizations are no more than mere agents of the Nyanza Marketing Board or whatever the Marketing Board is. Now, a co-operative organization should be a real co-operative so that it removes and wipes out the middleman. As long

[Mr. Muliro] at the co-operative organization handles the goods and then gives it to a middleman to sell that is of no value at all. The African farmer, or whatever farmer is there, should feel the real benefit from this, but if he has to handle the goods and then give it to another middleman then it is a mere lie for the Government to try and tell the Africans in the areas that when you form co-operatives you are eliminating the Asian middleman. Actually the Asian middlemen might be eliminated but still there is another middleman in the form of statutory organizations that buy the African goods and handle them.

In this line also I would also ask the Minister for Agriculture and the Co-operative Department mainly to send out people to go and learn co-operation. There is true co-operation also in Israel, and in this line, as I have mentioned before, we have got a number of places for Kenya to go there and learn co-operation. Also in this line I would urge that the Government should take some people who are engaged in training Africans at the Jeanes School to go and learn true co-operation. Probably people might feel that I am very fascinated about the Israel economy but I regard Israel as one of the young countries from which we can learn, because their problems are much nearer to our own problems than any other countries in the world. If we send people to Britain, for instance, to learn co-operation, they will be going to learn the history of the co-operative movement but they will not see co-operation in the making. Here you will learn their problems, their failures and probably we will try to avoid their failures so that we will move forward in a much better way avoiding their mistakes.

Now, while many of us in Kenya welcome the announcement by the Minister for Agriculture that there are going to be lots of 40 to 50 acres in the Highlands to be given to members of various races for the development, I would urge this, that when we open up the Highlands these areas should be looked upon mainly as a means of eliminating social and economic problems, particularly in the African areas which are highly congested. I would have thought a scheme of this nature should provide that people in a given locality, whatever the locality is, should be given machinery, the loans for machinery, and machinery should be owned co-operatively, and the whole group so that the land is prepared co-operatively and then the individual farmers can plant their own crops, because if this is to be left to individuals the individual must never have the machinery but the machinery should be owned by the whole group and settle as many people as possible.

I think if we had some irrigation schemes to go in completely for intensive farming, what we want in Kenya is not half-hearted going into business but go in for completely intensive farming and also I think with the money which we are getting from loans many Africans in various areas should be given loans so that they can develop their farms much better than they have done in the past.

Now, on this, Mr. Deputy Speaker, I would emphasize very much that there should be a new outlook on the part of the Minister for Agriculture. They must re-think and work very hard. Also the Minister for Agriculture said he would like to send Africans to the United States of America who are already employed in the Agricultural Department so that they get more knowledge to come back and be given higher posts and more responsibility. Now, here is where I think he and myself could co-operate very well in sending a number of these students to Israel where they will learn something. It is not that I am biased against America but I feel America is not the ideal place for a backward country. It is more highly mechanized and highly planted and cultivated, where people use machinery more than their hands, and I think what we require in Kenya here is to see some people working hard with their hands and not people using machinery, because if you want to depend completely on machinery with highly mechanized farming like Britain or America you must have the money to buy the machinery, and here is where I ask the Government of Kenya to look more to Israel rather than to any other country in the world. Probably I am more fascinated about this, but I am deeply interested in the development of this country and I regard agriculture as the basic economy of this country and unless we improve our agricultural economy the future is very bleak; because I suggest that we have no minerals in Kenya and whatever we might say we will be bluffing ourselves. The thing we have to do is to work very hard on the land and to do that we have to see and copy from the people who are working very hard on the land. Here is where I would welcome the Minister for Agriculture to take a trip to Israel. The Government can have money for trips to America and I do not see why they could not give him £190 to fly to Israel and learn from these people who are working very hard to come and improve our economy.

With that, Sir, I beg to support.

Mr. Cooke: Mr. Deputy Speaker, when the Chief Secretary was speaking yesterday it went through my mind that he possibly was not very well acquainted with the nature and extent of the problem of land values stabilization, and if that is so it is really a tragic position, and it might

[Mr. Cooke] easily lead to the collapse or the partial collapse of farming in this country which, as we all know, is one of the biggest economic factors that we have. Now, he tried to please us with the suggestion that the £2,000,000 which the Minister for Agriculture had mentioned would be a contribution to this problem. As a matter of fact it is no contribution whatsoever or very little contribution. It is merely, as they say, chicken feed.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): I thank the hon. Member for giving way, but I would like to correct him because I never mentioned a figure of £2,000,000. The figure I mentioned was a figure of approximately £1,000,000 from Her Majesty's Government and £1,500,000 from other sources, in the first instance for three years, and then maybe the programme continued.

Mr. Cooke: It does not affect the argument really, but that amount will go no distance in solving the problem. Now, the farmers of this country were extremely shocked at the result of the Lancaster House agreement. I do not say that they are to be blamed for that because they have never been warned that such a revolutionary change in our constitution could so suddenly take place, and I must say that I criticize the New Kenya Party for having left London without having got a guarantee and indeed a pledge from the British Government that some form of land values stabilization would be assured. As I see this land stabilization value, the stabilization of land value, it is that an assurance should be given to the farmers here who may want to leave this country at any time, not now, but at any time in the future if they find that future impossible; they will regain the confidence which they have apparently lost, and it is very essential that they should have that confidence. A man might have to leave on account of family reasons or something of that sort, and find that the value of the land was so low that he could not possibly afford to leave, and it does not, as my friend the Member for Local Government seems to think mean that the British Government has now to put down any large sum of money, but all that is required is a guarantee from the British Government that money would be forthcoming, and it would be a revolving fund, and it would repay itself. I myself envisage a scheme such as that of the Wyndham Act in Ireland of 60 years ago when the British Government provided a large sum of money or put aside or pledged a large sum of money to purchase land from the landowners for sale to the tenants. As you, Sir, and probably others, know, there was a system in Ireland of very large landowners and a large

number of tenants who had no real tenant rights, so it was agreed that a scheme should be put forward by which these tenant farmers could acquire the land in freehold; and a large sum of money was put aside with the result today—whether from the agricultural point of view or not, Sir, it is a good thing or not I would not say—that there are thousands, scores of thousands, of small landowners in Ireland—200-acre and 300-acre sort of holdings—and most of them are doing fairly well. Now, the point is this. They paid it back in instalments within roughly 50 years, and I think it was something over 50 years actually, both interest and capital. Now, as I foresee it, Sir, if the Government is really in earnest that the Africans of this country should acquire land in the Highlands, and I believe they are in earnest about it—we will see when Sessional Paper No. 10 is forthcoming whether they really are or not—they will really have to make provision for Africans to purchase land valued up to say £10,000. Now, where is an African going to get £10,000 today unless the land is first purchased by the Government and resold to that African over a term of years. So one of the reasons I advocate this land stabilization fund is because I think it is going to be of value not only to the Europeans but to all races in this country; and the absolute necessity of giving this guarantee to the farmers is that it should be given now. It may be too late in a few years. Farmers may lose faith and the others may decide to sell out at any price and get another job, and it would lead to an upsetting of the whole economy of this country. I do not see for one moment why the British Government should not give that pledge right away that the money will be found, not necessarily put into a fund now, but that it will be forthcoming and, as I say, it will be a revolving fund. Personally I do not believe that more than 10 per cent of the European farmers in this country will be wishful to leave. I believe that they get this guarantee they will be willing to continue in making the greatest success of this country; and it is up to the Government to give a lead in this matter.

With regard to this high potential land of 50 acres I think myself that it is a very good suggestion if the Agricultural Department and indeed the Forestry Department, give what aid they can. I myself am and have been an owner for ten years of a high potential farm but all I have done is to lose £500 a year over the last ten years, and I have had no aid from the Agricultural Department and even less aid from the Forest Department, and I think that if this scheme is going to be put through there must be some sort of a guarantee by which the owners will be able to get loans to improve their roads of access

[Mr. Cooke]

and water supplies and all that sort of thing which is a matter of great expense to the small farmer. It is not a matter of being a relatively big expense to the big farmer who has big overheads in any case. I have suggested to the Minister and to the Meat Commissioner that they should send round lorries once, a month to collect from the smaller farmer such things as sheep and so on where the smaller farmer could not afford to hire a truck for that purpose, but nothing has been done in that matter. It is only one of the instances which I might give of lack of help.

But I would congratulate the Minister on what I thought was an extremely fine and very constructive speech. In fact I thought it was the best speech I had heard from a Minister for Agriculture during the 22 years I have been in this Parliament. I do congratulate the hon. gentleman and I hope he will continue to show the energy he has shown so far and to bring this country to a happy and prosperous agricultural future.

Sir, I support the Motion.

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, I rise to compliment the hon. Minister for Agriculture by opposing this Motion.

Under the peculiar circumstances which now apply in Kenya I accept his plan to give to Africans and Asians rich Europeans' farms that are for sale providing a fair price is paid for them and provided the recipients know a cow from a piece of cake.

I am now going to give the hon. Minister a first-class idea about which I do not expect him to do anything whatsoever, but one thing I am sure of, is that his successor will. My plan costs little money, appreciably helps employment, and develops the Colony's resources.

He spoke recently about his waterworks. Can we suppose that he can bring over an irrigation expert from the United States of America and ask him to report upon the prospect of using the Tana River which now carries the silt from Mount Kenya literally miles out to sea. What would the report say in effect? Would it recommend that some dozen or more small dams be built up in the foothills and that a vast irrigation system would be slowly, and the operative word is slowly, developed along the river bed and around its many sources. I agree there was once a report by the Colonial Office which was enough to damn it altogether because they thought only in terms of a single Aswan type of dam. The prospect calls for quite a different treatment. The crux of the problem, Sir, lies in pristine simplicity, calling for a steady effort rather than a vast undertaking all being applied at once. It makes it all the

more simple and all the more capable of being absorbed. What is more, it also calls for the use of labour rather than machinery. Now, I have flown over the areas and taken an airman's eye view of the situation and happen to know what I am talking about because I once flew Dr. Hurst of the Egyptian Irrigation Department along the Nile on a protracted journey to study the Nile and its water resources from its sources right the way down to where it flows out into the sea. Now, what would such a scheme cost? What would it achieve? It need cost the Colony nothing in real money except in internal money which means nothing as long as no money leaves the Colony, there is the point. As long as the work is done by local labour from local labour camps, the money paid to build a small irrigation dam and to dig irrigation canals can, and should, all be local which was a point made by a former speaker. Machinery would defeat half the object although it might be somewhat quicker. That money would in truth be paper money. The product would be development in its truest sense and it is something which will appeal, I would suggest, to the World Bank who would be interested in lending money which will be seen to be spent, and which will in fact be spent, but being development money it will develop. All such sums, whether spent on rivers or roads—I add roads because they have the same significance—circulates money against which Government taxation can take its steady relentless toll at no real cost to the State, but to its own advantage.

I do not know whether I have made my point, Mr. Deputy Speaker, but it is there notwithstanding. My only problem is to get an orthodox Treasury to realize that it is in clover when they are convinced they are in desert, exactly as tourism could become our primary industry. As a matter of interest I am trying to take this scheme out of the hands of the Government by making suggestions direct to the United States of America, of all places, in the best interests of the next Government of Kenya because that is going to be the Government that will matter, not so much for the Tana River project, which I have of course included, as for the Rufiji, where a vast operation and opportunity unfolds to an African Government for the benefit of the Africans.

Now, Mr. Deputy Speaker, believe it or not the Colonial Office saved £8,000,000 by 1952 and kept it in reserve for Kenya, a new Colony, mark well, while, it is to be noted, in Britain they would have to have a reserve of literally billions of pounds to emulate Kenya, which means about 100 per cent of her annual expenditure. Had they spent that £8,000,000 on dams and roads they would have created employment and they would

[Air Commodore Howard-Williams]

not have had the Emergency and would have accumulated assets which it will now take them £24,000,000 to create. There is, I suggest, Sir, a measure of Treasury control.

I beg to oppose.

Mr. Hassan: Mr. Deputy Speaker, I rise first of all to congratulate our Minister of Agriculture who spoke extraordinarily well on the Estimates of his Department. At the same time new schemes and suggestions put up by him indicate that he means to bring about progress in the agriculture of this country.

Sir, I have heard the speeches in this House for the last two days on this Vote, and I would like to make my speech very clear in making statements that I have the greatest sympathy as regards the farmers in this country. I can claim to be one of the oldest residents of Kenya in this Council and I have seen this country grow from the bush to the present development stage. I have seen the farmers who went through the greatest hardship in this country and how they struck up as pioneers and went through those difficulties I observed personally. There was a time when the coffee went below £40 per ton and the sisal went below £14 per ton, and yet the pioneers stuck to their guns and they had full confidence in this country, I must say, Sir, that the help and assistance which they had to help them keep on in the agriculture of this country must be a matter for which the banks should be thanked. They did make a success from the last war and that was with the help and assistance of the Government and the self-assistance. There is no doubt that the Government when offering them the settlement in this country promised to help and assist them in every way to make a success, and so far I have observed during my 54 years' stay in this country the Government have kept their promise.

The Government is being told after the Lancaster House Conference that they have to sell out. I do not agree with that. I do not think the Government ever promised that when this country will be handed over as a self-government it will be handed over to the farmers alone and if they did give that promise no sensible person in the whole world will have any sympathy with the Government if they go back on their promise. But I am sure they did not promise that, Sir.

The farmers now demand stability and at the same time they demand compensation and certain other guarantees from the Government. I have every sympathy with them if they can succeed in persuading the Government to help them but I think it will be most undesirable if it is expected and the Government is forced to be reduced to the position of a land and estate agent. If those

pioneers who are going through great hardship in this country might face all types of circumstances that befall them, they knew very well that the land prices entirely depended on the values of the agricultural produce overseas, and there have been fluctuations in prices, considerable fluctuations in prices, in land in this country, and now, for some time, for some of them to feel upset, I see the reasons for it. The country was touching the peak period in the prices of the farm produce overseas, and as far as I know for the last two years there have been very, very small numbers of land transactions in this country and I could see why the investors felt very shy to pay increased prices for the land for the last two years, because prices at their peak period were expected to fall down in the overseas markets and this was one of the dangers that transactions in land were absolutely stationary long before the Lancaster House Conference took place. To attribute this stationary condition of the land transactions to the Lancaster House Conference, I do not think it is correct. However, if the Government as they have helped and assisted in the past continue to give assistance to the farmers in this country I do not think there is any need for a fear and suspicion on the part of our farmer friends.

With regard to some of the speeches of some of the hon. Members here one of the Members from the coast, an African Member, said in a speech that nothing was done for Africans in the Coast Province. Well, we do not mind his asking that more should be done, but I would not agree that nothing was done. I was a member of their team for over 30 years at the Coast and we had our reasonable share of the Vote of the Department to spend on the Africans. I will leave this matter to the Director of Agriculture to give details in his reply, but the Gedi Settlement, the Shima Settlement, the Taita vegetable concerns and milk schemes, and the grazing improvements in the Kilifi and Kwale Districts, were some of those things that were carried out.

Another matter on which the Minister in his speech the other day said was with regard to the Masai country. He said that almost in this language that they must show some signs of self-help. I would like to point out to the Minister that this is not the right attitude towards this tribe. It will create a small serious disaster to Kenya if no improvement is effected among the Masai. They are holding almost 1,000,000 head of cattle, and I can see that no use is made of them. Such a beautiful country, a very large tract of country, is being ruined by that stock and most of them are probably useless into the bargain. No use is made of their stock products. I would like to point out to the Minister that this was considered in the past by the Government, and

[Mr. Hassan]

all those concerned with it before the Coastal Area had any cattle possibility at all, because it was in these fly-tidden areas that nothing could be done until the energetic Provincial Commissioner, Mr. Osborne, insisted that he wanted the assistance of the Veterinary Department to investigate the possibility of raising stock in this country. I remained for 30 years and I did find that it was a disease-ridden country, but Africans had succeeded in keeping certain stock alive in areas which were not very favourable to the fly throughout the years and with the help and assistance and co-operation of the Africans there I succeeded in drawing the attention of the Government to earmark some funds for improvement of grazing and putting up hundreds of dams there and creating milk schemes to help and assist these Africans who never thought that they could make any use of the milk.

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

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

There were hides and skins improvements, water improvements, and so on, with the result that today any Member of this Council could go and see that area and see for himself that it is almost self-contained. The milk scheme alone is bringing them something like Sh. 300,000 or Sh. 400,000 per year. Now, when a place like this which was not supposed to be having any stock was given some attention and made a success of it then the Africans can be encouraged and persuaded to co-operate and why should not such a scheme be made use of in the Masai country where we have 1,000,000 head of cattle. Their stock products would not only have flooded this country but we could have had enough to export to the overseas markets. If the Government has not been able to find staff and has been unable to do anything in the Masai Reserves then why not follow the same system which I adopted in the Coast Province and by the co-operation of petty merchants and Swahilis and Asians, and Africans themselves, I made a success of that milk scheme. Why should this not be treated to the petty merchants to do it? It is treated as a closed district and nobody is allowed to go there. Africans need help and assistance and they need somebody to tell them how they can make money. It is easy to do it and it is only those people who can do it who consider it is not difficult to live among them. Those people who are living among the Masai, trading with them, and living like friends and comrades, can help them. Their help and assistance should have been sought.

Further, I would like to point out to the Minister that ever since I left the Veterinary Department Asian vets have almost disappeared from there. There is only one in the Veterinary Department. The Asians did show some capabilities to work with the Africans and help and assist them. It is no good blaming the Africans. Why have they not sent larger numbers of their people into Makerere College? The Asians have done some work in this country and they proved their ability. Why not at least replace the team of four or five who worked with me in the Coast Province? I believe it is the Asian vets in the Veterinary Department who could have been of immense use to work with the Masai and help and assist them on improving their stock products and also the stock.

The Minister talked about this new scheme and the new suggestion of his. Apparently it looked like one of the great bluffs and it looked as if it was merely a suggestion to cloud up the major scheme, but, as the Ministers have explained the details of that scheme he shall have the complete support from this side. Now that he has started doing something in this line we would give him help and co-operation and assistance from this side to do so, but I would like to point out to him that this suggestion of laying the foundation of 50-acre plots is not going to help and assist very much. The foundation should have been laid for no less than about 500 plots because it is well known to the Government that settlement schemes cannot possibly be run on one plan. There may be some people who may have the funds to develop that land for themselves and there are others who shall need the Government machinery and the Government funds to develop it. But smaller schemes of this nature can only be helpful if some system is introduced of self-help among those people, and self-help can never succeed unless the number is not 50 but 500. There have been self-help schemes in other parts of the world and why has the Government not introduced some of those self-help schemes in Kenya? Why for any development we can contemplate should we look with striken eyes to the World Bank and to America and to British taxpayers to give us the funds to develop it. Why have self-help schemes not been introduced?

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

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

I know that self-help schemes were introduced in India and they are doing so very well. They introduced co-operatives with everybody being members.

[Mr. Hassan]

And the profits of that bank are distributed among the farmers every six months at the time of the planting season. It is their own fund, and is distributed among them at 10 per cent. After six months when the crops are collected they pay back the loan in the bank and a fresh loan is necessary, and if a farmer is not in a position to pay back that loan he is called on to pay 10 per cent of the profit. They do not call it interest, they call it profit, they can apply to the bank fund for the loan to be extended for another six months, so that no hardship is created.

The system of these banks does not mean the chartered accountants in the village have to do it. The headman who can read and write and the other secretaries and a few members of their own community administer those bank funds, and when they find there is a surplus on their hands and their own members are not taking advantage of that surplus, that surplus is transferred to a parent bank in the city, which is the head bank of all the village banks in the district. And that bank is using that surplus amount for buying the requirements of the village people at wholesale prices and supplying them at cost price. In this way self-supporting schemes through those village banks have been the cause of the success of many farmers in Pakistan.

That sort of scheme would be of immense use if introduced in the villages of Africa, and any new settlement schemes will never be a success unless they are on the basis of self-help and that self-help can never be possible to incorporate in a bank unless their number is at least 500.

With these few points, Sir, I beg to support.

Mr. Muchura: Mr. Deputy Speaker, Sir, I must join with the other Members in thanking the Minister for his speech when he was moving his Vote. He did go a long way in explaining all the problems that the Minister is dealing with in greater detail than we have had for some time. While agreeing with him on this one, I must also apologize that when he was replying to the main Budget speech I was not in, and in that speech he replied to some of the points I raised. Reading it from the HANSARD he said, "probably he did not understand what I was getting at". It is true, from what he said that he did not understand what I was getting at.

In the first instance he said that I said that some people had had their land taken away, or something to that effect. That was not true. What I said, or at least what I meant to say, was that there were people known as the *ahoj*, or those with no land of their own, but who are kept alive by neighbours and friends who allow them to till

their land and earn a living from it, and it is not that they had their land taken away.

Secondly, and this also is true, although nobody has had their land taken away, there is a minimum acreage that a person is allowed to live on and to work. Somebody with below that minimum in a given area will not be allowed to live on and work on that land, and most of them therefore are going to live in these new townships which are cropping up in the reserves.

Mr. Swynnerton: Mr. Deputy Speaker, while I would thank the hon. Member for giving way, I would be glad if he would justify that. He said that the people were not going to be allowed to work on their land. I would like him to substantiate what he said, Sir.

Mr. Muchura: What I was saying, Mr. Deputy Speaker, Sir, was that in a certain area there may be a minimum holding of three acres of land, and if I had a three-acre plot, or an area of three acres I would be allowed to live on that land as well as work on it. If it was something less I would have to go to the village and work my small land which will have to be near the village.

Mr. Swynnerton: I thank the hon. Member that he does agree the people are allowed to work on that land.

Mr. Muchura: They will have to have their plot around the perimeter of the new township to be able to do it. Now, therefore, it is not a question of somebody's land being stolen.

And then the next one I want to emphasize again, Sir, is this problem of settlement schemes and the maintenance of the land that is not being used. I think it should not be delayed any further. The Minister said yesterday that with these £2,000,000 that he is likely to get he will use it primarily for areas where land has been consolidated and areas where the production is going up, and where they want more means for putting up roads and so on.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, I thank the hon. Member for giving way, and I have risen on a point of order. Mr. Deputy Speaker, we have had two long days of this debate, and it does seem very odd to me that when we, on this side, have very few speakers left, in fact I think that with the few left to speak that we are not a quorum, and I would like, under Standing Order 40 to draw your attention to it, Mr. Deputy Speaker.

The Deputy Speaker (Mr. Conroy): Mr. Hunter has just arrived.

Mr. Cooke: I think it has been ruled in this House before that the subject of a previous debate

[Mr. Cooke] should not be brought up again at a subsequent debate because of the time that would be taken up, and we should never reach any finality at all.

The Deputy Speaker (Mr. Conroy): That is perfectly correct. Mr. Cooke. It is the rule of this Council, and indeed it is the rule of the House of Commons in England that reference to debates in previous sessions is out of order, and even though the subject matter referred to in a previous debate is relevant to the present debate that practice is to be discouraged because as Mr. Cooke says, we should never reach any finality at all in our debates if we constantly go back to rehash what has been said in previous debates, and I would ask hon. Members to bear that in mind in speaking to the Motion before the House.

Mr. Muchuru: Now when the Minister gave us these ideas as to what he is going to do with the £2,000,000, he said that some of the money that will therefore be diverted from these areas will be used in low potential areas, and I was going to make a case for the low potential areas for things like cotton research which is being done in Kibos, and not only that but they do research in other crops like—

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, on a point of order, may I draw your attention to the fact that there is not a quorum in the House under Standing Orders No. 40.

The Deputy Speaker (Mr. Conroy): Mr. Blunt has arrived.

Mr. Muchuru:—cotton and where cotton can be grown, and where it should be grown, and how, but they do all sort of other things like citrus fruits and various other things, which are most suitable for low land and probably low potential areas.

And the next point, Sir, I want to say something about is the question of the vacancies in the Agricultural Department which cannot be filled, and the implication that at least Africans were not keenly interested in taking up agriculture. The answer to that one was probably the go-slow policy that was adopted in the past by the Government in that the terms offered to these people who took courses at Makerere was not really equitable in their way of thinking, and I think that if the Government had not had the policy of going slowly over it the problems that have arisen today would probably not have arisen. I know in Somaliland they are sending almost anybody who wants to go to Britain or

other places to take a few years course on one thing or the other. That is a last-minute rush, and it appears to me that we are almost coming to a point of trying to do so. They are probably not as raw as they are in Somaliland, but if you were to have adopted this attitude before to encourage all lines of professions, it would have been better than it is at the moment, and because of this lack we will have to be held back, and our schemes and problems will have to be held back for a longer time than is necessary.

And then, of course, again there are the inequitable terms of service. Mr. Tipis was very generous when he was dealing with the question of livestock officers and assistants and veterinary officers, because it is not necessary either for a livestock officer to go to the Egerton College at Njoro.

Then the next point, Sir, is that I am very pleased to hear that we are at last going to develop, or it is the intention to develop if we have the staff, Siriba to be an agricultural college to issue diplomas for our local people who work in the fields. I think that would be a great step forward except that, as I said, we should have started off by providing and making provision for agriculturalists, trained agriculturalists in the past by encouraging them by offering them something that compared favourably with the other professions, such as teaching or something else.

And the next thing is—I do not know when it is going to happen—but I understand that Makerere is likely to be offering degree courses. I do not know what has happened to the degree courses at Makerere in agriculture. I would like to know what, if any, information is available on what has happened about those courses.

I must suggest to the Minister, and he has already suggested in this new settlement scheme in the farms that are going to be bought, that it would be better, if he goes in for settlement schemes in other places, that the same sort of boards should be set up where tenants, the authorities and others can think and consider the terms of tenancies and how it will be done, as opposed to handing over something to people who may, for lack of knowledge, and for lack of information, ignorantly refuse to accept the terms of the tenancy, and I think, Mr Deputy Speaker, as I said, this as far as I am concerned was a good speech, full of new ideas and suggestions.

I beg to support.

Mr. Pandya: Mr. Deputy Speaker, Sir, I would first like to congratulate the Minister on a very able exposition of agricultural policy which he put before the House and the manifold activities of his Ministry. Sir, many hon. Members

[Mr. Pandya] have referred to the plan of a very far-reaching nature which was announced by the Minister in his speech with regard to the land settlement scheme. I welcome his proposals, Sir, and I am very glad that these proposals are to be applied strictly on a non-racial basis. However, I think the Minister did say that the African applications would be vetted by the district commissioners, and then facilities given to those people selected for training to become good farmers. I am, Sir, obliged to ask him, because of his reference to the African applications, what does he propose to do in the case of the Asian settlers, and what criteria are to be applied before they are allowed to settle on land?

The other point, Sir, I wish to refer to, was the point made by the Member for Mombasa Area, that the Minister did not in his speech make much reference to agriculture in the Coast Province. The Government, Sir, is quite happily encouraging people in the Malindi area to grow cotton by giving them the necessary and desirable advances on their crops. I trust, Sir, this policy can be extended to other parts of the Coast Province, such as Lamu and the Tana River areas, where there is much fertile land, but it has transpired and it has been reported to me that no such fair treatment is given to cotton growers in these areas. Indeed, where there are prospects of further development in growing cotton, it is a very important cash crop in this Province. But it seems that the Government is doing nothing to accelerate this development. I hope, Sir, that the Minister, when he replies, will give some indication whether he proposes to pursue helping the farmers in the Tana River and Lamu areas.

One other matter, Sir, I would like to refer to is produce control. The Minister is aware of the attitude and objections of the commercial community to the unnecessary continuance of the system of this control. Sir, I do not wish to repeat here the arguments and objections that have been raised in the past, but I would like to ask him whether the Government is contemplating changing its policy with regard to the control of produce in the near future for the betterment of the economy as a whole in this country. And I would, Sir, also like to congratulate the Minister on a recent announcement that was made with regard to the change in the policy of storage of maize in this country, which we have been promised will bring about a reduction in the price of posho by Sh. 1/50 per bag. I am rather disappointed, Sir, that we will have to wait for this reduction until the end of the year. I hope, Sir, that the Minister will accelerate this development, and that further reductions will be possible in the price of maize. I am glad that the Government

has at last acted in a businesslike manner, and that it has been able to reduce these costs, which are eventually bound to help the consumer.

With those few words, Mr. Deputy Speaker, I beg to support.

Colonel Jackman (Nominated Member): Mr. Deputy Speaker, Sir, when the Minister spoke, as he moved the Motion which is now before the House, he dealt with general agricultural progress in very wide terms, and I think this was unavoidable in view of the very large field which he had to cover, and it is largely at his request that I should like now to deal in rather more detail with one or two branches of agriculture in which I personally take a particular interest.

Sir, this debate started as a debate on the Agricultural Vote, and after what we have heard over the last few days on what I might call the political approach to agriculture, I hope a little bit about pure agriculture will not come as too grave a shock to hon. Members of this Council.

Sir, I would like first of all to deal with the dairy industry. I feel I have some slight qualification to speak about this industry as I am a member of the Board of the Kenya Co-operative Creameries, which today, as things stand in the scheduled areas, is, in fact, the dairy industry. To substantiate that claim I would inform Members that of our producers in the scheduled areas today over 85 per cent are members of the Kenya Co-operative Creameries, and the Kenya Co-operative Creameries handles over 90 per cent of the total production in those areas and had a turnover in its last financial year of something only just short of £4,000,000.

Hon. Members will remember that about two years ago statutory control for the dairy industry was introduced by the establishment of the Kenya Dairy Board. Now this was a new thing, and like all new things I think the Board has had its teething troubles, but I would like to say that throughout the time it has been in existence it has worked in very close co-operation with the Kenya Co-operative Creameries. I think it is rather early yet to say what the final shape of that Board will be, but I feel myself that some form of statutory control is necessary today in the industry, and as that industry expands, I think it will become even more necessary.

Sir, production in the dairy industry has gone steadily ahead, particularly in areas such as Western Kenya, owing there to the change over to a more balanced form of agriculture, and, of course, this increased production presents problems of reception of what is being produced, and of marketing. This is a matter, Sir, which the Kenya Co-operative Creameries always

[Colonel Jackman]

keeps very carefully under review, and I can say that it is their intention to remain in the position in which they are today, and that is a position to deal with all present and future production. This, of course, Sir, involves expansion of plant, and therefore capital expenditure to a very considerable extent, and I do not think I would be giving any secrets away if I said that the capital programme for the next year would be something in excess of a quarter of a million pounds. Also, Sir, with increasing production and rather limited local markets for the more perishable products, it is becoming increasingly necessary to swing over more and more to manufacturing, and this is being done the whole time. As an example of this, there is the recent agreement which we have reached with Cow and Gate under which a plant is being established at Eldoret for the manufacture of whole milk powder, which will be exported to England to Cow and Gate for use in their manufacture of baby foods. This project, Sir, will involve expenditure of some £50,000, of which roughly half will be borne by the Kenya Co-operative Creameries, and half by Cow and Gate. This, of course, will provide, we hope, a very considerable outlet for surplus milk in Western Kenya.

Again, Sir, not long ago a new local company was formed to manufacture ice-cream in Nairobi—Lyons—who of course are of international reputation, and in this company the Kenya Co-operative Creameries holds quite an appreciable amount of shares. This, again, is another outlet because the conditions under which the thing was set up involves the use of dairy produce in their ice-cream.

There are many other projects, Sir, which are either under way, or contemplated, and I do not want to go into them because we are up against competition in these matters, and we do not want to say things too soon.

Next, Sir, I will deal with marketing. This, of course, in the dairy industry is just the same big problem that it is in any agricultural industry. Markets for dairy produce can be divided into three really. First, we have the purely local market. Then secondly, what we call our local export market, which covers countries such as Rhodesia, Mauritius, Aden, the Persian Gulf, Ethiopia and others. And finally, there is the export market, which as far as the dairy industry out here is concerned, is almost entirely London.

To deal with the local market first, every effort is always being made to expand this market, and considerable success has been achieved. The trouble here is, of course, that owing to the difficulties and costs of getting high perishable pro-

ducts like milk off into areas away from the beaten track, it is very difficult to produce stuff into those markets at a price which many of the poorer inhabitants of this country can afford to pay. Therefore, Sir, we feel that anything which can be done to raise the standard of living of the people of this country will obviously be of benefit to the dairy industry eventually.

As regards the local export market, Sir, there we immediately run into the most severe competition from countries like Australia and New Zealand who are really large producers of these products, and they can put them into these markets which I have mentioned in very severe competition with our own stuff. We are therefore faced with the issue of when prices are dropped by a big supplier like Australia we have immediately got to come into line with that price, or we do not sell our produce. I am glad to say that we have been in communication with both Australia and New Zealand on this problem, and I think an attempt is now going to be made to try and rationalize this.

With regard to the London market, Sir, here again, as a very small contributor to that market, and we only send to that market butter and cheese, we have absolutely no control over price structure at all. Just to give you an idea of how things go in that market, early in 1958 butter reached an all low price of just over Sh. 200 a hundredweight. Not so long ago the price of butter in that market was over Sh. 400 a hundredweight—double.

As regards the London market, Sir, it is now somewhere round about Sh. 290. That shows you how difficult it is to plan ahead when you have fluctuations of your surplus produce of that nature. I would just say this about the market. Of course, we realize that we will never be able to compete in any of these markets unless we can maintain produce of the highest quality and this is something to which the greatest attention is given continuously and I am glad to say as regards our butter in the London market that we normally get a premium over all other Commonwealth countries who supply that market except New Zealand with whom we are usually on the same level. And I think that shows that our quality is not too bad.

While on this market, Sir, I would like to pay tribute to the assistance we did receive from the Government when we had this very low market two years ago in the nature of a guaranteed overdraft and I am glad to say that as the market improved we were able to return that money in a comparatively short time.

Now, Sir, as to future prospects, we feel that dairy products in all their very various forms are

[Colonel Jackman]

a very important and essential part in the diet of all people of this country; undoubtedly in some areas and among some communities there is, particularly in early life, a great deal of malnutrition and, of course, one of the best correctives for that among children is undoubtedly milk and allied products. We feel this so strongly, Sir, that the Kenya Co-operative Creameries have recently contributed a very considerable sum of money to the Child Welfare Society to assist them with the sociological survey which is being carried out in Kenya and which, of course, will include nutritional problems. We have done this, Sir, because we feel that it is essential to persuade people to use more protein for their better health and, of course, quite naturally being a commercial organization we hope to pick up a bit of benefit from it in the end.

As I say, Sir, I think that supplying as we do an essential article we can look with some confidence to the future. This stuff will always be wanted whatever the political situation in Kenya and we intend to do our very best to see that what we offer to the public is stuff which they want and of the best quality.

There is just one final thing on this, Sir, and that is that I believe it was the Member for Central Rift—he is not here at the moment—who said something about the inability to get surplus produce, and I think he was talking about ghee, out of Masai land. Well, the Kenya Co-operative Creameries can and do accept produce from non-members provided the quality of that produce is good. So that if anyone would tell the hon. Member that if he would let me have details of his problem I will certainly have it looked at and see if there is anything I can do to help.

I would next like to say just a little about the pyrethrum industry. It was not so very long ago, Sir, I think about 12 years; when as the result of over-production during the war-time period and the release after the war of stockpiles held in America chiefly that the industry came near to folding up and I can remember people in my district being actually paid to plough in pyrethrum. My name, I may say, did not come out of the hat. Since then, Sir, there has been very steady progress made in this industry and I believe that for 1960/61 licences for something rather in excess of 10,000 tons of flowers have been issued or will be issued to growers and this has come up from something just over 3,000 tons a few years ago. Hon. Members will know, I think, that just recently there have been difficulties in this industry into which I do not propose to go today. As a result of those difficulties two things

happened; first, we had the introduction by Government in an attempt to straighten out these difficulties of Sessional Paper No. 9 and eventually the decision to have a Commission of Enquiry into the whole set-up. Sessional Paper No. 9 had suggestions in it for the reorganization of the industry which were not at all well received either by the Pyrethrum Board of Kenya or by the growers. We then had this enquiry and the report on that enquiry has been laid in this Council and Members will have seen it.

I will only say this, that as a result of that enquiry, I think, the Board's stand in this matter was justified, Sessional Paper No. 9 went into the waste-paper basket, and it has now been accepted. I think, I hope, by Government that one of the essentials in this industry today is to ensure that the body that controls production also controls marketing. I say this is an essential because it is a very tricky thing, this pyrethrum market. We have not got hordes of people clamouring on our doorstep to buy the stuff. We have got to get out and create markets for it. Well, now quite obviously it is no use creating a market for something you have not got and it is equally useless producing something which you cannot sell. Therefore, we have always felt—some of us, very strongly that this is the right way to handle a crop which is in fact a monopoly but which is not concerned with local markets at all. I am glad to say I think the Government have now accepted that. As regards demands for this stuff I think these are going up steadily and one of reasons for this increased demand is quite certainly the fact that not so many years ago pyrethrum was sold in the form of dried flowers to certain buyers mostly in America who had the necessary plant in which they could process these flowers into the form of extract and either use the extract themselves or sell it to other manufacturers of insecticides, sprays and things of that sort. Then, of course, the very fact that you had to have a rather elaborate and expensive plant to process these flowers limited the demand and rather left you in the air as regards possible users of extract in other parts of the world. Well, we have now moved away from that practically all the pyrethrines that go out of this country go out in the form of extract and, of course, the industry now has its own plant in Nakuru and is taking steps in this moment to double the capacity of that plant and even then I do not believe that will be the end. It will have to be stepped up still further, because I believe subject to steady control of production and available markets the crop might well reach in not a very long time something in the neighbourhood of 20,000 tons a year. If that happens you will see what a valuable

[Colonel Jackman]

contribution this particular industry will be making to the export revenue of this Colony.

Sir, I do not think there is anything more I can say on these two things and I hope that what I have said has been of some interest and presented a slightly different approach to agriculture than we have had before in this debate.

Sir, I beg to support:

Mr. Swynnerton (Director of Agriculture): Mr. Deputy Speaker, Sir, I rise to support this Motion and I also, as with the last speaker, propose to dwell on agricultural subjects and the agricultural problems dealt with by the Minister in introducing the Estimates for his Ministry. He dealt at some length with staff and training and agricultural education. Those are matters which have been raised also by other Members in this House during this debate. Taking staff and training first, this has been raised by the Member for Central Province North, the Member for Mombasa Area, the Member for Central Rift and my friends, Mr. Kebaso and Mr. Muchura. I think I should first of all say what categories of staff are required for agricultural development in this country. The first category is the qualified agricultural officer and the qualified research officer, the man who has to have a degree in his subject and who has to have two years' postgraduate training on top of that to fit him for the researches that are needed in this country, for the planning and technical development that is needed in this country. Up to very recently we have had to seek these men from overseas. The Colonial Office has undertaken our recruiting for us. The Colonial Office has arranged the post-graduate training.

Two years ago the Makerere College commenced a degree course in agriculture and the first people will come out of that course in 1961. As the Minister said in his opening speech, the lamentable fact is that only one person from Kenya will be coming out in 1961. That is the amount of interest that the Africans take in science courses at higher level schools and at Makerere, that they take in agriculture, to get into the service in order to develop and foster the agriculture of their country. In the year after, that is 1962, three people may come out if they pass their examinations and in the year after that another three.

Now, Mr. Deputy Speaker, we will have vacancies for 25 men on the "A" scale. That represents approximately 25 per cent of the establishment of men on that scale and probably 50 per cent of the field officers on that scale. Members will ask: "Well, why can't the Colonial Office get the men?" In recent years, with the

rapid move to self-government in various territories, people at home in Britain taking agricultural degrees have found that the prospects of going to the Colonies, the ones that still exist, are not particularly attractive. Various factors have contributed to that, Mr. Deputy Speaker, other than political factors. Other territories and the United Kingdom Government have moved ahead of this country in their salary revisions and the salaries they offer. Whereas a few years ago a person coming to a Colonial territory might expect to get a salary perhaps 25 per cent up on the equivalent salaries in the United Kingdom, today the agricultural advisory officer in the National Agriculture Advisory Service on the "A" scale can rise £250 a year above what he can in Kenya. What is the incentive to come to Kenya? The Federation of Nyasaland and the Rhodesias offers £100 a year more on its "A" scale. The attraction to the Federation is more attractive than the attraction to Kenya. Our neighbouring territories, Uganda and Tanganyika, offer education allowances. Mr. Deputy Speaker, for children educated outside those territories. In Tanganyika the man with three sons being educated in Britain will be able to get £525 a year for that very purpose. That, Sir, is a great attraction. One officer in my department had the opportunity of promotion within Kenya had he stayed on three months or of promotion to an equivalent post in Tanganyika. In Tanganyika he had the opportunity of getting £525 a year more in assistance towards the education of his children. He had three children.

Mr. Alexander: Where is the hon. Minister for Finance?

Mr. Swynnerton: Perhaps the hon. Member who has interjected would like to go and look for him.

I want to make these points, Sir, because we need these technical men. We should very much welcome that they should go through the Makerere course, but, Mr. Deputy Speaker, we cannot get them. I would like to say that another point on the Makerere course is that we should go on seeking people and encouraging people to go through that course. When they have completed their degree at Makerere they will then be required to take two years' post-graduate training, either in general agriculture or in specialist subjects such as plant breeding, pasture research, entomology or soil chemistry. They will be assisted in that under a training scheme by the Government just as the Colonial Office probationers are assisted.

Now, Sir, in order to get people within the service up quicker, as the Minister said, we are planning to send a number of our local assistant agricultural officers in the Department overseas

[Mr. Swynnerton]

for a year's training to qualify them for promotion within the service. Initially we hope to send eight of those assistant agricultural officers. If they go through their course satisfactorily and satisfy the Civil Service Commission they may then be eligible for promotion to Agricultural Officer (Kenya). At the moment we only have one African agricultural officer in Kenya. That agricultural officer is running the Embu Training Agricultural Centre. Now, I think the hon. Member for Central Province North asked that the quality of teaching at the Embu centre should be raised. That officer in charge of the Embu training centre, in addition to the eight whom I have mentioned, will also be going overseas for a training course in running such schools in agricultural education so that he, too, and the Embu training centre will benefit by that very fact.

I have dealt in some detail, Mr. Deputy Speaker, with men at the degree level because if we are going to plan in the years ahead, and I must think in terms of building up the staff in my Department with the people who will be planning 15, 20, 25 years ahead, we must have people with wide experience, with wide contacts of all these facets of agriculture overseas, as well as people with a purely parochial outlook—or, I should say, rather than people with a purely parochial outlook in this country.

I now move on to the assistant agricultural officers at the diploma or C scale level. This House is well aware that we are developing the Siriba training centre up to diploma level. We have received financial assistance from the Rockefeller Foundation and from the Hindocha Trust and we are getting ahead with the building that will be required for that centre. But, Sir, we cannot teach in a centre if we cannot get the teachers and that is a big obstacle. Among the 25 people we presented to the Colonial Office are five specialist lecturers for the Siriba training centre. In 12 months not a single person has come forward. It will be possible for one or two of the posts, for us to second members of the Department—lecturers in crop husbandry, animal husbandry—but we shall still be short of a biologist and a chemist and one or two others. We are seeking from the I.C.A. assistance to see whether they cannot help us with two or three of those posts for two years to let us fill in the gap and perhaps get extra people. But again there is not the incentive at the moment for people to come and fill those posts either in the matter of stability or security of office.

Mr. Alexander: The Minister for Finance has gone out of the building.

Mr. Swynnerton: I thank the hon. Member for his information, Mr. Deputy Speaker.

Now, the plans for the Siriba Training Centre are that we should take in 50 people a year at the school certificate level, give them a two-year training course, send them out into the field for a year, and take on the best 25 for a further year to get their diploma. The remaining 25 who have not the ambition to succeed will be taken on at the lower level of agricultural instructor. There will, therefore, be a very definite incentive for people to work and get on the C scale rather than on the E scale. A point I would like to make is that the Siriba Training Centre will not be confined to Africans. If Asians come forward who want to go through the same course and take the same risks of grading, there will be facilities for them at that centre as well.

I would just mention on Asian training that for a number of years in Tanganyika an inter-territorial school was set up for the agricultural training of Asians and it folded up for lack of support from Asian pupils. Therefore if there is any backwardness in training Africans and Arabs to come into the service or to take up agricultural opportunities the Governments of the East African territories are not to blame.

We need, as I have said in the past, large numbers of people at the diploma level to be assistant agricultural officers. With a staff of perhaps 250, or nearly 300, if you take in livestock officers as well, there may well be an annual wastage of 15 to 20 so that there will be many vacancies each year for people to come in at that level if they will take the courses, and I hope that Members of this House will encourage people to take the courses at Makerere and at Siriba.

It has been suggested by the hon. Member for Central Province North that we should upgrade the Embu Agricultural Training Centre. But, Sir, we must concentrate our resources. We cannot develop a number of centres up to the same level. It is much better to concentrate our staff on one centre, if we can get that staff, and give first-class courses than to dissipate our efforts all round the place. The Embu training centre will therefore be our second string for training agricultural instructors. The best people at school certificate level will go into Siriba and the next best, at school certificate level or just slightly lower, will go to Embu. Those two schools will cater for the needs of the whole of the Colony for Agricultural instructor training—that is, the men from the Coast, the men from the Southern Province, the men from Rift Valley Province, will be catered for there. They need have no fears that there will be no opportunities for training and there will be no opportunities at the three levels of for entering the Service as the three levels of agricultural instructor, assistant agricultural officer or agricultural officer, if they are qualified.

[Mr. Swynnerton]

I mentioned the uncertainties of people entering the service at the present time, but there is just one other uncertainty I would like to mention, Mr. Deputy Speaker, and that is a certain Committee which sits to review superscale posts to see whether those posts should be abolished or whether they should be downgraded. Now, Sir, that is another disintegrative both to the people within the Service and the people wishing to enter the Service. If a specialist entomologist feels that the post of senior entomologist is going to be abolished he, if he gets the chance, will go to another territory because he fears for his promotion outlet. A person who has taken a degree in zoology at a university, applies for a post and is interviewed, he will say, "Am I to remain an entomologist all my life, or will there be prospects of promotion for me?" I feel—in fact, I know—that we have lost two people to other territories because of such uncertainties, one to Tanganyika to take charge of their coffee research, and another to Mauritius, and we may well lose another.

On the question of localization of the Service, I think it was the hon. the Chief Secretary who mentioned that there was a study group working at the present time on localization. I think what I have said just now, Mr. Deputy Speaker, indicates that so far as the Agricultural Department is concerned we are probably a step ahead of that study group in that we are providing the facilities for agricultural training at all levels.

Now, Sir, in creating these incentives we need to get men of ambition, men with the ambition to achieve results. We all know the quotation "Fling away ambition; by that sin fell the angels".

We all know people of that sort who should follow that motto. But there is another sort of ambition and that is the ambition to get on with the job as well as to get on in the job. The officers of the Agricultural Department in the field have been doing a first-class job over many years. That is what they go in the Service for. Local people have joined it and people from overseas have joined it. They still want to get on with their job in the future and they want to feel that they can see a satisfactory end to the job on which they have started, and I hope that, as the Chief Secretary indicated the other day, both Her Majesty's Government and the African Elected Members will give assurances to those men that will enable them to get on with their job without looking over their shoulders.

Now, Sir, I would like to turn to agricultural education. A number of Members when they talk about agricultural education think about schools. Agricultural education is the job that the whole of the Agricultural Department is concentrated

on. All the substantial staff out in the field assisting with farm planning, assisting with the development of cash crops, assisting with the improvement of livestock, and so on, are carrying out agricultural education in its truest sense, and the whole of the Ministry of Agriculture is devoted towards agricultural education. As supplements to agricultural education we are developing a number of farmers' training centres round the country. The number being developed is in fact 12. In the more heavily populated districts, the districts which are further advanced in agriculture, one is being developed in each district. In other areas where the population is more sparse or more backward the aim is to develop one in each province.

The hon. Member for Mombasa Area I think raised the question of training in the Coast Province. I would assure him that the Matuga Training School, which closed down for the training of instructors, will be developed as a farmers' training centre for the Coast Province, and that farmers who are selected for courses there will be taught modern agriculture there with particular relation to the needs of their Province.

Another thing I think the hon. Member overlooked was the Kwale Trade School. Now that may not appear to be an agricultural subject but in fact the total capital expenditure for that school came from the Coast Cotton Fund in order to build up the artisans and specialists in the Coast Province to help the African farmers, so that quite a bit in fact is being done from agricultural funds for the Coast Province, for agricultural education training and trade education.

The hon. Member for Central Province North, I think it was, suggested that farmers' courses should be much longer than the three to six weeks that we give them. We feel that it is much better for a farmer to learn his farming on his own farm when he has got his farm lay-out or a farm plan; it is good for him to go into a training centre to learn, say, for three weeks, how to run and manage a planned farm. When he goes back to his holding and gets it going into rotation, gets his fences in, gets his buildings up, gets his grass in, he will come along and say, "I want better cows." He will say, "I know nothing about better cows." Well, he can go back for another three weeks' course and help to mother a Guernsey or a Jersey or a Friesian cow as the case may be. He can then go back and practice what he has been taught. He will, as a result of more intensive farming, be able to produce a surplus of maize and a surplus of skim milk. He may want then to keep a pig and does not know anything about pig keeping. He can then go back for a course on that. We feel it is much better for the individual

[Mr. Swynnerton]

to learn as he develops his farm step by step on these courses; and because a man has been on one short course it does not mean he cannot go on another. We like, too, that the instructors working with those people shall go in with them on the course and themselves be refreshed and assist in the training on those courses. So, Mr. Deputy Speaker, with agricultural education we are covering a very wide field through our extension services and through our agricultural education services.

We are however possibly backward in modern aids to education and development—that is, the approach to the farmer, the use of visual aids, the use of pamphlets, and so on. We hope to get advice from an expert, also from America, but in the long run we shall need a senior officer in the Department to concentrate on agricultural education to see that the level of all courses is kept up and to see that the material for training is provided, as was mentioned by the Minister in introducing these Estimates, amongst several needs that the Ministry has for expansion. I think hon. Members will see in the 1960-63 Development Estimates that a substantial sum of money has been put in for agricultural education, for the purpose of extending and improving the farm institutes and I hope that we shall provide an efficient service.

Now, Sir, I see that the hon. Member for Central Province North is not here but for four years in succession he has fought a vendetta against a certain officer in the Chuka Division of Meru District in this House. I noticed that he referred in this particular debate to "that old man". Obviously he is four years older than when he first raised it four years ago. I would assure him, Mr. Deputy Speaker, that all our staff in the field are working for the good of the people and it may well be that this old man as he calls him, has been a little stricter than some other old men in seeing that standards of agriculture are maintained, but, Sir, I do not think that any farmer who maintains high standards of agriculture today or who is even encouraged to do so will regret it next year or the years after.

Now, Mr. Deputy Speaker, I understand that I am going to be allowed to speak for a little more than 30 minutes.

The Deputy Speaker (Mr. Conroy): I have not got the power to grant you an extension of time but as I have been rather lenient possibly with one or two other hon. Members it may be the wish of the Council that I should grant additional time to the hon. Director of Agriculture.

Mr. Swynnerton: If I could be allowed this, Mr. Deputy Speaker, I would be most grateful,

and I would thank the House very much for its indulgence.

The reason I asked for extra time is that I have quite a number of subjects which I want to cover and I did want to cover the Coast Province in some detail. We have contradictions in the Coast Province because some people say we are doing nothing and some people say we are doing rather a lot, and I happen to belong to the latter school.

I think actually it was the hon. Member for Mombasa Area who I suppose feels that he is not getting sufficient food supplies flowing into the town or into the Municipality from these agricultural people. I would like to cover some of the points he raised. He did try to cut up the Coastal Province into areas of high, medium and low potential, and I would agree with him, Mr. Deputy Speaker. The high potential areas of the Coast Province we can take as being the Taita Hills, and quite a bit of the coastal strip where they grow good coconuts, cashew nuts, mangoes, good citrus, good cotton, good sugar cane, and so on. There are one or two irrigation areas, too, down at Vanga and up at Taveta. The minute you bring water to the land you create a high potential area and therefore there are such areas at the coast. We are doing a lot (of the development of the crops down in this area). Coffee is being developed in the Taita Hills even though there are some adverse factors in that area. We are doing a lot for the development of coconuts and cashew nuts in the coastal belt with the improvement scheme which has been assisted by the Coast Cotton Fund. There are large quantities of coconut plants or they have been made available in the Coast Province. But, Mr. Deputy Speaker, we do run up against coastal apathy in this. For instance, in the Lamu District there has not been any great interest in coconut improvement. We have rules for coconut improvement but it is still a fact that coconuts are not well tended and the rhinoceros beetle has been allowed to run riot in that area, and if people want to help improve their income they must at the same time look after the crops which will help to do so.

There is a strip of this land of medium potential—I think the hon. Member mentioned it—behind this coastal belt, which is quite good medium potential land; Kakoleni down to Kwale and the lower areas of the Taita Hills. In those areas good cotton can be grown, cattle can be kept at quite a productive level, chillies, cassava, and various annual crops if they are properly looked after.

Then there are the semi-arid pastoral areas which extend over very large parts of the Coast Province and those areas, Mr. Deputy Speaker, in spite of a reference by one hon. Member to

[Mr. Swynnerton]

Mr. Sam Horden, would be extremely expensive to develop on a more intensive basis than now. A lot of tsetse clearing has been done, attempts have been made to bring in grazing management schemes, but there has been some opposition to those grazing management schemes. But only in that way will the productivity of the land increase. In the driest areas, Mackinnon Road and so on, it is very fanciful to talk of the easy development of those areas. They are very short of rain and without rain you cannot get water supplies and, as one hon. Member said, in connection with Israel, it might be necessary to pipe water some 40 to 70 miles in order to open up that area. He was not able to answer me as to what sort of cost that might mean, but my guess is that it would be outside the economic capacity of that land to carry, or it might be, without some subsidy from the Government.

The Coast Province is served, just as are all other provinces, by the full services of the Ministry of Agriculture. All districts are covered by essential staff—there are the agricultural training centres which I mentioned—there is the veterinary staff for the cattle, devoted to the control of rinderpest, the eradication of trypanosomiasis, tsetse clearing, improving the stock routes from the north from which many coast traders enjoy income.

The farmers in that area are eligible for all the loans which are available everywhere else for developing their land; they are eligible for the subsidies which are available for water, for the construction of dams, for the putting in of boreholes, for the piping of streams. If there are any projects which are required to be put in at the coast all they have to do is to put up a proposal to the district agricultural committee of their district which will consider it, call in any experts to cost it, and will then push it out to ALDEV which will consider how it can be adopted.

The Veterinary Department has developed a Livestock Improvement Centre at Mariakani, and, as my hon. friend from the East Electoral Area said, the Mariakani milk scheme has been a major success in the Coast Province. Not only does it benefit the graziers in the hinterland but it also benefits the hon. Member for Mombasa's constituents in that they can get milk. I was going to say on the hoof, but it can be bought.

The hon. Member for the East Electoral Area also mentioned one or two other benefits which the Coast Province gets such as the Gedi Settlement and the Shimba Hills Settlement. In fact, other tribes have had to come and settle in the Shimba Hills because the people of the Coast Province, particularly from the Taita Hills, were

not interested in resettling there. That is a reflection on the people of the Coast Province, or perhaps it just means that they have plenty of land and are not interested in resettlement.

This does bring out the problem of the use of the Arab lands, because on those Arab lands, Mr. Deputy Speaker, there is a very large settlement of Giriama squatters, and when Arabs talk about the facilities they may have for loans, for tractors, and so on, the truth of the matter is that on most of the land the Arabs themselves are not farming but they are just getting a certain income from the squatters on their land and the land is not being particularly well used.

The hon. Member also raised the question of research. Now, last year the hon. Member for Coast Rural, who, I think, is out of the country at the present time, objected to the amount of research we were doing. He said that we were wasting our time on all this research. The hon. Member for the Mombasa Area, on the other hand, says that we are not doing enough research, and I would just like to tell him of a little that we are doing. We opened a research station at Matuga after the war, but because we found the soil in that area was not particularly good or representative of the Coast Area, we arranged to move it to Mtwaipa, and there we are setting up a tree crops experimental station where we will do full experimentation on coconuts, cashew nuts, mangoes, citrus and everything else. One of the biggest problems of the coast is that these tree crops flower abundantly but do not set a crop. There are many reasons for this, pests and diseases in the main, and we have had a full time entomologist at the coast and he will continue to work there on research into control of the pests of these crops to see whether the trees cannot be made to carry bigger crops if they are treated with certain insecticides.

Another experimental station has been established at Msabaha, near Gedi, mainly for the improvement of cotton, for determining the right methods of growing cotton and for the introduction of new varieties. The variety growing now was introduced as a result of trials with many varieties of cotton from Uganda, Tanganyika, as well as Kenya. That station has paid its way and it works on other crops, rotations, and so on. Maize resistant to polysora rust was produced there.

There are, of course, the specialist services of the department as well. Another factor is the Port of Mombasa. Mombasa is the Achilles' heel of this country so far as pests of storage are concerned. There is a pest called trogloderma, which is on our borders. It got into Zanzibar and it keeps coming into Mombasa harbour. It has established itself in Tanganyika and we are trying to keep it

[Mr. Swynnerton]

We have appointed a Port entomologist whose sole job it is to develop and devise methods of inspection and eradication of pests of storage. He was called in a year or two back when Tanganyika was pressing us and saying that we were too slack in this country in our methods of inspection at the coast and methods of fumigation. The boat is on the other foot now. In Tanganyika they have allowed this pest into a number of areas and have called in our entomologist's services. We, so far, with our methods have succeeded in keeping it out, and it may well be that we shall have to set up a chain of quarantine stations along our borders at places like Taveta and Namanga in order to see that produce coming from Tanganyika does not introduce this particular pest because it is a very serious one.

Those are the sort of things we are doing for the Coast, and I think the hon. Member can withdraw now if he wants to.

Sir, I would now like to come on to the question of highlands cash crops. We heard an awful lot in a previous debate on the fact that loan money is going into the lands of high potential. I do not repeat that debate, Mr. Deputy Speaker, but I would like to discuss some of the cash crops in those areas, because this subject has been raised by a number of Members in this House, again by the hon. Member for Central Province North, the hon. Member for Central Rift, and my friends, Mr. Luseno and Mr. Kebaso.

Five years ago, or six years ago, Mr. Deputy Speaker, we set up a plan for cash crop expansion in the African areas and set certain targets at five-year intervals to be achieved in the growing of coffee, tea, pyrethrum and various crops like that. I am very happy to say that coffee is very well up to schedule, but Sir, with the land consolidation and the great interest that people are taking in the farming of individual holdings we feel that the time has now come to review that target and perhaps to step up our rate of planting. But, Sir, we are very dependent on the co-operative societies in every district, because the co-operative societies are the people who run the nurseries. We in the Agricultural Department are blamed very often for not producing sufficient coffee trees. We hope on this new extension programme that it will be worked out in close association with the individual co-operative societies to make sure that those societies place their orders for seed well in advance, assess their requirements for seedlings in good time, that they acquire enough land to put nurseries on—that has been one of the main obstacles because they have not looked far enough ahead and got

enough land—or, if necessary, that they make contracts, shall we say, with other coffee growers to grow coffee seedlings on their behalf.

Further, Mr. Deputy Speaker, we have had experiments with all these coffee areas in order to see whether we can raise the limits above and below the present altitude zone, and I think we are in discussion with the Legal Department at the present time about gazetting new areas in order to extend the areas in which coffee may be grown. But, Mr. Deputy Speaker, this brings one danger. The lower areas do not produce coffee of good quality. The coffee is liable to be droughted, it is liable to be affected by Hemileia, and it will be necessary for us in order not to penalize the better growers, to encourage the formation of co-operative societies and the building of factories separately for the areas of lower quality in order to keep the higher qualities of coffee intact, because, Mr. Deputy Speaker, as we heard from the Trade Group which came out here a few months ago, high quality Kenya coffees are very much in world demand. We could dispose of a lot more than we can now, but if we produce low qualities we shall suffer the same fate as Uganda and a decline in the price of coffee of perhaps 35 per cent. I believe that that is the extent in the decline (if the value of coffee in Uganda in 12 months—whereas the decline in price of high quality Kenya coffee has been less than 1 per cent. That is to our credit. Mr. Deputy Speaker, and I think it would be quite wrong to go away from any policy of producing anything but high quality coffee if we can.

Similarly with tea, Mr. Deputy Speaker, we have a planting programme, as the Minister said in introducing the Estimates of another 9,500 acres in the next five or six years. Now, whereas there are only 500 plants in a coffee acre, there are over 3,000 plants in a tea acre, and therefore this is going to be an enormous programme for planting tea nurseries, developing them, and again possibly putting the development of tea stumps out to contract, but I hope, with the setting up of a tea authority for this specific development, that that will be pursued on a co-ordinated basis right across every province, and that it will not be dealt with piecemeal in one area and another.

We were attacked, Mr. Deputy Speaker, I think by the Member for Central Province North and the Member for Central Rift, on restricting the acreage that a family might grow of tea or coffee. Those two hon. Members are quite misinformed. All that we ask of the growers is that they should grow the acreage which they can look after well. If a farmer grows half an acre and can look after it well, let him expand. If they can grow

[Mr. Swynnerton] an acre well, let him expand. But, Mr. Deputy Speaker, I think I have said in this House before, I have certainly said it outside this House, if you can produce 10 cwt. of coffee off one acre, why produce it on three acres? An African family can generally look after one acre quite well. Above that they have got to start employing labour. There are many cases, and we know this from Tanganyika and Uganda, where people are only producing two or three cwt. an acre, but they might be producing a ton of coffee an acre. Now, Sir, where we are short of land, is it not better that we should produce 10 cwt. of coffee from one acre and use the other two acres for keeping better cattle. Guernseys, Jerseys, or growing other crops or other cash crops. That is our point. I know an African tea grower in Kiambu, who has only been developing tea over the last three years, who has already got three acres of tea. That, I think, refutes the suggestion of the hon. Member for the Central Rift. There are many coffee growers who have got two, three, four and five acres of coffee. All that we do ask of them is that they should make productive use of their land.

I would just like to mention the various acreages of tea in various districts so that hon. Members will realize that there will be a very big spread of this tea production programme, and it will not be confined to one area or one province alone.

We hope to have them in the ground in 1966, in Kisi 1,500 acres of tea, in Kericho 1,555, in North Nyanza 430, in Nandi 500, and in five districts of the Central Province just under 7,000, about 1,200 acres per district. I just want to give those figures, so that hon. Members will know that we are exploring all the possible tea areas in this country, and that we are not just confining development to limited areas.

I would like to deal with one or two other points before coming back to co-operative societies, if I am allowed the time, Mr. Deputy Speaker. My hon. friend, Mr. Smith, raised the question of young farmers' clubs. This is a matter, Mr. Deputy Speaker, which we have been asked to take over for several years, but we just have not had the funds to provide an officer in competition with many other claims. I think the Ministry is very appreciative of the work which the Royal Agricultural Society of Kenya has done for the development of young farmers' clubs, and I would say, I think, that the Agricultural Department has not been backward in assisting the Royal Agricultural Society of Kenya in this development. We had an officer in Nairobi who was very helpful and the recent young farmers' week

which was run at Eldoret was entirely run by the Agricultural Department. There is an instruction out to all officers in charge of districts that wherever they can they should detail one officer to specialize in the encouragement of young farmers' clubs, so that within our capacity, Mr. Deputy Speaker, we are doing what we can. We would very much like to provide a young farmers' organizer, but that is a matter for the Government and even this House to say that it will vote extra money for such an undertaking.

My hon. friend from Nyanza North has asked us to look at that very new country, Israel. Now, Sir, as far as some of us in this House are concerned, in our school days we were rather taught that it happened to be the cradle of civilization, or it might be the cradle of modern recorded history, I am not sure. You are more erudite in these matters than I am. But I do not believe you can classify Israel as a country which is particularly new in agricultural development, or in any other matter. That country, admittedly, had fertile land which, over the years, it allowed to revert to desert for many reasons. One of the many reasons being the goat. But, Mr. Deputy Speaker, there are other factors, I think, which make Israel not comparable with Kenya. The tremendous surge forward in Israel in recent years has been due to dollar finance from their fellow compatriots in the United States. They have had access to sums of money which I would say, were quite outside the credibility of this country, or accessibility to this country. This resettlement of Jews in Palestine has been a big undertaking, but the money has been available. I do not think that Palestine would have been a viable unit unaided in so far as its imports and exports and its payment balances are concerned. It is dependent on the import of very large sums of money. Certainly, we would be very happy to look at developments taking place there, and to learn of their water utilization and settlement activities, but we have got to cut our coat according to our cloth. If we had £500,000,000 we could undoubtedly develop the Northern Frontier District. We could put in enormous water catchments. We could carry water 200 miles and put in flood irrigation and so on, but, Mr. Deputy Speaker, if we had £500,000,000 there are other places we might use them more productively.

The Deputy Speaker (Mr. Conroy): I am afraid time is controlled by a resolution of the Council in regard to the length of speeches. When you come to deal with the Heads you will be entitled to speak as many times as you like, but only for ten minutes on any one occasion, and that will allow you to deal with the other items you have to speak on.

Mr. Swynnerton: You could not allow me to have another five minutes?

Sir Charles Markham: On this side of the House we would welcome an extension of Mr. Swynnerton's time.

Mr. Swynnerton: Thank you very much. I was interested to hear too, in rather a similar connexion the comments of the hon. Member for Nairobi North. I liked his idea of printing paper money and employing labour and not machinery for developing the catchment of the Tana River, but I would say this, that I agree with him entirely that in the long run this country will have to develop very substantial irrigation resources for its population, but, Sir, that development will not be economic. It will have to be heavily subsidized. In the United States, in their big irrigation development schemes, the farmer has to carry only about 30 per cent of the capital development costs of flood control, and control of their rivers, because they have taken the wise precaution of putting their main cities down those rivers, so that when there are major floods those cities get flooded. Therefore, it is desirable to control the rivers and not flood the cities or the valuable agricultural land, and they have therefore spent millions and millions of dollars on the control of rivers. In putting in irrigation schemes they also put in power projects, so that power carries a proportion of the cost. They also develop tremendous recreational facilities in order that this may help to carry the cost, and when it comes down to the farmer he is required to carry 30 per cent of the capital cost and pay no interest on it. Now, on that basis, in the long run, we shall have to develop a tremendous amount of irrigation in this country, so that from that point of view I do support the hon. Member. I was not quite happy about his finances.

I would just like now to get off agriculture and get on to the more controversial agricultural subjects which we have been debating, because I only want to make two or three points on the economic side of any resettlement scheme. I think the Minister has been very highly misrepresented in the Press and over the news on what he introduced the other day. He did say that where economic units were acquired they would be sold off as economic units if that was possible. Where economic units could not be sold off, then it would be necessary to consider subdivision. The figure of 50 acres has crept in—the Minister gave 50 acres as an example. I think if hon. Members would approach this from a different point of view, that they would appreciate the project very much better. As somebody in this House has said—I think it was the Chief Secretary—there is such

a little gap between Members on this side and the other side that it could be very easily bridged.

In the African areas, Mr. Deputy Speaker, we are aiming to uplift farming so that the farmer will get his subsistence plus a minimum income of £100 a year. Now let us look at this from the other point of view on subdivision. This is a minimum economic unit, one which will feed the farmer and his family and carry the cost of any development loans, that is the annual repayment of any development loan he may have to make, and which, shall we say, would bring him in a minimum income of £200 a year. Let us base this on economics, not on acreages, and then I think we shall have a meeting of minds of Members inside this House, and with the Divisional Land Boards, because obviously the Divisional Land Boards are going to have a very big part to play in this. I think if we deal with it on that basis too, Mr. Deputy Speaker, we shall find the reason why the Minister has referred to land of high potential. The minute we go into the drier areas we have to go into units that may run into hundreds or thousands of acres. In those cases individuals may not be able to take up the land and get a living. It may be necessary if the land is bought and reutilized to introduce communal schemes—that is groups of families or companies coming in to manage that land on a block basis, because, Mr. Deputy Speaker, the water on those lands is not available economically for subdivision. On a limited area the grass may be grazed out so rapidly that the land will be denuded and the cattle will have to move off the smallholdings, and we shall get back to nomadic pastoralism. But I think, Mr. Deputy Speaker, if we look at this from an economic point of view, and work from there that we shall probably reach a form of agreement which will be acceptable to everybody. I just wanted to make that point because I think that people have taken up the Minister in regard to his speech, and they have picked out bits and pieces instead of looking at the whole overall economy of the project.

I just want to say a brief word on the training of settlers on this scheme. Learning on the job is the best way of training anybody, and the Mau Narok settlers learned their job just that way. Our present proposals for training are, therefore, that selected farmers should go through farmers' training centres just for one month to get basic instruction and to be sorted out to see whether they are likely to make suitable settlers. Then we feel they should go on to the farm—on which they may eventually settle and work on the development of that farm.

They will actually have a personal interest in the development of roads, of fences, of buildings

[Mr. Swynnerton] and water supplies, and so on, and on that farm, will receive instruction in how to farm, how to sow grass, how to manage cattle and everything else. If they are paid as labourers developing that farm that money can be recovered from the development cost of the subdivision on which they settle. Were they to spend a year in a training centre, all that would happen would be that Government would spend £100, £150 or £200 to train the settler and that money would never be recoverable. It will be a much better investment, both for finance, to train the people on the holdings, and for building up the morale of the settlers if they feel that they are working for their own development.

Mr. Deputy Speaker, I beg to support.

Mr. Blunt (Nominated Member): Mr. Deputy Speaker, I propose to introduce a new note into this discussion and to say just a little about the locust position. It is a thing which has not arisen during the course of this debate. So far as the country is concerned we have not been seriously troubled for some years, and I think there is a tendency to forget what might happen to us if the locust control were not to be efficient.

Now, Sir, I am not going to say anything about the two international organizations which control the red locust and the migratory locust, except to say that both those organizations are working effectively, and I think I must tell the House of the difficulties which the latter organization met with last year. We had a very serious disaster in that the Director of Research, the entomologist and two field officers and a number of members of families of the staff of that organization were all killed in the air disaster at Bordeaux last August. The organization has experienced the utmost difficulty in keeping its services going under these circumstances, but with the help of other organizations has succeeded in doing so.

But I would like to refer, Sir, to the position in regard to the desert locust. The position there is that so far from any run down of the plague, it appears that there are more locusts in existence in the desert locust area at the moment than there have been this time for several years past. There are large quantities of locusts in North and West Africa. There are quite a number in the Arabian Peninsula, and they are now present in Iran seriously, and in India and Pakistan. The latter two countries have not been affected now for the last two or three years. It is true that the various countries concerned have their organizations to try and deal with the locust plague, and that those organizations do work more and more effectively as the years go on. The Desert Locust Organization has, over the past years, been able to prevent any

serious incursion of locusts into these East African territories, and I am confident that if that organization continues to be financially supported, as it must be, that it is quite capable of continuing to afford that protection to Kenya, Uganda and Tanganyika. And I would like to take this opportunity, Sir, of paying a very sincere and I believe very well deserved tribute to the organization itself, and particularly to the Director thereof, Mr. Stevenson. The organization, which, as Members will know, is one of the High Commission organizations, has been cut down financially over the last few years. We have had to reduce our staff, but we have, I believe, succeeded in maintaining a very high standard of efficiency, and to a very large extent that high standard of efficiency is due to the personal efforts of the Director.

And I should also inform the House—I think perhaps I have done so previously—but there is a great deal of support for locust control work in the countries to the immediate north of us, and particularly in Ethiopia, who have spent very considerable sums of money on the control of the desert locust in recent years. Similarly, in the Arabian Peninsula, an organization led by the Food and Agricultural Organization takes part in the locust campaign each year, and some seven or eight countries contribute teams which go to Arabia and there attack the desert locust during its swarming period.

Now with all this work going on in the various areas affected by the desert locust, and with our own organization kept at its present level, I believe that we can guarantee that this country will not suffer seriously, although there is always a chance of a few swarms getting in, but will not suffer seriously from the desert locust. But, Sir, and this is an important "but", at the present moment, one has a certain amount of fear that our resources in years to come will not be sufficient to keep the organization up to the standard which we believe is necessary. The funds of the Desert Locust Control Organization have been provided in the past mainly by the three East African territories, of which Kenya has been, and still is, by far the largest contributor. But we have also had assistance from Her Majesty's Government in the way of funds for the survey side of the organization, and we have had contributions, and still have contributions, coming to us on behalf of Somalia and Somaliland.

Now, Sir, the political position, as one sees it at the moment, is certainly doubtful, and the financial position of some of these countries appears to be even more doubtful still. One of our contributors, namely Uganda, dropped out two years ago. They still contribute to the research side, but they have not contributed for

[Mr. Blunt] the last two years, and do not propose to contribute in the future, to the control side on the grounds, as they say, that they are not affected by the desert locust. Well, Sir, it is perfectly true they have not been affected by the desert locust for many years, but, in my view, that is solely because the organization has been able to prevent the incursion of the desert locust on a large scale into these territories. Be that as it may, they do not contribute any more. We have a great fund of goodwill towards the Desert Locust Control Organization in the territories to the north of us, particularly Somalia and Somaliland, and Ethiopia, but with all the goodwill in the world it seems to me extremely doubtful if either Somalia or Somaliland, after their attainment of independence, will be financially in a position to contribute on a substantial scale to desert control.

Furthermore, the position in Tanganyika is not entirely clear. Tanganyika has found great difficulty in providing their contribution for the last year or two, but in spite of those difficulties they have done us. But one cannot escape the feeling that over the next year or so they may find the difficulty so great and the demands on their finances for other and more popular purposes so enormous that contributions to the Locust Control Organization may be cut down.

Now, Sir, if that should happen, it seems to us to leave Kenya very much in the air to carry the whole of the expenditure of this organization itself. I do not believe that it would be either fair or right that it should have to do so. It is perfectly clear that Kenya is the major beneficiary from the control of locusts and the prevention of their arriving in these territories, but the work that is done by the organization has a very important effect on control, not only in the East African territories, but in other territories to the north of us.

The Desert Locust Advisory Committee, over which I have the honour to be Chairman, have been giving very serious consideration over the last few months to this position. We see our way for the next twelve months. There is no particular difficulty there, but unless something can be done whereby we may be able to see our way more clearly to the necessary finance for the period beyond that, I feel that we may find ourselves in serious trouble. I am going to England, Sir, tomorrow, and I hope next week to have discussions with those members of the Survey Advisory Committee who are in England, and to have further discussions with the Colonial Office to see if some means cannot be found of guaranteeing, as it were, that the necessary funds will be available to continue this service. Also, in spite of the fact that we have been free of locusts for so

long, I have not the slightest doubt that the risks we run now, if the desert locust were to get out of control, are very much greater than the risks that we ran in the past, and those Members who remember the early thirties and the troubles that we had at that time and the losses that we suffered will fully realize that the incursion of locusts if we cannot prevent them coming in here, could be a major disaster to the economy.

Sir, I beg to support the Motion.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie), Mr. Deputy Speaker, I would like to sincerely thank the two hon. Members opposite who have remained behind to hear the end of this debate, and I would like to especially thank the hon. Specially Elected Member because he has not participated in this debate, and of course, that being so, there was no real reason for him to remain behind as he has done, but I would like to thank those two hon. gentlemen most sincerely, and the third one who has just come in, Mr. Deputy Speaker,

I appreciate that there is only a matter of seventeen minutes to go this morning, so I do not intend getting on to the contentious subject of the land small farm settlement schemes (this morning, other than to talk on a matter which says in the newspaper today—a speech in Nakuru) by the President of the Kenya National Farmers' Union. Now, Mr. Deputy Speaker, we all know that it is easy to tout round the country laying down the law on what should be done, or what should not be done, but it is a completely "different kettle of fish" to get down to "brass tacks" and work these schemes out.

I would have thought, and quite rightly so, as the President says this scheme and the whole of the plan for land stabilization, is most important to the future of agriculture. This being so, I would have thought that members of his union, either his executive officer, or some of his other executive personnel, may have found it of interest had they come in and listened to the debate in this House, especially the reply, because ultimately, Mr. Deputy Speaker, it is this House who formulate the legislation by which this Settlement Board Scheduled Areas will operate.

And I would have thought that the ideal place for them surely would have been to have listened to all the opinions which have been passed. I am very pleased to say that during this debate I have noticed interest being taken by the executive and by members of the Board of Agriculture and by the executive side of the European Agricultural Settlement Board. But I must say that I have been disappointed in seeing nobody today taking an interest in listening in from the Kenya National

[The Minister for Agriculture, Animal Husbandry and Water Resources]
 Farmers' Union. It seems to me, Mr. Deputy Speaker, that the unfortunate release that came over the British Broadcasting Corporation's early morning news yesterday may have led to a lot of the outcry from the President of the National Farmers' Union.

Now, in today's paper over and above his statement which he made in speaking at Nakuru yesterday he has printed an article by himself on the National Farmers' Union plan for land stability. Now, in reading that plan of his I find very little difference between his ideas and the ideas which Government have put forward after a certain amount of consultation with the chairman and other executives of the Board of Agriculture and a very short discussion which I have had with the European Settlement Board. Sir, I am afraid I will have to cover this point again a little later with your permission or perhaps when we next sit. One of the reasons why I brought this out in my Estimates debate was to allow both myself as Minister and my officers elbow room to go out and discuss it freely with the farming population and the various boards and committees which represent them. Now, in this article which appears today and with your permission I would like to read the second paragraph of that article. "A purchasing and development authority must be established under the direction of the Kenya Government—presumably the Ministry of Agriculture or Lands—with complete freedom of action subject only to an overriding obligation of the trustees to ensure that land transactions should take place at a fair and economic price. The object of the authority will be to purchase land that is offered to it for sale and then do one of four things: "Those I will come to later.

Now, that section of it which was part and parcel of the meat of this article falls very closely in line with our present view. He then goes on to give his four points which are as follows:—

"1. It may resell the land intact to a buyer of any race, whether individual, partnership or company." (That falls, Mr. Deputy Speaker, completely into line with our thoughts, completely so, and this new settlement authority will continue the normal day-to-day settlement business of the old Board along the identical lines of the old Board with whatever moneys are available except for the one difference that it will be a board which is open to members of all races to use.)

"2. It may subdivide the land and rent it, retaining to itself the obligations of a landlord." (That again falls completely in with our thoughts.)

"3. It may subdivide the land and operate an assisted ownership scheme for the benefit mainly, but not necessarily entirely, of Africans." (That again, I submit, falls into exactly what I said during my speech.)

"4. It may be required, in certain circumstances, to hold its purchase for a limited period, employing perhaps the ex-owner as manager, as a condition of contract."

Now, that fourth point I do admit I did mention in my speech but that is the normal function of any settlement authority and is a function which is being carried out at the present moment by the settlement authority which is operating. Therefore, Mr. Deputy Speaker, I maintain that had the National Farmers' Union, if they thought and really thought that, agriculture being debated in this House, and the Estimates were important enough to listen to, and had they been in here—and they had ample warning to know when the Estimates were coming up and even after my speech had been printed they could quite easily have been in and listened in to it in the House during the debate yesterday—they would have known that there was very little difference between the views which the Government have put forward and those views.

Then, Mr. Deputy Speaker, if I may move now to his last paragraph, this reads as follows: "I believe success is dependent on three factors. First the acceptance of the trustee obligation to buy fair." (That first one I covered in my speech, Mr. Deputy Speaker, and I think we have no grounds of arguing with them on that one.) "Secondly, a very efficient purchasing and stabilization authority run by men with commercial and banking experience." (Now, I see no reason why now that we have got elbow room to discuss this frankly we cannot discuss and meet with them on this, excepting as I did mention international sources maintain that on any authority which they have lent money to one-third must be technical civil servants.) "Thirdly, finance in adequate quantity."

Now, that is the one and only one point which I think that we may have a certain amount of difference on at this moment but I think when I reply on that specific point when this House meets again I will be able to point out that perhaps we are not even so far apart on that point as well.

Now, Mr. Deputy Speaker, if I may I will utilize the last nine minutes on answering one or two points which were raised by Members opposite during the debate. The hon. Member for Central Province North criticized the restrictions which were placed by my Ministry on the

[The Minister for Agriculture, Animal Husbandry and Water Resources]
 movement of produce from Central Province mainly. I think he mentioned, into the adjoining Kamba areas.

ADJOURNMENT OF DEBATE

Sir Charles Markham: Mr. Deputy Speaker, I am wondering, Sir, as the House is very empty and a lot of people thought the Minister would not be replying until Tuesday whether it would help him, Sir, if I was allowed to move the House do now adjourn. I think I am not allowed to do so under Standing Orders. It has got to come from that side, I believe, Sir, the adjournment of the House, so that he can reply fully on Tuesday. This is such an important subject, Sir, that I do not think it is right—perhaps we are wrong on this side, Sir, I accept that but it might be of help to him to be given a completely clear chance again on Tuesday afternoon.

The Deputy Speaker (Mr. Conroy): Although a Minister has to move the adjournment of the House, it is open to you, Sir Charles, to move the adjournment of this debate.

Sir Charles Markham: Well, Sir, if that is the case, Sir, I beg to move that the debate be now adjourned.

Mr. Mangat seconded.

The Deputy Speaker (Mr. Conroy): This means that the debate will go on from this point when we next meet.

Question proposed.

The question was put and carried.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): That concludes the business of the day and I accordingly adjourn Council until 2.15 p.m. on Tuesday afternoon, 17th May.

The House rose at twenty-two minutes past Twelve o'clock.

Tuesday, 17th May, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:—

Ali Abdalla Shikely.

ORAL ANSWERS TO QUESTIONS

QUESTION NO. 75

Air Commodore Howard-Williams asked the Minister for Internal Security and Defence—

(a) To state if there is public alarm over the number of personal assaults, house-breakings and other forms of lawlessness occurring in this country?

(b) To give statistics for the Nairobi Area showing—

(i) the number of offences under the Penal Code reported to the police during 1959;

(ii) the number of such criminal cases brought in court;

(iii) the number of convictions obtained.

(c) Is the Minister satisfied that the police force is strong enough to bring about a reduction in the incidence of crime?

The Minister for Internal Security and Defence (Mr. Swann): (a) In a recent statement in this Council on the security position I did refer to public uneasiness caused by the increase in crimes of violence.

(b) (i) In Nairobi Area during 1959, 7,933 offences against the Penal Code were reported to the police. (ii) Of these, 3,108 have so far been brought to court, and (iii) 2,689 convictions have been obtained.

(c) I am satisfied that the resources of the Kenya Police are adequate for their task but, if the crime situation deteriorates, the ability of the police to deal with that situation will be reviewed.

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, could I have a direct answer to the first part of the question? I did not get the Minister's reply to that.

The Minister for Internal Security and Defence (Mr. Swann): I did state, Sir, that in a recent statement in this Council on the security position I did refer to public uneasiness caused by the increase in crimes of violence.

Air Commodore Howard-Williams: Mr. Deputy Speaker, is the Minister aware that this question was first asked in a rather more precise form some four months ago and that he himself chose to stop the question being asked? May I ask you, Sir, whether that is a proper procedure or should questions be referred to the Speaker if they are not worded in a satisfactory form?

The Deputy Speaker (Mr. Comroy): The question is originally asked was referred to me, and as the result of my advice it was redrafted into its existing form.

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, I hope you will forgive me for questioning your answer, but it was originally referred to the former Speaker of the House, or it was in his time rather, that the question was originally asked and it is that time I refer to.

The Deputy Speaker (Mr. Comroy): My attention was drawn to this question which was not in accordance with Standing Orders and I advised the hon. and gallant Member how to put it into an appropriate form.

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, if I may proceed, I will accept your answer, but I would like to ask the Minister under his reply in section (c) whether the police find themselves unable to collect information about (notably) Asian deaths. It has been recorded in a Government statement that only one out of every four is in fact reported to the police. Is that because the police are not adequate to ascertain the causes of these deaths or for some other reason that has not been disclosed?

The Minister for Internal Security and Defence (Mr. Swann): Mr. Deputy Speaker, Sir, that is another question.

QUESTION No. 90

Mr. Mate asked the Minister for Health and Welfare:—

(a) Is there a serious shortage of African hospital staff (hospital assistants, nurses and midwives) in the Meru District?

(b) If so, will the Minister give figures to show its extent and seriousness?

The Minister for Health and Welfare (Mr. Muiimi): The Meru District Hospital now has no student assistant nurses working there, as their training is being conducted at Nyeri. This accounts for a temporary shortage in the total

number of nursing staff working in the hospital. The number of trained staff there, however, compares well with the standard Colony ratio of staff numbers to beds.

With regard to the second part of the question, more trained assistant nurses will be posted to Meru when they have completed their examinations at the provincial school. The present deficiency of ten or more will be rectified by this means and by the acceptance of recruits for preliminary training prior to formal tuition at the provincial centre.

Mr. Mate: Mr. Deputy Speaker, Sir, in the first part of the reply, does the Minister not include the other hospitals in the Meru District, the mission hospitals, and not only the Meru District Government hospital?

The Minister for Health and Welfare (Mr. Muiimi): Mr. Deputy Speaker, I am satisfied that all the hospitals in the Meru District are adequately staffed.

Mr. Mate: Mr. Deputy Speaker, Sir, would Government like to give people in the mission hospitals more training than they are doing in their own hospitals?

The Minister for Health and Welfare (Mr. Muiimi): Mr. Deputy Speaker, I think that is a different question.

QUESTION No. 94

Mr. Alexander asked the Minister for Finance and Development is it not a fact that civil servants are seriously concerned about the security of their pension rights and is Government prepared to make a statement that will allay the present doubts?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to reply:—

Yes. The Government is aware that certain civil servants are concerned about the security of their pension rights. To allay their fears the Government has recently issued Establishment Circular No. 6 of 1960, which sets out the present position and the present action being taken by the Government. A copy of the Circular has been placed in the library.

Mr. Alexander: Mr. Deputy Speaker, is the Minister aware that civil servants are not satisfied with Circular No. 6 of 1960, which does not allay their fears? In fact, all that it does is to confirm Colonial 306, paragraph 6, clause 6, whereby Her Majesty's Government undertakes to protect the pension rights. What the civil servants want to know, and what I want the Minister to answer today, is how will that be done?

The Minister for Finance and Development (Mr. MacKenzie): I suggest, Sir, that the hon. Member should first of all study the Circular and see what its terms are.

Mr. Mate: Mr. Deputy Speaker, Sir, does that include African civil servants?

The Minister for Finance and Development (Mr. MacKenzie): Civil servants, Sir, are without race.

Mr. Mhoya: Mr. Deputy Speaker, Sir, would the Minister state which civil servants are concerned about protection?

The Minister for Finance and Development (Mr. MacKenzie): I suggest, Sir, that the hon. Member should enquire that from the hon. Member for Nairobi West.

Mr. Mhoya: Mr. Deputy Speaker, Sir, would the Minister state whether he understood the question since he wants me to consult the hon. Member for Nairobi West. Is it possible that the Minister did not understand the question?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I am rather confused now as to which question I was supposed to be understanding.

Mr. Mhoya: Mr. Deputy Speaker, Sir, I asked the Minister which of the civil servants are concerned and need protection for the future, and his answer was that I should get this from the Member for Nairobi West. My question is, if I must ask the Member for Nairobi West, is it possible that the Minister himself does not understand the question asked by the Member for Nairobi West?

The Minister for Finance and Development (Mr. MacKenzie): I should like to thank the hon. Member for his explanation, but the answer is, I fully understand the question asked by the hon. Member for Nairobi West, and as I said, certain civil servants, I understand, are concerned, and the Government is fully aware of that, but I am afraid I could not say exactly which individual civil servants those are.

BILL

REPORT AND THIRD READING

The Specific Loan (International Bank for Reconstruction and Development) Bill

Mr. Webb: Mr. Deputy Speaker, last Friday a Committee of the whole Council considered the Specific Loan (International Bank for Reconstruction and Development) Bill and reported the same with amendment. For the convenience of hon. Members the Bill, as amended, has been annexed to the Orders of the Day. The question

I now have to move, Sir, is that the Council doth agree with the Committee in the said report.

The Minister for Finance and Development (Mr. MacKenzie) seconded.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to move the Specific Loan (International Bank for Reconstruction and Development) Bill be now read a Third Time.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

COMMITTEE OF SUPPLY

Order for Committee read:

VOTE 21—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of debate interrupted on 13th May, 1960)

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. MacKenzie): Mr. Deputy Speaker, I have always known that the hour 3.45 in the afternoon to 4.30 usually diminishes this Council, but when I started replying last Friday the Council was at a very low ebb indeed, with to begin with only two hon. Members opposite, and a third who came gallivanting in, so Mr. Deputy Speaker, I would now like to go back perhaps on a little of what I touched on on Friday morning for the benefit of those who had the opportunity to get back to their farms and perhaps were doing a little harder work than they would normally be doing in Nairobi.

Now I would like to start today, Mr. Deputy Speaker, in going into a little greater detail on the small farm settlement schemes which I put to this House last Wednesday, but before going into that I would like to clear a few important points which were raised by hon. Members opposite. Some of the points which were raised may quite easily have been raised because I had not covered them fully enough, or perhaps had not made them points clear, and I do apologize to hon. Members opposite for perhaps not having put my case as well as I thought I had, but on reading my HANSARD I find that perhaps it reads better than how I put it across.

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

Mr. Deputy Speaker, the first point is that the new Settlement Board, which will be set up under legislation will be—and I ran into a lot of difficulties here—will be non-racial, multi-racial, open to all races, available to people irrespective of colour, creed or religion. Be they Suk, Turkana, Scots, Gwan, Luo, or even people from the coastal strip. I hope that I have covered all the peoples of Kenya in that.

An Hon. Member: And English

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): And English. I beg your pardon. I did say "Scott".

Now my second point, Mr. Deputy Speaker, is that the new Settlement Board will be responsible for operating the scheme under the Minister. They will be the people who actually administer and operate the scheme.

The third point is that the new Settlement Board will also continue to operate the normal functions of a Settlement Board, that is the buying and selling of economic units, and assisting tenants of those units, helping assisted owners, and I sincerely hope that not only my Ministry, but Government, will be able to continue to find more money—and we are having discussions at this moment for the normal functions of a Settlement Board. And again, this will be on a non-racial basis open to all the people of all the races.

Now, Sir, the fourth point is that any land bought, sold or subdivided by the Board will have to go through whatever machinery may arise out of the discussions of Sessional Paper No. 10 and any legislation that follows thereafter. Sir, as I see the programme at the moment (it will depend on a point which I will raise at the end of the small farm scheme which I am putting out now) it looks as though Sessional Paper No. 10 will be debated sometime around mid-June, and that debate on legislation arising out of the Sessional Paper, will be debated in the September/October Session.

Sir, the sixth point I would like to raise, and this is perhaps one of the points I did not cover as well as I should have done in my debate, was that the initial pilot scheme will be on high potential land. It is from that initial scheme of the settlement of 40 to 50 people that we want to gather information which we can use both with Her Majesty's Government and international sources later on next year for finance for a bigger and better programme.

Now I do also want to cover the economic angle of this settlement. What we hope is—what we aim for—and what I hope the Board will agree to aim for is that we will give each tenant subsistence and ability to repay loan charges, and if he is an assisted owner the ability to repay the yearly amount due towards the purchase of the land, and also to return to him a minimum of £250 per year net, so that is the criterion of the whole scheme. And, Sir, it is not only because of the lack of any experience we have had previously, but also because so many numerous and contradictory views have been given to us. Some people whom we have discussed this with on Boards who are interested in it have told us that we will not be able to find £250 net at the end of all this until we get to a figure of 200 to 300 acres. There are other people who maintain that we will get this on some high potential land as low as 20 acres, and that is why we, in the Ministry, have hit on the figure for the pilot scheme of round about 50 acres for experience, as we maintain we would easily be able to fulfil what I have already given, that is the three—subsistence—the ability to repay loan charges and the yearly purchase by the assisted owner, or rent if he is a tenant, plus at the end of it all a net return of £250.

Now, Sir, I appreciate that after our pilot and initial scheme we may find ourselves having to go up in some acres because of the type of land which will be available, up to 300 or 400 acres, and here again, we may have to look for a completely different type of tenant to the tenants that we will originally look at for our high potential farms. Now, if I can just give an example of where I think we may run into difficulties on this one, I think it is obvious to anyone that those who have great knowledge of livestock would be lost on a small 30- or 40-acre farm, and for their benefit we would have to look for farms which could be made economic units, but would have a certain bearing on the care of livestock, in other words animal husbandry.

Sir, I want to emphasize again, as my last point on this, that the scheme must be economic if we are going to use any international money whatsoever, and that money to actually purchase the land must be found elsewhere other than international finance.

Now, Sir, if I could spend a few minutes in giving a case of how I think it would operate, because since I put this out on Wednesday a number of hon. Members opposite have asked me how I envisage it will operate. In putting this across I want to emphasize again that it is up to the new Settlement Board to do this, and to find out the difficulties. What we maintain, Sir, is that if a property is made available to us, or comes

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

on to the market, the valuer, who will be employed by the Settlement Board, will go and have a look at the property, and if he maintains that it is a property which is suitable, and is a property which could be subdivided down into economic units, and there is not a buyer available at that time to purchase it as a unit, and naturally if it is an underdeveloped farm or an underdeveloped farm all the better from the farm settlement scheme, he will then do a programme on how to subdivide it, in his opinion, work out the figures and put it up to the Settlement Board. But just prior to putting it up to the Settlement Board it is envisaged that he would take into consideration the view of the agricultural officer in the area, and at that stage would bring in the agricultural subcommittee. Once they had worked that out they will then go in front of the Board who would then decide to purchase the farm, having discussed it with the agricultural committee, and at that stage it would be put into the machinery which will come out of the debate on the Sessional Paper No. 10. Once it has gone through, and the subdivision has been agreed, that is the stage when the Agricultural Department, as the agents and the technicians on behalf of the Board, will go in and start doing the physical work. It will also be the job of the Agricultural Department, with the help of the Administration in picking tenants and training tenants. The Settlement Board Authority will have an agent whose job it will be to see that the tenants are being looked after, are on their property, that they are taking care of the property, that they are paying their rent, etc. But the agricultural side of it will be looked after by the Agricultural Department. It is hoped that once a tenant or an assisted owner, if he becomes one—and our aim is rather assisted owners than tenants, and that is why we hope that applications for these small farms will have a certain amount of ready finance themselves—we want to get them just as quickly as we can to own 30 per cent or 40 per cent of the property, so that we can remove them from this new Settlement Board across to the Land Bank, so that the Settlement Board can get the money back and turn it over.

Now, Sir, that is roughly what we envisage would happen now, but I must again re-emphasize that the whole of this will be operated by the Settlement Board, who will operate under the Agricultural Ordinance.

Now, I have been asked, both inside the House and outside the House, what is meant by underdeveloped and undeveloped land. Now, Sir, I think undeveloped land is quite obvious to anybody, but we have different interpretations on

underdeveloped land, and I think the best interpretation I can give is the interpretation which is used by the International Bank for Reconstruction and Development. I would like to give an example of a 700-acre farm which has 100 acres of coffee on it and 100 acres of which are being used for mulch, a coffee factory and other land used tied to coffee on that property. In other words that the coffee unit is a 200-acre unit, with the other 500 acres either being a cereal unit or a dairy unit. Now, if that is in a coffee-growing area, the World Bank considers that the 500 acres is an underdeveloped coffee unit, that the 200 acres is completely developed as a coffee unit, but the other 500 acres is underdeveloped as a coffee unit, although it is fully developed, say, as a dairy unit. That, Mr. Deputy Speaker, is the interpretation of an underdeveloped property, as far as they are concerned in lending the money to us. Over and above that they are not prepared in any money they lend us to tie the finance to be used on an undeveloped property or an underdeveloped property in any one part of the Colony. They want it to be Colony wide, but here again, and for the benefit of my hon. friend the Member for Central Nyanza, I feel that when we go back to discuss the loans with them, if that time does arise, we may find they will say, "We are only prepared to lend you this money (or above a certain rainfall or above a certain altitude)," so we have got to be ready for that when we discuss it with them.

But they will be sending over a mission later this year and it will be up to us to show that mission that a scheme will work but again on a larger acreage in our lower rainfall and our lower altitude areas.

Now there have been many mentions during the debate, Mr. Deputy Speaker, on Her Majesty's Government's attitude in this matter. Some hon. Members stressed their views that Her Majesty's Government had a responsibility in this matter. Mr. Deputy Speaker, that Her Majesty's Government accepts a degree of responsibility and is ready to act accordingly is shown by the statements of the Secretary of State at the Lancaster House Conference, when he said, as recorded in the Report of the Conference and with your permission, Mr. Speaker, I would like to read that portion of it out. He said as follows: "The International Bank is already considering a scheme related to African areas, and they will now be approached as to whether they would favour participation in a more comprehensive project. To show the belief of Her Majesty's Government in the value of such a scheme, I am glad to say here and now that Her Majesty's Government will undertake, in the light of the Kenya Government Review,

[The Minister for Agriculture, Animal Husbandry and Water Resources]
that £5,000,000 in loan will be available from the above or other sources for re-lending."

Now, Mr. Deputy Speaker, again last Wednesday, as I told the House, Her Majesty's Government has now confirmed that they will provide Eschequer loans totalling 1.15 million in the period up to the end of the current Colonial Development and Welfare Act, and that is if a suitable project can be prepared which will attract International Bank assistance and in the meantime they have advanced to us £100,000 to enable us to get on with the pilot scheme. So I sincerely hope, Mr. Deputy Speaker, that all sides of the House will agree that this promise is more timely and welcome and that it affords clear evidence of Her Majesty's Government's intention to help us in a practical way.

Now, Mr. Deputy Speaker, during the debate numerous words have been used on the compensation angle for one, and for the establishment of a fund, various words were used. But before getting on to this, Mr. Deputy Speaker, as I think it relates more closely perhaps to the land settlement scheme, I would like to make reference to certain statements which were made over the week-end by certain African Members of this House and certain African leaders and certain African politicians. Mr. Deputy Speaker, these statements were brought to my notice because it just so happens that over this week-end we have staying with us—visiting Kenya—the President of the World Bank, the President of the Bank who we hope are in the next day or two going to be prepared to sign a £2,000,000 loan with us, also the President of the Bank who we hope to go to for more development money.

Now, Sir, I think that with the statements that were said, and I sincerely hope that Members opposite will use some opportunity in the very near future in the House of coming out with clearly what they mean on this, because we are obviously going to run very grave risks of getting any development money whatsoever from international sources if these views are, in fact, the views of some hon. Members opposite, and I think I must warn them, now, Sir, that they might easily prejudice not only the case which we hope to put forward but any other future case which is tied either to agriculture or to land.

Now, Sir, I cannot conceive that the statements which I read in the paper are in fact correct, and we on this side of the House have asked for a meeting with the African Elected Members so that we can clear this point and also put the difficulties of Government in attempting to borrow money against such a background.

Now, Sir, just to show the House how and what effect it has had, I have had since the week-end come to see me the agent in this country of a very large agricultural investor, and they are the people who are helping us in a great tea project in the African areas. They are the people who are also helping us in the well-known Nyambei scheme, and they, Sir, are very much concerned with those statements.

Now, Sir, their finance is coming into the country to help nobody else other than the small African farmer and mainly in the tea project, and I do sincerely hope, Sir, so that we can get this settled one way or the other, that Members will take the first opportunity they have of clearing what I hope is a complete misunderstanding, or, Sir, if it cannot be cleared, then it must make my job as Minister for Agriculture most extremely difficult. In fact, Sir, I hate and shudder to think what would happen if we cannot continue to be able to turn to world sources and international sources to borrow money for our development. What it will mean, Sir, is that we would soon move into a chaotic position in agriculture.

Now, Sir, going back to the various words which were used during the debate, the feeling of Government is that there are only two lines that can be looked at and that the one line, the first on which I will refer to in a minute, can be discarded at a very early stage. Now, Sir, the word "compensation". On compensation—and I call line of credit the same, and I do not think that a land stabilization fund of £30,000,000 is much different—I will give the reason in a minute. But all those, Mr. Deputy Speaker, I feel are of no value unless the amount is the full amount of the European farming operations of this Colony.

Now, Sir, where would we get the money? And when we do get the money, where would we start in spending it without breaking the agricultural economy?

Now there is only one place where that money can be obtained because international finance and other countries are just not interested in it. Therefore I maintain, Sir, that what we have been told, both at Lancaster House and since Lancaster House by Her Majesty's Government, is that there is no hope of getting £120,000,000 or £130,000,000 from Her Majesty's Government.

I feel, Mr. Deputy Speaker, that the scheme and mainly arising out of the pilot scheme which we have put up from this side of the House—could over the next two or three years grow into a very great scheme if we can make it work and to make it work we have to have the co-operation of all Members opposite as well as farmers of all races in Kenya.

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

Now, Sir, the other words which were used were "evacuation fund", "line of credit", "compensation", "land stabilization fund" which the hon. Member for Mount Kenya mentioned tied to a figure of £30,000,000 or £40,000,000. Another mentioned was "an insurance scheme" for farm assets to be underwritten. Well, Sir, if the farm assets are going to be underwritten, I maintain—the only amount that will underwrite them is the £120,000,000 for the reason which—and I do not want to go into it again—I put forward when I initially spoke.

Then, Sir, we come to the words "market support". Now perhaps out of all the words used by hon. Members opposite, it was the one which I felt perhaps is one which we ought to follow up. Now, Sir, market support can be obtained by having a big buyer in the field to buy at the proper price. Now, Sir, I feel that any big buyer in the field must be able to pay a price which will give that purchaser a good return on his capital, so I quite agree with the hon. Specially Elected Member who raised this that no fancy prices would be able to be paid. But, Sir, the Settlement Board in its previous operations, I am told both by the Settlement Board and by a number of farmers, have helped in keeping a market support price over the years, and there is no intention of Government to tamper with this whatsoever. And as I have already emphasized they will now be in the market buying for two projects, one for normal buying and selling of property and one for the small farm plan.

Well, Sir, I was also asked what would happen to ordinary settlement. I think I was asked that by the hon. Member for Nyanza, Mr. Deputy Speaker. I think I have already covered that point, but I would like to emphasize that I intend as Minister to find further finance if it is possible for the normal operation of a Settlement Board, and I hope to have discussions along this line with the Settlement Board in the next week or so.

Now, Sir, on Friday I did make mention of statements which had been made by the Kenya National Farmers' Union and there are one or two further points which I would like to clear without going back on any of the points which I have mentioned on Friday.

Now, Sir, since I became Minister for Agriculture, I have set into being a monthly meeting which I have had with the President, Vice-President and Executive Officer of the Kenya National Farmers' Union and have agreed to have any extra meetings which they may like to have with me. These meetings went on regularly

until we went to London to Lancaster House. On return from London I made a special point on my arrival back of contacting the President of the Kenya National Farmers' Union and putting him in the picture on exactly what I had learned on the views of Her Majesty's Government and of the various political groups and we had a very frank discussion, whereafter he then went and had discussions with my Director of Agriculture on how our views and thoughts in the Ministry were running. Just before I went back to London to have discussions with Her Majesty's Government and members of the World Bank who were in London, I had certain discussions with the Kenya National Farmers' Union. It is quite correct, Sir, to say that I had promised to consider letting them see a memorandum which had been put forward from the Ministry, but when that memorandum was available, and when I had gone through it, it was obvious to me that various matters which were in it, were matters which should not have been allowed outside the Ministry. It so happened that I arrived in London 48 hours before the Kenya National Farmers' Union President and Vice-President, to find much of what we had been led to believe, that international sources were not prepared to lend money for land purchase and it was unfortunate that I was unable to see the Kenya National Farmers' Union delegation before they made their statement on arrival, which did slightly embarrass them. But I did have the opportunity of having discussions with them in London and I would like to say here and now, Mr. Deputy Speaker, that arising out of those discussions the Kenya National Farmers' Union were of help to me in my discussions with Her Majesty's Government. It so happened, Sir, that on my return from Washington I was on the same plane as the President of the Kenya National Farmers' Union and I did have discussions with him—admittedly not very long—coming back in the aeroplane. But since my return from Washington I have had numerous discussions with the executive of the Board of Agriculture, the executive of the Settlement Board, I have had a discussion with the Settlement Board and with the full Board of Agriculture on these matters and on the Board of Agriculture is the President of the Kenya National Farmers' Union and I feel, Sir, that I had a very frank discussion with the Board of Agriculture and had he been prepared, I would have thought that the Kenya National Farmers' Union at that stage could have come forward and had a discussion with me, seeing that I was always prepared to have any discussion with them at any time.

But I sincerely hope that we have managed now to clear the air on this one, Mr. Deputy

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

Speaker, and that I and my Ministry and the Kenya National Farmers' Union with the Board of Agriculture and the Settlement Board can get together to try and move this scheme so that we can show that it can run economically which will then give us the opportunity of having a bigger and better scheme.

Sir, I did make mention of the Land Bank but it was raised by two Members during the debate and all I should like to say is that if they would care to read the HASSARD report of my speech they will see the points I raised on it.

Now, Sir, if I may move to specific points which were raised by hon. Members opposite. The hon. Member for Central Province (North) criticized. I think I am right in saying, restrictions on produce movement from Central Province to Kamba country. Now, Sir, these restrictions are imposed in his area by the Central Province Marketing Board. Now, on that Marketing Board producers are in a majority and I would like him to appreciate that the membership of the Marketing Board is a majority of producers. Now, the purpose of that Marketing Board is to help stability in producer prices through the system of guaranteed prices. Up to now that system has been most successful and I am told enjoys the confidence of the majority of the producers.

Mr. Mate: No!

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): I hear one of the hon. Members saying "No". I wonder if he is a producer or a trader.

Now, Mr. Deputy Speaker, it is impossible for producers and traders to have their bread buttered on both sides. Organized marketing and profits run hand in hand and I think what is causing a lot of the trouble in the area mentioned is the temporary food shortage in Kamba country more than a breakdown or organized marketing. But, Sir, do not let us get tied down to that. Let us look at the alternative and there is only one alternative to organized marketing and that is free market and free trade. Now, what that means—

Mr. Mate: Yes!

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): The hon. Member says "Yes," again, Sir. Now I know he is a trader and not a producer.

It is obvious that free trade leaves the producer at the mercy of the trader and what we have had before—and maybe some of the younger producers do not appreciate this—are violent fluctuations up and down of the prices of primary producers. Now, I, as Minister and as a personal

ity, Mr. Deputy Speaker, am mainly and primarily interested in the producer.

Now, Sir, the hon. Member also raised a point on the training of co-operative staff. This was covered by my Director of Agriculture who spoke on Friday, but I think I can go a little further in saying that up to 10 per cent net surplus of the money coming out of a co-operative can be used in educating and giving further advanced tuition to officers of the co-operative concerned. We have at Kabete excellent facilities for teaching but over and above that members can be sent to a co-operative at Loughborough in the United Kingdom. However, I must warn hon. Members that the standard of intake to that co-operative is very high academically and my own opinion is that anybody wishing to go further ahead with co-operative training should go to Kabete first and then on overseas to the co-operative colleges which are available to us. I, Sir, would only be too pleased in giving whatever help, I can on this matter because the hon. Member has quite rightly said, as did the hon. Nominated Member, Mr. Kebaso, that it is most important that we get our co-operatives running properly.

Now, Sir, the hon. nominated Member, Mr. Kebaso, raised a hardy annual on maize restriction. He mentioned my predecessor whom I am pleased to see back again after his wandering around the United Kingdom, as I am to see our new Minister for Labour who is back from his wandering in North America. Sir, the hon. Nominated Member mentioned that my predecessor said that he was going to allow them to move five bags of maize within a district without a permit. Well, I have looked into this and looked into his previous speeches in this House and I am afraid I cannot find any reference to it at all. But, Sir, the greater number of bags of maize that are moved outside the Control of the Maize Board means less money for the end product and less money for the producer. It means that greater charges have got to be borne by the marketing and the storage side. Now, Sir, the Maize Marketing Board did restrict maize to two bags without a permit within a district. I have appreciated this hardship and so have your Maize Marketing Board and you may now move five bags within a district without a permit. This will be gazetted shortly.

Now, Sir, whilst on maize I would like to say that the Maize Marketing Board is doing its utmost and I hope will succeed with next year's crop of getting the price of maize ex store down to a far lesser figure which will then enable us to see whether we cannot free the controlled price on maize meal or *posho* as it is more commonly known.

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

Now, Sir, Mr. Kebaso also touched on co-operatives and asked that the Registrar of Co-operatives could be given a greater degree of control for mismanagement. Mr. Deputy Speaker, we have under consideration in the Ministry an amendment to satisfy this point raised but I must say that in the short time that I have had co-operatives in the Ministry and the short time I have had, for looking at them, the misuse and embezzlement has not been as bad as I was originally led to believe and I think that it has been more ignorance and misunderstanding and I think that perhaps the remedy is by closer supervision, inspection and help by the co-operative officers. I appreciate we are very short of numbers on the ground and this I will be looking into. I do agree with the hon. Nominated Member and we have a nasty case on our hands at this very moment of mismanagement by a co-operative union.

Now, Sir, he also mentioned that there were tea estates in the Kericho area without, I think he said, a *duka*, without a store, I am told on investigation that every large estate has a store for every 500 acres and every estate in fact has a *duka*. But if he knows of one that has not I would be very grateful if he would give me the details. I am also told that all the tea estates who used to ration their people have now turned over to giving them extra money rather than rationing them and this may be causing them to use their money for other items rather than for food.

He made what I thought was a very good point about producer roads and I assure him that this will not be overlooked in our next development programme. He also mentioned difficulty which some tea producers were having in going through a short cut road which cuts their journey by something like eight miles. I have looked into this and hope to have discussions with my colleague, the Minister for Local Government, and the Nyanza County Council and the Nyanza Tea Board. He also raised a point on the Kisii Veterinary Farm. Now, Sir, I do not know if he appreciates that this farm is a livestock improvement farm mainly for selective breeding and is there to show the farmers in that area what good feeding and good management mean. Where we have been unfortunate is that we have not been able to use this improved feeding in South Nyanza for the reason that we have not been able to improve the standards of animal husbandry by the farmers in that area. For some reason they are not using sprays on their cattle and until they can raise the management of the animals I am afraid there is not much we can do other than

to continue to try and educate them and help them along these lines. However, I am, Sir, hoping to do a trip to South Nyanza in July and I sincerely hope that the hon. Nominated Member will come round with me as I will hope the hon. Elected Member for that area will.

Now, Sir, the hon. Member for Central Province (North) and also the hon. Member for Machakos raised points on the Yatta and other grazing schemes. I think I am right in saying that they said the discipline and the grazing management and the stock reduction regulation in those areas were too severe and also that people required more explanations and training, less orders and less fines for disobedience. Now, Sir, both the areas mentioned by the hon. gentleman have at certain times over the last 40 years very nearly turned themselves into semi-desert because of over-stocking and misuse. Some day I sincerely hope that the two areas mentioned by them will in fact be taken care of by the people who graze those areas but until they appreciate the value of destocking and taking care of the land I am afraid that they will have to continue to have strict control and discipline. But I am pleased to say, Mr. Deputy Speaker, that there has been a great improvement with the people in that area over the last two or three months and I am appreciative of a difficulty which was raised by my hon. friend, the Minister for Health, which I am looking into and I think perhaps it is the same case that both the other Members were referring to. I would like to remind the House that we have over the last four or five years spent a considerable amount of money in those areas. Something like £320,000 has been spent on the Yatta Furrow which has made such a great difference in the area. I think, Mr. Deputy Speaker, that it would be criminal at this stage if we abandoned our strict control in that area, especially as I feel that people who are grazing in that area are at long last beginning to appreciate what controlled grazing really means.

Now, the same hon. Member asked for improved water in the dry areas of his constituency and other areas as did the hon. Nominated Member. Mr. Kebaso, who asked for more water facilities to be available for people in South Nyanza who have got to walk a long way. Now, Sir, the right way—and I am not trying to get out of it here—to push for water supplies in an area is in the first instance to put the case forward to the district agricultural committee who then put it forward to the provincial agricultural committee and it is only then that it comes to the Ministry under the guise of ALDEV where we can look at it. If the points are raised in this House all that happens is that we push it down through the machinery back down to the district agricultural committee.

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

I am sure that if the hon. Members who raised these problems on water would in the first instance discuss it at their constituency level with the district agricultural committee they would find that things would move far quicker and then, if they get no movement or no assistance for what they want done, I think if they bring it to us in the Ministry we can then look into it with far greater activity. But in the first instance we have to push it back down to the district agricultural committee to have a look at it.

Now, Sir, both the hon. Member for Mombasa and the hon. Nominated Member, Mr. Kebaso, mentioned the £5,000,000 grant from Her Majesty's Government. Now, obviously this was a misunderstanding and I think I have already covered this earlier in this debate but what I would ask them to do is to read the development programme for 1960-63 and I think they will find there a figure of £550,000 which is available for all areas from Nyanza to the Coast.

Now, Sir, the hon. Member for Mombasa raised numerous points on the Coast, most of which, I think, have been answered by the Director of Agriculture, so I do not think I need go into them any further.

Now, Sir, the hon. Member for Central Rift, who I see is not here this afternoon, spoke at length on agriculture both in the Budget debate and in the Estimates, and I appreciate the great interest which he is taking in agriculture. A number of the points which he raised were also raised by the hon. Nominated Member, Mr. Ntimama, and I appreciate, Mr. Deputy Speaker, the worries they have on artificial insemination and measles, but measles is, in fact, a scourge right the way through the central belt of Africa and perhaps it is even more widespread in countries like South Sudan, Ethiopia, and the Congo, than it is even with us. All those countries are actively engaged on veterinary research on measles as we are in this country, and the Kenya Meat Commission themselves have granted us a large sum of money over the next financial period to go ahead with more intensified experimental work on measles. He also mentioned other stock diseases which I covered in my reply in the Budget debate, but I am afraid he was not here. Oh, he has just come in. He also raised the point about dams which ran out of water and dried up in the dry weather. I think he fully appreciates, as I do, that a lot of the trouble is the difficulty in the soil in the Masai land, and most of those dams hold water in the rains but quickly seep away during the dry weather. He also mentioned ghee, Mr. Deputy Speaker, and he again mentioned improved blood

for the Masai stock. Now, we have available at Ngong Sahiwal blood but the demand from the Masai has been very disappointing. The only people who have responded to this are the Masai who have begun to settle in one place. Those Masai who move about nomadically from place to place do not seem to be over-interested in improving their blood. Also it would be most difficult to collect ghee from the Masai, or those of them who are still nomads, moving from place to place. Maybe the answer is a co-operative ranch, and this is a point which I would like to discuss with the hon. Member at a later stage. He also, as did another hon. Member, asked what amount of ALDEV money was spent on stockholdings over the past five years. The amount was £425,000 on water, veterinary services and agriculture over the last 10 years. Over and above that, as I said in my Budget reply, there are the normal facilities given by the Veterinary Department and the Agricultural Department.

He also asked about the qualifications and terms and differences between assistant veterinary officers and livestock officers. I am told, Mr. Deputy Speaker, as a result of representations made by two assistant veterinary officers the Director of Veterinary Services and the Director of Establishments held a discussion with them and the present position, I am told, has been fully explained to the assistant veterinary officers. But, Sir, I am, and have been, concerned about these assistant veterinary officers, and I am pleased to say that we have now been able to send one of them to a university in Australia where we hope he will return with a veterinary degree, and whilst in the States I had a discussion with I.C.A., and they have agreed to find two vacancies for us in an American university where two further assistant veterinary officers can go to complete their training for a degree. I also hope, arising out of the discussions I had both in Washington and in the United Kingdom, that we will be able to send two to three assistant veterinary officers, or officers of good enough calibre, to universities to train as veterinary officers.

He also raised the point that it was important that all unused land, whether occupied or unoccupied, should be developed to its utmost, and I entirely agree with him on this, Mr. Deputy Speaker, and I am in the very near future laying a Paper in this House on all the unused and under-used land in the Colony. If he is as interested as he said he was then perhaps he could initiate a debate on it. But I must bring it to the notice of the hon. Member, as I would like to bring it to the notice of many hon. Members opposite, that there is a lot of land lying unused and little used in what has up to now been known as the African Land Units. He

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

fully knows, Sir, that I am going to tell him about one which is the Mau area of Masai land. This is excellent mixed farm land and it has only been used periodically by cattle and sheep until now. A lot of it is also excellent tea land. Now, Sir, there are hon. Members opposite who know the Luo land of South Nyanza. There is a lot of land we value which the Luo are not using but which they will not let other people use. Then, Sir, we move to the Meru District where there is more good land lying idle than the Meru can use, including here again perhaps some of the finest tea land in the world. Fourthly, Sir, we have the D areas which are also lying unused.

Now, Sir, I have been much impressed with the way in which the hon. Member has come into both the debates on the Budget and on the Estimates, and I sincerely hope that I read this as an awakening of the Masai people with that they are going to take a far greater interest in agriculture in the future, this being so—and I hope that I have interpreted the great interest of the hon. Member correctly—I intend, just as soon as I can, doing a trip right the way through the Masai areas to see just how we can help them in developing their part of the Colony, and I sincerely hope that both he and Mr. Ntimama will be prepared to join me on that safari to co-operate and see what we can do for the Masai, whom my Ministry would be only too pleased to help to the utmost.

The hon. Member for Aberdare—wait a bit, he is out at the moment. Perhaps I had better move on to—oh, he is not here, either. With your permission, Sir, I will go back to the hon. Member for Aberdare. He mentioned rain-making. Now, the East African Meteorological Department are going into the whole of the aspect of rain-making far more fully in this coming year. At this present moment there is an officer in Italy who is going into the workings not only of seeding clouds from aircraft but seeding them by rocket from the ground. While he is in Italy he is also going into ways and means, in which the Italians are very advanced, of hail protection by the same method. I am sorry, Sir, but some of my details in my opening speech were confusing, or so the hon. Member for Aberdare said, and I sincerely hope that when he reads HANSARD he will find them less confusing.

Now, Sir, he did raise numerous points on compensation, resettlement—and the financial cushion, and said how frightened people were, but the main point he raised was why I had been hasty in bringing forward this scheme prior to Sessional Paper No. 10. Well, Sir, the reason why I brought it forward was to give me elbow room

and to give my Ministry elbow room in having discussions with all those who are interested in the scheme and who have ideas on the scheme. But I think it is only right that when one is setting in being or starting something which is completely new the first people who ought to hear about it once we have some ideas are the hon. Members of this House.

Now, Sir, the hon. Member for Nyanza Central maintained that the aggregate of production of African farming was many times greater than production from other areas. We have gone to a lot of trouble in getting out figures and the figures are as follows: Africans' subsistence farming amounted to about £51,000,000, of which the cash crop production was £9,000,000. Other areas provided £33,000,000 worth, of which £21,000,000 were exported. Now, Sir, it is true that greater production actually came out of the African areas but when you compare the amounts which were exportable and exported to help the national economy then, Sir, it is noticeable that other areas produced £21,000,000 as against £9,000,000 from African areas. The hon. Member well knows, Mr. Deputy Speaker, that Government is planning to expand African agriculture just as fast as we can to help the national economy, even though we have opposition from such Members as himself when we are trying to get through a Bill for £2,000,000 to help African agriculture. So it is beyond me why he raised this question. With one breath he was saying that we did not spend enough on African agriculture and with the next breath he was busy opposing a Bill for borrowing £2,000,000 to help African production.

He also challenged the statement on Government's large investment in peasant agriculture. Now, under the Swynnerton Plan, Mr. Deputy Speaker, we have spent about £11,000,000 over the last six years, and if he would care to read the next Development Programme, 1960-63, he will see that the gross estimated expenditure is £7,300,000, of which over £5,000,000 will be spent on African agriculture.

Now, Sir, the hon. Nominated Member, Mr. Ahmed Farah, raised a point and said that the Northern Province, in his opinion, had been neglected in the way of development. Well, Sir, when I went back to my Ministry one of the evenings after a debate in the House when he raised this, I was much upset about this because I know that we have in the Northern Province spent a great deal of money on development. So officers in my Ministry did an exercise very thoroughly to work out just what we have spent on the Northern Province, and I would like to ask hon. Members that before they quote and make these statements they go into it more carefully, and just to show the House the amount of

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

money and how well treated the Northern Province has been I would like to give some of these figures. Dealing first of all with water, in the period 1950 to 1957 £392,000 was spent on the Dixey Scheme alone, and some 20 boreholes were drilled and equipped by consulting engineers; over and above that the Land Development Board spent £28,000 on water improvements in the Province from 1956 to 1959. Altogether, taking into account the Dixey Scheme and other works undertaken by the Ministry of Works and ALDEV, over the nine-year period 1950/1959, £425,000 was spent on rural water supplies in the Northern Province and another £55,000 was spent on public water supplies. Now, Sir, in roughly the corresponding period, in fact a period four years greater, in the other five provinces added together, only £563,000 was spent on rural water, and the Ministry of Works spent £650,000, which goes to show, Mr. Deputy Speaker, that the Northern Province as a Province had far more money spent on water than any other province and in fact more than any other two provinces, and over and above that nearly all the money spent on water in the Northern Province was in the way of grant money whereas most of the money spent in the other provinces was on a repayment basis or on a £ for £ basis with the local district council. Now, Sir, in the development period 1960-63 a further amount of £90,900 has been scheduled for expenditure on rural and public water supplies in the Province.

Now, Sir, turning to livestock matters in the Northern Province, the hon. Member said that ALMO was considered as a Government monopoly, and perhaps it would be easier for me if I dealt with this in two parts, first of all the stock trade at Isiolo and, secondly, the stock route starting from Garissa to Mombasa. Now, at Isiolo, what happens is that the internal traders who buy cattle all over the Province bring them to Isiolo where they resell them to ALMO. They are not allowed to sell outside the Northern Province for a simple reason, and that reason is the disease factor of cattle from that area. We know that rinderpest is widespread in the Northern Province area which centres on Isiolo, and we also know that there are two types of foot-and-mouth disease, for one of which no inoculation is available, namely S.A.T., type 2, and it is because of those disease factors that we are not prepared to allow traders to bring their stock out of that part of the Northern Province into the main livestock industry areas of Central Province and the Rift. Now, Sir, despite all this and despite all the great difficulties we have had with disease in that area over the last year, some 19,600 odd head were sold in Isiolo in 1959, and

it is my belief, Mr. Deputy Speaker, that the Northern Province stockowners get far better prices for their cattle under this system than they would under any other.

Then, Sir, what happens at the Garissa end where the disease is not nearly so great? There is a large stock trade and movement of stock from Garissa by individual traders down the coast stock route into Mombasa where the cattle are sold by the stock trader to the Kenya Meat Commission, and over last year something like a little over 1,000 head per month were moved down that stock route, and ALMO does not enter into that business at all.

Now, Sir, a vast amount of money is spent by Government in maintaining and improving the stock route from Garissa down to Mombasa and the amount spent over the last year was £17,500 on that stock route. Now, Sir, also £19,200 were spent in the running costs of the Isiolo trade, and over and above that, neither for the Garissa-Mombasa stock route north or the Isiolo trade, were the salaries of the six European officers included.

Now, Sir, the hon. Member for Machakos brought up the Yatta grazing scheme which I think I have covered, but he also raised the point with reference to people having to lose their homes and not being paid any of the expense towards it. This point was also raised when I was down in the Machakos area last week and I am looking into it.

The hon. Nominated Member, Mr. Smith, raised points on seed wheat and barley seed, but the Press has beaten me to it and answered the questions for him.

The hon. Member for Nyanza, Mrs. Shaw, asked for an assurance that no small farm scheme would be set in motion until Sessional Paper No. 10 had been debated, and I think that I have answered that point in saying that it will not and that in any case legislation will have to be debated in September or October. She also raised a point on sugar and I am happy to be able to tell her that one of the main stumbling blocks to an American concern's putting money into her area for sugar development has been removed and has been agreed upon by the Colonial Office, so now the next move is with that firm to come back and do a survey, I hope in the near future.

The hon. Member for Rift Valley raised a point on the D areas in connexion with Mr. Sam Horden's visit last year. I would like him to know that a committee was set up by me which went and took Mr. Horden round these areas and has since gathered a lot of detailed information on the area. I gather that they are meeting again in

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

this coming week and I sincerely hope that the information which we have managed to collect will be given to the Settlement Board who will be able to take an interest now in the D areas.

The Member for Nyanza North raised a point on Northern Province water, which I have already covered, but I was very interested in what he had to say about Israel and especially on the co-operatives and the methods of running co-operatives in that area. I was also interested in what he had to say about mechanized communal farming and sincerely hope that he will take the opportunity of putting me more in the picture so that we can have a look at this method of helping group the farmers.

The hon. Member for the Coast, Mr. Deputy Speaker, said that he was the owner of a small high potential farm and all that happened was that he lost £500 a year. Well, Sir, I would say that that only goes to prove that farming is a profession, a hard profession, and needs the master's foot continually. He also went on to say that he had no aid from the Agricultural Department. Well, Sir, I wonder if he has ever asked for any aid from the Agricultural Department?

Mr. Cooke: Yes.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): I intend having a discussion with the officers concerned in his area and I sincerely hope when they do visit him they will find him at home. That will happen perhaps after we have risen.

Sir, the hon. Member for Nairobi North—I am afraid his speech was beyond me. Not only did I take great care in getting a copy of his HANSARD and reading it on Sunday to try to find out just what he was after, but I am afraid it was beyond me, because only a matter of five or six days ago in this House he was slanging the Americans and the United States for being the fathers of all evils that we had to contend with, and when he started his speech I thought perhaps that he was going to talk to us in the same strain. I could not make out whether he had in mind a seaplane base or perhaps a U.2 base but eventually he got on to the Tana and great irrigation schemes and a series of dams and then ended up by saying that he was only telling me this for my own interest because in any case he was going to take it to the United States Government to go into and to do because we had failed as a Government. Well, Sir, all I can do is to wish him all the very best in his trip to the States and I hope that they have read his second speech before they read his first speech.

Sir, the hon. Dr. Hassan raised many interesting points, but his most interesting point was on the Masai country, and I do congratulate him this time for not raising any matters on the Kenya Meat Commission—I think that the Kenya Meat Commission is serving the country exceptionally well. He raised an interesting point that we ought to open the Masai country to traders—amongst others, Asian traders and merchants; they would help the Masai and teach them how to make money. Well, unfortunately the hon. Member for Central Rift was not here at the time but I will take an opportunity of telling him of this idea and perhaps he can discuss it with his African district council. I shall also discuss it when I go to Masai country on my safari which I hope to do in the very future.

He raised a point about Asian vets, and I, too, Mr. Deputy Speaker, am sorry that we do not seem to have the Asian youth coming forward today and interesting himself in this profession, but I am pleased to say that we have two young Asians at Makerere at this moment doing agriculture, both of whom are keen to come back into service in Kenya, and I think that during the answering of a lot of hon. Members' points I have covered the other point which he raised in his most interesting speech.

Sir, another hon. Member—I cannot remember who it was—raised a point by asking how the Asians and Europeans for any settlement scheme were going to be vetted. This was after I had said that the Administration would vet the Africans coming forward from the Central Province. There is some machinery operating at the moment for both Asians and Europeans to be vetted by the Settlement Board and they will be vetted as normal settlers coming through the settlement machine.

I will look into the cotton matter which he raised; I am afraid that I cannot answer off the cuff. I was pleased to hear what he had to say about maize and maize control and I have already covered that point by saying that we will perhaps be able when this next crop comes in to see if we cannot have a set price—a controlled price, ex store—and look at the price of *posho*.

Now, Sir, perhaps the most interesting speech which we had in the whole of the three days' debate was from the hon. Nominated Member Col. Jackman. It was the only speech which was on pure agriculture, and I took a very great interest in it and would like to thank him very greatly for it, I hope every hon. Member will read it in HANSARD because there were hardly any people in the House when he spoke.

Sir, there were points raised by the hon. Member for Mount Kenya. I think I have covered most of the points he raised except the one point

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

which he kept on referring to which was that a working part was promised at the Lancaster House Conference. Now, Sir, I have gone into this most carefully and I have read everything that I have been able to lay my hands on from Lancaster House, and I have had other hon. Members of the House helping me on this one. Nowhere can I find where an agreement was made as he said for any working party to be set up, and I wonder whom he actually saw, where he actually got his information from. I am led to believe that perhaps he got it from discussions which he may have had with officials of the Colonial Office or perhaps the Secretary of State himself, but nowhere in the White Paper or any of the reports coming out of Lancaster House are any references to a working party being set up.

There was a very interesting point raised by the hon. Nominated Member Commander Goord on the Land Bank, and I will bring this to the notice of, and have discussions with, the Minister for Finance and Development on it.

Mr. Deputy Speaker, points were raised by the hon. Specially Elected Member, Mr. Slade. I would first of all like to thank him for the kind words he said about personnel in my department because there were words which are well deserved by them. He asked me whether the Kenya National Farmers' Union discussions in England were of any help to me, and I think I have already answered that one by saying that they were.

He also put forward the idea that the new Settlement Board could eventually turn itself into a big buyer which could buy developed land as well as undeveloped land and resell it. Now, I was much interested and must taken with his speech, Mr. Deputy Speaker, and it is my intention to see and have discussions with the Board of Agriculture and the Settlement board and within my Ministry to see how we can move to broaden the whole of our scheme to try to fit into the views he put forward, in other words, increasing and broadening the scheme both in scope and in money; and with this in mind I had a discussion with Mr. Black, the President of the World Bank, when he was here and he said that he saw no reason at all why if our original scheme was economic and going to work well that we cannot at that stage approach international financial authorities again with a view to obtaining far greater amounts of money. But he did advise us in the first instance to get moving just as quick as we could on our pilot scheme because that part of the pilot scheme would be of great value and benefit to us in putting forward a much bigger and better scheme. He gave me

instances of where I.B.R.D. have invested small sums in agriculture in other countries and then followed it up with ever-increasing and bigger and broader schemes; and that is what we in the Ministry in conjunction with orders, now that the scheme has been publicized, will do our utmost to do.

Sir, the hon. Member for Ukambani raised numerous points, of which I think I have covered most during my reply. I apologize again if in my original speech I was not quite clear in saying that the main project I was talking about was the pilot scheme of round about 50 acres, and I hope that this point has now been covered. But what did amuse me, Mr. Deputy Speaker, was that he did talk about what came first, the marriage or the child, and I could not quite make out who was going to marry who and what was going to marry what, and whether the child was going to be a non-racial one, but I do hope to have the opportunity of discussing this with him at a later stage.

He also said that the scheme was being hurried and needed the closest attention of my officers, the staff of the Agricultural Department, and mainly the provincial agricultural officers would have to deal with it on the ground. Mr. Deputy Speaker, I quite agree with him on this, and that is one of the reasons why we wanted this scheme mentioned, so that we could have discussions with agricultural subcommittees, agricultural committees and with various farmers who are only too pleased to be helpful in co-operating in such a scheme. But I can give him an assurance that we have the months ahead before the debate on the legislation which has come out of Sessional Paper No. 10 and we will use that time for the closest of co-operation and discussion with all those who will be interested in it, and I sincerely hope that it will not be a groundnut fiasco, I think that by raising it in this House it will not have the opportunity now of being a groundnut fiasco, not if I know some of the Members opposite.

One other point, Sir, Quite a lot of time was taken up by hon. Members opposite in cross debate, and I do not think I need enter into that just at the moment.

The hon. Member for Trans Nzoi—he is not here—how lucky he is to be able to farm. I see that he said I should not have gone to London, and he suggested I should have let the Kenya National Farmers' Union go and do it alone. Well, Sir, I do not know. Perhaps he is right, but perhaps he is not right. But all I can say is that we are making a start on it. We have been able to get some money. We have been told that if we can get on with the scheme and show it is an economic scheme, that within reason international

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

money is wide open for us if we can make a success of it, and I would have thought that as a start we have done quite well.

He mentioned—a point which was beyond me—that the Kenya National Farmers' Union had done a great deal of work, and I think his exact words were "for the preparation of detailed plans for farm purchase, etc." Well, Sir, I do not know what he means by "etc." and I am afraid I know nothing of detailed plans which the Kenya National Farmers' Union have made in preparation for a scheme of actual farm purchase. Perhaps he would be able to let me have a copy of what he must, I presume, have available to him.

He also, Sir, touched on the Working Party, and said that I had had no mandate to have discussions myself, and that it is the Working Party that should have done it. I think I have covered the point on the Working Party, as I cannot find anything in the Lancaster House White Paper or on the Lancaster House papers on it.

Now, Sir, the hon. Member for the Rift Valley mentioned the tea areas. I think I touched on it earlier on to say that the Committee which was set up last year, and which had the opportunity of taking Mr. Holden and an interested New Zealand concern and a Pakistani concern around these areas, is shortly due to have its last meeting. I sincerely hope that what will come out of the meeting is that this matter will now be handed over to the new Settlement Authority to see what they can do about it.

Sir, he also mentioned in high potential areas gorges, murrum, rough stone, escarpments, and said it would be stupid of us to break up that kind of high potential land into 50 acre plots. Well, Sir, I would have thought that the hon. Member would have had plenty of opportunity to know how the Department of Agriculture operates, and even if the Department is stupid enough, as I very much doubt, to break that type of land up, I am certain that a Settlement Board made up of the personnel who I know are on it, would not be so stupid, so I do not think he need have any fear on that one.

Sir, I believe he accused me of having "thrown a spanner in the works somewhere or other". I am having my legal adviser look at the gambling bet which he said he would like to take on with me, and I hope that perhaps I will be able to take him on on it.

Mr. Deputy Speaker, I beg to move.

The question was put and carried.

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

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

VOTE 21 MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I beg to move that a sum not exceeding £1,641,560 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 21—Ministry of Agriculture, Animal Husbandry and Water Resources.

Question proposed.

PERSONAL EMOLUMENTS

Head A1—Office of the Minister

Mr. Blundell (Specially Elected Member): Mr. Chairman, I wish to raise on this item certain aspects which arise out of these Estimates. I wonder whether there is point in this House in discussing item by item the agricultural estimates unless we create the condition of stability which will ensure the expansion and development of agriculture, and I was disturbed over the weekend—and my hon. friend the Minister has already touched on it—at some of the statements which were made as a result of, or at the Kenya African National Union Conference. I have here a report, taken from the wireless news broadcast on the conference, which says that the conference also considers that the Kenya Government should do nothing further about land and the whole question should be left in abeyance until Kenya was fully independent. It further stated that the newly appointed General Secretary of the National Union, the hon. Member for Nairobi Area, explained later that this meant that any future Government would not be committed to anything done or entered into now by the present Government.

Now I would like to know, Mr. Chairman, from hon. Members in this House, whether that, in effect, means that the hon. Minister should arrest the plans which we have had put before us for the development or the settlement of African farmers in suitable areas, because if the actions of this Government are going to be questioned by successive Governments, we have to consider whether indeed it is worth our while to proceed at all in this matter. I am anxious because it might well be that African farmers settled under this scheme—it might be, if I interpreted this statement correctly—might well be dispossessed of their land titles should an independent Government with these ideas come into being

[Mr. Blundell] in this country. And my fears in this respect were not allayed by some further remarks which were made by Mr. James Gichuru, who said, I quote from the wireless: "Nobody is going to interfere except on the question of land, of course, and we have passed a resolution on it. We have said before and we feel that the Government should not interfere with land at the moment until such time as the Africans are in power." Now, Sir, I think that the issue we really have to face is the issue of respect for private property, and we must assess in our minds, and we should seek enlightenment from those hon. Members of the Council who were present, whether the intention of these statements was, in effect, designed to lead towards the dispossession, or removal of rights in private property. I would submit to this House that statements of this nature must directly undermine the confidence of the agricultural industry, and the confidence of the investor in this country, and it is well for the Members of this House, if they are responsible Members, to do their utmost to clear out of the way any lack of confidence which may have been engendered—indeed, not may have been engendered, has been engendered—over the week-end by these statements.

Now, the hon. Minister referred to hesitancy in the attitude of some of the great tea companies in the investment of capital in this country. I know that, Sir, to be true myself, for a fact, as I too have been approached by some of them. On Friday last I met a man who asked my advice on whether he should invest in the agricultural industry of this country, closely associated with commerce and industry in this particular branch of agriculture the sum of £2,000,000, and I have promised to give him an answer sometime within a fortnight, and I do ask hon. Members, in the light of these statements, which have been made, what answer I am to give that man? The investment of £2,000,000 in the agricultural industry of this country must be tremendous projector of the economy of this country and the provider of employment at a time when we badly need it. What we have to decide is whether in the light of these statements—and hon. Members who were present when these statements were made must also decide—whether that man is wise to put into this country those £2,000,000. It is not only the overseas investor who is affected in this matter. If the actions of the present Government are to be questioned in the future by an ensuing Government, for emotional purposes, then, Sir, we must legitimately ask ourselves whether those Kipsigis, for instance, who have been induced by the present Government rightly in my view, to develop the Kimulot area for tea, whether they were wise to do so, and whether their land entitle-

ment will be respected in the future if the actions of this Government are to be called in question. We not only need to cast our eyes at Kimulot, we should examine the resettlement expansion which was initiated during the time of my predecessor and myself in the Nandi area at Sorora where we have a number of African farmers now on individual holdings with 20 acres. And nearer home, but in a different area, we should also concern ourselves strongly with whether we are right to have embarked on the Makueni settlement scheme in an effort to help those many people in the Kamba country, who have given such loyal service to this country in the police and the King's African Rifles, because that is, in effect, the doubts and worries which these statements are creating in the minds of the people of this country. And I raise it here, Sir, because it makes me wonder, what purpose there is in debating these Estimates.

Finally, Sir, recently in London a number of us accepted substantial advances in the political development of this country, and we did so on two assumptions. The first assumption was that on our return to this country we should all of us do our utmost to generate the goodwill which would create or begin to create homogenous thought in a country of such divergent opinions. And secondly, Sir, the many people, at any rate with whom I associated, accepted this on the clear understanding that the rights of individual property in an evolutionary and political advance in this country would be clearly respected. Now these words which I have quoted may not have been meant, as I think they may well be interpreted, and I would like hon. Members who were associated with that meeting to clearly say what they have in mind by these words, and I would like finally, Sir, to ask the Chief Secretary whether the Government firmly supports the views which were expressed in London as to respect for private property, is wholeheartedly behind it, and will take no steps in the future in planning our advance and evolution, which will endanger the confidence of the individual property owner in this country.

The Chief Secretary (Mr. Coutts): Mr. Chairman, Sir, I think I ought to intervene at this point in order to make Government's position quite clear on the points which have been raised by the hon. Member.

He first of all wanted to know whether the Minister was going to arrest the plans which he put forward in the earlier part of the debate on the agricultural estimates. I would like to state quite categorically that neither the Minister nor the Government has any intention of arresting the plans which he put forward. Nor have we any intention of holding up the debate on Sessional

[The Chief Secretary] Paper No. 10, which is the one dealing with Government's land policies, and which will have to be debated fully in this House before the end of this sitting, and from which legislation necessary to put into effect the plans which the hon. Minister has put before this House will flow.

Turning now to the Government's views on what the hon. Member has said, I would like to refer hon. Members to the report on the Lancaster House Conference, and the agreements which flowed from it, and I would draw hon. Members' attention to paragraph 20 of that report under the heading of "Safeguards", and with your permission, Mr. Chairman, I would like to quote this from the report as it is now in our hands. "In this section of the Constitution Her Majesty's Government considers it important to include the protection of property rights. Only by this means will it be possible to maintain confidence and to encourage development and investment, including the attraction of overseas capital, not only in the immediate future, but also in the long term. Accordingly, Her Majesty's Government think it right to include provisions founded on the principle that these should be no expropriation of property except to fulfil contractual or other legal obligations on the owner, or for purposes for the benefit of the country, due regard being paid to human need and individual hardship, confidence, stability and advantage to the country's economy. Full and fair compensation should be given to the owner of any property expropriated, together with the right of recourse to the courts, including the normal channels of appeal, for the judicial determination of his rights, and of the amount of compensation to be paid to him." Sir, I think that puts very clearly, certainly Her Majesty's Government's position in this matter, and I would like to say it is certainly entirely the view of this Government at this present time.

Also, I would like to point out in all fairness, that this was the Secretary of State's own personal opinion, and he says at the end of that particular statement, "I do not ask the various groups specifically to accept or approve what I have said," but nevertheless, this was, as we have all been told since the various delegates returned from the United Kingdom, an agreement which people have, in fact, agreed to, and within that agreement there is this particular statement.

I would also like to draw hon. Members' attention to a speech which was made in this House by the Minister for Commerce and Industry in the main debate on the Budget, when he said the following words, and again, I quote: "In my short time as Minister for Commerce and Industry, I have actually seen much desire on the part of investors, both foreign and local, to participate

in the building up of the economy and to have the Africans taking an increasing part in that process. It is therefore up to us to demonstrate by our attitude and actions that we will make this process possible, and indeed that we shall give encouragement to those who are willing to help us increase the prosperity of the country and raise the standard of living of the people." That, Sir, is the Government's policy, and it also, you will note, came from the African Minister for Commerce and Industry.

I agree, Sir, with the hon. Member when he says that it is necessary to raise this question of sanctity of title, more particularly because if people are going to invest in this country, and the hon. Member has mentioned certain people who have talked to him about investments, then surely sanctity of title is paramount, otherwise people are not going to invest in this country. We also, on this side of the House, are concerned about statements which have been made. We also feel that we were right in going ahead with the particular schemes which the hon. Member has mentioned, such as Makueni and Kimulo.

We also think that we should go ahead with similar schemes in the belief that people would not ruin the economy of this country by making statements of this nature in such a way as to make investors believe that, in fact, there will be no sanctity of title, and I would hope that hon. Members on the other side of the House, will make it quite plain that they agree with these views.

Furthermore, the Government has considered this matter since the week-end, and we have decided that we should seek the views of the African Elected Members, particularly on this matter, and have asked that we should have an early meeting with them in order to discuss this particular point with them.

With these words, Mr. Chairman, I hope we have made the Government's position clear.

Mr. Mboya: Mr. Chairman, it was not my intention to intervene in this debate at all until the hon. Specially Elected Member, Mr. Blundell, raised these various points, and especially to the statements made by myself, the Kenya African National Union, and Mr. Gichuru.

First, I would like to say this. In part of his speech Mr. Blundell, the Specially Elected Member, referred to the rights of the Kipsigis, the Nandi and so on. My humble observation is that this is merely a statement made for political propaganda purposes. The Kipsigis, the Masai, the Nandi, or any other tribe he mentioned are not involved at all in the question of land as a bone of contention between the African and the

[Mr. Mboya] European settlers. It has never been the case, and we regret that some people wish to create divisions, conflict and tribal feelings among the Africans by trying to use this cheap sort of propaganda, so that I would like to make this as a very definite statement from not only myself, but the African people, that the question of these other African tribes or areas has never been involved in the land issue between the peoples of this country, and our various African people must not fall victims to this sort of propaganda, that is entirely engineered for political motives.

Now, Sir, the point has been raised about goodwill as the basis of the agreement or the constitution at the Lancaster House Conference. We have never made a secret of the fact that we entirely agree that there should be goodwill, and that we intend to work for it, not only on our own but also with the other people in this country. But perhaps the various leaders of the various communities should appreciate that goodwill is not intended to be at the expense of any one particular community in this country. It should not be used merely to try and stifle African just and fair demands.

Now, Sir, the land issue is an old issue. It has been a bone of contention in this country for many years. It has been the subject of many debates in this House. It has been the subject of a lot of representation by the African communities. It has been the subject, in fact, of a Royal Commission, and lately a White Paper has been issued. We do not intend to scare away investment of capital. In fact we do not intend to persuade anyone from investing further in the development of this country. On the contrary, we have been keen to appreciate the need for increased and expanded industries, and we have been keen to try and create the conditions and circumstances that will permit that development.

The main issue, it would appear, on which the hon. Specially Elected Member bases his entire argument is as to whether or not this Government can commit future Governments in this country, and I would like to submit, Sir, that not only on the land question, but on practically every other issue discussed in this House, this Government cannot—and if anybody believes in democracy at all they must accept it—this Government cannot and could not commit a future Government permanently on any issue, and the mere fact that some of us reiterate this point to emphasize the fact that there will be freedom of action for a future Government to act, not only on the land question, but on every other issue, does not mean a departure from the normally accepted concepts of democratic Government. I do not

know whether the Specially Elected Member or the Kenya Government expects the African community and their leaders to submit to any situation in which we were, as it were, to appear to commit our community, or anybody else permanently on any issue. Whether we were to pretend to commit them, to commit those future Governments, we could not possibly do it. Physically some of us may not be there to ensure that such commitments or guarantee is adhered to, but I would consider it the highest state of deception to give to the immigrant communities in this country, as it were, what they might interpret permanent guarantees for all time. Situations may change, and if they do we would be guided by certain principles that for the time being are universally accepted, not only by us, but also by people in other countries.

In the quotation which the Chief Secretary has referred to, I think the issue is made very clear by the Colonial Secretary's own notes in the Lancaster House discussions. He does not rule out the possibility of land reforms in this country, and land reforms in this country may be for certain specific purposes, and may be based on an attempt to meet various situations as they may arise from time to time. What is important is the principle that has been accepted, not only at Lancaster House, but essentially by us when we advocated the introduction of a Bill of Rights, namely that if there were to be a situation, and there may very well be, in which property rights, or in which property as such, is expropriated, or changes hands, that such change or expropriation will be based on a just a fair compensation, and that it will be based on what may be in the interests of the community or country. There is clearly room for some reforms to take place. I do not think this is the right time to go into the details as to what reforms may take place, but clearly that was understood. Now if the hon. Specially Elected Member understood it differently we are not to blame. The question of whether land should be discussed in London was a point which was discussed for over a week, and the African Members insisted, as indeed they still believe they were right to do, that the land question could not and would not be discussed at the Lancaster House Conference, and it was not discussed. There was a deadlock on this question for about a week, and therefore I cannot understand why anyone should misunderstand the African leaders position on this particular question.

We are not suggesting that anybody is going to be victimized, but we are saying clearly and emphasizing clearly the rights of any of our future Governments to ask, within what is just and fair and consistent with the interests, not only of one

[Mr. Mboya] community, but of all the people, if those interests should require that sudden steps should be taken which include changes or reforms in land, I do not think this Government is competent to make it impossible for future Governments to take that future position.

Lastly, Mr. Chairman, it is encouraging to know that the Government has asked for a meeting with the African Elected Members in order to know their views on this question. May I suggest that as usual the Government has probably acted after things have blown up. It would, perhaps, have been wiser to have had those discussions before the announcement was made, because I am sure that Government could not have been unaware that any major statement on land would not only raise certain very urgent questions in the minds of the African community, but also in the minds of other communities. Perhaps what is missing here is enough consultation in advance on some of these things and foresight and a realistic approach on, after all, problems which everybody admits are of major interest and concern to all our communities.

I do not wish to refer to other points made about political stability and about assurances that the hon. Specially Elected Member referred to. But I do want to say this very emphatically. The African leaders are aware of the needs of this country. They are aware of the importance of encouraging development and investment. But the African leaders are also entitled to point out that their own community have certain interests and that those interests must at the same time be recognized and respected. If and when we meet the Government and they wish to know in more detail our views on the detailed aspects of the land problem, we will, of course, be only too glad to help them.

Mr. Slade: Mr. Chairman, Sir, in his long and eloquent speech, the hon. Member for Nairobi Area has completely and, I suppose, deliberately failed to answer the one clear question which was raised by my hon. colleague on my right. That is, how can he reconcile statements such as those quoted by my hon. colleague with a sincere desire for the peaceful development and prosperity of this country?

Let me just read again the passages that were quoted: "The Conference also considered that the Kenya Government should do nothing whatever about land and that the whole question should be left in abeyance until Kenya was fully independent. The newly appointed General Secretary of the National Union, Mr. Mboya, explained later that this meant that any future African Government would not be committed to

anything, done or entered into now, by the present Government."

Mr. Chairman, we all want to move towards our independence. I believe all those who we represent want independence in a state of peace and prosperity. All we have to consider in this or any other matter in this Council, is how to achieve independence with peace and prosperity, and we must recognize all the time that, however much it may attract some political leaders, for those for whom we are responsible independence without peace and prosperity can be a nightmare. It is a very easy choice, Sir. We can, if we put our minds to it, with real goodwill, sincere goodwill, build up peace and prosperity in anticipation of independence, so that the job is easy for those who then have the great responsibility. I do not envy those who have the responsibility of governing an independent Kenya if peace and prosperity have been destroyed meanwhile. But, Sir, if we are going to say that until we have independence no promise made by this Government to anybody will be worth anything because it will be repudiated the moment we are independent, what hope have we of arriving at independence in any state of peace and prosperity?

Well, Sir, the hon. Member for Nairobi Area has professed several times during his speech the intense desire he and his colleagues have to build up the peace and prosperity of this country, and their clear appreciation of their need for that. Well, let him prove it by words. Let them all prove it by their words. If they really mean that, this is not the way to set about it. It is an easy choice. If you want the kind of independence that is really what the people of this country want, and you face the need to build up for it, you behave accordingly.

Or you want independence now, for what purpose other than sheer political ambition? Hon. Members cannot have it both ways. They cannot say in this Council or outside in speeches like this, on the one hand we realize our responsibility and we are going to act accordingly say to the people what is the truth as regards the future of this country and what will make a happy independence—and at the same time make utterances like this, which are calculated only to appeal to the extremists and irresponsible people of this country and ruin the rest.

Mr. Odinga: Mr. Chairman, Sir, I was hesitant to speak on this because I felt that the hon. Member who moved it should have just moved a Special Motion, because it is a very, very important subject which needs a little bit longer time to discuss, extensively and more in detail. But I think that people are just trying to beat about the bush. It is better to make it quite clear that the present Government, apart from being the agents

[Mr. Odunga] of imperialism, it is not a popular government, elected by the people and as such anything which it does at the present moment is subject to a lot of queries when the popular government comes into force. Again I should just say that one word again. The African people are not going to sacrifice what they consider to be their rights for the sake of or for trying to make room for the capital to come to this country. We have an old saying that: "It is he who has prepared his garden who longs for the rains that the rains should come quickly, but he who has not prepared his garden, he only wishes that the rains should delay a little bit longer."

Thank you very much, Mr. Chairman.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Chairman, I am sorry that on two or three occasions recently I have crossed swords with the last hon. Member who has just spoken. I cannot believe, Sir, that a responsible leader of the African people can stand up and say that the Africans will make no sacrifice in order to make room for investment capital from overseas, which was the tenor of what he said. I cannot believe, Sir, that he is reflecting the opinion of the thinking members of his race, because, Sir, without investment capital overseas, the independence for which the hon. Member is so desirous is going not only to be a terrible thing but it will swallow him up with complete certainty.

Mr. Mundell: Mr. Chairman, I raise this matter at this juncture because these events took place over the week-end and they have disturbed the minds of the investing public very considerably and I thought it was well that hon. Members should indicate to the public how they stood in these matters.

Now, Sir, I should like to congratulate the hon. the Chief Secretary on his reply, in particular I would like to congratulate the Minister for Commerce and Industry, whom I now have the pleasure of seeing for the first time with his new responsibilities, and I would like to congratulate him on what he said when he was indicating the necessity for encouraging investment in this country the other day and I have no doubt that he made the same remarks to the Conference of KANU if he was present at it.

Secondly, Sir, I believe the Government is right to go ahead with its scheme for individual development for African farmers and I would only suggest that the Government would be wise when so doing to make sure that those farmers do understand the validity and compass of individual title.

Lastly, Sir, I would like to assure the hon. Member for Nairobi Area that I did not raise my remarks in regard to certain areas for propaganda purposes at all. I raised it because the Government of this country has a responsibility to those people whom it has set up as individual farmers, whom it has financed by loans which they have to repay. I merely remind the hon. Member that the appetite grows as it feedeth. And it seems to me that what is sauce for one goose today with regard to individual tenure may well feed the appetite for other people's gardens tomorrow. In other words, Sir, if the individual property which I have in this country is not respected by any future Government, merely because I am different to many of the people in this country, it cannot be long before the individual property of everybody in this country, regardless of his race, his tribe or his origin, is in danger, and I would refute the hon. Member strongly when he accuses me of raising this matter for propaganda. It is not, I raised it as a matter of principle and I wish to hear—and he would do the greatest thing for this country—I wish to hear the hon. Member get up and say—investing that within the general and overall terms of Government policy he supported the individual rights of property. Were he to do so the encouragement and confidence in this country would be enormous.

Lastly, Sir, I would say this, and I say it with the greatest intensity, I am not moved by people who tell me whether the Government of this country is a popular one or not, or whether the Government of this country can commit future Governments. I am not moved by that, because the Government of this country at the moment is the responsibility of the people of Great Britain and I do not believe, I trust not, and I am endorsed by the Chief Secretary's remarks, that the people of Great Britain are going to be so foolish as to hand over irrevocably power to a Government which is so irresponsible that it will not respect the individual rights and assets of individual citizens.

Mr. Mboya: Mr. Chairman, Sir, the three speakers immediately after me have raised questions on which I must take issue with them. The last speaker again, the Specially Elected Member, refers to an irresponsible Government in terms of the African leaders and in terms of our present attitude and views on questions such as land and so on. He has asked me to state my position and I believe that of my colleagues on the question of individual rights. Mr. Chairman, it is on record that the African Elected Members were responsible for the idea of the inclusion in our future Constitution of a Bill of Rights, which would guarantee individual rights. The question at issue

[Mr. Mboya] is not individual rights, the question is what the definition of individual rights is going to be. Whether we are being asked by the hon. Specially Elected Member, Mr. Mundell, that in that definition we should include all the injustices and unfair policies and activities existing today as in the past as part of individual rights. It is the question of whether we have an entrenchment of these injustices within the scope of that definition, or whether we define it to mean individual rights in the normally accepted principles.

Sir Charles Markham: Skating round it!

Mr. Mboya: I am not skating around the issue, I think some people have been skating around it for the last 60 years!

The issue is very clear, if the European people or Members and their community in this country want the African Elected Members to give the right and just claims and demands of our people in order to compromise and pacify some Europeans that are scared and hesitant to see political changes take place in this country, they are asking us for something that we do not intend to do and will not do. Any person who wishes to stay in this country must accept the changes that are bound to come, the changes that are inevitable, in fact, and the only scope I can see myself for any such person is to accept the creation of a society and a Government that will respect individual rights in the context in which we have defined it of individual citizens and of individual rights without the entrenchment of past injustices and unfair policies of distribution and so on.

Mr. Chairman, as my colleague the Member for Nyanza Central has stated, perhaps this is an issue which would have been better dealt with in a full Motion in this House, then we would have talked about the meaning of land reform or the sort of changes that some of us have in mind. It is very easy to try and relate the statements we make merely in relation to the fears that some Europeans have at the moment. It is also very easy to over-generalize the situation and indeed the situation is being generalized that anything we do or say will scare away capital, when in fact the alleged scaring away of capital is not the scaring away of capital but consideration for the present fears of some of the local Europeans.

One of the Members has spoken about the remarks by my friend the Member for Nyanza Central when he said our people are not prepared to make sacrifices. I think it was the Minister for Information who took up this issue. Mr. Chairman, unless someone is completely mad, he cannot deny the fact that the Africans as it is

have made lots and lots and lots of sacrifices for the last 60 years. We have been making a sacrifice.

An Hon. Member: Nonsense!

Mr. Mboya: Someone says "Nonsense". But if I may say so, we have been making the sacrifice of tolerating the indignities perpetuated on our people by some people in this country, some of whose representatives still believe in those things.

Sir Charles Markham: We are talking about agriculture.

Mr. Mboya: When you start talking about agriculture without the preface you gave we will talk about agriculture.

Mr. Chairman, the Specially Elected Member, Mr. Slade referred to peaceful development and prosperity. Like him we believe there should be peaceful development and prosperity for this country but I am not sure that he implied by our statement there was not going to be peaceful development or whether he implied that by the reaction of the European community it would make it impossible to have peace in this country. We are committed to peaceful development and if the hon. Specially Elected Member is aware of any Europeans who want to start trouble or who are not as a result of our statement any more interested in peaceful development, he has a duty to say so in this House to the Government and to any other persons concerned. I cannot agree that our statement or rather that the interpretation of our statement would result in unpeaceful development and prosperity. I think, Mr. Chairman, that any attempt during this debate to have a debate on land as such or to have a debate on our political motives and intentions is not going to succeed. We have made statements on our position that is very clear and I only repeat what I have said myself and what I know our people believe and which has been restated by the Member for Nyanza Central, and that is that when changes come in Government or in other conditions in this country, they are bound to be changes either in land policies or in other policies and in so far as this Government especially is not a Government that could claim to be a Government that is truly representative of the feelings, the interests of our people, it is inevitable that when independence comes whichever Government is in power will perhaps introduce changes. The question that we have made, the point that we have made is not necessarily the question that someone will be victimized, but we are asserting the position that whatever future Government we have will have the right to review the policies that exist in this country, will have the right to bring about changes and reforms as they see fit at that particular time. Nobody can deny them, nobody can deny them that right and

[Mr. Mboya.]

if this Government were to pretend to give anybody an assurance that there would be no changes or if we, the African Members, were to pretend to give that assurance, we would only be fooling ourselves and, in fact, be fooling those to whom that assurance was being given.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I must say that some of the speeches that I have heard this afternoon have depressed me more than anything that I have heard since I moved that Mr. Deputy Speaker do now leave the Chair during the Budget debate.

Sir, the hon. Member for Nairobi Area who has just sat down says that it is not so much a question of the scaring away of capital, that he is not in favour of scaring away capital, but that the fears which have been expressed are merely the fears of European settlers in this country.

Sir, I speak not as a European settler but as a servant of Her Majesty's Government who has been posted to this country to do a job, who has every intention of doing that job to the best of his ability for the people of this country and all the people of this country and who will probably in the course of time—for all I know I may leave or I may not leave but I do not regard myself in any way as a permanent resident of Kenya. All I regard myself as is somebody who is doing his best to do a job here on behalf of all the people and not least on behalf of the African people of this country.

Now, Sir, when the hon. Member says that speeches such as have been made about the possibility of changes in such things as land do not scare away capital, he knows nothing about that. Sir, I can assure him that he is seriously mistaken. Nobody disagrees, Sir, nobody disagrees with the view that a future Government can make changes. Of course a future Government can make changes and of course we all accept the fact that in many ways no Government can commit its successor. But I do not think it is even a question of that. All I think is needed at this stage is that the hon. Member and his friends are being asked today that they personally in their own opinion would be opposed to anything that would interfere with the sanctity of private title and private property rights. If, Sir, the hon. Member was prepared to say that type of thing, if his hon. friends were prepared to say that kind of thing, I am quite sure that a great deal of the lack of confidence that there is in us—and this is not merely lack of confidence, Sir, I do ask the hon. Member to believe me, in this Colony, but elsewhere—a great deal of it would be dissipated immediately.

Sir, I have a considerable number of people who come to see me about the possibility of putting additional money into the Colony and I must say that in recent days I have discovered that it is not going to be nearly so easy to finance our future developments either public or private as I had hoped. Sir, there are various projects afoot which are designed to increase the wealth of the country, to increase employment in the country. Those projects we hoped until very recently would be easy to finance. I think, Sir, we are going to have a good deal more difficulty. I do not say that it will be impossible, but, Sir, it is going to be impossible if outside people with money feel that any future Government, that any possible members of future Governments of this country do not feel able to get up and to say quite firmly, quite quietly, that in their own opinion, not necessarily in the opinion of the future Government (they may not, as they say, be Members of it), but in their opinion it would be wrong to interfere with the rights of private property, which I would remind the hon. Member are among the most important of all individual rights.

I am most sincere about this, Sir, I want to see this country prosper. Like the other Civil Service Members of the Government, we did not merely come here, as the hon. Member for Central Nyanza would no doubt call us as tools of Imperialism—but if we were, in any case, we are rather proud of it. We came here as tools to do a job and the main job was to increase the prosperity, to increase the living standards of the people of this country.

The fact, Sir, that today the majority of the children of the country of all races have now got a chance to go to schools, the fact that normally a man can walk freely from one end of the country to another, the fact, Sir, that the health of the people is looked after, all these things, Sir, have been brought here by that imperialism of which the hon. Member for Central Nyanza speaks so glibly. Sir, we want, and I think the only thing we want to do when we hand over this trust, is to see that the country is able to go forward. The only way that can be done is through having a sound economy. Without that, as I said in the Budget speech, "Everyone's dreams of a better life, of more schools and an improving standard of living, will only be dreams." Sir, I appeal to the hon. Member for Nairobi Area and his friends to take note of these facts, not in the interests, Sir, of any minority in this country, but in the interests of the masses of the man in the street and the man in the field, who are the only ones who will suffer if this development fails to come about.

Mr. Mate: Mr. Chairman, Sir, I feel it is very important to underline certain facts in this debate as they affect land. I have maintained, and the African people in Kenya maintain, that the land question is in dispute. Others may not like to face it but they will have to face it. The land has been taken away from the Africans. Africans today in Kenya are called by a name that they cannot understand, that is "squatters".

If anybody can explain to me the meaning of a squatter, I would like to know it. Squatting—on whose land? Until changes come in Kenya so that the African living in the so-called White Highlands is no longer a squatter but somebody owning a piece of land which is his and which is his by right, the land question is in dispute. No African politician, I feel, would be justified in committing himself to this policy of postponing the whole issue when the African in the settled areas remains without security. It is a very important thing and every Englishman knows that they say an Englishman's home is his castle. An African's piece of land is his castle and the end of everything. So I feel, Sir, that when certain Members here want to say that the land question is not in dispute they do not understand the African side of things. I do not like to be called a squatter at any time or my brother or anybody else.

Mr. Chairman, am I being persuaded to believe that the 50-acre plots are going to solve the landlessness in Kenya? Am I being persuaded to understand that by giving so many individuals 50-acre plots the others who walk the streets are called mere squatters? They can be evicted any time: are they going to feel secure? The people must feel secure on their own soil before we can claim there is no land question in Kenya and personally I would support the remarks of Mr. Gichuru when he talked about this land question. The African Government cannot be committed on this particular issue because the Governments we have had to date do not pay very much attention to it. To me, the 50-acre plot is a good idea, but is it touching even on the fringe of the landlessness? Is it removing from the African, a so-called squatter, this feeling of insecurity of tenure, of even any right at all to that piece of land? I feel, Sir, that the Government of this country should take the psychological side of things into account, before they come all the time to talk about the economic effects. We have been told that the investments into this country are going to be scared by some politicians' statements. Do you mean to tell me that no other African country has ever become independent? We know many other African countries that have become independent, take Ghana, for example. If the foreigners there or the people who came to settle

there became the only factor to be considered, we would find ourselves in a state here of confusion like South Africa where a minority have actually gone wrong and gone the wrong way. Therefore, in Kenya, Sir, we should give this psychological side of things—Africans' sense of insecurity—every consideration now and not trust so much to economic factors, economic there. Which African politician has said that he is going to destroy all the coffee? Which African politician has said he is going to destroy all the crops in Kenya? Which African politician has said he is going to destroy all the sisal in Kenya? We have not said so. But there must be reforms and adjustments and only a dishonest African or European would not face that. Who would say that before the Europeans came we never farmed, we never kept cattle, we never kept trees, we never looked after everything and anything? Sir, I would like to submit to this House that this is a marginal issue that what I call marginal politicians or extreme politicians of all races in Kenya are going to use and the Specially Elected Member for the Rift Valley very well knows that he is side-tracking the issue. He referred many times to the Meru people giving land to the Kikuyu. I can tell you that there are many Kikuyus in Meru today. How many Kikuyus are living with security on their own farms?

Sir, I do not want to dwell on this particular issue. All I would like to impress on our Government today is that the 50-acre plot scheme is no solution. The psychological difficulty of the African regarding being called a squatter is a problem and we African politicians are not going to be scared by this talk about scaring capital away when what we are talking about is readjustment to reach a certain position where everybody feels safe and for that matter I would like to assure those European Members who are going to use the economic aspect of it that it is a marginal issue and they should consider Africans whose labour comes into it. The land Africans whose labour today does contribute to economic well-being. If they are going to raise these marginal issues, that we must settle the so-called economic fears as criteria for judging whether Kenya is suitable for investment or not, we are prepared if so to stand by what is going to be a fair change and on that issue, Mr. Chair, I feel, Sir, that I support the President of the Kenya African National Union, Mr. Gichuru, when he made his statement. And when the Minister for Finance tells us about that simple question and makes the African who is living as a squatter on his own land feel that he is no longer a squatter. Give him a plot and a place where he can feel he can be buried without having to owe allegiance to anybody else. Otherwise,

[Mr. Mate]

Sir, I feel we shall be only running away from the problem.

As I said, it is a marginal issue. We are not trying to destroy the tea or the coffee or the ranches and all that sort of thing. Government has for the first time admitted that there is empty land for 20-acre pieces. Have they explored the possibility of finding many more people land in these particular empty areas? On the question of the private land titles, I do not see how an African could own anything in this country if a European could not own it, so on, that issue to me it is not an issue. The issue is that somebody or other owns 30,000 acres, half of which is not being farmed. The Africans living on that land are called squatters. They own nothing there according to the laws of this country. Is this equitable distribution of land? That is why we say you cannot go on saying in regard to private rights that you cannot even touch it. It should be acquired. Our own Government are going to acquire these pieces of land, but if the ownership of these 30,000 acres is going to be used as an excuse for not appropriating it to give it to the Africans, I would not so respect that kind of ownership. But for goodness sake, let us not use these marginal issues to blind us to the big issue. The Government themselves are going to acquire these pieces of land for somebody so the question of ownership as camouflage does not come into it and personally I stand by the statement that was made by the President, Mr. Gichuru, of the would be Kenya African National Union.

Mr. Alexander: Mr. Chairman, we are in Committee to vote the supply of £1,641,000 for agriculture. The question immediately before us, Mr. Chairman, is a vote of £23,660 for the office of the Minister. It is, Mr. Chairman, the office of the Minister that lays down or promotes Government policy concerning agriculture. Part of that policy was contained in the Minister's main speech to this House and his reply, the rest of his reply, today and in it he stated the Government proposals were to buy land in the highlands of Kenya: land at present owned by Europeans will be resettled in 50-acre plots or thereabouts and I think it was clearly indicated that the main beneficiaries under the scheme would be African farmers. Now it has been said, Mr. Chairman, that this debate was initiated merely to raise the whole question of land policy in Kenya. It was nothing of the sort, Mr. Chairman. There had been a clear statement by our Minister of Agriculture as to how the Government proposed to move resettled Africans and others on 50 acres of land. Immediately following that, there was a contradiction of that policy by certain African

leaders in this country. They said, and it has been quoted in this House, that there must be no further changes concerning land and therefore it was right for the Specially Elected Member, Mr. Blundell, to query the wisdom today in this House of going on with the spending of £1,600,000, part of which concerns, or I imagine much of it if we could allocate it all, concerns this particular scheme. We are told that the land with which this particular scheme is concerned is in dispute. The title to it, we are told, Mr. Chairman, is in dispute. If it is in dispute today, it will be in dispute when the new owners take possession of it after this scheme has been implemented. Therefore, it is right, Mr. Chairman, that the people who are putting their money into this land should be told these ideas by what might be the future leaders of this country. We are told that some £2,500,000 initially is to go into this scheme, £1,500,000 from international finance, £1,000,000 approximately from Her Majesty's Government, and I believe in all honesty, Mr. Chairman, we must go, particularly to the international finance, and tell them the words that have been uttered in this House today and were uttered this week-end by responsible leaders concerning what will be the spending of this £1,500,000 of international finance. I believe it is right and I think we will perhaps have to come back to this, Mr. Chairman, when we deal with the consolidated bill, to query whether these estimates should be entirely expunged from the Colony's spending for the next year until this particular point is clarified.

We owe it particularly to international finance. Her Majesty's Government, with its £1,000,000 that they are putting into it perhaps have reason to be closer to the problem and know what they are doing. But we in this House owe it to international lenders and I believe it was right, Mr. Chairman, for the hon. Specially Elected Member, Mr. Blundell, to have introduced this subject specifically today and I congratulate him for having done so and having been sufficiently honest to those from whom we are trying to borrow money.

Mr. Mboya: Mr. Chairman, Sir, I just want to make one or two brief remarks. First, it is not a secret that ever since the Lancaster House Conference there have been people in this country who have never got used to the idea that certain changes should take place, and they are constantly, constantly, busy trying to prove how wrong these changes must be and how chaotic the situation would be with these political changes. I am not surprised that they are now trying to seek opportunities to exploit in order—or rather in an attempt—to prove their point. They will seek to use any legal straws to magnify them.

[Mr. Mboya]

Before this land issue we have heard lots and lots of talk about the flow of capital out of this country, allegations made from the same sources who are now making similar speeches of fear and panic in this House.

Reference is made by the Member for Nairobi West about international finance. Now, Sir, I would have thought that if international finance is to be used in this country, and if we have any justification for calling upon it at all, it would be and should be in the interests of the country, not necessarily in terms of the fears and interests of the European community in this country, and my friend the Member for Central Province North has clearly stated that no African leader wishes to go round cutting down coffee trees or tea crops, and so on. Development if it comes through international finance will be development for Kenya, whatever it is, and I cannot see that any Member should be so simple-minded as to think that international finance would no longer be interested in development in this country under an African Government or with African enterprise.

The Minister for Finance has asked us to state whether we now would be prepared to respect individual rights. The answer is simple. The answer has been stated before and if he wants it re-stated again I will do so here and now. We have called for the inclusion of a Bill of Rights in our future Constitution. In that, it has been clearly stated, there would be reference to the question of property rights or property safeguards. Now if the European leaders who attended the Lancaster House Constitutional Conference were not particularly attentive I would draw their attention to the report of the Conference, what we have said. The only qualification we have made is that such Bill of Rights, including property safeguards, must not be used, must not be used as a vehicle or an opportunity to seek to trench past or present injustices, reforms passed on the needs of the country and its people must be permissible, and in his quotation—and I must repeat this—in the quotation by the Chief Secretary reference is made to the process that might be used or that would be used in such circumstances. Now I do not know that we are expected to go beyond the acceptance of the principles which we were being urged in fact to accept by the Government.

The Minister for Finance has made, as he usually does, a very exciting statement, but I think when he refers to such things as the development in education, health, welfare and so on, I think that perhaps one thing is overlooked. We have never said we do not appreciate the amount of

educational help and other development work that has been done in this country. On the contrary, we have always appreciated this work although we have very often said it was not enough. I think it would be wrong for the Minister, this Government, or the Europeans to expect gratitude from the African people, and the African leaders, to the extent of expecting us not to continue to demand the right and just aspirations of our people, and I think the Minister for Finance would do well to remember that in his future speeches. We appreciate what has been done, we appreciate what some of them are continuing to do in the Civil Service and in other fields in this country, but this does not bar us from consistently and as staunchly as we can expressing what we know to be the genuine aspirations and the rightful demands of our people. This we will continue to do.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Chairman, we seem to have gone on a long time this afternoon on this and what we really want is only a few words. If individual property owners are tampered with for any reason whatsoever, be it for land reform or other reason, will they and can they expect full compensation? That is all we want to know, if the hon. Member for Nairobi Area could say yes or no?

Mr. Mboya: Mr. Chairman, I do not know whether the Government is listening or whether Members on this side are listening, but unless someone is out for trouble, we have said there will be a Bill of Rights. The quotation from the Chief Secretary is the result, the quotation from the Lancaster House Constitutional Conference. Perhaps the hon. Elected Members need to read that report again.

The Chief Secretary (Mr. Courts): In answer to the hon. Member who has just sat down, I would inform him that the Government was listening to what he said and he said in his first speech he agreed to expropriation based on just and fair compensation. But I would like to go a little further and just examine what has been said not only by the hon. Member but also by the hon. Member for Meru. No one on this side of the House is disputing the right of the African people to go ahead and to make such claims as they wish in respect of land, to talk about rights at any time, to talk indeed as the hon. Member for Meru said, that these people must feel secure and that they had no intention of destroying crops.

One point that the Government is concerned about—it is not concerned at this stage about the thorny and difficult problem of land rights, of

[The Chief Secretary]

what people want, of what they have done in the past; what the Government is mainly concerned about at the moment and grievously concerned about is the ability to attract the necessary capital which we must have in order to go on with the development of this country. Those people who are going to put their money into this country in order to develop it must feel equally as secure as those people about whom the hon. Member for Meru talked. We are not disputing in any way the hon. Member for Meru's feelings or what he wishes to do about land or the fact that we would even dream about destroying crops, but we know that his own people want to develop these very crops. We know that they want to plant tea. Planting tea costs money, a very great deal of money, which this Government has not got. And unless we can get that money that development and raising the standard of the people cannot possibly go on. We will not get that money with only what I would like to describe now as a half-statement of the facts.

I accept what the hon. Member for Nairobi Area has said when he talked about expropriation based on just and fair compensation, but who in his right senses would wish to invest money on a statement that he may be expropriated, even on just compensation? Surely anybody who wishes to spend money in this country wants to be assured that the title on which he is going to put that money is assured, for some considerable time at least, or at least until he can get his investment back, and it seems to me that although we have heard what the hon. Member for Nairobi Area has said he has not yet, nor has any other Member on the other side, made it quite categorical and clear that the title to land in the future will be respected, because until we do that I am quite convinced in my own mind that those people with money to invest in this country simply will not do it.

Mr. Odlinga: Mr. Chairman, there is only one thing which I think breeds misunderstanding: you have a way of thinking only of personal properties, and my mind probably is a little bit different. I say that property means that property which is undisputed. If it is the property which has not got dispute then it is your property, but if there is some dispute about it you must actually show that it is your property and that you will show it and be completely in the open to show that it is yours. The land is in dispute; the Africans agree that it is still in dispute. It is not settled—I do not mind whether it is all of it or only part of it, but the majority of it is still in dispute, and I feel until that is settled we cannot enter into its settlement. We cannot commit ourselves and say that we are going to respect those who hold

pieces here and there. The land is still subject to a lot of changes and when people dispute or people put it to us that the capital will not come, what about other countries? I was just recently in Yugoslavia: there they have no difficulties. No one is allowed to hold more than 25 acres—

Hon. Members: Communism!

Mr. Odlinga: I do not care. They are still living their own lives. They are just people like Europeans in actual fact—and communist are the people who have reached the moon. Therefore I appreciate the land reforms which they have done because they said that the maximum land holding is only 25 acres, and the scheme of agriculture has developed wonderfully in that country. They are getting on with their land development by group farming and in that way they are trying to distribute evenly the wealth. If the Government in this country decided they wanted to redistribute land would you stop them simply because you are safeguarding someone's right of that land. Would you stop that because you want somebody to retain 760,000 acres?

We must face realities and face them squarely. It is no use talking of what or committing ourselves to something which is unrealistic, which later on will make people regard us as having been very foolish indeed and that we did not actually look into those things at all. Therefore, Mr. Chairman, I could say, not even from an African point of view, not from even a European point of view that I would actually not support anybody who goes to expropriate property if it is legally held, and there is no dispute upon it. I want actually to be understood—Africans from time immemorial, respected people's property and will continue to do so if those people have legal rights over those properties.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, there are only one or two points I would like to make, and one of them is that the hon. Member for Central Nyanza appears to have learnt other things in Yugoslavia besides having learnt about redistribution of land: he seems to have learnt a certain amount of double talk too.

Mr. Chairman, Sir, I would ask the hon. Member for Nairobi Area—I suggested it the other day to some friends of the hon. gentlemen from Central Nyanza—I suggested to them that it would be very nice if they would try to convince him just occasionally that—or at least to convince him just occasionally—the Government is doing its best to help the African people and is not going out of its way to stand in their way. I think that most of his colleagues are aware of that, Sir, and I wish they would try their best. I

[The Minister for Finance and Development] think they may possibly have some influence with him, to try and make him believe that.

Now, Sir, I would also ask the hon. Member for Nairobi Area—I would like to say that I, like the Chief Secretary, fully appreciated his reference to the fact that, if I understood him rightly, he believes that if anybody's property were expropriated for any reason at all he should get fair and proper compensation and as I understood it—the hon. Member for Nairobi Area would perhaps confirm this—he did not qualify his statement in the way that the Member for Central Nyanza did. I think it is very important that that should be confirmed, but, Sir, I would also like to add my voice to that of the Chief Secretary and point out that if one is going into a business one does not normally go into it on the grounds that if you happen to be expropriated you will get fair compensation. Most people, Sir, if they go in for an investment hope to be able to make a fair profit out of that investment and to be able to carry it on, not merely in their own interests but in that of all the people of the country, and I do ask the hon. gentleman to bear that in mind and to realize that it really is important.

There is, Sir, one other point that I would like to mention and that is the one he raised of gratitude. Sir, may I tell him quite frankly, on behalf I think of all the Civil Service Members of this Council, that we do not expect gratitude for our services. We do not expect gratitude at all. All we hope is that when eventually the time comes to retire, that we have done a rather good job, and once more I would beg hon. Members to try to help us to do that job.

Mr. Alexander: Mr. Chairman, may I now turn to the really serious part of this matter. Under this heading A.1 comes the Office of the Permanent Secretary to the Ministry of Agriculture. The Permanent Secretary is the accounting officer to the Ministry of Agriculture, and firstly I would like to draw the attention of the Minister to the Public Accounts Report, XIII. I thought it was rather a pleasant way of ending a rather pleasant debate.

If we may return to page (xiii) of the Public Accounts Committee Report, Sir, it deals with Dam Construction Units; and the Committee recommendations says this, and I quote. Mr. Chairman,

[Mr. Chairman (Mr. Conroy) left the Chair]

[Mr. Deputy Chairman (Mr. Bechgaard) took the Chair]

"The Committee noted that the assurances given to it in the past to the effect that the Units would

break even overall have not been fulfilled. For the five years ending 30th June, 1959, an accumulated loss of £71,077 3s. 4d. has been sustained. Against this it is estimated that 4,707,000,000 gallons of water are conserved in various parts of the Colony. The Committee does not doubt that the Dam Construction Unit has served a useful purpose. The losses incurred, and the decision to bring the activities of the Unit to a close, are noted." I raise this particularly, Mr. Chairman, because in the Minister's main policy speech in these Estimates and in the Development Estimates that we are to approve there are many more activities like this. There is, for example, this very precise £2,500,000, approximately, that we have been speaking about for the resettlement scheme, and if there is any more recurrence of this type of laxity it certainly will not satisfy this House and it certainly will not satisfy the Public Accounts Committee to say that something has been achieved. What we want to see is that what is achieved is achieved at a reasonable cost and that the spending has been properly supervised.

The rest of the items that concern the Minister and the Permanent Secretary are in respect of jute control at page (x) of the Public Accounts Committee Report, the Wheat and Flour Account, the Kenya Meat Commission, and I would like the Chairman as he is in the House to take part in this particular piece of it, and the African Livestock Marketing Organization. In respect of the Jute Control there is criticism that has to be answered. In respect of the Kenya Meat Commission the matter outstanding is in respect of debentures that apparently should have been entered into by the Kenya Meat Commission with the Kenya Government, a matter that has now gone on for very many years, and the Public Accounts Committee are getting rather tired of raising this matter each year, and we would like to hear from the Minister or the Director of Agriculture that this particular matter of the debentures to the Kenya Meat Commission is being now brought to a speedy and final conclusion.

Thank you, Mr. Chairman.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. MacKenzie): Mr. Chairman, the matter of the debentures of the Kenya Meat Commission—I believe that they are being brought to a finality and I hope probably will be brought to a finality within the next week or two. The other point raised about the Jute Control, was brought to our notice, is under active discussion now, and I hope that we may be able perhaps to dispense with the Control altogether in the future. Dealing with the Dam Construction Unit point, Sir, and the comment on the Dam

DEPARTMENT OF CO-OPERATIVE DEVELOPMENT
Heads Y1 and Y2 agreed to.

EAST AFRICAN SCHOOL OF CO-OPERATION
Heads Y3 and Y4 agreed to.
Resolutions to be reported.
Resolutions to be reported.

[Mr. Deputy Speaker (Mr. Contay) in the Chair]

REPORT

VOTE 21—MINISTRY OF AGRICULTURE, ANIMAL
HUSBANDRY AND WATER RESOURCES

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to report that the Committee of Supply has considered that a sum not exceeding £1,641,560 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 21—Ministry of Agriculture, Animal Husbandry and Water Resources, and has approved the same without amendment.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE 20—MINISTRY OF EDUCATION

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE
THE CHAIR

The Minister for Education (Mr. Mathieson): Mr. Deputy Speaker, Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair in order that an opportunity may be provided for discussion on the policies reflected in the Estimates for Vote 20—Ministry of Education.

Mr. Deputy Speaker, within the last few weeks my personal responsibilities have been simplified to the point where I am concerned with nothing but education, and even here the range of my Ministry's activities exclude the important field of adult education. While the tasks of dealing with land and labour, and the brief flirtation, which I enjoyed, with the twin charmers of information and broadcasting, were fascinating and stimulating, I have consistently held the view that the combination of these highly controversial subjects in one Ministry could only serve as a challenge to the exhausted incumbent to demonstrate versatile agility in leaping from one political pinnacle to another, and never resting long enough in any one place, or with any one set of problems, to give them serious and effective attention. It is not,

therefore, only my natural indolence, but also a satisfied advocacy which lead me to rejoice in the fact that the recent interim reconstruction of the Government has resulted in a Ministry concerned solely with education. This at last gives me an opportunity to concentrate on the many problems of educational policy, not the least of which is the fashioning of an effective instrument in the Ministry and its representatives in the field for the planning and execution of vigorous and purposeful measures for the education of all the people of Kenya. I hope that this debate will help to illuminate the way ahead.

Hon. Members may recall that on this occasion last year I said that we were examining the possibility of a large measure of decentralization to provinces, which would have involved the retention at headquarters of only a small nucleus of less senior staff and the devolution of responsibility for many acts and decisions to senior officers in the field. This thought, at that time, derived in part from the feeling that the impetus of educational development was checked by the other preoccupations of the Ministry, but now that we have a homogeneous Ministry, in which the post of chief professional adviser and permanent secretary are happily combined in one person, with his specialist assistants in all fields close at hand, it now seems to me that the existing structure will well serve the country with certainty and expedition. This, at any rate, is what we aim to do.

I have heard it suggested in certain quarters. Mr. Deputy Speaker, that we are working without an overall plan, that we do not know where we are going and that a full-blooded commission of enquiry should be appointed to advise the Government on educational policy and draw up a plan covering the next decade. Personally, I cannot accept any element in this suggestion. I do not believe in government by commission. In my experience resort to a commission generally only reflects the inadequacy or timidity, or both, of those servants of the Government appointed and paid to frame and execute policy in the field of activity concerned, and it is our job to address ourselves to putting our own house in order, and to convincing the country that we are well poised for advance along a road with a defined goal and a track clearly charted for as far ahead as it is prudent and sensible to claim to foresee. I hope to demonstrate that we are, in fact, in this position, that our plans are laid, or are being effectively evolved, and that the general pattern of progress, while clearly etched, has adequate flexibility and a reasonable certainty of achievement.

I think that I can best illustrate the nature and purpose of our educational planning by reference in the main to education for Africans. I know

[The Minister for Education]

that a good deal of speculation is current on the steps which might be taken to develop an integrated system of education, tailored to certain political preconceptions, but I must frankly confess that my attention has been mainly directed in the preparation of these Estimates to the improvement of our existing structure and securing a maximum production from our present resources. A time of political uncertainty and shifting pattern of executive government is perhaps not the easiest period in which Ministers can collectively address themselves to the evolution of a pattern of educational policy adapted to the political and social environment of the future. I have therefore concentrated on the simpler proposition of getting more children better educated. No one, I think, would dispute the paramount importance of educating the great majority of the future electorate, and it is on our success in this area of endeavour that posterity will judge us, although I imagine the hon. Member for Central Nyanza, who is not in his place at the moment, would not applaud such a sentiment coming from a mere agent of imperialism. I would therefore like to place the emphasis in this speech on African education in the rural areas, and the further opportunities for improvement and advancement which open out from this sector.

Before I do that, there is one remark which I should like to make in this context. I see from the public prints that I am to be relentlessly pursued until I am forced to divulge the truth about the course of one of those highland hares which are so frequently let loose in Kenya. Perhaps I should call the hare a fox, or to save unnecessary journalistic effort, I could say here and now that the rumour referred to by the Master of Foxhounds in Nakuru cannot in any way be identified with Government policy. I return now to the question of planning.

The basic unit in educational administration and planning is the district education board, which finances elementary education for Africans in the African district council areas as to one-third from local tax yields and to two-thirds from Central Government funds, after the income from fees has been deducted from the gross recurrent costs. It therefore seemed to me that the most reliable basis for a secure development plan was to invite district education boards to ascertain individually their own resources, which vary naturally from district to district, in local provision, in expected fee yields and in the provision of trained teachers returning to those districts, and for Government then to make sure it could match these from its own resources, and to build up from these elements a three-year plan for the

development of elementary education, with the policy objective of aiming at the maximum advance within that period to the provision of seven or eight years sound education for every child. I chose the period of three school years 1960-63 for the first plan as it coincides fairly closely with the period of our next capital development programme, and is the maximum period in elementary education for which experience shows one can plan ahead with any degree of certainty. However, it is my intention that these plans should be constructed, as it were, on the model of a rolling barrage, in that each year the plans for the next two years are re-assessed, and a plan for a further year added. Thus, at any one time we should have a valid up-to-date plan covering three years ahead.

One of the problems which confronts longer-term planning at this time is that we are without much of the statistical information essential for precise forecasting. For example, our information available centrally for basic planning would suggest that over a very large area of the country we have 110 per cent to 120 per cent of the school age population at school. Now this can only throw doubt on the validity of our statistics, since we are doing well, but not quite as well as that. A census is due in 1961, and my Ministry has taken pains to be in close consultation with those devising the census in order that we may ensure that it will yield the essential information needed for educational planning in the future. Much of this, as I say, is lacking at present, and is certainly not available centrally in a collated form. This reinforced my conviction that we should build from the ground up, and that the edifice of our planning should rest on bricks of local materials produced locally from local materials by those who have an intimate and direct knowledge of the facts of the educational situation in their own areas.

I should like to describe in some detail the processes followed in a single district education board area, to illustrate a typical situation and how we have dealt with it. But before I do so, as I have referred to the district education board as the basic unit in educational administration, I should perhaps say something about our re-shaped system of supervision and management and the place we see in it for the voluntary agencies. Hon. Members will recall that the recommendation of the Beecher Report was that the Government should continue to work with and through those voluntary agencies which have and through those voluntary agencies which have the teaching of Christian principles as part of their intention, and that facility for Christian instruction be provided in all schools. In making its views known on the Report in Sessional Paper No. 1 of 1950 the Government stated on this

[The Minister for Education] recommendation that it fully supported the Committee in its opinion that education must be based on sound moral and spiritual foundations. The Government still completely adheres to this proposition as the fundamental basis for any satisfactory system of education, and we very much welcome and value the continued co-operation of the voluntary agencies in the development and management of our schools. It has, however, become evident that many of the responsibilities previously assigned to the voluntary agencies have overtaken their resources in modern conditions, and in discussion and agreement with them the Government has decided that efficient direction and guidance of our schools requires the assumption of some of these functions directly by officers of the Ministry, accompanied by the concurrent running down of the supervisory teams through which the agencies previously discharged their duties. A programme has been evolved for the replacement of supervisory teams over the next four years, and assist education officers and office assistants are being progressively appointed to the districts to enable Government to take over their functions.

The managerial functions of the voluntary agencies will then be well within their capacity, and will consist of the following. First, the registration of new schools. Secondly, the construction and maintenance of school buildings and grounds. Thirdly, the engagement, transfer and dismissal of staff, that is, the normal statutory duty of employers apart from the payment of salaries. And fourthly, the pastoral care of teachers and pupils. To aid them in this task, now redefined, the Government will contribute to the cost of administration by supporting a number of educational secretaries in the regions as well as the education secretaries general at the centre. The functions to be assumed by officers of the Ministry will be the collection of fees, pension fund payments and the compilation and issue of salaries to teachers, except that in certain cases physical payment of teachers will rest with the management. The Government will also directly provide school equipment and Government officers will be responsible for the inspection and supervision of the academic work of the schools.

This redistribution of responsibilities fully safeguards the continuing interest and effective help of the voluntary agencies in educational administration, but at the same time it will bring greater uniformity and more effective academic direction and enable us to eliminate waste. The prime requirement of the country is an economical system, with existing schools fully used, and I believe that we shall secure full response from the voluntary agencies in ensuring that denomina-

tional rivalries will not lead to a dispersal of our resources. This, we cannot allow. Progressively we must develop a system which will lead towards the establishment of local education authorities, themselves employing adequate professional and administrative staff, but I sincerely trust that all concerned with such development will seek to ensure that the moral strength and dedicated purpose of the voluntary agencies will remain harnessed to our educational effort.

Let me now turn to the work of planning in a typical district.

Action is normally initiated by the Ministry with a request to district education officers to submit development plans for a given period. The Ministry outlines the broad policy to be followed and the districts are asked to submit with their development plans forecast estimates of revenue and expenditure to cover the period.

In 1952, following this custom, development plans for the period 1953/56 were requested, on the broad policy of increasing the numbers of primary schools by a fixed percentage and increasing the numbers of intermediate schools so as to maintain 25 per cent of the Standard IV leavers going forward to Standard V. Towards the close of that period, in 1956, for the period 1957/60, the policy, that is the broad policy guidance given to district education boards, was to try and provide a four-year primary course in an aided school for every child, and at the same time double the number of intermediate schools. During that period, hon. Members will see the emphasis was squarely put on the development of facilities for the first four years of education. We have now got somewhat out of balance in our relationship between the effort in the primary sector and the provision of intermediate facilities, and that is why in the current planning period we are shifting that emphasis, and our general approach to this period involves a partial freeze on primary expansion and a corresponding concentration on new intermediate schools. We also allow a variation of the general policy in the more progressive or the richer districts, in some of which increased fees have been charged in primary and intermediate schools, the resultant increased revenue being devoted to financing an increased number of intermediate schools.

In many districts there are planning committees of the district education board, but most of the preliminary work in preparing a development plan falls upon the district education officer. He arms himself with all the relevant statistics that are available, such as enrolments for the current year, population statistics for the district, a map showing the distribution of schools and so forth. In this connexion I think that our plans in the

[The Minister for Education] Central Province have been very much helped by the enumeration which was carried out there at the end of 1955 giving population by villages and sublocations.

The district education officer then estimates from the population figures available the number of Standards I, that is primary schools, required in each sublocation, location or division. From these he subtracts the numbers of existing streams in primary schools, and is left with the number of new Standards required to ensure universal education at the primary level for all children coming of school age. That, as I said, is the aim of these plans. The opening of these new schools is usually then distributed evenly over the years of the development plan, giving priority to those areas where the need is greatest. At the same time the district education officer usually has to make a recommendation as to the management of the proposed new schools with due regard to the management of surrounding schools and the needs of denominational minorities.

The planning of intermediate school development is usually done on a locational basis, though soon it will have to come down to a sublocational basis in the more developed areas. Bearing in mind the probable finances and senior teachers likely to be available in the next few years, the district education officer then makes a forecast of how many intermediate schools should be opened each year during the period of the development plan. Then, he must form a view on the siting of these new intermediate schools, trying to maintain equality of opportunity to enter Standard V, both from a geographical point of view, and he would usually nominate a number of primary schools to develop Standards V and grow to be full elementary schools.

On this basis, detailed estimates of revenue and expenditure are worked out over the planning period, and when the deficiency grant required has been calculated an approach is made to the African district council to ascertain whether the council can bear its share of the deficiency grant. Sometimes it is able to find a greater sum of money, in which case, if the district wishes to push ahead with educational development, additions can be made to the draft plan, or, in the opposite case, if the costs are too great for the African district council to should some downward adjustment has to be made.

The draft plan thus produced is circulated to the members of the planning committee of the district education board. The planning coming usually consists of about four or five members of the district education board, though occasionally locally prominent people are co-opted to give the

benefit of their local knowledge. Once the plan has been circulated, it is discussed and reviewed by the planning committee, and tabled at the next meeting of the board. Since almost half of the members of the district education board are usually also members of the planning committee, it is normal that the plan is then accepted at this stage and sent forward to the Ministry for final approval.

As I have said, the policy objective which we set before the district educational boards when we asked them to carry out this process, the planning for the current period, was to secure the maximum advance over the next three years towards universal elementary education of eight years' duration without any drop in standards, but rather with a rising proportion of trained teachers, on a basis which will be financially tolerable for the local authority, and ensure that other essential local government services were not enfeebled to meet the voracious appetite for education. Once we have those plans produced on a district basis we group them by provinces, correlate them and check them against regional teacher training output. We also evolved similar plans on a slightly different basis for the settled areas and the more retarded areas with a greater emphasis on primary expansion in view of the leeway which these areas have to make up.

On the whole the pattern produced by this planning process was reasonably satisfactory in all areas except the Nyanza Province where the rate of expansion of intermediate education which these plans suggested seemed to me to fall far short in some districts of what was desirable. At the same time, we had a suspicion that the primary school provision was excessive for the estimated population. I doubted whether the available resources were correctly distributed to give the best results. I therefore arranged for a special interdepartmental enquiry for my own information, to be conducted by one of our Assistant Directors of Education, with the assistance of officers of local government and the Provincial Administration with the collaboration of the Treasury, into the state of elementary education in Nyanza.

The main general findings of this enquiry were that the existing aided primary schools were more than adequate to meet the needs of the area and that no new primary schools, aided or unaided, should be established unless a clear educational need could be proved. Every effort should be made to get more pupils, particularly girls, into existing primary schools where vacancies were found to exist for them in considerable numbers. Apart from a general desire to get the most out of existing capacity, these recommendations were designed to maximize the fee revenue for each

[The Minister for Education] progress towards the opportunity of eight years' education for every African child, accepting if necessary continued dilution with uncertificated teachers to maintain the rate of progress and secondly a concentration of resources on higher levels of training. Thirdly the halting of the expansion of 13 training and fourthly the consolidation of training into fewer and larger training colleges. This last point is of vital importance. The subjects of the intermediate curriculum have to be taught by teachers trained at a higher level and cannot be satisfactorily covered for students at teacher training colleges at K11 level by a staff of less than 14, of whom at least eight should be either graduates or specialists. The well-trained teacher with a K11 qualification is crucial to the quality of our education in the upper levels of the elementary system and the lower forms of the secondary schools. To produce them larger colleges have become a necessity. An additional advantage of the larger establishment is that it is much more flexible and can be called on for more work over and above the direct task of training, for example with refresher courses or academic help for the growing cadre of assistant education officers or more experimental work in teaching through the medium of English.

In the assessment of priorities, Mr. Deputy Speaker, I am determined to lay heavy stress on the expansion of secondary education. It is all too easy to be carried away by the popular appeal of eight years' education for all. But there are lessons from all over the world of the price emergent nations are paying for neglect of post-elementary schooling in order to satisfy this clamour. Let me cite only briefly, if I may, from the experience of India. I quote from a publication of the Government of India of September, 1955, reviewing the educational programme in relation to economic and social development: "Secondary education, which has been criticized for its stereotyped character, literary bias and poor standards has till now remained the weakest link in the Indian educational chain. Its objectives have been narrowly conceived and for the majority of students it has been a dead end, for it has fitted them neither for higher education nor for a career. The stress on examinations and the methods of teaching generally practised have further darkened the outlook of the students at the secondary stage."

I think it has been fully recognized by the Government of India that early neglect of the development of the secondary system through an eager desire to provide elementary education for all children has proved a severe handicap in their development. We have avoided most of those

drawbacks so far, and have been generally successful in our secondary schools in fitting the more gifted pupils for successful entry to higher education. In 1959, 746 boys and 53 girls a total of 799, presented themselves for the school certificate examination. This compares with a figure for 1949 of 61 boys and no girls. Of those who sat the examination in 1959, 605 boys and 49 girls gained certificates in the various grades, a total of 654 passes out of an entry of 799. The results in 1949 were 60 passes out of 61 candidates. It can be seen that as opportunity is opening more widely for the children to come forward into our secondary schools and as the methods of selection do not have to be so rigid, it is inevitable and I think natural that the very, very high percentage of successes of the past will drop. But our current plans aim at a production of 1,000 certificate holders a year.

At present about 13 per cent of those completing intermediate education go on to secondary schools and we shall be hard put to it to keep near this percentage as the heavy programme of expansion at intermediate level to which I have referred begins to take effect. But I am confident that the numbers in round terms will substantially and quickly rise.

The most important single development in immediate prospect is the addition of sixth forms in five schools, admitting their first pupils in 1961. There will be places for 160 of our best school certificate holders who will be given a two-year course leading to higher school certificate, with which they can enter directly on undergraduate studies. This development, while being desirable, is also essential in the light of a decision of Makerere College, which has been supported by the territorial government, to cease from next year accepting entry to a preliminary course, requiring therefore entry at higher certificate or G.C.E.(A.) level, thereby releasing their own staff and the capacity of their own institution for the proper work of a university college.

I believe, Mr. Deputy Speaker, that it is thoroughly sound that pre-university studies should be completed at school and I attach supreme importance to the effective provision of this new facility in our schools. It will be seen from the Development Programme 1960/63 that we intend to devote nearly £600,000 to the capital needs of secondary education, including provision for 15 day secondary schools. I am certain that we can achieve this substantial physical expansion, but I am not quite as sanguine about the effective staffing of these schools. We are operating in a very competitive market in seeking to attract United Kingdom graduates to teaching posts in Kenya, as we are up against precisely the same

[The Minister for Education]

kind of problem as was referred to by my hon. friend the Director of Agriculture when he spoke on Friday on the recruitment of agricultural staff. There is therefore an insistent need for African graduates in Arts and Science to enter the teaching profession if we are to realize our ambitions for secondary expansion. I hope next year to offer some special inducement to such graduates to take a post-graduate teaching course at Makerere.

To meet the needs of the modern world, it is clear that we should pay particular attention to the facilities for science teaching in our secondary schools.

Some months ago I managed to interest the Ford Foundation in this problem and as a result we have had a visit from a specialist in science education at the American University at Beirut, who has considerable experience of this problem in some of the less developed areas of the Middle East. That specialist came to survey our facilities and plans and advise in what way the Ford Foundation might come in to fortify our efforts for improvement. This visit was most stimulating to those concerned with science teaching in our schools and I have high hopes that this expert's report to the Foundation will lay the basis for fruitful co-operation on this problem.

Here, Mr. Deputy Speaker, as I am about to embark on a further sector of this speech, you might regard this a convenient time for me to pause.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I adjourn Council until 2.15 p.m. tomorrow afternoon, Wednesday, 18th May.

The House rose at Twenty-nine Minutes past Six o'clock.

Wednesday, 18th May, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

NOTICE OF MOTION

REDUCTION OF PERIOD FOR INTRODUCTION OF BILL

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT the period between the publication of the Traffic (Amendment) Bill, 1960, in the Gazette and its introduction into this Council be reduced from forty to seven days.

COMMITTEE OF SUPPLY

Order for Committee read.

MOTION

VOTE 20—MINISTRY OF EDUCATION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Resumption of Consideration of Motion Interrupted on 17th May, 1960).

The Minister for Education (Mr. Mathiesop): Mr. Deputy Speaker, Sir, when the House rose yesterday evening I had just given an example of the way in which we were seeking the co-operation of the Ford Foundation in the development of our programme of secondary education. There is another area in which we have also enlisted the help of the foundation. I feel, myself, that the day is far distant, if indeed it will ever come, when every child goes on to some form of secondary education and we, therefore, must expect a considerable proportion of our school-leavers and schoolgirls to leave school after the completion of an elementary course of seven or eight years. The country, therefore, faces a problem of what should be done to provide further opportunities for training and self-improvement for the elementary school-leaver. We were concerned to try to analyse the aspirations and capacities of those who will leave school at this level in order to devise means whereby they can be best fitted into the economic and social life of the country. It is in this problem that I have also interested the Ford Foundation on a co-operative basis with the Ministers for Education in Tanganyika and Uganda and all three territories have been visited by a Ford Foundation expert in educational administration and educational statistics, who has been employed on similar problems in India, Dr. Woodman. He has

[The Minister for Education]

draw up the outline of a research project which we hope will be considered over a number of years in East Africa with the support of the Ford Foundation and this gives us the relevant information to enable us to tackle the problem.

I have great hopes that we will end up by securing the positive support of the Foundation in the undertaking.

I would now like, Mr. Deputy Speaker, to turn to the subject of higher education. The House is already aware of the acceptance by the Kenya Government and by the other East African governments of the recommendation of the Working Party on Higher Education that we should aim to establish a university of East Africa consisting of three university colleges situated one in each of the territories, and pursuing a common and co-ordinated purpose and providing a common service. It is the intention that in each a science or the natural sciences of students could be done in the university colleges and the university colleges would drive centrally as a coordinating body of academic policy which might, in the course of time, award its own degrees. In the meantime internal links will be maintained with London University, and students will study for the degrees of that university, thereby maintaining reference to the highest standards.

The three East African governments are in agreement that early steps should be taken to set up the outline of the university structure, and it is my belief that it will be nothing to keep the offer of the Uganda Government to provide a home for the students in Entebbe, where it could have easy contact with the senior university college.

We are now well advanced in the planning for development of the Royal Technical College in Nairobi into the second university college serving East Africa. This university college will provide courses leading to degrees in arts and science and also a faculty of engineering to meet the requirements for degree and professional courses in this field for the whole East African area. These degree studies will be complemented by the Faculty of Higher Professional Studies in a continuation and development of some of the facilities provided now by the Technical College. An eminent professor of mathematics of wide university experience has, in the advice of the Inter-University Council and the Council for Overseas Colleges of Arts, Science and Technology in the United Kingdom, been appointed as principal of the college and principal designate of the new university college which will be known as the Royal College, Nairobi. I am sure that under his guidance we can look forward to the

development in this city of a very fine institution of higher learning.

Much of the credit for this prospect must rest with the vice-principal of the college, Dr. Gale, who is vice-principal-designate of the new college, and who has carried the main burden over the last few years of administering the college and planning for its development. He has never lost faith in the possibility of raising the college to full university status, and he now sees his ideas on the threshold of realization. Even more important, perhaps, in a time when the future of the college was uncertain, he has maintained the morale of a loyal and hard-working staff and has promoted a true interterritorial and co-operative spirit amongst students of all races drawn from every corner of East Africa. This is a major achievement in leadership in conditions of bewildering difficulty.

The College also owes much to the energy and unstinting service of the Chairman of the Governing Council, my hon. friend, Mr. Rogers. He must, I think, be one of the busiest men in Kenya but he has given unbounded care and attention to the guidance of the College Council in this evolutionary period. The cause of higher education in East Africa owes much to his drive and resource.

I said that the overall pattern of university education in East Africa is now envisaged will be completed with the addition of a third University College. We have, I am sure, in this House a natural sympathy with the aspirations of Tanganyika to move as soon as possible towards the completion of this pattern with the establishment in that territory of a College offering complementary facilities for degree studies to which local loyalty and support can be given within the guiding concept of the interterritorial idea.

The scale and pace of financing of this pattern of university development over the five years beginning in 1961 is to be studied in July of this year by a body known rather ponderously as the Quinquennial Advisory Committee, composed of eminent persons from academic life in the United Kingdom with representation from East Africa. I feel sure that we must do everything possible to find the necessary resources for a programme of development sustaining the highest academic aspirations.

For the 1960-61 academic year, with the full financial support of the Kenya Government, Makerere has sent offers of admission to a record total of 111 Kenya students, of whom 100 are Africans. The Royal Technical College has sent offers to 55 Kenya students, of whom 55 are Africans. The record total therefore of 166 Kenya students have been offered admission to Higher

[The Minister for Education]

Education in East Africa this year, and of these 158 are Africans. It is interesting to compare this total, that is the total of African candidates offered admission, with the results of the school certificate examinations in the secondary schools. 157 students obtained first division certificates and 155 places at school certificate level have been offered to Africans at Makerere and at the Royal Technical College. In some instances good second division certificate holders are amongst those to whom places have been offered, since their performance in the subjects relevant to the courses they intend to follow has proved acceptable to the admission authorities at the colleges. It can therefore be said with confidence that no first grade school certificate holder, acceptable to the colleges, has been denied an opportunity for higher education through the inability of the Kenya Government to produce the necessary finance.

In addition to this massive entry to our own colleges, which means that in the coming year there will be 405 Kenya students at Makerere and 220 at the Royal Technical College, we will be supporting 172 students overseas on Kenya Government bursaries, as well as 59 teachers on special teacher training scholarships. I am sure that the returning graduate will be a crucial factor in our development over the next few years, and for this reason I have paid particular attention to the promotion of opportunities for higher education.

I feel, Mr. Deputy Speaker, that no reference to higher education would be complete without some mention of Kenya students in North America. The prospect of education in the United States exercises a peculiar fascination at the present time, and the Kenya Government has enjoyed most satisfactory co-operation with the representatives of the agencies of the United States Government in Nairobi, who are concerned with the promotion of such programmes. Where scholarships and other facilities are offered through those agencies we can, I think, claim to see very satisfactory results. I have had some reports from their colleges on such students, from which I would like to quote an extract or two to the House.

From a report on a student who is studying education at the Columbia University Teachers College, New York: "He is the kind of person who immediately wins the respect and confidence of those with whom he associates. He is quiet, thoughtful, speaks frankly, but with tact, and is one of the most conscientious students that we have had this year." That is the sort of impression we, in Kenya, want to make in the United States. Let me quote from another example. A student of

plant pathology at Cornell University, New York: "His attitude toward his studies is excellent. He appears to have thought about the welfare of his people and how his training could contribute to it. Very co-operative and desirous of taking part in activities of faculty and students. He is Vice-president of the International Organization at this University." Another example. A student of political science at the University of Arizona, and this is one of the few girls we have sent to the United States under these programmes: "Excellent adjustment and general attitude; a born student leader with initiative and executive ability. Was leading figure in the International Students' Club where she was in charge of educational activities, the most successful endeavour of the club." Yet another example, if I may detain the House on this. A student of civil engineering at the University of Colorado, who from his name comes from the Kalenjin group: "Has now and always has had a wonderfully healthy attitude toward all aspects of life. No problems of adjustment whatsoever. He is one of the most popular students on the campus. We feel that all in all he has had a very rich and meaningful experience in America, and that too, when he has completed his requirements for a degree here he will have a great deal to offer his own country when he returns to Kenya."

Now these, I think, Mr. Deputy Speaker, are very encouraging examples of the benefits which can arise from a well organized and co-ordinated programme of student exchange with the United States. I cannot, however, say that I am quite as happy about those students who have gone to the United States under less official auspices. I have every sympathy with the urge for more education wherever it can be obtained, but there is a real danger that the casual patronage of those who happen to have contacts in the United States may launch ill-equipped, in the academic sense, and inadequately financed students on a course of frustration and despair. I have had special enquiries made, which are not yet complete, through the British Embassy in Washington, to ascertain whether any Kenya student in the United States is suffering real deprivation and hardship, and the preliminary results indicate that the difficulties encountered by these students can sometimes be exaggerated. It is much more frequent to find cases where the real academic weaknesses of the candidates, who have been somewhat hurriedly selected for such opportunities, leads to unhappiness because they cannot really compete with the courses on which they have embarked. It is much rarer to find cases of students who are suffering acutely from lack of financial resources. There is no doubt that many of them find it impossible to do more than meet their bare needs,

[The Minister for Education]

and are therefore deprived of much of the stimulus which the social life of a university can provide, but if they have the necessary determination and character they will, no doubt, like students all over the world, see their own way through to the end. However, with the growth in numbers of East African students in the United States I have, in agreement with my colleagues in Uganda and Tanganyika, decided to ask the Secretary of State to create a post of East African Students' Adviser attached to the British Embassy in Washington, and provision for our contribution to this post is in the Estimates now before the House.

I sincerely trust that anyone who may be involved in the provision of facilities for Kenya students in the United States who will do nothing which might starve our own colleges of the best student material. I am convinced that opportunities for study overseas are most fruitful when taken at the post-graduate level, and if we are to build up our own colleges on the lines which I have indicated to the House, we cannot do so without a steady intake of our most promising students to take their first degrees there. Unless our own colleges have the right student material they will never grow to full stature, and it is surely a cardinal interest of the leaders in the East African territories to ensure that our own local institutions of higher learning get every possible support. What I might call the "poaching" of such students for studies in America would be a grave disservice to our country.

The lure of trans-Atlantic education also appears to be having another unfortunate impact on our development. Once candidates have been selected for higher education in our East African colleges, it is the regular practice for the Ministry to try to arrange opportunities for other school certificate holders to enter a wide range of local courses of vocational training. I refer particularly to the training of the K.T.1 teacher, and the various courses offered by the Medical Department. Normally there is a strong response to these offers, but this year the pattern has been sadly changed. Of 25 school certificate holders offered places at a teacher-training college not one replied. Insufficient suitable candidates for a course for assistant health inspectors were forthcoming, and it was not possible to mount such a course this year. Other courses in pharmacy, physiotherapy and for laboratory assistants failed to evoke the usual response. I am told that this phenomenon is largely due to the feeling among school certificate holders that if they hang around long enough they will be air-lifted to the United States for higher education. In most cases I doubt very

much whether their basic academic equipment is adequate for them profitably to follow such a course, but in the meantime the country is losing their services in what may be less adventurous, but still valuable and satisfying walks of life. I frankly do not see that we can do very much about this situation, but I feel that I should bring it to the attention of the House.

One aspect of higher education in East Africa to which increased importance has been given by the pace of recent events is the work of the Extra-Mural Department of Makerere College in Kenya. I had the privilege of addressing a rally of Extra-Mural students in Nairobi a few weeks ago, and I was very much struck by their enthusiasm and by what I learnt of the value of the work being done by the single resident tutor, Mr. Hughes, and his mainly voluntary helpers, whom we have hitherto been able to employ in Kenya. This work has been, given enormous impetus and inspiration by Mr. Hughes, and I am very sorry that he is due to leave Kenya shortly on promotion to similar activities in Hong Kong. I would like to congratulate him on his promotion, and I am sure the House will join me in thanking him for the work he has done and initiated in Kenya.

I do not think we have given sufficient emphasis to this work in the past. Hitherto it has been separately financed by the individual Governments in relation to the activities carried on within the territories, but it has been agreed that as from the beginning of the quinquennium, which starts in 1961, the financing of this work throughout East Africa will be covered within the general estimates of Makerere College. In the meantime I am giving further thought to the possibility of some expansion of this work in Kenya in the coming financial year.

At the conclusion of this speech, Mr. Deputy Speaker, I should like to refer to some other activities and interests which at present come within the ambit of the Ministry of Education. The first of these is library development. In my consideration of this problem I have had very great assistance from the energetic and experienced Director of the East African Literature Bureau, Mr. Richards, whose activities as a High Commission Service find support from us under Vote 13 of these Estimates. Many aspects of educational work in Kenya derive assistance from this service which, although it is one of the smallest of such organizations, has a record of publications produced and sold that many larger organizations with similar objectives have envied. It is a tribute to the pioneering work done by Mr. Richards that he was invited by the United Nations Educational, Scientific and Cultural

[The Minister for Education]

Organization to produce for them an international work on the problems of publishing for literacy in the less developed countries.

For schools, the Bureau either publishes itself, or obtains the publication of books in English, Swahili and the many vernaculars of Kenya; these publications range from reading primers to books and diagrams for the teaching of history, civics and economics. It encourages the reading of English by the publication of a magazine of which over 20,000 are sold of each issue.

For the education of the public generally, the Bureau produces primers to teach adults to read, books on agriculture, health, the work of Government and other subjects of interest and profit to the literate adult.

An aspect of the publishing work which is of great significance is the seeking out and helping of African authors. The organization was founded to develop a supply of literature in and for East Africa, and the Director and his staff regard it as of prior importance to get local writers to take their part in building up this new literature. An average of 60 to 80 titles a year has been published in 26 languages, and over two million of the Bureau's own publications have been sold. When it is realized that this work has been done by a staff that has never exceeded three senior officers, two of them with other duties as well as publication, and four or five clerks, this Government, I think, has cause to thank those whose foresight established the Bureau on such sound and economical lines.

The Bureau has another task to perform, that is the establishing and running of a lending library service. Valuable as its publication work is, it is of a temporary nature, for the policy of the Bureau is to encourage and promote publication of books locally by commercial firms, and it is thus working to the dissolution of this part of its duties. In its library work, however, it is laying the foundations of a social service that no modern country can do without. All it has been able to do so far with the small amount of money at its disposal is to lend small libraries for other people to run and to develop a postal library service for a limited number of members. Scarcity of funds has so far made it impossible for this, or any other East African Government, to devote to further development of library services the money which is clearly needed. I have, however, been giving much attention to the necessity of planning the kind of library service that the growing literate population of Kenya requires. We have managed to obtain a generous grant from Her Majesty's Government to make it possible for an experienced librarian to work in East Africa for several years. His duty, as far

as Kenya is concerned, will be to work with a committee I have set up to investigate and plan the future development of our library services. It is obvious to me, Mr. Deputy Speaker, that this Government, which is spending at the rate of over £6,000,000 a year on educating people and enabling them to read, must give some thought to devising ways whereby books may be readily available to the people we have educated.

I hope that the work of this committee, and the services of the expert librarian to which I have referred, will help us to see the way ahead in the development of library services, since it has been a grave disappointment to me not to have been able to assist more generously such admirable enterprises, for example, as the Scif Bin Salim Public Library in Mombasa.

Museums are another educative influence in the life of the country. Dr. Leakey, as Curator of the Coryndon Museum, has established an international reputation, and has made Kenya known in scientific circles throughout the world. I would like to refer here to perhaps the less well-known Stoneham Museum near Kitale. In a lifetime of collection and scholarly research, Colonel Stoneham has built up, largely at his private expense, an unrivalled assembly of objects and specimens illustrating the archaeology, zoology and history of this area of Africa. He has also assembled a museum reference library of over 5,000 volumes or scientific publications relating to the subjects in the museum collections. Some of these books are very rare and of considerable value and constitute, with the collections themselves, a national asset which I feel it is our duty to preserve. It has been, again, a great disappointment to me that so far I have been unable to find the funds which are presently required to house these collections adequately, to make them more readily available to the public and preserve them properly for posterity.

Our present annual grant—for what I am convinced is a very important element in our national life—is the derisory sum of £100. When facilities such as libraries and museums have to compete in their claims on finance with the massive problems of expansion of formal education they inevitably come off very much second-best.

Now that the field of adult education has been made the responsibility of a separate Ministry I intend to explore the possibility of handing over these and similar responsibilities to a colleague who will, I hope, not be quite so ravaged in the assessment of priorities as I, perforce, have been. The frontiers of adult education have not as yet been precisely defined, although it is clear that been precisely defined, although it is clear that activity of the new Ministry. I have already

[The Minister for Education] arranged to consider this matter further with my colleague, the Minister for Labour, Social Security and Adult Education.

I realize, Mr. Deputy Speaker, that there is much of interest to hon. Members in the field of education which I have been unable to cover in this speech without excessively imposing on the generous tolerance of the House. My hon. friend, the Director of Education, will at a later stage in the debate supplement my remarks by covering many of these omissions and I hope the House will understand that the fact that I have omitted reference to questions of great interest to many hon. Members does not mean that they do not command my attention and regard. But I cannot impede the House indefinitely in its eagerness to express ideas on such a vital matter as education and I therefore beg to move.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala) seconded.

Question proposed.

Mr. Muliro: Mr. Deputy Speaker, I must congratulate the Minister for having presented his speech so well as this Vote on Education, seeing that it is his last speech in this Council as a Minister probably. It has been the best that I have heard and I would have hoped to have him longer than this, but it is unfortunate.

When one comes to look at education, Mr. Deputy Speaker, one finds that we must now work for education for Kenya's citizens. Whatever methods, whatever policies, the Minister for Education has to bring forward to this House, all that must be aimed at creating better citizens for this country. I think the Minister completely — I did not listen to his speech yesterday and if he did say so he will correct me—ignored the idea of an integrated educational system for the whole of Kenya rather than continuing with this discriminatory service. I think if Kenya has to be one nation our educational system must be one so that the children learn to live together at school and they have to be brought up together like that so that they live as citizens of tomorrow. Now, if our educational system is to be on parallel lines, the Europeans have their own schools, the Africans have their own schools and the Asians and the Arabs as well. In fact they come down even to Muslim and non-Muslim schools for Asians and schools even for Goans. If we are having these various educational systems in this country, what it all means is that we are actually trying to create small nations within the same nation. I would say, Mr. Deputy Speaker, that if we carry on with this policy I do not know where we shall move to. This is a challenge to all people in this country who are

determined to live in this country as citizens of Kenya. We must now think of one integrated system for our education. I know the various fears are from the European community. They maintain that once we have an integrated educational system the standards will drop. I do not know what these standards are. If the standards are to drop, even if the children mix at higher levels, these standards will go down inevitably, because if pupils from the Alliance High School and the Prince of Wales School go to the Royal Technical College to benefit by instruction at the Royal Technical College it shows clearly that the standards at the Alliance High School and the Prince of Wales School are very much the same. I have said before, Mr. Deputy Speaker, that we can never create equal educational opportunities on parallel lines. We cannot because we are bound to lay a certain emphasis on certain racial groups rather than on others. So on this I would urge the Minister for Education to work very seriously towards one integrated educational system. It might be difficult—and know it is difficult—at primary level, but definitely at secondary level we must make a start now. A certain percentage of places in European schools should be opened to pupils of other races. It should be done likewise in African and Asian schools. If we can start like that we will be at least administering some sort of treatment for these few Europeans who do not want an integrated educational system at all. I would urge them that if they do not want an integrated education system that the place for them is to move away from this country probably and go back to Europe where they will have their children educated without Africans or Asians.

Now, another point that I would like to raise, Mr. Deputy Speaker, is on adult education. I think the question of adult education which is now being given to a new Ministry is a very, very important problem for Kenya. Unless our masses are getting some form of education—and here I would urge that the Ministry of Adult Education now start some form of continuation evening classes in various townships, even in various districts which are even around teacher training centres. For instance, one could take a place like Kaimosi in my own district where we have got a teacher training college. These trainees could go out in the evening and try to teach the adults in intermediate and primary aided schools which we have plenty of in my home district, the adults who have never been able to go to school. Unless our masses are intelligent they will never be able to choose between the two evils in this country. We are talking of democracy, but we are not preparing the people for the idea. We must now start working for that and I think the sooner the Government of Kenya realizes that the better it

[Mr. Muliro] will be for this country. I think here is where the Colonial Office probably and the British Government, if they are interested in Kenya at all, if they are interested in our future at all, here is where they should give us some money and start trying to create that good future which everybody longs for. Whenever we talk about these things we are always told that the Africans are not ready for it. If we have not been ready for it for so many years under the British Government, this is the greater urge to be independent in order to work this thing out ourselves here in Kenya.

While talking on adult education, I would also say that we are very appreciative of the work the Makerere Extra-Mural Department have done in Kenya. The results in Nairobi have been very great and I think this should be expanded to all parts of Kenya. I think we should have three resident tutors in Kenya, one in Mombasa, one in Nairobi, and another one in Kisumu, and if the Kisumu one cannot work through the whole western part of Kenya we should have another one stationed at Nakuru; or the work in the Rift Valley should be shared between the resident tutors for Nairobi and Kisumu. This is what we would urge the Kenya Government at least to do. If we could get some resident tutors to be paid for by Kenya if Makerere could not afford it, we could do a service to our country like that.

Then I come to one of the most deplorable things in this country: the common entrance examination. I have said here on this Vote from year to year; ever since I came into this House, Mr. Deputy Speaker, that the common entrance examination must be abolished. We have moved a Motion in this Council already. It has been accepted by the Government, that the common entrance examination would be abolished as soon as possible. That phrase "as soon as possible" is becoming very typical nowadays. As soon as possible: we do not know when it comes but it continues on and always the Government will use the same phrases. "We will deal with that as soon as possible." Now, I think the Kenya Government must wipe out this phrase from its vocabulary. The common entrance examination is doing no service at all to Kenya. As long as a child is just given a little bit of education and goes back to ignorance, that child is worse than the one who has never been to a school at all. I would prefer my child to be completely illiterate without having tasted education rather than have him thrown out of school after four years; that is, the boys and girls who are being thrown out are being thrown out at the ages of ten or eleven. Now, a child at ten and eleven, at least from eleven onwards, is in his adolescence stage, as we, the teachers, say. As all adolescents require careful handling by an

experienced teacher, yet at that time our policy throws out thousands of children and they become the spivs in Nairobi, Kisumu, Mombasa, Kitale and Eldoret. Those are the ones whom you say are becoming a social menace, but they are a social menace not because of their choice but because of the bad educational system. I do not say, and I would be the last person to say it, that if there were no competitive common entrance examinations all the children could go on with education up to the age of fourteen or sixteen. Some of them would drop out naturally, but please let us wipe out the common entrance examination.

I know the Minister for Education will come forward and say: "Where is the money and where are the schools?" All these are problems but we know also that we can improvise some temporary schools and people are prepared to be voluntary teachers to teach at a given time. In fact, African teachers would willingly do it. I was a teacher. I would be prepared to overwork myself and teach in the morning and the afternoon — two classes rather than have the African children suffering. So this system of education should be equated. Not only should I like that, but it is discriminatory. It is only African children who have this examination and no other child in Kenya. The Asians do not take this examination, the Europeans do not take it. Why should we discriminate if we say we are looking for one Kenya where there will be no discrimination?

While talking on this issue of education, again I would urge the Government—and I regard this as the most urgent and a most serious issue now facing Kenya—when we look at our Northern Province, that the Northern Province is the most neglected part of Kenya. Just now you find people as disgruntled as the Somalis in the north who say they would rather join Greater Somalia than Kenya. But this is because the Kenya Government hitherto has never tried to integrate the Northern Province into the Kenya nation as such. This is the time we should try and give them more education. We should build more schools for the Northern Province. We should build more schools for the Masai. I think the concentration, Mr. Deputy Speaker, should be more in these areas than anywhere else in Kenya. When you look at the number of schools in the north at present, there are two intermediate schools only and so there are two intermediate schools only and so there is today in the Masai reserves. I think these people should be given more facilities at intermediate levels and once the number of intermediate graduates are many we should have at least, or the Kenya Government must think of, a secondary school for the Northern Province. Virtually every province now in Kenya has at least one secondary school. It is only the

[Mr. Muliro]

Northern Province which has none, so this is one of the issues which our Ministry of Education should consider very seriously.

Another urgent issue is the salary of the teachers. When one looks at the salaries of the African teachers in Kenya, one wonders whether actually the Education Department is interested in the teaching profession at all. The teachers work very hard all the time and find out later on that the pupils who have gone through their hands probably become clerks in towns like Nairobi and get very much more money than the teacher who taught him.

Hon. Member: Question!

Mr. Muliro: Well, you say, "Question", but you can find an ordinary K.P.F. teacher who becomes a typist in Nairobi getting definitely more money than some of the 12 teachers who taught him. That is a fact and if you want to query that you need only look at the statistics of the various departments and you will find that those clerks are getting much more money than the teachers.

Here also when you come to look at the K.T.I teacher, there is serious discrimination between the African K.T.I and the Asian K.T.I teacher.

The arguments which the Minister always advances is that the Asians have to be induced to teach. I would say that nobody should be induced to teach. A teacher is by profession a lover of children. Now, if the Asian members are not interested in teaching at all, what I would say is this, the answer is in integrated educational system. If the Asians there do not want to go to teach and they want to become lawyers or doctors, the Africans will teach all the children in Kenya. I am prepared to go to an Asian school and be the headmaster of one of their schools if the Asian teachers do not wish to come forward, so why induce the people who are not even interested in teaching the children; people who are interested in some higher salaries to come into the teaching profession? The best thing you could do is to raise the salaries of all teachers irrespective of their race, but to keep the African behind in salary and to tell them that we are raising the salary of the Asian K.T.I simply because we have to induce him, that cannot cut ice with us at all.

When the Minister came to talk about higher education I was pleased about his remarks but I did not very much like his ideas when he said that we have some students in America at present who have gone through, as he calls it, "casual patronage" and these ones are not doing very well. I regard anyone going out of Kenya as someone who will learn something from that by the very

fact that if anyone leaves in this country even for a visit only to another country outside Kenya at least overseas this person is a better person, even if he does not come back with any certificate. For education in itself does not merely mean possessing a certificate. A certificate can be obtained by any rogue. One can be schooled but not educated because education actually is far more than being merely schooled. Therefore, I think the Minister should also consider that aspect of it, that by the very fact that you are here in Kenya you are now better educated about Kenya's problems than when you came here some three years back with Mr. Lennox-Boyd as Under-Secretary for the Colonies. I do not think you will argue against that.

Now, also I would say this, that if some of the best students from Kenya get the chance to go out to the United States of America, Britain, India or Burma, China, or any of these places, please let these best students go out and do not say, "Oh, no, let us fill our colleges here first", because I think even if the best students go out, we will be achieving very much more than by saying, "Let our best students stay close here in Kenya." I regard local education here as inadequate.

Now, another interesting point is this, that the Minister for Education thinks that only the first class divisions should be allowed to go in for higher education. But achievement in a given examination at a given moment does not in any way prove that that particular student is more brilliant than someone who will get a lower mark. One might be suffering from examination fever and, having been a scholar myself, I know that. During that time he is very emotional and finds that he does not do well. But I think the best criteria in all secondary schools is that records should be kept so that any student who wants to go out, even if he obtains a third-class certificate at his school certificate examinations, the principal can be asked "How was the progress of this student throughout the last two years, at least?" If it is shown that this person was quite brilliant, allow him to go wherever he wishes to go, even Makerere and do not confine him only to the first- or second-class certificates.

Now, finally, I would say this, that education, as I said before, regarding the Ministry of Agriculture, these two Ministries are the key Ministries in Kenya and, therefore, the men in these departments are the people who actually determine the future of Kenya. The Minister for Education, the Director of Education, and all the people in the Education Department must know they are harbouring a very great responsibility. The attitude of our teachers towards development

[Mr. Muliro]

to me is far more important than the attitude of probably any other people over on the opposite side because the whole education system must be aimed at creating better citizens and you can never get better citizens unless the teachers and all the people working in that particular department are contented and happy people.

Therefore, whether the Minister likes it or not, let him look upon the development of education with that in mind. First of all let him get a contented teaching service. Now you have got the National Union of Teachers. Now, all the problems of teachers should be through that department, irritating problems like what I have had to face here on discipline and all that should go through their own organization, and hence have a better contented teaching service. When in this Council I moved a Motion in this House that we must have an integrated teaching service, and the sooner that is implemented the better it will be for our future. We can never have an integrated educational service unless we start integrating the teachers in their national organization.

With these few remarks, Sir, I beg to support.

Major Day: Mr. Speaker, Sir, I would like to start by congratulating the Minister on what I thought was a very lucid and very sensible and extremely detailed speech. In fact, Sir, I thought it was characterized by the hard-headedness which we very often associate with people who come from north of the border in Great Britain. But I was very relieved, Sir, when the last speaker, the last hon. Member who spoke, said that he did not, as he did in the previous debate on agriculture, suggest that we had a lot of lessons to be learned in the matters of education because if we had studying what is done in Israel the New, Sir, I tremble to think what might happen to the educational system of this country—admittedly it would be thorough.

Now, Sir, I was very interested indeed on the subject of higher education and as far as Makerere College and the extra-mural—the money required for the extra-mural, the extension of the extra-mural—facilities are concerned, Sir, I cannot believe that anyone in this House would not agree with his suggestion, when I believe he said that he was trying to find this money.

Now, Sir, we all talk repeatedly in this House about this wind of change. It is a comparatively recent expression which was made, as everybody knows, by the Prime Minister of England, Sir, when this wind of change, or whatever you like to call it, is blowing, I think it behoves sensible people, of whatever race they may be, not to let themselves be blown away too fast by it. In other

words, let us approach these problems, these complicated problems which are upon us today, and we all recognize it whatever our opinions may be, we all recognize it, let us approach, Sir, this very crucial and difficult phase in the evolution of this country with a sense of conservatism in its truest and best sense, that is to say, before any changes are made they should be studied very carefully, and let them be analysed, whether these changes will ultimately devolve to the benefit in the main of all the races in this country.

Now, Sir, I do not wish to press the Minister by asking for too many assurances, but in a time of change it is quite natural that the minorities should indeed ask for assurances, and I would ask him this. I would like him to assure this House that whatever changes may be coming in the educational structure in this country the standard will be made higher and not lower, that is to say, the standards of education, and the final product of that education will be what will always be its goal and objective, that is to say, a high standard of the final product.

* Now, Sir, in this business of the wind of change and the Bill of Rights—we hear so much of this jargon these days—it would seem to me that it is reasonable and just to expect that any community and any parent has the right to ensure that his children are educated in that manner and in the tradition and in the general standards and, Sir, indeed, perhaps most important of all, in the religion in which he himself wishes to have his children educated in. Therefore, Sir, all this talk of integration and compulsory integration, sometimes as we hear it suggested, is to my mind quite immoral, quite wrong, and cannot in any way be substantiated in the sense of justice as most of us or all of us I hope in this House understand it. It is admittedly true to say that any parent will always have the liberty of educating his child as he so wishes it providing he has the means to do so. Well, Sir, there are many people from all the communities in this country who do not possess those means, and it is to those people, Sir, that I suggest this suggestion or talk of integration is likely to be most damaging, most unsettling, and, Sir, to cause that very lack of confidence which he has talked about so much in this House recently; because part of the economic stability of this country is to depend on the importation of skill then, Sir, those skilled people must have the right to educate their children as they would be able to do; Sir, in the countries from which they came. This is elementary justice.

Sir, I do not wish to continue at any length, and unless it be misunderstood by people in this House that I am endeavouring to put forward an

[Major Day] objective of this nature from a racial point of view I will tell them that it is not so, that what I am endeavouring to say, Sir, is to urge the Minister for Education to regard this problem with justice, with a due regard towards attracting people into this country who will increase the ultimate economic stature of this country, and in doing so, Sir, will provide those means possibly which will raise the standard of living of all the people of this country today; because that, Sir, is basically what I think we all wish to do in this House, and that, Sir, is one of the main objects of education.

I beg to support.

Mr. Travadi: Mr. Deputy Speaker, Sir, I am not going to make a long speech today with a time limit of only 30 minutes, but I would say that after hearing the Minister I really think that the wind of change has swept over the heads of this Ministry tremendously to an extent that today in spite of the fact that today the Estimates are based or are framed absolutely on racial lines he has kept away himself from those racial talks.

Mr. Deputy Speaker, last week a friend of mine of this House, I should say, without mentioning the side, told me, "Mr. Travadi, when talking about education why knock at the stone wall for nothing? You are going to get anything." I told him that I remember some Christian friends of mine talking to me that there was something of the sort of an advice in the Bible to say, "Knock at the door and it shall open." If I go on knocking and knocking a day may come, because if the cause is a righteous one, and if the thing that I am after is really a righteous cause, and an injustice is being done for the last 30 or 40 years, then I am pretty sure that one day a day will come when somebody will hear my cry, if not here at least somewhere outside this House and the things will be remedied.

Mr. Deputy Speaker, coming to the aim of the Asian education and the obligations of the Government to each race and more particularly towards the Asian, as I am now speaking on behalf of the Asian community, so far as the Asian community is concerned, Mr. Deputy Speaker, hon. Members do not know that they are being treated in a way they ought not to be. The authorities treat the Asian community as if its members are in Kenya but not that they are of Kenya. I repeat again, that the educational authorities treat the members of Asian community, and the children, as if they are in Kenya but not of Kenya. Nobody knows yet and more particularly, I, a man who has been taking so much interest in education, what the obligations

of the Government towards the Asian children are. To me it appears that the education is in the main no doubt being given to the Asian community, but it appears to me to be a sheer waste. I am not talking about the higher education at the moment but I am just confining myself up to the secondary course.

Mr. Deputy Speaker, I feel there is a lot to be said about this as I am really studying the developments of education for Asians, but I am entirely dissatisfied with the progress that has been made. I was also thinking that with the arrival of two new Members, one the Minister for Education, and also the new Director, our things will improve. But to my utter surprise I am beginning to feel the other way about. I wanted really to congratulate the Minister today for having tackled the African education in detail to an extent that any third party can very well say that it is really satisfied as to how the Minister has analysed the situation. But he has entirely missed or omitted deliberately the two sides of the education, the Asian and European education. We know at the moment, Mr. Deputy Speaker, what is taught as education in our Asian schools. The teachers there no doubt will keep the class quiet by teaching here and there and after a year's progress we have our prize distribution ceremony where we Members and more particularly the heads of departments, particularly on the education side, are invited there. The Principal preaches a sermon and then after that some prizes are given, and thereafter a few Indian dances are performed, and the show is always over. We do not know the intrinsic value of what education really ought to be, there is no seriousness felt for Asian education anywhere else.

Now I am just confining myself because the time is very short to two points and more particularly I would touch on secondary education and its senior Cambridge examination. The results of the last year, Mr. Deputy Speaker, are that the higher school certificate, out of the 50 who sat for the examination, only 26 passed. That was called 52 per cent result. Out of the school certificate examination, out of the 1,247, Mr. Deputy Speaker, 706 passed, that is 56.34 per cent result. But one must know what the total number of students in the secondary education was. The total number on the roll was 10,608. Such a big number only produced 26 higher school certificate passes and 706 school certificate passes. In contrast to these, Mr. Deputy Speaker, out of 3,189 European students, 92 appeared for the higher school certificate and 71 passed, the result being 78.25 per cent. In the school certificate, out of 509 over 455 passed. The result is over 90 per cent pass. In looking at the contrast

[Mr. Travadi] I should say the money spent on Asian education is a mere waste. I do not say that it has been in any way extravagant.

Mr. Deputy Speaker, talking about the qualified staff in the Asian schools, I remember in the year 1958 when the hon. Nominated Member, Mr. Nurmoahmed, put a question to the Minister, when Mr. Luyi, the then Minister for Education, replied, he said there were sufficient numbers of qualified teachers to man the Asian schools up to 1960. The question now arises, does the Minister hold the same view now or is he satisfied that the answer given then was a correct one? Because I know as a matter of fact that out of the 60 or 64 aided schools there was not a single qualified teacher in 44 schools and the answer here is that up to 1960 there were sufficient qualified teachers to man the Asian schools.

Now, Mr. Deputy Speaker, the Minister referred to the question of replacing European teachers in African schools by training more Africans in the training centres, but so far as the Asians are concerned the process, is the reverse. We had this problem, I am not talking from any racial point of view, let that be made absolutely clear, I am not speaking from a political point of view, that also I would like to make clear, but on our side and coming over to our side and being dumped on our side, Sir, the Minister should take note that we resent this.

Mr. Deputy Speaker, recently we had two or three examples in Nairobi at the Ngara Secondary Modern School, they call it a secondary school, there is another school, Eastleigh Secondary School, too, to which European principals are being sent. I also understand that in Mombasa a European has gone or is going or something of that sort. Now, this question of Europeanizing our Asian schools has had the attention of this House and with Government not only now but during the years of 1926, 1927, 1942, 1943, 1944, 1945, and even in 1950; and again now the educational authorities have the audacity to raise this issue again and make a move in this matter. Mr. Deputy Speaker, I would like to know if the Education Department can supply here to this House the number of European principals with their qualifications at least in Government Asian schools as at today and how many were there in 1950 so that we may know at least during the last ten years what number of principals there were and what changes have taken place since.

I would also like to know the number of applications that have been received by departments for secondary schools so that we may know how the decision was arrived at, whether there were

any Asian applications and whether their qualifications were sufficient to justify the appointments.

I would also like to know, or this House to know, the results at least for the last three years, particularly for the English, language, of the senior secondary examination, what was the percentage of passes, both in the language and the general passes of the senior secondary examination of the Asian schools where there are or were and still are European principals, so that a definite comparison can be made as to the fitness or otherwise of these European principals doing such jobs in our Asian schools.

Mr. Deputy Speaker, I can appreciate very well the necessity for a European or English teacher so far as the language side of the teaching goes. I am not opposed to that, and that is the reason that I am only speaking from the educational point of view and not from any racial and political point of view; but just because there is a racial point of view; but just because there is a man here and a man there you should go on the pushing that man on to the Asian side when the other side is being vacated. I have a strong objection to that. I know that arguments could be advanced that the tuition under a European principal would be the best. There would be a European argument also that if you do not have a European principal the efficiency of the school may suffer. The third argument also is being advanced, if I remember rightly, that the impartiality of European staff is beyond Caesar's doubt. The fourth one is also said to us very often that Indians or Asians have some sort of a religious bias either against the Muslims or against the Hindus. I hope I would not be called upon to answer these replies because I am fully and thoroughly prepared for that. I do not want to take much of the time and go into the detail.

I also understand and appreciate the appointment or the engagement of European principals in private and/or aided schools, say the Ismaili schools and others. I know that there they are the boss. The boss is not the Education Department with a European principal, and the Minister for Finance on top, and the top one, also, the European one, the Minister, etc. The boss is the managing committee of the community which has engaged him and that makes a lot of difference. I just would like to let the House know that I am not unaware of this issue as I have got a like to dwell much on this even speak for hours on this issue, but I will confine myself to this.

Coming to another subject with regard to the Woodhead/Harper Commission recommendations about one Asian Assistant Director of Education, and his appointment in this Education Department, a week before an answer was given that

[Mr. Travadi]

Mr. Amar was ably filling the post of Acting Assistant Director of Education. Cannot this Minister or the Education Department create one more post and add one Assistant Director to the Estimates to say that he is in charge of the Asian education, and not just to go on asking that man to go on lingering, lingering and lingering, and acting, acting and acting, when the demand for such a man in charge of Asian education is over a score of years old? I remember in 1942, and in 1943, that we have been hammering at the Governor, the then Governor, and even at the Education Department, and pressing upon them to have one Asian in charge so that we may know where we are leading to. Up to now, as I have said before, the Asian community does not know what its education system is leading them to.

Mr. Deputy Speaker we had a lot of agitation over the K.A.P.E. passes and things like that, and a visiting Commission, headed by Mr. Woodhead and Mr. Harper recommended that there should be Modern schools, that they were an absolute necessity in Kenya, and the Director of Education, if I remember rightly, in the Advisory Council's meeting, even if I remember rightly, if I read it, in the Annual Report, even the recent one of 1959, and at one of the prize distributions meetings promised that from 1960 at least onwards there would be a third year for the modern school courses, and I am told, and I think it is on very good authority, that at least in Nairobi, if I am right, they have not yet started. Now, what is the good use of two years modern education to boys of 13 and 14 who hardly know their jobs and yet they are thrown on to the streets to lead their lives, and to earn their livelihoods. Will that boy be able to? Will the Minister, after putting his hand on his heart, say that that boy of 15, 16, or 17, or whatever it may be, after two years, Sir, of modern education, or at least seven years of primary education—I am not talking about modern education in the United Kingdom, in modern education there they have got up to five years education, and from the examination will lead him to the technical college, but really here everything is debarré so far as the Asian is concerned—I therefore ask the Director of Education to tell me why and what are the reasons why you have not started? Are there not sufficient numbers of boys and girls to carry on for the third year? If you say that only that boy should be given third year modern education who has completed the 12th year in Standard VII then look at the seven years before. If the child is admitted at the age of 7 he has to complete a least seven years primary course, so he will be 14 when he gets into the modern first year. How can he be there at 12 years of age when he is 13 or 14

already? It is impossible, and then you impose the condition on him that because the boys or children are not available there will be no course. There has been this trouble for the last five years, from 1955 and 1956. Either we have good full modern education or we do not have it at all. But why this sort of business of bluffing going on so far as the Asian community goes?

Now, Mr. Deputy Speaker, you remember or the House will remember when we last year discussed the Woodhead/Harper recommendations that it was brought to the notice of this House that the Minister or the Education Ministry had appointed a Committee to examine and advise on the education of a unified teachers service for teachers serving in Asian schools. The Government had accepted the recommendation of the Commission in Sessional Paper No. 4 of 1958/59 gave, and the following were the words, "it will certainly do its utmost to make conditions of service in all schools as uniform as possible." The reference is paragraph 35 of the Sessional Paper just now referred to by me. For this acceptance of the recommendation by the Government I remember that congratulations were showered on the Ministry and the Director and the Minister at that time. What was the recommendation of the visiting Commission? Here are the words, "F. (6) The conditions of service in aided schools should be gradually made similar to those that obtain in Government schools." Page 36 of the Report. Now, will the Minister therefore submit that Committee's Report here to this House, whatever the recommendations, and the reasons why they have not been accepted, so that the House may know what is going on from behind the scenes, and far the information of the hon. Members of this House I would also add that it was in the year 1949 when the Hartwell Committee was appointed. That particular Committee also made a similar recommendation.

Now, Mr. Deputy Speaker, I have got a little bitter thing to be said here, and that is about staff quarters in aided schools, and that is with regard to the capital grant. I understand the Education Department does not give the grants to aided schools to build quarters for their staff. I do not know where lies the hurdle. These grants are always on a £ to £ basis and, if I remember rightly, even 75 per cent or something over 50 per cent or 60 per cent would be given if there is a real demand for it. This was a recommendation also of the Hartwell Committee and is not the provision for building housing for grant aided school teachers, part and parcel of education, Mr. Deputy Speaker? Then why no grants or capital grants are given to these Asian grant aided schools to built quarters for the school teachers.

[Mr. Travadi]

Arising out of this generalization I would like to know whether it is a fact that the Asian staff quarters at Nyeri are being built with the funds collected from school children. I underline the words "from school children", and the word "from" and not even "by". The second question is, what the Government has to say to this, and what is its policy towards this. The third question is, does Government encourage such a practice of collecting money for staff quarters from school children; and when I am putting these questions I have got sufficient material before me, a sort of an official document, written by an education officer to the school concerned, and referring to another school, that this school is doing it, and why do they not do it. "You ask children to collect funds for your staff quarters." Is this thing tolerable, Mr. Deputy Speaker?

Mr. Deputy Speaker, I have got one more point to be made clear which is in regard to the Minister when he referred to the appointment of an adviser of the U.S.A. British Embassy. I was in England on the round table conference and had an opportunity to meet many East African students there and there the Kenya Students' Adviser—I know his name well but I do not wish unnecessarily to bring in his name here—but the complaint was against him not just from one or two but from over dozens of students that they did not fare very well with the advice of that official. When I came back to Kenya I verified many of the complaints and even one or two responsible persons substantiated that there were a lot of complaints against that particular man, and I hope, without going too much into the details that the department concerned will make a note of it and takes the necessary action to avoid further, unnecessary representations being made.

I beg to support.

Mr. Mboya: Mr. Deputy Speaker, Sir, I want only to make a very few observations during this debate. My hon. friend, the Member for Nyanza North has made a number of points on the Minister's speech, which I cannot but merely endorse, as they represent to a large extent, what many of us think from the African point of view about this particular debate. I would like when the Government speaks later in the new development plan or in the new plan after the Beecher Plan on education, they have in mind to take care of the present problem that exists, *vis-à-vis* those African children who are unable to continue school after Standard IV and also those children who are unable to continue school after *if A.P.L.*

after Standard VIII. The Government must be aware that there are numerous of these children today who are thrown out of schools, and who, either because of their age, or because of not having sufficient education are neither useful to themselves nor to the country as such. I do not believe that we can afford to ignore the large potential that exists in these children, and I think that if for no other reason, but for the fact that we are deeply concerned with the economic development for our country we should do whatever is possible, and indeed urgently to make use of this large potential. And especially this would apply in the case of children at Standard VIII level, some of whom are of an age that they could usefully be made use of, either in some training programme, or in industry under some apprenticeship system. I have said, Mr. Deputy Speaker, for the last few years in the House, that it is possible, in fact to introduce a system, which would require, compulsorily, if necessary, that such children are made to go to some training institution for vocational or technical training consistent with the immediate needs of the country. I cannot overemphasize the great danger that exists today, especially in the urban areas, when we have some of these children coming to towns, which indeed they must do, since there is nothing for them in the reserves, and seeking jobs which they cannot get, ending up (frustrated, and ultimately becoming destitute, and ultimately becoming criminals and spies. I think it is necessary that this particular problem be looked into, not only this educational problem, but also as a social as an educational problem, but also as a social problem, and I would like to hear the Government, when the Minister replies, to tell us what, if any, they are prepared to do further on this question.

There has been a statement made about the expansion of education, and the emphasis on secondary schools. This we support with every strength and means that we can afford. We ourselves have felt the need for secondary schools, and have, in fact, gone further than merely asking the Government to do something about it, by expressing the readiness of our people if necessary, to help contribute towards the capital cost, or other expenses involved in terms of an educational rate or an educational tax. We would like to co-operate with the Government in expanding the educational system, and the only condition, of course, that we have, is that we should be fully consulted on whatever programme the Government has in mind if we have to pay an extra tax. I think that no African today in whatever remote part of this country can minimize the need for his children's education. On the contrary, many of them will sacrifice practically anything in order to secure education for their children.

[Mr. Mboya]

I would also like to hear something from the Minister when he speaks on what he said about emphasis on secondary education rather than expanding the lower level of education. And also, he said something about the gradual approach to universal education. Perhaps when he deals with the question of children at Standard IV level the Minister or the Director of Education might tell us what plans they have in mind regarding our consistent demands for the removal of the Standard IV examination.

Now, Sir, the Minister, when he spoke, emphasized the need for expanding the teacher training institutions, and attracting more teachers, and indeed I heard him say that it might become necessary to pay inducement pay for some teachers to come to this country.

The Minister for Education (Mr. Mathieson): I do not think that I said that, Mr. Deputy Speaker. I think what I was referring to was the hope that I had to offer some inducement next year to graduates of Makerere College to enter educational training there after graduation. That, I think, was the only occasion on which I used the word inducement in my speech.

Mr. Mboya: I am glad to hear the correction. The point I am trying to make is that whereas there is this emphasis in the Minister's speech for the need to even induce Makerere graduates to go back to Makerere and take a diploma in teaching, I am informed that in the last year or so a number of African graduates, who have returned to Kenya after training overseas on Government scholarships, and some of them have been teachers before they went to Britain, and their academic standing in the universities in Britain was so outstanding that they were given further grants to continue post-graduate work, have come back, only to be told by the Education Department that they had no vacancies, and we have—I see the Director of Education shaking his head—we have cases of this kind where these people have had to go and seek employment in Uganda, and in one case the chap has had to return to Britain in order to get employment in the teaching profession. It does seem to me that either we have an explanation of why these people could not get jobs, or that something is definitely wrong in the department. If, in fact, the Director of Education, by shaking his head, indicates that he was not aware that some people had applied and been refused jobs, then, of course, something is definitely wrong, unless, of course, we are to be told that their qualifications were such that they were not suitable as teachers. But, as I say, some of these people who have been refused jobs, or who have been told there were no jobs, some of them were teachers before they

went to Britain, and even more important we, the taxpayers of Kenya, paid for them to go to Britain and allowed them to use the money to train and get degrees in certain fields, and even gave them further grants for post-graduate work, and it would be ridiculous, Mr. Deputy Speaker, to suggest that having freely agreed to give them money to go overseas and train in those fields, that when they come back here we tell them that we have no jobs for them. I would strongly question the wisdom in paying for their education in the first place if that were to be the case. I would strongly question the wisdom of encouraging them, at Government expense—at the taxpayers' expense—to undergo six years or four years' courses in the United Kingdom, only to come back to their own homes and be told they had no jobs.

Only a few minutes ago, my friend, the Member for Central Area, was talking about the need to have teachers other than Europeans in responsible positions in the Asian teaching service in this country. Now, Sir, we, the Africans, would like also to advance the need for promotion opportunities for Africans in the Education Department to jobs of responsibility. So often we are told that the reason why there are no Africans at the highest level in the department is because there have not been any with either the required qualifications or the required experience. But if, Sir, when they return with the necessary qualifications we tell them we have no jobs, then it will take a hundred or a thousand years before we can have people with the necessary qualifications, and who also have the necessary experience. And I therefore call on the Director of Education, or the Minister, to explain precisely what has happened in this particular case.

Now, the next observation I want to make is with regard to higher education. The Minister stated in his speech that Makerere would not be taking any of the Cambridge school certificate boys or girls as from next year. Now, I did not clearly understand whether this referred to the intake this year, in other words, last year's Cambridge school certificate boys and girls, or it referred to this year's, in other words, the boys who will sit for the Cambridge school certificate at the end of 1960. Now, Sir, I see it refers to the boys and girls who will sit for the Cambridge school certificate at the end of this year, and I want to make this point. Whereas Uganda and Tanganyika already have institutions which will enable them to send to Makerere people with higher school certificate, it would appear that Kenya, by agreeing to this joint agreement—or by accepting this joint agreement—because I understood it to be said that this was a decision of Makerere and also the territorial Governments

[Mr. Mboya] I would like to know why supporting Makerere, I would like to know why Kenya should have supported this decision before we were ready, before we were in a position to compete for places in Makerere with the other two territories. Is it being suggested that for the next year we do not pay any money towards Makerere?

I know that we have some students there already, but not only do the other territories have students there already, but for the next two years, when we are still pioneering with the Higher School Certificate in Kenya, they will be sending students to Makerere. I would like to know why it is: (a) that we were left behind by these other territories, and (b) why we agreed this decision before we were in a position to match the facilities in the other territories? I would also like to know how this decision affects the next year's intake into the Royal Technical College, because otherwise there seems to be some disparity in the status that will be accorded the Royal Technical College, which, as I understand it, is intended to become a university college, perhaps by next year, when they have the next intake. It is my own view, Mr. Deputy Speaker, that Kenya should not have accepted this decision at this particular stage. That Kenya, in fact, should have moved much faster than we have moved, and that until we were ready with enough schools providing for Higher School Certificate we should not have been ready to accept this decision on the part of Makerere.

It was stated, Mr. Deputy Speaker, that by next year there will be about five schools that will provide opportunities for Higher School Certificate education, and that it would account for about 160 of our very best students. Now, Sir, I would like to know the relationship between the 160 students and the total number of students who will be sitting for Cambridge School Certificate next year. I would like to know also what is the ratio between the 160 students and the number of students who have, say in the last five years, gone successfully through Cambridge School Certificate. It is very easy to tell us, we will have five schools with Higher School Certificate training. It is also very easy to say we will be providing opportunity for 160 of the very best students to study at these five schools, but I think the picture is incomplete until we know from how many students we are going to choose the 160 students. And I would also like to know if this figure does not cater for the greater percentage of the students that would normally qualify to go on for higher education, what plans there are: (a) for those who fail to go into these five schools, and (b) for expanding those five

schools rapidly to meet the demands of the country?

In so far as scholarships or overseas educational opportunities are concerned, we have, of course, the Kenya Government scholarship schemes, but I think it must be recognized that apart from the students we send to the Royal Technical College and also to Makerere there are many African students who would, in normal circumstances, and in countries with greater facilities be able to pursue education at the university level. The students have to be catered for, too. Our own facilities for students to go to Europe or to Britain, and also under the Commonwealth scholarship scheme, are very, very small indeed, and I want now to say something about the private arrangements that some of us have been able to make for students to get out to go to other countries, the United States, Ethiopia, Liberia and also the contribution that is made by India, Pakistan, Western Germany and Italy in the last few months, and other countries. I want especially to say something about the American scholarship programme with which I am closely associated, because I have seen, not only in the Press, but also I have heard some criticisms by some Members, and there was a reference to it in the Minister's speech. I think there is a very serious misunderstanding as to the nature of the private scholarship programme.

First, the programme developed out of the discussions held between myself and Dr. Kiang and a number of American people and also American institutions. We consider that it is not only our right, but also our duty, to supplement the present efforts of Government by expanding the educational facilities at the highest possible level to enable our students who cannot go to Makerere, the Royal Technical College or the United Kingdom, also to have an opportunity for university education. We consider it, in fact, a responsibility on the part of any African leader to do what he can to try and help African students who may wish to study overseas, and it was out of this consideration, recognizing that it was both our initiative and duty to do so, that we took the initiative to arrange for scholarships for African students to study in the United States and in other countries.

It was difficult to organize a scheme such as this. Firstly, there is the distance involved, and therefore, the physical difficulty of the institutions in the United States to be able to establish immediate contact with the students who may apply to enter those institutions. Consequently, there is also the problem of transportation which has to be met by all these students if they wish to go to the United States. There are many institutions in the United States that will give partial

[Mr. Mboya] of full scholarships to students to study in their country, but these institutions do not give the transport facilities that are necessary. In the past, there have been Kenya students who have privately, on their own initiative, applied for admission to various American colleges. They have been admitted, but some of them have not been able to go because they have not had transport to the United States and, therefore, the original idea was to help such students to get enough money, or to raise enough funds for transport to the United States. That was the original idea.

After we had helped a number of students with transport, the demand for this service increased, and more and more institutions also got interested, and during my last visit to the United States in 1959, during the whole tour at various institutions I visited I discussed the possibility of scholarships. As a result a number of scholarships were arranged. The procedure which is used in accepting or admitting students is as follows. The students apply in the normal way by filling up the forms provided for by the universities, and the universities, after studying the students' application forms and all the relevant documents, such as their certificates, their school leaving certificates and various recommendations decide whether the student is qualified or not for admission to the institution. We do not here, locally, decide as to whether or not the student is qualified for admission. We only make it possible for the contact to be made between the institution and the student who wishes to apply to the institution. We also make it possible for the student, once he has been admitted, to travel to the United States, and in so far as choice is concerned, we were limited merely to the choice of filling up the places that exist on the charter plane in the last year's programme. We do not have so much the choice as to which students will be admitted and in what institution. If, therefore, there should be any academic difficulties in the way of those students who are admitted into various institutions in the United States, we, as individuals, or as an organization, cannot be held responsible for this final choice of the quality of the student.

Now there have been suggestions by some people that perhaps the students who were going to the United States were merely the left-overs or undesirable elements and so on. I most emphatically wish to deny this. I do not think that the students who have gone to the United States have been of the worst quality, or that they have been merely chosen, as was reported in the Press this morning, on political considerations. That is far from it. We have sent some students who have had two years at colleges. Some of them have

been those with first-grade school certificates, and certainly the various institutions have insisted on the highest possible qualifications before admission.

It has been suggested that some of them have met with academic difficulties. Now, Sir, I would say that it is not strange when a student goes to a United States university and finds some academic difficulty. How many students have we sent to Britain who have failed or who have met with academic difficulties, and who have been on Government scholarships? How many students have gone to Makerere and failed or met with academic difficulties? Why should we expect the African student who goes to the United States to be superhuman or any different from his fellow African student who has gone to other countries? I therefore completely, completely wish to deny the suggestion that because one or two students have failed, that therefore the type of student we have been sending to the United States is necessarily of the lowest type. In fact, I can produce evidence to show that the students who have gone to the United States have not only competed effectively with the other students in the United States, but that in some cases they have come on top, as a result of which some of them have been transferred to such well-known institutions as Harvard and so on. Many of them have entered for scholarship competitions, and have come first out of 6,000 candidates. That is not a record to be ashamed of. It is a record to be proud of, and I am completely satisfied that our students who are in the United States are doing all that is possible within their capacity to uphold the good name of Kenya in the educational world.

The suggestion has been made by some people that these students are undergoing hardship. In fact, I think it was the hon. and gracious lady, the Member for Uasin Gishu, Mrs. Hughes, when she came back she said that there were some students undergoing hardship, even up to a point almost of starvation. Now, if this is true, Sir, it is a very serious situation. If it is true that there are some students today in the United States from Kenya who are starving, then I say that it is a very serious situation. I am in touch with not only the student body, the Kenya student body, in the United States, but also with the African/American Student Foundation which is in touch with all the individual students in the United States, and I am not aware to date that there is a student from Kenya in the United States who is starving, and I would be very happy of the hon. Member would let me have the names of the students she has met in the United States, and who have told her they were starving. In

[Mr. Mboya] fact, I told the Minister outside the House, that if he had any information of this nature we would be very glad to have the information, not just because we want to be able to ascertain that these allegations are true but because we would certainly like to be able to help such students, if at all they are starving and to find some help for them.

Now, Sir, I am not saying that every student in the United States is living in comfort, palaces, in luxury—far from it. But I would submit that neither is it true that American students themselves live in palaces, in luxury and comfort. Quite a few American students are undergoing difficulties or hardship. There is bound to be some hardship of some sort. The question is what hardship we are talking about. If any student leaves here to go to Makerere, or to go to the United Kingdom, for example, and does not expect some hardship, well, then, I think he should not go at all.

Many African students who have come back to this country with degrees have undergone some hardship, and I do not believe that our boys or girls should be led to believe that when they go to the United States they are going to live in luxury. They are going there to do a job of work, and if they have not got the strength of character and ability and courage to stay there and work hard and succeed, they have no business going. So if anybody suggests to me that this is only a question that is limited to our students who have gone to the United States, I would say certainly that man is very ill-informed. I have visited students in India from Kenya and other parts of Africa. I have visited our students in London, and I know that our students in London undergo a lot of difficulties or hardship, despite the Government scholarships. I have, and I am sure the Government has, information to the effect that some of the students to whom we give Government bursaries are writing back to say they have not got enough money, and they would like to have a little bit more money.

Now I cannot find, therefore, that there is any strange situation in so far as those African students who have gone to the United States is concerned, but I say again, that if, in fact, there is a case of a student who is starving, then please let us have the name so that they can be given the necessary help, instead of trying to use this sort of thing merely to hit at the programme to try and destroy it, which is what some people are intent on doing. Some people have been against this programme ever since it was started. Some people are against it merely because the students are going to the United States. Some

people are against it because, perhaps, they have other personal or ulterior motives. We will not allow those motives—we will not allow these destructive elements—to destroy that programme. That programme, we think, is making a useful contribution. It is filling the gap which the Kenya Government and this country cannot afford to do at the moment, and I think it should be encouraged rather than discouraged.

If there are any useful suggestions that might help on the question of preparation and orientation of the students before they leave, we will welcome those proposals or suggestions. If there are any points on academic questions which the Education Department, or anyone else, wishes to make, we will welcome these suggestions and try to use them. In fact, I would even go further—that we would be prepared to avail ourselves of the services of a member of the Education Department to give us ready and technical and other advice and assistance, in order to make sure that these criticisms are fully met. I would be prepared to make room for that sort of assistance in the programme, but let us not try to be negative about it and merely try to destroy the programme.

The Deputy Speaker (Mr. Conroy): I am afraid your time is up, Mr. Mboya. I have let you run over a little bit.

Mr. Mboya: I thank you very much, Mr. Deputy Speaker. I perhaps forgot to look at the clock, but I think this is a subject which has been so badly misrepresented in the past.

I beg to support, Sir.

Mr. Blundell: Mr. Deputy Speaker, I have only two small points which I wish to raise with the hon. Minister. In 1952, as a result of a Motion which I moved in this Council, we set up by Ordinance the Higher Education Loans Fund, and in the nine years during which I have been and in the nine years which I have only had, I think, one operating it we have only had, I think, one default on the money which we have loaned to parents or to students for higher education overseas. And not only that, the number of students, boys and girls of all races, whom we now have mainly in the United Kingdom, is now having about 120 to 123, so that under the something about this scheme, which was initiated by provisions of this scheme, which was initiated by myself, we have had the benefit as a Colony of educating 123 people at any one time in the United Kingdom successfully.

Now that is done by an allotment of £5,000 a year in the Budget to the Board for apportionment to students. There was no specific undertaking by Government in the Ordinance to give £5,000 a year, but Government has regularly given us £5,000 a year, and it was accepted that that would be done until the sum reached

[Mr. ole Tipis]
I hope he will do all he can to help because, especially when we are out to try and encourage the Masai to get educated, we should at least do everything possible to help them, especially as far as the education of the girls and the boys is concerned, and I hope he is doing something about it.

Now, the other thing is that I note from the Minister's speech that the policy as far as the expenditure and the planning of the elementary education is concerned, he said that the basic unit in educational administration and planning is the D.E.B. which finances elementary education for Africans in the African district council areas as to one-third from tax yields. Now I know the Masai are having quite a lot of difficulties now, especially those boys who come from the remotest parts of the country where parents are not interested in the least in education. The difficulty they are having is that they are rather encouraged to send a boy to school and when the boy is asked to produce the school fees, he fails to produce the fees and then he is thrown out of school. I should have thought that way to get out of this difficulty is at least to allow the people, I mean the taxpayers, to rate themselves to provide additional money for these boys who are being thrown out of schools. Let the people, the community, the tribe concerned, help until such a time as these people can really see the benefit of education. We must do every thing to encourage them.

Now, the other thing, Mr. Deputy Speaker, is that I should have thought, and I would very much like to emphasize this to the Minister, that sympathetic consideration to Masai, or other backward tribe students who manage at least to get through the overseas school certificate examination, should be helped to go either to Makerere or the Royal Technical College or overseas without insisting on their having attained a first grade pass in this examination. That is the only way of helping them out. Also, it is really depressing to see that even in such areas which are so backward, the Education Department still insists on the competitive entrance examination, just hundreds and hundreds of children turned out of school, they have no future at all, and, in fact, they disappear in the reserves, having attained absolutely nothing. On the whole, I think it is time we got rid of this competitive entrance examination. It is doing a lot of damage rather than good, and I do not think we can really go on with it. Now, the other thing is the question of adult education, because every time I raise this matter I am told that quite a lot of money or profit money accruing from sales of beers in the municipal or county council beer halls goes

towards providing services for the Africans. I know we have got a few of these social halls in the settled areas and I would only be too delighted to hear from the Minister as to how many of these halls have adult education or evening continuation classes for the employees residing in those areas. What we have, of course, is what they call the *Maendeleo ya Wanawake* Clubs here and there in the district and that is all. What about the employees on the farms? What are we doing about them?

Now, I do not want to spend more time on this, but on the whole, I would really ask the Minister to do all he can to help, especially in the areas I have mentioned, because if we do not do more, or a lot, in those areas, then, of course, we are retarding the progress of the rest of the country.

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

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

With these few words, Mr. Deputy Speaker, I beg to support.

Mr. Kirpal Singh Sagoo (Nominated Member):
Mr. Deputy Speaker, Sir, I would like to start off by congratulating the Minister, not only on the able manner in which he has introduced his Vote, but also on his wonderful achievement in persuading the Treasury for an increase of £660,500 in that Vote. Now, Sir, that increase is amply justified, and I am sure the hon. Members will endorse my remarks when I say that the money spent on education is money well spent. The only complaint that I ever have is that it is never enough.

Sir, I would like to touch upon a subject which I must confess has caused me considerable anxiety. It cannot be said, Sir, that the increase in school fees has not had any after effects, especially amongst the poorer sections of the community.

I wonder if the Department has any statistics available or has thought fit to initiate them to verify these effects of the increases in school fees. For instance, I would like to know firstly if there has been a drop in the number of pupils as a result of a rise in these fees and if these figures could further be broken down to show the boys and the girls thus affected separately in order to ascertain whether the parents in fact attach equal importance to the education of boys and girls, or not. Secondly, have an incidents of malnutrition or similar ill-effects been brought to the notice of the principals which could be attributed directly to the rise in the school fees. If so, what action is being taken to remedy the situation?

[Mr. Sagoo]
Thirdly, Sir, has there been an appreciable increase in the remissions? The House will remember, Sir, that when the increases were introduced I sounded a note of warning that the committees dealing with the remission of fees should give generous and sympathetic consideration to those applications. I would like to know, Sir, whether my prophecy then has come true today.

Now, Sir, in order to assess the marginal cases as a result of the last Kenya Asian Preliminary Examination provincial committees were set up under the aegis of the Education Department. I can confidently say, Sir, that their work has proved to be most satisfactory indeed. I say so, Sir, of my own experience on the Central Committee, and I am sure that if the member for the Eastern Electoral Area had been present here he would have said the same for the Coast Committee.

Speaking at the opening of an Asian school only last week, His Excellency the Governor laid great stress on the teaching of English in the Asian schools and very rightly too. In this country the official language is English. The Advisory Committee on Asian Education some years ago recommended very strongly the introduction of English as a medium of instruction right from Standard I. I know that the Department has accepted and in fact implemented that recommendation. What I would like to know is what success we have had with this experiment and how far has it been extended. For, Sir, I cannot too strongly emphasize the need for teaching not only good English, but better English in the Asian schools and the Department should not leave any avenue unexplored to achieve that end.

Early this year, Sir, a motion was put forward by the Member for Nyanza North, who also I am afraid is not present in the House, which called for a unified service for teachers and with an amendment from the Specially Elected Member, Mr. Slade, was accepted by the House. I wonder, Sir, if any scheme is being formulated or if any move is being made by the Department in that direction? For, Sir, I am particularly anxious to see that the teachers in grant-aided schools are put on the same footing as the teachers in the Government schools.

In the past, Sir, I have time and again emphasized the need for playing fields, especially attached to the schools. I am told that there is no Crown land adjacent to those schools. Well, Sir, I would like to suggest most humbly that if there is no Crown land available in the vicinity and if there is a piece of private land available instead

that it should be excised and the owner of such land should be compensated adequately. Forgive me for being so parochial, Sir, in pursuing this point, but I have got a specific case in mind and that is that we have a piece of vacant land in between the Ngara Primary School and the Ngara Secondary School in Nairobi which would make a playing field ideally suited to the needs of both the schools. Sir, I am told that that piece of land is partly Crown land and partly private land. May I suggest, Sir, that if there is any money left at the end of the financial year which is unspent it could be very conveniently used to purchase that little bit of land.

Speaking of the financial year, Sir, I think I am correct in assuming that this is also the end of the three-year development period. I am certain it would be of interest to the House to know how much capital has been spent (a) during the development period now ending and (b) during the present financial year. And again, may I repeat, Sir, it would also be of interest to know in view of my previous remarks how much money has been left unspent.

I hope, Sir, that the Minister will forgive me if I have sounded too much like a school-master asking most of the questions, but then in introducing his Vote he confined his remarks mostly to African education and I do hope that he will not mind this extra homework in answering the queries that I have raised.

Mr. Deputy Speaker, Sir, I beg to support.

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, at the abortive Lancaster House Conference, already confused by events, I suggested that a fund of £25,000 should be created with the object of giving and taking care of the education of the younger people of this Colony towards their ultimate destiny of interdependence based on the test of merit and ability, experience and integrity, which the Leader of the House conceded to me would be the criteria of the future employment of people by the Government. Now, the money has not been forthcoming, but, Sir, I would like to suggest that we do not despair. There are other methods that we should adopt, particularly in this House.

I recently applauded the hon. Minister for Commerce and Industry for his suggestion that we should consider the possibility of all races paying an extra poll tax towards education. The African race, of course, in particular, and the idea of that would be to develop their education and the existing educational system. That is the way, I suggest, Sir, to take the political mickey out of education on the principle that we want to raise rather than lower the standards and that

[Mr. Commodore Howard-Williams]

seems the only way we can possibly do so without the large sum of money I suggest being forthcoming.

To lower the standards for any race would surely be, suddenly to introduce changes in the monsoon and leave the ship of the new state of Kenya in irons, proceeding backwards because of the undercurrent of political opinion. As someone who was educated beyond the primary stage, I must in truth admit that the other day I was shown a paper in mathematics by a young boy of 16 and I sat down to attempt this paper, when it would seem that I was not in any way in sympathy with the examiner. I found it rather beyond my powers after half an hour, and this young man passed that paper with, I think it was, 85 per cent. There is no doubt, Sir, that standards are rising. Then, for heaven's sake, let us foster that development if we foster no other.

I oppose the Motion in that there is no reference to the excellent suggestion put forward by Dr. Kioko, and I consider that is the way to progress. One thing is certain in my opinion, Sir, and that is that our African friends, when they get control of this Government, will take notice of Dr. Kioko's suggestion and of what I have now said.

I beg to oppose.

Mr. Muchura: Mr. Deputy Speaker, Sir, I think the statement or the speech of the Minister in moving his Vote was a very good speech in that it did give us a lot of inside information on what has been happening not only over the past year but during the years that have passed from the time the Beecher Report was written down to the time when he was delivering his speech. In the first one he gave us an example of how they were trying to tackle the teacher training problem and also how much they were trying to do in the way of scholarships for training teachers in the universities and other places. The next thing which I welcome, and have always been connected with, is the question of technical education in the shape of the Kenya Technical Institute. I think this should be ready by this year, and I hope all the plans are ready in detail for working it.

The next one which pleased me most was this appointment of the students' adviser, or an organization, as it is in London, in Washington, D.C., because I remember discussing this with some people who had been connected with the students' unit or advisers of the desirability for somebody to whom the students in the States can go, especially those from the British territories, and especially from East African territories. I am glad this appointment has been made and

this, I am sure, will be a great help to the students now.

At the same time I must say it is probably one of the few Government departments or Ministries that have realized that things do move pretty fast sometimes, and with that realization they realize that the Beecher Report, although it was meant to be for ten years, is already ten years behind by now, and so they have worked up their own schemes without this report. They are decentralizing and trying to bring in some ideas which, according to them of course, will be of great help in the education problems as they stand today.

I would like to welcome the enumeration census to be held next year to try to find out exactly the country's requirements in the way of education at primary, intermediate and secondary levels which I think will be a great help because without that it will be very difficult really to work up or draw up a programme. I accept the idea of appointing more education officers and assistant education officers to try and work up this decentralization programme. I did not understand the mathematics but he said that they are providing education, I think, at primary level, for between 110 per cent and 120 per cent. It may be, as my hon. and gallant friend here says, that there have been advances in education, but this one I cannot accept.

Now, the next points which I would like him to deal with when he replies or when the Director of Education replies, are the following. Last year I raised the question of private schools with money subscribed, buildings put up by private people, mainly Africans. There is no mention of it and I still feel there is need and room for it. I am talking of schools to be built and be put at the disposal and supervision of the Education Department officers and inspectors and the like. What is the Government's opinion about it? Can Africans put up their own schools?

The next point is probably affecting some of the items in the Heads. I do not understand the Mombasa Institute of Muslim Education having an extra £4,000 added on to its Vote. Is it one of these schools that is supposed to be a grant-aided school because this is something extra over and above the others (I cannot remember what it is called, but is it a part of these grant-aided schools)—is it a religious institution or what is it? Why is it not treated as other grant-aided schools are?

Now, the other item I could not understand, and here I may have to declare my interest, is B5 I and K1 5. The first deals with training for Government officers, £2,600, and the latter is the Kenya Development scholarships at £5,000, which

[Mr. Muchura]

is an increase of about £500. I declare my interest in this that I am a member of the Kenya Development Scholarships Committee. I cannot understand this because the scholarships are for serving officers. Now what is the other one for? Why are they put under two separate Heads? I would have liked, if I were in the position, to make that total £7,600 because I only know it too well—as you heard the Minister for Agriculture was complaining because he had not got enough agricultural officers. Last year, and it is no secret, and the year before we turned down quite a lot of applications from the Agricultural Department because we had not got the money. If we had that money at least one or two would have been away by now taking these courses. Probably one has gone, but I do not know the figures. But what I am trying to suggest is this, that there may be a very good reason why they should be under two different Heads, and that particular Vote K1 5 needs an increase, to be able, to do the sort of thing that the Minister overseas for Agriculture is doing with some assistance from the United States, i.e. send suitable candidates. It is not that we did not get the right and qualified applicants but merely that we did not get the money to enable them to go.

The other point which I would have liked to raise is what appears under the Head B4 I, and it is what is called a combined cadet force, with an allocation of £4,500. I do not understand what that means. I do not know what it is supposed to be doing with a sum of £4,500, an increase of £3,200 from last year. I would be glad if the Director or the Minister could tell me exactly what that sum of money is used for. I would have preferred to have that sum of money used, say, in the Kenya Development scholarships and therefore raise the total from £5,000 to something like £9,500, which sum will enable the Board to send not two but probably three or four more serving officers for studies overseas to have higher qualifications so that they can do better.

Now, the next point which I want to talk about, and this has been mentioned here by many other speakers, is the question of extra-mural work of Makerere. I may have to go into greater details about this particular subject because once again I am a member of the Advisory Committee on the extra-mural work in Kenya and have been since the beginning. Last year I did suggest that it should have been possible to have another resident tutor in Kenya at least. This was not done but of course the Minister referred in his speech to the fact that this was something he considered to be worth while. This was because, I think, he attended the Kaloleni Rally last month. Now, if somebody asks, "What is the value of

this and what does it do, and how is it working?" for those who may not know we have had a resident tutor for three years. He has been trying his best to work between here and Nyeri, Mombasa and Kisumu, Nakuru, and all the centres, and tripping up and down, trying all he can to organize classes and going round himself to give lectures. Now, he has done a sterling job in Kenya and I was very sorry to hear from the Minister this afternoon that he is soon going to go to Hong Kong. What is unfortunate is this, that the present director at Makerere came from Hong Kong and they rob us of our man to go to Hong Kong, merely because of some technicalities and indecision. However, he has done a lot for Kenya in the extra-mural field.

I have evidence that there is a great demand for extra-mural work in Kenya. Last night I met a friend of mine from Machakos where they have formed one of the seven extra-mural associations, and this simply means that people get together, talk about it, appoint a chairman, arrange for the lecturers with the assistance of the tutor who is in Nairobi, and these people tell me that they have got their association going and have arranged a series of lectures, and there was no question that in fact all the possible assistance has been given to them.

Now, the next one is further proof that there is a great demand for this. The Minister for Education, I am sure, is in possession of a paper containing a resolution that was passed by the students from Kenya who attended the fourth annual study vacation at Makerere at the end of last month. The resolution reads as follows, and I quote, "We, the Kenya students from Kenya attending the Fourth Annual Study vacation of the Department of Extra Mural Studies at Makerere wish to record our profound appreciation of the part played by the Government of Kenya in developing and financing the invaluable work of the Department of Extra-mural Studies. However, in view of the fundamental political, economic and social changes which are crowding in on Kenya and which affect most its adult population, we feel most strongly and urgently that the present provision of only one resident tutor in Kenya serving only in the Nairobi area on a restricted budget is not only inadequate but quite unrealistic. We therefore feel that it is imperative that two further resident tutors be appointed at the earliest possible moment to extend the work to Nyanza and the Coast regions in which we know from our own experience that there is a very real demand for this most urgent need. We wish therefore to urge the Kenya Government in the strongest possible terms to do all in its power to establish two such resident tutors within the present financial year, that is 1960/61."

[Mr. Muchura]

We note that in the Budget now before the Legislative Council the proposed Vote for Education is £4,166,700. Of this only £4,012 goes towards the extra-mural work in Kenya. We understand that a further £3,620 would be sufficient to cover the total cost of two resident tutors and their work for the six months from 1st January, 1961, which is probably the earliest date by which someone could be appointed. Now, that is the opinion of those students from Kenya who attended the study vacation. Out of the 200 students who attended 80 came from Kenya and all the students came from the three East African territories. So we had more than a lion's share of the numbers of students attending. Out of those some of them were students or past students of the extra-mural class and or associations, and had been attending courses, mainly around Nairobi, and some of them from associations in Nyanza, Nakuru, in Kisumu, and the like; and that resolution was their considered opinion.

Now, as to the cost of this scheme. The whole of this programme is going under the College Quinquennium, and the next one begins not earlier than 1961, about the middle of next year. But if it is allowed to wait up to that time the first tutor that could ever be appointed could only be available early in 1962. The Department of Extra-Mural Studies admit that the first priority is the Nyanza Region. This is not the Kenya Advisory Committee, of which I am a member, but this is the decision made at Makerere, and that is what the Director of Studies will put before the Academic Board and all the other boards which are connected with this. Now, as has been stated in that resolution, this is my request, that this Government—the Minister for Finance is not here but the Secretary to the Treasury is around—should make it possible for the Minister for Education to be able to have these two resident tutors within this financial year, and the sum of money quoted is £3,600, or thereabouts—I am sorry that I have mixed my figures up—and that the Minister for Finance should make it possible for the Minister for Education to appoint these two tutors within this financial year, i.e. the earliest date would be from 1st January to the end of June, 1960. I think it is highly probable that that is the time that the Quinquennium of the College will start and if these tutors are already there the College will find it very difficult not to take them on within the beginning of their Quinquennium. For your information we had a meeting with the Principal of Makerere, who attended our meeting as a visitor, and I felt that he was favourably disposed to try to assist in this work. Now, for the information of the Minister for Finance, these courses cover a wide field of subjects and they

are aimed at our adult population, not necessarily the old-age men but some of the younger men who are employed but who spend their time in the evenings studying. The subjects are varied and cover a wide field such as "Functions of Adult Education", "What is Democracy?" Economics, Agricultural Economics, Intelligence, Good Laws, West Indies, Colonial Development in Africa, "The University and You", Rural Economics, "What is a Good Film?" Literature, Sociology, Local Government, Psychology, Finance in Under-developed Countries, Economic Development in Ghana, Constitutional Changes in Nigeria, Government, and "What is Education For?" International Background to Education, Introduction to Symphony, Advanced Economics, Kenya Economy in 1960, to Current Social Problems. Instead of people sitting at home after work or going to beer shops and other places I think the time spent attending some of these courses is not only of help to the individual himself but to the general benefit of Kenya. Out of those ones, I am not very good at statistics, but I will give some indication of what is being done. We have got at least about 50 tutors who have helped us up to 31st March this year, that is about three-quarters of the academic year which closes at 30th June. Out of those 50, ten were African, five were Asian, and this number is limited by funds and not by the demands. Now, the Resident Tutor here is given £720 to pay the tutors or the lecturers, less £200 which should be collected in fees and normally they collect between £120-£150. That leaves between £650 and £670. The lecturers are paid at the rate of Sh. 30 per meeting and that one compares badly with the figures in the United Kingdom. It is very low, because in the United Kingdom they are paid more per meeting, up to Sh. 80. Now, the fee charged is 50 cents per time—it is not free—which is also higher than it is in the United Kingdom, even now, leave alone at a comparable stage of development as Kenya is today, so the fees do compare unfavourably with the United Kingdom and our teachers do it at a much lower figure than they would have thought of doing it for in the United Kingdom and the fees are comparatively higher. Now, I would have liked to suggest, and here I appeal to the Minister for Finance, that if he did make this possible for the Minister for Education to find these two resident tutors for a period of six months beginning on 1st January, 1961, to 30th June, 1961, this will not be a recurrent expenditure on his part because the Quinquennium will have taken over and will continue with this, and not only that but one would have put in even more of the work which it is suggested should be done almost immediately instead of delay. The chances to get such people are not easy. But at least I would

[Mr. Muchura]

very strongly urge the Minister, and his colleague the Minister for Finance, to make this possible because it is a great help and contribution to the future of Kenya.

Commander Goord: Mr. Deputy Speaker, after listening to these learned and technical discourses on education I feel I should apologize to the House for rising to speak on a subject upon which I really know nothing about. Although I spent many years on a District Education Board I never really succeeded in mastering the technical jargon of T.I's, T.2's, sidestreams, slipstreams and all the rest of it. Nevertheless, Sir, I would like to say a few remarks in support of some of the matters which were raised by the Member for Central Rift and earlier in the Budget debate, I think, by the Member for Rift Valley, and that is the question of African education in the settled areas. I think it is very well known that in the settled areas African education has lagged behind for various reasons. The basis of education in those areas is of course the farm school, and I think the reference to employers and farm schools by the Member for Central Rift will in part be appreciated by those farmers who have provided schools; but he did rather speak as though they were very, very few and far between, whereas actually there must be many hundreds of them—possibly the hon. Director of Education would tell us how many there are later in the debate—and in my experience there is always a long waiting list for registration. There are more farmers wanting to start schools than there are teachers to man them or supervisors to supervise them.

The farm schools will necessarily, I feel, be the basis of education in the settled areas for many years to come, but I, for one, have long looked forward to the time when we shall move to something more like a village school and that with the extension of the community-centre principle we shall get the schools moving into those centres where they can be larger, have a higher quality staff and a much better standard of supervision.

Now, Sir, the essence of the matter which I wish to raise here, is that in the settled areas there is a strong desire on the part of the African population to make a greater contribution to their education than they are making at the present time. In the recent amendments to the County Councils Ordinance provision was made for a local authority to raise a rate for capital purposes and I believe in two places at least this is going forward, I would hope to see that extended. But I believe the authorities are a little disappointed that having done this, they find that they are merely the agents to raise the money and

they immediately hand it over to another authority—namely the District Education Board of the Education Department actually to spend it. I do think that they wanted to have a certain amount of credit for the erection and ownership or management of the schools.

A movement now, however, is to extend this movement from the African people, to extend this in the direction of recurrent expenditure, and here undoubtedly certain difficulties arise. In the first place, of course, much of the labour in a settled area is not in itself settled. Again a man working in a particular area may have some children in say Kisumu and some he wishes to put to school locally. Then again there is the question of the enormous amount involved in recurrent expenditure and it does seem dubious as to whether useful amounts for recurrent expenditure could be raised through any sort of local tax.

Now, Sir, I do feel that there is a problem here for Government. We have a certain potential for improving education in the area and it is hardly necessary to point out that that potential can be far better used by applying it locally than by applying it nationally. The hon. Member for Nairobi North did suggest poll taxes for education. I feel that there is considerable merit in this suggestion, particularly if it replaced an element of the present personal tax. But nevertheless, a national poll tax has very much less appeal to the individual than would a local tax to build a local school. So I do hope, Sir, that Government will examine this problem and see how they can use this local potential, to which, in common with the Member for Central Rift, I hope would be added, a contribution to the potential from local ratepayers, and see how they can apply it to the general problem of raising the standard of education in the settled areas.

Mr. Deputy Speaker, I beg to support.

Mr. Pandya: Mr. Deputy Speaker, Sir, I must congratulate the Minister on the way he introduced the complex Estimates of his Ministry. The increase of £500,000 in the Recurrent Estimates on Education can but be welcomed by this House for we have always demanded better and adequate facilities for education of children in this country. But it is also very important to decide how this money should be spent in the interests of education. All anomalies—and there are many which do exist between the Different rates—should be removed. I did ask, Sir, in the main policy debate for uniformity in the application of rules for different rates. Here, Sir, I want to refer firstly to the method of collection of school fees. In Asian schools the procedure is to demand fees in advance and if these are not produced on demand, the children are not allowed

[Mr. Pandya] to enter school. Now I understand, Sir, the procedure in the European schools is quite different and indeed I remember one or two years ago having seen an item of considerable bad debt for the non-payment of school fees. But, Sir, I have another reason for my protest. The burden of collection of school fees on the principal and the staff of the schools is indeed causing a great hardship and annoyance to these education people who could better devote their time to teaching instead of worrying about collecting fees, keeping accounts and banking the money received by them. This was expressed in no uncertain terms at a recent School Day in Mombasa and I do urge the Minister to seriously consider this matter and effect better efficiency and better administration and better use of the staff to more proper educational matters and to do something to overcome this position of deficiency.

Now, Sir, there is also another point of difference, and that is I understand on reliable authority that unqualified European women teachers receive a salary of £651 as against unqualified Asian women teachers of £187 10s. Now, Sir, this is bad enough as it is, but it is worse when such European teachers are posted to an Asian school. Let us examine what are the practical effects of this move. It is firstly totally wrong to give different treatment to those employed in the same school, particularly the difference being on the grounds of race, when it is remembered that both these teachers are unqualified women teachers. But the disastrous effect is that the extra salary eats away unnecessarily, whatever little is granted towards the expenditure on Asian education and I hope, Sir, that this is another matter which the Minister would look into.

In the Development Programme for 1960/61 Table 3 shows the scheme values for the three years 1957-60 and then the amount spent in the first and second year and what it is intended to spend in the current year. Now when one looks at these figures on Asian education, it is enough to reveal that very little was expended in the first two years of the Development Programme and that out of a total of £613,000, proposed to be spent over the three-year period, over £400,000 was to be spent in the current year. Now, Sir, I would like the Minister to tell us whether he expects the whole of this sum to be spent within this current year, or is there going to be a large sum carried over to the next development period? This is most important in view of our previous unhappy experience when large sums of money were voted in Development Estimates and which have remained unspent and, indeed, were not carried over to the next development period, with very disastrous effects when particularly we have

been clamouring for more accommodation, more schools for more children who are unable to find places in the present over-crowded schools.

Now, Sir, I want to say a few words on modern education. The Minister is aware of the feeling of the Asian community on this matter and indeed he knows the reasons why the community has opposed this system of education so I do not propose to repeat these reasons here in great detail, particularly when this system was begun at a time when schools were badly equipped, were badly provided with staff and with textbooks. Also there was then the problem of accommodation. But Sir, at a recent prize-giving ceremony at the Eastleigh Secondary School last month where the Minister was the guest of honour, the Principal, I think, doubted the value of the modern course, whether the finance was really justified, except that he recognized the only questionable merit that two extra years at a school would be better than no school at all for these children. He also questioned whether there was better hope for these children after their so-called qualification and whether they would really be able to get jobs, particularly when so many able children in receipt of an academic qualification were finding things very difficult. Now here was the opinion of someone, Sir, who in the words of the Minister himself "has a distinguished record of devoted and long service since 1929" and under whom, Sir, I had the very great privilege of being partly educated. Of course, Sir, the Minister in his reply on that day in his inimitable style, justified the policy of modern education, particularly when the trend in Britain today is not very favourable to this type of education, provided for the so-called backward and slow children.

Now, Sir, in the policy debate, I had made the point that the Advisory Council on Asian Education was unanimously against the increase of the school fees and in reply the Minister said—and I quote, "Well, Sir, I was frankly not surprised that the Advisory Council was against an increase in fees." Sir, if he anticipated the advice of the Advisory Council, where was the necessity for him to consult this body? And previous to that the Minister had an indication from the Asian Elected Members that they opposed the proposed increase in school fees.

Sir, does the Minister feel and think that the advice of these public workers from all over the country—and mark you, Sir, these gentlemen were appointed as his advisers by the Minister himself—was not worth it? What is the use of having such a body if the Government time after time flouts the advice that is given by these people in good faith and in all sincerity? It seems, Sir, that the Government pre-determines the policy on

[Mr. Pandya] Asian education that it will not accept the advice of its Advisory Council until it suits its own policy.

Sir, I would also like to ask the Minister what useful function does this body perform. When the Government in most cases acts in a very autocratic manner and does not accept advice which is sincerely tendered in the best interests of the community by the people who should know its own community. Does the Minister forget, Sir, that the Advisory Council members were prepared to discuss with the Minister and his advisers other measures that could have been taken to overcome the difficulty, to overcome the extra expenditure and if the Government members had thus extended its hand of co-operation; but this was not accepted and I think the Minister has made it abundantly clear that he does not intend to accept the advice of the leaders of the community who were selected to serve on this Advisory Council, except when it suits the policy of the Government. I suggest, Sir, that this is a sad reflection on the state of the relationship that exists between the Education Department and the Asian population.

Now, finally, Sir, I want to refer to a matter that has been raised several times in this House. It was raised today, and that is with regard to common schools and integrated education.

Now, Sir, the Member for Aberdare who was speaking today said that we should view the changes with a little conservatism. I think that when the Member for Nyanza North spoke he was even more conservative when he suggested that only a limited number of children be mixed in the different schools of different races and a start be made on these lines. Now, Sir, I can do no better than, on this particular problem, quote from a broadcast of Dr. Leakey who is, as everybody will accept, a true and full Kenyan, born and brought up in this country, who is the distinguished curator of the Coryndon Museum and he had this to say, and I quote: "Another fear of the Whites is that Africans and Asians want to send their children to the Government controlled schools on an equal footing with their own children. Why not, provided it is a truly equal footing? I see no reason why a Luo, a Kikuyu, a Sikh or an Ismaili who can qualify to enter the Prince of Wales or the Duke of York School in open competition with my sons or grandsons should not do so. If they can go to public schools in England, why not here? I should like to feel that future African leaders and administrators had had the same cultural and educational background as I and my family." He goes further and has this to say: "If we do not want our children to be educated in multi-

racial schools, we can always send them to private schools, and if we open our schools to members of other races both in respect of entry and of qualification and without any lowering of standards (which I think is worrying most people), we shall get only the best and ablest of the other races who are likely to be the future leaders. I would like these potential leaders to grow up with my children and have the same ideas about culture, manners, honour and sense of responsibility as I hope my children have. You cannot argue that selection for Government posts must be by merit alone and then prevent potential leaders of all races from getting the very training that will allow them to obtain posts on a merit basis."

I, Sir, endorse every word of what Mr. Leakey has said and feels so strongly about. This is the reason, Sir, this is the heart of the matter and the sooner we adjust our ideas according to the changing conditions, the better it will be for the interests of all the peoples who live in this country.

•Sir, I beg to support.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): I would like to congratulate my colleague the Minister for Education for the very brilliant introduction of this Vote. The Minister has been in this country a very short time but he has wonderfully adapted himself to the Ministry and shown very good understanding of the educational problems of this country. I think he is a credit to this country.

I would like to show one aspect in which I have very much appreciated the Ministry's attitude and that is in the aspect of higher education. As a person who has been very much at the education focus of this country, I have watched his steps in this aspect of higher education and beginning with the Royal Technical College I have seen it growing from the moment of his arrival in this country when African students were complaining of wasting their time for the first two years they were in the Royal Technical College, to the present moment where the College has assumed a different status altogether and when a special relationship is being obtained with an overseas university so that the college is able to award degrees. I think that the Royal Technical College for the short time we have had it, is real progress for those who are interested in higher education in this country. At the same time the intake in Makerere College has increased during this period and I think this reflects how much interest the Minister has in higher education.

Now, the Working Party Committee on Higher Education has ended with the possibility of having an East African University. Now this, again, is progress. During this time there has been the

[The Minister for Labour, Social Security and Adult Education]

introduction of five centres for the higher school certificate in the African education. I would like to know whether the Minister is really satisfied that the five centres will meet the recent ruling that was passed by Makerere College of having an intake of students that have attained higher school certificate. This ruling has been brought rather suddenly, perhaps, to us and I would like to know because there are many Africans that are very much concerned about this ruling in relation to the admission next year to Makerere College.

Now regarding higher education for students going to America is concerned, I think having freshly come back from the United States, and also having seen some of our students in America, I am probably in a much better position to say exactly what the situation is in America.

First it would be quite wrong for anybody to suggest that these private undertakings of sending students to America are a waste of time. I think it is quite wrong to suggest that, and I do not think that the Government side has suggested that at all. I have seen students in universities that are doing very well. I observed three of our students and one was a girl at a place called Atlanta University. She was doing very well, so well that the mistress in charge said that this girl was a credit to Kenya. Now, I was very much touched and pleased by the record of her work. In another university at a place called Berea College in Kentucky, I met a student who was actually left behind by the air lift here in Nairobi who, by his own arrangements, had got through to the university and he is doing very well too. Now, in Tuskegee I met a student also who has gone on his own arrangements, does not get any bursary and has impressed the principal so much that the principal has offered to help him as much as possible.

This certainly reflects the keenness and the hard working attitude of the African students that go over to the United States to study. Of course, one naturally expects difficulties, particularly when the students go to a country which is quite strange to them and with very small financial assistance. I have got a number of the problems which concern the students which I am going to put to the African Elected Members' Organization for discussion and some aspects I intend to put to my hon. colleague for consideration. I feel that in view of the good work which I have seen being done by the students there, the country as a whole should do something about these students in America.

I think I would say that our local education is not adequate but its quality is just as good, as

education provided in many other countries which I have seen. Of course, it is not adequate in the sense of the extension of it and provision of it and I hope that we shall work out and make the necessary facilities for higher education as expounded so that more and more students get a chance of having their higher education more easily available in their own environment, but this is not to suggest that they should not go overseas for further education.

Now, as far as adult education is concerned, this is an aspect which has already been dealt with by my hon. colleagues and when I produce my Vote in due course, I will dwell at great length on the policy of the new portfolio for adult education. During this time I hope to reply to my friends, the Member for Central Rift and the Member for Nyanza North.

The common entrance. Now, I think the time has come when a serious step to accelerate the idea of doing away with the common entrance examination should be considered. I think it is well understood that the Africans generally are not satisfied with four years' education for his child and I hope my colleague will look into the possibility of accelerating this scheme. I strongly feel that it is not just sufficient to leave it to the Africans to contribute on a poll tax basis, I think some real undertaking should be done. In places where we have seen this being undertaken, it has always been speeded up by either Local Government's sincere co-operation or Central Government's sincere co-operation. Of course, we are limited in many aspects but I would like my colleague to look into this very seriously so that some attention is given.

The question of Mionie in Mombasa is very important, particularly at this time when we are very much interested in the provision of higher education and I would recommend that this issue is taken up so that the country in general and the Coast Province in particular gets a chance of having an institution which is profitable and of a standard which is comparable to any institute of a similar kind in this country or elsewhere in any country. There are buildings here, there is very good equipment and probably the academic standard and the staff ought to be looked into and if this is a possibility it ought to be gone into, but to date it has not been done in the past and this is something I would like my colleague to look into.

The integration. Now, I believe that integration of schools it is time that since the public—all of us—the country seems to be interested in this, I believe that a committee should be set up to go into this and give us a full report on this subject, because so many people are interested in this in

[The Minister for Labour, Social Security and Adult Education]

the country today, probably it is time that a committee should be set on this.

With these few words I would like to support the Motion.

Mr. Mate: Mr. Deputy Speaker, Sir, I congratulate the Minister for Education on what I consider to be a very clear statement of policy and tackling what I consider to be the very difficult subject of education.

I felt that it was a well thought out programme and I think that there is very much that the Minister should be thanked for. He said that the aim is to improve the present structure and strengthen it here and there, so that we could have a better education in this country. But, Sir, the most important thing we want to see in Kenya is expansion, and my suggestions to him are going to be based mainly on what I think could be done to expand the system.

Sir, as far as the African community is concerned, and in line with the other communities in Kenya, education is regarded as perhaps priority number one for the progress of this country; we shall urge for the abolition of the common entrance examination and I would like to hear a clear statement from Government as to what programme there is for the abolition of this common entrance. I should have liked to hear a statement as to how many more intermediate schools Government proposes to put up next year, and the year after, and when they think that they might have solved the problem. I say it is urgent because if we wait too long when only a percentage of the African children go to school, we shall never change our course. There are areas in which the children do not go to school now, but if we could achieve a state of education in these areas where children go to school, by the time all the children in Kenya are going to school, we shall have achieved the basis for further expansion. I would like to hear from the Minister later on what programme he has, whether two years or three years for having eight-year education. It is not enough to say we are doing more. In this particular case I would like him also to say how many intermediate schools are proposed for Meru District for next year. The reason is this, this year we had been allocated a few extra schools after the first term and we were told through the District Commissioner that we had better wait and not build those schools because next year we will have many more schools.

So, I would like to hear how many more schools are we going to have next year in Meru District because of this particular hold-up that we have. On the side of the secondary schools, I am glad to hear that he is proposing to have 15 more secondary schools. I hope that in opening these schools Government are going to seek the assistance of the people themselves, and that they are going to ask if the people are prepared to do something about it themselves. I say this because I feel the African in Kenya has been hindered by this Government by not being allowed to run schools himself. There is the example of the African Christian schools in Fort Hall, in the Githumu area. These schools are African schools. I do not see any reason why Africans themselves, like Government, or the missions, or other private bodies, should not be allowed to go ahead and put up their own schools. Government will continue to tell us that they are going to put up more schools, but they are losing a lot of opportunity. Before the Emergency we had independent schools in many parts of Kenya. They got mismanaged, but it does not mean that we have no funds, no buildings, no teachers, and the sooner Government opens the way for Africans to help themselves by opening more schools, the better. I would agree with the Member for Nairobi North that there should be a levy, together with the poll tax, in order to raise the educational facilities in Kenya, but I would go even further. When in an area the parents are prepared to put up money, and they are prepared even to put up money for the salaries of the teachers and houses, we should be allowed to do so, and I do not see exactly why the Government should say Africans should not be allowed to run schools for themselves. The Europeans do it, the Asians do it, and the Arabs do it, and why should we not, and I hope soon Government will change their policy on this particular restriction.

These schools should be subject to inspection like any other schools, but there should be another system in the country for improving education. Our boys try to go to Uganda every year to the schools there. Why not put up schools here? I do not think Uganda have any better materials than we have in the way of teachers or in the way of children, and I hope the Government are going to consider this matter seriously.

The other point I should like to mention on the intermediate schools and the technical schools is libraries. These are very important. Where schools do not have good libraries and there is a shortage of teachers, the children's education is hindered, and I would like to see more libraries and better libraries in the schools.

On the question of teachers, I should like to mention the problem of housing. I did raise this point again in this House that in all schools, in all educational institutions, houses should not go

[Mr. Mate]

by colour or race. They should be shared out by priority according to arrival. I know schools where Europeans are given preference.

We have got Makerere graduates today who come to teach in these schools, and I do not like to see this kind of thing go on, where African graduates are given inferior houses and Europeans are automatically given better houses, and I mean it seriously. If the Minister is interested I will give him the particular cases I have in mind and the particular places. I do not think I should mention names here, but I would be quite happy to give him details.

The other thing is planning. The Ministry of Works sometimes surprise me when they plan houses. I quote an example of a school laboratory which has big laboratory windows, but no expanded metal wire for protecting the science equipment against stealing, or perhaps in the kitchen, where they have the food, the windows are glass windows and they do not have the metal wire to protect where the stores are. I do not understand it. Again, I am quite willing to give the Minister examples, and I think if the Ministry would put a little common sense into this sort of thing I do not think we should substantially alter the Estimates at all. Why not consult the principal and the headmaster on the spot on the kind of modifications they would like to see in the particular schools instead of going on according to the so-called plan from Nairobi. I feel this question of planning schools is most important.

Coming to the subject of overseas education, I was very pleased to hear that the Minister himself felt concerned about students who go privately to overseas colleges, but at the same time, he should not only feel concerned, but he should assist them. He should do what he can to assist these students indirectly or directly. My argument about people going overseas either by Government help or private, is that there is no competition between the students going out and Makerere or the Royal Technical College—both schemes are complimentary. All I can do is to congratulate the people who assist in this kind of thing, and I would like to pay special regard myself on behalf of the African communities, to people like Dr. Kioko and Mr. Mboya, who spare the time and energy to try and help these students through this American system. But more so, those American friends in America, who, in conjunction with the people here, are fostering these schemes. We have nothing but to thank them—the people on the committee. People like a man called Mr. Harry Belafonte, Mr. William Sheinemann, Mr. Jackie

Robinson, Mr. Sydney Nortier, and Mrs. Ralph Blanche. They should be thanked by the people of this country because they are doing these things privately. It costs money and it gives our students a chance of going overseas; and they should not feel their scheme is not wanted. I feel it is the duty of all of us in this country to thank these people for what they are doing. As it is it seems to me there are certain quarters where the scheme is looked upon with doubts and not such happiness, or maybe with jealousy. I feel that these schemes should be supported by everybody, and on the question of the students who may in trouble in America or in any other country, an isolated example of a student in difficulties was quoted, and those who feel they can do something should help the students.

On the question of the grade I would myself do anything for an African student who had reached and even failed the Cambridge school certificate to go to an outside college elsewhere, or another school to complete his education. The reason is this. If you take the I.Q. of any African who out of this competition of Standard IV goes through the intermediate stages, passes his K.A.P.E., has four years of secondary education and comes back in difficulties, his I.Q., his initial ability compared with the European child or the Asian child who has no comparable handicaps at all, the African has really been able to achieve something, and to consider discouraging students on those grounds because they have not Class 1 or Class 2 when you have got no universal education is wrong. We are talking about the very few who we can afford to give education to now, and I regard any African boy or girl who attains the standard of school certificate as a brilliant student, considering the shortage of staff and the difficulties they may have in their own home, and in this connexion nobody would dispute the advantages of going to an outside country.

The other difficulty we have experienced, some of us, is the negative attitude of our Government in trying to recommend and encourage students going out to America. They should be positive, and students who, for example, get a place in a college outside, in America perhaps, in a recognized, accredited college, or in Britain, or anywhere, they should, say a co-operative society wants to help him to go or an African district council has voted money for higher education and they want to help him to go. Government should be positive in this matter. Again, I have cases which I could quote to the Minister if he wants to know, where students have been discouraged, and sometimes very little effort has been made to assist them. There is a case of a student I know who is reading subjects which are

[Mr. Mate]

supposed to be queer in Kenya here like Spanish, in common with other subjects, and he is supposed not to be good enough for Kenya later on. I would say this. We have suffered a long time here because we do not have Latin in African schools, or even French, and if students want to do law or even medicine they have to start from the beginning to pick up Latin in order to go to a university where they can study law or even medicine.

Why should our Government limit our curriculum here in Kenya like that to English as the only foreign language, whereas they know very well that any university arranges its groups of subjects according to its own regulations, and I feel this question of interfering with the curriculum a student is doing does not do anybody any good.

I met a student who came from Sweden, where he had taken a degree, and he had done it in Swedish. He was in London learning English. I am sure that student, after completing his course in English is going to be as well educated as anybody else, and when it comes to degrees in America, do you mean to tell me an American doctor is worth less than a British doctor, that an American scientist is inferior to a British scientist, and that an American agriculturalist is inferior to a British agriculturalist. These are all theoretical, but as long as a college is recognized by the people of its own country, its degrees in this country will be useful. How is it with those who come from India or America. When they come here they are employed. Now I would like to feel that the Government here takes notice of these elementary things because when the students are discouraged and told when you go to America and you read this or the other you will not get any job here, the students come—including the now Minister for Commerce and Industry—and they are employed by Government as lecturers, perhaps, or even education officers or by companies like tobacco companies they tend to suspect Government. Nobody would believe the Government would begin to discourage students. True it will be important to have some help in sorting out the kind of careers they are going to follow, and as the hon. Member for Nairobi Area said, if the Government are prepared to assist in helping the boys to choose the right courses to begin with at the right colleges, it would be very much appreciated. So rather than take a negative attitude to it, I feel our Government should take upon itself to foster it, and for my own part it is no competition between the African student and Makerere if, as it is today, Makerere cannot take all the boys that pass the Cambridge school certificate or even

for the Royal Technical College. Instead they send a letter to another college outside. They send their documents. They are assessed there, and the students get a place to go to that particular college.

Then we come to the question of girls' schools in Kenya. In many of the boys' schools, intermediate schools, African headmasters have taken over from European headmasters. In many girls' boarding schools in Kenya and intermediate schools there is a clear belief that only a European lady is suitable to become the headmistress, and I have seen it happen that an African acting headmistress is replaced by a European headmistress, who may be no better qualified than the African girl teacher in the school. I would like Government to look at this particular problem, which is becoming a headache to many African women teachers, some of whom have got their T.2 training, and others have the K.T.I. when a European woman is put on top of them on purpose.

Furthermore, I say that an African lady is better qualified to train our young women for the future than the European mistress. They do not understand it. We should have our own women teaching our own women.

The other think I criticize most highly is domestic science. They are taught nothing that really matters. They are taught how to cook cakes and many other European delicacies. We have no use for these things. Africans have these things on a particular day when a visitor comes. They should be encouraged to improve on their own African cooking. In Nyanza I am sure they could make a better job of the kind of food eaten in Nyanza, even if it is the Central Province or the Coast. So I would like the Minister and the Director to give serious consideration to African conditions because in practice in their own homes they do not need this kind of knowledge, and many become frustrated later on when they find that their so-called domestic science, as regards cooking, comes to nothing. Other things like sewing and taking care of little children and that kind of thing is all right.

But on the question of African food and diet, although there may be no qualified people they should begin by pioneering. They could perhaps send some of these girls to other countries, Ghana and Nigeria, to go and see how the teachers there have adapted themselves. Another weakness of the girls' schools is that there should be a bias towards using those foodstuffs they do use in their own houses instead of fancy things in domestic science, cooking cakes and things like that which they never eat apart from occasionally.

[Mr. Malé]

Mr. Deputy Speaker, I was very pleased to hear the Minister mention the question of census in 1961. So far as district education boards, African district councils, schools committees, education officers, and supervisors are in the dark. In planning we do not know how many children are there and we cannot anticipate how many more shall have become of school age in the following year, so I congratulate the Minister for having thought about the question of a census by 1961.

My last point is just the one I have on the relationship between the formal education and the new Ministry of Adult Education. I do not know what the Government are going to do about another Department which is called Community Development which, to my mind, is only wasting a lot of time. I would like to see some substance in the so-called *Maundero ya Wamandaka* or *Maundero ya Wanama* groups. Dancing and jumping about is all right but if you could spend this time in doing a little arithmetic or doing a little accounting or something practical it would help the country better. They could have sports once in a week or once in a month but as it is now it has turned into being a kind of sports meeting and life becomes a long long festival and they do nothing sensible or practical. So I would like to know what the Minister proposes to do, especially the Minister for Labour, the new Minister, regarding the position between adult education, formal education, and the community development. Personally I feel that if a solution could be worked out whereby all the Jeanes Schools and the *Maundero* groups and the continuation classes were given more attention and some substance put into them it would be of great value. At the same time the K.B.S. could be used for better purposes than mere entertainment and records all the time, for having programmes on something sensible, perhaps civic studies. As it is now there is so much music played, jazz music, that half an hour could be spent each evening on simple civics, and an officer appointed to give lectures over the radio would be of very great service. The Minister may be surprised to know that Africans have radios in very far away places which you cannot imagine, so, in conclusion, I would say to the Minister for Information and Broadcasting that they should devise a system of, say, half an hour each evening where something serious is spoken. What I hear nowadays is nothing but mere entertainment of a very cheap, perhaps low, nature—some people like it for popular reasons—but there could be some educational value in this kind of thing.

I have heard also the news of a kind of adult education institute somewhere in Kikuyu. To

begin with I heard about this institute and I did not like it myself because it had some sort of political association. If it is going to start without any political affiliation or any political bias but purely as an academic institute then I think the Government should give these people some encouragement in making sure that it is started purely for higher and adult education, to be used for co-operative societies' officers going there to do some courses, social studies, and that kind of thing. Otherwise I would support the Minister.

Mr. Rogers: I should like to offer my congratulations to the Minister on the way he set forth the structure of his Department and his plans and I thought particularly his statement on higher education was a very clear exposition and the House will have noted that this will be on an East African basis. From all points of view I think it is highly desirable that it should be, particularly from the point of view of the students, for in this way they will have at their disposal a wide variety of subjects to choose from, whichever territory they come from in East Africa. If, for instance, they want medicine there is Makerere, and if they want engineering, there is the Royal College, and similarly for other subjects. If, however, we developed our higher education on a territorial basis the same would not be possible or at the very least would be extremely difficult.

I was very pleased to hear the comments of the hon. Member for Nyanza North on adult education, and I myself agree that the need for this type of education in Africa is great. The need for education is so great in fact that I feel we ought to attack the problem at every level and not look upon it just as the level confined to childhood and early youth, nor should we think that when a person has finished his schooling he has finished his education. I am sure the suggestions by the hon. Member will have the Government's careful consideration and I look forward to hearing our new Minister whose portfolio is Adult Education on how he is to develop his plans to which he has already referred. I feel, also, that there are other ways of developing adult education apart from on a Government basis, and I would like to refer briefly to a College which is shortly going to open, a College the Governors of which number several hon. Members in this House. The College is, I would add, completely autonomous. Until we have a suitable name for it we refer to it as the College of Citizenship. Now, it might be said that until we can afford in this country secondary education for all our children the money should be spent on nothing else, and I was very glad to hear that Mr. Muliro does not agree with this policy and I am sure the Minister will also not agree. Furthermore, the College I have spoken

[Mr. Rogers]

about received a grant from the Dulverton Trust of £35,000, and although we will of course have to look for other monetary assistance this most generous gift enables us to make a start. We think the courses will commence at the beginning of next year and we trust that the students will be sponsored by Government and other public bodies and other employers, that they will sponsor their employees to our College. The courses will be wider educational courses than generally understood in the term "education". They will particularly embrace economics, sociology, Government administration, and so on. These men and women coming as they do from all parts of the country will, I think, have a unique opportunity of discussing each other's problems and each other's difficulties, and they will be able to reach an understanding of each other which will perhaps not be possible anywhere else in Kenya. I am certain, therefore, that our College will be able to take its place alongside other projects in the field of adult education and I am sure it will have the support of hon. Members of this House.

I beg to support.

Mr. Alexander: Mr. Deputy Speaker, Sir, I was interested in listening to the Member for Central Province North talking about activities in schools which we do not always associate with learning, activities particularly on the sports field, and I would like to spend a few moments dealing with this particular aspect of education because of course, as you know, Mr. Deputy Speaker, I believe that it is in such activities that we have in this country, as in all parts of the world, the most natural field for people getting together and growing up together without any inhibitions whatsoever on either side. There is no doubt about it that whatever racial co-operation there is in this country, and at times there is far too little, but whatever there is, much of it has been generated from the sports fields of Kenya, from the sports fields of schools where pupils of all races have played together at a very young age, and I would like to pride amongst some of my best friends, Sir, amongst other races in this Colony, those who I learned to know at a very young age on the sports field in Kenya. There is much being done. There is much being done by the Education Department in this particular respect. But there is something lacking. Mr. Deputy Speaker, in the co-ordination between the effort at school and the effort by Government after school. Now, I am not suggesting for a minute that we want Government to come into post-school sport any more than it has to. I believe that this should be typically a voluntary effort, and the further we can keep it

away from Government the better it will be, but in this country, owing to our circumstances, it is necessary for Government to pay far more attention than they do perhaps in maturer countries; but what is needed is some co-ordination between those who are working on this effort at schools, and I am now referring particularly to the Department in the Ministry concerned with, I think they term it physical education, between those people and the people in the Community Development Department of Government, and I believe that at the top level, at Ministerial level, there has got to be a knocking of heads together so that they, the Ministers in turn, can knock some heads together lower down the scale. We have a tremendous potential, Mr. Deputy Speaker, in this country in this particular sphere of activity, and I ask our Government to keep their eye on this target just as much as on the academic target.

Now, Mr. Deputy Speaker, there have been several references today to integration in our schools, and I propose tomorrow when I resume this speech to make a statement on this particular subject because I do believe that when people refer to this subject of integration, when our African and when our Asian friends refer to it, they mean, really, integration into European schools. There is no doubt about it that the standard of education in our European schools is the best in the country. That is not saying that there is not the best in African and Asian schools. But by and large the best consistently is in our European schools. It is very natural, therefore, that our African, Asian, and Arab countrymen should be looking at our European schools with somewhat envious eyes, and therefore I wish to face this particular problem quite honestly and squarely in this particular context because I am sure that when our countrymen of other races refer to this they are really, shall I say, talking at the European community in this country. I do not want to develop this today because it is an important theme and I would like to speak to it uninterrupted, but when I speak tomorrow, Mr. Deputy Speaker, I intend to say some hard words concerning my own European community on this subject.

Meanwhile if this evening I can just finish off by saying how disappointing it is that there is no reference in these Estimates to non-racial education. For some years now there has been progressive thinking on non-racial education and I am talking of the subject quite apart from integration into European schools. There is need now for Government to come out with a clear-cut policy on non-racial education. I would like in the few minutes left before we close today to quote in this particular respect what was said last

[Mr. Alexander]

year in this same debate by the hon. Specially Elected Member, Mr. Slade. It is in the HANSARD of 21st May, 1959, at column 1051. He said this, and I quote: "Sir, I would suggest to the Minister that the right general policy for non-racial education is that you maintain your monoracial Government schools until the races concerned, the majority of each race, are prepared to accept modification of that policy. Encourage them as much as you can to think in terms of the future and to see that the prospect is not really so terrifying, and for the purpose of that encouragement and in order to make a start we come to the second leg which is the importance of encouraging now the development of non-racial schools by private enterprise. If you do that on a voluntary basis you are frightening no one because no one need send his children to a school of that kind, but I am sure people will do so and by so doing they will prove that the thing can succeed and that given strict standards at the school their children can emerge just as well and in some ways possibly better than they might emerge from a purely racial school." That, Mr. Deputy Speaker, was said by Mr. Slade last year and there never really has been, so far as I can recollect, any answer by Government on the clear admission of a policy for non-racial education; and the Government are invited again this year to rethink about this, and perhaps in his reply the Minister might care to make a statement upon it. I will develop tomorrow the particular case of the non-racial Roman Catholic school at St. Austins. Meanwhile, Mr. Deputy Speaker, you may consider this convenient for me to finish and continue tomorrow; or I will go on if you wish me to.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): It is half past six and I adjourn Council until a quarter past two, tomorrow afternoon, Thursday, 19th May.

The House rose at thirty minutes past six o'clock.

Thursday, 19th May, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

MOTION

REDUCTION OF PERIOD FOR INTRODUCTION OF BILL

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to move:—

THAT the period between the publication of the Traffic (Amendment) Bill, 1960, in the Gazette and its introduction into this Council be reduced from forty to seven days.

Hon. Members will be aware that under section 40 of the Order in Council applicable to the publication of Bills, that except in the case of a Consolidated Fund Bill or an Appropriation Bill, it is necessary for a Bill to be published 40 days before introduction to Legislative Council. If it is proposed by the Government that that period should be reduced, then it is necessary first of all to get the Governor's consent and also it is necessary for His Excellency to consult either the Chairman of the Council of State or in his absence the Deputy Chairman. I have received this minute from His Excellency which reads as follows: "That in accordance with section 43 of the Kenya Constitution Order in Council, 1948, I have consulted the Deputy Chairman of the Council of State, the Chairman being absent from Kenya, and give my assent that in respect of the above-mentioned Bill—that is the Traffic (Amendment) Bill, 1960—the period of 40 days between its publication in the Gazette and its introduction in Legislative Council may be reduced as necessary."

Sir, I must say to hon. Members that this is not a usual step and I would like to assure hon. Members that Government does not like to interfere with the normal rules and regulations which give hon. Members a reasonable period in which to look at such legislation as introduced by the Government. But this Motion is only being put forward by the Government because of its financial importance. If hon. Members have read the Bill they will notice that it is an amendment to the Traffic Bill but I regard it much more as similar either to the Consolidated Fund Bill or the Appropriation Bill, both of which are financial Bills and which under the Order in Council can be introduced at a lesser period than 40 days. It is because in fact the Government wishes to safeguard its revenue that we are taking this unusual step.

[The Chief Secretary]

If hon. Members look at the second part of the Memorandum of Objects and Reasons of the Bill itself, they will see that it is stated that the purpose of the Bill is to protect the revenue and its enactment will not involve additional expenditure of public money. It is to protect the revenue and if we are to protect the revenue it seems to the Government that we should bring it in as soon as possible. I would ask hon. Members that in speaking to the Motion that they would reserve any criticism of the Bill itself or anything to do with the Bill until we come to the Second Reading of the Bill and speak only to the Motion.

Mr. Deputy Speaker, Sir, I beg to move.

The Minister for Education (Mr. Mathieson) seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

MOTION

NOTE 20—MINISTRY OF EDUCATION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of debate adjourned on
18th May, 1960)

Mr. Alexander: Mr. Deputy Speaker, Sir, in this debate there have been several remarks concerning the integration of schools. Yesterday, before the close of business, I accepted that such remarks are aimed mostly at the European schools and at the European community and I offered to answer these today. Sir, in February this year there was an announcement by Government concerning boards of governors for European schools. I am sorry, it was dated 16th March, 1960. It had this to say in one portion: "The Government notes that a number of European Elected Members to whom this matter is of great concern have already advocated that the Boards of Governors when constituted should consider the admission of suitably qualified children of race other than those for whom the schools were initially established. The Government welcomes this attitude and hopes that the Boards of Governors will act upon it in their discretion." That statement of policy, Sir, was agreed by all the European Elected Members. It is therefore, Mr. Deputy Speaker, most unfortunate that the matter has been raised in this debate before the European community has had the opportunity of working the new system and the opportunity of showing that quite naturally and without inhibitions it can be colour-blind towards all those of the same or similar standards of home life, of

behaviour, of ideals, and colour-blind towards those with the same fundamental approach to codes of honesty and morals.

I accept, Mr. Deputy Speaker, that there are some Europeans who may not fulfil all those standards, but that is our job, the job of our community, to deal with them, and we will do so; and let me add that only harm can come if the best children of other races are forced into intimate contact with those of our own community that we ourselves regard as bad hats. Sir, my belief is that when the new system of boards of governors is working the European community will respond to the opportunity and the challenge offered by displaying in our attitude to other races in our schools the inherent liberalism and the inherent progressive thought which I believe is in the majority of the people in our community; and, therefore, I say again, Sir, that it is unfortunate that some of the other races should have introduced this subject in this policy debate on education before we have had an opportunity that has been offered to us to deal with it, and it is, also unfortunate, therefore, Sir, that outside this House prominent members of the European community are attempting to take advantage of the emotional issue of other races into our schools with utterances that are wholly contrary to the spirit of the policy agreed by all the European Elected Members.

Here, Sir, I would like to refer to one of two of the type of statements made. This is one of them: "There must be no change in the system of European education until children born today have completed their education." That means, Sir, that there shall be no change, or those who uttered those words mean that there will be no change in the system of admission to our European schools for some 15 years. I only have one retort to that argument. I do not wish to argue it; I have only one retort: totally unrealistic. Another such statement: "Other races into our schools must be resisted at all costs." That, Sir, to me sounds mighty like intimidation of the boards of governors before they have even started, and I would suggest, Sir, that it is quite unfair to the boards of governors which will be established; and these are the same sort of people who are the first to proclaim that there must be no intimidation.

Mr. Deputy Speaker, there is also the difficulty in our community of those who wish to try to have the best of both worlds. We have heard it often said that we want other races to attain our standards. They must learn to behave like us; they must have our ideals before they can be given responsibility. Yet, Sir, when suitable candidates of another race come forward to accept the challenge, our answer, so common, is: "Yes,

[Mr. Alexander]

we want you to have our standards, but do not come near us to learn them."

Mr. Deputy Speaker, we cannot have it both ways, and if we try to we are in danger of being classified as hypocritical. But, Sir, let us make no mistake about it. This whole question of other races into European schools is delicate and difficult in this transitional stage. We need the help of everyone, and we need the thinking of all progressive people, and here are some casual suggestions.

Firstly, may I say, Sir, that we are not helped by insults and provocation from other races. I would ask that the leaders of the other races would try and understand our position in the matter. There is also the very great difficulty of the initial selection, and here there is a very heavy responsibility of the parents on both sides. No good, Sir, will come if children are forced together against the will of their parents. There is nothing more bewildering to the minds of children to go into bigoted homes after their day at school to find parents talking in a way quite opposite to what the children are trying to grow up to in their schools. And here, Mr. Deputy Speaker, there is a particular responsibility upon the mothers. It is this problem that comes closer to them than it does to anyone, and I would commend to the Minister the services of the East African Women's League in this particular respect, because I can think of nobody better placed to deal with this subject in a perfectly natural way, as between mothers.

There is also the question of making perfectly certain that the admissions into our schools are age for age with academic equality and physical and mental compatibility on all sides, and I would suggest, Mr. Deputy Speaker, that the place to start this is in the sixth form of our present schools.

May I add, Mr. Deputy Speaker, that I certainly look forward to the day when it is appropriate that a member of another race will be on the board of governors of our schools to help us—they more than anybody—to help us preserve the standards and the traditions that have been created. They want to come into our schools because of the high standard that has been created in them, and because of the high standard we brought to this country, and we will look to them, in turn, to make certain that there is no lowering of these standards.

Now, may I ask two particular points of the Minister? Firstly, there will be no progress in this matter until he is able to announce the composition of the boards of governors, and the method of election. And may I say to him quite clearly, Mr. Deputy Speaker, that if there is any

sign, any sign whatsoever, that these boards of governors are under the patronage of Government, they will be destroyed before they even start. They must be in a position to show the free choice and the free will of the community.

Secondly, for the Minister to answer is that we have not got a hope of progressing whilst the congestion, whilst there is still the over-congestion in our own schools, because it is not the slightest bit of use trying to think along progressive lines if, in fact, there is no room in our schools for the existing school population to come into. And I believe that if the Government wish to move in this direction they too have a responsibility to equip us with the facilities to do so.

Yesterday, Sir, I referred briefly to the non-racial school to be established by the Roman Catholic community at St. Austins. This is to provide for sixth form education for boys; both borders and day boys on a non-racial basis. Government is contributing £40,000 from development funds towards the capital cost on the condition that this school caters for a minimum number of African boys. And it is strange that Government is treating this as part of the Vote for African education. We appreciate, of course, Mr. Deputy Speaker, that the African needs are more pressing than those of other races, but why has this particular matter to be dealt with under the African Vote instead of a new non-racial Vote for grants-in-aid? Surely Government must confirm that they support this—confirm to the Roman Catholic community that they support this as a non-racial venture—because all capital other than that from Government, that is the £40,000, all the rest of the capital has been subscribed on the basis that it is expressly for this non-racial purpose. As a corollary, the agreement must confirm that the annual grant-in-aid will be based upon the needs of all pupils at this school, and not merely African pupils. I understand, Mr. Deputy Speaker, that the Minister and the Director of Education have sympathy in this particular respect, but it would be helpful if in replying to this debate they would put it on record as to exactly what the attitude of Government is towards this non-racial Roman Catholic school venture.

Mr. Deputy Speaker, I beg to support the Motion.

Dr. Adalja: Mr. Deputy Speaker, I have just a few words on Asian education. I must admit, Sir, I am constrained to use the words "Asian education"; because I am a firm believer in an integrated and a non-racial set up at all levels of education. I would not like to say anything more on this occasion, as I have recently said freely and forcibly elsewhere. I will wait anxiously to hear the plans of proposed Boards of Governors for

[Dr. Adalja]

European schools to admit at least some of the pupils of other races to their schools.

Sir, I would like to say, as I said in the beginning a few words on Asian education. A lot has been said, but I believe one point has been left out, if I have not missed any of the speeches, and this point is concerning double sessions existing in Asian primary schools. Sir, this device was introduced I believe round about 1945 as an answer to the lack of places in schools. As a result of this device some pupils go in the morning and others in the afternoon. Fifteen years have passed by and yet this device persists very widely. Not only that, but the device has extended and is extending to grant-in-aid schools. I would therefore like to hear from the Minister his plans for eliminating this device, and I believe the Department itself agrees that the device is highly unsatisfactory.

The second point I would like to make, Mr. Deputy Speaker, is concerning the race of staff to be employed in a school, and here I would like say at once, Sir, that I am not worried, as to the race of the staff employed in any school. I believe the criterion of employment should be not the race, but the merit relative to the post to be filled. It does not matter to me, Sir, whether, James, Jaroge or Jaswant Singh is appointed. All that matters is that the person who is appointed is able to carry out his duties satisfactorily. One of the hon. Elected Members said yesterday that he would like to be a headmaster in an Asian school. May I say, Sir, right now, that as far as I am able to judge, and I believe I am in a position to judge because I have been associated with Asian education for quite a long time, that neither the Advisory Council on Asian Education, nor the Asian community will offer any opposition to his appointment, on one condition, and that is an inflexible condition—that he has the merit to fulfil the requirements of the post he seeks. If he has I would certainly say, Sir, "Go ahead, apply". Kenyans, of Asian origin in this country will welcome him with open arms on the basis of his merit, not on the basis of the fact that his skin is shades darker than mine.

With these few words, Mr. Deputy speaker, I beg to support.

Mr. Odunga: Mr. Deputy Speaker, Sir, I rise in the first place to give my compliments to the Minister for Education for his sincerity in trying to put forward his educational policy. I have been impressed that he, as a person, seems to have got the right type of convictions, and had his hands been quite free, and I wish they were, I am sure that his educational policy would have been much more progressive than what they are at the present moment, but being a cog in the wheel, he

has got nothing to do but to fall in with the Government general educational policy, which is really absurd indeed. All the more, I still hope that the general education policy of Kenya will have an intensive research, and improvement might be got later on. But for the moment we cannot say that it is even half way or even a quarter of the way to meet the immediate needs of the people of this country.

Now, Mr. Deputy Speaker, before I tackle some of the points which I have down here, I will only try to answer some of the statements made here on the question of the common schools and the integration of schools in this country.

I know that this particular problem when it is to be discussed many people seem to be sensational or emotional in a way, but I should say that anybody in this country who is out to see the harmonious race relationship in Kenya must support the integration of schools and children learning together from the very beginning, not minding or not actually trying to hide behind the language difficulties because with languages, recently I was in some other countries where the African students go when they do not completely know the languages of those people, and when they get into that country it took them only six to eight months and then they are conversant with the languages of those countries and they start with the languages of those countries and they pass very difficult examinations in the languages of those countries. Therefore the language difficulties, the language obstacle should not actually come into the way. I know that in Kenya the *lingua franca* is first Swahili, second is English and as such if the parents are keen to see that the schools are integrated and to see that the children learn together, I am sure that these difficulties of learning Swahili and English will not be a problem at all.

A speaker here has just mentioned that (I think it was yesterday) the people must be free to bring forth the children in the way they like or to give their children their education in the best way they prefer. Well, I quite agree. I quite agree that that is a prerogative which is given to parents, but on the other hand we must also consider the surroundings in which those children are going to live. We must also consider their future and those with whom they are going to work and as such we must give them education which face realities and at the same time try to make them be conversant with their surroundings and the people with whom they are going to work. I do not think at the present moment, Mr. Deputy Speaker, we are doing that at all. There are some people here who talk of co-operation, who talk of the harmonious race relations and yet they are hesitant to come forward to support

[Mr. Odings]

integration of the schools, to support the common schools. They always tell me that I am a racist and yet it is I who go heart and soul for the common schools. I am prepared to bring up my children to work together with other children from the very beginning. For example, I have a son of five who I am prepared to take a common school right from the beginning. I have told him that he can begin in that school if we can get all boys beginning together, provided he can begin from the bottom level together with those boys, and learn together with those boys. If it is necessary to learn English and Swahili, let him start with those and get on with those people he will learn it much better. But why are other people not prepared to do that? If they say that they want to stay here and they talk of Europeans and Asians, in my mind I have not got Africans, I have not got Asians, I have not got Africans. I have only got that this is an African country and everyone who has accepted to live in Kenya, they are all Africans, whether their body is white, whether their body is brown, they are all Africans, if they want to live in this country and as such there are no schools which are called European, there are no schools which are called Asian, all schools are Kenya schools if they are supported by public money in this country. I think it was a very evil man who gave them the idea of creating schools for races and that disease has never been cured, but if we wanted to cure it, I think this is the time we should get medicine for it, and I do not know whether we shall get that medicine with those people who want to perpetuate it, they think in the lines of Europeans, they think in the lines of the Asians, they think in the lines of Africans. It will only be cured if we begin now to adopt one way and that is that we are all Africans of Kenya and as Africans of Kenya our children are born equal, when they are brought forth from their mothers they are all naked, they all begin to experience life in the same way, the same manner, the same everything. There is no outlook for a European, there is no outlook for an Asian, there is no outlook for an African, they all experience the sun, they see the sun the same way, they see the vegetation the same, they see their surroundings all the same and they also taste the food the same. They all suck their mothers the same. There is no difference at all, they all start life the same, so why should some people try to teach their children as they do, they try to teach their children by telling them that "Oh, if you see a black face that is a boy, and whenever you meet a black face he is a boy." I had the experience in the streets when I met some European boys many of them had addressed me as a boy. They said "Oh, that is

a very good-looking boy!" Because they think only of the Africans they see at home and they have been taught to believe that the African must be addressed as a "boy", therefore he has taken it that any black face was a "boy". Such a boy can only learn that all Africans are not boys if they go to learn together with all the African boys. He will see those boys also defeat him even in the examinations, he will see that some of them learn much quicker than he does and he will learn that human beings are only human beings, whether they are black, white, coloured or any other kind, they are all human beings and they have got different qualities. There might be some whites who are very clever, there might be some blacks who are very clever and some of them are also very stupid. That is something they can only be taught if they begin at the very beginning learning together. That is my sincere belief and I believe that that is what we can do at the very beginning in this country if we want to improve the race relations.

There is no other way of our doing it except through educational facilities and educational institutions in this country and the sooner we abolish all these racial schools the better for us, and begin immediately on these lines.

Now I know, Mr. Deputy Speaker, many people will bring a lot of excuses. Say "Oh, no, we have got different classes in our own homes, some of them are brought forth and wed in a different manner". That is all the better. What about the ones who are going to live in this country? Are they going to live all their lives exclusively sumptuous? Are they going to deal only with those who have lived in such a way? Are they going to live their lives with boys who live similar lives? They need to experience the lives of other boys because that is the exact life they are going to live or also, is the nature in the world in which they are going to live.

Mr. Deputy Speaker, I would like the Government to adopt this policy at once and to leave it for those people who are proud enough and would not have the modesty to mix with other people, they should be given that facility of running their own private schools and let them provide them with their own money completely. If they are people like that I have no quarrel with them. Let them run their own schools but they should not expect to get public money. In all public schools there should not be any segregation. There should not be any more assigned schools for any one race.

Now coming back, Mr. Deputy Speaker, to the overseas education, it was pitiful to hear the Minister trying to blame those boys who are going overseas or blame the provision for so

[Mr. Odings]

many students to go overseas, to go to America or to go to other places. I think it is just—I am sorry if I disappoint the Minister but it was true in the papers today, this morning also and it was made perfectly clear that whereas you would like to discourage it and encourage only.

The Minister for Education (Mr. Mathieson): I hope the hon. gentleman did not misunderstand anything I said yesterday. I do not know whether he heard my speech on this matter, but I made it perfectly clear that I did not in any way decry the efforts of those who are seeking further educational opportunities overseas for African students from this country. All I wished to ensure was that it would not be to the detriment of our local institutions of higher study, nor to the detriment of any individual students who was set on a course for which he was not adequately equipped, either academically or financially.

Mr. Odings: I think you are quite right and I am sorry if I was mistaking you, I would be only too sorry about it.

Now I want to explain exactly what I would have liked to lend my support to, I do think that whereas you would like to encourage our own local institutions and local education, I think that any student who is anxious to go overseas, besides getting the general education, he has also a rare experience which he is going to gain from the countries overseas which he is not going to get in the local schools.

Furthermore, the local institutions have also got their prejudices. I have never liked the way the students at Makerere are being controlled in their ways of expression. I remember that last time when I was at Makerere many students complained to me that they were not free to express themselves either on political matters or on general matters; that they have got some Special Branch students also, among them who report things to the Kenya head of the Education Department. Often also they get some warnings here and there on their political views and so on. I think that is pitiful. The students at that stage should be left free because that is part of their education. They should be left free to learn about political matters, educational matters or social matters, in a free manner in order to be able to judge later on for themselves and to make up their minds on the type of life they are going to lead in this country. Many people say, and especially those people who go for higher education overseas, that there are such facilities; that in the universities overseas they have got the freedom to express themselves in the universities and to discuss freely their political problems. In that way they get themselves completely conversant

with the current affairs, either in their country or in the countries overseas.

At the same time, Mr. Deputy Speaker, I am one of those people who believe very strongly that when students are still young is the time when they should acquire as much education as they can and as such I do not see any reason in restricting them to schools simply in America or even in Great Britain. They should be left to go to those places, even which at the present moment are called the Iron Curtain countries, because if they go to these places they will learn for themselves what is right and what is wrong. If you deny a boy something he will want it very much, but if you leave him free to go to those places he will be satisfied and he will satisfy his curiosity and will not actually do anything. Therefore, I think that since we are short of educational facilities in this country and since even Great Britain alone cannot meet all our needs, since even America alone cannot meet them, we should let these boys go anywhere where they can acquire knowledge. Knowledge is knowledge and immediately somebody gets it he will judge for himself what is right. The other time I was speaking to one of the Indian officials in this country and he told me that he had been surprised that some of the students who had been to India or who had studied in India when they came back here did not speak so nicely about India. That should show you that even from those places where they were not allowed to go to, even if they go to Russia or even if they go to Yugoslavia, these students will not necessarily all come back praising everything that they have seen in Russia or those other countries. They will have their own judgment, they will have seen a lot of things, they will have seen even the advantages and disadvantages of those countries and therefore the best way of stopping somebody doing something is to let him actually go and he will learn the disadvantages and the advantages of that place.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): What did you learn there?

Mr. Odings: Well, I was not there long enough to learn anything. However, I met some of our students in Yugoslavia and I found those students much more intelligent. They have learned a great deal. They can tell you a lot of things which formerly probably they may not have been able to tell you. So let them go to these places and they will learn. I do not know why this should be in Kenya. Kenya is the only place where there are a lot of restrictions. There are so many restrictions that the students cannot go outside. But what about places like Nigeria? You get the Nigerian students all over the world. How do they get there? They are all under the British

[Mr. Odinga]

Government. They are all under the British and they go there, but Kenya is the only place where you find that our students are very few in other countries. Even in Great Britain we have very few indeed because the Government here is not prepared to send the students there. The Government probably has not got money for anybody. Those they send to Great Britain will be moulded and moulded and then you find that they are very, very nice boys, much nicer than when you sent them.

I think if you want education you should give the people the chance of learning. They will later on form and make themselves. If you refuse somebody his right to education—why, we people were refused when we wanted to go to Great Britain; I remember, I was not a very good boy, but did I get the chance of going? I did not get the chance of going: if a boy is deliberately denied the chance it only makes him bitter because he feels that you are only trying to curtail his chances of going if he knows that he is just as good as any other man mentally—by stopping him you are frustrating him and you are only making him your enemy instead of making him a man who is co-operative. Therefore, the best thing is to give this student the chance of going and to get the education, if he can actually acquire it.

Now, Mr. Deputy Speaker, the Minister mentioned something about primary education in Nyanza and he said that at the present moment the primary schools there are more than enough. Indeed, I cannot actually subscribe to that opinion, that the primary schools there are more than enough. If it is in comparison with the secondary schools, yes. But to meet the needs of the people, they are far from being enough. I would challenge even those people who did the research because I know so many places in Nyanza Province which are not well served by even the primary schools. I know that at the present moment the primary schools which are there have not got enough secondary schools to cope with the students which are coming from those schools, and if he was thinking only in this connection, well, I would agree with him. However, it is very pitiful because we need more and more primary education. We want each and every child to have this education and really the fathers and mothers are longing for it. They would do anything; they are prepared to pay anything to get their children educated. Well, they cannot do that in some districts at the moment. As far as secondary schools go, particularly from the area where I come from—Central Nyanza—we have

heard complaint after complaint many times that we have not got the secondary schools, no Government secondary schools, I have mentioned it here several times. It was mentioned also several times by my predecessor and it seems as if, I think, the Government hates Central Nyanza so much that anything which has to be done there they will avoid doing, and instead switch to somewhere else, and I do not know why they should do that. I would also say that I know recently many schools especially primary schools have been closed in Central Nyanza and I understand that they belong to a certain sect which probably was not approved of by the Government as an educational authority. Well, I think that that was pitiful because these schools were entirely run by the Africans themselves. There is one also which is connected with me near my home, where I spent a lot of money in putting up a school and I knew that all the local residents also did a great deal to put up this school. We put it up because we knew that the children there would in two years attend a primary school which was about three or four miles away from them and we wanted to help these students, who were at the age of five, or between five and seven, learn how to read and write before they went. In actual fact, all those children who have learned at that school are going on very well now that later on they have joined the primary school nearby. I think that when the local people are prepared to sacrifice a little bit of their money to run these schools, if they are going on keenly, I think they are not the type of people who should be discouraged as the Government did. I think it is better for the Government to encourage them, and if there is any assistance which could be given to them, it should be.

Now, Mr. Deputy Speaker, I have got only one or two very small matters to raise and they concern the Educational Loans Board. Here, too, I would say that at the present moment the Africans benefit very, very little from this fund because the security which is wanted for this money is rather high for an African parent or for an African student. I am sure that the Government should be a little bit considerate and know that at the present moment it is the African who probably is unable to pay all the way for his overseas education, although he is very, very anxious that his children should go to learn overseas. As such, the Government should find a way of guaranteeing this money for these students to go overseas. These boys, when they go overseas, are an asset instead of becoming a liability to the Government, and as such it is the responsibility of the Government to assist them to go overseas for their further education. Therefore, the security which is needed should not be considered

[Mr. Odinga]

in the way a man who is going to use his loan for business purposes would be required to do.

Another thing which I should also mention in passing, Mr. Deputy Speaker, is about the arrangement of the administration of areas, educational areas, in Kenya. I understand that our area is called the West Kenya Region. Well, the West Kenya Region is a very, very large region. I noticed that other areas are divided into smaller regions and when there is any division, then the West Kenya Region also receives its quotas just as those other areas. I think that that area, being far too large, should be divided into two, or three, or four, regions rather than making it only one region which might put it at a disadvantage when there is any consideration or allocation of teachers, allocation of funds or allocation of any other thing.

Now, in ending, Mr. Deputy Speaker, I should say that from my area the education of girls and the girls' secondary schools are completely nil. I should say that is so at the present moment, especially in secondary education. We have not got even one in our district. I remember that Maseno was earmarked to have a secondary school put up and I do not know what happened later on.

Now, I hear that that school has not materialized, and I do not know who, when there is a plan for Central Nyanza, later on decides to withdraw it and then probably take it somewhere. I think that the Government should look into this and see that Central Nyanza also receives its fair share and a fair deal, and also whether there is an evil man who is trying just to undermine our educational facilities in Central Nyanza. The Minister should see to it that we get girls' secondary schools in Central Nyanza. I have said it many times that we should get girls' secondary schools in Central Nyanza. If we do it at this time we shall benefit from it.

Mr. Deputy Speaker, I beg to support.

Mr. Zafrud Deen: Mr. Deputy Speaker, Sir, I do not agree with a great many things that were said by the hon. Member for the Central Electoral Area yesterday, but he did make some pertinent points which deserve his attention.

Sir, I have observed, and so have many other Asian Members on this side of the House, that the continued silence of the Asian Members is misconstrued as a sign of weakness and subjection to political pressures. I wish it to be understood that we brought back from London with us the spirit of Lancaster House of common understanding and good will, and we are endeavouring to stand firm by that spirit. We consider that this

Lancaster House arrangement was a very great achievement on the part of the Members who attended. To talk of a racial division is an anathema to us but under the prevailing conditions it would be total betrayal of the Asian community if we do not comment on certain aspects of this Vote.

Sir, I do not agree that Asian schools should not have European teachers. We do want European teachers particularly to teach English in the Asian schools. But what we object to is the air of superiority, the overbearing attitude which has been much in evidence in the past and which still persists to some degree. I am not suggesting that the authority of the European headmaster be flouted, but what I do suggest is that the Asian teacher and Asian students should be treated with the same consideration and respect which one would give to a member of his own community. Sir, I believe this was the point which the hon. Member tried to make in his speech yesterday.

It must be admitted that there have been racial changes under the guidance of the present Minister, but much remains to be desired. There still exists an undercurrent of antipathy towards the Asians which must be eradicated. Sir, experience tells us that many persons in authority are perched so high up that it is impossible to approach them. The reason for this is not far to seek. The controversies over the question of the Kenya Preliminary Examination which led the Asian community and the Asian parents on the war path with the Department still rankles in the minds of many people. This also perhaps accounts for the inordinate delay in receiving answers from the Department, not to speak of complete and arbitrary rejection of genuine requests.

Sir, in this context I would refer to the lack of confidence shown to the Asian Advisory Council. This body even in its advisory capacity has proved ineffective. It meets twice a year for a few hours and hardly any assistance or advice is sought from it, and the members seldom if ever are given opportunity to make representations on matters concerning even their own particular areas. The Asian Advisory Council could prove of immense assistance and value if it is considered that one of its most important functions was to act as a liaison between the Department and the public. The feeling is openly expressed by almost all the members of the Asian Advisory Council and it would be well worthwhile that the co-operation of the Members of this Council is enlisted on all occasions.

Sir, when some novel and uncommon ideas and practices are introduced, such as admission to the secondary schools on a zonal basis, no one has

[Mr. Zafrud Deen]

ever been consulted, Sir, you must take into consideration the people whose welfare you assume you are watching.

The Department is unaware how much hardship this could cause to the parents since it disregards entirely any request for reconsideration.

Another glaring example is the siting of the new schools. Take the case of the Duke of Gloucester School. The whole surroundings of the school, which was to be built on the model of the Prince of Wales School, has been callously disfigured. Staff houses, flats, and servants' quarters have sprung up on the grounds which were intended to be left as open spaces. Domestic life of those living in these places is brought within the view of classrooms and it is bound to distract the attention of the classes. A primary school, and a training college now stands on the grounds of this school and a hostel is now being built where there should have been playing-fields.

Sir, how is it expected to raise the standard of Asian education when every device is applied to lower the standards all round. It is my contention that the only real benefit which the Asian community receives from the Government is in the form of education. If intruders are going to be made into this then we have a genuine and serious complaint. The Estimates clearly showed that the burden of education is equally shared by the community. They contribute heavily in the buildings of the schools and then manage them at the same time. In 1959/60 £500,000 was saved on the Education Vote. Sir, it would be most interesting to know how much of this came from the Asian grant.

The question of the Asian Preliminary Examination will always remain a bone of contention, and the only way to remove the suspicions, however unfounded, is by introducing common examinations. A start was to be made in this direction in some of the subjects but nothing so far seems I have been done.

In answer to a question a few days ago the Minister said that the Acting Assistant Director for Asian Education was doing his duties admirably. May I ask the Minister why he cannot fill this post permanently. Is this because he is an Asian? If this is the reason then the criticism I have made and which the other Members have made before me, are fully justified. I would earnestly request the Minister to look into this carefully.

Sir, I would urge the Minister to keep his watchful eye on the question of admission of boys from the modern schools to the technical institutes. I say this in spite of the assurances

given by him that the Department would think that the students from the modern schools should have a place in the technical institutes. I say this because some of the officials of the Department have in public and in private made no secret of the idea that the Government is not committed to give education to Asian boys after the preliminary stage.

Sir, finally I must pay compliments to the Minister for the efforts towards higher education. This is what the country needs most at this time. This will open up opportunities to those who cannot avail themselves of overseas higher education, even when bursaries and scholarships are awarded to them. Although we are all looking forward to the day when we will have common schools here, at least we can make an immediate start without the fear of having to fight the racial concept of education. Neither the contention that the standard of education would be dangerously lowered could be advanced, and here, Sir, I must endorse the views expressed by the hon. Member from Central Nyanza that there are two definite opinions with regard to when the common schools should be introduced in the school. From what we know, after deep discussions all over the country, that this is the right time to have common schools. I agree that there are communities and there are races with their own standards of morals and standards of behaviour and so on, but if we do not give a start to integration at this stage we will never make a start, and the racial differences, animosities which have been in evidence in the past will continue to the detriment of the progress of this country, which I am sure we all want to avoid.

Sir, I wish to say here that it is only through education that all traces of racial prejudices and discrimination could be pulled out of the roots in the minds of the people, and the greatest responsibility therefore rests on those who manage the education of this country, and it is only in this way that the non-racial outlook can spread from one end to the other.

Therefore, Sir, I must say once again before I sit down that the attitude of the Department, although it is very difficult to prove, but from very close contacts of the members of the public there is evidence that a great number of officers, I would not say all of them, have not given that lead to the members of the other races in this country which should bring us closer together, and this attitude must undergo a very quick change, otherwise you will always hear from the floor of this House people getting up and trying to run down one another.

Sir, I beg to support.

Sheikh Mahfood Mackawi: Mr. Deputy Speaker, Sir, during the debate on the Budget the hon. Minister for Education dealt with the majority of the points which had been raised by Members of this House and he said that he would deal with any further points when we came to discuss Vote 20. Sir, I raised two points during the Budget debate. My first point was when the second boys' primary school would be built at Mombasa on the corner of Makupa and Tudor and when the building would be started.

As far as my second point is concerned, I raised the question that the modern secondary course conducted at the Arab Secondary School is a complete failure. Sir, even when he opened his speech on Vote 20 he did not answer my two points which I had raised during the Budget debate. I think the hon. Minister for Education has done nothing for the Arab education at this time. My friend the hon. Minister is shaking his head, that he is not forgetting the Arabs.

However, now, Sir, I should like the Director of Education to answer the first point and also to have a thorough investigation of the results of these courses and to consider the possibility of introducing commercial subjects instead of the modern secondary courses which the Arab parents did not want to send their boys to in these modern schools. I hope the Director of Education will give me a satisfactory reply to these two points.

Now, Sir, I would like to mention about the non-racial education. In Arab schools Africans are admitted without any discrimination, and even my hon. friend Mr. Khamisi is one of the products of the Arab schools.

Sir Charles Markham: Shame! Send him back again!

Sheikh Mahfood Mackawi: At present there are about 40 per cent of African boys and girls in our schools in the coast, and I would like to support my friend the Member for the Eastern Area that children of all races should be admitted in all schools. I know he will be very pleased at this.

Sir, we are always speaking about racial co-operation in this House, and why do we not start our racial co-operation in education in all schools of all races? As the hon. Member for Nairobi West said, there is no racial discrimination in sports. I am one who is very interested in sports, and he knows, the Member for Nairobi West, that I am very interested. I believe in fact that if it is clearly put to the Government the same move as facilities in sports I think the Government would welcome the move.

Mr. Deputy Speaker, I am sure that we are the people who are causing all this trouble. As I say,

I think the trouble is with Members of this House itself.

Sir, I beg to support.

Sir Charles Markham: Mr. Deputy Speaker, for the first time since I have been a Member of this House, I think, I have decided to speak on this particular Vote. I do so, Sir, because it has always been a privilege of those who are ill-educated normally to participate in this debate, and as, Sir, I am eligible for that qualification I am now going to use that privilege.

Sir, referring first of all to the speech of the hon. Member for Yugoslavia, and I am sorry to say that he is not here, I enjoyed his speech, Sir, particularly when he gave his impressions of the innocence of youth or children as they were born. I was sorry, Sir, that he showed his usual prejudice that he did not mention girls at all. He only talked about boys. I presume, Sir, that his remarks about education must apply to the opposite sex as well. I will not say the weaker sex, Sir, since I saw a girls' school hockey team playing the other day. But nevertheless I think it is important, Mr. Deputy Speaker, that this problem of women's education should be tackled, and so often I do hear from hon. Members, such as the hon. Member for Central Nyanza, talking about the problem of the male sex but ignoring totally the problem of the females. It is important that I say that, Sir, because, as the House may remember, all hon. Member made a plea for children of all races to grow up together with multiracial education. I think it is important, Sir, that the House should remember that children are born in this world innocent and they are only corrupted later on by the influences which they hear or the influences they receive from their own homes. I think as well, Sir, it is important that we should not let this subject, which is emotional I know to many people, guide our thoughts on the wisdom of various suggestions of schooling. It has been said, Mr. Deputy Speaker, that during the last war the speed of a convoy was the speed of the slowest ship, and therefore it would be manifestly unfair to ask all children regardless of race to travel at the slowest speed because one of them was not capable of going faster. I have always believed, Mr. Deputy Speaker, that children do inherit a certain amount of the background of their parents. It is natural that a child born in poor circumstances has a much harder task than a child born of parents who have a happy home life, and therefore I do think this House should consider most carefully before we rush in to the idea of all schools becoming free for all, of the background of the children. I want to make it quite certain and quite sure, Mr. Deputy Speaker, that I am not being racial on this issue. We have

[Sir Charles Markham]

got to consider the tribal prejudices which exist. We have got to consider as well that certain of our African friends believe in female circumcision, whereas to others it is a nauseating operation.

Mr. Mboya: What has that to do with education?

Sir Charles Markham: The hon. Member for Nairobi Area was not here, Sir. I was referring to his colleague the Member for Yugoslavia, as I called him, the Member for Central Nyanza, and, Sir, therefore, when the hon. Member said, "What has that got to do with education?" I was answering a point made by his colleague and not what he said.

That is why, Sir, it is important that if we are to get together, as the hon. Member wishes us to, first of all it is important that the barriers are broken down which exist at the moment tribally, and rather than the idea of having children of all races together it will be quite impossible to make this a reality if the beliefs of the various children were totally different. For example, Sir, youth, particularly the female youth, Europeans, are brought up normally with the basis that they should learn a profession, or go into the field of business, and then eventually marry and have children and become housewives. Other tribes, Sir, or other races—their outlook is totally different; and one has only got to see some of the opposite sex trudging along the Escarpment every evening carrying vast loads of timber to realize that their function in life is vastly different to what we hope our children will do.

Mr. Mulliro: No.

Sir Charles Markham: Sir, the hon. Member for Nyanza North says, "No". Then let him, Sir, through his efforts of being a national leader persuade the people of the Kikuyu tribe that such a practice is wrong.

Mr. Mboya: It is dying.

Sir Charles Markham: Sir, it is dying, the hon. Member for Nairobi Area says, I think it is killing them anyhow.

Now, Sir, the reason I have raised this, is this. This issue of multi-racial education has become an emotional issue which is ranging far beyond normal commonsense. All of us, I believe every Member of this House, Sir, of my own community, have accepted the fact that at later stages in a child's development there should be complete multi-racial education in universities. That has been said, Sir, on numerous occasions and must be repeated now. But what we have said, and again I support it, and I believe that the leader of one of the main political parties in this country has said the same thing, is that the parents of

young children should have the right to educate their own children amongst their own community to begin with.

An Hon. Member: Without public money.

Sir Charles Markham: Sir, I am told that it should be without public money. If the Government likes to reduce the incidence of taxation, very high taxation, on my own community, I feel quite certain that they are willing to pay for it themselves. As it is, Sir, we are paying a very large proportion—and we do it quite willingly—for the members of the other races.

Therefore, Sir, I was somewhat surprised at the speech of the Member for Nairobi West. He stated, Sir, that the statement issued by the Government in March has received the unanimous support of the European Elected Members' Organization. That, Sir, is perfectly true, and that statement did receive their support. But what we have not yet heard, and we still have not heard are the details of the boards of governors. We have not heard, Sir, and, indeed, the hon. Member asked the question, who is going to appoint the boards of governors. We gave, Sir, our support to the principle of establishing boards of governors, which is nothing new incidentally, for the schools. That support, Sir, has, I believe, been agreed by the rest of our community. But, Sir, what I was surprised to hear from the hon. Member, in the course of his speech this afternoon, was that first of all he explained that the boards of governors should have full powers and then proceeded to tell them exactly what they should do. I would have thought it should be the other way round. If you establish a board of governors then they should be the people who decide on the policy of admission, and they alone should be the people, and not the Member for Nairobi West.

It may well be, and I am certain that hon. Members in this House realize it, that some areas are more progressive than others. It may well be prejudice, racial prejudice, in certain parts of the country, will prevent this scheme working to begin with; but I can assure the hon. Member for Nairobi West, and other Members who doubt it, that if Government—the Government of today or the Government of tomorrow—insist on trying to force this through against the wishes of parents in a certain area then the whole scheme will be doomed to failure.

An Hon. Member: No!

Sir Charles Markham: Now, I wish, Sir, before hon. Members say "No", that they had some experience, outside Kenya regarding this issue, and it is not Yugoslavia this time, either.

Mr. Mboya: Not in a school in South Africa either!

Sir Charles Markham: Sir, I have not been in a school in South Africa, but I can tell the hon. Member for the Nairobi Area, and others, that it is very important that the child concerned should not be a guinea pig. And I am wondering, Sir, whether in the course of his travels all over the world the hon. Member has found time, or had the opportunity, of seeing a play called "The Guinea Pig". That play, which ran for a very long time in London, was a play which made all of us think, I remember in my own school in England, when an experiment was started of bringing in to schools certain people who could not afford the fees, but who were brought in on the basis of bursaries—which, let us face it, even though they were the same colour, is nearly the same as the scheme suggested today—that scheme, Sir, worked perfectly until political pressures started to make it a political issue, and then we found, to our horror, that the child concerned developed the most appalling superiority complex towards his parents. In fact, the child became ashamed of the background from which he had come. It got to the stage where children were reluctant to ask their parents down on the various holidays because they knew they did not fit as far as the normal run of the school—

Mr. Mboya: What about Hospital Hill?

Sir Charles Markham: I am talking about a school in England, Sir, at the moment—not Hospital Hill. I will come to Hospital Hill in a minute.

Mr. Mboya: Interjection.

Sir Charles Markham: The hon. Member has had his say—let me have mine for the moment, please. Now what has happened at Hospital Hill—

Mr. Mboya: Interjection.

Sir Charles Markham: I am very grateful for being told that I am out of order, but I thought you controlled the proceedings of this House, Sir, and not the Member for Nairobi Area. To begin with, there are people of all races in this country, who believe fervently that multi-racial education should start from the first time the child goes to school. Sir, I accept the view that people who believe in those views should have the right to do it, and I support the idea of giving people equal opportunities. But at the same time, I do believe there should be no compulsion on it, and I do know there are certain parents who are quite determined to use their own political beliefs for the sake of experiments with their children. If parents want it, Sir, Government should provide facilities for it. I accept that, Sir, indeed, I have

never opposed the idea of multi-racial schools. What I have opposed, and I still oppose strongly, Sir, is the idea of forcing people, compelling people, to send their children to a multi-racial school quite regardless of the wishes of the parents. There should be, what I believe is the slogan used by my hon. friend, freedom. Therefore, give those parents the opportunity—

Mr. Mboya: Private schools.

Sir Charles Markham: The hon. Member says private schools, Sir. I am quite happy to see private schools, which are grant-aided the same way as every other school. The hon. Member's logic, Sir, is such that it is normally beyond comprehension. He wants the whole lot. He wants us, on this side, to contribute to his various schemes of education, but when, of course, we want something, then the answer is "no".

Mr. Mboya: What do you want?

Sir Charles Markham: I thought, Sir, for the last twenty minutes I have been saying very clearly what we want, but apparently not clear enough. I am afraid, Sir, I shall have to follow the ordinary Government procedure of giving the hon. Member a written reply.

Finally, Sir, on this subject, I want there to be no misunderstanding on this problem. If education is to become, as we hope, so widespread that every African child, every Asian, every European child and Arab child, can get compulsory education, I hope, Sir, that we can, in the years to come, find methods, cheaper methods, because I think all of us accept that the present methods are very expensive, whereby the very people whom the hon. Members on my left want to see given an opportunity, will receive that opportunity of education.

I have never, Sir, in this House, since I have been a Member—over five years—opposed any idea of increased money being voted by the Government for education. We realize the same as others do, that the prime need in this country is the education of the people, and we know the vast majority of the people are African. However, though, there is one important proviso, and I am sorry to have to quote England again, but I believe it is relevant in this instance. There is a tradition that once you receive a smattering of education, it is wrong to dirty your hands or to do any manual work, and it is a sad thing that when the same situation arose in England there was an enormous quantity of people looking for jobs—what we call "the white collar workers"—whereas there was a great shortage of people doing the hard, manual work in the factories and

[Sir Charles Markham] on the land, which made Britain great, and the same thing applies today, Sir, in many ways in Kenya. If I may give an example to the House, there is a certain African youth, for whom I stated I would be personally responsible out of my own money for his education. At the moment he is trying to go through the Nairobi evening continuation classes so that he can obtain a decent job because he was not quite bright enough to qualify, with regard, for the Royal Technical College. I have asked him, Sir, on two or three occasions, what his ambition in life is. He has not said he wants to be a politician, so he has my respect in that degree. He has not said he wants to be a school master, which shows a great deal of wisdom. But what he has said, Sir, is that he wants to be a clerk, and I think it is a tragedy that so much of the education of our youth today is academic learning rather than learning which will help the person to get a job. I hope I have said the right thing, Sir, because for the first time hon. Members have agreed with me. I hope, it is not the last time. And there is, Sir, a feeling abroad, that today qualifications and letters after your name are the answer to everything. Could we not, Sir, ask the Education Department to reconsider perhaps the various curricula in so far as those children, who are obviously not going to qualify for the next stage of education—how much better it would be rather than having a half-iterate clerk, or person thinking he is a clerk, looking for a job, if he could be trained to work with his hands in the ways of a blacksmith, a mechanic or other functions. I do know that the Minister said in this House last year he was thinking of the trade institutes which will be starting fairly soon, but it is important, I think, that in the schools themselves there is this, not so much technical education, but education of how to make a living I never found, Sir, in my life a knowledge of a foreign language, and this as far as the Africans are concerned, is English, or, Sir, being able to multiply sums in the quickest possible time, or to do the various problems in trigonometry, ever put bread into somebody's mouth, unless that person can achieve his degree or pass his exam, in which case he has a chance. And therefore, rather than—I know I shall not get agreement on this one—rather than, Sir, all this talk of multi-racial education, I would rather see, for the moment, anyhow, sums of money spent on trying to give the African people the very best opportunity possible from the limited education they can have through the funds available, a practical background so they can start life. It may be that they cannot quote you vast extracts from textbooks. May be they will not be able to tell you who conquered Britain in 1066, but if, on the

other hand, Sir, they can weld a wheel or something else which gives them a skilled job, of they can turn out first class workmanship in carpentry or similar work, then at least, Sir, you will have produced a system which might bring happiness to others.

I have accepted all along, Mr. Deputy Speaker, as I said earlier on in my speech, that multi-racial education is a matter for the various districts and the various areas, and some areas will be more progressive than others. Others will want to think about it and go slower, but the only point is this, Sir. Once you have the Boards of Governors who, I hope, will be the parents of children at the school, or old boys or old girls of that school, then let them, Sir, decide the issue. If this Council decides in its wisdom that Government policy will be what a lot of hon. Members have asked for, then you will destroy, Sir, one important feature of the life of many of our community. That is freedom where education experiments will not be part of their lives.

But it has been said so often by hon. Members, let them have private schools and pay for it, Sir, in Kenya, education for our community—the bill for it—is a very expensive item in the budget of many of our people, and they cannot afford to pay any more. If the idea is that this experiment will be forced down their throats regardless of the consequences, then you can expect one thing, and one thing alone, that they will say there is no future, no future at all for our children, and they are not prepared to let them be part of an experiment.

I pray, Sir, for the wisdom of African politicians, whom we expect, Sir, will next year be in the majority in this House. I pray of them, Sir, to think of the feelings in this issue of our community. In a speech, Sir, I heard two days ago, one hon. Member talked quite a long time and repeated on numerous occasions the word "injustice"—

Mr. Mboya: Hear! Hear!

Sir Charles Markham: He has recognized his own speech. Here is a sense of injustice as far as our community is concerned. Frustration, which the hon. Member always mentions Sir, is not normally to do with education, and provided we can get the assurances we want from the Minister for Education, then I feel the majority—the vast majority of Europeans—will accept the position. But what we will not have, as I have said already, and I repeat once again, Sir, is something pushed at us just for the sake of political kudos.

I beg to support.

Mrs. Hughes: Mr. Deputy Speaker, I would like to congratulate the Minister for the very

[Mrs. Hughes] comprehensive and far-sighted speech that he made yesterday in this House. There are many aspects of education which have been worrying me recently, but he did cover a number of those aspects, and particularly the question of higher educational facilities. I believe that has been a missing strata in our education which has caused considerable hardships to many of our students here, and students of all races too. Through the lack of these facilities students have been unable to take up scholarships and bursaries that have been awarded to them overseas, and where they have gone overseas to take up these scholarships they have found that it has been necessary before undertaking them to take a year or more course in a high school, either in Great Britain or in America. Sir, I would say that this is very wrong indeed, because so many of them are taking courses of up to 3, 4 and even 5 years and to add on one more year to that time. I believe, is very unsettling for these students, and means far too long away from their own homes.

But, Sir, I would like to say again how pleased I am to hear of the facilities that Government is providing and also private facilities, which the Member for Nairobi West alluded to this afternoon.

Sir, in this two years higher education syllabus, I would like to suggest several points to the Minister. Would it be possible, during that period, to give these students lectures and possibly tours round their own country? I believe that these students before they go abroad should be versed in the customs and the developments of Kenya, because surely our students are the best ambassadors that we could get for Kenya. And perhaps the Minister for Information would be able to co-operate in this way by arranging for these tours and for the lectures. And I would also suggest, Sir, in this connexion, with the other Ministry of Information, with the other ministries concerned, could compile photographs, transparencies, that could be available to students wherever they may be in order to illustrate the talks that I know they do give, and are of very great benefit in providing factual information about Kenya.

Apart from that, Sir, I believe that during these two years higher education is a good time to learn the customs and the behaviours of the countries they are going to. I think it is quite true to say that many of our students who go to Great Britain are very surprised at what really happens in these large cities that are very cosmopolitan. I do not believe they are prepared in any way for the life that they see there, nor indeed are they prepared for the individual/free-

dom that they get when they go to another country and rely entirely upon themselves.

Once again, too, Sir, I believe it would be a good time to prepare them for their future careers, because they are going through a stage when not only are they coming out of school, but they are preparing to lead an adult life, and during those two years I believe they should be given facilities whereby they can judge for themselves what careers would be of the greatest benefit to them. In fact, Sir, I do know in my own profession that very often before students go abroad to take what is a very long course indeed—some six years—if they go into an office for a year or more they are capable of judging whether that profession suits them or not, and I do know of students who have taken up these professions in places like the Royal Technical College and after a year or two have found that they are not suited to that profession, and those two years are wasted.

While I am on that matter, Sir, I am very worried indeed by the fact that there is a danger of having too specialized professions catered for that are only suitable for a certain limited number of students to take up, and once again I would like to refer to architecture, because that is the one I know best, and instead, Sir, of spending five years and producing failed architects, I would rather see a special course set up whereby they could qualify as competent draughtsmen because I believe there they could earn very good salaries indeed, and they certainly would be of very great benefit to Kenya.

Sir, in this connexion, too, not only would I like to thank the hon. Member for Ukamba for taking up the woman's cause today, but also his views on what we call the "modern stream" in our schools at present, and I believe if you could think of categories of training, such as draftsman, it would help to create a better balance in this country. Sir, could the Minister not think of ways of making this modern stream more attractive? There is no doubt about it that students when they are put into this stream feel they have failed somewhere along the line, and Sir, if facilities could be provided and other means of showing them that this is just another line in approaching the problems of our country I think he would do them a very good turn indeed. It would enlarge their horizon to what vocational training is best suited to their capabilities so that they are really worth-while citizens.

Sir, when these students take up vocational training I believe in some way it should be coordinated with the employment available in the country. We do not want to produce hundreds of skilled artisans where there is no hope of them getting employment in the future.

(Mrs. Hughes)

The hon. Nominated Member, Mr. Rogers, talked about developing educational facilities out here, and also the Minister did touch on the necessity for further educational facilities for our girls. And this brings me to another point that I would like to make in this connexion, and that is guiding. Now guiding in this country, I think, has done a very great deal to help our young women, and by its nature it is very closely allied to education, and, indeed, supplements it to a very great extent. And I would say that about 90 per cent, possibly, of our guide companies are attached to existing schools throughout the country. Guiding, I believe, does create an understanding between the races, because in guiding you have a common bond of loyalty, and I believe it is on that common bond that you can really get true understanding between the races, and an appreciation of their customs and their ways of thinking.

Now, Sir, the whole success of guiding depends on responsible leadership, and I do not believe it would be right to start the number of companies that are requested of us unless we were sure that they had this responsible leadership to control and lead. Now, Sir, we do get a subvention from Government which pays for a trainer to train these responsible guiders. That subvention, I believe, has been in the nature of £2,775, but this year, it has been reduced to £2,000. Now I would say that was absolutely tragic because we have got to plan for at least three years ahead because of the growing demand there is from the children themselves, and particularly the Africans, to have guiding in this country, and we believe the minimum that we can depend on for trainers who have to come from overseas is £3,000 a year, Sir, because I feel that it is supplementary education on the right lines, I would ask the Minister to consider whether he cannot make available from the Education Vote a sum of money to bring us up to what we consider is the minimum for continuing our training.

Now, Sir, a very great deal has been said about our overseas students, and I would welcome the Minister's remarks and his real understanding of the situation, and I think it is shown by the fact that it is agreed, I understand, to appoint an officer to assist the students in Washington. I would like to say one thing about the appointment of this officer. I believe he must have a great deal of knowledge of the educational facilities in the States, but also I feel it has got to be a person who will be friendly and understanding to the point of view of the students, so that they do feel completely free to discuss their problems with him. I know a lot of our students are quite rightly very proud indeed. They have every reason

to be proud, and they do not always like to go along and admit some of their difficulties to a stranger, and I would ask the Minister to be very careful indeed in appointing this officer, which I hope will be in the near future.

Now, Sir, I would also say that I encourage very much students going overseas. I believe it is good for them to see the way other people live, and also, Sir, I admire anybody who has the enterprise to go ahead and organize schemes for self-help, and I believe, Sir, that that is to be encouraged. But I think that the people themselves who instigated these schemes, would be the first to admit that we must protect our young students, and we must help them. And when the Minister mentioned the poaching of our young students I would like to add as a word of warning that is true, because many of our local training centres are possibly far better qualified than many of the institutions overseas who are only too anxious to give scholarships to our students, and I believe we must advise our students on the right courses that they must take, because I am sure we would all be tempted by a jolly to America or Great Britain. There are many small towns, shall I say, in distant parts of America, where they have schools without the qualifications of many of our local institutes, and here I would like to give a great deal of praise to places like Makerere, the Royal Technical College, the Machakos Teachers' Training Centre, just to mention a few of the very good facilities that are available here. Last year, I think, saw the first large batch of students who went to America on private enterprise, and I believe that that is going to be followed up by even more this year. Now, Sir, this year I had the opportunity of meeting and hearing some of the reactions of those students after a year in the United Kingdom and America.

And I think possibly it might help those who sponsored these schemes to hear some of their difficulties and may be they can assist their students if they know some of their troubles. They do, Sir, have very great difficulty in maintaining themselves, because particularly in America it is the custom for students to work part-time and pay for their clothing and books and so on. Our students, I think, in some cases, are given quite a bit of money to go over there with to maintain them, but living in America is very expensive indeed and this money soon goes and then they have to begin looking round for part-time jobs in order to keep themselves. Sir, many of our students are, as I say, in small towns or in parts of America where it is very difficult indeed for them to get jobs and I have had many letters from them saying how difficult it is to get these jobs to maintain themselves. Also because

(Mrs. Hughes)

of the limited facilities in higher education out here, many of our students have to study overtime in order to keep up with the rest of the students. And so that, too, makes it difficult for them to earn enough money to maintain themselves.

All these things, Sir, are unsettling for the student, and worrying. And indeed it worries them to such an extent because they have had to borrow from either private individuals or societies over there to keep them even in food, that obviously when they come to take their examinations they are worried and overworked and unsettled, despite the fact that they are able to do so.

Now I think that we, out of justice to our own students—and once again I praise the ability of so many of them, as the Minister praised them and the Minister for Labour also praised them, of which we can be very proud. We must help them, we must help them too, because very often they are completely overwhelmed by the violent readjustment necessary in places abroad.

Now this does not just apply to America, it applies equally well to England and I would not like to see our students breaking down mentally under this unnecessary strain.

And so, Sir, I should like to suggest this, I was going to suggest that a committee be set up here but I understand from the hon. Member for Nairobi Area that there is already a committee here looking after these students. But I would like to see that local committee enlarged. I would like to see it also take in the students who are in the United Kingdom as well, because they are equally a responsibility of ours. And I would like to see this committee consider four things. That they would select the students here on an academic basis before they go overseas. That they would advise them on the scholarships that have been offered to them. I would also like to see them prepare these students for the social life overseas. Sir, I think this is a very important aspect indeed because the students, when they go abroad, should be able to fit into the life as quickly as possible in order that they may give their full attention to their academic studies.

Lastly, Sir, I would like to suggest that this committee considers ways and means of helping these students financially.

Sir, there is another aspect which I think is vitally important. We have now—at least I hope we will have—a committee this end to prepare the students before they go abroad. We will have liaison officers for the United Kingdom and America to assist them while they are there. But, Sir, what happens to them on their return

here? And here I think is a case where we might quite easily assist them in obtaining suitable employment according to the degrees that they have obtained.

Sir, I hope that you and the Members concerned with our students overseas will bear these points in mind, because I have brought them up knowing, having heard our students and having them come to talk to me I realize a lot of their difficulties indeed, and I do so because I feel our students might help to be of use to our country when they return.

Mr. Hassan: I had no intention to intervene in this debate because some of our education experts of the Asian Group have spoken on all the points in the Education Vote, but first of all I wanted to congratulate the Minister for Education for giving us the very detailed account of the higher education which he intends to introduce in Kenya.

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

(Mr. Deputy Speaker (Mr. Bechgaard) took the Chair)

And second, I wanted to pay tribute to the European Elected Members, the Member for Nairobi West and the Member for Ukamba, for speaking in a most intelligent language and putting up the strongest possible case in defence of the present system of European education. Of course, I agree with quite a few of the points and I regret that others did not convince me. The Member for Ukamba—unfortunately he is not here—said that the parents of the children should never be forced under any circumstances to send their children to any school that the Government likes. I agree with the hon. Member for Ukamba.

Air Commodore Howard-Williams: Mr. Deputy Speaker, on a point of order, is there a quorum in the House?

Mr. Deputy Speaker (Mr. Bechgaard): In accordance with Standing Order No. 60, there is no quorum in the House at present so I order the division bell to be rung.

Mr. Hassan: Shall I wait, Sir?

Mr. Deputy Speaker (Mr. Bechgaard): Please wait.

(Division Bell rung and quorum formed.)

Mr. Deputy Speaker (Mr. Bechgaard): Now you can go on, Mr. Hassan.

Mr. Hassan: I would like to say that the Member for Ukamba particularly stated that parents should never be forced to send their

[Mr. Hassan]

children to any particular school. I agree with him, I fully agree with him and that is exactly the point on which we have been fighting for years now. At the present time European parents are forced to send their children to European schools. Asian parents are forced to send their children to Asian schools and in the same way, Arabs and Africans. We want to give complete freedom and liberty to the parents to send their children to any school they like, and there should be no force whatsoever, so in this point I agree with the Member for Ukamba.

The hon. Member for Nairobi West said that the Asians want to send their children to the European schools. This, Mr. Deputy Speaker, is quite wrong. The Asians never claimed that they wanted to send their children to European schools. What the Asians claimed, they said that they want common schools, not European schools, and why they demanded common schools? Well, I would like to point out to the Minister that it is a historical fact that the first schools started in this country were for the Asian community, and when they progressed, the papers used to be examined every year for final examination for the London Matriculation in London. The Europeans followed later. In the early days all Europeans were sending their children for education in England. Very few of them were educating their children here and there were only limited places available in the mission schools. When the education progressed, the results of the London Matriculation examination of Asian children, in some case touched 70, 80 and 90 per cent. When the Europeans started, their result was never touching the 20 per cent. They claimed that the Education Department lacked proper facilities to educate their children properly. Ten years ago the whole of that education result was completely changed, so that the European children's examination result was touching 80 and 90 per cent and Asian children's examination result fell below 30 per cent. It was at that time that the Asians started thinking out the best way to remedy this disaster which they were facing in the examinations results of their children and they found out according to their investigations three causes. The first was the introduction of the mono-racial education in this country which may have been all right when it was introduced, but it had its defects and disadvantages which appeared at a later date.

Second, the unequal distribution of the money available in the revenue of the country for the Education Vote. And third, lack of trained teachers.

It was at that time that the Asians demanded the introduction of common schools in this coun-

try, and they were expecting the people of Kenya to agree to this system which was similar to what has been introduced successfully in every other part of the world, so that the details of such a system of common schools should be discussed, to the satisfaction of all the communities. But unfortunately the European community did not agree and they have been insisting that we should maintain for the benefit of our children the mono-racial schools as the only system which suits our children.

Now if one looks very carefully to the word "mono-racial" school, I am afraid one can easily discover that the European education is in no way mono-racial. The European education is multi-racial. In their schools I find there are children of the parents from the United Kingdom, from Germany, from France, Czechoslovakia, Sweden, Norway, not only that, there are children from Hungary, Syria, Yugoslavia and above all there have parents from South Africa and from the Seychelles. There are children of all these races having education so I cannot possibly think for a single second that it is mono-racial education.

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

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

I say it is a multi-racial education. The Member for Ukamba said that the influence of the parents over children is one of the greatest factors which we like or which we dislike among the school children, and if the children of the parents of the United Kingdom have been able to stand up to and put up with the influence of the children of the parents from Seychelles, from South Africa and from Syria and from other places, I can assure you, Sir, that they cannot have any objection to the influence from the children of the British subjects, particularly from Kenya.

What we did not like, Sir, was at least the Government of this country must give consideration—more consideration—to the people coming from the United Kingdom with their children and the British subjects. We did not like that higher standard education is being given at our cost to the children of those who are not British subjects and they are only qualified and eligible to have that advantage of having the highest standard education for their children simply because they are Europeans.

This is what we did not like, Sir, if it only affected the children of the people of the United Kingdom there would have been the greatest regard given by us, but we strongly object that

[Mr. Hassan]

our funds and our taxes are being used for the children of the people who are not British subjects and to all intents and purposes a considerable number of them do not even call themselves Europeans because they come from South Africa, they are South Africans. It is for this purpose, Sir, that we asked for common schools and not with a view to sending our children to the European schools. What we wanted is that the available funds should be used to raise the education standard of the Asian children and others equally to that of the European schools, so that the children from the European schools should not feel any—should not be upset to come and enter into the Asian schools. So it is for the purpose of inviting to our schools and raising the standard of our schools that we want common schools.

Grant-in-aid schools the Government has seen in this country, we have no less than 60 or more grant-in-aid schools put up by the Asian community and as to that, remember it is one of the conditions of the grant-in-aid by the Government that our schools should not be restricted to the particular community which is building them. A certain percentage of students of other races are to be admitted to those schools and that has been strictly followed. Now, that grant-in-aid schools have opened their doors for children of all races to be admitted there, I think it makes a very, very big case for my European friends not to stick up to the so-called mono-racial school which to all intents and purposes is a multi-racial school. What we want, Sir, after coming from Lancaster House is that we have taken up a straight road to bring about peace in this country and it is my submission that we should not look to the rear, to those skeletons which are lying there, but we should look ahead where we are likely to find quite a number of corners which will need the greatest care on our part to safely negotiate them.

With these few words, Sir, I support the Motion.

The Assistant Minister for Education (Mr. Waweru): Mr. Deputy Speaker, Sir, I rise to support the Motion and also to reply to some of the points made by some Members of the Opposition. I will start, Mr. Deputy Speaker, with some points raised by the hon. Member for Central Province North. He complained of the houses in the education system—Africans having been refused some of the houses which were occupied by Europeans or Asians when they are teaching. I consider this statement as one of the repeated statements by the hon. Member and although in some areas it was right as he had been saying, most of the schools are no longer in that practice. I say this, Sir, because of what I always find when I go out and visit the various schools. The thing

the hon. Member, Mr. Deputy Speaker, complains of, is that the Africans have not been allowed to start private schools. It is a pity that the hon. Member for Central Province South has no chance of speaking on that very point because he, himself, has been allowed by the Department of Education to start his own school in Nairobi, and if the Department had not been encouraging private schools, provided that they are conducted on the lines the Department will be able to supervise them, I think that he was wrong to criticize the Department on that very issue.

He went on, Sir, to criticize the entire structure of the K.T.I. teachers. This is also another repeated complaint by the same Member and I remember that last year or the year before the Minister had informed the hon. Member of the submission by the Minister for Education on advising other East African Governments to raise the salary structure of the African K.T.I. teachers, but unfortunately of the Libbury Report was not framed for the Kenya Government only, it was not possible for the other East African Governments to agree to what was put forward by the Department of Education, which was a very great improvement on the salary structure of the African K.T.I. teachers. When our recommendations were turned down by the other East African Governments, I do not know what else we could have done, but to sit down and accept it.

Multi-Racial Secondary School was also mentioned by him and by the hon. Member for Nairobi West and I think by the hon. Member for Nyanza Central. Multi-racial secondary education is not as simple as the hon. Member thinks. There are so many obstacles which are facing the Government and although I do support the idea in principle, if we can get money and teachers. I think that at this stage, basing my arguments of the shortage of teachers and money, it may not be practicable.

But all the same, Sir, it would be advantageous if, when the Minister speaks, replies, he would say what he has in mind in starting a Government multi-racial secondary education brings me to what the hon. Member for Nairobi West said when he spoke at great length on the Roman Catholic Education Authority starting a school in Nairobi. I think that the Advisory Council on African Education has recommended the starting of Higher School Certificate classes in Kenya, which number four, as from next year, and the Roman Catholics, although they could only be given £40,000 for the two classes, they were prepared to make up the difference and start a practical school in Nairobi where it could be practical. So, that the entire money that would be

[The Assistant Minister for Education] to spend by that mission authority is not going to come from the Department but it will be only a part of it that would be given in the form of a grant to assist the two classes which are going to start that secondary school. The same hon. Member, Mr. Deputy Speaker, complained of the Education Department of the Government that Africans are being discouraged or refused sometimes to go overseas for higher education. This, Sir, I think is a very bad attack on the Ministry's policy and I would advise the hon. Member to bring a specific case to the notice of the Minister or the Director so that it can be thoroughly investigated. As far as I know, Sir, no one who has ever been interested in going overseas has ever been discouraged or refused to go overseas by the Government. In fact, the office of the Education Department which deals with the overseas education is many times full of students who come there to seek advice on how or what they should study if they are in difficulty, if they are preparing themselves to go overseas. They get every possible encouragement from the officer and I would repeat again, Sir, that if there is any specific case which the hon. Member has in mind, I think it would be advisable for him to bring it to the notice of the Minister and it would be dealt with accordingly.

The same hon. Member complained of the African girls not having been allowed to be headmistresses of African girls' intermediate schools. If there was a girl teacher who probably had been a mistress of one particular girls' intermediate school and has got the ability, I am sure that the hon. Member would know and advise the Department that she should be asked to take over an intermediate school for the purpose of putting in an African headmistress to be in charge of that intermediate school. In fact in 1954, when I left my intermediate school, I was succeeded by a girl who was a mistress in that school and she has been in charge of that school ever since. Mr. Deputy Speaker, the hon. gentleman, when he complains of the education system of the Colony, especially that of the African education, I think that he is criticizing himself because the plans for African education are dealt with by the Advisory Council on African Education of which the hon. Member is a member and he has got all the chances of saying what African education should be planned and unfortunately he has failed to do so. I think, for certain political reasons, he prefers speaking about it here in the Chamber.

It was mentioned by the hon. Member for Central Nyanza that there should be multi-racial education as from Standard 1 upwards. I would question, Sir, what language would be used in the primary school if children of all races were

to mix in the primary school level. He did mention, Sir, that Swahili or English could be used, but this is going to be a very big burden on the shoulders of the child. If his own children were to stop speaking and reading and writing his own Luo language, and then before the child knows this language, he wants it to be overburdened by two other languages, English or Swahili or both. I think, Sir, we would be wise if we were to improve the Hospital Hill Primary School first and then see how this would work and get on with the hon. Member's suggestion later. I see that he was not happy to hear me saying this, that he has decided to leave the Chamber, but all the same, it would be advisable, I think, to start a multi-racial secondary school on a very high standard to begin with and see how it would work while we see the development of the Hospital Hill Primary School, which is still in its experimental stage. I think, Sir, that this question of multi-racial secondary schools would be a wise move for the Government to start before we are too late. I suggest it must be on a voluntary basis or, if it is to be a private school a start should be made somewhere, but I would not like to see it made compulsory, because if that is done it will put Kenya into a blaze.

The hon. Member for Central Nyanza spoke of the places in some of the Nyanza primary schools. He said that in some places, in some schools, there have been more places in the primary schools which needed to be filled. I could not understand why he was complaining because what the Minister said in his speech was to concentrate our minds on the intermediate school level, which is the biggest problem in all African areas. In Nyanza, for example, Sir, there are many, many primary schools which have got classes which are half empty, and if there was any educational need at all for those areas where there are primary schools which are half empty, surely those schools would have been filled. And for this, I would advise them very strongly to go and find out the reasons why some of the primary schools in his own constituency are half empty. And if this is the case, I think he would do us a very great service and to Kenya Africans of his own constituency if he could persuade the parents of his own area to persuade their children to take up the teaching profession so that they could embark on the project which the Minister outlined to the Members of expanding intermediate school facilities.

It was said, Sir, by the hon. Member for Ukambani that the girls' education has been forgotten. I do agree with the hon. Member wholeheartedly. Many Members who have spoken so far had been speaking mostly on boys' education. I think it would be a tragedy if girls' education

[The Assistant Minister for Education] did not keep pace with boys' education in the whole colony. In the case of the African girls, there are some backward areas, for example, Masai, Northern Province, where we need expanding girls' education facilities as quickly as possible. In this connexion, Sir, the hon. Members of the areas concerned have a duty to go to speak to the parents of those areas to persuade them to send their daughters to school so that we keep the development of education of the same footing as that of the boys. I would, here, Sir, appeal to the hon. Members of the Opposition, to use their utmost influence in persuading the boys and girls of their areas, at their many meetings, to become teachers. The same thing applies, Sir, in the case of Asian education as well as Arab education. We need many more school-teachers than we have got at present. Women teachers are better by far in teaching the beginners than men teachers. The children, when they are under the environment of a woman teacher, have the same environment as they have in their own homes, and I think that the hon. Members of the Opposition would assist the Ministry's plan if they could do what they can to persuade young boys and girls to be teachers, so that we could keep up the development plans which in many cases are held up by the lack of qualified teachers. I am glad that the hon. Member for Mombasa Area is here and, as he and the hon. Member for Nairobi Area usually have meetings, very big meetings, in their halls, as in the case of the hon. Member for Mombasa Area, Tononoka Hall, and in the case of the hon. Member for Nairobi Area, Makadara Hall.

If they could help us in speaking to the young boys and girls who attend their meetings and probably to increase the word *uhuru* to go together with more teachers and hard work, as well as *uhuru*, they will help us greatly. I think that it is high time when the present political aspect of releasing all detainees, which I think in some cases some Members speak on that very much, they mean the opposite; they could help us to speak to these young boys and girls and persuade them as to what I have said, it would assist the Department of Education, and the plans which are in the minds of the Education Department would be accelerated.

It is a pity, Sir, that some teacher-training colleges were half full. This was because not many times this year who did come forward to be trained as teachers. That puts the clock back when the plans will be put into practice.

With these remarks, Mr. Deputy Speaker, I support the Motion.

Mr. Kebaso: Mr. Deputy Speaker, Sir, I rise to support the Motion.

At the same time I should like to congratulate the Minister for the good way he framed his budget for his Ministry.

Mr. Deputy Speaker, although I am sorry to hear that the Minister will soon be leaving us, on possibly, promotion grounds or transfer, I hope the Kenya Government will fill his post by appointing a well-equipped locally born official so as to enable the Treasury to make some savings out of inducement pay.

Mr. Deputy Speaker, with your kind permission, I should like to raise the following points. I should like Government to consider the question of building one girls' boarding school at Kisii township. It is so useless to talk more about female teachers while we are having no schools in the Kisii Highlands or in particular South Nyanza. I am asking for this request because many girls fail to get admission in mission boarding schools on account of religious discrimination, and I hope, if Government can consider building one school of this kind, we will get places for our children.

With regard to day secondary schools, I would like the Minister to consider setting money aside for day secondary school somewhere in the Kisii Highlands. I have already discussed this question with some chiefs and teachers in the district and have found that they were prepared to pay at least half of the capital expenditure if Government can be prepared to put money aside for this purpose.

At the same time, Sir, the South Nyanza District is being split into two districts, I would like Government to consider building another secondary school at Homa Bay. That would enable a greater number of children who are wandering here and there—some go to Tanganyika—to have room in South Nyanza, and this will reduce parents' expenditure on children's travelling expenses.

Mr. Deputy Speaker, I should also request the Minister to consider the question of intermediate schools when considering the next allocation, because in many places children who pass common entrance each year fail to find places in the district and some of them are very young children who can never travel to North Nyanza and Central Province, and possibly to Uganda. I would like the Minister to consider this seriously because it is disturbing the parents.

I would like Government to consider, while discussing or approving the bursaries for overseas education, to consider seriously the allocation of sufficient money for Kisii students. I say this because when so many students went to America last year some of the majority of Kisii

[Mr. Kebaso] boys who had Cambridge School Certificate failed to get a single place, although one has, and the rest are roaming about in Nairobi. I am very worried about this because I say the way overseas bursaries to the United States was done last year, was done in a friendly and a brotherly way, so I would like Government to consider my highland students to get bursaries in the normal way of Government bursaries.

Students' adviser in the United States: the Government deserves congratulations on this particular appointment. We have so many children in America who deserve and who need Government adviser and somebody to look after them and those who do good, possibly, if they could get that money from parents Government could endeavour through this adviser to get sufficient bursaries for those particular students to continue with their studies.

Now I come to the burning question of teachers and medical facilities. Mr. Deputy Speaker, when I first came to this House, last year, I raised this question with the Minister in a friendly way. I find that Asian teachers, European teachers, do get medical facilities, while African teachers are treated as private patients. If an African teacher has got money he has to pay for medical benefits for his wife and children and himself because they are not eligible to get Government sick benefits. When I raised this question with the Minister last year he said the scheme would be very costly. Since then I have been discussing this question with various teachers and they are prepared to contribute at least £1 as a hospital contribution fund while they are paying taxation in each year, and let Government be prepared to pay the rest for them. This is an alarming question. So many teachers are having trouble on this particular aspect and I hope the Minister will not say that the scheme is too costly. Human life is more costly than money.

Now this question of multi-racial schools and multi-racial education: I did not expect to speak about this question because it is, I call it, a daily choir. I see no benefit in speaking about this multi-racial education because it will never work. As the hon. Member for Central Nyanza has said, my children from my highlands speak Kisii, some speak Luo, some speak Kipsigis still. Young children do not understand other languages and how can they manage this multi-racial singing every morning, every day. Multi-racial education will never come. Let the Europeans encourage their own education, let the Asians do their own education, let the Africans contribute and pay more money for our children. This question of multi-racial education—I do not think it is so

good because when we talk of multi-racialism we are talking to mature people who come here and think and take it for granted what we are thinking, but it is no use singing today with no practice, nothing. I do not personally favour this question of multi-racial education.

So far, what we need here is multi-racial society, co-operation, but not multi-racial education. Now for instance my child would come out, a European child would come out. Now *one* would want bread and butter but the other *only* a cup of tea. The morning breakfast for perhaps a European or Asian child might cost Sh. 10, but it does not cost we Africans anything when we give our children a cup of *Uji*.

I beg to support the Motion, Sir.

Mr. Miller (Director of Education): Mr. Deputy Speaker, Sir, hon. Members have as usual shown very great interest in education in this debate, by raising a great number of questions on points of detail, which I shall do my best to answer in the comparatively short time available to me. But I would ask them if there are any points which, owing to the shortness of time, escape the notice either of myself or later of my hon. friend the Minister, I hope they will not hesitate to tell me and I will endeavour to answer them outside this House.

The hon. Member for Nyanza North, Sir, raised the question of the abolition of the Common Entrance Examination, and he was supported in this by the hon. Member for the Nairobi Area and the hon. Member for the Central Province North. Hon. Members will remember that this question was the subject of a full-scale debate at the end of last year and they will not therefore I hope expect me to repeat the details then given. I would like, however, to refer at once to one big misconception which continually occurs in discussion of this matter. I refer here, Sir, to the emphasis some Members place on the abolition of the Common Entrance Examination. Now the Common Entrance Examination is not an end in itself at all: the abolition of the Examination is not an end in itself either. We could abolish the Common Entrance tomorrow everywhere but we should still be faced with the problem of finding accommodation and teachers for all the children who want to go on from Standard IV into the intermediate school. That is the problem. The problem is not the examination. The problem is how we are to take all these children on. It sounds very easy to say that the Common Entrance Examination is the enemy of everybody in Kenya, but I must say I think that misleads people. Our trouble is that we cannot at the moment with our existing resources give everybody the eight years' elementary education we should like to.

[Mr. Miller]

In the Nairobi area, as hon. Members realize, the plans are far advanced in this respect and by the end of 1960 we shall in fact be able to abolish the Common Entrance Examination, and every child who has legitimate reason for being at school in Nairobi will in fact be able to proceed to intermediate school. The plans already exist within our available finances to press on as fast as we can with this objective, as I explained in the last debate, and by the end of 1963 the average of 33 per cent of primary children should be passing all over the country into intermediate schools, in some areas 50 per cent going on, with universal seven or eight years' elementary education in Nairobi and in Mombasa.

The hon. Member for the Central Province North asked for details of the expansion proposed for the whole country and for Meru in particular, over the next few years. These details are as follows. We anticipate an increase of 220 intermediate schools in 1961, 169 in 1962 and 166 in 1963, on the present plan. Hon. Members may notice the slight decrease from the figures in 1961 to 1963. Those are because the 1961 figures include special expansion which, with special measures such as increased school fees et cetera, have been made possible in some areas. I hope very much that other areas will consider and be able to introduce similar measures in their own districts, which of course will lead to corresponding increase. In Meru itself—I am sorry the hon. Member is not here—there will be an increase of 12 intermediate schools in 1961, an increase again which may rise to 20 if special measures which are under consideration in that district are in fact implemented.

My hon. friend the Minister when he presented his Estimates explained that the urgency of this problem is fully realized and that the Advisory Council is now considering unorthodox plans such as greater dilution of teaching staff by untrained teachers and the doubling of school fees at primary schools to make much more rapid progress possible. I can only say, Mr. Deputy Speaker, that such proposals are receiving detailed and minute examination by the Advisory Council which will be fully consulted again when further information is available. Hon. Members will certainly be informed as soon as possible of the results of our present investigation. I must repeat that it is and always has been Government policy to introduce universal seven to eight years' primary education at the earliest opportunity, and my officers and myself regard this as possibly the most acute educational problem that we have to face at the moment, although in practice we must not lose sight of the great importance of not only maintaining but also of increasing our secondary

output which is so essential for producing the future leaders of this country.

The hon. Member for Nyanza North also referred to the importance, which I fully support, of the production of trained teachers. He appeared to think that many teachers transfer from the teaching profession because clerical appointments are more lucrative. I questioned this at the time, Sir, and I question it again. The fact is that teachers and clerks with equivalent qualifications are paid on the same salary scale. I agree with the hon. Member that the K.N.U.T. is a body which must co-operate in all matters affecting the teaching profession and I am very glad to see that this Union is proving itself responsible and helpful, and it will receive every encouragement from me.

The hon. Member, together with several other hon. African Members, has enquired about what progress has been made with the formation of the unified teaching service, a proposal which was accepted in principle by Government when debated at the end of last year. This, as you will appreciate, is a complicated problem, and I can only say that investigations are proceeding; but one of the most important points we have to consider are, for instance, the repeal of the present African Teaching Service Ordinance and the Regulations under it, and replacing it by a Kenya Teaching Service Ordinance providing of course for taking over all the existing commitments under the present Regulations. The new Regulations for the moment need not provide specifically for any change in existing salary scales, but I think they should be drawn up as a Schedule which can be altered as and when improvements or alterations in salary scales come into force. I am anxious to introduce a salary scale for all teachers of all races which is more appropriate to teachers than the needs of the Civil Service to which the teaching profession is attached. But I have an uneasy feeling, Sir, that when hon. Members talk about having a unified teaching service and the unified conditions what they really have at the back of their minds is that the existing conditions for Government teachers should in fact be applied universally to all teachers. Now, I do not think it is possible, and I do not think it is desirable, either; I do not think it is possible financially, and I do not think it is desirable because, as I explained, I have in mind the special needs of conditions and salaries in the teaching service generally which are more applicable to their own people and way of life than to the Civil Service. I want to be able to introduce a scale, for instance, which includes responsibility allowances and headmasters' allowances, and if you keep your scale within the Civil Service

[Mr. Miller] conditions you are creating a problem, as if you introduce some sort of amendment for one part of the Civil Service you have got to do it for the lot, whereas for the others they would probably not be appropriate. Sir, I do hope that we shall be able to draw up a more flexible set of conditions which, as I say, will suit teachers much better than the present ones.

I think, too, Sir, it will be of advantage if we can achieve uniformity in this with the other East African territories and I have already been in communication with my fellow directors in East Africa, all of whom agree that this is a most important problem which we are most helpful of being able to solve.

I was glad to have support from the hon. Member for Nairobi Area for our secondary schools' proposals, and his offer, which of course I gladly accept, to try to find ways and means by which local contributions for such schools will be greater. One other hon. Member—I think it was for Central Province North—also suggested that in the case of day secondary schools we should look for local contributions. I can assure him that we are doing that. The money which we have in our capital budget for building these schools will not be sufficient to cover the whole cost and we are hoping for local contributions to make up the shortfall.

Several hon. Members have referred to the importance of Africans proceeding overseas for education, and said that there was opposition in certain circles to students going overseas. I would like to say quite categorically, and I am sure that I am speaking for all Members on this side when I say this, that so far from being opposed in principle to Africans going overseas for further education we are very much in favour of it. The only plea I would make is that such Africans should be very carefully selected and that attention should be paid to seeing that the financial conditions will be suitable when they get there but not extravagant. I am also of course most anxious to see that their selection does not denude certain classes of education in this country and I refer, for instance, to the higher school certificate classes which will be most important and for classes for KTV teachers in which, unfortunately, there are already indications of a shortage, suggesting, I think, that the candidates are holding back in the hopes that they may go overseas. I am most grateful for the hon. Member for Nairobi Area's offer of a representative from the Education Department on this Selection Committee and I can assure him of my closest co-operation in this respect.

Now, Sir, if I may turn to Asian education, my hon. friend the Member for the Central Electoral Area started off with what I might describe as a game of knock-knock. Whether he was knocking the Minister or myself, or both, I am not quite sure, but I think it was probably both of us. I was glad to see however that he did end on a note of optimism.

I cannot accept his statement that education at the primary stage is a waste of time. I have no doubt at all that Asian primary education has shown a very definite improvement in standards, particularly in the teaching of English. The best infant methods are now employed in the lowest classes with very definite signs of improvement.

Referring to the teaching of English, as referred to by my hon. friend the Nominated Member, Mr. Kirpal Singh Sagoo, we have established a special centre where we are really introducing a new philosophy of education for Asian schools which has really attracted, I might say, world-wide interest, as we have had enquiries about this work from all parts of the world. These enquiries will culminate in a special conference which is to be held at Makerere next year at which Kenya will be represented. I might add that the method of using English as the medium of instruction is now followed in the first three years in all Government Asian Primary Schools in Nairobi and in many other parts of the country. It is also of interest that all the material both for teachers and pupils for these three years has now been sent to the publishers and we confidently expect that it will be printed and available for pupils' use in 1961.

Now, Sir, the hon. Member, Mr. Travadi, also compared the performance of Asian pupils in the school certificate examination with the performance of European pupils. I do not think that that is helpful, if only for one very important reason, Sir, of one lot of pupils being taught in their mother tongue when the other lot is not. Even so I consider that the Government school passes of 64.79 per cent in Asian Government Secondary Schools in 1959, and 61.33 per cent in aided schools was nothing to be ashamed of. It is only when the unaided schools are included that the percentage shows a big drop. The extension of the use of English as a medium of instruction will also serve to make a greater improvement. I would also remind hon. Members that the Kenya open scholarship for best performance in the higher school certificate examination for the whole of Kenya has been won three times by an Asian boy from the Duke of Gloucester School. It has been won twice by pupils from the Prince of Wales School and twice only by the Kenya High School for Girls. I think that in itself shows that it is not true to say that the

[Mr. Miller] of education in Asian schools is extremely low. It is not.

I was also asked about qualified staff. These are coming out at the rate of about 160 trained teachers per year. At the moment in unaided schools there are 383 trained teachers at work and 416 untrained, so we are not far from establishing a parity and the balance will rapidly go in the favour of trained staff.

The hon. Member also asked about the appointment of principals for Asian schools. These of course are made on merit, irrespective of race, and of the last five principals appointed to Asian secondary schools only one is a European and he had previous experience of Arab education. I know that my hon. Arab friends were very sorry indeed to lose him. At present there are four European principals in Asian secondary schools together with three at teacher training colleges. All these are graduates with the exception of one who has high technical qualifications and he was originally intended to go into a secondary modern school.

Reference was also made to the appointment of an Acting Asian Assistant Director and I have been asked why he is only acting. In this connexion I would refer the hon. Member to the Harper-Woodhead recommendation and I quote, if I may: "To select an Asian on a trial basis to an office subordinate to that of Assistant Director."

This is precisely what we have done only in fact we have gone one better in that we have appointed a particular officer already to act as assistant director. As hon. Members know, we cannot appoint an officer to a substantive post which is already filled by somebody else but I can assure him, however, that this particular officer is doing excellent work and he will certainly be considered with other candidates for the substantive post of assistant director as soon as one falls vacant. If he continues to do as well as at present his chances look very good.

Hon. Members may also be interested to hear that an assistant education officer on the Asian side who at the moment is a European is very shortly to be replaced by a competent Asian.

Questions were raised, Sir, about the modern courses, about the Harper/Woodhead recommendation that the secondary modern course should be extended to three years as soon as pupils could be found to enter into it at the age of 12. This was accepted by Government and this year it was agreed to admit under 13-year-olds to a three-years' course, but we accepted the Advisory Council's recommendation which (it has been voiced by some Members of the Council that

we never pay any attention to the Advisory Council at all, to which I shall refer later) we accepted, that as numbers were not very great we should allow these under 13-year olds to repeat. I have also been asked, Sir, why no capital grants are paid for Asian staff quarters. The answer to this is that grants are so paid but they have to have a fairly low priority when compared with the demands for class-rooms. The hon. Mr. Travadi asked specifically about the position at Nyeri. I have examined this and I find that the school committee at Nyeri did decide to levy towards the cost of their teachers' houses an amount of Sh. 3 per pupil in addition to school fees. They decided too that any person who could not pay his fee should be excused and the fact that the children produced the money is merely the mechanics of the parent giving the money to the child and the child handing the money to the teacher. I can assure hon. Members, Sir, that there has been no cases of victimization, or whatever you would like to call it, of school pupils.

If I might also refer, Sir, to remarks by my hon. friend, the Nominated Member, Mr. Kirpal Singh Sagoo, he has asked about the effect of increased school fees and I would refer to a circular which has been sent to headmasters on this subject and to the replies which have been forwarded to all Members of the Advisory Committee. In these replies four schools only refer to a drop in attendance of one pupil in each school and one school referred to a drop of 2 per cent of the pupils. They made no distinction between boys and girls. No principals offered any evidence of malnutrition although one did report a drop in canteen receipts. There has been a very noticeable increase in the remission of school fees, which, of course, we expected, full remission having been increased by no less than 80 per cent in Nairobi and the Coast Province. I think this suggests very generous interpretation of the rules by awarding committees as although I would have expected a large increase in partial remission I did not expect such an increase in total remission. In this connexion, Sir, I was disappointed to hear the hon. Member, Mr. Pandya, the Member for the Eastern Electoral Area, query the value of the Asian Advisory Council of which he himself has proved to be such a valuable member. I think if he reflects he must surely agree with me that in all the negotiations over Asian education since the appointment of the Minister and myself to our present offices we have in fact taken the greatest care to consult the Advisory Council on every point at issue. I can say quite honestly that in the Government White Paper on the Harper/Woodhead Report, for instance, no recommendations were included which did not obtain the full support of the Advisory Council which had been

[Mr. Miller] very carefully consulted. I realize that the one point on which the Advisory Council could not be consulted was that of the rise in school fees, but that is a fiscal matter. Just the same as my hon. friend the Minister for Finance could not consult the oil companies before increasing the fuel tax, so my hon. friend, the Minister for Education, could not consult the Advisory Council before increasing the school fees at a Budget Session. It is a fiscal matter which cannot be discussed in public unfortunately before the Budget debate. There has been a great song and dance, if I may so describe it, about this rise in fees but I hope that the figures which I have quoted to you now show conclusively that the rise in fact has not had the catastrophic results which some people expected.

Finally, Sir, on the question of capital expenditure, I have been asked about the prospects of spending during the development period just ending, the capital funds made available for Asian education, £614,862 was originally voted and the bulk of it—£411,000 odd—I do expect will be spent this year now that all the building plans have been prepared and the building work is in full swing. The remaining £200,000 has in fact been already spent. I would also draw the attention of hon. Members to the great increase in capital provision for grant-aided schools which have amounted to £205,000 over this period as against £125,000 originally planned—I cannot, of course, promise complete success but the figures which I have given you are based on the latest expenditure figures by the Ministry for Works and by the Grant-Aid Authorities and I think the prospects of complete success are very good. I also assure Members that if we do not succeed in spending all our money, the hon. Minister and myself will make another attack upon this question of re-votes for the next period.

The hon. Specially Elected Member, Mr. Muehura raised the question of M.I.O.M.E. Now, this institution in Mombasa has had rather a chequered career, and in the past has until very recently been an interterritorial institution. Support from the other territories, however, has gradually fallen away and it has now become a Kenya grant-aided institution under a board of governors financed by a system of budget aid. The new board has only just been established and it will, of course, pay careful consideration to policy to be followed there. It has been helped greatly by a visit from the technical adviser to the Secretary of State. The courses, at the moment include secondary technical and secondary commercial and, on the technical side, courses in general mechanical engineering and electrical installation. I hope very much that on the academic side the work may be extended in

include General Certificate of Education at Ordinary and Advanced levels. On the technical side I hope the school will develop into a technical institute for the Coastal Province.

I hope also that the signs that the board of governors is contemplating opening the school, this institution, to non-Muslims, with priority, of course, for Muslims, will in fact be realized. I am very glad indeed to be able to give some encouragement to my hon. friend, Sheikh Mahood, who is worrying about Arab education. He has asked what plans for expansion we have. I can assure him, Sir, that in 1960/61 we plan to add seven classrooms, with ablutions, etc., to the Arab secondary school. From the primary side, in 1961/62 we hope to build the first phase of a new primary school for Arabs with seven classrooms and ancillary offices, together with the first phase of seven classrooms for a new Arab girls' primary school.

Finally, Sir, if I might just refer briefly to plans for the Kenya Polytechnic which is being built in Nairobi. At a recent meeting of the technical advisory committee considerable concern was expressed by members because they felt that the level of courses given at this Polytechnic might be far too high. I would like, Sir, to take this opportunity of repeating to hon. Members the assurance which I gave to members of this committee, which I am sure will be implemented, that in fact we shall provide at the Polytechnic—it is now proposed to call it the Kenya Polytechnic and Technical Institute—courses there at all levels that may be required by industry, with entry ranging from Kenya Preliminary Examination passes to Higher School Certificate.

Sir, I beg to support.

Mr. Tyson: Mr. Deputy Speaker, in the course of this debate there has been frequent reference to the shortage not only of teachers but of school buildings. I would like to suggest to the Minister that some consideration should be given to the use of broadcasting. It is a matter which I have raised before and there are considerable facilities of this kind available in Great Britain used by the British Broadcasting Corporation. It is, I think, more important here than even in Great Britain, because it has been admitted that we are unable at the moment to provide accommodation and schooling facilities, particularly for a large number of African children, and whilst I realize that broadcasting teaching is not a substitute for ordinary class teaching, it is, I think, at any rate a beginning, and I would like the Minister to give consideration to the matter, even if it only means making an experiment in the Nairobi area. I think the African locations here lend themselves very well to such an experiment.

[Mr. Tyson]

Another matter regarding which I would like to see a little more energetic work done on by the Education Department is on the question of teaching English. It was emphasized at the last meeting of the Advisory Committee on Technical Education, and quite obviously a lack of knowledge of English prevents students from making use of the many technical textbooks which are available in English but which are not—and which are not likely to be—available in Kikuyu or any other vernacular language. This point about the teaching of English has been emphasized on many occasions, even just recently, by the general manager of the Railway Administration and by the chairman of one of the big commercial organizations here. If I may, I would like just to read an extract from the general manager's remarks. He said, when he was opening the annual founder's day celebrations at the Railway Training School, "One of the opportunities to be seized is the chance to improve your standard of English. I am aware of the suggestion made that greater attention should be paid to Swahili, and I would be the first to agree that staff of all races should have a working knowledge of that language. But it is not the language of world commerce and technology." Then the chairman of Messrs. Gailey and Roberts Limited, who also run a very good training school, said, "While there are many ways in which a boy can embark upon a career in engineering, none is better than an apprenticeship with a first-class firm where theoretical and practical work can be supplemented by night classes at a recognized technical institute or college."

This knowledge of English, Mr. Deputy Speaker, is, I think, of vital importance to the future development of this country and not only to the African but to the Indian as well. The headmaster of the Duke of Gloucester School, speaking recently at their prize-giving, said the weakness in English was a barrier to the careers of many of the pupils. Although teachers were playing their part in the school, parents should give the question serious consideration at home.

This question of technical education, Mr. Deputy Speaker, is one which I regard as of vital importance over the next few years, when, as we know, we are attempting to develop a local Civil Service. There was recently held a conference in London at the beginning of March to discuss the building up of local Civil Services in British territories in Africa by local recruitment. This local recruitment, so far as the technical side of our services is concerned, can only be achieved if we provide facilities and encourage the students to perfect their knowledge of

English, and I understood from the Chief Secretary that after the conference had been held in London it was intended to set up a study group in Kenya to deal with this question of training. I hope that matter will not be overlooked, Mr. Deputy Speaker, and that possibly the Minister will be able to give us some information as to what progress is being made. But, I do, Sir, want to emphasize the importance of this question of encouraging, particularly the Africans, to learn English so that they can get the advantage which we have all had ourselves in previous years of utilizing the many valuable textbooks which are available, and which would enable many of these young Africans to qualify for technical posts and get away from what I thought earlier on were blind alley occupations. We heard earlier on from the Member for Nairobi Area, I think it was, complaints about their difficulty of getting into trade, shopkeepers and so on. I do suggest, Sir, that that is not the line along which this country wants them to develop in its own interests. What we want to do is to try and build up a local technical service, and that can only be done by the educational authorities placing much more emphasis on the teaching of English—I did not overlook what the Director of Education said just now—but I still think there is room for much more energy to be applied to this, what I regard as, very important aspect.

I beg to support, Sir.

Mr. Khamis: Mr. Deputy Speaker, Sir, I did not like to intervene in this debate so late in the day as all the points which I should have dealt with have been dealt with by my colleagues, but I think it is absolutely essential that I should correct the HANSARD by replying to some of the remarks which were made by the hon. Nominated Member, Mr. Kebaso.

In the first instance he spoke very well about the demands of his parochial district, although, in fact, he is a Nominated Member and he is not at all looking after the interest of that particular district, but lastly he lost his head in saying that we do not want any multi-racial schools at all in this country, and he said they will never work. I think that he was speaking a piece of his mind, and when I heard it I thought I was listening to a Member of the United Party, and I feel that he should not sit on the Government Bench but he should sit on the benches near the Members of the United Party. I am quite sure he is quite wrong, because multi-racial schools work in all parts of the world, and they will work in Kenya, and they must be made to work, and we shall struggle ceaselessly until we see that all our schools in Kenya are multi-racial.

There should be only two types of schools in Kenya. Private schools and public schools. The

[Mr. Khamisi] private schools will be those schools which will be built by money subscribed by the United Party in order to cater for their special needs, without any grants from any Government because they are quite entitled to spend their money in the way they like. And there will be public schools where people of all races, who consider themselves to be part and parcel of this country, Kenyans of all races, irrespective of colour, will go, and Mr. Kebaso can choose which school to send his child. If he wants to send it to the United Party school he is at liberty to do so.

I would like to emphasize here that the views that have been expressed by Mr. Kebaso are his own views—they are not the views of the African people—they are not the views of the Asian people—and, in fact, they are not the views of the greater majority of the Europeans in this country. I will not get any publicity for that, but tomorrow Mr. Kebaso will get big headlines—"Africans do not want multi-racial schools".

Secondly, Sir, I should like to comment on the views expressed by the Assistant Minister for Education, Mr. Waweru. He also did not go as far as his friend, his colleague, but he said that multi-racial schools should be started at a very high level. We feel, Sir, the African people in this country feel multi-racial schools should start right from the bottom, from Standard I, and if my son or my daughter does not know the English language he or she will have to learn it the hard way. Let him learn it. Let him stay in that class for at least six months and be deaf, and learn nothing for six months, but after the six months he will be able to speak English and understand what he is being taught in the school.

Another question which was touched on by the Assistant Minister was the question of girls' education, and that was also touched on by the hon. Member for Ukamba, who said that the African leaders are more particularly asking for education for the boys, and they do not worry about asking for education for the girls. I feel, Sir, that he is quite wrong because the people who are responsible for bringing education into this country are his kith and kin, and that is the Government that has been governing this country for the last 60 or 70 years.

The British people have got a saying which says—"you teach a girl and you educate a nation, and you teach a boy you educate an individual"—they know it very well. But what did they do? They went forward and concentrated all their efforts in teaching the male and forgot completely the girl. The blame should be on the Government of the day. We have been asking for girls' schools. I myself have been asking for a girls' school for

Mombasa for the last three years, and every time there is an excuse—one excuse after another. Now the Member for Central Nyanza has also asked for a girls' school for Central Nyanza, and the other Members are also asking for schools for girls, but what does the Government answer? There is not sufficient demand, they say. There is a school somewhere in Tudor Area—that is what I was answered last week. But the school is not a District Education Board school, it is a private school—a mission school. We want a District Education Board school for the girls in Mombasa, and this has been asked for by the Africans for the last, I do not know how many years, and up to date we have not received one. The Arabs have got one. We have just heard that they are going to get an extension to it. The Asians have got one, and I am quite sure the Europeans have got very good ones up-country, where they can send their girls. And I do ask this Government to listen to our demands when we ask, because those are the demands of the people on the ground.

Sir, the present situation with regard to the secondary schools is very disturbing because the efforts which have been made by the Government in putting up a lot of primary schools has produced so many pupils of primary standard who cannot get places in the secondary schools. If I read the Development Programme aright, I found that for every 100,000 African boys who are in primary schools only one has got a place in a secondary school, and that will be in 1966. One in every 100,000 Africans. You look at the Development Programme and you will find that. Now, that is the reason why most of these boys from the intermediate schools are now craving for education from whatever source they can get it. They will try to go to overseas schools, in America, in England, in India, in Abyssinia and everywhere they can get a place in a school they will go there in order to fulfil their desire of getting a secondary education, and academic education after that. I think it is the duty of Government now, and I am happy to hear from the Minister that he has realized the position and he will step up the building of secondary schools and the provision of secondary education throughout the country.

Sir, there is one more thing about education, and particularly for those boys who are proceeding overseas, which has not been mentioned by my colleagues, and that is the signing of security forms. Now most of these boys and girls run around the town and the country, some come from Nyanza and some from Mombasa to ask me to sign security forms for them. Some from Mombasa come to Nairobi and so on because the immigration authorities cannot give them passports if there is nobody to sign security bonds

[Mr. Khamisi] and we have signed so many of them for them, and we have signed so many of them that we have now been told by the immigration authorities that we are no longer able to sign any more. Now that is another way of restricting these boys from going overseas because they will not get any passports now because there is nobody to sign their security forms. I should like the position to be clarified. I do not see the reason why, if a boy or a girl has got a bursary or a scholarship, or he has got admission to a school overseas, it should be absolutely essential that somebody should sign a security bond before he or she takes up that place which has been offered in the school.

Also, there is another thing. We do not know how many bonds we are allowed. We are only told, "you can sign no more because you have signed enough". But we would like to know how many bonds are we allowed to sign, or if that is so, to whom should we send these students so that they can get their security bonds signed to enable them to get their passports to proceed for overseas education? I hope that the Minister for Education and the Director of Education and the Chief Secretary, I hope, will be able to help us in this matter, as I understand the Government is as anxious as we are that these students should be able to go for this education.

Now, Sir, it is the aim and the intention of the people in this country to have all the schools integrated, as I am quite sure all the races, except a few diehard racial groups, all the races are willing to open the doors of all the schools for people of all races resident in Kenya. I would suggest, Sir, that it is time that all these racial education advisory boards should be abolished and the education advisory boards should be now inter-racial. They should be of all races, so that these schools can now be considered to be open to all.

Somebody else, I think from this side of the House, stated during the course of his speech that he does not believe the European community in Kenya should be experimented on with regard to integrated schools. There is no question of experiment. The Hospital Hill school was started a few years ago, and it is going on very well indeed, and another school has already started in Mombasa, Buxton, which is also an interracial school, catering for students from the age of seven upwards, which is also doing very well, and I am quite sure all the other schools would also do very well if they are now opened to all races. It is not a question of experiment. It has been tried and it has worked very well, and it will at least remove one bone of contention in the Kenya politics if all the schools are open to everybody.

After all, we do not believe that this distinction is justified at present. I think the only fear that these people who are against this have is that they think that as soon as these schools are thrown open they will be flooded by African and Asian students. I do not think that is true. The same thought was in their minds when we were asking or agitating for all the hotels and restaurants in Kenya to be opened to all races. They thought that at once these Africans would flood these hotels, but you can go to the New Stanley Hotel and the Queen's Hotel, and you will hardly find an African there although they are quite free to go there, and if these schools are opened it is only a very few of our children that will go, but the mere fact that we know that we can send our children there if we can afford to pay the fees would have a very great psychological effect, and it would help the political outlook of this country very well.

With these few remarks I beg to support.

Major Roberts: Mr. Deputy Speaker, Sir, as usual in this debate there has been quite a lot of stress laid on the multi-racial schools, and the demand for it seems to extend on the one hand to those who want a few vacancies in European schools to be made available to other races, to those who want all public schools from the bottom to be completely multi-racial. Perhaps if they come about they will be known as the Khamisi schools. But, Sir, the hon. Member, the hon. Nominated Member, Mr. Kebaso, made it very clear in his very excellent and courageous speech, that there would be a great deal of difficulty, and he pointed some of them out. And so, Sir, did my hon. friend, the Member for Ukamba, when he was laying stress on the fact that cultures differ he was talking about African women who had to carry a load of timber. Well now, Sir, I do not believe that one race should interfere with the customs of another race, and I think it would be quite wrong to do so; let customs change as they are required. But, Sir, we should not criticize the way other races treat their women. We idolize ours; we put them on a pedestal. We almost worship them; at times we even let them wear the pants. There are some people however who feel that all our troubles started when we gave women the vote. I must make it clear that that is not necessarily my opinion only. Sir, I hope that no publicity will be given to this, or a claim made that it is my own idea because my wife does not leave for a holiday overseas until the end of next week. But, Sir, what I want to know is why is there this demand for multi-racial schools? It is always that the Europeans should open their schools to other races. And I want to know, Sir, why? Is it because we have better facilities, we have better teachers? If so, Sir, the answer is

[Major Roberts] quite simple. Improve the facilities and the teaching in the other schools.

Mr. Travadi: You swallow somebody's money.

The Deputy Speaker (Mr. Conroy): Order, order!

Major Roberts: Sir, perhaps it is jealousy that our children have the ability to enjoy their school days, to get more out of their school days perhaps than some of the other races. Is it because hon. Members hope it will lead to a miscegenation, because I do not believe that is most people's wishes. Sir, if so, maybe it is because certain people want to increase the grade of their stock. I do not know, but I do not believe it is that. Perhaps, Sir, it is purely political. Sir, I want to make our position perfectly clear. We do not oppose multi-racial schools because of the racial issue. Sir, it is our standards and our own cultures and our own amenities which we want to retain and which we intend to retain. We will not give up our standards and our amenities.

And now, Sir, the hon. Member for Nairobi West may have given the impression that he was speaking the views of all European Elected Members. In many aspects he was, but in others, Sir, he was not, and I make that perfectly clear. The European Elected Members have all agreed to the system put forward by Government of Boards of Governors for our secondary schools, and under that system, Sir, Boards of Governors do have the power of admission to other races of our schools.

Now, Sir, those Boards of Governors will be perfectly fair and reasonable people, but they must look after their own community first to see that our own community gets vacancies in those schools. If there are vacancies after that has been done, then I have no doubt that the Boards of Governors will give fair and just consideration to other races.

Sir, I think one way of dealing with the matter of removing a contentious argument is this. Hon. Members on my left claim that public money should not be spent on racial schools in disproportion. I claim Sir, they are perfectly correct, and that each race should be entitled to their own fair and just proportion of the revenue, and I think it would remove a lot of the argument if there was a separate educational tax. Then, Sir, each community would be able to provide for schools which it could afford, and that, Sir, perhaps would be very similar to private schools—maybe United Party schools.

Mr. Deputy Speaker, Sir, I beg to support.

Mr. Shikely (Temporary Arab Elected): Mr. Deputy Speaker, in supporting the Motion I was first greatly disappointed in listening to the Minister for Education presenting his Budget. He failed in his presentation to mention any plans that he had in regard to educational facilities for members of other races other than the Africans, but I was glad to listen to the hon. Director of Education, and I am happy to have heard that the Arab community will soon receive two additional schools. My only desire is that the new Arab boys' primary school should be built earlier than in the 1961/62 period. I hope that the Department of Education is quite familiar with the dissatisfaction that exists in the community in regard to its education. The standard of passes is very low, and we have in our schools a substantial number of unqualified teachers. The argument may be put forward that it is up to the Arab community to produce the teachers, but I would argue that unless our primary schools are made to produce a certain number of students so that they can go on to higher studies, this will be impossible, and therefore the solution should lie with the Government to provide additional teachers.

Another dissatisfaction in the community is in regard to the teaching of Arabic. The community has for many years been fighting for the teaching of Arabic for their boys and girls. The Government has not been co-operative. They have refused to recruit teachers from outside and they have also been very unco-operative when we wanted to send our children outside to study Arabic. Only two years ago the Department was able to recruit a European teacher, who had a doctorate degree in Arabic. We had never asked for such high standards, but unfortunately this man who came to teach Arabic was found after only a short period to be absolutely useless, and had to be dismissed. I am glad to note now that at least one of our own students has gone abroad and returned fully qualified to teach Arabic. The position has not yet changed however. There are no satisfactory textbooks for the teaching of Arabic, and this makes the work of Arabic teachers quite impossible. I hope that the Department will bear this in mind and produce adequate textbooks for the teaching of Arabic.

On the question of the Kenya Asian Preliminary Examination, I think this is a matter which causes dissatisfaction in all Asian schools. One thing is that the selection of students for grammar schools is based merely on results produced in this examination. I dare say this is necessary, but there must also be consideration of the reports given by the headmasters. This is hardly so because headmasters are never consulted. They receive a

[Mr. Shikely] circular from the Department saying that these boys must go to the secondary modern school. Their word is never taken into account at all. In fact, headmasters have become more interested in keeping the records of their stores than in the teaching of their children. They are more interested in what happens to a broomhead than what happens in the classrooms.

Mr. Deputy Speaker, I think that education at the coast has been generally neglected. I am particularly speaking here in regard to the fate of the African Muslims. Yesterday, when the Minister was speaking he referred to the Beecher Report, and said that the Government should continue to work with and through those voluntary agencies, which have the teaching of Christian principles as part of their intention, and that facilities for Christian instruction should be provided in all schools. In Sessional Paper No. 1 of 1950 the Government supported this view and still adheres to that recommendation as the basis of satisfactory education. I feel that the Government, finding that the education in Kenya was being handled by the missionaries, totally neglected their own responsibility for the teaching of the people of Kenya, and in that respect Muslims have suffered most because there are no organized missionaries amongst Muslims. We must all thank Christian missionaries for the work they have done in regard to education in Kenya. We all appreciate that, but the Government has failed in its responsibility towards the education of Africans who have a different religion. I am sure that the Minister has been long enough in Kenya to realize that there are Africans of different creeds, and I trust that he will bear this in mind and take early steps to remedy the position of the African Muslims. Unless they are encouraged to take up modern education, they will rot and be a danger to the community and to the country of Kenya when it gains its independence. I would be glad to hear from the Minister when he replies what has happened to the report of Professor Sergeant who visited this country, I think about a year ago.

On the question of integration, Mr. Deputy Speaker, I was surprised yesterday to hear one Elected Member referring to the question of integration as immoral. I personally believe that it is possible to work out a scheme to produce integrated schools. Coming from the coast I have seen this work in regard to Arab and African schools. I think it was during the 1920's when the Arab School was opened to Africans and Arabs, and this was without regard to their religion, as well as the Coast Secondary School at Shimoni-La-Tewa where Arabs and Africans, both

Christian and Muslim, studied together. There the Muslims had their mosque built out of private funds and the Christians used the assembly hall. I feel sure that if we had had added to that school a Hindu or a Buddhist temple it would have made no difference. I am really surprised to find that after having started an integrated form of school at the coast that it should have been discontinued. This was during the last war. While we ought to have gone forward and increased the scope of integrated schools some genius in the Department has reversed the process and this has caused great harm in the relations between the Africans and the Arabs at the coast. For my part I think my community will be prepared at any time to go back to that form of integrated schools.

On the question of higher education, Mr. Deputy Speaker, I think that great regard should be paid to the safeguards in respect of people who are at the moment backward in their education. I feel that people at the coast and others who have not had the same advantages of going to school early should be protected in this respect as otherwise an imbalance will be created in the Colony which will later on prove to be a danger.

Mr. Deputy Speaker, I support.

The Assistant Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Towett): Mr. Deputy Speaker, after 24 days of adjustment on this side of the House I think I can now open my mouth.

I am not going to take a very long time because I have learned to be very economical about time after crossing the floor.

I believe in one thing, that agricultural progress comes first; educational progress comes second. You must have food before you go to school. Therefore, speaking on education I am going to answer some of my friends on just one point.

We want, or the Government wants, to see everybody educated. No Government in the world does not want to see its citizens educated. We have this Common Entrance Examination. The Government wants to see it abolished, but the number of intermediate schools should first equal the number of primary schools before we can think of abolishing the Common Entrance Examination. So, Mr. Deputy Speaker, so what I am trying to ask my hon. friends opposite is to go all over the world and try to get us money so that we can put up more intermediate schools, and when the number is equivalent to the number of primary schools the Government can announce that the Common Entrance Examination is abolished. There is no other way, Mr. Deputy Speaker, in which to handle this problem. The only

[The Assistant Minister for Agriculture] way is to get the money and get the teachers and build intermediate schools and then we will abolish the Common Entrance Examination.

Our celebrated educationalist, the hon. Member for North Nyanza, knows very well the problem. He knows that we cannot abolish the Common Entrance Examination before we have enough intermediate schools to take all the children who leave at Standard IV in the primary schools. Supposing the Government says, "Yes, we agree to abolish the Common Entrance Examination?" What will happen and what will the Government use when it has to tell some children, "There is no room in Standard V"? What will the Government do? The Common Entrance Examination must be there to allow the Government some form of saying, "You did not pass the examination. Therefore you cannot go into Standard V."

Mr. Deputy Speaker, since I have learned to be very economical about time, and as there is much ahead, I think I should say that I support.

The Deputy Speaker (Mr. Conroy): I think that Mr. Coats wishes to make a statement.

MINISTERIAL STATEMENT

PUBLIC HOLIDAY—24TH MAY

The Chief Secretary (Mr. Coatts): Mr. Deputy Speaker, I just wanted to announce to the House so that everyone knew that the House will not sit on Tuesday, 24th May, as it is a public holiday.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): The Council now stands adjourned until tomorrow morning, Friday, 20th May, at 9 o'clock.

The House rose at thirty minutes past Six o'clock.

Friday, 20th May, 1960

The House met at Nine o'clock.

[The Deputy Speaker (Mr. Conroy) in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—
The Apprenticeship (Revocation) Rules, 1960.

(By the Minister for Labour, Social Security and Adult Education (Mr. Ngala))

COMMITTEE OF SUPPLY

Order for Committee read.

MOTION

VOTE 20—MINISTRY OF EDUCATION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of debate adjourned on
19th May, 1960)

The Minister for Education (Mr. Mathieson): Mr. Deputy Speaker, I think in the course of these last few days we have had a very useful and encouraging debate on the whole subject of educational policy and should like at the beginning of my reply to thank all those hon. Members who have spoken in complimentary terms of the presentation of the Estimates and their kind words to me personally.

I think that the field of achievement which we have reviewed and the plans for the future indicate that in Kenya we have made advances in the field of education which are probably unrivalled in the continent of Africa. I was particularly interested the other day to see a report on elementary education in Ghana where after several years of a Government, which had as a prime plank in its policy the provision of universal elementary education, we in Kenya with an African population very closely comparable to that in Ghana—

Mr. Mullro: Higher?

The Minister for Education (Mr. Mathieson): Very closely comparable were the terms I used, and I do not think that the hon. Member would find that it was very much higher, we have almost as many schools providing education through the first eight years of learning and we have more pupils in primary schools in Kenya than they have pupils in primary schools in Ghana.

Now, I in no way wish to suggest that the achievement in Ghana is anything but admirable, but I think it is a point on which we can take some pride. More so, Mr. Deputy Speaker, because it was only in 1911 that the Government

[The Minister for Education] took any direct interest in education in this country with the establishment in that year of the Kenya Education Department. I was, Sir, looking at the Estimates the other day for 1913 in which the Vote provision for African education was £1,850. We are today in the millions. The entire staff of the Education Department as shown in the Estimates for 1913 was a Director, a clerk and a office boy. So I think that in terms of expansion over half a century successive Governments in Kenya can claim to have definitely done something.

The attitude, of course, to education has very sharply changed since those days. In the logbook of one of the early American missions it is recorded that the pupils whom they managed to get into the one school they had started had gone on strike because they were not being paid enough to come to school. In a similar dairy which I saw when I was up at Kapsabet the other day by one of the first Church Missionary Society missionaries to operate amongst the Nandi in 1909 he records that at that time the Nandi had, no desire whatsoever for education in any form except their own tribal education, so the only way to overcome the difficulty was to employ some of them as houseboys and then introduce "compulsory education" amongst them. This arrangement worked all right for a time, but difficulties arose later on for when five or six of them had made some progress and were able to read simple words they flatly refused to continue with the "work" unless their wages were increased. When I was up in that part of the world the other day I was very much impressed by the serious universal desire for education and a readiness to make a large degree of sacrifice to obtain it.

My hon. friend, the Director of Education, in his speech yesterday, Mr. Deputy Speaker, covered a great deal of the ground on the matters which have been raised in the course of this debate. In particular, he dealt with the many problems of Asian education which had been brought to our notice and I do not intend to duplicate the observations which he made. But I do feel that I should say here that I was somewhat personally hurt by the remarks of the hon. Member for the Central Electoral Area in which he suggested that neither the hon. Director nor I had any real interest in Asian education. I am particularly hurt since I was closely associated before I came to Kenya with the mounting of the enquiry into Asian education conducted by Messrs. Harper and Woodhead which had been initiated and suggested by my friend, Sir Christopher Cox, Principal Educational Adviser to the Secretary of State. When I came out here I was particularly interested to follow up the results of that enquiry

and I think from the evidence given by my hon. friend yesterday we have indeed made great strides in the last 18 months as a result of applying those recommendations. Therefore, it is a matter of particular regret to me that the hon. Member for the Central Electoral Area should have come to feel as he apparently does.

I am sorry also that my hon. friend the Arab Elected Member, Sheikh Mahfoud, is not in his place today as the last time I was prepared to answer his question he was not in his place either, and I therefore deferred an answer to a more appropriate occasion. Unfortunately that occasion also seems to have escaped me although my hon. friend the Director did deal yesterday with a number of the points which he made. But I can assure him from a perusal of HANSAARD that we will look closely at the type of course being provided for the less academic pupils in the Arab Secondary School in Mombasa and make sure, as far as possible, that it is attuned to their capacities and aspirations.

The other hon. Arab Elected Member made a number of observations on Arab education and amongst them asked what had happened to the recommendations which had been made by Professor Sergeant. The House may recall that he had a visit from a team—Professor Griffiths and Professor Sergeant—to investigate some of the problems of Muslim education which then subsequently formed the subject of an interterritorial conference at Dar es Salaam. Amongst the recommendations which they made was that an Islamic Institute should be built up to serve the East African territories, and we are still pursuing this problem and hope that something of that nature will be built up in Zanzibar. Another major recommendation which they made was for the establishment of a Book Unit to produce books suitable for the teaching of Arabic in schools; and there again, although we have met some checks and difficulties, we are still pursuing this objective.

I would now like, Mr. Deputy Speaker, to turn to some of the remarks made by the hon. Member for the Central Rift. That hon. Member concerned himself closely with two main problems. One was the scale of development of African education in the settled areas and the other was the question of education amongst the Masai. As far as the settled areas are concerned, hon. Members will recall that we arranged for a special Departmental enquiry into this problem to be conducted by Mr. Travers and we have used his Report as the basis on which we have planned our development over the next development period. The hon. Member may be interested to know of our plans for the development of intermediate schools in the Central Rift, a point which he particularly raised. At the present

[The Minister for Education]

I would like to re-emphasize, if it is necessary, that I am in no way hostile, in fact I am fully behind the idea of providing opportunities overseas for those who cannot find them here. On the other hand, I was a little disappointed not to have from the hon. Member for Nairobi Area an endorsement of one of the general propositions which I made, which was that we must not allow such programmes seriously to affect the intake of the best pupils to our own East African colleges. I am sure that his failure to endorse such a proposition is only due to the fact that through his other preoccupations he had been unable to hear my speech, but I do sincerely hope that all those concerned with the finding of opportunities overseas for Kenya students will also have in mind the prime necessity of not diverting them from our own colleges or luring them away from those colleges once they have been admitted.

The other point on which no hon. Member has commented was my feeling that sometimes these programmes are apt also to denude the vocational training which we provide in Kenya, notably in the field of education and medicine, and it would indeed be very disturbing to us if some of the pupils who were admitted a few months ago for such courses were subsequently offered opportunities to travel overseas for further education and they then left those courses after a few months.

Such a step, if it did take place, would entirely disorganize these courses which we run here and would involve a substantial waste, in fact, of the taxpayers' money. I sincerely hope that any who have embarked upon such courses should be allowed to complete them and thereafter, perhaps, if opportunity offers, to proceed overseas for further training or education.

Another point which was made by the hon. Member for Nairobi Area was in relation to the beginning of higher school certificate classes in our African secondary schools and the relationship of this to sending students to Makerere. He suggested that the Government had been at fault in allowing Makerere to cease these preliminary courses before we had an actual output of students qualified at the higher school certificate level. Well, in the first place the decision was one taken by the College and the College could not afford to run a preliminary course for Kenya students only when the Governments of Tanganyika and Uganda had already decided that they would send all their students into higher school certificate departments in their schools and not into preliminary courses at Makerere. I agree with him that it might have been a good thing if Kenya had started such classes earlier and were marching

alongside Uganda and Tanganyika in this measure of progress, but it is a fact that over recent years we in Kenya have been inclined to place the emphasis very heavily on expansion of elementary education and it was only when my hon. friend the Director of Education and I took up our posts and examined this matter that we felt that there was a serious gap here which had to be filled as fast as possible. It is, I think, no small achievement to be able to offer such facilities at the beginning of next year with a period of preparation which has been comparatively short. I would like to assure the hon. Member that he need have no anxiety about the rising numbers of those qualified or qualifying for higher education and, in fact, being admitted to it. The average entry to preliminary courses at Makerere of Africans from Kenya has been round 100. Next year, we will admit—or we intend to admit—160 to the equivalent classes in higher school certificate courses in our schools. Now, Mr. Deputy Speaker, we could not, in my view, have afforded to finance at Makerere a jump from 100 to 160 in one year. It is vastly more expensive to give a student a two year preliminary course at Makerere than it is to give the same student a two year course leading to higher school certificate in school.

But the admissions to higher school certificate classes are not the only outlet through which pupils may qualify for admission to undergraduate studies. The Royal Technical College and the Royal College, Nairobi, its successor, will continue for a time to offer courses leading to the examination for the General Certificate of Education at the advanced level. Here also is an outlet for school certificate holders which will lead to a pre-university education. We admitted 32 Africans to this sort of course this year and at least that number and probably more will be given opportunities to take this equivalent qualification in the Royal College. I therefore feel that there is no reason for the hon. Member for Nairobi Area to feel anxiety over the expansion of opportunity for higher studies.

Another important point made by the hon. Member for Nairobi Area was his suggestion that African graduates returning to Kenya and applying for jobs in education were told that there was no employment for them. I am afraid that I have not been able since he spoke to get from him any details of individuals or investigate this closely. I have made general enquiries in the Department and they are not aware of having turned away any African graduates coming to offer themselves as teachers. There are often difficulties which arise when such graduates approach the Department in that frequently their qualifications are not particularly adapted to the particular subjects which we would like to see them teach in our schools.

[The Minister for Education]

That does not mean to say that anyone which a good degree, whatever his subject, is not valuable as a teacher and we would certainly try to find a place for someone who has, say, a degree in psychology or economics and wishes to teach in secondary schools—a place where such a graduate may use his developed capacity. Another problem which arises is that not infrequently a returning graduate coming to the Department seeking a post—says, "I am a graduate in history, I am willing to teach history in a school, but of course I will not serve anywhere but in South Nyanza." And if we happen to have in a post of history teacher in a school in South Nyanza, or wherever it may be, which is full, we say, "Well, we are very sorry, do you expect us to transfer whoever is there in order to provide a place for you?" That is not a thing we are normally prepared to do and we say, "There is a vacancy at Kakamega and we would like you to teach there." It has happened that a graduate has then said "Well, if I am not to be allowed to teach where I want to teach, I am not going to teach at all", and that is the last we see of him.

So some of these factors may, perhaps, be behind some of the cases mentioned by the hon. Member for Nairobi Area, but I do assure him that we would be extremely disappointed if we could not find employment for every graduate offering to teach; that is one of our biggest needs and I will certainly look with care into any particular cases which he brings to my notice.

Within the scope of our discussion on higher education, Mr. Deputy Speaker, the hon. Specially Elected Member, Mr. Blundell, referred to the Higher Education Loans Fund. The hon. Member, has been the Chairman of the Board administering this fund since its inception, and there are hundreds of students who owe a great deal to his zeal and ability in seeing that they are financed through higher education.

The hon. Member expressed some anxiety about the scale on which the Government was prepared to augment the funds at his disposal and I can assure him, after consultation with my hon. friend the Minister for Finance, that the procedure which he suggested we might follow is one which is fully acceptable to the Government and we will expect him to operate on this scale. Should any financial difficulty arise, Government will meet its obligations.

Another matter on which quite a large number of hon. Members added to the remarks which I myself had made in opening this debate was the question of extra-mural studies. I said that I felt that we had not fully recognized in the past the importance of this field and that I was

studying the possibility of doing something more in it. A number of hon. Members, particularly my hon. friend the Specially Elected Member, Mr. Muchura, and again my hon. friend Mr. Blundell, stressed the great importance of increasing the provision for staff in this Department operating in Kenya, even prior to the next *quinquennium* when these activities will be taken over within the overall budget of Makerere. In consultation with my hon. friend the Minister for Finance, who has been most helpful on this matter, I find myself able to offer to create for this interim period two additional posts of Resident Tutor; I shall therefore be informing the authorities at Makerere of this and invite them to recruit and fill the posts and get the officers in action as soon as possible.

I think that in the main, Mr. Deputy Speaker, I have covered with my hon. friend the Director and my hon. friend the Assistant Minister most of the points which have been raised in this debate of a specific nature. A number of speakers, however, as is natural, have referred to the overall policy issues involved in the approach to a national system of education and have referred in varying attitudes to the question of integrated schools.

As I said at the outset of this debate, my own approach in the preparation of these particular Estimates and in the political conditions in which we find ourselves, was to get our existing system into the best possible trim, get the most value out of it and educate more children better. I have maintained in any approach to this problem of what I might call the political environment of education that the prime consideration must be the child. In my approach to this question I certainly place the first emphasis on making sure that anything we do in this field does not destroy or prejudice the existing provision of education for children in school and anyone who has the interests of the future citizens of this country at heart will, I am sure, share this approach.

The hon. Member for Nairobi West in this context asked certain specific questions. He asked what the Government's detailed intentions were in relation to the creation of boards of governors for European secondary schools. Well, Mr. Deputy Speaker, our intentions in this matter are in principle quite clear: that is, that we wish to ensure that boards of governors are independent; that is, that they are not subject nor feel that they are subject to any direct direction from the Government. We also wish to ensure that they are genuinely representative of people with an enduring interest in the school. Within that category we want to make sure that the parents of children in school have some representation.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, on a point of order, are we not discussing Vote 20 of the recurrent Estimates for the Ministry of Education and not the Development Programme? Would it not be more appropriate for the hon. Member to make any points that he wishes to make on the Development Programme when we have a special debate on the Development Programme for 1964-63 rather than at this stage?

The Chairman (Mr. Conroy): Mr. Travadi, as I understand your point you wish to speak to the amount of money provided in the Development Programme for Asian Education, is that it?

Mr. Travadi: Yes, Sir.

The Chairman (Mr. Conroy): What we are dealing with now is the £913 on page 88 for Asian education which does not relate to development. This is recurrent expenditure and we will have a debate later on the Development Estimates.

Mr. Travadi: Thank you, Sir.

Head C1 agreed to.

Heads C2, C3, C4 agreed to.

Heads D, E and F agreed to.

Heads G1, G2, G3, G4 agreed to.

G5—Grants in Aid

Mrs. Shaw: Mr. Chairman, I too perhaps, like Mr. Travadi, come under Development, because I want to know where you cope with farm schools or schools in settled areas; the establishment of schools in settled areas for Africans.

The Minister for Education (Mr. Mathieson): If I might clarify this point, Mr. Chairman, the provision for grants to district education boards is under G5.3 and there are district education boards in the settled areas which receive a complete and full deficiency grant from Government as opposed to district education boards in African district council areas where a two-thirds deficiency grant is paid.

Mrs. Shaw: Might I bring this up under this Head? I think perhaps that it might be—it is G5 (iii). The question is that there are certain projects for the extension of sugar in the Songhor area which means that there is going to be an increase in labour in the settled areas. That area is extremely badly served by schools at the moment, and other social services I may say such as dispensaries, etc., and I wondered if the Minister would look into the question of possibly providing more African schools in the Songhor-Mulbeoni area.

The Minister for Education (Mr. Mathieson): Well, Mr. Chairman, I will most certainly enquire into the question raised by the hon. and gracious Member.

Mr. Alexander: Mr. Chairman, Sir, I would just take the opportunity under this to get perfectly clear in my mind the answer that the Minister gave when he was replying about the basis of finance, the financial agreement between Government and this proposed non-racial school promoted by the Roman Catholic community at St. Austins. Am I right in taking him to mean that whatever race goes into this school the grant-in-aid will be on the same basis. In other words, if a European or an Asian goes into this school they will get the grant-in-aid in just the same way as the African does; because, of course, my understanding is that in respect of the African grant-in-aid the amount of subsidy is far greater than it is by the deficiency system, far greater *per capita* than it is, for example, for a European in a purely European school.

The Minister for Education (Mr. Mathieson): Our intention, Mr. Chairman, is that our grant-in-aid to that particular school should be made under the African Grants-in-Aids Rules and on that scale. We would not consider those rules inapplicable if a proportion of non-African children were also admitted to that school.

Mr. Alexander: Mr. Chairman, just to get this precisely understood, if, for example, a grant-in-aid for an African child at this school is £100 per annum—that is just a figure for the purposes of discussion—do I take it that if a European child goes to this same school the Government will contribute £100 per annum as well?

The Minister for Education (Mr. Mathieson): That, Mr. Chairman, is my intention.

Head G5 agreed to.

TRADE AND TECHNICAL EDUCATION

Head H1—Personal Emoluments

Mr. Tyson: There are a number of items here dealing with the question of technical training. What I would like to ask the Minister is whether, and if so, what steps are being taken to deal with the question of teaching English which is so important in connexion with these technical classes. The hon. Director of Education will remember that at a meeting of the Advisory Council on Technical Education, which was held about a month ago, this matter was very much emphasized, particularly by some of the people who are in very close touch with the students and who realize the importance of using textbooks which are printed in English. It seems to me that a considerable waste will occur in these

[Mr. Tyson] technical instruction classes unless it is accompanied by proper instructions in English, and I would like to know what the Minister proposes to do along these lines as recommended by the Advisory Committee.

Mr. Miller: Mr. Chairman, as the hon. Member has said, this is a matter which has been raised at the Technical Advisory Committee and I think the reply then was that the whole question of the syllabus to be followed at polytechnics and technical institutes which may be established in the future will be a matter for close consideration by the various committees which are going to be set up. Our main object is to provide and to meet the immediate demands of industry both on the employers' side and on the employees' side, and I am quite certain that where there is a demand for special English classes and these will be provided as soon as possible and we will do our best to meet the demand.

Head H1 agreed to.

Heads H2, H3 and H4 agreed to.

SPECIAL SCHEMES

Head J1—Personal Emoluments

Mrs. Shaw: Mr. Chairman, I would like to know what these special schemes are.

Mr. Miller: These Special Schemes consist of Laitokitok Outward Bound School, the Nairobi Central School for coloured children, and Item No. J3 now includes the Hospital Hill School as well as a number of special schools maintained by the voluntary agencies.

Mr. Hassan: I would like to know what the Director of Education has said about the coloured children. Is this something new?

Mr. Miller: I am afraid that that is a term which I inherited from the past. This is the Nairobi Central School which is for children mainly of mixed parentage.

Head J1 agreed to.

Heads J2 and J3 agreed to.

HIGHER EDUCATION

Head K1 agreed to.

Head K2—Contributions

Sir Charles Markham: Mr. Chairman, in his speech the Minister did talk about the question of the Unit in Washington. Last year I remember that I was going to raise the question of what the Students' Unit in Dublin was, but I forgot to, so I will take the same opportunity this year. Could the Minister tell us a little about this Unit in

Dublin, or is that for the benefit of the Member for the Coast?

The Minister for Education (Mr. Mathieson): I am afraid that without notice, Sir, I have no particularly detailed information regarding the Students' Unit in Dublin but there are quite a large number of Kenya students who attend university studies there and this figure I think is a contribution towards the cost of a Students' Adviser who is maintained on behalf of a number of Colonial Governments in Dublin.

Mrs. Shaw: Mr. Chairman, on K2.3, I see that the sum of £59,000 is provided for the Mombasa Institute of Muslim Education. I would like to know if that Institute is now working to capacity or whether it is still only half empty.

Mr. Miller: Mr. Chairman, I could not say that on the technical side, perhaps, it is working to full capacity, but, as I indicated in my speech yesterday, the new Board of Governors is very actively considering the future of this Institute and I am much more hopeful that it will develop properly and become full and fulfil its proper functions in the future than it has in the past. I am quite sure that it is going to do a good job now.

Mrs. Shaw: I would like to ask a further question. I apologize for not being here when the hon. Member spoke yesterday. I would like to know if the Sultan of Zanzibar contributes anything to the actual running costs, to the actual recurrent expenditure, I know that he did contribute to the capital costs.

Mr. Miller: The Zanzibar Government does not make any recurrent contribution.

Sir Charles Markham: Sir, leaving Dublin for a moment, and coming to London, could I refer to K2, subhead 4, where the sum is increased from last year. Before perhaps I make any further remarks, could the Minister give the House some information regarding the Unit in London, what it consists of and the approximate number of people, and whether their function is to help the students not only during their studies but in their recreational hours too.

Mr. Miller: Mr. Chairman, the Unit in London consists, I think, of the Students' Adviser himself, one assistant Adviser, and various clerical and executive staff. As regards the second part of the question, certainly a large part of the work of this Unit is to look after the welfare of the students, not only during their actual working hours but in their recreation time.

Sir Charles Markham: I am grateful, Sir, to the Director of Education for that answer. The

[Sir Charles Markham] reason I have raised this now, Sir, in the Committee stage as opposed to the main policy debate was that there have been complaints brought to my notice through people who are very keen to help Kenya students, and the difficulty of contacting them when they leave Kenya and almost go into the enormous obscurity of London, which is a pretty large place, I am wondering, Sir, if the Director of Education or the Minister could circulate to us the addresses of people who can contact them in London, because I do know a lot of voluntary organizations are more than keen to help Kenya students, particularly those people who have perhaps been in Kenya in the past and have a great love for this country. They have difficulty in obtaining information.

Mr. Miller: Mr. Chairman, I am grateful to the hon. Member for that suggestion and I will certainly give him the necessary information.

Mr. Hassan: The Kenya Students' Unit should be formed as a multi-racial unit. We had a very large number of students who came to view us during our stay in England, and they were not very helpful, at least saying something to the Advisers there. It looked as though this man did a lot of things for the use of members of their own race. Could that Unit include staff, an African and an Asian, to make things very much easier for the students who go to England?

Mr. Miller: Mr. Chairman, there is of course no ban against the appointment of people of any race to the Students' Unit and, when vacancies occur, this point will be borne in mind.

The Chairman: Members at the back cannot hear, I really must ask hon. Members to raise their voices. The fact that we are in Committee does not make us unduly confidential. The Back Benchers on both sides, I notice, are straining their ears, and also the reporters are in difficulties.

Head K2 agreed to.

OTHER SERVICES

Head L agreed to.

Head M—Miscellaneous Services

Mr. Shaw: I would like to ask a question on M1, and 2. First of all I see that the estimate is only £150 for the Colonial Students' Amenities Fund, whereas the sum of £600 was actually spent in 1958/59. That now seems to be a little inadequate. The second point is on No. 2, Kenya Students' Amenities Fund, £750 has been allocated and nothing was spent in 1958/59. Has there been a transfer there, or what has happened?

The Minister for Education (Mr. Mathieson): Mr. Chairman, it will be seen that item M1 is the Colonial Students' Amenities Fund. That is a Fund operated by the British Council and our contribution towards it is conditioned by the number of contributors amongst whom the total has to be distributed, and therefore it is a variable item on which we are notified by the British Council. It does not mean that the Fund is any less or that the Colonial students in general and the services they get from the British Council will be in any way reduced. Item M2, the Kenya Students' Amenities Fund, is a Fund which is at the disposal of the Kenya Students' Adviser in London and this Fund has been increased this year. The provision in 1958/59 was before my assumption of responsibility and therefore I am afraid that I cannot explain to the hon. lady why there was no expenditure in that year. I imagine, however, that probably expenditure for this purpose was included at that time in the general item of the Students' Unit in London.

Sir Charles Markham: Sir, Item M13, Sir, the Kenya Society for the Blind. Could I just ask the Minister, Sir, whether the sum voted here of £1,300, does a great proportion of that go to the Salvation Army or their school at Thika, or is there a separate item under another Vote for that, perhaps?

The Minister for Education (Mr. Mathieson): I am afraid, Mr. Chairman, I must admit ignorance on this point. I will certainly look into it and inform the hon. Member. My impression was that the contribution to the Blind School at Thika was made somewhere else and that this was a general contribution to the Society for its educational endeavours. The contribution to the School should, I thought, have been paid directly to the School under another Head. This item here goes to the Society, and since I believe that it is not the Society itself which runs the School it should be something different. But I am afraid that I must simply confess inadequacy to give a more precise answer to the hon. Member.

Sir Charles Markham: Mr. Chairman, I realize that that question would present some difficulty. It was only if I could, Sir, in view of the remarks made by the Minister, just say, Sir, what a wonderful job is being done at Thika by the Salvation Army with the Blind School, and I do hope, Sir, that somehow the Government will make quite certain that societies such as the Kenya Society for the Blind do receive adequate funds to carry out their work. The people who do have this affliction are very pitiful, but when you see the products of the people coming from this School at Thika and the work they can do I feel certain it deserves the fullest financial support from Government. I hope the Minister can

[Sir Charles Markham] look into this end, Sir, if by chance the amount of money available is not sufficient he can see his way to giving the Salvation Army a further grant.

Mr. Rogers: I would like to add my plea to that, too, Sir. A number of industrialists are using these unfortunate people from the Thika Blind School but we find that the difficulty is to train them properly—and we have really reached not a final conclusion but a preliminary conclusion that it is essential that they are trained properly by properly trained instructors. The normal procedure is that when they come into a factory you have two blind men and one see-er, and the see-er trains them as much as he can but he is himself not trained and it is qualified trainers that we really require.

Col. Cowie (Director of the Royal National Parks): Mr. Chairman, M15, Stoneham Museum, Kitale. May I ask the Minister, Sir, if he sees any hope for a grant for this Museum in the future. The figure of £100 has been paid for a number of years and owing to the changed value of money that figure is now really only a pittance. I do commend to him that it would be better to grant this Museum enough money to make it worth while.

The Minister for Education (Mr. Mathieson): I do not know whether the hon. Member, Col. Cowie, heard my speech at the opening of this debate when I spoke with some admiration for the efforts that had been made by Col. Stoneham in assembling these collections and their general importance to the country. I referred, I think, to the sum of £100 as being derisory. I therefore very much hope that further investigation in consultation with my hon. friend will enable me to make some increase in this allocation.

Mr. Pandya: Mr. Chairman, M4, I would like to know on what basis this contribution to East Africa House is given, because I see that the figures are slightly fluctuating over the years. In 1958/59 it was £2,747, and in 1959/60 it was £2,600. It is intended to provide £2,500 this year.

The Minister for Education (Mr. Mathieson): East Africa House, Mr. Chairman, is an inter-territorial responsibility. It produces estimates annually and the cost of meeting those estimates is divided amongst the Governments. Therefore we merely supply that contribution we are asked to supply on the basis of approved estimates, estimates which are approved by the East Africa High Commissioner in London.

Mr. Zafrud Deen: Mr. Chairman, I would like to know under M9, Nairobi Evening Continuation Classes, if the Minister is satisfied that £1,600

given to the Nairobi City Council is well spent. I am asking this because we know that these classes are being held under very deplorable conditions and really under very unhygienic conditions. Would it not be right for the Education Department to take it over themselves? This is a sort of education which is needed very much at the moment in the country and I think the right thing would be that the Education Department should manage these classes themselves.

Mr. Miller: Mr. Chairman, I think the answer to this question is that the development of the Nairobi Polytechnic will make this sort of work much easier under much better conditions.

Mr. Bompass: I wanted to ask a question under M4, Sir, in respect of what has been said. Could he give us an approximate breakdown of the formula for contributions by the respective East African governments to East Africa House, and whether it is on a *per capita* basis or some other rough and ready form.

The Minister for Education (Mr. Mathieson): I can only speak from recollection on this, Mr. Chairman, and my recollection is that it is equally divided amongst the Governments irrespective of the volume of use, which is fairly difficult to ascertain, by students, or others interested in the different territories. I will be very happy to look into this in greater detail and inform the hon. Member.

Mr. ole Tipls: Mr. Chairman, Sir, M16, Language Examinations. I would like to know from the Minister what languages this allocation of £476 covers, and also which officers actually undergo these examinations.

Mr. Miller: Mr. Chairman, all Government officers are subject to language examinations of various kinds, and the provision in the Vote here is to cover the expenses, such as examination fees, fees for examiners, and so on, which are incurred in running these examinations.

Mr. ole Tipls: Mr. Chairman, would the hon. Director please tell us which languages?

Mr. Miller: I think the answer to that, Sir, is, all the vernaculars in Kenya.

Head M agreed to.

Heads N and O agreed to.

Head P—Passages and Leave Expenses

Mr. Alexander: Mr. Chairman, Passages and Leave Expenses, £129,000. I take the opportunity of raising this matter here because it seems as though we will not reach Passages this year, and there will be no need to do so, if I remember rightly, because there is no separate heading. I

[Mr. Alexander] did ask in the main Budget debate whether Government was rethinking on this whole question in view of the whole change in conception of air travel and the recent changes in passage rates for air travel. My understanding, Mr. Chairman, is that over the years the entitlement of officers has become regarded not so much as a way of maintaining status but merely as a way of assessing the cash value, and I understand that we have the situation in Kenya where officers who are entitled to first class passages and who have families are allowed to convert those, that is the value of the first class passages, to tourist class. Therefore the whole conception and the original conception when passages started in this country of relating them to the status of the officer, or the dignity of the officer, rather, seems to have lapsed. On the other hand I understand that the High Commission and the Uganda Government, for example, do not allow such conversions. In their case in order to deal with this problem of the family man I know that they have in fact added one adult passage, so that in those cases an officer with a wife and two children all travel first class.

Now, this particularly relates to future recruitment because what I wish to ask, Mr. Chairman, is whether it really is necessary in terms of future recruitment to extend passages to first class travel. With the introduction of many Comets on this service now it is a matter of, I think, some 15 hours from Nairobi to London, for example. The old days of hard going are fast being removed, and it must be costing this country very many pounds to continue this entitlement of first class passages to people, Mr. Chairman, who do not wish to travel first class when they have a family commitment.

And of course outside Government it is now the regular practice, certainly for those who do not travel on expense accounts, those who pay their own passages to travel tourist. In fact what is quite often to be found is senior people in commerce and industry in this country travelling tourist class on an aircraft with fairly junior civil servants in the first class cabin. The whole thing seems to have lost its perspective, and I want to ask whether Government is seriously rethinking on this problem in line with the whole new development and new rates of passages, particularly for air travel?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I can assure the hon. Member for Nairobi West of one thing, and that is that when senior members of commercial organizations find themselves travelling tourist in an aeroplane they will not

find themselves too lonely because I think they will find quite a large number of senior civil servants travelling with them.

Mr. Alexander: Converted from first class.

The Minister for Finance and Development (Mr. MacKenzie): Converted from first class I agree, Sir, because the present normal entitlement is three first class passages, and it is essential if a man with more than one child is not to be put into a very difficult position, that he should be allowed to downgrade.

Now, Sir, I agree entirely with the hon. Member for Nairobi West that the existing situation is almost incomprehensible. I forget how many possible permutations of leave entitlement there are, but I am advised that it runs into well over a hundred if one takes all the various grades in which it is possible to travel. There are also other very peculiar things about our leave regulations, such as that if one reads them carefully one sees that they were obviously prepared for the days when it was regarded as something of a privilege to travel in an aeroplane, and the normal thing was to travel by sea. These, Sir, I agree, are matters which should be looked into and I can assure the hon. Member that they are looked at very, very carefully. There are, of course, certain difficulties in the way of dealing with the thing, putting it on a completely logical basis quickly, and of course the first one is that these privileges are privileges which have been accorded to the staff from time to time. They could not possibly be altered unilaterally, and I think that the only time that they could logically be altered would be at the time of a salaries revision when other perquisites of service were being looked at, and the thing could be put on to a logical basis.

My own personal view, Sir, and here I am speaking purely for myself in the matter, is that the fairest basis to both the public and the Government in so far as those classes of officer to whom it is necessary to offer passages are concerned, the fairest basis would be one which ensured that an officer could travel in comfort but not in unnecessary luxury because there is a lot in what the hon. Member says, it is only a 15-hour journey nowadays—and certainly I have always found that the tourist accommodation is perfectly comfortable for a journey of that nature but that the officer should, as a normal rule, or most officers should be given that accommodation at a reasonable cost. Of course, there is a corollary to that, and the corollary is that in those circumstances an officer should also receive a passage for every member of his family because if you do not let him downgrade you have quite obviously to give him something that enables him to move his family. I think on the

[The Minister for Finance and Development] that would probably not cost any more because what was lost in paying for the occasional officer with a large family would certainly be saved on the bachelor and the officers without children. And so, on the whole I think the taxpayer would probably benefit and the service would not lose, in fact, quite a number of deserving officers with families might well benefit.

I would say, Sir, that we have actually moved quite a way in that direction already. I think, as from 1st January last year, or it may even be from an earlier date, but certainly as from 1st January last year, no officer who joins the service from that day onwards is entitled to any other method of travel than tourist air unless his salary is £2,900 a year or above. That is unless he is in a most senior rank of the service. That was introduced at that time, and for those officers air travel is regarded as the normal method. As I say, I can assure the hon. Member that this is a matter which is very much in the minds of the Government. It is, however, one which could not possibly be dealt with without the co-operation of the service, and I can assure the hon. Member that if an opportunity arises to put the thing on a logical basis, it will certainly be taken.

Mr. Alexander: Mr. Chairman, before I ask my next point in clarification, may I say how very encouraging and refreshing it is to us on this side to have that sort of a reply from the Minister for Finance. Obviously trying to help us and trying to be objective, and I am sure we are very pleased.

The next point I wish to seek clarification on arises out of a remark of the Minister when he said, I think his words were roughly that in respect of recruitment since 1st January last year up to a certain salary scale, they are entitled to "tourist air". That, I think was his description—"tourist air". Now the recent announcement by British United Airlines and the scheduled air services has, or will introduce from 1st October next what they call an "economy class". There is to be, as I understand it, a first class service, an economy service and a third class service. Now my information, Sir, is that in fact, in theory and in fact, the economy class is more or less precisely identical with what we know as today's tourist class.

Now, what does occur to me is that there will be those officers who have written into their terms and conditions that their entitlement is tourist air. May we have an assurance that the Government of Kenya, because of a change in name, will raise no particular objections at all, but in fact there will be no difficulty in transferring

into the conditions of these officers the words "economy air" instead of "tourist air", because I believe this could assume some importance if it is not clarified by the Kenya Government fairly soon, because this arrangement starts from 1st October next.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I can assure the hon. Member, Sir, that this is a matter which is being looked at very closely at the moment. It is one in which there must be consultation too with the staff representatives, in that quite obviously what one has to do is to make quite sure what the position is. There will no doubt be further consultations with the air corporations concerned to get this whole thing sorted out. It is being done at the moment, I fully appreciate the hon. Member's anxiety about this matter. It is one which in the taxpayers' interests I have very much in mind too. Equally, of course, one must be quite sure that one is treating the service fairly, and they have to be consulted. I cannot give a direct answer to what the hon. Member says at this particular moment, because the matter is still being gone into and it has not yet been absolutely clarified. All I can say, Sir, is that, as I mentioned earlier, if an opportunity offers, my own view is that the aim should be to get the officers concerned to make sure that they can travel with their families when necessary and at the appropriate time when they go on leave, and that should be done at the lowest cost to the taxpayer, and as a corollary to that family passages should be granted in full, but that we should not go in for unnecessary luxury. I certainly believe that it is in everybody's interests to make use of the most economical method of air travel that is available, and as I say, certainly we will bear what the hon. Member said very well in mind in dealing with this matter.

Head P agreed to.

The Minister for Finance and Development (Mr. MacKenzie): I beg to move that the Committee do report to the Council its consideration and approval of the resolution without amendment.

The question was put and carried. Resolutions to be reported.

The House resumed.

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

REPORT

VOTE 20—MINISTRY OF EDUCATION

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to report that the Committee of Supply has con-

[The Minister for Finance and Development] considered that a sum not exceeding £6,166,700 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1961 for Vote 20—Ministry of Education, and has approved the same without amendment. Mr. Deputy Speaker, Sir, I beg to move that Council do agree with the Committee in the said resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

MOTION

VOLE 22—MINISTRY OF COMMERCE AND INDUSTRY

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

[The Minister for Commerce and Industry (Dr. Kiiano): Mr. Deputy Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair in order to enable the House to consider the 1959/60 Estimates for the Ministry of Commerce and Industry.

In introducing my Ministry Estimates for 1960/61 I would like first to take the opportunity of paying tribute to my predecessor, Mr. Arthur Hope-White, who is so well-known to all hon. Members. He has held the portfolio of Commerce and Industry since its inception some 12 years ago, and has performed his task with great distinction. He has devoted all his energies to the development of commerce and industry in Kenya and his wide experience has been invaluable in these crucial formative years.

Though I think 1959 has not been altogether favourable to business in Kenya, there has been some improvement on 1958. We have seen an easing of credit and some improvement in the availability of capital. Prices of several important primary products have increased, principally as a result of the very welcome recovery in economic activities in the United States, the United Kingdom and Western Europe, and this seems likely to continue during 1960. The outlook is not, therefore, unfavourable for Kenya, and is no basis for economic scares—in fact, confidence in Kenya as an increasingly investment-worth territory is the right attitude.

At this stage of its development Kenya is bound to be sensitive to world economic conditions. It looks for a high level of investment capital—it seeks to sell its products to the more highly developed manufacturing countries—it aims to attract manufacturing enterprise from

these countries in order to increase employment, to raise its own standards and to achieve a higher level of productivity. Having produced the basic raw materials, it wishes to process them as much as possible in order again to increase employment, and to save money previously paid for imports of manufactured goods. Its exports also command a higher price. Progress in this direction has been rapid, indeed spectacular, in Kenya since the war. There is evidence of this on every side. We have, however, experienced the same slowing down in activity as other countries have in the last two years. Despite this, Kenya's economy has displayed considerable stability and resilience. My Ministry will main this positively encouraging situation and seek constantly to improve it.

What must we do to maintain the undoubted progress which we have made in the commercial and industrial fields? I have heard it said that some imagined political uncertainties were holding up the process of industrialization. This, of course, is quite untrue. I am aware that there is very strong competition for new industrial capital and that we must offer the best of guarantee of financial security. If we do not do so, the much sought-after capital, the skill and the enterprise of the overseas manufacturer will go elsewhere. I would like to dispel such doubts about the future. I can assure honourable Members that there is a very lively appreciation on all sides of the need to attract overseas capital and enterprise and to maintain a political and social climate where it can be employed profitably. Without his political advance would undoubtedly prove to be unsatisfactory. The future political pattern and trends have now been firmly established at Lancaster House, and it must now be the task of this caretaker Government and all the future Governments to foster the development and expansion of the economy by every reasonable means to accompany and strengthen the coming independence. We must ensure that we offer conditions at least as favourable as other Commonwealth countries, and that we foster and develop an environment favourable to the investment of overseas capital. In this respect, Mr. Deputy Speaker, I would like to recall the unhappy atmosphere that was quite apparent in this House earlier this week when people debated what type of Government will be controlling Kenya after this caretaker Government, and what their views were about things like property rights and so on, and I think that people who have such doubts are not at all helpful to my Ministry, and as a matter of fact they tend to defeat the objects and aims of attracting capital by creating doubts about the integrity and the economic knowledge of the people who may be leading the Government of this country after the coming election. I would

[The Minister for Commerce and Industry] like to say that in 1958 the African Elected Members, who may be in the Government after the elections, issued a statement that they too respect property rights, and they also say that they believe in the independence of the judiciary which means that any conflict and dispute about property claims would be settled in a court of law through the usual process of law. This was also repeated by the same people when they were at Lancaster House in London, and therefore, Mr. Deputy Speaker, I would like to say that it is much more useful to put faith in such utterances rather than create doubts as to whether these utterances were meant or not by the people who uttered them, in order that they can continue to maintain a favourable climate as far as investors are concerned. And we are concerned not only with foreign investors but also local investors.

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

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

We must aim at meeting the ever-increasing cost of Government and the provision of social services by increases in productivity and the national income rather than by increases in taxation, and we cannot do this unless we have increased capital investment. Our present level of direct taxation compares favourably with other developing countries, and it must continue to do so in the future. This is our policy, and it will pay ample dividends in other directions, that is, we shall achieve increasing industrialization, which will help to solve one of our most urgent problems—the problem of unemployment. An increasing number of people will receive technical training in industry and will have the opportunity to achieve a higher standard of living. At the same time we shall preserve the profit incentive which is the mainspring of all healthy economic activity.

It is apparent to me, from my brief experience as Minister for Commerce and Industry, that there is a very great interest in the opportunities offering in Kenya, as one of the East African territories. I would like to lay great stress on the importance of the preservation of the East African market and the Customs Union which now exists. It is only on this basis that any of the territories can look for extensive industrialization. The market potential of East Africa is big enough to attract industry—the potential of any one single territory is not. We must work to achieve understanding between the territories, particularly in the economic field. We must aim at a broad-minded approach to enhance the existing economic co-operation of the three East African terri-

tries for the future industrial development which will ensure the prosperity of the region as a whole. Much valuable work has been done and continues to be done by the East Africa High Commission in this direction. A Fiscal Commission is to examine difficulties which exist in connexion with the East African economic concept with a view to their removal.

I know that the commercial and industrial community in Kenya wish to achieve the maximum possible measure of unified commercial legislation in East Africa. This will continue to receive the Kenya Government's support. We shall also continue to foster the closest collaboration on protective measures for industry, including anti-dumping duties, in appropriate cases, in order to ensure that our industry is in a reasonable position to meet the fierce competitive conditions now prevailing in world markets.

Turning to current achievement in the industrial field, hon. Members have, I know, been highly gratified by the decision of Shell and B.P. to build an oil refinery at Mombasa. Construction will start about the middle of this year, and will take three years. It will offer considerable employment and will, when completed, be an economic asset of the first importance to Kenya. Complementary to this development, an intensified programme of oil exploration and prospecting is being carried out by two firms of world-wide repute. The discovery of oil deposits in Kenya could revolutionize the whole economy overnight, and large sums of money will be spent on the search for oil in future years. We are also continuing to explore the possibility of establishing a cellulose pulp industry. Our forest products are potentially one of our most valuable assets and a high priority is being given to the possibilities of their economic exploration. Then there is the good news of a large investment which is being made immediately by an international company on a further aluminium rolling mill and a plant for semi-fabricated products such as roofing sheets. A plant is now in operation for the service assembly and comprehensive servicing of heavy commercial vehicles and buses. This is being operated by a British firm with world-wide connexions. A factory for the manufacture of cardboard containers has been established. Industrial licences have been granted for the establishment of plants for the manufacture of cotton and rayon textiles and towelling. There has been a further expansion of our cement industry, coupled with the construction of bulk handling facilities for export at Mombasa with complementary facilities now being constructed at Dar es Salaam and in Mauritius. Total cement production in 1959 was 311,000 tons, representing a 31 per cent increase over 1958. Our export trade in

[The Minister for Commerce and Industry] cement is likely to reach a value of £1,000,000 when present plans are completed. These are only a few examples of the growth which is taking place. There is considerable interest in many forms of light engineering, a steel rolling mill is being planned and the manufacture of many kinds of consumer goods is expanding. Our overseas trade representation is being improved to ensure that we gain the necessary markets. Particular attention is being paid to markets adjacent to East Africa, such as Aden and the Persian Gulf.

As regards electric power, we have sufficient bulk supplies of electricity to meet our immediate requirements and planning is proceeding in connexion with the next stage of our bulk supply system which, we hope, will consist of the major hydro-electric development on the Tana River. The East African Power and Lighting Co. Ltd. has recorded increased sales for 1959, and I am pleased to say that it is extending its areas of supply progressively.

It is also taking power direct to the African consumers, notably in the large new housing estates in Nairobi, the contracts for which were let recently. Work is now completed on new supplies to Kericho, the Nandi Hills area and Malindi. A supply has also been made available to Gilgil and its large cantonment area. A licence has been obtained and work is now in hand on an extension of supply to Thomson's Falls. A supply is also being planned to the Njoro/Elibutogon and Molo areas. A new supply line is also completed for the extension of the bulk supply system from Lessos to Kisumu. This will avoid the application of the fuel oil surcharge to Kisumu. A bulk supply is also planned from Lessos to Eldoret. Surveys are being carried out of smaller potential areas of supply and extensions will be made if they can be justified economically.

I have mentioned a number of positive possibilities of commercial and industrial expansion in Kenya. They will increase our total production and will help to solve the serious problem of unemployment. We continue to concentrate on the creation of conditions favourable to new industrial development. Within the limits imposed by the necessity to achieve East African uniformity we shall provide protection for industries in appropriate cases. We shall also continue to grant drawbacks of Customs duty on raw materials used in local industry where it can be shown that payment of such Customs duty makes it impossible for the local industry to compete with similar imported products.

Apart from offering industrial land in all the main centres ready for immediate occupation, with

all services provided, the Ministry also offers a service which enables industrialists to obtain information in one place at short notice. We thus ensure that the excellent services offered by the Railway Administration, the East African Power and Lighting Company Limited and all other departments and services involved are co-ordinated.

All this is backed by unrelenting attention to publicity. My Ministry produces a magazine called "Commerce and Industry in Kenya" which is, I know, familiar to all of you. Each year it is sent to over 5,000 selected persons in 43 countries abroad, not counting the thousands circulated in Africa and the United Kingdom. We receive many letters of appreciation which stress the important role of this publication in widening interest in the business possibilities offered by Kenya. The Ministry also produces a number of articles each year for publication in leading world newspapers. All this provides most valuable publicity for Kenya.

I shall now deal briefly with some aspects of the work of the Departments of this Ministry. The services provided by the Department of Weights and Measures are essential to the maintenance of proper and uniform trading practices within this Colony, and to prevent malpractices in trade and to maintain the good name of the Colony in its overseas markets. Stamping stations at which traders have the opportunity of being told whether or not their weighing and measuring apparatus is correct were opened in more townships, trading centres and markets than ever before and requests by the Kenya Government departments for the Department's services were at a higher level.

The improved staff position in Nyanza Province permitted a tour to be made into the Masai District of Trans Mara and traders' apparatus was verified there for the first time in the Colony's history. Increased activity and efficiency resulted in the 1959 revenue reaching a new high level. Now that the trading community has had some 12 months in which to comply with the Weights and Measures (Sale by Weight and Measure) Rules, 1959, the Department is giving closer attention to the enforcement of these Rules. These activities will give both traders and the public greater protection against various dishonest trading practices. We urge leaders of trading communities to help us to stamp out such practices.

The Department of Trade and Supplies, in addition to performing executive functions in connexion with the management of imports and exports, continues to provide valuable services to the commercial and business communities. It deals with an ever-increasing number of trade

[The Minister for Commerce and Industry] and commercial enquiries, both within East Africa and from overseas. It publishes the Kenya Trade and Supplies Bulletin monthly, the circulation of which is well over 1,000 copies. This publication is a natural counterpart to "Commerce and Industry in Kenya" and provides statistics, notices of changes in legislation and other information essential to commerce, as well as providing facilities for trade enquiries.

A second and enlarged edition of an Index to Manufacturers in Kenya is at present in preparation.

The Department is also responsible for the administration of the Scrap Metals Ordinance and the distribution of sugar.

One of the most important functions of the Department is the formulation and overall administration of the scheme for assistance to African traders. Revolving funds under the control of Joint Loan Boards have now been established in every district with the exception of the Northern Province. It is hoped that the Northern Province will be covered in the near future. These funds are made up of contributions from the International Co-operation Administration of the United States Government and the Kenya Government on the one hand, and the counterpart payments from African District Councils and other local authorities on the other. They now amount to some £117,000 and the total number of loans approved was 820, amounting in value to £121,000 at the end of 1959. There still remains in the central fund for allocation to African borrowers the sum of £61,000. Some relaxation of the requirements for a 100 per cent counterpart payment is now being allowed in cases of proved inability to pay the whole amount. Some of the poorer local authorities will benefit from this and I hope that this will result in all the money available being put to work in the very near future.

I regret that so far this scheme of loans to Africans has not been operating in Nairobi and Nakuru. We are exploring ways and means of applying this scheme to these two very important centres and I hope that the International Co-operation Administration loans to African businessmen in Nairobi and Nakuru will be operating shortly.

The extension of credit facilities to able African businessmen is our devoted desire and a new scheme on a Colony-wide basis to make loans available to African industrialists is now being launched and will be administered by the Industrial Development Corporation which is also within my Ministry. Schemes for loans to Arab traders and loans to Arab and African fishermen will be put into operation shortly.

In the field of assistance to African traders, the Department publishes a commercial magazine in English and Swahili for African businessmen and traders and employs four executive officers in the field to assist in the supervision of the loan schemes, as well as conducting training courses and giving general assistance to African traders. I know, Mr. Deputy Speaker, that all hon. Members will agree with me when I say that the schemes, designed to provide working capital for the African, which he cannot for various reasons obtain from the normal commercial sources, are a most significant factor in ensuring that the African is given the fullest opportunity for economic development. It will also help to ensure his integration into the general economic life of the Colony by enabling him to gain essential experience in industry and commerce. We are making every effort to expand this scheme on a sound basis.

The lower level of imports in 1958 was maintained during 1959 despite better trading conditions. Imports rose by only £639,000 to a total of £61,607,000. Exports, however, showed an increase of some 13 per cent and rose to £33,306,000. There were substantial increases not only in value, but in quantity of nearly all the main exports. The balance of trade deficit is to quite a large extent offset by payments received from the other East African territories for services rendered, such as those given by the Port of Mombasa, by Railway Administration and the local offices of banks, insurance companies and other commercial houses located in Nairobi. It is also offset by an inflow of capital funds from overseas and these funds can take the form of payments by overseas firms for equipment imported into the Colony. Kenya's expansion will depend on the reinvestment of local funds and the import of capital from overseas.

The Mines and Geological Department provides a complete service to those interested in prospecting and mining in Kenya. Mineral production, including cement, increased by about £1,200,000, to reach a record figure of £5,319,355. The improvement was mainly due to increases in the production of cement and soda ash and by a better market price for copper. Small increases occurred in the value of the output of carbon dioxide, gold, gypsum used for cement, kyanite, limestone products, magnesite, mica, millite, pumice, silver and vermiculite. Excluding cement there was an increase of about £560,000 in the value of minerals produced.

As I have already mentioned, the cement industry in Kenya has made remarkable progress during the year. The kyanite industry has encountered difficulties and has not come up to the

[The Minister for Commerce and Industry] expectancy of a year ago. Extensive laboratory work is being done in England in an attempt to find a solution.

Mr. Deputy Speaker, Sir, work on the geological survey of Kenya continued and some 8,000 square miles were covered in 1959, bringing the total mapped to date to 113,000 square miles. Special surveys included the completion of the mapping of Mount Kenya in connexion with the International Geophysical Year. An airborne magnetometer survey was made of the Mt. Meru gold belt by the Directorate of Overseas Surveys. Further exploratory and sampling work to depth was undertaken by the Department at Mirima in the richer niobium-bearing ground and a research programme instigated in the United Kingdom for determining possible economic methods of recovering niobium.

Two reports on the geology of parts of the Colony were published and a number of other reports and maps were under preparation.

With regard to Nairobi Airport, as hon. Members know, this was opened in March, 1958, six months ahead of schedule. Minor improvements have since been made in the light of operating experience and we can now claim to have an international airport which will bear comparison with any other in the world. Pure jet passenger air services started in December, 1959, when the British Overseas Airways Corporation brought into service their Comet IV airliners.

New problems have arisen in connexion with the future accommodations and servicing of the larger jet aircraft to be introduced shortly. South African Airways expect to start operation of the Boeing 707 aircraft from October, 1960, and it is anticipated that most other major international airlines will be operating similar types by the middle of 1961 or early 1962. To accommodate these larger aircraft and in order to offer full international facilities, a runway extension is planned, a small but significant opportunity for additional employment.

Resiting and repositioning of approach aids and approach lighting, grassing of taxiway margins, construction of new parking bays and the installation of additional fuelling equipment will also be undertaken. The effects of noise and blast from these aircraft have had to be considered and a study made of passenger handling facilities in order to ensure that the airport can accommodate the increase in the number of passengers expected to be carried on the type of aircraft.

During the first year the Airport handled some 7,914 aircraft movements and although internal

services did not operate through the Airport until July, 1958, 168,215 passengers were handled and almost 3,000,000 kilos of freight. During the second year of operations, the Airport handled 12,880 aircraft movements, 241,653 passengers, 801,946 kilos of mail and 4,995,785 kilos of freight whilst aviation fuel uplifted amounted to 6,333,624 gallons. It is interesting to note that comparing the last five months of 1959, against the last five months of 1958, there was a 34 per cent increase in aircraft movements, a 15 per cent increase in passengers handled, and a 58 per cent increase in mail and a 34 per cent increase in freight. I think all will agree that this is an impressive record.

I have been highly gratified by the praise which we have received on all sides for the standard of service offered both to passengers and aircraft and I would like to take this opportunity of thanking all concerned for the hard work and keenness which has made all this possible.

The reconstruction of the main east-west runway at Mombasa Airport will be completed by the beginning of June, 1960. This reconstruction will make the runway suitable for regular use by East African Airways' Canadairs. Full runway lighting will be provided and will enable the Corporation to provide a greatly improved service on the inter-city and coastal routes which have the highest traffic density of any East African internal service. A preliminary consultant's report has now been obtained on proposed improvements to the Malindi Airfield. Detailed plans are now being prepared and it is hoped that it will be possible to start construction work in the next financial year. This will result in the provision of all weather facilities for Dakota aircraft. It will enhance considerably the important tourist potential of Malindi and should attract more visitors from elsewhere.

The East African Airways Corporation will bring into service in July, 1960, its new Comet jet aircraft on the East Africa/London service. This will result in a very much highest standard of international service being offered by East Africa's own airline, in collaboration with the British Overseas Airways Corporation. I am sure that hon. Members will wish to join with me in wishing the Corporation every success in this new enterprise.

Before I sit down, I would like to mention the most valuable work performed by the Permanent Secretary, Mr. Maddison, and by the staff of my Ministry during the past year. I have heard all about this from Mr. Hope-Jones and he has also spoken in the highest terms of the valuable advice and help which he has received from the Board

[The Minister for Commerce and Industry] of Commerce and Industry, the Board of Industrial Development, the Industrial Development Corporation, the Chambers of Commerce and all the other committees dealing with commercial and industrial matters. It is a great encouragement to me to know of the help and support which I can look for from organized commerce and industry. I appreciate that the people who give their time to these boards and committees are very busy men and that they give their valuable time, often at the expense of other interests, in order that there may be an orderly economic development in Kenya. I am most grateful to them and I am sure that hon. Members will wish to join me in thanking them.

Mr. Deputy Speaker, I beg to move.

Mr. Webb seconded.

Mr. Rogers: I would like to congratulate the hon. Minister on his speech in which he dealt exhaustively with his Department and gave us an excellent exposition of his ideas on the development of commerce and industry in Kenya.

It is, Sir, I think, a well known fact that Ministers of Finance just around budget time survey the—perhaps I could describe them as—shivering ranks of the taxpayers with the relentless persistence of a famished wolf, but however wolfish and however famished, I feel that our Minister has perhaps arrived at a time when there are no further sources for an appreciable sum to be collected in additional taxation. The taxpayers have perhaps just about been stripped bare, for let us make no mistake about it, our level of taxation is today in Kenya very high indeed and it seems to me it will be very difficult indeed in years to come to find any additional sources of revenue. Yet we simply must continue to develop our country, we must find additional money for extra social services and I feel myself that these need not necessarily come from taxation. Indeed, as I have said, Sir, I cannot see where the sources are available. They can, however, come from additional productivity, from our resources, particularly agriculture and commerce and industry for these resources, I think if properly developed, can provide the additional revenue which we must have in order to pay for the social services we must have in Kenya.

Mr. Arthur Hope-Jones, the previous Minister for Commerce and Industry, did a great service to Kenya in building up this new Department and encouraging new industries to come to this country. I would think that perhaps his greatest service to Kenya was the present very friendly relationship which he built up with businessmen from all over the world and Government depart-

ments. I would like to pay a sincere tribute to him as one of the representatives of commerce and industry in this House for all he did for us.

Our Department of Commerce and Industry is, I think, a live, virile organization; our Industrial Development Corporation is wide awake to welcome any capital coming or offering to this country. I always feel, however, that they rather behave as if they were the owners of an orphanage; they rather deal with this matter on that basis. They discover a foundling on their doorstep, they feed him and they breathe life into him and they set him to work. This was, I think, quite good until very recent times when capital was looking for places to invest. However, I do not think it is enough today. We cannot continue this static approach and I think we must go out and look for our foundlings. Other countries are looking for capital and there is the fiercest competition for it in the world today. If I may, Sir, I will read an advertisement from the Jamaican Government: "There is a top-quality, English-speaking labour pool, offers customs concessions, factory sites, tax holidays." It goes on to say: "Get in touch with the representative of the Jamaican Industrial Corporation," and it is in that last part where I think we can beat them to it and others searching for capital and I will develop this point in a moment.

We must, I think, indeed face the fact quite clearly that investment in a country in Africa today is not as popular as it was a few years ago and is not as popular and never has been as popular as investment in other parts of the world. On the other hand, there are in fact people who are still looking for fields in which to invest their capital and I think we must make a positive approach to find them, we cannot sit and wait for them to come and enquire whether they should come to this country and what we have to offer. Furthermore, I think the approach must be made on the very highest level. I am not certain myself that our Minister could himself do this for patently a positive approach such as I have in mind will involve a considerable amount of travelling and I do not think our Minister could be away for all that time. Nevertheless, it is necessary to have the highest approach and perhaps what we could consider is a sort of Minister at Large. May I commend this idea to the Minister, and put another thought into his mind that this should be done on an East African basis? I think it must be clear to all of us that unless we develop our industry on a basis fair to all three territories as a long-term basis it will react contrary to the interests of Kenya. I cannot help feeling, Sir, that some of us do not in fact realize the importance of this. We must do more than just pay lip service to it, we must face the

[Mr. Rogers]

problem clearly. In our Common Market, for instance, we have something which in Europe they are striving desperately to bring about, and yet we have it here. It is something of enormous value to Kenya and I think it would be disastrous if it ever breaks down.

May I now turn to a most necessary side of commerce in Kenya, that is the development of Africans in the commercial life of our country. There is a wise saying, Sir, that it is easy to open a shop, but a very different matter to keep it open, and that is, I think, one of our difficulties. We may well find that Africans through inexperience fail in their shops and once they fail they may lose heart which would be very unfortunate indeed. First of all, I think it is only right that Africans should have, perhaps, a fairer share than they have today in the trading life of our country. Secondly, it is only the Africans who can develop certain parts of our country, particularly in the Reserves, as they must be developed in order to generate more revenue. I feel that the side the Africans should develop in trade should be the retail side; at any rate that seems to me the logical place for them to start. It requires less experience and less capital than the other side.

However, Sir, it must not be assumed that they are not capable of taking on the work of wholesaling, i.e. buying from the manufacturers and selling to the retailers. For those firms who have developed Africans as wholesalers have indeed found that when they are properly trained they are really excellent material and indeed in the cases of some firms we have found that one-third of our distribution can quite easily even today be channelled through African wholesalers. But everything depends, Sir, on adequate training and I would like the Minister to give serious thought to intensifying the training in this country. I would like to give full credit to Jeanes School for the work they have done, but I cannot help feeling that it is not enough today and very much more is called for. For we must be very sure if our Africans open shops that they must be able to keep them open. I think this can be done by further development at Jeanes School, by courses at the Kenya Polytechnic and also in getting institutions such as the one I spoke about under the Education Vote, the College of Social Studies, to mount special courses. We can also, I think, start clubs like the Young Farmers' Clubs; we could have them, of course, for young traders. I feel myself that commerce should be encouraged to greater efforts. After all, I suppose, to train a member of the management staff of a company must cost something in the region of £5,000 before the man is suitably trained and experienced sufficiently to take his proper place. I feel it

would not be asking too much of the employers and commerce and industry to do a little more than they are doing. Indeed, I feel that if the position is properly explained to them and if they are asked they will take part in the schemes that Government require. After all, many of them have training schemes on the technical sides of their business and they could, I think, well consider starting courses for traders. I also think they might be encouraged to sponsor traders to Jeanes School, the Polytechnic and the College of Social Studies.

I would like, Sir, as one of the representatives of Commerce and Industry here to welcome our new Minister. I would like to assure him of every possible help and co-operation from our side. I would like to wish him buoyant prices overseas; I would like to wish him good hunting for capital investment; and finally and most important I would like to wish him low taxation in this country, without which I do not think trade will prosper.

I beg to support.

Mr. Odiga: Mr. Deputy Speaker, Sir, I should say that I find nothing really very new in the Minister's statement which would justify my thanks to him. But, however, I understand that he is only about one month old in his new Ministry and as such I still reserve some of the really very serious remarks which I should have made on his policy statement. But he has just repeated exactly the same story as we hear year after year about the industries and so on. I will only remind him that I have also repeated in this House that I feel that the African businessman is not receiving his fair share and African business is being much too much neglected in his Ministry, and as such I hope that when he sits down to plan his Estimates next time that he will give the African businessman 95 per cent of his time.

Mr. Deputy Speaker, I am one of those people—one of the few African people—who have actually been in business for some time and I do really understand the implications which are involved in African business and the difficulties which the African businessman is experiencing in this country. For one thing, the African businessman is, apart from being much too much neglected by Government policy, finding that his property which in many cases he puts up himself, which is put up at the Government initiation, is not secured in any way. They put up very expensive buildings in the African reserves or the African areas and these buildings which cost a lot of money are not secured in any way and they cannot be taken by the banks or any loaning authority as a security in order that these people should regain that money for using in their day-to-day business transactions. I would draw the

[Mr. Odiga]

attention of the Minister to this, that he could go into this particular problem and try to find a way of securing these properties in the African areas in order to enable these African people after investing large sums of money on these buildings to release this money to help them to run their business.

Secondly, the Africans—having no security on this property which they have in the African areas—also suffer from the facilities of getting loans and the Government has not been able to provide them with proper facilities, either from Government quarters or from any other quarter, where they could get adequate loans which would enable them also to run their business. At the present moment local government provides about, I understand, Sh. 100,000 and the Government also pay the same amount, which is put at the disposal of the traders to borrow for their business. But this is far from being adequate. I understand that many businessmen who have approached the Local Loan Authority for these sums have only been able to get something like Sh. 5,000 or Sh. 6,000 and in many cases it is only Sh. 3,000 which they have been able to get from these loan authorities. But at the present moment, the business which the African is running requires much more. If there is any other businessman who requires much more than that, he will not actually be able to get it.

Now, I feel that the Minister, along with the consideration which he is going to make—I remember he mentioned something about the I.C.A. and he confined it solely to the Nairobi area and not other places—should look into this and see that if there is any loan there should be an adequate loan fund which could be used by these traders to enable them to develop their business and to be able to compete fairly with the other already established businessmen in this country.

Now, Mr. Deputy Speaker, I would at the same time put it to the Minister that I feel that the Government is not giving—although he mentioned that his Trade and Supply Department is doing so—enough attention to the African businessmen in this country. I would only tell him that I do not think that this Department is doing enough in the African areas because we see very little of them. We see very little of them in the African areas and as such I feel that there should be some officers who devote most of their time in giving the African businessmen the necessary advice in the country. At the same time, they could encourage them in the formation of co-operative societies and co-operative unions. I remember recently when I went to approach

that Department to find out if we could form what we called the Traders Co-operative Union in order to enable the businessmen in West Kenya to get their goods wholesale I understood that these people were not anxious and they were not keen to promote a co-operative union of any kind. They only advised us to form companies, but to register a company is very expensive indeed. I think it would be better to put experts at the disposal of the African businessmen at the provincial or district levels; a man whom they could approach at any time for any advice or for any encouragement which they need.

Mr. Deputy Speaker, when it comes to the industries, the Minister has dealt very much on very large industrial developments and things like Nairobi Airport and so on, and I did not hear him mention anything about the primary industries or the cottage industries in the country. I thought that his duty, his main duty, would be to dwell very much on the primary industries. For example, we have got cotton in this country and I do not see why we should not try to teach people to make, if necessary, some of their own clothes themselves which they can use. I remember that at one time when I went to India I found that people were making clothes in a very simple manner, in a very simple way, and that apart from trying to teach them to use their hands skilfully, at the same time it was also providing them with something which they could make in their own homes and which even the ordinary man or woman could make in their own homes and use. I hope that the Minister will try to encourage the cottage industries in the African areas and at the same time encourage the Africans to use the local productions, to make all those things which they need in their day-to-day lives.

Now, Mr. Deputy Speaker, I only have one other thing to raise and that is concerning research. The Minister mentioned something about a geological survey of Kenya and he mentioned some of the parts where the survey had taken place, places like the area round Mount Kenya and so on. I think that a geological survey or any other mineral survey should be extensively done throughout the country. There are so many Africans who are at the present moment struggling to be miners; many of them want to be miners in several various forms.

They only lack the experts who should advise them properly. I am sure that if he studied this more thoroughly he would find a way of putting at their disposal the experts who could advise them to carry on with their duty. At the moment I cannot say that they are being encouraged; they are only being discouraged instead. I know a man who had struggled to get a licence for

[Mr. Odinga] mining for the last six years and still he is being discouraged from carrying on. I am sure that instead of being discouraged these people should be encouraged to carry on because we need these people to get us what they can get from our own soil. I think that that would be an addition to our wealth.

Now, Mr. Deputy Speaker, I will only say that I am not able to support the policy of this Ministry at this time, but if the Minister improves his policy next time I may be able to support it then.

I beg to oppose.

Mr. Rubia: Mr. Deputy Speaker, Sir, I would like to congratulate the Minister for his very able way of presenting the Vote. I thought it was first class being his first time to move a Motion for his Ministry.

Now, I have one or two points to raise with the Minister, nevertheless, concerning, and I will confine my remarks to it, African trade.

It has been quite a disappointment for some time and I was glad to hear him mention that Nairobi and Nakuru will probably benefit from the I.C.A. money. I must confess I expected to hear him mention a date when this may start because I live in Nairobi and I know that for quite a long time here the African businessmen have been waiting to see what would come out. It struck me as rather unfair that this money should have gone out to the country first where it was likely to fail in its aims and I thought that perhaps Nairobi, Nakuru and Mombasa were the best places to start the scheme.

Now, regarding the distribution of industries, I would like here to appeal to the Minister and perhaps to request him to look into the question of distributing industries in our country. I am aware, Sir, that you cannot dictate to an investor where to put his money, but I believe that the Minister could encourage the establishment of industries in the countryside. This, Sir, I believe, will have benefits in as far as such things as housing problems and overcrowding in our towns and cities are concerned. I believe it is really vital that we should have some industries, maybe very small ones, somewhere in our countryside, because if we have to solve a lot of our problems today, and everyone in Nairobi for instance is complaining of a great influx of people from the country, we shall have to provide some employment in the countryside. It is perhaps easy to start with things like canning factories in the country where it is said that agriculture is beginning to take very good shape, and I believe that the hon. Mr. Muhoya did mention the factory

at Karatina which used to operate there. I think the Minister should think on those lines in that respect.

Now, Sir, my other point is the question of encouraging the African traders in such things as taking an interest in the export and import trade. Now, I do not accuse the Ministry that nothing has been done in that respect, but I think things have been difficult in the past in that, perhaps justifiably, measures had to be taken and import licences have not been granted to people who are likely to put the country into debt and perhaps spoil our good name overseas. But I believe that the position has changed considerably and that has to be looked into in order to make it easier for Africans with the necessary capital to obtain import and export licences.

The other point, Mr. Deputy Speaker, is the question of getting away with the idea of planting African traders in one particular area in our towns. Now, this has one very bad effect because it tends to be, if I may say so, political. I would like to see African businessmen trading in such places as Parklands, Muthaiga and other such places. This one, Sir, is, I believe, a good move in that it will remove any possibility of thinking in terms of race in business. I am aware, Sir, that there is no law to stop me going to trade in the Muthaiga area, but I believe it should be made easier in that the Ministry should see how it can assist Africans with perhaps the necessary knowledge but with the lack of the necessary funds. It is very expensive to obtain business premises in places like Parklands, Muthaiga and in those areas, but I think that is one of the ways which will assist our race relationship in this country if the Ministry will assist Africans to acquire business premises outside the African areas.

Mr. Deputy Speaker, I am afraid that I will have to refer mostly to African businessmen because, as I say, and as I have said in an earlier debate, I believe that most of the problems in this country are purely economic. By that I mean that this Ministry should play a part in trying to narrow the economic gap that separates the various communities in this country, and I believe by having traders all over the place—and for that matter I do not mind if Mr. Smith or Mr. Patel has a business in Kariokor and all the other places—it will be a move in the right direction. We should try to get away from the idea that that place is an African trading area and that the other place is a European trading area. That, I believe, will be of great assistance in solving our racial problems.

My last point, Sir, is that I would like the Minister to tell me what influence he has in business matters in towns, because the question

[Mr. Rubia] of I.C.A. money, which the Minister raised, as far as I am aware has been a question for the City Council and the Ministry for Local Government. Now, I would like the Minister to state, when he comes to reply, what relationship does his Ministry have with the local authorities in these matters. I would like the Minister also to look into the question of how he can perhaps co-ordinate his efforts with those of the local authorities. At present we are in what I may call a chaotic state of affairs in Nairobi today, where you find an African trader nearly everywhere. I would like to see the Minister perhaps look into it and see if something cannot be done in that respect, because of, not only protecting the existing African traders, but to try to legalize the present trades which are going on illegally. These people lose their goods when the police raid and the second-hand clothes—justifiably because they are doing it illegally—but I think that something should be done to legalize this, so that it can be done properly. There, Sir, I think the Minister will do some service, if his Ministry can perhaps use some influence on these very simple matters, but which matter a lot, because these people engaged on these trades are doing it for their living.

Mr. Deputy Speaker, I beg to support.

Mr. Mate: I would like to congratulate the hon. Minister for Commerce and Industry on the very clear way he has been able to present the scope of his work in this Vote.

At the same time, however, Sir, I have got three suggestions to offer, and they relate to the greater population of Kenya. The African community today, Sir, are suffering from what I call a vicious circle as far as some other industries are concerned.

The first suggestion I make is that something should be done to train Africans in the management of business. It is a great pity to see how many African traders set up business but after some time, because of their ignorance and lack of knowledge, they fail. It is a pity to think that one big such concern in Meru has failed. Nobody knows the reason and it is no use trying to cry over the spilt milk, but I feel that if they had had a better manager or somebody who could instil the rudiments of business in the organization it would have helped very much, and I would suggest that what is being done at the Jeanes School is not enough. Perhaps of the co-called development scholarships that are given by the Government from year to year we could have Government officers going to places like Britain

or anywhere outside to learn more about business so that they can become officers in the country to help the Africans organize their business. The Ministry of Trade and Supplies just now has a few officers to come round to show the Africans how to run their businesses, but as yet the African is in difficulties. He cannot control the credit and he does not understand the credit system in trading. He needs some encouragement and enlightenment so that he might stand on his own. The other thing I feel regarding this side of things is how to form companies and keep them going. It is a pity that so many African people who are consumers of so many goods from other countries do not reap such benefits as they might because of sheer ignorance, and if the Ministry could do something to increase this kind of study in helping them to establish businesses it would help very much. The courses organized by Jeanes School do help a lot of people but we need more of that kind of service, and especially, as the hon. Member for Nyanza Central has said, because the African generally, and not only the Africans, cannot organize and it is too expensive to run and organize these companies, but if they get assistance they might make some money. That applies, too, to the wholesale business.

The next thing I want to suggest is competition. For a long time the African trader has been under severe competition from the better traders and wholesalers; companies like the transport companies or the Railways and even companies like O.T.C. and the Kenya Bus Service. It is very difficult when an African buys a bus in a far away place like Nanyuki or Meru and is denied a licence to come into Nairobi. He is supposed to deliver his passengers to a place like Thika and then he goes back and someone else is supposed to take over. What happens is this, that the big companies are using their greater resources for throwing the Africans out of business.

Hon. Members: Question!

Mr. Mate: It is a question, indeed, and I am going to answer it!

An African wants to come right into town with his passengers to get the money, but the O.T.C. and even the Railways object to this kind of thing. What are they supposed to do? Sometimes they come by lorry, and I think it matters very much who makes the money out of the particular trade, and leaving the Africans to go on struggling and struggling is only adding to their difficulties because poverty becomes responsible for so many things. What I want to see is some protection. The same applies to the so-called Provincial Marketing Board. I have mentioned this particular problem Board. I have mentioned this particular matter, but I do in connexion with agricultural matters, but I do say that an African should be able to dispose of

[Mr. Mate] his crops but cannot because the Government is competing with the ordinary kind of man. Mr. Deputy Speaker, I do not believe in that kind of monopoly. I think it is a wrong kind of thing, and I think that the hon. Members who ask about this should come with me one of these days into the reserves and see the people who complain that they cannot sell their crops because these big boards do have the monopoly. It is quite easy for big business to talk of this question but I do not know what the man in the countryside thinks when he cannot sell his maize because of the control and the existing monopolies.

The next point, Mr. Deputy Speaker, is loans to traders. The joint boards have been set up in the districts but they are not able to give traders enough loans and for long enough to enable the traders to make sufficient profits and also to be able to expand their business. I would like to see these sums of money given to the joint boards to enable loans to be given so that the traders' businesses can be expanded.

Now, Sir, I come to another thing which I consider to be very, very important. We talk in this country about investments, big companies, and big monopolies. What of the ordinary people here? I will give an example. The African is a very great consumer of beer. Where does he get his beer from? He gets it from the breweries. Now, it is very interesting that so far the Government have deliberately discouraged the African brewed beer, which is equally good. Why do we not start a local industry of African brewed beer? It is equally intoxicating, and although it may compete with the products of other breweries it is a cheaper beer, and if people were encouraged to brew it properly, with proper licences, it would cut their expenses down. But the idea has been that we should drink whisky from Scotland, wine from France, and all these other drinks, but not the local industry of brewing African beer.

The Chief Secretary (Mr. Coutts): And gin from Nubia!

Mr. Mate: Yes, there is also the question of Nubian gin. I would like an investigation into the whole question of how beer may be made palatable and easy to drink. One of the chief difficulties is the issuing of permits for the brewing of beer for a party or for any other occasion. I would also like the Minister to consider this idea of encouraging local African-owned industries, because the African people are the majority who suffer from these kind of restrictions, and that is only an example. I feel by encouraging that kind of local industry to compete with the people drinking whisky from Scotland—although I feel that there should be fair competition—it will help

the Africans to get intoxicated quickly and cheaply, and at the same time it will bring some money to the seller and to the sugar cane industry, too.

Mr. Alexander: You tell the churches about this!

Mr. Mate: I do not know whether the churches know about this, but this should be on a legal basis and the people should make up their own minds about this; but all I am interested in is the economics of the brewing of local beer, and in another 20 years perhaps an African brand of beer will be sold to other countries, maybe Ghana or even the Congo.

Mr. Deputy Speaker, I could quote many other examples. One of these is sandals. You could encourage people to make sandals or slippers from the ordinary skins. A lot of the African people are very good at that, but instead of that they are encouraged to buy sandals from very, very far away. The Africans could make sandals from the ordinary skins. This is the kind of thing you could encourage so that the ordinary African in the village could at least use his own tools and materials and hands and produce something so that when we get our full independence we shall have local products, at least in respect of sandals or slippers. So these are, Mr. Deputy Speaker, my very small points—business management, bigger loans and encouraging the African, the greater portion of the population, to help themselves by doing something practical.

I beg to support.

Mr. Jones: Mr. Deputy Speaker, Sir, I should like to congratulate the Minister on his presentation of the Estimates. I thought it was a very impressive picture of what has been done during the last year when it has not been easy to attract finance and investment, and I thought also it was a very interesting prospect. The developments we are going to see here in the matter of the oil refinery because I am sure, and I know that the ancillary businesses attracting the African will be very formidable and I think profitable. I was most impressed to hear him saying that he was determined to bring on the African in business. That is what a great many people who have not got much credit for it so far have been trying to do for a very long time, and in particular, I would like to deal with a point which was raised by the Member who has just sat down on the subject of transport.

This is a facet of industry that has really benefited by the desire of the people who control transport to make it of greater interest and benefit and profit to the African; not only from the

[Mr. Jones] people who control it from outside, but the people who operate it from inside and the competition of the Africans does not all come from Asians and Europeans. In the Transport Licensing Board we are getting more and more objections to African operators coming from Africans, and whenever we grant a licence on a route invariably the man who gets the licence appears at the next meeting as an objector to anybody else coming on it. That is not an exaggeration, Sir, I have a great deal of evidence to prove it.

Now, concerning the particular route in which the Member was interested, namely from Embu and Meru to Nairobi, I think he was only dealing with the transport of passengers, although he did make some reference to goods in a different capacity subsequently. This business of bringing people in from the reserves into Nairobi is constantly having the attention of the Transport Licensing Board. You can well imagine that if everybody who wanted to come in from every village throughout this country, but in particular the Central Province, had to have a bus taken to his village and then that bus had to come right into Nairobi, you would have a large number of buses on the main road. The result would not be a great profitable business for African operators. It would be ruinous for all of them, and that is what we are very careful to watch. In conjunction with the administration in the Central Province, I am quite sure hon. Members know, we have had a large number of surveys so that we do know exactly what is on that road, and in particular relation to transport coming in from Embu and Meru we have had an exercise done at Thika and Fort Hall. From these surveys, which were taken out in conjunction with the Administration and with the assistance of existing African operators, it was quite clear to us that there was already a surfeit of transport and the great danger that anybody else coming into that district ruining himself, and also making it thoroughly uneconomic for people already on the road to continue their business without giving any better service to African travellers. A great point is made that people should not be asked to change buses at Thika. Now, the Thika/Nairobi road has so much traffic on it for passengers that it runs about 35 per cent full. If you put on any more vehicles it will go down below 35 per cent and at 35 per cent there is not a transport wizard in the world that can make it pay.

Now, if you look at this business objectively, it is not economic or reasonable to put more vehicles on the road between Thika and Nairobi. There are enough already. But between Thika and Fort Hall the capacity is used to about 45 per

cent, and if there is any logic in arranging transport, it would be to put the Nairobi/Thika buses on the Thika/Fort Hall road. Then they could make their own transport more profitable and they could also provide more seats between Thika and Fort Hall. But even that is not economic, and I can assure the hon. Member that the Transport Licensing Board—which gets no thanks for anything, but a lot of criticism, because it knows that it has got the facts and figures to justify its policies, will continue to see what can be done to encourage an African interest in transport because, quite frankly, and it is admitted by the Asian and the European operators in the business, it is something that must come, but it must come profitably for the Africans.

Mr. Deputy Speaker, I beg to support.

Mr. Mboya: Mr. Deputy Speaker, Sir, I join with my friends who have congratulated the Minister on the manner in which he has put before the House the Motion on his portfolio. As far as the last speaker is concerned, it is not quite true to say that the Transport Licensing Board does not receive any thanks for what it does. On the contrary, I think it does. I think he should not be worried if we are not satisfied with what is done all the time. They should expect that we have some complaints or grievances, whether they are imaginary or not. It is for them to justify their policies.

I spoke in the early part of the Budget debate about the problem of Africans wishing to enter and compete in the transport business and who found it impossible to do so because some well-established and large firms had already been granted licences on the more important routes. I know that the Member did quote some figures to the House, not today, but last week, to show the number of applications that had been dealt with and also the ratio as between the Africans, the Asians and the Europeans. Whilst the figures in terms of the total numbers may be impressive, I think the point we are trying to make is not so much just a volume of applications, but rather the number of licences on the more important routes. Now, you may give Africans 10 transport licences in some remote part of this country and give one European or Asian firm a licence to run on the Nakuru/Nairobi road. Now, there is a big difference between a transport licence for the Nakuru/Nairobi road and say on the Taita/Taveta road. I do not know whether that is right. Some of these roads for which Africans are granted licences. Mr. Deputy Speaker, are in such a condition that a bus breaks down every other week, or they are in such a condition that during the rains they are closed, and therefore African business in this particular respect does not and

[Mr. Mboya]

cannot compete with the other racial groups, and cannot therefore be related to the terms of how many licences have been issued. I would like to see the Member indicate how many actual licences have been issued to the various groups on the more important routes. That is the point which we are trying to make.

Now, Sir, I come to the points made by the Minister on the International Co-operation and Administration loans. I was glad to hear him refer specifically to Nairobi and Nakuru, but as my friend, the hon. Nominated Member, Mr. Rubia, stated, we are still not satisfied merely to be told that the matter is being considered because, in fact, for all these years, we have been told the matter was being considered. What we want to know is what actual steps are being taken now to ensure that African traders in Nairobi and other urban areas will be brought to benefit from these facts, and I think we would also like to know what arrangements will be made in future to avoid the sort of chaotic situation that has existed in terms of loans to Africans in the urban areas and to avoid these disputes between local government and the Government where the sufferer is the African businessman. This is just one example of the many disputes between local government and the Government, and the sufferers are always the people at large, either the businessmen or the ratepayers and so on. We have had the housing situation. We have had the question of leases. Now I understand on this particular one that again there are certain changes and we do not know precisely what is happening. I hope someone, during this debate, will let us also know what is happening about leases for African businessmen in the urban areas, just what is going to be done, because only a few days ago I was informed that some change has now taken place. The matter has moved from the hands of local government to the hands of the Government, and the African businessmen do not apparently seem to be well informed. I want then, to say a few words about the small African traders, and emphasize something which I said a few days ago and which has been referred to by my hon. friend, the hon. Nominated Member, Mr. Rubia. The position is so far as the small African trader is concerned it is very disturbing indeed. There are municipal by-laws; there are the Central Government licensing regulations; and as far as the small trader, the hawker and the small trader in the market places in the urban areas are concerned, sometimes it is impossible to know with which person he should deal. The municipal *askaris* arrest them indiscriminately all over the place. The Government policemen arrest them all over the place and it is very, very difficult for these

people to know which regulation, which law, which by-law they are supposed to have been arrested for. Sometimes all that happens is a major swoop in a market place and everybody is arrested. All their property is taken away. Their goods are taken away. They rarely see these goods again and those who appear in court the next day are either fined or imprisoned and they do not see the articles or goods again at all, and I think that this should be regularized, legalized and some provision should be made for them to trade.

Mr. Deputy Speaker, in considering this matter I would like to emphasize the point I made before, and that is that whatever decision is made I am not merely pleading for the legalization of the situation, or regularisation of the situation, but I am also pleading for consideration as to standards that are being adopted in some of the urban areas. It is my view unfair that in the circumstances which exist today we should adopt too high a standard—a standard of perfection—when we cannot afford it. I think that public health standards are necessary and they should be taken into account, but unless the situation is such that it will immediately result in some epidemic and that sort of thing I think there should be room to encourage these small people to develop their trade and later on move into the more respectable areas. I think it is unfortunate to deny some of these old African women and some helpless Africans the opportunity to earn some money however small it may be—to earn some money and make a living. Some of them have done this for years, and when the decision was made by the City County to introduce new by-laws apparently no consideration was given as to what alternatives they would provide for these people. I know that markets were built in Nairobi, but the space in these new markets hardly provides for the large number of hawkers that existed before the introduction of the new by-laws.

Before the introduction of the new by-laws these people were trading on a legalized basis, and I consider that we have a responsibility that when we introduced the new laws we should have considered the alternatives we could offer these people. One instance of this type of trade is the large number of tea hawkers that we had in Nairobi for some time. All of them were licensed on the basis of three month licences. It was then stated when the new regulations were introduced that there would be tea kiosks built at appropriate places in Nairobi to replace the tea hawkers. To date no tea kiosks of the sort of numbers that were promised have been built. In fact, to the best of my knowledge, there are only two or three kiosks, but the people concerned have been placed in the position where they have been made to wait. Promises have been made, they have been

[Mr. Mboya]

waiting for the last three years and nothing has been done. On enquiry I was told that land was now available and that the plots were available, but it was a question of deciding whether the City Council would build the kiosks and let them, or the people themselves should build the kiosks.

Now this is just another instance of situations in which decisions just cannot be made, and while these decisions are pending the public is made to suffer. It is my view that some decision should be made immediately. Either the people are allowed to build the kiosks, because some of them have the money and they want to build them, or the City Council build the kiosks and let them to these tea hawkers. But somehow I think we have to get used to the idea that we are in a developing country where the essence of our policy should be to encourage development rather than to establish standards and then begin at a level which we can ill afford to maintain. We aim at these higher standards, but I think before we have reached the point where we can properly insist on those standards, we should make do with perhaps something less than what we consider is the perfect position but enables the country to develop. In considering these small traders, it is not just a question of the standards themselves. It is not just a question of the standards in which they operate. Now the small African consumer is very often not in a position to buy his goods or foodstuffs in large quantities. He is a man who might want conveniently to buy his foodstuffs on the basis of 10 cent pieces or 20 cent pieces and so on. If we enforce it at this stage, especially when financially they cannot do it and they have not the facilities to buy large quantities of food and store them at home, we shall not only make the small businessman suffer, but also the consumer who is inconvenienced because we force him by some of these regulations to go and buy a large quantity of food which he cannot afford. The result is perhaps that some of them decided not to buy the type of food we think they will buy. I have heard it said that one purpose of some of these regulations is to ensure there is no unfair competition between those people who have shops and have paid large sums in licences and these small hawkers and traders. This may be a point to consider, but I think it is a point which can be over-generalized in trying to protect the shopkeeper, and by so doing penalize the small traders, and I trust that the Minister, when he looks into this whole question, will take this into consideration.

Talking about the Airport the Minister rightly said that we had an airport to be proud of. Well, as a traveller, I am quite satisfied that we have

an airport to be proud of, except for one thing. Mr. Deputy Speaker, which I did not hear the Minister speak about, and that is the whole question of the staffing of the airport. I complained, and I still complain, that this airport must represent fairly to the incoming traveller or tourists or visitors the nature of the country that we wish to create. It is unfair that when people come into the country they should be made to conceive of Kenya in terms of the Africans being the porters and labourers and everybody else being the masters. I think there is room at the airport for Africans to be given more responsible jobs in the places where they will be seen.

Now, I am aware that there are one or two African employed on very responsible jobs in the accounts department of the Airport, but the travellers do not go into the accounts department to locate these particularly special African chaps, and the Africans should not have to wait to be so special as to be in the accounts department in order to get a responsible job. I think there are some who are good enough to stamp passports and to examine immigration documents. There are some who are good enough to be at the customs desk. We have got some very good ladies, equally attractive, who could do the job as very efficiently at the information desk. I think stewards and so on. I also hope, Mr. Deputy Speaker, that the Minister will do something about the uniforms of the waiters at the Airport. They are disgraceful. It is just a matter of buying a white sheet and tying it around the waist. This is disgraceful. I think something ought to be done about the uniform and I hope that the Minister when he replies will tell us what plans he has in mind. It is almost time, but I have only a very short point to make and I do not want to speak next week, so I may go on, with your permission, Mr. Deputy Speaker? I have seen, of course, only one African at the customs desk, and I think the number can be increased.

Now the Minister mentioned something about South African Airways intending to extend their services in Nairobi. I say this in all seriousness, but I have an attitude on South Africa which does not permit me to be sympathetic to South Africa in any manner at all, and I personally feel very strongly that in fact our policy should be to discourage any dealings with South Africa so long as they have the policy which they have on race relations. I think it is totally and completely inconsistent for us to stand for certain things and Government encourage these types of people and Government to exist on the basis that we enable them to exist. In my view South African Airways should not be allowed to land at Nairobi at all, and if I had anything to do with this Government where I could make that decision today I would stop

Wednesday, 25th May, 1960

[Mr. Mboya] their services rather than give them any more services, and some of us are very seriously considering taking some action in this respect if the Government cannot do it.

I beg to support.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I would remind hon. Members that Tuesday is a public holiday, and I therefore adjourn Council until 2.15 p.m. in the afternoon of Wednesday, 25th May.

The House rose at thirty-three minutes past Twelve o'clock

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

BILLS

FIRST READINGS

The Traffic (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Law Reform (Miscellaneous Provisions) (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Debts (Summary Recovery) (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The King's African Rifles (Reserve of Officers) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

COMMITTEE OF SUPPLY

Order for Committee read.

MOTION

VOTE 22—MINISTRY OF COMMERCE AND INDUSTRY
THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of debate adjourned on 20th May, 1960)

Mr. Alexander: Mr. Deputy Speaker, Sir, when the Minister was speaking on Commerce and Industry, his Ministry, last Friday he had some most encouraging words to say about economic interdependence of the East African territories. This is what he said: "I would like to lay great stress on the importance of the preservation of the East African market and the Customs Union. The potential of any one single territory is not big enough to attract industry." Those, Sir, are heartening words and they equal in statesmanship similar words uttered a few days earlier by Mr. Nyerere in Tanganyika. We have got used, Sir, to a certain amount of depression related to wild utterances outside this House and it is really most

[Mr. Alexander] encouraging to have from the new Minister these very wise and very statesmanlike words last Friday.

Some days ago, Mr. Deputy Speaker, I had occasion to ask Government whether they could hasten up the replies to Questions and the Chief Secretary was good enough to look into the matter straightaway and gave an assurance that Ministers were on top of this matter. I therefore regret to have to say again that it is a pity that some of the Questions that have been put down to this Ministry to answer in the last few weeks have not been answered before now, because the Questions I put down certainly, Sir, I had expected to use in this debate. It is unfortunate that Questions now weeks old have not already been answered.

Then the Minister on Friday went on to say this: "I have heard it said that some imagined political uncertainties were holding up the process of industrialization. This, of course, is quite untrue." Those were his words, Sir: "This, of course, is quite untrue." I am bound to say, to the Minister, Sir, that to say that it is untrue that political uncertainties are holding up the process of industrialization is an oversimplification. What is true is that projects already committed, industrial projects already committed to Kenya, committed beyond the stage they can be undone, are going forward and we were encouraged to hear from the Minister about the aluminium factory at Mombasa, the match factory at Mombasa. That is all encouraging.

But what is also true, Sir, is that there is a hesitancy by industrialists to invest further, a hesitancy in holding up expansion until political uncertainties, as they see them, are removed, and these people Sir, that I refer to are cool-headed businessmen who have been through this sort of a situation in other parts of the world; it is nothing new to them; and they are able to approach it in a truly realistic manner. For example, they have been through it in Indonesia, and, most tragically, Mr. Deputy Speaker, they are going through it at this moment on our very doorstep in the Congo.

Now, make no mistake about it, there is big industrial investment that is waiting to see just which way Kenya is going to go politically, and one of the most depressing things I heard of only a few days ago is an industry that has got some £13,000,000 invested in Kenya, and they are ready to invest another £2,000,000, but that particular project has for the moment been halted. I would ask the Minister to get closer to these sort of people to hear what they have got to say and to take very careful account of their analysis

because these are people who do know what they are talking about. The burning question in the minds of these people, and in the minds of many of us who are trying to assess the situation, is that as we move towards independence what fundamental political philosophy will we adopt for Kenya. Depending upon the answer to what question will depend the attitude of industrialists and investors. There are two alternatives. Will it be based primarily upon public ownership and State enterprise, with a one-party Government and its resulting dictatorship, combined with a redistribution of property and wealth at the direction of the State? In short, Sir, will that alternative be akin or similar to the teachings of Communism—Or—the other alternative—will it be based on private enterprise, with a respect for individual property, and contracts, and on an economy that unfolds from such beliefs which include the rule of law and order and the rights of individuals. This, Sir, is what the investing public, both inside Kenya and outside Kenya, are waiting to have the answer to, and the future leaders, or the possible future leaders, of this country owe it to us now to be quite specific and clear on this particular point.

Certainly the Member for Nyanza Central has left us with little doubt when he said recently of Yugoslavia, and I quote, "I appreciate the land reforms which they have done because the maximum landholding is only 25 acres. They are getting on with their land development by group farming and trying to distribute evenly the remark wealth." I agree, Sir, that that particular remark related to land, but it is significant and typical of the whole philosophy that goes with the political doctrines applied in that particular country, and we want to know whether it is the intention to apply that doctrine here in Kenya, not only to farming but to industry, to commerce, to private enterprise, and to the ownership of private property. We have an opportunity here today, Sir, for other African leaders to tell us quite clearly whether they agree with those sort of remarks, and this debate is a very good opportunity for that.

Later on, Sir, in his speech, the Minister referred to people who have doubts about property rights, and people who create doubts about the integrity of the people who may be leading the Government of this country after the coming election should put faith in the utterances of the African Elected Members in their statement of 1958 and at the Lancaster House. Yes, Sir, we have read the statement of 1958, and we are only too well aware, Sir, of what was said by these same people when they returned from Lancaster House and told us that certain land, non-African lands and property in this country,

[Mr. Alexander] are in dispute. And yes, Sir, we did listen very carefully at Lancaster House, and I remember one very depressing day, Tuesday, 16th February, when we were disturbed and horrified to listen to some of the remarks of some African Elected Members about private property and the rights in private property. What did encourage us was that not all African Elected Members shared those particular opinions, and in fact, when so far as either to repudiate them in the Conference, or outside it.

Mr. Deputy Speaker, commerce and industry in Kenya is largely centred in the urban areas. It is centred on land that at one time or another was allotted to non-Africans. Are we to assume, Sir, that that land is in dispute? I am talking about the cities, the towns, the shopping centres and the trading centres. Is there any question that that land is in dispute, because if there is, let us know it today, and then we know, Sir, exactly where we stand, and that includes remarks that we have heard recently about the area of the Coast being in dispute. Invested there are very many millions of pounds in industrial and commercial assets. Are we to expect, Sir, that there will be a query— that there is any question about the title to these industrial and commercial properties? And if there are, may we be told who the dispute is with because in every instance, whether it be leasehold or whether it be freehold title, the rights have been derived from Her Majesty's Government? The titles have been derived from the Crown, and are we to assume that there is a dispute between the African Elected Members who think this way and Her Majesty's Government, the very government that is helping and hastening them on to this very independence that we are all now trying to work solidly for?

Sir, I can assure the Minister for Commerce and Industry that there is nothing amusing in the minds of those who have to assess this problem in a very cold businesslike way. There are millions of pounds involved, and if it is in dispute we would like to know now. And if it is not I can assure the Minister that commerce and industry and those people who invest in it will welcome an assurance, particularly from the African Members on the other side of the House, that at any rate this much is not in dispute. And today again, there is an opportunity for other African Elected Members to say what they think and to say in relation to commerce and industry and the property on which it is built whether the future Kenya they see is to be on the basis or state of private ownership. This was not particularly helped, Mr. Deputy Speaker, by the remarks of the Member for Nairobi Area when he said, and I quote: "Net only on the land question,

but on practically every other issue discussed in this House this Government cannot, and if anybody believes in democracy at all they must accept it, this Government cannot and could not commit a future Government permanently on any issue." Any issue. And that, Mr. Deputy Speaker, includes such items as the public debts of this Colony. I have not looked at the recent figure, some £40,000,000. Is that going to be queried? Are the pension rights of the civil servants to be queried because this Government has entered into a commitment that these pensions are to be paid out of the recurrent expenditure of the Colony in the years ahead? Are leases in towns and cities to be queried by a future Government because this Government has entered into the commitment? It is these sort of sentiments, Mr. Deputy Speaker, and these sort of words that create, not imaginary political uncertainties, but very real uncertainties in the minds of those at whom they are directed.

Now, Sir, if I may just turn to the scheme for assistance to African traders designed to provide working capital for Africans. Naturally, I was disappointed that the Minister was not able to say that he had extended this to all business people in the Colony because there are amongst all our peoples folk who are excellent traders, but who do not have the necessary working capital, and I would like to bring some names to the Minister and hope that they have his sympathetic consideration. Names of people who have got trade in their bones. They know about trade. They do not need us to spend any money. They do not need any public money spent on them telling them how to do it. All they want is some of this working capital, and I am sure the Minister will be forthcoming when I make my approaches to him, but what I would like to warn him of, and I am sure he knows this because he is very, very alive to his job already, I would just like to warn him of opportunist financiers and businessmen that will be emerging in this country to take advantage of our African people. Only last week I heard of just such an organization. I could not, of course, be expected to mention the name here, but I merely mention it as a warning light to the Minister. There are going to be many scallywags wandering around this country hoping to cash in on the emergent African who thinks he ought to trade or wants to trade.

May I now refer to another encouraging remark, and here I am glad that we have got in the House the Specially Elected Member, Mr. Muchura and the Member for Mombasa Area sitting on the Front Bench on my left, and this is what the Minister said. "Having produced the basic raw materials, Kenya wishes to process as

[Mr. Alexander] as much as possible in order again to increase employment, and to save money previously paid for imports of manufactured goods." Again, very wise and very realistic words. And I merely mention them because, if I recollect from the two Members I have referred to, they expressed sentiments completely opposed to those particular words.

Now, Sir, I think it is most unfortunate that into this debate has been introduced the subject of the use of South African Airways of our Nairobi Airport. It was introduced by the Member for Nairobi Area, who I am sorry is not here to hear what I have to say, and he referred to it in terms that sounded mighty like the possibility of suggesting a trade boycott. Now people who want to raise moral issues, Mr. Deputy Speaker, and try and associate them with economic sanctions find invariably that they run into a two-edged weapon, and in this case that is precisely what will happen, and unfortunately the weapon is sharpened against Kenya, is sharpened against these territories economically, and I give you two reasons amongst many. Firstly, South Africa has the control in this country of very considerable investment, either directly coming from South Africa or influenced from within Kenya. Now, Mr. Deputy Speaker, it would be very foolish of us to start tampering with this situation in such a way that that particular investment might be prejudiced. And secondly, and the Minister will appreciate this I am sure, only this lunch hour there has been an announcement by British Overseas Airways Corporation of a pooling arrangement in the whole of East and Central Africa involving B.O.A.C., South African Airways, Central African Airways and East African Airways. Now out of that, Sir, we are all, all of us, in that pool going to benefit greatly. It gave the reasons for it in the radio announcement. It said it was to resist competition from foreign airlines and to co-ordinate our services in such a way that we could make more money out of them—all of us make more money out of them. Now what a sad thing it would be if, as the result of this sort of idle chatter of economic sanctions a great business project like that, a great business arrangement like that, should be in any way adversely affected, and I hope when the Minister replies he will come out with words that are perfectly clear to repudiate such idle thinking and such foolish thinking.

May I just mention Supplies and Transport in so far as it relates to the Minister's responsibility to commerce and industry. This particular department, as we know, Sir, has been under criticism for some time, I am not concerned with that here, but I am concerned to ask the Minister

in the reorganization of this department, to make certain that the interests of local commerce and local industry are looked after and watched by him, because it is to him that commerce and industry look for proper arrangements with this type of department of Government. I am glad to see him shaking his head in acknowledgement, and I am sure we can rely on him to see that this is properly arranged.

An Hon. Member: What about the Minister for Works?

Mr. Alexander: The Minister for Works, Sir—he is not here so I had better not go on with that one.

If I may lastly, Sir, finish up by saying that I hope also that in his responsibilities the Minister will make sure that in attempting to attract commerce and industry to this country, he will also facilitate the import of the skill and the managerial capacity that goes with it. Here again, he has a particular responsibility in relation to the Immigration Department and very much on his recommendation so will the right kind of managerial skill be allowed into this country to look after the investment and the industry that comes here, because he knows even better than I do, Sir—he has been a lecturer in economics, I have only fiddled around with it on the outskirts.

An Hon. Member: (Inaudible.)

Mr. Alexander: No, Sir, they all wear trousers, these days. But we all know, he better than most of us, that capital, that industry, that commerce is attracted or most easily attracted, where it can be looked after. And what we want to show the world is that not only have we got the economic potential, Sir, not only have we got a wonderful country that everybody wants to come to, but we must show them that if they bring their capital here, that we have either got the right people here to look after it, or if we have not, that there will be no difficulties whatsoever in importing the right people to look after it, because in that way we will encourage investment in this country more than in any other conceivable way.

Mr. Deputy Speaker, I beg to support.

Mr. Blundell: Mr. Deputy Speaker, first of all I should like to congratulate the hon. Minister opposite on what I may call his "maiden estimates". Secondly, I would like to give him an apology for not being present when he was moving them and to say how pleased I personally am that he has undertaken these responsibilities.

I do not intend, when speaking today, to deal with confidence in industry. The hon. Minister has a number of questions which he will need to

[Mr. Blundell]

answer from my hon. friend on this side of the House, who has just spoken. But I do want to put to him a particular issue which I have raised already in this House and which I feel is most important. It is the integration of the African people of this country to better purpose and to higher standards in the economic life of the country. It is not enough for the African community to feel that the only opportunities in the economic walk of Kenya are in the lower paid jobs for themselves. We hear a great deal today about land issues, we hear a great deal about the question of unrest, but fundamentally many of these problems can be solved by, firstly, an expanding economy and, secondly, an expanding place for the African in that economy.

Now I am certain that I am speaking to the converted in the case of the hon. Minister, but I do want to ask him to seek to use his position as Minister for Commerce and Industry with commerce and industry, particularly in the advancement of Africans in certain spheres and I am going to mention one or two of them.

I would like to see more African directors, if they can be found, of the right capacity, taking part in the responsibilities of our businesses. Now, we must not blink our eyes at the fact that to begin with many Africans who are so invited will be unacquainted with their responsibilities and duties. But that is inevitable in a young and growing country with a young and immature population. But I believe that as a country we would reap a hundredfold from the imaginative acquaintanceship of Africans with the higher responsibilities of the direction of business. It is something which needs imagination, it must be accepted that possibly the individuals concerned would not in more mature communities have attained those positions, but we shall reap a hundredfold because the Africans themselves will, as I have said, become more acquainted with the intricacies and the balances of business.

The second point, Sir, that I want him to use his influence upon, is the training within industry of Africans. Now, many of our industries are doing their utmost in this matter. But I do not really believe that we can expect the African people as a whole to understand what we mean when we say that this or that will destroy the economy of the country, if they are in a position where they have no knowledge whatsoever of the real benefits of that economy. What I want to see in this country, and what we should try for, is a society which is integrated vertically upward on ability and not stratified horizontally by race.

Now that, again, will need imagination. It will need the training of Africans, it will need, prob-

ably, their movement into positions of responsibility at all levels ahead of their more mature development. Again, it will be well worthwhile.

The hon. Member who has just spoken indicated that we were moving towards independence. Well, Sir, that independence will be far more stable and far more secure if we have a society which, as I have said, is at all levels especially for the African people and that will give us a harmonious base upon which we can launch independence with the minimum of peril.

I did ask, some time ago, in this House, the Minister for Labour to tell me whether he would create a special post of his Department to help and guide and even energize industry in this matter. In the answer to my question he said that that was not possible, but that he would consider it within the general sections of his Department today. I would like the hon. Minister for Commerce, or the Minister for Labour when he returns to the Chamber, to tell me exactly what has happened in this matter and whether a specific officer within a section has been designated to these responsibilities as I asked, because, Sir, although many people will resist this on the grounds that the Africans are not yet ready for it, it is an essential part in the training of the people of this country as opposed to an alien, inert, inimical force called "Africans".

The third thing, Sir, to which I would like to refer, I was pleased that the hon. Minister when opening his Estimates referred to the necessity for maintaining the economic unity of East Africa. I do not want to touch upon it, because he obviously has already done so, except to say this, as the emotions of emergent nationalism seize upon us, it is attractive to imagine that we can go out on our own as communities, whether in Tanganyika, in Kenya or in Uganda. But the plain facts of the matter are that as our ties with the United Kingdom loosen—and it is inherent in the development of the future that they will loosen—then our need for each other will become greater and I do want to give the hon. Minister an assurance that we will support him completely in any influence which he can bring to bear and in any attempts which he can make to make sure that the entity of the East African economy is maintained and not fragmented during what will be, obviously, only a passing phase.

Lastly, Sir, the hon. Minister's predecessor did not see eye to eye with myself when I had the responsibilities of agriculture in regard to the use of the moneys which are allocated to the hon. Minister for Commerce and Industry in the Industrial Development Corporation. Now it is obvious that across the gamut of industry there

[Mr. Blundell]

is a point where commerce begins to merge into quasi-agricultural undertakings. I always felt that his predecessor, for reasons best known to himself, ably as he discharged his tasks normally, in this particular degree discharged them most negatively. Whenever I asked him, as Minister for Agriculture, to support a quasi-agricultural industry, no money was available, the most rigid examination of the accounts was made—I have to accept most genuinely and sincerely—and then I got this answer, "If you want to support this particular quasi-agricultural industry, you can produce it out of your own Estimates."

Now, Sir, it was all very fine for the hon. Minister to support bottles, I do not mind that even if the bottles burst, it was all very fine for him to support cinema films which in the final analysis nobody will look at, it was not this Minister, it was his predecessor, his Department has done excellent work in supporting mining. But all I do want to suggest to him, and I hope I shall have the support of the hon. Minister for Finance, is that the money to support industrial development shall be considered not purely for the narrowest limits of commerce but shall be allowed to run across a line which takes it into what I would call quasi-agricultural undertakings. There was a tendency for his predecessor to clearly think of industry as factories and industrial enterprises of that sort, remote from the primary processing which is inherent in agriculture.

Lastly, Sir, I would like to say this, some years ago I was in the position which the hon. Minister is in now but in another capacity. The greatest difficulty for those who break the way or who are pathfinders is that the words of the past catch them up, the immaturities of their own colleagues seek to destroy them and they are constantly being caught making statements which, while politically undesirable to themselves, are within the terms of their responsibilities, the only proper statements they can make. In other words, Sir, there is a whale of a difference between Members on this side of the House with no responsibilities, and the hon. Minister opposite, a pathfinder for African Elected Members with great responsibilities. I wanted to tell him this, Sir, he will, in the course of the months ahead, find no doubt such difficulties. So far as we are concerned, the Members with whom I am associated, he can rely constantly upon our support.

Mr. Bomas: Mr. Deputy Speaker, I wonder if the hon. Member who has just sat down would accept that his, what I might call "marginal finance" is a two-way traffic and that he would be equally agreeable to seeing money which is

earmarked for agriculture flowing towards industrial projects as well as vice versa?

Sir, I would like to associate myself with the tribute paid by the hon. Nominated Member, Mr. Rogers, to the retired Minister, Mr. Arthur Hope-Jones.

Over many years on the management committee of the Nairobi Chamber of Commerce I was able to observe, at first hand, the great sagacity which Arthur Hope-Jones was almost invariably able to display whenever the Chamber was faced with some highly complex problem. The fact that he was able to view those problems through the eyes of Commerce and Industry rather than with a somewhat myopic official vision, made his advice not only generally acceptable but generally eagerly sought. Sir, my high opinion of him was endorsed when I saw in this House, the almost uncanny perception with which he was able to put a finger upon any defective reasoning, and how with great economy of words he could steer a debate back into its logical course.

Sir, I would add my congratulations to the new Minister, both upon his vision in accepting his appointment and upon the embracing and competent way in which he introduced his Vote. I do this, Sir, with particular pleasure in that his constituency of Central Province (South) and mine of Kiambu are largely superimposed. The Minister will not take it amiss if I say that organized commerce is always a little suspicious of change, and it viewed the transfer of this very important portfolio with some reservation, if not with actual misgivings. Nevertheless, the people in commerce and industry are realists. Indeed, they have to be to survive in the competitive world we live in. We recognize, therefore, that the days when all individuals could expect to own a piece of land of their own are long past, and however actively, however intelligently, agricultural production is stepped up and deserts are made to bloom, our overgrowing population must be given alternative outlets of employment and of endeavour. This, in a country with little tangible mineral wealth and no prime mover is an extremely formidable task; a task which could well high become impossible if international capital is scared away by irresponsible actions. Sir, politics apart, we face a wind of social change, the underlying philosophy of which is not readily acceptable to African conservatism. Consequently, I think that Commerce will agree that the appointment of an African Minister for Commerce and Industry at this time is right, and I can think of no one better equipped than our Doctor of Philosophy (acting, I hope, in very close concert with the new Minister for Labour, Social Security and Adult Education) to put across to his own and people the full implications of this change. And

[Mr. Bompas]

how better could these two Ministers, Sir, start than by obtaining a settlement of the present coffee picking boycott—or perhaps I should say "incident"—a boycott which threatens the revenue on which our Colony so largely depends. Sir, on behalf of Commerce I would wish those two Ministers all good fortune in their responsible tasks and ensure them of the support of Commerce and Industry in all reasonable measures that they may seek to introduce.

Mr. Deputy Speaker, now for a somewhat less pleasant task, that of seeking to destroy the Santa Claus myth. We are repeatedly told in this House and elsewhere, that Africans are tired of being treated as children; that they are adults and require no protection. We have accepted this claim and we have passed legislation comparatively recently: first, in amending the African Life Assurance Ordinance; and more latterly in revocation of the Credit to Africans Ordinance. Now, one of the sad things about growing up is that after a certain age Santa Claus ceases to visit us, and we have to start giving rather than receiving. Some speeches last Friday showed no recognition whatsoever of that fact. And, indeed, they were full of demands. Not only did they say, "Give us this, give us that," but they did demand special racial treatment and quite unabashed racial discrimination.

Even the hon. Nominated Member, Mr. Rubia, was not entirely guiltless. He made a reasoned appeal for loan assistance for African traders, but he rather spoilt this with his reference to urban shops, Sir. He was, of course, factually incorrect in referring to Muthaiga which has no shop sites and as far as I know contemplates having none, but he was obviously thinking in general terms of the new shopping centres that are springing up in our towns. Now, I question, Sir, whether it would be desirable or whether it would be equitable, to provide a loan from public funds to set a man up in business to the extent and to the standard necessary to trade in such a centre, I would support quite unreservedly the thought that small African traders of proved capacity should be able to receive limited loan funds to enable them to make a first expansion of their business. Thereafter, I suggest, Sir, it should be up to the individual to expand by diligence, by integrity of record, by ploughing back of his profits and by possible amalgamations with his friends. Having once established his efficiency and his credit-worthiness, such a shopkeeper would, I am quite sure, be able to secure financial accommodation necessary for further expansion through normal business channels. If, instead of buying lorries which wear out in a few years and complaining that the Transport Licensing Board is

not prepared to grant licences to enter into an already overloaded zone of activity, wealthier Africans, or a consortium of them were to put their money into a business or some similar trading activity other than transport, they might do very well.

The hon. Member for Central Province North said that many African businessmen fail through lack of experience and knowledge. Let me assure him that it is not only African businessmen who fail from those causes. He went on to say that Government should show a man how to run his business. Now, I have been shown how to drive a railway engine on several occasions but it does not make me a railway engine driver. My hon. friend added that Government should show Africans how to form companies and to keep businesses running. This, I think, savours of the Irishman who was asked if he could play the violin and said, "I don't know; I have never tried!" Sir, you learn how to form companies the hard way; by becoming an article clerk for four or five years to an accountant or to a company secretary. In addition you embark upon private study or night classes. And it is something of a mystery to me that more of our African friends have not elected to take up that particular profession, that particular training, for which I believe there is going to be very great scope, rather than to rush overseas to become indifferent barristers and even worse sometimes indifferent politicians.

The hon. Member for Nyanza Central, Sir, also alleged that African businessmen had been neglected by Government, and he complained in particular that their premises were without title and consequently did not constitute security for loans. These words came very strangely, Sir, from a man who has consistently opposed land consolidation which is the only way in which an African farmer can get a mortgageable title to his farm. Does the hon. Member feel that businessmen need title, but that farmers do not? The same hon. Member criticized the geological survey and said that all his people want to be miners. We have the old receipt for jugged hare which says, "First catch your hare". You cannot mine unless there is something to mine, nor unless you are a criminal lunatic does one start mining without first acquiring the practical and technical knowledge of how to do so safely, as well as profitably.

Another hon. Member advocated widespread activity in home-brewing and took no account of the possible effects either on our constitutions or upon our economy. When the Minister winds up—he is not here but I hope somebody will make a note for him—when the Minister winds up perhaps he would tell us, Sir, what revenue the

[Mr. Bompas]

Colony derives from excise duty and Customs duty on bottled beer and approximately how many people are employed at present in the brewing industry, including distribution.

The hon. Member for Nairobi Area felt that public health standards for shops and itinerant traders were too high. I feel this comment was more a sop to the ululating ladies of his reception committee than any very positive opinion of his own, because I just do not believe that he would regard fly or rat-borne epidemics as a good thing. In addition he knows full well that if reliable African traders are to be established and give a proper service to their customers they must be protected against hawkers and other pirates who give no service and make no contribution to society. The same hon. Member—as has been pointed out, Sir, by my colleague, the hon. Member for Nairobi West—sought to close our international airport to South African Airways in protest against the policy of the South African Government. Now, this is a business debate and no place to discuss the rights or wrongs of such a policy, I hope, Sir, most sincerely that on reflection the Member will realize that his suggestion is irresponsible and liable to recoil more harshly upon others than on the Government at which it is aimed. I will not set out, Sir, the various thoughts I have on this because they have already been dealt with in large measure by my hon. friend. But I hope, Sir, that when the Minister replies perhaps he will be able to give an indication of the sums involved, possible sums involved approximately, in landing fees and the general services generated by such an airline operating in and out of our airport. Economic sanctions of this sort, Sir, would be at best a luxury which this country cannot afford and at worst a piece of sheer political flamboyance.

Mr. Deputy Speaker, I have been critical of some hon. Members, not for any unkind reason, but quite deliberately to try to emphasize my conclusions. Apart from a few exceptions and through no fault of their own, our African populace has only the most sketchy idea of the main processes of business or of economics. Most of those with the ability and financial opportunity have turned, as I have said before, their efforts and their talents to the public service and to the learned professions when, with advantage to themselves and to the country, some would have done well to have directed their talents to technical skills in industry and business skills in commerce. Sir, our African friends have achieved great political advance and a clear sight and promise of the goal of independence. I put it to them in all sincerity, that in their own interests as much as in ours, the time has come for a truce

to pure politics and political jockeying. Already we have drifted perilously close to economic crisis, and this country now requires beyond all else pause to digest our constitutional meal; time to recoup and to consolidate our economic position. I would suggest that even if the Minister is not able to divert somebody specially to a study of this, that the African Elected Members' Organization itself should apply itself wholeheartedly to a detailed study and examination, in conjunction with others as to how more employment can be created in the bottom ranks of existing and new industries of all kinds; how best the knowledge and scope of African traders can be expanded; how best African youths and adults can be trained to carry responsibility at all levels of commerce and industry.

If they will do this they will serve their people far better than by shouting political slogans.

Government measures to stimulate increased agricultural production seem to be very well in hand. It would be refreshing, and of great benefit, if African leaders would apply themselves wholeheartedly to producing a constructive programme for industrial and commercial advance as a complement to the agricultural progress. Much entirely voluntary but largely unco-ordinated work has already been done by bodies such as the Nairobi Chamber of Commerce upon apprenticeships and training within industry. They would I know be more than ready to give all possible advice, and to co-operate to the full in any such move.

Although Santa Claus does abandon us as we grow up, there still remain the pleasant custom amongst us adults of exchanging gifts with one another. Purely by circumstance we Europeans have much to offer, and we are prepared to give. We ask only that our African friends should reciprocate with the gifts of sincerity, understanding and trust. Together we can build the greatest country in Africa and divided we can push it into complete international obscurity.

Mr. Deputy Speaker, I beg to support.

Mrs. Shaw: Mr. Deputy Speaker, Sir, first of all I should like to add my tribute to the late Minister for Commerce and Industry who, although we did not always see eye to eye, I have to admit did a very great deal for that portfolio. Somebody has congratulated him or paid tribute to his extreme wisdom when faced with Chambers of Commerce problems. I would like to pay tribute to his versatility when faced with a very angry Chamber of Commerce on many occasions. I have often admired it. If I remember, he usually seemed to have the answer and I only hope and would like to wish him a very happy and successful retirement.

[Mrs. Shaw]

I would also like to add my tribute to the others warmly paid to the new Minister for Commerce and Industry, for his most farsighted and constructive speech. If that is a sample of what we may expect, Mr. Deputy Speaker, from our African Ministers then I do not think we have much to fear.

Mr. Odinga: Ha!

Mrs. Shaw: Well, I am glad to say that it was not from the Government or Ministerial Benches that that rather ribald laughter came, because I said it very sincerely and I am sorry to see that the hon. Member for Central Nyanza has not got the same faith in his own African Ministers as I have.

I absolutely agree with what the Minister said about confidence being essential for our progress towards eventually independence. I would say only that we must be realistic, Sir, and face facts, and the facts are that certain firms who had planned to invest capital in various development projects in this country backed out after the announcement of the decisions made at Lancaster House. For, Sir, there is no doubt that the scope and pace of those decisions came as a great shock to people outside this Colony as well as to Europeans of all communities in this Colony. That shock has been reflected in the economic collapse and resultant lack of confidence amongst our overseas investors. Now, much of that collapse, although it was originally caused by the Lancaster House decisions, has been aggravated by the wild and irresponsible speeches made at public meetings. Nor have speeches such as that made by the African Member for Nairobi in this House the other day, who, in a "Torch to the children-manner", said that just and fair compensation would be granted if land and assets were expropriated by any future Government, nor has that statement and statements of that kind added to the confidence. I can only answer that remark by quoting again the words of the Chief Secretary who said that no firm or individual in their sane senses would invest money in any long-term development project with the prospect of having their land and assets expropriated even for just and fair compensation. However, speeches like the one we have heard from the Minister in moving this Motion will do a great deal to restore confidence although investors are still shy; I know that because I have just been involved in sugar negotiations where £1,000,000 of money is about to be invested in part of my province, I hope; and whereas immediately after the Lancaster House one of those investors wrote to say that they could not carry on with the scheme unless they got an assurance from the Colonial Office that

any future Kenya Government would not expropriate assets, they now, after the very successful visit of the MacKenzie twins to the United Kingdom and the U.S.A., they have now reconsidered that decision and are going ahead, I believe, with the investment and with the scheme.

I, in conjunction with moderates of all races, who look forward to living in peace and happiness in Kenya, must welcome all moderate speeches and the sound common sense talked at such meetings as that held by the Kalenjin group the other day, and we must pin our hopes and do all we can to encourage and help African Ministers and leaders, or anybody be he Minister or not, who take a courageous stand and go the hard way of moderation; for only thus can confidence be restored, and it is essential that it should be if there is to be any progress or development in this Colony towards any goal, independence or otherwise.

That is the broader outlook and now with no apologies whatsoever, I shall be parochial. Firstly I welcome the fact that the Uganda power has come to Kisumu and Kericho, and yet I would say that both centres need much more than electricity. Kisumu needs more and more secondary industries to use that electricity to its full advantage and to justify its having been brought there. Kisumu, as I have said over and over again, Sir, in this Council, is ideally suited, Mr. Deputy Speaker, in that it lies within the reach of all three territories. It is served both by a railroad, a waterway, and even by a road of sort. It has access to unlimited power, water and labour. Our late Minister always countered my plea by saying that the Government had no power to control industrial development or where it should go. But, Sir, I do not think that this is true, for Government can encourage industry by giving the intending investors favoured-nation treatment such as land at peppercorn rents, etc. So may I commend, to our new Minister, Kisumu as an ideal place for intending investors.

Mr. Odinga: Hear, hear!

Mrs. Shaw: I am so glad to see the Member for Central Nyanza at least agrees with me on this point, anyway.

May I also commend to our new Minister the other town which has recently been given electric power in Nyanza, Kericho. Kericho is a thriving modern, up-to-date centre, in every way, with one exception. It has no railroad. In 1928 when we first went to farm in Soik we were 60 miles from a railroad; although many of us thought that the railroad would be there within a matter of years, it would be 1929, I think it was, or

[Mrs. Shaw]

1930, that I remember my husband and I attended a meeting with Sir Godfrey Rhodes, the then general manager at Jamji about the expansion of the railroad and the actual survey which was then being carried out. If we had known that 32 years later we would still have no railroad, I doubt very much if any of us would have gone to that part of Kenya; for Kericho and the whole of the Soik Highlands suffer from a terrible handicap because of the lack of rail facilities. Now, I am not asking for a branch line, but merely that the railroad should be extended from the middle of a small country district to a thriving township which was the centre or which is the centre of a flourishing tea industry with a great potential in development.

A year ago I met and saw the general manager of E.A.R. & H. about this extension and was very sympathetically received; for I believe that the general manager realizes as well as I do that if the railway does not go to Kericho the railway will lose a great deal of trade and revenue from not adopting a forward looking policy. The general manager told me that if I could get the support of the oil and the tea companies it would change the whole complexion of the scheme. I understand that as the tea companies will probably double their acreages in the next eight years they will be forced to go over to oil burning, it would then obviously be to their advantage, to the advantage, indeed, of both the tea companies and the oil companies—the railroad to be at Kericho, rather than go down 22 miles of extremely dangerous road with an accident rate of two a week; and I believe, Mr. Deputy Speaker, that I have the support of the tea companies and the oil companies for this extension of the railroad to Kericho.

When I told the general manager of E.A.R. & H. the other day that this was so, he then said, rather like the house that Jack built, "If you can get the support of the Kenya Government it would change the complexion very much of the whole scheme". Sir, I have now put my case for a railroad at Kericho, and the case for the people of Kericho and of all races in South Nyanza beyond Kericho, to the Minister for Finance and I have received, again, a very sympathetic hearing as indeed we all do from that Minister these days; for I was told from an outside source that the Kenya Government was the only Government who did not strongly urge the need for railway expansion at the last meeting of the Central Assembly. Apparently both Uganda and Tanganyika Governments put forward their cases in the strongest possible terms with the result that both the other two territories have got their grants, whereas Kenya has got nothing,

merely a survey which was suggested by Mr. Mathu, who put it up on behalf of his side of Kenya. Central Province, I am sure, however, that with the support which I hope to get from the Minister for Finance and from the Minister for Commerce and Industry for a project which his predecessor did support most strongly, the story will be very different at the next Central Assembly, because I am sure then we shall have our Kenya Government pleading for railway expansion in this territory, for bringing the railroad from the middle of the *bandu* to a thriving centre. We law-abiding people in Nyanza are always treated like Cinderellas, and apart from Government's responsibility to the taxpayer in this large area I am sure that the extension of the railroad running, as it would, up to the centre of this well-watered, rich district, would bring trade and greater prosperity to the railway's already overflowing coffers. Also, there is the other danger to our main trunk roads; and I cannot stress that too strongly. If through their shortsightedness this extension to Kericho is not granted, in the near future the traffic will be forced on to the road. Up to date the thing that has prevented that is the appalling alignment of the 22 miles from Kericho to Lumbwa, because no 10-ton lorry or diesels have been allowed, with trailers, on that road because of its very dangerous formation. However, with the new road a 10-ton lorry, with diesels, will leap on to that new road, and if the railhead is forced back to Londiani nobody is going to offload goods at Londiani; they will go right through Nairobi with the destruction of certainly the bit of road from Kericho to Kedowa in the high rainfall area and it will do a great deal of damage to the main trunk roads of the Colony as well.

Sir, I do make a special plea that the Kenya Government should take all these things into consideration, and also the fact that they have already, a moral obligation, to the people in South Nyanza because already they have admitted that the people of that area beyond Kericho are producing at a disadvantage and are not in line with people who are served by branch line railways; admitting this for years the Government have granted to European farmers in that area a transport subsidy. Now, we willingly agreed to the washing-out of the transport subsidy because it was discriminatory legislation, and as such it was wrong. In fact, if it were to be reintroduced, which it may well have to be if we are to continue with no proper transport facilities, it will have to be for farmers of all races, and indeed traders of all races, which would be quite impossible because it would commit Government to expenditure which would be out of all proportion. But I say Government has a moral

[Mr. ole Tipis]

House, the European Elected Members or the Asian Elected Members could do a lot of good by using their influence in their own community to tell them that it is time that they really get together, not to hinder or squeeze the petty African trader, but to help him grow. And I think that would do more than anything else in creating that good relationship that we would all like to see in this country. I know of an incident, Mr. Deputy Speaker, in my own constituency where a number of African tailors are followed by the Asian storekeepers to carry on their business of patching shirts and shorts and what have you, on the veranda of these shops, and then the following day the county council officials came round and the policemen rounded them up and told them, "All right, you cannot have this business any more," and then these poor chaps were forced at least pay higher rents to the shopkeepers. Of course the shopkeepers in this case were happy because they could get more, and I think there was some co-operation between the local government and the shopkeepers. Then some Members come here with their sweet words telling us that it is the fault of the African politicians. Now, Mr. Deputy Speaker, I feel that it is high time we really got together and not pretend all the time. We could do a lot of good together, and when we are divided and say, "All right, since we have our own chance and opportunity today let us make the best of them." Our day will also come and then we will have the best of it too.

I beg to support.

Sheikh Mackawi: Mr. Deputy Speaker, Sir, I would like to congratulate the hon. Minister for Commerce and Industry for the excellent speech which he has given on the presentation of his Estimates.

Sir, I understand that the work on the oil refinery at Mombasa is scheduled to begin in June this year. This will be most welcome news because of the serious situation of unemployment there. Sir, I wonder if my friend, the hon. Minister for Commerce and Industry would give his full consideration to the possibility of giving employment to the people of the Coast, and also put forward this proposal for the agreement of the oil refinery and to any other future industrial projects in Mombasa. Sir, I hope that the hon. Minister for Commerce and Industry will give me a favourable reply on this point.

Sir, I beg to support.

Mr. Mohindra (Nominated Member): Mr. Deputy Speaker, Sir, I most sincerely apologize to the hon. Minister that I was not present on the occasion when he presented his Estimates to the Legislative Council. I have heard everybody

praise his speech, and although I did not hear him speak I would like to join those people who threw bouquets at him. I am glad, Sir, to be back in Kenya at the most opportune time, when commerce and industry is being debated, and I would like to take this opportunity of paying a sincere tribute to the present Minister's predecessor, with whom I have had the privilege of working for over ten years on the Board of Commerce and Industry. I hope, Sir, that the present Minister will keep up the splendid standard of impartiality which was set by his predecessor. We, on the Board of Commerce and Industry, were quite a complex body. We consisted of Europeans, Asians, Arabs and Africans, and never can I recall an occasion when any motion or resolution had been put through by pressure, or steam-rollered. It was always the endeavour of the Minister who has retired to bring about or try and find a compromise between the various viewpoints, and I am very glad to say that he always succeeded.

Sir, I have just returned from a protracted trip round the whole of the world, and I was surprised because this was an eye-opener to me. We have a great reservoir of labour available in this country, and we have a great reservoir of raw materials right on our doorstep. The materials about which we care nothing today, which we just throw away as scrap, are valuable assets, and if the Ministry of Commerce and Industry will look at these things and try to create something like cottage industries in this country, this will not only alleviate the unemployment situation but will open to us export markets practically all over the world. I will be bold and make a suggestion, Sir, that the Minister for Commerce and Industry sends out a delegation to countries like Japan and countries like India, where cottage industries are playing such a great part in the development of these two countries. If that were done, and if something on that scale were started in this country, I am sure not only shall we increase the national wealth but we shall bring a lot of happiness to a lot of people who at the moment are being frustrated. Not only that, Sir, when we put these people to work, it will probably keep them out of mischief.

I have heard it said, Sir, that the Government has done nothing whatsoever for the advancement of the African trader. I can categorically state, having been a member of the Board of Commerce and Industry for such a long time, that the Government has done everything possible for the advance of the African trader. The Asians in this country, or the Europeans in this country, have never, at any time of their lives, had a thing like the training given to African traders, or assistance to African traders. The

[Mr. Mohindra]

Asian never got any assistance from the Government. The European never got any assistance from the Government, but because it was felt that the African was still immature, the Government stepped in and brought about schemes for his training and advancement.

But I would like to sound this note of warning. Business and commerce are not things which you can throw down—somebody's throat. They are things which are inherent. There has to be enterprise and integrity put into business, and if it is a question of backwardness it is only time which will make these businesses mature. So far as the co-operation of the immigrant communities is concerned, I am sure the Minister when he replies will bear me out that the Asian community as well as the European community have all along gone out of their way to help their weaker African brethren.

With these words, Mr. Deputy Speaker, Sir, I beg to support.

Mr. Shikely: Mr. Deputy Speaker, Sir, I would like to add my congratulations to the new Minister for Commerce and Industry. Many congratulations have already been given. I think they are worthy of the Minister. He has presented his first Estimates very carefully, and he has helped also to dispel some of the fears which were existing in the minds of the business man in Kenya. I was glad to hear from him of schemes which are being prepared to provide loans to Arab traders as well as Arab and African fishermen, and I trust that these will be put into operation shortly, as he has said. The word "shortly" I hope will mean before the end of this year. I think particularly in the Coast Province assistance is very much required amongst Arab and African traders. I am speaking particularly in regard to the northern Coast areas where fishing is mostly carried out. I think the fishermen there, both Arab and African, require protection from the big operators. They are very poor indeed, and they are always at the mercy of these large operators. I would suggest to the Minister that he should bear in mind the idea of starting co-operative fishing which will help them to earn more profits. This should not be done only in regard to fishing but also in regard to mangrove industry.

The north Coast, particularly in the Lamu area, is a place which is almost for two-thirds of the year cut off from the rest of the Coast Province. In this respect I think large-scale industries are almost impossible at the moment because of bad transport and lack of power, but I think the Minister should bear in mind the suggestion now made about the starting of home industries in the Lamu area where almost for eight months in

the year the people are idle. In this connexion I would like to know from the Minister what has happened to a Greek financier, by name Mr. Jason Zibarras, who has offered to put in considerable finance in the Lamu area in order to develop the fishing industry. This man has gone as far as to suggest that he would be prepared to provide even medical and school facilities for the people there. This was almost eight months ago and nothing has been heard up to now. I think it is the desire of the Ministry to encourage enterprises such as this, and some enlightenment on this matter would be greatly appreciated.

Lastly, I would like to associate myself with the remarks made by the hon. Member for the Eastern Electoral Area, Mr. Pandya, in connexion with the question of transport at Lamu and the making up of the jetty.

With these remarks, I support the Motion.

Mrs. Hughes: Mr. Deputy Speaker, I do apologize for not being present when the Minister made his speech, which I understand was an extremely good one. I did read however, in the paper, that the hon. Nominated Member, Mr. Rogers, spoke about a Minister at large. Now, Sir, we are operating, at the moment, in a very competitive world indeed, and I do not believe businessmen anywhere in the world will invest in any haphazard schemes in any country. They do indeed need many incentives to come to a country such as this, which is undeveloped, and I believe, Sir, that if the Minister is going to encourage investment within industry here, it will be very necessary to have something with which that Minister at large can go out and sell Kenya to the people who have got investments to make.

I will be very brief, Sir, but investors do need to have certain information. They want to know what available raw materials there are in the country. They want to know what internal and external markets are going to be. They also want to know the availability and the cost of labour throughout the country. They also want to know such things as communications, and the cost of such things for their various projects. Sir, communications for their various projects, Sir, have we got any long-term scheme of this sort for suitable industry in Kenya? I would like to suggest to the Minister that we should have a long-term scheme of some 10 to 15 years at least with which this Minister at large could sell industry in Kenya. And I would like to say, Sir, that I do believe it is absolutely essential to have a detailed survey of the potentials of this country. It is done in other young and developing countries and we have got to compete with them to sell, what I believe are very good wares in this country.

Mr. Deputy Speaker, I beg to support.

Mr. Hassan: Sir, I rise to congratulate the Minister. I heard part of his speech, and he dealt with his Ministry in very great detail and all the work that it is carrying on.

I have a few points to make. One of them is what my hon. friend representing the Masai talked about, the trade centres and difficulties for Africans to get licences to trade there. It is quite true that in the trade centres in the reserves in the early days they allowed petty traders to put up any shelter which was good enough to protect the merchandise they were trading in, but for the last few years the traders in the trade centres insisted upon long leases of the plots with a view to enable them to take advantage of loans to expand their trade, and naturally the Government had to ask, through the local health establishment, to have proper surveys of the plots done, and that sanitary requirements there would be very rigidly observed, so that nobody could have a plot on a long lease until he was in a position to put up a permanent shop. That does not only affect the newcomers, it also affects those who were carrying on trade in the initial periods. What is actually desired is for the Minister to acquaint people about the new development to remove misunderstandings from their minds because they feel these latest restrictions about permanent buildings are merely being demanded by the Government, or the licensing authorities with a view to safeguarding and protecting the monopoly of the Asian traders in the reserves, which is entirely wrong.

The other matter which I wanted to bring to the notice of the hon. Minister, that it was during the war that we started control of several items for the purposes of maintaining the supply for the troops and also for the civil population, such as jute and its products and sugar. For the purpose, the Government had at colossal expense, to maintain the control of such commodities, and now that the war ended years and years ago, I cannot understand any reason as to why these commercial undertakings should still be carried out at a colossal cost to the Government revenue in this country; why full advantage is not being taken of the commercial concerns in this country. Why is this work not entrusted to the commercial concerns to carry on, instead of at a colossal cost to the revenue of this country, by the Ministry of Commerce and Industry?

The second point which I would like the Minister to reply to when he replies to the debate, is that we passed legislation in this Council for a Bill to control scrap metal and scrap metal dealers in this country, and I remember perfectly well when the Bill was debated we objected strongly to a lot of the clauses of it which dealt with every piece of bolt and nut that the scrap dealers were to possess, they should enter into their registers with full details as to the persons selling them and so on for the inspection of the police. In the last few months there have been two incidents reported in the Press. One was that a very large number of coils—several tons, in fact, of telegraph wires and electric wires, were caught being loaded on a ship by a particular firm. It appeared in the Press and we never heard what action, if any, was taken against the firm which was exporting the telephone wire which was, in fact, suspected of having been stolen from the Government in this country.

The second incident reported in the Press was that a Japanese ship was held up in the Port of Mombasa, having been found loaded with scrap metal containing quite a large number of bombs

weighing several tons. The ship was guarded by the police until all the scrap metal and live bombs were unloaded from it, and that was reported to be also the work of a very prominent scrap dealer's firm who had a general licence in the country. The public is very anxious to know what action, if any, has been taken against that firm and the firm which exported the stolen telephone wire, because petty scrap metal dealers are worried about giving to the police inspectors, information about the bolts and nuts they have in their possession in a heap, as to where they got it from, but the major firms are exporting tons of stolen material which evidently have come from the Government stores, and people hear absolutely nothing about it after the preliminary report in the Press.

I would like to ask the Minister to see that such a law is applicable to everyone, whether he is a petty scrap dealer or whether he is a general licence holder.

The other matter which I wanted to bring to the notice of the hon. Minister, that it was during the war that we started control of several items for the purposes of maintaining the supply for the troops and also for the civil population, such as jute and its products and sugar. For the purpose, the Government had at colossal expense, to maintain the control of such commodities, and now that the war ended years and years ago, I cannot understand any reason as to why these commercial undertakings should still be carried out at a colossal cost to the Government revenue in this country; why full advantage is not being taken of the commercial concerns in this country. Why is this work not entrusted to the commercial concerns to carry on, instead of at a colossal cost to the revenue of this country, by the Ministry of Commerce and Industry?

With these few points, Sir, I support the Motion.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, one or two points have been raised in this debate which specifically affect my Portfolio, most of them to do with regulations passed by local authorities with regard to trading plots, etc., but I think the best thing is for me to reply to the detail when the debate on my Head takes place. Incidentally, a number of these questions were raised by the hon. Member for Nairobi Area and on the same morning that he raised them in this House I received a sheaf of eight questions on exactly the same matters which he raised in this House, and I will be answering those questions in the usual manner, and I believe that it would probably be better for me to answer them in the form of questions than for me to hold up the House in this debate.

[The Minister for Local Government and Lands]

There is one particular matter, Sir, though, of considerable interest to hon. Members on the Government side and opposite with regard to commercial premises in Nairobi, and as this matter is also rather urgent I would like to comment on it. Hon. Members know that a number of commercial plots have been made available in the African estates in Nairobi and there has been considerable delay in the allocation of these plots and, indeed, in the issue of title and this matter was raised by the hon. Member for Nairobi Area and, I think, other hon. Members as well.

The situation is this, that when the form of lease which the City Council to whom the land had been made available by the Government, the form of lease the City Council had drawn up, was sent to me for approval I had very considerable doubts, the reason being that there was provision in these leases for very considerable revision of rent over quite short periods. The City Council stated that they would be spending a lot of money developing those areas and, therefore, they thought it would be justifiable to increase the rent of these plots in accordance with the capital that they had spent in development. However, in my view, these revisable rents were not justified, firstly because the Government withdrew from the policy of revisable urban rents some years ago; secondly, that meant that the land would be made available by the Crown to the City Council without revision in the rents, therefore if the City Council were able to revise the rents to the lessees it would be a nice profit straight into the pockets of the City Council; thirdly, with regard to the development and capital money which might be spent by the City Council in that area, I considered that they would be able to remunerate themselves by the rates going up, the rates they place on this land rather than rents. So this was an occasion when there was a difference of opinion between the Government and the local authority as was pointed out by the hon. Member for Nairobi Area, but I think that though this may lead, and has led, to a considerable delay, that it is the duty of the Government to protect the citizens of the Colony generally against what might be unfair treatment by a local authority.

The present situation as I understand it is that the committee concerned, of the City Council, has discussed this matter and may—in fact, I am told, will—suggest that the Government takes back the land and the leases are made direct from the Crown to the people who will use the plots and build their shops upon them.

Well, Sir, I do not see that that is a bad solution, and if this is the case—it has yet to be con-

firmed by the Council, the City Council as a whole—if this is the case I assure the House now that the Crown will do everything it can to expedite the issue of these leases which we hope will not be more than another fortnight or so. The tenants then, I hope, and I want to re-emphasize this, will take their title direct from the Crown.

That, Sir, I think was the most important question, apart from the others which I will deal with in a later debate.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I first of all would like to add my congratulations to the new Minister for Commerce and Industry for what he has said in presenting the Estimates of his Ministry, although I was not present on the occasion.

Now, as usual, Mr. Deputy Speaker, there was nothing very much new in what he told us. The position of the African trader has not changed and his difficulties are as they were before, and the new Minister has not tried very hard to alleviate the difficulties and the plight which faces and which has been facing the African trader all these years.

The Minister for Commerce and Industry (Dr. Kiano): Interjection.

Mr. Khamisi: One month is quite a good time you could have done something.

Mr. Deputy Speaker: Sir, the African trader is finding it extremely difficult to put on, he has tried very hard to put on trade and tried to serve the community in the best possible way but he is faced with competition from the immigrant races who are more capable, who have more money and who have more experience and who are able to compete and oust him from the trade. Therefore, I feel, Sir, that it is the foremost duty of the new Minister for Commerce and Industry to see that the African trader is also able to enter into trade and to stay in the trade and not go out of business.

At present the Government has done very, very little. Last year we were told that there were only about 400 traders who received any loans at all from the International Co-operation Administration. Now this year the number has been doubled somehow, there are 820. But that also is a very little performance. I wish it could be trebled or four times that number of traders should be able to receive these loan moneys which are available to them.

Mr. Deputy Speaker: Sir, the Minister perhaps is not aware that there are some local authorities who do not want to see the African prospering in trade, simply because these authorities, these

[Mr. Khamisi]

Local authorities are dominated by the immigrant races. It is for that reason that they do not like to vote money and encourage the Africans to go ahead in their trading. Now even those local authorities who have agreed to vote money and to give loans to Africans, they do it very reluctantly, they take a long time. A man makes an application but does not get a loan until six or eight months later, if he applies for Sh. 6,000 he will be very lucky if gets Sh. 3,000, he may find himself getting Sh. 1,000 or Sh. 1,500.

That refers to the local authority at Mombasa. The Mombasa Municipality Council does this, this is a very clear-cut example of what is going on in the country and I am sure the main reason is because the African representation in those councils is not adequate and there is too much power given to these local authorities in respect of these loans. I feel, Sir, that the Ministry should take over the whole question of giving loans to traders. They should set up their own committees in the townships and in the districts to give out these loans and that will enable the traders to get the loans much more quickly and they would be able to start their shops and continue with their trade.

Sir, another thing which I think should come under the Minister for Commerce and Industry is the question of these African petty traders, for example tea hawkers. In Mombasa, for instance, tea hawkers are allowed to sell tea, but they are not allowed to sell a piece of bread with the tea, which is extremely difficult. A man going to buy a cup of tea, he is allowed to do that but he cannot buy a piece of bread to eat with that tea. They say that is against the health authority. What health authority? Bread is sold in all the provision shops, it is only a matter of cutting a piece of bread and selling it with the cup of tea. What health difficulties there are I cannot understand. I feel, Sir, that this is another way of trying to restrict the activities of these traders so that they may not hawk tea.

Now another question which is exercising the minds of the members of my constituency, particularly in Mombasa, is the question of *uji* hawkers. There are a lot of women who cook very good *uji*, which I have tasted myself and found it very palatable, and they cook beans and maize and they carry this in a very clean condition and sell it to the workers at the port or in other areas where big construction work is going on. Now, these women are always in demand because the Municipal *arkari*, sometimes the police and sometimes the Health Inspectors go round and arrest them and take them to court and they are fined. Now I do not see the reason whatsoever.

What is wrong in putting a pot of porridge under a mango tree on a very clean piece of ground and selling it in clean cups to the people who come to drink it? Sir, perhaps the Minister may be able to answer me whether there is any health danger there.

Now, Sir, I feel again—you see these women are doing a very good job because they are not only providing good food to the workers at the port but they are supporting themselves because some of them have no means of livelihood and they are asking the Government—your Government there—to see they are not maintained by the Government, because if they are not able to earn their living in this way, it will be upon you people on the Government side to see that these people are fed and that they do not die of hunger. Therefore I feel, Sir, all these hawkers, tea hawkers and *uji* hawkers and all these petty traders should come under the Ministry of Commerce and Industry.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Deputy Speaker, Sir, on a point of order, it seems to me that the hon. Member is covering much more ground on local government than on commerce and industry. I am wondering whether conditions which are imposed by by-laws and not by the Minister for Commerce and Industry are a proper matter for this particular debate.

The Deputy Speaker (Mr. Conroy): I too have been wondering whether the realm of licensing *uji* sellers falls within the Portfolio of Commerce and Industry, it seems to me to be a matter for Local Government or for Health, and as, certainly, Local Government is a matter which we are going to come to—*h. hope*—on the Order Paper, I would ask the hon. Member to restrict his remarks to the subject which we are debating.

Mr. Khamisi: Thank you, Sir. Now, Sir, coming to the question of importation of goods from overseas, I understand one of the Members from this side of the House commented that we were objecting to the growth of local industries by suggesting that goods from overseas should be imported. We have no objection to the normal growth of local industries, but all that we have said and I have said is that if local industries are a health growth in this country, local products should be cheaper than those imported from abroad and that is, I think, a very reasonable statement to make.

With those few remarks, Mr. Deputy Speaker, I beg to support the Motion.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Deputy Speaker, Sir, I must say that I am particularly happy to have listened to the various speeches given in this House with

[The Minister for Commerce and Industry]

reference to my Ministry of Commerce and Industry. It appears that practically all Members of the Kenya Legislature are very concerned, first with the question of economic development in this country, secondly with the question of maintaining active conditions which will encourage more investment, and, thirdly, they are concerned with the question of independence coming with a viable economy to support it. That being the attitude of all the Members of the House, I feel particularly happy that it is within my Ministry that these wishes are to be substantiated into specific programmes and policies. Any person thinking there is over-interest in politics without comparable interest in economics must have felt displeased by what was said by the various Members.

Now, Sir, I must say that before I answer the various questions which have been raised by the Members here, I hope that they do not consider an African Elected Minister the performer of miracles, and that having had the opportunity of being a Minister for only one month, I am surprised that there are extensive things I am supposed to have accomplished by now.

Much of the work that I described in the introduction of this debate was on what has been going on in this country since the last Budget Debate. But, Sir, although I indicated a number of additional things that have been considered now, nevertheless I cannot have been expected to have performed all the various changes proposed, particularly by my colleagues the African Members, within one month only. But in any case, Sir, I am glad to know that nobody is a pessimist with regard to the economic future of this country. And, Sir, a very large number of the speakers have proved that actually what I said in my speech was right when I said that the future was bright, and that if we continue the present attitude of being economically conscious of the things we do, there is likelihood of economic expansion in this country.

Now, Sir, if I am to take the various statements made by the various Members during their speeches, I would like to thank the hon. and Nominated Member, Mr. Rogers, for his helpful suggestions over the future of the Industrial Development Corporation and of the place of the African in the country's wholesale and retail trade. He suggested that perhaps I may be a very busy man and perhaps it may be necessary to appoint a Minister at Large who would go out to the various money markets and try to persuade them to come and invest here. I think this was a humble and friendly way of asking my Ministry to do it though he did not want to tell me to do

it directly. I can say that if we are willing to create the conditions that are suitable for more investment, then it is logical and necessary that we do more than just wait to be asked for investment in this country, that actually we should show interest and should take the initiative to try and persuade those who are not very eager to come and we should go out ourselves and tell them why we think it is good for them and for our own sakes to invest in this country. So the suggestion of a Minister at Large, seeking to persuade possible investors to invest in this country, is a timely suggestion from the point of view of encouraging more activities by my Ministry to attract the somewhat reluctant and uncertain investors who otherwise might be of use to our economy. I shall certainly look into the possibility of using the part which the Industrial Development Corporation can play in promoting industrial development and thus relieving the unemployment situation.

Now, Sir, I am very sorry that my colleague and friend and elder, the Member for Central Nyanza, is not in the House when I have to refer to his comments.

Sir Charles Markham: He is talking to the Press.

The Minister for Commerce and Industry (Dr. Kiano): When he was speaking he felt that it would be important for my Ministry to look into the possibilities of developing cottage industries in Kenya, and I can say specifically that my Ministry has already taken steps to obtain information about the development of such industries in other parts of the world with a view that we can learn something specific from them and we hope that we can develop something on similar lines in this country and we shall explore this question in detail and examine this question in detail in the future.

He also said, Sir, that the position of the African businessmen had been entirely ignored by my speech. As a matter of fact, he also said that my speech ignored entirely the African part in the economy of Kenya.

Now, Sir, as a comparatively young man, I do hope that it was not age which prevented my friend from hearing the four or five or six paragraphs that were devoted to the various schemes that my Ministry has with reference to the development of African businessmen and African industrialists. I can say that there was quite specific reference to a scheme which was soon to come into operation designed particularly to help the African industrialists with funds being available to lend them to the Africans who want to start industries.

[The Minister for Commerce and Industry]

There was also mention, Sir, of the extension of the work that has been done by the International Co-operation Administration Fund and if I may refer, not only to the remarks of my colleague the Member for Central Nyanza, but also to the hon. Nominated Member, Mr. Charles Rubia, I have said that we are looking into the possibility of making available the International Co-operation Administration Funds to the Africans who live in those local authority areas where the local authorities have not found agreement between themselves and my Ministry. I think at this stage, Sir, I can even be more specific than I was last time and say that with reference to Nairobi, we are trying in my Ministry to set up a special loans committee for the Africans within this month or the next month. It is not a matter of saying that we shall look into it, with the interpretation which is usually taken that when Government says it will look into this, that several years elapse before anything is done. I am saying that within this month or the next, a special loans committee will be set up in Nairobi to deal with the question of loans from the International Co-operation Administration to the African businessmen. When I say within one month or two I mean within one month or two, and I do hope that something of a similar nature will be set up for the Nakuru area where also the local authority and my Ministry have not yet come up with an agreed project in this regard.

The hon. Nominated Member, Mr. Charles Rubia, suggested encouragement for industrialists away from major urban centres. It has been a policy of my Ministry to offer every encouragement in this regard and, as a matter of fact, we have explored the various areas outside Nairobi which could be considered suitable for industrial sites. Now industrial estates ready for immediate occupation have been developed outside the major urban areas, they all have the facilities, but unfortunately the industrialists often prefer the major urban areas and sometimes even prefer to accept the inevitable difficulties over labour and housing and my Ministry cannot direct, it can only encourage the people, the industrialists to go elsewhere, but it is not within our power to say that they must go outside. After all, we do allow a certain degree of private decision by the investing industrialists, but I would agree with the Member that there is need for encouraging more industrialization outside the major urban centres and within these limits my Ministry will do all in its power to ensure a proper distribution of industry throughout the territory.

Now, Sir, the hon. Nominated Member, Mr. Rubia, also raised the question of the Transport Licensing Board procedure and I can say that

regarding the procedure of the Transport Licensing Board the hon. Members are, of course, aware of the fact that the responsibility for Transport Licensing policy rests with my hon. friend, the Chief Secretary, and the concern of my Ministry as far as the Transport Licensing Board is concerned is only that the Chief Secretary's Office consults my office on some of the commercial aspects of the policy. But the making of decisions on Transport Licensing Board affairs is outside my Ministry.

Now, it has been expressed that the existing training facilities for African businessmen are inadequate. I think this point was raised by my very good friend and colleague, the Member for Central Province (North) who said that in addition to providing adequate business training for the Africans it is the duty of my Ministry to see that when an African shop has been started it remains open. Now, Sir, on the question of training I can say that great importance has been attached to this question of training the businessmen and we are planning to see that it continues to go on and be improved. We have however been faced throughout with strict financial limitations. There are the executive officers for African trade who have organized short courses of three or four days in their fields throughout their provinces. These have been well attended and popular. From there the more promising students have gone to Jeanes School for more courses and my Ministry has tried to ensure that these courses meet with the practical needs of the trader. Incidentally, they do lay great stress on credit control and matters of business management which the hon. Member for Central Province (North) is very interested in. Our experience has led us to realize that there is now a demand for more advanced courses in business management which will be held in Jeanes School in Maseno later in the year.

But the other proposals made by the hon. Nominated Member, Mr. Rogers, are very welcome from the point of view of what the existing industries can also do to increase the experience and knowledge of the African traders. I also hope that the new Kenya Polytechnic being established will be able to increase the scope of training in business management.

Now, Sir, on the question of making sure that shops that have been started will remain open. I think one must be realistic about these things. It cannot be the duty of a Minister to uphold a business person who does not particularly possess either the business ability or the integrity necessary to warrant credit extension to him. It is our duty to make sure that all the able and progressive businessmen will get help through such schemes as the loan schemes, the schemes

[The Minister for Commerce and Industry]

for African industrialists, and also the training and advice given, but I think at the same time we want to turn this into a completely State-controlled kind of an economy that there must be a recognition of private responsibility and the responsibility of the Ministry. Therefore, Sir, while I fully agree and I do agree with such comments as that made by my hon. friend, the Member for Mombasa Area (as well as my colleague, the Member for Central Province North) that it is important that attention be paid to African business—and I have already given an assurance that this is one of our major concerns—nevertheless I do hope that it is not expected of my Ministry that it should be a sort of helper for a person who is not deserving in the field of credit-worthiness.

Now, all this progress which have been made and which is being planned depends on a very small staff. The areas to be covered are immense and the number of traders needing attention imposes greater strain on the staff available. Nevertheless, the executive officers try to pay regular visits to the loan recipients and those who have been on the courses at such places as Jeanes School and we attach great importance to this follow-up. I do hope that we shall be met halfway by these recipients which will be the only way to make the schemes successful. As I have said before, it is unfortunate that such schemes, particularly the schemes on loans have not been operating in such areas as Nairobi where there are quite a good number of African businessmen and so on. We have been aware of this since we believe that Government must be to a certain extent responsible to the wishes of the people. That is why I am particularly glad that we can be specific in saying that even in those areas we are making specific programmes to extend our activity.

Now, Sir, I was very pleased to hear what the hon. Nominated Member, Mr. Rogers, had to say about African increased participation in the retail and wholesale trade. I know that progressive and far-seeing businessmen in this country are realizing the importance of this and will continue to increase what they have already started to do. Some of them have changed their policies to this end and great benefit is now resulting from progressive employment of Africans in positions which will train them for executive management in big business. As we continue to take an increasing part to give them experience and knowledge, so will there be better appreciation of the part played by the major companies and industries to the entire population. In this case, I can only

sound a note of warning about the dangers of trying to advance haphazardly in the field of company formation. Development must always be based on sound knowledge and experience, covering both the retail and wholesale fields. I know at present there is a lot of interest among the African population in getting into the wholesale business as well as the export and import business and, of course, my Ministry is interested and will do all it can to see that those who can do it will get all the aid that is within the limitations of my Ministry. Further advance will be quite progressive as we have the proper foundation established. We hope the year 1960 will be a year in which such foundation will be available.

Several hon. Members have suggested that credit facilities for African businessmen are insufficient and that the capital available to the joint boards should be increased so that we can enable these boards to grant bigger sums of money to the Africans for loans. I can say that several things have been done. In the first place, steps are now being taken and have been taken already to relax the conditions on which funds are made available to the joint boards when the local authorities cannot make full counterpart payment. As the hon. Members may know, it was necessary when these schemes started that any local authority undertaking to operate the I.C.A. loan scheme for the Africans had to pay £1 for £1. If my Ministry took some of the I.C.A. funds to a local authority, the local authority receiving them was expected to match the amount with an equal amount, i.e. £1 for £1. We realized very soon that some local authorities which could use these funds and which had a number of people who could be helped by them could not really match £1 for £1 and the tendency would have been perhaps that the more able local authorities could get bigger figures and the needy ones might not get them. Now it has been possible to relax this regulation so that we do not insist on full counterpart payment, matching £ for £, in order to enable the less financially able local authorities to undertake these funds and make them available for the joint loan boards for the purposes of lending them to African businessmen. I am sure that credit is available to all the suitable applicants and I may stress that so far no qualified loan applicants have been turned away. I hope that the steps now being taken will avoid this happening in the future.

It has also been suggested that the size of loans to African businessmen by the joint loan boards are too small or too inadequate. I think it has been said that they lend about Sh. 2,000 or Sh. 3,000 which obviously may be too small for a significant business venture. I think that this is a question that my Ministry will keep under review.

[The Minister for Commerce and Industry] the merits of each individual being considered. The size of loans can, of course, be increased under this review and as the experience of credit-worthiness grows.

The hon. Member for Nairobi Area—I see that the hon. Member for the Mombasa Area has come in just after I have finished commenting on what he said. I only hope that he will look at HANSARD and see what I said against him and with him. I am pleased to say that with reference to the questions raised by the Member for Nairobi Area (I have already replied to some of with reference to the special committee which is being established within this month or next month for the loans to African businessmen from I.C.A. funds) I would like to make it clear that this is not a statement of saying there has been any dispute in the Central Government or the local authorities, not at all. It is only that it has not proved in the past possible to reach satisfactory agreement about the local contribution in these areas. The special committee now will overcome that difficulty.

The question of commercial leases for Africans in the urban areas is, I understand from my hon. friend the Minister for Local Government and Lands, receiving the most careful and detailed consideration. I am glad to say that he is in a position to give us some more suggestions as to what is being done with reference to leases held by the people in the urban areas. That, again, happens not to have been in my Ministry and, Sir, it is always interesting to see that about one-fifth of my comments have to keep on saying that "this is not in my Ministry". I am sure that at the appropriate time we will be hearing more about these leases from the correct Ministry. The same also applies to question of hawkers.

I may say that a point was raised by my hon. friend the Member for Central Rift who raised the question as to exactly what the Ministry of Commerce and Industry does and what the Ministry of Local Government and Lands does and where the boundaries lie. He felt that a lot of trade and getting licences for his shop which is trading does not come under the Ministry of Commerce and Industry but is the Ministry of Local Government. Also I think he said something with regard to the Transport Licensing Board. All I can say is that there is genuine concern among many people as to the divisions of work between the various Ministries and we always appreciate suggestions which may help to have a better distribution of the functions of the various Ministries. I can therefore say that this is a question which will be looked into because a hawker is a hawker and a hawker is a trader

as far as the public is concerned. And if a hawker is a trader or if in buying a 'bus he is being a trader, then it is natural for members of the public to expect specific actions, particularly from the Ministry of Commerce and Industry while the division of functions is not necessarily along those lines. I can promise the Members concerned that this is a matter that I will take note of in the hope that more specific answers will come to them.

Now, there was a question also raised by the hon. Member for Nairobi Area with regard to the staffing of Nairobi Airport. Now, Sir, it is an accepted policy in this House and also among the public that there should be increased employment of Africans in the Civil Service, in business and industries on higher levels and in more managerial positions.

The point made was that when a visitor comes to Kenya he finds Africans doing the job of carrying the luggage, but hardly finds any Africans in the more responsible position of dealing with Customs or even reception. I do remember, Mr. Deputy Speaker, shouting at my friend and asking him whether he knew of very attractive persons who could serve as receptionists, and he said he did. But the point is that there is a general desire to see that Africans continue to take high positions not only in the Civil Service, but also in business and industry, and although the actual question at issue is in the realm of the Civil Service Commission, which is responsible for making appointments, it is not the policy of the Civil Service Commission to appoint people on the basis of race. Nevertheless, the point raised by the hon. Member, particularly from the point of view of impressions created to visitors and so on, is a valid point and one which should be looked into from the point of view of encouraging more and more Africans to take positions in the more responsible positions rather than just apparently carrying luggage, and so on.

Now, again, I keep on saying I do not know what is happening to the House, Mr. Deputy Speaker, but the attendance in this House has sort of gone down in recent times, and one has to keep on referring to points raised by the hon. Members when they are not there, only with the hope that they do read the HANSARD when it is published. This is the second time when I have had to reply to points raised by my very good friend, the Member for Nairobi Area, without his being present, and I was in a bad position last time because in his speech after I gave my introductory speech in my Estimates he raised a number of questions which I had already answered during my comments on the general Budget Debate. Sir, I guess that is really not a matter for my Ministry to raise here.

[The Minister for Commerce and Industry]

Now, a number of points were raised by the hon. Member for Nairobi West. First of all he felt that the questions he put down several weeks ago should have been answered by now. I can only give him the comfortable hope that by the end of this week he may find himself receiving the answers that he so longs for. It is to be understood that in addition to worrying about hon. Members' questions our Ministry have many engagements to look into, but I am very much aware of the importance of the questions and he will be receiving answers in the near future.

Now, Sir, the hon. Member for Nairobi West commented on the question of how this Government can commit any future Government on any issue, with a feeling that an attitude of that type might do considerable damage to the confidence in Kenya's economic development, and so on. Now, Sir, while it is true that in Britain or the United States, or Kenya, or anywhere, it is not necessarily that Government always commits a future Government on a number of issues; nevertheless, I have confidence when I say that the future Government which Kenya will have will be a Government in which the Africans will have the predominant voice, if I may quote the Colonial Secretary. It will be a Government, I am confident, which will not be a blind Government, but a Government which will consider very carefully the consequences of whatever actions and policies they seek to implement, and I am sure that in the consideration of those consequences they will take into account what will be done to their position in the international agreements. They will consider also the effects of their actions to their reliabilities in any undertakings. They will also consider whether or not a certain reform is cutting one's nose in order to spite one's face. I am, therefore, quite confident that while agreeing that when such drastic changes are coming it is difficult to see how one Government commits another on detail, nevertheless, we can say today that that future Government will be a Government which wants first to acquire the reliability of its work, a Government, which can say "You can see our record, which shows that we have kept our word"; that it will be a Government which will be devoted first and foremost to the economic development of this country and will, therefore, not undertake any action which is likely to impoverish the country; that it will be a Government which will be led, I hope, by people who have for many years wanted to see justice accepted as the principle; that is a Government which will bring in the question of justice not only in the legal field but also in economic dealings, and one in which economic fairness will be considered important.

That is why I feel that I might have been too harsh when I said the political uncertainties in this country are untrue. It is that what I had in mind is that I cannot conceive in Kenya a Government which will act contrary to the principles of economic fairness, economic development and the principles of international confidence; I cannot consider Government will do that. And if in our generous language—and we are all very generous in the kind of phraseology we use in this House—it is a fact that many politicians have—but if in our generous language, or sometimes heated language, we use a short phrase, whether on this side of the House or the other side of the House, if we use a phrase which somebody wants to misinterpret, I can only ask such a person to restrain himself in the hope that we do not begin creating imaginary fears by those who are not Members of this House, and, therefore, do not know the character or attitude of the person uttering the phrase.

I therefore say that it will be much better for Kenya if we forget the detailed phraseology of Members in this House because if we were to pursue them I think all of us would be embarrassed by what we have said at various times, and instead hope that we, having been called hon. Members, shall continue to be hon. Members even when we are the Government of this country.

I am therefore still very hopeful that nothing drastic will happen to Kenya's economy even after the Lancaster House Constitution is implemented. I am saying that because I do feel that all the Members are concerned that there should be a degree of certainty as to what we believe, and may I say in this respect that from my knowledge of the present development of the economy of this country on both sides of the House I have not come across doctrinaire economists. I have not come across people who say the economy must be on the basis of State ownership from A to Z, or people who say there must be completely free enterprise and Government must have nothing to do with it. I do believe the type of economists we have in this country are people who are pragmatic economists, who look at a situation as it arises and seek the best way to solve it. We are not slaves to any doctrine, but we are devoted to seeing that the solutions we give to the problems that arise are the best solutions within the given circumstances. This therefore is not likely to be a Government in terms which this State will control everybody in terms of the economy, or a State which will say that no person should own more than £1,000 or any land, thing to that effect—or even 20 acres of land, as the hon. Member for Nairobi Area kindly reminds me. But it will be a Government in which

[The Minister for Commerce and Industry] we must all accept that in all under-developed countries the Government must play a leading or a major part in the development of the people, simply because most of the economic institutions and organizations existing are not known internationally and cannot command credit outside their own countries.

In any under-developed country the Government tries to take a leading part and initiative for development of a country, but this does not mean the combination of the entire economy by a doctrine conceived to be a panacea for all economic problems all over the world. I do not think that the economic problems of Kenya need be the same as the economic problems of Siam, or the economic problems of Wales, and therefore the fear of doctrinaire solutions need not be existing among the hon. Members of this House.

Now I am not quite sure whether it was the Member for Nairobi West, or which Member, who wanted to know why in terms of schemes for loans I referred only to the Africans instead of considering the problem of all businessmen, irrespective of who he is. Now, Sir, may I point out that as far as the International Co-operation Administration funds are concerned, the agreement existing between my Ministry and the International Co-operative Administration is that these funds are there for lending to African businessmen. This is therefore although my Ministry is a Ministry which has responsibility not only to Africans but to Asians traders as well and European traders and industrialists—nevertheless as far as this particular scheme is concerned it is a scheme which has already been earmarked for one particular type of trader who has been described, as the Colonial Secretary would say, as Africans in the ordinary sense of the world.

Mr. Mullins: That is discrimination!

The Minister for Commerce and Industry (Dr. Kiako): It is interesting to hear the Member for Nyanza North saying that this is discrimination. Sir, if I recall his speech he said something must be done for the African businessmen; and when I point out to him that something is being done for the African businessmen, now he wishes to charge me with discrimination. I do not see how he can have it both ways.

Now, Sir, I go to the points raised by the hon. and gracious Lady, the Member for Nyanza. She said something to the effect that the railway should be extended to Kericho area and that they have been 30-35 years without a railway connexion. Now I am not very well versed in the geography of Kenya, but I have travelled to Kericho and Kitumu, and at least I can say although they do not have a railway extension

there, nevertheless I would not consider them completely isolated from the rest of the world in terms of communications, but this is a subject which I will definitely look into and raise the question and do more studies of it. In addition to that I would appreciate further effort by the hon. and gracious Member: if she could make it available to me—which I can also find for myself—the opinions of the tea industries and so in the area with regard to this proposition. I will definitely look into that to see what can be done.

Now if I do not appear to be following a certain logical pattern of who spoke first, who spoke next, it is because I have so many papers in front of me that sometimes I do not know who spoke first and who spoke later.

An Hon. Member: Do not forget me!

The Minister for Commerce and Industry (Dr. Kiako): The hon. Elected Arab Member raised the point of seeing to it that when the oil refinery is established in Mombasa, that attention should be paid to see that the employees who will benefit from this will be people from the coast.

Now, may I point out what I have just said in reply to the questions of the Member for Nairobi West, that we are not as a Government going to detail every item of behaviour by the existing free enterprise and that the oil refinery is not a Government department, and although I know, as he does, that most of the employees will come from the coast when the job starts, that it is not quite proper to ask a Minister to go round asking various companies to employ so and so, and not to employ so and so. I think I must give a large leeway of liberty to the oil refinery to employ the personnel it wants to employ. But I do hope, as he does, that it will employ people from the coast.

Sheikh Mackawi: The oil companies are at the coast, and so I wanted the Minister for Commerce and Industry to say that the coast people should be employed first.

The Deputy Speaker (Mr. Conroy): Sheikh Mackawi, you are not allowed to make a speech. You are allowed to explain something which you have said which is being misunderstood or misrepresented. I have not heard the Minister misrepresent anything that you said.

The Minister for Commerce and Industry (Dr. Kiako): I thank you, Mr. Deputy Speaker. I know I have not misunderstood, but I think he and I are in the happy anticipation that the employees will largely come from the coastal area.

Now, Sir, the Member for Kiambu—may I make it very clear when saying in this House

[The Minister for Commerce and Industry] the Member for Kiambu we mean the hon. Mr. Bompas and not the hon. Dr. Kiako. I am also a Member for Kiambu but also Fort Hall and also Thika District, and I am better known as the Member for Central Province South. I have heard Members in this House referring to me as the Member for Kiambu which I am not.

The hon. Member for Kiambu felt that the Africans had achieved great political advance and scope and he called for similar economic achievements not only by them but by the country. I think this is a challenge which is appreciated and I think there is a lot of understanding and a lot of appreciation of what it means to the country. I believe that the hon. Member for Kiambu did urge that there should be an increase of apprenticeship opportunities for the people, and indeed this is a job not only for my Ministry but also for the various companies represented in this House, and many of the people in this House are businessmen in a way and I do feel that in addition to the various training programmes my Ministry carries out it is also a challenge to the businessmen of this country, and the industrialists, to increase apprenticeship opportunities in Kenya.

Now, there was also a question raised by the Temporary Member, I believe for the Arab community, whom I am glad to say was my former classmate some time ago. He did raise a question concerning a certain Greek business adventurer who was planning to start a fishing industry at Lamu and nothing has been heard about it since the time when he spoke about this project some months ago. I can only say that my Ministry is not aware of this particular Greek whose particular job might have come under the Ministry of Game and Fisheries some time, but if he has any further information he would like to give us I will be very glad to look into it. I am sorry it is something that we are not at present aware of.

Sir Charles Markham: It is all Greek to you.

The Minister for Commerce and Industry (Dr. Kiako): The hon. Member says that it is all Greek to me, but it is economic and not Greek to me.

Now, the hon. and Specially Elected Member, Mr. Michael Blundell, raised the question of the Industrial Development Corporation participating in what he described as the quasi-agricultural industries. I am entirely unaware of all the reasons referred to by him about the former Minister for Commerce and Industry. I can only say that the Industrial Development Corporation is an independent Corporation within my Ministry whose funds at present are highly limited, but if something specific is proposed to us which

can come within not only the financial strength of the Corporation, which is rather small now, but also within the purposes of the Corporation, it certainly will be given some consideration. But may I say that my Ministry, as well as the Ministry for Agriculture, are aware that the needs exist, and, all three Ministries, including the Ministry for Finance and Development, have worked very closely together to keep the economy of this country going, and therefore we are not likely to create a situation which will make the three Ministries go against each other for the various projects, but there will be a spirit of co-operation between the three economic Ministries, if I may call them so, which will be encouraged and cases will be dealt with as they come.

Now, my friend and colleague the Member for Central Rift, who has now come in, and therefore I will announce the point I have now, did say that commerce and industry has largely been in the hands of Europeans and Asians in this country and that it was about time it came into the African hands—or the actual business and commerce outside this House. I can say that it is recognized that the African community, being the majority community in this country, will not only play a part in the development of the local market in this country, but also for the sources of further expansion. What the hon. Member describes as "disadvantages" are recognized. He says that there has been unfair competition, so that when an African starts a business he already finds a person of another race already established there so that he can hardly compete with them. I can say that the schemes which I outlined before he came in are designed to put the African into a comparatively competitive position with the other communities. We are aware of the disadvantages and will give them full thought in order to put enterprise in a comparatively competitive position.

Now, the hon. Member who I usually refer to as the Member for the Eastern Area is concerned about the loading facilities in Lamu and the inadequate airstrip available there. If I may plead temporary ignorance I may say that I did not know about the particular point he raised but it is one I will look into. I have already said that it is a subject which I am not very much aware of.

Now, there was a Member who wanted to know the income received as a result of the South African Airways landing at the Nairobi Airport. May I say, before I give the answer, that I fully appreciate the feelings and the sentiments expressed by an hon. Member—I think it was the hon. Member for the Nairobi Area—about the situation in the Union of South Africa. It is understandable. Sir, and I can understand the feelings which he expressed and which prompted him to

[The Minister for Commerce and Industry] add that I as the Minister for the Airport, if I may put it that way, should ban the landing of the South African Airways aircraft in Nairobi. While fully appreciating his sentiments, and I being a former member of the Steering Committee of the All-Africa People's Conference, I had something to do with the passing of a resolution calling for the boycott, and while understanding these sentiments I must say that in the first place there is an international agreement which would make it practically impossible and legally impossible for the Minister for Commerce and Industry in Nairobi to pass a resolution or pass a directive saying that this company or that company would not land their aircraft in Nairobi. I am afraid that that would be breaking an international regulation which apart from affecting South African Airways would also affect East African Airways and the BOAC. It is an international agreement which is not one that can be broken, it does not allow unilateral or bilateral action between one government and one air company. So that puts the Kenya Government in a position whereby they have either to make up their mind to break an international regulation to which they are a party or to say, "Well, it is a regulation which calls for more than just a decision by our legislature." So far as the financial aspect of it is concerned, I can say that in 1959 the aircraft landing in Nairobi belonging to South African Airways brought £17,925. Somebody wanted to know the actual figure, that is what it is. However, outside this debate we sometimes find ourselves in practical difficulties as my friend found himself when he had to travel on a specific day and at a specific time when the only plane available was a South African Airways plane, and he had to take it. I am also reminded that I myself when I came from the All African People's Conference at Ghana which had passed a resolution to boycott South African goods had to take a Pan American Airways to Johannesburg because I had to get back in a hurry and the only next plane which I could get was a South African Airways plane to Nairobi. The journalists there were not very kind to me, saying, "Were you not going to boycott the South African goods?" These things do come up and I hope that having expressed our strong political feelings about something, we then face the technical and practical difficulties that may arise.

The hon. Nominated Member, Mr. Mohindra, raised points which were very similar, at least in thought, to those points raised by my hon. friend and colleague the Member for Central Nyanza, Mr. Odinga. He felt it was important that my

what is happening in the development of small industries, such as cottage industries, in such places as Japan and India and so on, and as I have already said in reference to the remarks made by my hon. friend the Member for Central Nyanza, this is a positive suggestion which we are interested in, and one which enables us to learn from what other people have done while trying to meet problems somewhat similar to our own. I can say that actually I have received invitations to visit places like Japan, and I can only hope that the exercise of the whip will allow me some freedom at some time to undertake visits so that I can see for myself, and on behalf of my Ministry, the development of such industries. It is a positive suggestion and one which we are giving a lot of thought to.

He also said that it has been the practice of some Asians and Europeans in this country to try and help Africans in the business field. I can only say that if that is the case I can only say "more of it", because people will better understand the stake they have in the economy as they are given more and more opportunities to play a larger part in it. In fact, I think it was one hon. Member who said that Africans should be given opportunities to be directors in some of the public companies going on in this country—a thought which I think has a lot of merit in it, because that is not by expressing goodwill in this House that you will solve the problems we have, but by a specific project of this kind whereby a person can say, "Yes, I am a director of this company with you, and therefore we are working together to make this thing prosperous." I entirely agree, therefore, with the idea of encouraging more and more companies, not only to train Africans into executive positions, but also to invite some into the directorship positions. The proposer of this idea did say that perhaps there may be difficulties at first in finding Africans who are qualified to be directors, but this is an opportunity. You must begin somewhere—if somebody is qualified, it is an opportunity to give him the knowledge that is necessary. Therefore, I fully endorse that idea.

Now, the hon. and gracious lady, the Member for I think it is Uasin Gishu—as I said, my geography is still a bit out of date—did say more or less what had been said by the hon. Nominated Member Mr. Philip Rogers about taking the initiative to encourage investment in this country, and that we must do more than just hope that investors will come to find us, we should rather go out and encourage them to come. As I said when I was referring to the statement by the hon. Nominated Member, we have taken that into

[The Minister for Commerce and Industry] will also have to be taken by our own Government and our own people, not only the Government, but our own people, to try and actually persuade more and more persons to invest in this country.

With reference to a complaint made, and I think it was a friendly complaint, with regard to the Arabs, I find that in my main speech I did refer specifically—to some loan facilities being operated for the African and Arab fishermen at the Coast, and also some of the attempts being made on behalf of aiding the Arab traders. I do hope, therefore, that this meets the points raised by the Temporary Arab Member with regard to the business of fishing.

Now, Sir, I can only say that most of the points made during this debate were very similar. There were points which everyone concerned themselves with: the confidence we can have in Kenya's future; points which concern themselves on how we can bring in more investment; points on how we can encourage African businessmen to catch up and be in a comparatively competitive position in the trade of this country and how we can also encourage loan facilities for them and, as I said, these points have, on the whole been very constructive and very encouraging. I can only remind the people that, as my Ministry undertakes to create more and more facilities, as I have said, of loans and so on for industrialists in this country. We also in this House will prove to be more than debaters in the Legislative Council, that we shall also do something to help our people to really be full of initiative and creditworthiness, so that we do not find ourselves in a position whereby we have the schemes but not the candidates. I feel that that is an important point to raise and, secondly, that if the schemes which I have now outlined are to be made fully use of, that in itself will be a strong basis for increasing them and expanding them.

May I lastly say that my Ministry is always willing to hear more suggestions, more positive proposals, and we are not even afraid of criticism if all these go to make economy of Kenya more prosperous and go towards integrating or advancing the Africans in the commercial world and also to maximizing confidence for those prospective investors that we have in the country.

I beg to move.

The question was put and carried.

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

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

VOTE 22—MINISTRY OF COMMERCE AND INDUSTRY

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that a sum not exceeding £353,853 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 22—Ministry of Commerce and Industry.

Question proposed.

Head A1—Personal Emoluments

Mr. Alexander: Mr. Chairman, Ministry of Commerce and Industry, Vote A.1. The office of the Minister for Commerce and Industry: £3,550. Firstly, Sir, may I ask the Minister if he has drawn the attention of the Government to the fact that he has crossed the Floor of this House and that at least in theory that means that there should be a reduction of two Members on the Government side still enabling Government to retain their majority. That, of course, would save approximately £2,000 a year and go a long way towards paying his own emoluments.

Secondly, Sir, may I say this, that this heading is the one under which the Government policy for Commerce and Industry is initiated and I do wish to ask the Minister more specifically to answer some of the points that I put in the main debate. He did say, I realize, that we must (his words were) "forget detailed phraseology". He is quite right, if it is detailed, but there are one or two fundamental issues that are confronting commerce and industry and the way in which he under this amount that we are voting under which he approaches the question and advises his colleagues in Government. When he was answering about the economic approach, he did use the words that he was sure the Government of the future would tackle the problem with economic fairness and economic soundness. Now, what I was asking, Mr. Chairman, had got nothing to do with detailed phraseology. It is the fundamental that divides East from West. I asked him if he would categorically tell us whether his conception, conception of his colleagues and the possible future leaders of this country, would be one that would promote private enterprise, private ownership and the rights of private property, or the neo-communist or communist doctrines that believe in State ownership or State control. That is fundamental; there is no detailed phraseology and I believe under this heading it is wise, that we should know clearly from him how he is to advise the Government.

Then, Mr. Chairman, he did miss—and I was disappointed—that I regard as another very fundamental issue. It again is not detailed phraseology, but it does relate to this whole question of

[Mr. Alexander]

is any question whatsoever that in the years ahead somebody is going to take them to court, or a Government is going to take them to court to dispute what they believe to be their right and legitimate title to property.

Now, for example, in Nairobi and we are talking of many millions of pounds of investment, there is title to property which is due to expire in a few years time. Now is that going to be challenged or is it not? Is there a dispute, or is there not in respect of all the commercial land in Kenya?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman, before I make any comments on what the hon. Member has said, I would just like to say that we are not debating the policy of next year's Government. We are debating the policies of the Government of today. I do not volunteer my own opinion as to what that type of Government would be, but I must say that my task today is to discuss the policies of the Government of today.

Now, Sir, with that remark, may I point out that the type of Government I envisage is not a dictatorial Government which will say, "Don't you raise any dispute on this question." The Member for Nairobi West and myself agree that, but the question is if somebody comes along and says, "This piece of land was mine," surely he has questioned that. Is it for a Legislative Council to deal with that one, or for the person to go to court and say, I believe this, and let the court listen to him, I mean after all we are going to have a Government which will allow people to raise claims, whether the claims, or what they consider are claims, and they can be dealt with by a court of law. I really do not see the relevance of that at all to the question we are debating today, because suppose I was to stand here and say no claims will be entertained by the court of law if it comes within area "A" or area "B" or area "C." What happens to the person's individual freedom to raise an issue and go to court for it? I do not see what that has to do with what the hon. Member for Nairobi West says about disputes. The thing that seems to be worrying the Member for Nairobi West is not so much that there will be disputes and they will be dealt with by a court of law because I know he agrees with that, but whether or not this Government will bring about policies or programmes which might affect the ownership or the distribution of land as it is today, and if that is the question he should have raised it with the Minister for Agriculture or the Minister for Local Government and Lands, not the Minister for Commerce and Industry just because he happens

to be associated with the people who might be ruling this country next year.

Head A1 agreed to.

Heads A2, A3, A4, A5 agreed to.

HOUSE ALLOWANCES AND PASSAGES

Heads B and C agreed to.

OTHER CHARGES

Heads D, E and F agreed to.

Head G—Miscellaneous Expenditure, Mines and Geology

Mr. Blundell: Mr. Chairman, I arrive with the Estimates. I would like to ask the hon. Minister whether under Miscellaneous, Geological Department, whether the geological survey is continuing.

The Minister for Commerce and Industry (Dr. Kiano): I do not want Mr. Chairman to have to remind my friends what I have already said before about that. I did say that surveys are going on. There are some under the Department and others are going on under the Shell and B.P. companies prospecting for oil.

Mr. Blundell: I apologize to the Minister for not having heard that when he originally said it. I would now like to ask him whether he has considered using the technique of aerial geological survey as opposed to terrestrial.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman, I must say, while I am not an expert in these extra things which are dealt with by the expert rather than the Minister, nevertheless I think that the suggestion that the hon. Elected Member has made will receive consideration and when I know the actual difference—I must confess I do not know the actual difference between what he is talking about and what he does not like—when I know the actual difference I will let him know what my policy is.

Mr. Blundell: Mr. Chairman, with all due respect to the Minister, the difference is quite simple. In terrestrial the man walks along on his feet or with a motor-car or bicycle and does the survey, and in the case of aerial, he peeps out from an aeroplane and takes the plans and analyses it that way.

Sir Charles Markham: Can I, for the benefit of the hon. Specially Elected Member, once being in the business, Sir, point out that if you go out on a bicycle or a horse you will not get very far. At the same time if you are prospecting by leaning out of an aeroplane, again you will not get very far. I think the whole point of aerial

[Sir Charles Markham] prospecting is that it is very expensive indeed and is normally used for such minerals of the radio active group, where machines are adapted onto the aircraft and are reflected on counters or machinery inside the aircraft. If that is what the hon. Member is getting at, Sir, I think it does require a lot investigation by the Minister. But certainly I would not like to get the impression abroad that those very hard working people, prospectors, do it by horses or motor-cars or bicycles.

Mr. Blundell: Mr. Chairman, I am delighted to see that on this side of the House we have such an able understudy to the hon. Minister for Commerce and Industry, if anything should happen to him.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman, I would appreciate it very much if the hon. Member for Ukamba Area became my understudy in this House. Nevertheless, I do appreciate the answer given, and as I have already told the hon. Specially Elected Member, there are such complications and technical these detailed technical works, that I shall do my studies and find out which is the better method, but I cannot see why I should be expected to make a snap judgment on something which is a purely technical matter, and one which I am sorry to say I have had no dealings with. I could ask the civil servants, but one must be more careful in expecting an economist to deal with engineering problems.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Chairman, what I think in the discussions the hon. Specially Elected Member was getting at was air photography to cover the country, or at any rate the potential mineralized country, to make it more easy for prospectors to prospect. I presume that is what he was getting at. I do not know whether he was thinking of machines attached to aeroplanes—I hope he was not—because I agree with the hon. Member for Ukamba on that one. It is a very expensive procedure. I would like to say, Sir, that nearly all the Colony now has been covered by aerial survey, which gives a complete contour delineation and everything else, and is of considerable use, and has been of considerable use for some time, to the Geological Department.

Head G agreed to.

Heads H, I and J agreed to.

Head L—Exhibitions and Trade Fairs

Mr. Smith: I would like to ask the Minister a question on this one. I see there has been a considerable reduction down to £300 from some £1,600

in the previous year, and with the greater tie-up between trade, commerce and industry and agriculture, could he explain just why there has been this sudden drop and whether he does realize the great necessity for co-operation between the Ministries, particularly the Ministry of Agriculture, over exhibitions and trade fairs?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Chairman, the reduction of £1,300 can be accounted for as follows: the provision which was made since 1950 of £1,600 to enable the Department of Trade and Supplies in my Ministry to participate in the Mogadishu Trade Fair. This fair is held bi-annually and, therefore, no provision is made for the coming year. It is considered, however, desirable to provide the money to enable the Department of Trade and Supplies to participate in local fairs and extra-territorial fairs. The reduction is mainly with reference to the amount we have been providing for participation in the Mogadishu Trade Fair.

Sir Charles Markham: Sir, I would like to support my hon. friend, the Nominated Member, Mr. Smith, as there seems to be a lack of liaison between the Minister for Agriculture and the Minister for Commerce and Industry. In the Ministry of Agriculture Vote there is a sum for agricultural shows, but the pattern of agricultural shows outside the boundaries of Kenya are not necessarily agricultural, they are particularly for the commercial aspect. For example, I do know, Sir—we all know—how keen the new Minister is to find markets for some of Kenya's products. There is a show which is being held in the Copper Belt, which is of great importance to Kenya. The amount of money voted by Government is under a different Ministry, it is the Ministry of Agriculture. I would ask, that—I Ministry of Agriculture, the Minister should look know he is very busy—the Minister should look into this whole matter and perhaps he could give it his personal attention and I feel quite certain, Sir, that my hon. Nominated friend, Mr. Smith, would be very grateful to get some support for some of the schemes he is thinking of from the Minister of Commerce and Industry.

The Minister for Commerce and Industry (Dr. Kiano): I sincerely believe that there is no lack of liaison between the Ministries of Commerce and Industry and Agriculture. As a matter of fact I have received some communications from the Minister for Agriculture with regard to the co-operation we may get, so really it is not a lack of liaison, and the matter is being considered between myself and the Minister for Agriculture.

Head L agreed to.

Head M—Maintenance of Aerodromes

Captain Hamley: Mr. Chairman, Sir, I ask this one for curiosity. It says here "M—Maintenance of Aerodromes" and all the items consist of fire/crash services. It seems a very peculiar thing to me that the Minister for Commerce and Industry has these fire/crash services. It does not seem the right Ministry to me. If he is really interested in aerodromes I should have thought there would have been a lot more items other than fire/crash services. Can he tell us why this does not come under maintenance of airfields? Can he tell us why that comes under Commerce and Industry? It does not seem the right subject for Commerce and Industry—fire crash services.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, to answer my hon. friend, the word "total" in this particular subhead refers to total expenditure incurred by my hon. friend the Minister for Commerce and Industry and his Ministry on maintenance of aerodromes. My hon. friend is quite right in assuming that there is a considerable amount of other money being spent for this purpose. That expenditure is to be found under the Vote of the Ministry of Works. The reason for this, Sir, is that it is much more convenient for all concerned that the actual physical maintenance of the aerodromes which is carried out by the staff of the Ministry of Works should be provided for under that Vote, rather than under this one. On the other hand, the operational control of fire and crash services falls within the Portfolio of the Minister for Commerce and Industry and, again, for that reason the finance provision for that is contained in this Vote.

Head M agreed to.

NAIROBI AIRPORT

Head N.1 agreed to.

Head N.2—Other Charges

Sir Charles Markham: Mr. Chairman, Sir, I would like first of all to declare an interest which I am bound to do under Standing Orders.

During his speech, the Member for Nairobi Area—and I am saying Nairobi Area, meaning Nairobi Area and not Nairobi West—according to HANSARD, was very critical of the uniform of the waiters at the Airport. He alleged that they wore a kind of sheet draped round them. As he is not here, Sir, I think it would be just as well to put it on record that the uniform of the waiters at the Airport is exactly the same as any other international uniform for waiters, or as they are known in France, as *convits* and that is not, for the benefit of the Member for Central

Nyanza. They wear, Sir, a sort of—not a sheet, Sir, but a sort of cloth round the front and it is meant to be very smart. But if, Sir, the Kenya Government do not like that, Sir, then we are always willing to have discussions with them, Sir, particularly, Sir, if the Minister will contribute from his Vote a sum of money for a better uniform if he thinks the present one does not have enough dignity.

The Minister for Commerce and Industry (Dr. Kiavo): Mr. Chairman, I have been approached also about the question of the uniform by the persons who are wearing them and they have expressed their unhappiness with the present type of uniform and we shall, of course, try to improve them. But I do not believe that it is necessary at all that changing the pattern will necessarily cost any more money. I think that it is the view of my Ministry that if any changes will bring about a happy relationship between the people working at the Airport without incurring extra expenditure—(Inaudible).....
.....
..... to see if we can come up with something that is acceptable, to all sides.

Sir Charles Markham: Mr. Chairman, I think it is—although I have heard what the Minister said, particularly when he used the word "phraseology" in another context a moment ago, a slightly dangerous precedent if people who are employed by a company do not go to the company direct but go to a third party who in this case is the Minister. We have a staff council and I would hope, Sir, that they would come to us direct and give us these complaints—it is the first we have heard of it. And my final point on that, Sir, is that naturally we accept that Embakasi is an international airport and if the Minister himself would like to discuss with us—or his staff—on this subject, we will be delighted, Sir, to have those discussions.

Mr. Odinga: Mr. Chairman, Sir, I would like to support the Member for Ukamba in his demand for the improvement of the uniform, but I do not support him—(Inaudible).....
.....

He has said that we had better vote some money for the uniforms, but there was also his argument which is where I did not agree with him in saying that the uniform which is supplied here in our airport is an international one. I do not think that this is strictly correct. If you go to London Airport and see the waiters there you will see them neatly dressed in suits.

Sir Charles Markham: I think we are getting on dangerous ground. I could give the hon. Member a lesson on dress and it might be very suitable. But, Sir, I will explain to him, Sir, the various

[Sir Charles Markham]

grades of dress worn in the catering trade all over the Western world—I have not had a meal behind the Iron Curtain so I do not know what is worn there—so I would suggest that this is a dangerous subject to get involved in and I will certainly have discussions with my hon. friend the Minister, as he suggests.

The Minister for Commerce and Industry (Dr. Kiavo): Sir, I would like to say that it is quite true that the various employees in the particular company have complaints about this. In Kenya it is quite natural for individuals to go to their particular politicians or representatives, and I must say that prior to my being a Minister and I must say that prior to my being a Minister and I was about to be informed about this, and I was about to add that, as the hon. Member for Central Nyanza says, the mere fact of it being international may not be the compelling factor.

Mr. Travadi: Mr. Chairman, Sir, one item, item N.2.10, has attracted my attention. Would the Minister throw some light on what type of educational courses is meant for Government officers' training when only £1 is provided in this nominal figure.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I understand that this £1 is a token vote and it is not intended that any, or Government does not imagine that anybody could in fact have a course for £1, or less. I am told, Sir, that it is a token vote which is necessary to be put in in case any officer on the Airport Commandant's staff has to undergo specialized training in view of technical developments. There is no particular training course in mind at the present moment, but if it does become necessary the insertion of this particular item brings it to the notice of the House that the courses may have to be undertaken and, if they have, one of two things will happen: either my hon. friend will find the actual cost out of savings on the rest of his Vote, which I would very much hope, or alternatively if that were quite impossible and the course were unavoidable we should come along and would have a supplementary estimate for that. I am sure, Sir, that we should all enjoy having a supplementary estimate.

Mr. King (Nominated Member): Sir, in Embakasi Airport we have a wonderful asset, and the only thing the Airport lacks now is aircraft. Its utilization is probably ten times greater than it is today. Sir, could I ask the Minister, has the length of the extension to the runway been determined yet? Further, Sir, are the instrument landing system fittings—have they been ordered, had they been on their way out and is the surveillance radar also coming? It is vital, Sir, if we are going to attract aircraft to Embakasi that the Airport

should be capable of being operated at the lowest limits of visibility and cloud base which are permitted by the airlines. I would very much like an answer if I could, Sir.

The Minister for Commerce and Industry (Dr. Kiavo): This matter has been considered and the question of the apron has been decided on, as I said in my main speech, as well as the radar and other such aids, which have not been accepted, due to the fact that we are not only expecting a lot of aircraft but also the Boeing 707 which cannot properly land at our airport as it stands today.

Sir Charles Markham: Sir, I do not know whether I can use this under Aids, Sir, but as we have only got about four or five minutes to go, Sir, I wonder possibly whether I could use this opportunity to express on behalf of Members on our Back Benches and the Government Back Benches the absolute impossibility of hearing people's speeches. I realize, Sir, that this has little to do with the navigation aids at the airport, but could I ask your indulgence, Sir, in another capacity, as Deputy Speaker, to help us on this one, because there are important points which I know the Minister was mentioning which people on his own Back Benches could not hear a word of, and it does apply, Sir, I do know, to this side of the Council, to those behind who wish to hear what is said on the Front Bench. I am wondering, Mr. Chairman, whether there is a possibility, as we have these microphones, of having a system of loudspeakers round the back for the benefit of Members sitting there. There are at the moment loudspeakers in all the Ministers' offices upstairs which relay the proceedings of the Council and perhaps some of those could be borrowed and put in this Council for the benefit of Members of the Council. I am sorry if I have raised a matter which is out of order.

The Chairman (Mr. Conroy): I can tell hon. Members that we have conducted experiments in the past. I know, two years ago, in order to improve the acoustic properties of this Chamber. The principal improvement could be effected by the Front Bench Members on both sides filling their lungs and speaking up. There are many Members who are clearly audible to everyone everywhere in this House. There are some Members who, I think, are very inaudible. We did, Members will fear, even sound boards on either side a year ago to try to reflect back Front Benchers' voices to those on the Back Benches on each side. We did their own Back Benches partly to reduce also install the air conditioning partly to reduce the noise by allowing us to close the windows and keeping the noise of traffic and other extraneous and ambient noises out of the Council Chamber.

With regard to the suggestion that we should fix loudspeakers, I know that that was considered

Thursday, 26th May, 1960

[The Chairman] by Sir Ferdinand Cavendish-Bentick in consultation with economic experts and the eventual decision was unfavourable. However, I am prepared to go into it again.

It is not true that all Ministers have loud-speakers in their rooms upstairs.

Sir Charles Markham: I apologize.

The Chairman (Mr. Conroy): I will certainly go into it to see if I can help hon. Members because I have seen looks of exerting endeavour on the faces of Back Benchers on both sides and also on the faces of the palatypists who are trying to take down the words of wisdom which fall rather quietly from some hon. Members' lips.

Head N2 agreed to.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the Resolution without amendment.

The question was put and carried.

Resolutions to be reported.

The House resumed.

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

REPORT

VOTE 22—MINISTRY OF COMMERCE AND INDUSTRY

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that the Committee of Supply has considered that a sum not exceeding £353,853 is granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 22, Ministry of Commerce and Industry and has approved the same without amendment.

Mr. Deputy Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Resolution.

The Minister for Commerce and Industry (Dr. Kiano) seconded.

Question proposed.

The question was put and carried.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): The time has arrived for the adjournment of the Council and I accordingly adjourn the Council until a quarter past Two, tomorrow, Thursday, 26th May.

The House rose at thirty minutes past Six o'clock.

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:—

Richard Owen Hennings.

NOTICE OF MOTION

EXTENSION OF THE PERIOD FOR DEBATE OF THE ANNUAL ESTIMATES

Mr. Cooke: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT in accordance with Standing Order No. 112, five additional days be allotted to the business of the Annual Estimates.

ORAL ANSWERS TO QUESTIONS

QUESTION NO. 81

Mr. Alexander asked the Minister for Commerce and Industry is the Government aware that it is in the best interests of Kenya to recognize the economic interdependence of the East African territories and if so what does the Government intend doing to initiate the transfer to an interterritorial basis of appropriate legislation which is still a territorial responsibility such as company law.

The Minister for Commerce and Industry (Dr. Kiano): The Government is aware that it is in the best interests of East Africa to recognize the economic interdependence of the East African territories. The existing arrangements are governed by the East Africa (High Commission) Order-in-Council, 1947, which, apart from Customs and Income Tax legislation, does not provide for commercial legislation to be dealt with by the High Commission. Commercial legislation, including the 1959 Companies Ordinance in Kenya, is prepared in the closest consultation with the other territories. The interterritorial relationships on fiscal and economic matters are now the subject of a Commission appointed by the East Africa High Commission, mention of which was made by my colleague, the Minister for Finance, in his Budget speech. The Commission will examine existing and future arrangements and this Government will then have a further opportunity of submitting its views. Meanwhile, in consultation with the other East

[The Minister for Commerce and Industry] African Governments, this Government does not intend to initiate any new transfers until the report of the Commission has been studied.

Mr. Alexander: Mr. Deputy Speaker, whilst welcoming the clear acceptance by the Minister of the economic interdependence of the territories, would he tell us whether he has noticed any suspicion on the part of the other territories towards Kenya and if so what is he doing to overcome it?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Deputy Speaker, Sir, it is not the intention of my Ministry to pass judgment on the behaviour of other territories.

Mr. Mhoya: Mr. Deputy Speaker, Sir, will not the Government agree that this to a large extent involves some political factors which would be reviewed when these countries are independent?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Deputy Speaker, Sir, that does not arise from the original Question.

Mr. Tyson: Mr. Deputy Speaker, Sir, has the Minister overlooked the fact that in the original Colonial Office Paper 191 which I think was published when the High Commission and the Central Assembly were established, one of the subjects which was to be dealt with on an interterritorial basis was commercial legislation, viz. bankruptcy, company law, registration of business firms, inventions and trade marks? In the light of recent developments, is he taking any steps to see that that original proposal can be implemented?

The Minister for Commerce and Industry (Dr. Kiano): I have already indicated that there is consultation among the three territories with regard to commercial legislation and until the report of the Commission has been published, it is not for this Government to announce its decisions.

Mr. Alexander: Mr. Deputy Speaker, Sir, arising out of the first reply, would the Minister take an early opportunity to call upon his counterparts in the other territories to see whether there is any way in which to expedite this acceptance of this attitude of economic interdependence?

The Minister for Commerce and Industry (Dr. Kiano): This Government is already in touch with the Governments of Uganda and Tanganyika.

QUESTION NO. 82

Mr. Mate asked the Minister for Commerce and Industry with regard to the proposed railway extension to Meru, will Government undertake to appoint a Commissioner to enquire into the relative merits of taking the line from

Sagana round the south side of the mountain or from Nanyuki round the north side of the mountain?

The Minister for Commerce and Industry (Dr. Kiano): The Commissioner for Transport has already accepted a Motion in the Central Legislative Assembly to examine the case for a railway to Meru. The route which such an extension would take, in the first place, would be a matter for the Commissioner for Transport, and his attention has been invited to the points raised in this question.

Mr. Mate: Mr. Deputy Speaker, Sir, is the Minister aware that the purpose of the Question is to make sure that the areas with the greatest production are first served?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Deputy Speaker, Sir, the Question does not say that. The Question asks whether we shall appoint a Commissioner to look into the routes to Meru. The purpose for that route has not been part of the Question as given by the hon. Member.

Mr. Mhoya: Mr. Deputy Speaker, Sir, will the Minister not agree that the factor of production will and should be taken into account in planning the transport system?

The Minister for Commerce and Industry (Dr. Kiano): I entirely agree, Sir, but I would expect the proposer of the Question to put that in the Question.

Mr. Cooke: Mr. Deputy Speaker, would it not be better, Sir, to improve that road, to tarmac the new alignment from Meru to Embu. It would be much more economical, cost much less and be more satisfactory for the producers in Embu and Meru.

The Minister for Commerce and Industry (Dr. Kiano): The question does not arise. The Question deals with the extension of railway to Meru and we have a Commissioner for Transport looking into that. The question of the tarmacings of the road is an entirely different question.

The Minister for Information and Broadcasting (Mr. Harris): Would the Minister agree that the hon. Member for Central Province South should address this Question to the hon. Member for Mombasa Area as a Member of the Central Legislative Assembly?

Mr. Mate: Mr. Deputy Speaker, Sir, arising out of the original reply, is the Minister not aware that the merits of the case will be determined by the production and that the route, therefore, will depend on that.

The Minister for Commerce and Industry (Dr. Kiano): No, Mr. Deputy Speaker, I would remind the Hon. Member that he asked about appointing a Commissioner to examine the route. While I agree that the question of production is very relevant to the making of a railway nevertheless this is a different question which should be submitted for answer to my Ministry.

Mr. Mboya: Mr. Deputy Speaker, with due respect, Sir, the Minister should refer to the Question. It does not just deal with the appointment of a Commissioner, but the Question states "undertake to appoint a Commissioner to enquire into the relative merits of taking the line from Sagana . . ." and the question of merits, or, rather, the question of—

Hon. Members: Speech!

Mr. Mboya: Now, Sir, is the Front Bench—

Hon. Members: Speech!

The Minister for Commerce and Industry (Dr. Kiano): Mr. Deputy Speaker, I invite my hon. friend to the last sentence of my original answer which was that the attention of the Commissioner for Transport has been invited to the points raised in this question. In other words, all the points raised in the question have been answered.

QUESTION No. 96

Mr. Mate (on behalf of Mr. Muboya) asked the Minister for Agriculture, Animal Husbandry and Water Resources, "What are the Government's plans for the future extension of the Mwea Terebe Irrigation Scheme?"

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): The Development Programme 1960-63 provides that this scheme will be limited to 5,000 acres for the next three years. This acreage will be reached in the next few months. There are no present plans for any further extension, but it is the Government's intention to review the present halt in expansion in two or three years' time, in the light of available finance, of further suitable tenants, and of the demand for irrigated cash crops, to see whether further expansion would be justified up to the theoretical optimum level of 13,580 acres.

Mr. Mate: Mr. Deputy Speaker, is the Minister aware that the people in the Embu District do not like this idea of taking more and more of their land into the scheme?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, I am aware of that, and

Government, if they do decide to increase the acreage from 5,000 acres upwards would have to purchase this land from those people and, perhaps, resettle them on the scheme.

Mr. Mate: Mr. Deputy Speaker, Sir, is the Minister aware that some of the land that Government wants is already demarcated for consolidation, and also that the price paid by way of compensation is not even adequate according to the price of the land in that particular area?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, Sir, I know of no further acreage other than the 5,000 acres which I have mentioned.

Mr. Blundell: Mr. Deputy Speaker. Would not the hon. Minister agree that the people of Embu should be weaned away from the philosophy of the sanctity of the Embu Highlands?

Mr. Mate: Mr. Deputy Speaker, with all due respect to the words of the hon. Specially Elected Member, Mr. Blundell, is Government not aware that there was an agreement that the land above Wamumu and Thiba would be the land boundary as far as the Embu are concerned.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, all that I know on this one is that the 5,000 acres that I have mentioned are now within the scheme. The other acreage, if it is needed in the scheme, will have to be looked at, at that time.

Mr. Mate: Mr. Deputy Speaker, Sir, is the Minister not aware that when that extra land was taken away, the Embu people, though their African district council, did not like the idea, and even today they do not like it.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): The Minister is not aware.

Mr. Blundell: Is the Minister not aware that the headworks of the scheme are developed on the basis that the scheme will be developed beyond the 5,000 acres, and that, therefore, there is some substance in the question of the hon. Member who has just spoken.

Mr. Mboya: Since the Minister is really ill-informed on this matter, will he promise to look into it and get better informed.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, the Minister is not ill-informed on this one. If the necessity arises to

[The Minister for Agriculture Animal Husbandry and Water Resources]
increase the acreage over and above 5,000 acres then the Minister will become better informed.

Mr. Mboya: Mr. Deputy Speaker, is the Minister aware that already so far as the 5,000 acres is concerned there is a dispute over the manner in which the land was acquired?

Mr. Mate: Mr. Deputy Speaker, Sir, is the Minister and the Government not aware that the Embu people in Ndia area have been over-generous in letting the land go when they are farming it properly.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, the Minister is not aware that any African has ever been over-generous with any land.

QUESTION No. 97

Mr. Mate (on behalf of the Member for Nyeri and Embu) asked the Minister for Education:—

(a) What positive steps has the Government taken to inaugurate a unified service for all teachers in Kenya?

(b) If steps have been taken, when is the process going to be finalized?

The Minister for Education (Mr. Mathieson): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Discussions were initiated some time ago and are still proceeding between officers of my Ministry and those of other Ministries and departments concerned with a view to preparing draft proposals. These must be designed to overcome the difficulties inherent in the introduction of a Burnham-type salary structure and a common scheme for retirement benefits to replace existing pensions and provident fund schemes.

(b) Our objective in spite of these manifest difficulties is to be able to introduce a unified scheme early in 1961, but the situation would, I admit, be complicated by any general move for a review of terms and conditions of service in the Civil Service as a whole.

Mr. Mate: Mr. Deputy Speaker, Sir, is the Minister aware that this scheme is supposed to include teachers of all races in Kenya irrespective of their terms of service, so that the prevailing discontent can be solved.

The Minister for Education (Mr. Mathieson): Yes, Sir.

BILL

SECOND READING

The Traffic (Amendment) Bill

The Chief Secretary (Mr. Coutts): Mr. Speaker, Sir, I beg to move that the Traffic (Amendment) Bill be now read a Second Time.

As hon. Members know, when I gave notice of Motion reducing the time for the publication of this Bill, I said that it had been introduced by Government in order to prevent persons doing things which will prevent the Government from getting its normal revenue. This Bill virtually legislates for persons to use the kind of fuel for which their particular vehicles are designed, and as I have tried to indicate to the House earlier, it is in order to make quite certain that the taxation envisaged by my hon. friend, the Minister for Finance, in his Budget speech of approximately £450,000 should be obtained for the revenue.

I am no expert on financial matters, and my hon. colleague, the Minister for Finance will no doubt deal with any such matters which are raised in debate, and therefore in introducing the Bill, Sir, I feel that I shall have to explain something which no doubt all Members have already read. The Bill, as hon. Members will see, is penal in its nature and in paragraph 2 of the Bill, which in fact is the whole Bill, all Members will see that we have provided for large fines in cases of people who sell fuel which they have reason to believe will be used for wrongful purposes, and for the owner of the vehicle or the driver, if such people do use the wrong fuel. They will also see that it is provided that the vehicle itself may be forfeited. Indeed it is almost mandatory in that section 2 where it says that such vehicle shall be liable to be forfeited. Therefore, as all hon. Members will appreciate, the Government have taken a very serious view of the possibility of there being offences against the proposals which have been put forward by the Government in this matter, and therefore the fines deliberately, and the forfeiture of the vehicle have been included as a preventative measure.

Furthermore, in section 3 of the Bill onus of proof that the fuel was used properly has been put on the user, and indeed also no doubt on the seller on the user, and indeed also no doubt on the seller if the seller is prosecuted for the offence. Government therefore is virtually putting on members of the public, on their honour to see that they will use the proper kind of fuel for their vehicle, and use it in order to protect the revenue. If we are doing so in order to protect the revenue, then it will be necessary for the Government to consider by what other methods the Government will be able to achieve its end in gaining the amount of money which we require in order to balance our Budget.

[The Chief Secretary]

With these few words, Sir, allowing hon. Members to raise such points as they want, I beg to move.

Mr. Webb seconded.

Question proposed.

Major Roberts: Mr. Deputy Speaker, Sir, I wish to oppose this Bill with all the force I can muster. I consider that it interferes with the liberty of the subject, and it stifles private enterprise and ingenuity.

Sir, hon. Members will recollect in my speech on the main Budget debate I made a point of saying that this taxation on light diesel oil was iniquitous taxation because, Sir, it added to the already overburdened cost of road transport, and I further said, Sir, that this type of tax would open itself to evasion and the method of obtaining rebate would be open to abuse. Well, now, Sir, it is quite obvious to me that the Government realizes that was only too true, and in order to cover themselves they have introduced this Bill, and the expense of introducing it is at the cost of human ingenuity.

Sir, farmers and businessmen in this country have got to do all they possibly can to reduce the cost of road transport, and they should be perfectly entitled to use a cheaper fuel in their vehicles if such a fuel is available, or they can use their ingenuity to make such a fuel. Sir, I know of one transport firm in this country to whom the increase in taxation on diesel oil will mean they will have to pay out £2,700 in the course of a year. Sir, that is a great deal of money for any small concern to have to face up to, and, Sir, the only way that they can face up to it would be to pass that cost on to their customers. Quite naturally, when they have to compete against a State-owned railway, they must endeavour to keep their costs down, and, if, Sir, they can find a cheaper fuel to take place of light diesel oil they should be perfectly at liberty to do so.

Sir, if anybody has the ingenuity to run their vehicles on water they should be honoured for that ingenuity, not penalized and made a criminal. Sir, during the war coal gas was used to run vehicles. Now today in this country there is a small firm which manufactures the appliances for the generation of methane gas. Sir, I would like to make it perfectly clear that I have no vested interests in that firm, although I have installed one of their plants in my own farm, and I therefore have some knowledge of the subject.

Now, Sir, it may interest hon. Members to know that that gas is made from manure. I notice Sir, one hon. Member opposite fully realizes the exact nature of the substance I mean. He will realize,

Sir that nothing is wasted today on a farm, and that this gas can be produced at practically no cost at all.

Mr. Alexander: Interjection.

Major Roberts: By certain Members, Sir, yes. Sir, that gas can be used not only for all the domestic appliances in a household, but it can be used for running of petrol engines, and with slight modification to the engine, to compression ignition engines. In other words, Sir, vehicles could be run on that gas. Now the burning question is that he has gone to considerable expense to install equipment for the compression of this gas into containers in order, Sir, that it can be carried on vehicles and used to run those vehicles. Now if this Bill comes into force all the ingenuity, all the effort and all the expense entailed by that firm will now be useless, and I wonder, Sir, if Government realizes that, and if they would, in fact, consider that such a firm should be entitled to some reimbursement from Government for the money that it has spent.

Sir, I hope that I have proved to the Minister in a very few words that if this Bill becomes law it will not be in the interests of enterprise. It will interfere with the liberty of the subject and will stifle private enterprise. I know, Sir, of some farmers who run motor-cars on kerosene. Certain old models of American cars are very easy to convert and run on kerosene. Now, Sir, they will be breaking the law, and I do therefore most sincerely ask Government to reconsider this Bill. I do not think that they have realized all the implications in it. It seems to me a pity that there is not some more advice available to Government before introducing this sort of legislation. I believe there was in existence—it may still be in existence—a body called the Revenue Advisory Board. I wonder, Sir, if that Board was consulted.

But, Sir, I would like to take the opportunity in this debate to put forward a constructive suggestion to Government of how to make the administration of the rebate on light diesel oil more simple and possibly avoid the temptation of abuse. Sir, I would suggest that as far as the agricultural industry is concerned, that a farmer should be allocated a definite quantity of light diesel oil for the year. It could be based on past consumption in conjunction with the local agricultural subcommittee which would be able to say what the just requirements of that farmer were. In that way, Sir, he would get that allocation at the lower rate and only when he exceeded that allocation would he pay the extra cost of tax. It would save the filling in of forms which farmers are never very good at and it might save much secretarial work on the part of Government.

[Major Roberts]

Sir, returning to the Bill, in case I have not made myself clear, I oppose it.

Mr. Elundell: Mr. Deputy Speaker, for once I felt I must be united with the hon. Member behind me.

Mr. Deputy Speaker, I would ask Government to reconsider this Bill, I will not repeat the arguments which the hon. Member behind me put forward. The Chief Secretary when introducing the Bill did say that if it was not acceptable Government would have to think of alternative methods, not necessarily of raising the revenue but, possibly, of raising the revenue from the automobile industry. What I feel about the Bill can be put very simply, Sir, it is this. If I have my own motor-car and I like to put some different fuel in it, or halve the fuel in it already with a different fuel, I think really it is the prerogative of myself as an individual, and secondly I do resent—and I think I must speak for many Members on this side of the House—the fact that if I do that under this Bill, then the onus of proof that I have not done it is on myself. There are indeed in this Bill two aspects which it is our duty on this side of the House to draw to Government's attention. The first is that it does cut across the right of the individual to choose the fuel that he wants, and I would submit that the hon. Members can meet that, by re-examining the incidence of taxation and, secondly, we do not like and we never have liked legislation which puts the onus of proof on the accused. I know the hon. Minister and Chief Secretary will agree with me that it has always been a principle of Government only to introduce that in very special circumstances, and I submit that this really does not warrant it.

Mr. Alexander: Mr. Deputy Speaker, Sir, this Bill makes it an offence to use any fuel in a motor vehicle other than that specified in the vehicle licence, or in the case of diesel vehicles, diesel oil. Here, perhaps, I should say, Sir, I have a direct interest in the oil industry but I do not think it concerns this particular Bill at all.

Now, Sir, in the case of petrol, the user has a choice quite uninhibited by this Bill, he can use ordinary petrol or he can use super. But when this Bill becomes law it is an offence to use any fuel except high grade light amber mineral fuel oil in a diesel-engined vehicle. Now what does seem quite unfair, Sir, is that there are diesel vehicles that will run better on heavier oils, heavier oils that are at the moment exempt from duty, and provided they are prepared to pay the duty in respect of the heavier oils, they use, why on earth should they not be allowed to use the heavier oils?

Lastly, Sir, and this particularly goes for mineral fuel oils, it is most usual to add additives in order to make more economical running, and in that case the users of additives will be creating an offence under this Bill.

These, Sir, are, I believe, factors which have not been taken into account and until they are taken into account I, Sir, beg to oppose this Bill.

Mr. Hassan: Mr. Deputy Speaker, Sir, first of all I would like to say that I am interested in it because I have a diesel motor-car, running on diesel oil.

What I strongly object to is that even the user in this case is being penalized. Suppose I go to a pump where they are selling this diesel oil, which probably is not the right one on which they are paying duty and I am not supposed to know anything about it, but simply that they filled it in my tank. If I am caught I am liable to very heavy penalties. It is very unfair. If the diesel oil, having been adulterated, is to be prohibited, it should be a penalty on the importer and the seller and on the manufacturer. Why on earth is the user being penalized on that?

I remember, Sir, once travelling to Mombasa, I called in at a petrol station—I do not like to call it a place—and there was a diesel pump there. I stopped my car there and told the fellow to put in some diesel in my tank. I went into his shop to buy a few more things. When I came out he was just taking the pump out of it and I found that gentleman had put petrol in my tank. That was a very dangerous thing, I rung up the people who sold me the car and they said, "If you run your engine it will blow up!" So I did not know what to do. So I had with the greatest difficulty to get that mixture of petrol and diesel from my tank. I did not succeed completely because I could not find the proper spanner to open the tank and here I was given the hint by an expert that I could use some fuel other than diesel which will cause no worry.

Now according to this law, I had committed an offence and I would have been liable to heavy penalties, but this appears to be utterly wrong penalties, but this appears to be utterly wrong penalties, to penalize the user of the diesel engine cars, although they have with the greatest opposition and reluctance agreed to pay that heavy duty imposed upon them, and I must oppose this Bill, Sir.

Mr. Mboya: Mr. Deputy Speaker, Sir, the purpose of this Bill, it would appear, is to ensure that the users of diesel cars or tractors and so on will use diesel and thereby meet the new taxes that have been imposed on diesel oil. But in its application it would appear that the users of diesel cars will have been penalized twice in this

[Mr. Mboya] first they have the price of diesel raised, second they have this oppressive legislation. There are two points that seem to occur to me. One is that I would like to know how this legislation is going to be applied. Are we going to have cars at eight o'clock in the morning when everybody is rushing to work, stopped somewhere at a traffic junction, with some cop or policeman who has some testing instruments to know what diesel or petrol or other fuel one has used in his car? I would like to know just how this is going to be done without inconveniencing the drivers.

Secondly, I think the point has been made by my friends on this side of the House, is it really right that if I own my private vehicle and I want to use it in any manner I like, that I should be asked to conform to some legislation. The Government is not helping any of us to buy these vehicles, the Government should apply these standards on their own Government vehicles, but what we do with our own private property is our own business. If I decide to go off our friend here the Member for the Eastern Area had decided to run his diesel car on petrol and blew up the engine without himself or with this is entirely his private business.

There are many Africans, Mr. Deputy Speaker, who from an economic point of view find it necessary from time to time to use diesel mixed with paraffin. I think it is very economical that they should do so, but not only that I think necessary in itself demands that they do so some times. I believe they are going to be penalized by this particular Bill and for that reason, not only because I own a diesel car but in terms of the interests of such people, I cannot support this Bill and I dare say the Chief Secretary did not convince me that the Government had its heart fully in this Bill.

Group Captain Briggs: Mr. Deputy Speaker, Sir, I would like to make a plea in this particular debate, and I would like to make a plea as an old racing motorist myself for the motor racing fraternity in this country and I would like to ask the hon. Member how he proposes to deal with them, because, as I am quite sure he is aware, racing vehicles—they certainly were in my day and I rather think they are today—are designed to work on a variety of fuels and whether such particulars are included in the licence I do not know, but it does appear to me that the motor racing fraternity must be very badly hit by the proposals he has in mind. I support what has been said by other speakers, including my hon. friend the Member for the Rift Valley and I beg to oppose.

Mr. Maxwell: Mr. Deputy Speaker, Sir, I cannot fully support my hon. and gallant friend the Member for the Rift, in view of the fact that I did in the Budget debate support what in my opinion was a reasonable method of raising additional revenue. Obviously this excise was imposed with the object of raising additional revenue, but it now appears that Government is most apprehensive as to how they are going to ensure that the total revenue is indeed collected. In fact they obviously view the majority of diesel oil users with great suspicion, and this Bill in my opinion was therefore introduced in a most hasty manner; it is an ill-conceived Bill and savours of dictatorship. For instance, in section 2, clause 2 of this particular Bill, it says that "if any person sells any fuel having reason to believe that it will be so used". I ask is the seller a crystal gazer and is he to get an indemnity form from any purchaser? If the hon. Minister for Finance came along to me and I happened to be a petrol operative or seller, am I to demand from him, "Mr. MacKenzie, for what purpose do you intend to use this fuel?" I mean, the whole thing is completely absurd.

For instance, I know, and Mr. MacKenzie, or at least the hon. Minister for Finance, should know that it is a common practice, and there are, in fact, special carburettors on the market which will enable a petrol car to operate on kerosene. You pay a fairly high price for that particular carburettor but, nevertheless, it is in use.

I suggest, Sir, that this Bill should be withdrawn. I do believe that if Government is to make an honest cheque—and I quite realize the attitude of Government in this particular respect—it would be quite easy to undertake, by an actual inspection of the fuel used in the tanks of diesel lorries. I know there is a certain number of people who would probably mix kerosene with heavy fuel oil, which could be used particularly for fuel purposes, in diesel engines. Surely, it would be quite easy to carry out an inspection in the same way as the Weights and Measures Department carry out checks. Again, the hon. Member for the Rift Valley made a point with regard to methane gas. I know a number of farmers who possess diesel engines and who are now operating them on methane gas. Is that an offence?

I would like to ask the hon. Minister who is responsible for the introduction of this Bill to give it further serious consideration and to withdraw it now, and to investigate the whole matter of this ill-conceived Bill.

Mr. Mater: Mr. Deputy Speaker, Sir, while I sympathize with Government's intention in this Bill, I am not convinced that it is the remedy to the situation. I believe Government are trying to

[Mr. Mater] the firms concerned, which manufacture the various oils for various vehicles and should be able to sell their products and at the same time for the dealers to be honest and show the conditions of their licences; that a petrol pump for example, somewhere should sell only the particular kind of project that it is licensed for, which means that it does bring in complications when people improvise substitutes. But, instead of penalizing the user or the consumer or the one who substitutes a different oil or grade of oil for his machine to get the same result, why do the Government not think of a way of licensing more of these fuels? If, as the hon. Member for the Rift Valley has said, a kind of gas can be produced locally, why do Government not licence such a thing? If there is nothing international to stop that kind of product being licensed, and it is a commodity to be sold, why not do that, because so far as I am concerned if somebody can use kerosene in his car plus something else, with all the other licensing laws and that kind of thing, Government are going to encourage more and more black marketing? You can penalize one man here and another man there, but you cannot control the user or even the seller that the particular combination of oils or particular commodity cannot be used. So, as far as I am concerned, they are going to drive the whole thing underground very much apart from an occasional fine here and there. So whereas, in fact, they are trying to protect one class of people, mainly the manufacturers of these commodities and those who have taken out (Inaudible) and have reserved rights in these things and the manufacturers, I would rather urge the Government to see if there is anything to stop the licensing of these new discoveries as the one mentioned particularly by the hon. Member for the Rift Valley.

My feeling is, therefore, rather than force the Bill through the House and encourage what I might call black marketeering and tricks that they should investigate the possibilities and if possible encourage industries based on this kind of thing rather than to protect one class of people and penalize the other. I think it is very fresh ground for the new Minister for Commerce and Industry to work with the Government and the Licensing Authority to see whether anything can be made out of this kind of thing. So while I appreciate that the commercial firms producing certain commodities should be protected, the security of the user should not be altogether ignored.

On these grounds I would oppose the Bill and ask Government to think again about this idea. They

should think again because there is an economy in these kinds of substitutes. Also there is business for those who deal with them, unless they are terribly illegal. But if it is a question of substituting one oil for another, instead of saying, "No more of this!" and possibly people beginning to play other tricks, they should have a different kind of law for licensing these things or for setting up new industries and making laws to suit the new circumstances.

I beg to oppose conditionally.

Mr. Webb: Mr. Deputy Speaker, several Members—led, I think, by the hon. Member for Trans Nzoia—have stigmatized this Bill as being ill-conceived and hasty, and implied that Government has suddenly produced it out of its hat, as a sort of afterthought. Let me, Sir, disabuse them firmly. In every country of which I know in which oils are taxed at differential levels, there is some protection of this sort included in the legislation so as to ensure that vehicles which use heavily taxed fuels are not allowed to escape their burden and the debt which they owe to the road authorities for the wear and tear which they cause. This particular Bill, Sir, is based very largely on English legislation. The position is not quite the same in England, because in England there are certain oils enjoy a Customs rebate and there is provision in the law of England, in the Customs and Excise Act, 1952, that if you use oil which has enjoyed a rebate in a vehicle which is not entitled to that fuel, you are subject to heavy penalties, including the forfeiture of the vehicle. Only last year a poor gentleman in Accrington lost no less than six lorries for forfeiture, in addition to heavy fines. So, Sir, the liberty of the subjection which has been prayed in aid in this debate, is not really of much assistance to us. All legislation interferes to some extent with the liberty of the subject and revenue legislation, of which this is really only an example, more than perhaps some. The purpose of this Bill—despite the exhausting noises by my hon. friend opposite—to protect, primarily, the revenue and, therefore, although it does affect the liberty of the subject to a certain extent, it is a thoroughly justifiable interference with that liberty. After all, Sir, the owners of these vehicles are enjoying a rebate on their licences this year. Those have

been halved. Sir, my hon. friend, the Specially Elected Member Mr. Blundell, commented, I think, upon the burden of proof. Although in this particular matter it is very easy to prove that the fuel in a particular tank is not light diesel oil, it is a matter so peculiarly within the knowledge of the driver of the vehicle that there is no particular disadvantage in shifting the burden in this case, and

[Mr. Webb]

once again we are following the estimable example of England and Australia and South Africa and other territories.

There has, Sir, been a certain amount of misunderstanding engendered in this debate. This legislation is really not requiring anybody to do anything which they should not in fact do in the best interests of their own engines.

Mr. Mader: Mr. Deputy Speaker, it does seem from what the hon. Member has just said that there is indeed some misunderstanding either in the minds of Government or which the Government are trying to create in our minds. For, Sir, there is surely a clear distinction between a law designed to prevent abuse of a special concession such as using something for a purpose other than it was exempted for, special concessions on oil and so on, and making people use something in order that the revenues of the country shall be increased.

Now, as I understand it the justification for this law is the latter purpose. Government says they are putting a particular tax on a particular thing and in order to ensure we get enough out of that tax we will make people use that thing. Now, Sir, that is an entirely new principle and one I do suggest the Council should not accept at all. Surely, in considering whether or not a particular tax is going to produce enough revenue, Government must face the freedom of the subject to choose whether or not he is going to use that particular thing, and estimate how much in ordinary circumstances the subject will use that particular thing, and that is all. Now, it is argued by my hon. and learned friend that there is a special case here because of contributions to the roads, contributions to the cost of roads, but that, Sir, surely will not hold. This tax in itself is not related to the use of roads. If you want to relate taxation to the use of roads, you have to find some other way of doing it. I know the purpose is to get revenue which can benefit the road authority. Still, it is a direct tax on a particular article, and, as far as the Budget and the law will go—no more. So, Sir, if you accept this idea that having imposed a tax you then make a law imposing an obligation to use the article taxed, you are going very far indeed and I do not know where it would stop. For instance, if tax is not the case I had a preference for water as against whisky, Government might well say, "Every drink you have after six o'clock in the evening shall in future have a minimum quantity of whisky in it, so that we can get the revenue we want," you cannot do that.

Commander Good: Mr. Deputy Speaker, I would be glad if the hon. Minister in his reply

would clear up one point. If I write to the licensing authority and ask them if they will license my car to burn kerosene, will they say "yes" or "no"? If I write to them and ask if I can burn hydrogen peroxide, will they say "yes" or "no"? Or methane gas, or coal gas?

Now, Sir, if the answer is an unequivocal "no" then we are quite clear where we stand, but if on the other hand there is to be latitude, as to what fuel a vehicle may be licensed for, the public will wish to know what rules or guidance is going to be given to the licensing authority in exercising its discretion.

Mr. Ngome: Sir, I believe it is true, Sir, if this Bill becomes law that many innocent people might be affected. I am disturbed, Sir, with the punishment in this particular law, i.e. Sh. 10,000 or three years or both. Now, if a seller and the user of the vehicle are technically guilty of this offence, surely they are going to suffer more punishment than one can think need meet the case. My submission, Sir, is as the hon. first opposer to this Bill said, that this Bill should go back to the Government for further consideration, because I am sure this Bill if, at all it is to be sent to a select committee, will not come back here for further discussion.

I oppose it, Sir.

Mr. Alexander: Free vote!

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, as my hon. friend the Nominated Member, Mr. Webb, has informed the House, the only object of this particular Bill is to ensure that a revenue proposal which was introduced at the time of the Budget will perform the function that it was intended to perform: that is, that it will ensure that vehicles using the road, whether they be run on petrol or on diesel fuel, will pay the appropriate tax.

Now, Sir, it is a curious feature of human nature that people who would have no compunction at all, who would be most shocked and horrified at the thought of defrauding a fellow citizen in his individual capacity, has very often got very little compunction at all when it comes to a question of seeing to it that the whole body of taxpayers, that everybody in the House, and indeed everybody in the country, shall suffer, and it is for this reason, Sir, and for this reason alone, that this Bill is introduced. The fact is that if one allows local option on a matter of this kind or rather individual option, Sir, naturally, human beings being human beings are going to use the method which will ensure that the revenue will not benefit from this particular tax; and the result is that we should not gain anything like the

[The Minister for Finance and Development] amount of revenue which we had hoped to get. That, Sir, is what has been found, as my hon. friend mentioned, in every country where this type of taxation has been introduced, and I have for no doubt at all that if we had not got precautions of this kind and did not introduce them here the same would happen here. It would, Sir, then be necessary to consider what we could do in order to increase the revenue, or, alternatively, it may be to reduce the expenditure.

Having listened, Sir, to five days of general debate and to eight days of debate on various Heads of the Estimates, I must say that I would find it very difficult to think of measures that would obtain the full support of the other side of the House or, indeed, of our own side, in the way of reduction of expenditure.

In so far as raising this particular revenue is concerned, Sir, I dealt with both points in my reply to the main Budget debate. I informed the House, Sir, that before I decided to use this particular measure of taxing diesel fuel I had thought of the various other methods of doing this. I had realized, Sir, the difficulties that would arise. I had realized the difficulties over industrial use of diesel fuel, and, Sir, I was fully aware, as were the Government as a whole, of the effects on transport costs. The obvious answer, if one wished it, that diesel vehicles should pay something equal or approximately equal to petrol vehicles, and therefore that this additional taxation should be placed on road vehicles, the obvious answer was to increase still further the licence fees payable on diesel vehicles. That, Sir, would have been a nice and simple exercise; unfortunately it would have meant, as I said at that time, that the relatively small user of the roads in a diesel vehicle would have had to pay a much greater tax and that the disparity between his treatment and that of the man who does a very great mileage in any year would have been much greater than even it is at the moment. The advantage of doing it this way is that the contribution towards the revenue is graduated according to the use of the roads, and that, Sir, I think, is a perfectly reasonable way to deal with things.

My hon. friend the Nominated Member, Mr. Webb, who has already spoken, has, I think, dealt with the points that have been made about interfering with the liberty of the subject. Of course this is interfering with the liberty of the subject, Sir. Unfortunately pretty well every exercise of the Governmental authority must necessarily interfere with the liberty of the subject and this is particularly so in taxation measures. I, Sir, personally, would be only too happy if we could get on in some way without any taxation; it would be very nice to do so. I

would be even happier if one could merely introduce measures of taxation and rely on the goodwill of the subject to pay his taxes without having to have pecuniary or other penalties. Unfortunately, so far as I am aware, Sir, that has not proved possible in any country in the world, and hon. Members are fully aware of the various penalties which have to be imposed in order to make sure that people obey the law. One of the best examples, and it is very much parallel with this, is the form of Draconian penalty which has to be imposed in respect of offences against the Customs and Excise duties. That is necessary, Sir, because the temptation is very great, and the same, Sir, is due in this case.

To deal, Sir, with a number of individual points that have been made, the hon. Member for Rift Valley Province spoke of the dangers of the abuse of the rebate system. There again if he would refer to my reply to the main debate I personally in this particular instance said then, and I still believe it, that there will not be any great abuse from the rebate system, and I have no doubt that if abuse crops up ways and means will be found of dealing with it.

We were asked, Sir, to allow the taxpayer to use a cheaper form of fuel to exercise his ingenuity if he felt like doing so. That, Sir, is a very attractive suggestion, but I think that hon. Members opposite when they really come to think about this matter will agree with me that of course if we did that we might just as well not have imposed the tax at all.

Sir, I was asked why should we not allow someone to use kerosene, shall we say, or heavy diesel oil, if he felt like doing so. The main reason is that that would lead inevitably to the need in order to achieve the objects of this particular tax, it would mean that one would have had to consider taxing such things as kerosene much more heavily than at the moment. That, Sir, was something that was considered, but it was rejected for the very good reason that kerosene, paraffin, is the poor man's fuel—in many countries I understand indeed that it is subsidized because it is the poor man's fuel—and it would be of course obviously be quite wrong to impose a heavy tax on a fuel of that kind if it can be avoided. It can be avoided, Sir, by the enactment of this little Bill and I would like to point out, Sir, that this Bill is not going to do anything to anybody who obeys the law. It is not going to affect anybody adversely if he is doing his duty as a citizen and is obeying the law. It is only, Sir, when people begin deliberately to put an illegal fuel into a vehicle that these penalties will arise and even then of course the case will come before a court, and it is obvious that the person concerned or one of the people concerned was

[The Minister for Finance and Development] not acting in a guilty manner then I have no doubt that that will be taken into account by the court when it deals with the matter.

One hon. Member, the hon. Member for the Rift Valley Province, I think, again mentioned the Revenue Advisory Board. I think I should explain Sir, that that Board was never consulted in major revenue matters, for very obvious reasons that one cannot possibly discuss major taxation measures, particularly in the indirect taxation field, with a rather large body of people, and that has never been the practice. It has been much more the practice as I think the hon. Corporate Member, I think, was at one time a Member of the Board; I think he will agree with me that it is much more the principle of that Board to look at the general effect of revenue measures and deal with principles and deal with technical points but not to deal with budgetary policy as such. As I say, the reason for that is, I think, quite obvious.

Now, Sir, Mr. Webb has dealt with the point about the onus of proof, and I have dealt with alternative methods of raising the revenue, and I can assure hon. Members that I thought of this very carefully, but when one considers the field there are very few measures that I can think of that are more in accordance with fairness and equity than this particular one.

Now, Sir, the hon. Member for Nairobi West spoke about vehicles which ran better on heavier oils, and he also spoke about additives. So far as additives are concerned, Sir, I am advised that where an additive is in a relatively small proportion, like upper cylinder lubricant in petrol, that in those cases it does not in fact change the basic nature of the fuel and that therefore there is no reason why additives, used within reason, should not be properly employed.

As regards his other points concerning heavier oils, I have had representations made to me on that subject and I must say that I have given them careful thought, but I think there are two essential difficulties in this. The first is that it means that in fact one would have to ask people to almost voluntarily pay taxes on something which was not in fact legally taxable, which is not a particularly good principle, and I do not think, Sir, that that is too good a principle to follow particularly when one understands the vehicles are normally to use the light amber fuel, and certainly until this Bill was published nobody made that particular representation to me. At the time that the tax was imposed, Sir, quite a number of people came to see me about this Bill, about the tax, and suggested that it might be

withdrawn, but in fact this particular point was not made at the time, and all I can assume is that at that stage most people were in fact using light diesel oil and were not using heavy diesel oil. Otherwise, Sir, I cannot imagine at that stage, when this Bill was not published, representations should have been made.

Mr. Alexander: Mr. Deputy Speaker, I am grateful to the hon. Minister for giving way. These are diesel engines that use heavy fuel in the normal way and are now going to have it written on their licences that they must use light diesel oil. What they are prepared to do is to volunteer to pay the tax which the Government has not legislated for. The Government took £150,000 from the oil companies voluntarily; surely they do not mind people volunteering to pay taxes.

The Minister for Finance and Development (Mr. MacKenzie): The Government, Sir, never minds people volunteering to pay tax, although I do not think that on the whole it is the sort of principle that one particularly likes to adopt. I take the hon. Member's point, Sir, however, and although I am not as at present advised that this is necessarily something that can be agreed to, I will be prepared to have a further look at that particular matter and see whether administrative arrangements could be made that could be fair to the taxpayer and fair to everyone else. But I would suggest as a rider to that, Sir, that one hopes that the idea would not spread. In fact, I think the Government might be prepared to look at that in respect of any specialized vehicles in the country at the moment, but I do not think it would be reasonable to expect us to make similar exemptions in the future so far as road-using vehicles are concerned.

Mr. Alexander: Fair enough.

The Minister for Finance and Development (Mr. MacKenzie): Now, Sir, I was very touched with my hon. friend the Member for the East Area and his sad, almost the very sad happening that occurred to him, but I can assure him of one thing, that that sort of mistake—I am sure—I am certain that our courts would have taken the most lenient view if in fact anything of that kind had happened to him.

The hon. Member for the Nairobi Area. Sir, spoke about enforcement. Well, Sir, I think the answer to that is that it would not be in the public interest, and never is, to make public announcements about the ways in which those responsible for enforcing laws go about their business. All I can say is that I do not think that there will be the sort of horrible traffic jams concerned that the hon. Member for Nairobi Area had in view.

[The Minister for Finance and Development]

As regards the motor racing fraternity, Sir, I have the greatest of sympathy with my hon. friend the Member for Mount Kenya, but this is a matter which I have not been advised on as yet. I would certainly be prepared to look at the position in so far as vehicles only used on racing tracks are concerned, but so far as vehicles used on the roads are concerned I think we must insist that road vehicles should be treated in the same manner. But I will have this matter looked at and if there is any possibility of helping people I will let the hon. Member know the position.

Now, Sir, the hon. Member for Trans Nzoia said that the Government was obviously apprehensive about this matter or had become apprehensive, and viewed the majority of diesel users with suspicion. Sir, the Government does not view the majority of users with suspicion at all, but there is always a percentage, and as I said before when it comes to revenue measures the percentage tends to be rather large, of people who try to avoid tax measures. It is necessary in the interests, Sir, of the taxpayer who would have to make the loss of revenue good in some other way, to put a considerable amount of armour on to look after oneself.

Sir, nobody believes that the seller of fuel is a crystal gazer and I should imagine that there must be very few people who are unable to tell the difference between light diesel oil turned out of a pump that is there for that purpose and, say, kerosene that is kept in a pump that is kept there for that purpose. There is also the buyer and it would be very unusual if two people in those circumstances could not tell the difference, and of course there is the further point that if someone is found putting kerosene into the tank of a motor vehicle, and that is the sort of point at which one would notice that offence being committed. If that is being done I would have thought that there was an obvious assumption that the person putting the kerosene into the tank of a diesel vehicle intended it to be used to operate the vehicle.

As regards stationary engines, I think the hon. Member referred to those, the answer there is that I have said on several occasions before this tax is not deliberately aimed at stationary engines, and if any owners of stationary engines choose to adopt the many suggestions that have been made on the other side of the House today for using ingenuity then the Government will not be in the least perturbed but will readily congratulate them on having done what we suggested they should do several days if not weeks ago.

As regards my hon. friend the Specially Elected Member, Mr. Slade, and his analogy of water

and whisky, the only point I can make to him there is that if the proportions of whisky drunk as compared with water were to be reversed, I have no doubt that it would have been the practice throughout the world to tax water and not to tax whisky; but fortunately for everybody concerned, or perhaps unfortunately, that is not so.

My hon. Nominated friend, Commander Goord, asked whether if somebody applied for a kerosene licence the answer would be "Yes" or "No" and I can assure him, I think, that the answer to that would be "No", otherwise the whole thing would become again far too difficult.

Sir, I think I have dealt with most of the points that have been made. I fully appreciate the views of hon. Members opposite and I can tell them that the Government no more wishes to have to impose Draconian measures of this kind than they do. But, as I say, it is necessary in one way or another to obtain the revenue involved. I personally think that this is on the whole one of the fairest possible ways of doing it, and it is necessary in order to make the law effective in revenue measures to have this particular type of legislation in this particular case. I hope therefore, Sir, that hon. Members opposite will possibly reconsider their position on the matter and will decide that in the interests of the great number of taxpayers of this country the best course for them is to follow my own example and to support this Bill.

Sir, I beg to support.

Colonel Cowie: Mr. Deputy Speaker, I have been trying to listen very intently to what the Minister for Finance said. I was waiting to hear whether he was going to indicate whether there would be any amendments at the Committee stage of this Bill. If he did say so I am afraid I did not hear it. I would ask the Minister in charge of the Bill when he finally replies to give us that indication. My reasons for saying so are that I think on the one hand the Government is perfectly entitled, and it has the support of every reasonable man if it endeavours to avoid abuse and evasion of taxation. That is logical Government. But, on the other hand I seldom remember seeing such united opposition on the other Benches of this Council. I would therefore think that if the Government would indicate that there might be an opportunity of amending certain wording in the Committee stage, it may easily meet many of the points raised by the Opposition. It would certainly make it very much easier for a number of us who sit on this side of the Council.

Mr. Odling: Mr. Deputy Speaker, Sir, I am only worried about one thing, and if the Government could give us an assurance that such a Bill will not apply in some of the things I will mention

[Mr. Odinga] then we probably might consider opposition, because I feel that Government before imposing that taxation of the duty on diesel oils have to take into consideration the difficulties which might arise later on and so by this Bill they are trying to rectify the mistake which they made but which they did not see before. What about it, for example, next year, the Government increased the taxation on whisky, and I am a known drinker of whisky and I was registered probably somewhere to be a drinker of whisky, then if they are going to apply such a principle of protecting their revenue then I do not see why they should not apply the same toll on the whisky or on me to force me to go on drinking whisky when that whisky is far too expensive for me when I want to drink gin, or to eat any other thing, I am sure that the principle underlying this Bill is really very dangerous indeed, and I would not like that principle adopted by Government.

Any responsible man will not actually support this Bill because I think the principle underlying it is very dangerous indeed.

Now, I beg to oppose, Sir.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, I would like to thank all hon. Members for giving us the benefit of their very frank views this afternoon.

My hon. friend the Minister for Finance and Development has dealt with most of the points which have been raised in this debate, although as far as I can see there seems to be at least one, if not two, main points of principle, indeed, looking at the hon. Specially Elected Member, Mr. Slade; but before I get on to these two particular points I would like just to mention the point raised by the hon. Member for Rift who talked about appliances using methane gas. I think that my hon. colleague did reply partly to this. My belief is that methane gas at the present moment is largely used for such things as stoves, electric light plants and stationary engines. And these are not touched in any way by this legislation. Nor is there any intention on our part to touch such matters.

Major Roberts: With due respect to the hon. Chief Secretary it is, and can be used in motor-cars. I thank the Minister for giving way. I thought I made it perfectly clear that there was a firm who had installed appliances for which they had been able to compress the gas into containers, which could be used on vehicles. That was the point, Sir, and they have gone to considerable expense to do so.

The Chief Secretary (Mr. Coutts): I thank the hon. Member for his explanation. What I said was

that this was now being used largely for the things which I mentioned. Is that not correct?

Major Roberts: At the moment.

The Chief Secretary (Mr. Coutts): Going on now to my hon. friend, the Member for Mount Kenya, I think I might expand on what my hon. colleague said and point out to him that racing vehicles are very largely run on petrol, or such other fuels—

Group Captain Briggs: I thank the hon. Minister for giving way. Even in my days, many years ago, many, or in fact, most racing cars ran on a variety of fuels. Some of them on the most noxious mixtures I can assure you, but the fact is that mostly, in those days they ran on alcohol.

The Chief Secretary (Mr. Coutts): Well, let me put it this way—of the petrol type, at which this Bill is not aimed either.

Turning now to my hon. friend, the Specially Elected Member, Mr. Slade, who raised the whole question of principle, and that is making people use things which they do not wish to use, could I make it clear that he is prohibited in any case from drinking methylated spirit, and neither he, nor the Member for Central Nyanza, are constructed for running wholly on whisky!

Of the two points, I think, which are of principle, one is this whole question of the liberty of the subject. Now it has been dealt with, I think, very adequately by my hon. friend, Mr. Webb, who pointed out that in all matters of taxation the liberty of the subject to a very large extent, is hardly considered. I must ask the hon. Member whether he considers that his liberty is considered when we apply income tax on him, when we apply any form of taxation of an indirect manner, and therefore it really comes down to what is this Bill doing, and to a large extent this Bill is trying to prevent people unnecessarily producing means of avoiding of paying just revenue to the Government. And I must say, although I know all hon. Members opposite will not like me saying this, but most hon. Members spoke as though they were all potential criminals this afternoon, because I cannot believe that any of the provisions in this Bill is going to touch any of them or any decent law-abiding citizen whatsoever, not even my good friend, the Member for the Eastern Electoral Area who tries to blow himself up in a diesel car with petrol, because if we do find petrol in it, obviously there is no *mens rea* in the case and he would not even be prosecuted.

As regards the hon. Nominated Member, Mr. Cowie, who raised the question of certain amendments, if any Member of the House wishes to

[The Chief Secretary] suggest certain amendments which may be brought in at the Committee Stage, naturally the Government will be prepared to consider them, but at the present moment no such amendments have been put forward to me, and I know of no such amendments which we wish to produce for this Bill.

Finally, Mr. Deputy Speaker, despite everything that has been said this afternoon I do not feel that it is wrong for Government to try and protect its own collection of revenue which is so necessary for all the services that we do need in this country, and I beg to move.

DIVISION

The question was put and Council divided.
The question was carried by 41 votes to 29.

Ayes: Messrs. Amalemba, Butter, Coutts, Cowie, Crosskill, Mrs. Gecaga, Comdr. Goord, Capt. Hamley, Messrs. Harris, Harrison, Havelock, Dr. Ismail, Col. Jackman, Messrs. Jones, Kebaso, Dr. Kiako, Messrs. King, Luseno, Luyt, MacKenzie, Madan, Mathieson, Mohindra, Sheikh Muhashami, Messrs. Muiji, Ngala, Ntimama, Nurmohamed, Sir Eboho Piribhai, Messrs. Rogers, Rubia, Sagoo, Salim, Smith, Swann, Tyson, Wainwright, Dr. Walker, Messrs. Webb, Hennings, Waweru.

Noes: Messrs. Alexander, Ayodo, Blundell, Bompas, Group Capt. Briggs, Mr. Cooke, Major Day, Dr. Hassan, Messrs. Howard-Williams, Khamisi, Kiamba, Sheikh Mackawi, Messrs. Mangat, Mlate, Maxwell, Mboya, Muchura, Muliro, Ngome, Odinga, Pandya, Major Roberts, Sheikh Shikely, Mrs. Shaw, Messrs. Slade, ole Tipis, Travadji, Sir Alfred Vincent, Mr. Zafrud Dean.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

COMMITTEE OF SUPPLY

Order for Committee read.

VOICE 29—MINISTRY OF LABOUR, SOCIAL SECURITY AND ADULT EDUCATION

MOTION

THAT MR. DEPUTY SPEAKER DO NOW LEAVE THE CHAIR

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): Mr. Deputy Speaker, Sir, I beg to move that Mr. Deputy Speaker do now leave the Chair to permit consideration of Vote 29—Ministry of Labour, Social Security and Adult Education.

In presenting the Estimates of my Ministry I think it would be helpful to start by defining the boundaries of my responsibilities for social security and adult education. In doing so, and before any hon. Member feels disposed to criticize these boundaries, may I say that the Government will be giving careful and detailed thought to them, and that they may well, in the light of such thought and of experience, be adjusted by the time the next Estimates are presented.

Turning first to social security, the responsibility of my Ministry extends over the same area as that covered by the terms of reference of the Social Security Committee whose report was laid in this House in October, 1957. The main tasks of that committee, as hon. Members may recall, were to investigate and report upon whether there was then, or was likely to be in the near future, the need to provide by legislation for the social security of employees in their old age, and in respect of which, the types of employees, at which age or ages, and by what method, or alternative methods, such provisions, if found to be necessary, should be made. They may also be required to consider in what proportion the employers and employees should bear the cost of any such provision, and what relationship should be of voluntary provident schemes to any statutory scheme that might be recommended. The committee came to the conclusion that the stage had already been reached in Kenya at which it is necessary to make provision by means of a State insurance scheme, and for the social security of employees in old age.

In outline the type of scheme which is thought to be most suited to the needs of Kenya, and which answered to other questions—the other questions asked of it in its terms of reference. The report has never been debated in this Council, but in 1959, in reply to a question of the subject by the hon. Nominated Member, Mr. Tyson, my colleague, the Minister for Local Government, in whose Portfolio the responsibility for social security then lay, replied as follows: "A preliminary study of the Report of the Social Security Committee has revealed that the establishment of a scheme as recommended in the report would be too expensive for the Government to contemplate at the present time. Moreover, before any such scheme could be introduced, further detailed investigation would be necessary, which would itself require the expenditure of a substantial sum of money, which the Government is not able to provide in present circumstances." It will be seen, therefore, that the implementation of the committee's recommendations has not hitherto been possible on the cost factor alone. In any case, the details of the

[The Minister for Labour, Social Security and Adult Education]

recommendations assuming further examination, and in fact, the merits of some of the proposals cannot be fully adequately judged until further investigation has been carried out, which itself requires more money, the spending of which only becomes justified if there is in sight the possibility of money becoming available to implement the scheme itself.

The Government is, however, aware of an ever-increasing need for effective action of some sort to be taken to provide for the security of employees in their old age, and in taking over the special responsibility on behalf of the Government for this field of social security I am setting in action to bring up to date all our facts and figures relating to this subject, and to assess anew the need for the early production of a State scheme against the probable cost thereof. The staff in my Ministry have already started work on this task, for despite the difficulties presented by the cost and our somewhat imperfect data, the necessity for providing for the security of employees in their old age is of such importance that no endeavour must be omitted in search of an answer to the problem. Our whole problem of labour stabilization with its aim of improving the continuity of the service, scheme and output is in part dependent upon the resolution of this problem, as is, of course, the need to look after the well-being of employees who have advanced beyond working age.

Moving on to adult education, this subject is capable of many definitions. However, for the duration of the caretaker Government, my Ministry will carry the responsibility for (a) the promotion of adult literacy, (b) support for continuation classes, (c) the evolution of library policy and (d) support for museums. My colleague, the Minister for Education, who has hitherto held the responsibility for this subject indicated when presenting his Estimates last week some of the advantages that we hope will accrue from the change. I need not repeat them now, but I will certainly endeavour to achieve them. The promotion of continuation classes, library and museum development, carries out evident benefits to the public. Continuation classes are wanted by local authorities, notably in Nairobi, Mombasa and Nakuru, with grant-in-aid support from Government. Museums and libraries operate under non-Government management, but are similarly grant aided. For the coming financial year grants will be made out of money already voted under the Ministry of Education, but my Ministry will take over the immediate responsibility for future planning to the extent that the

Government has a part to play in the advancement of these services and institutions.

Turning now to adult literacy. It is, of course, of great importance to the country that the maximum number of people should have understanding of and access to the written word and acquire the ability to write. The potential benefits of literacy to both individuals and communities are so enormous and so self-evident as to need no detailed emphasis. Until my Ministry was created, adult literacy fell under the overall control of the Ministry of Education, notably in the approval and registration of managers and courses, the giving of professional advice and the provision of staff assistance. Various other Government departments, notably that of Community Development and voluntary agencies, have been making a valuable contribution and are still making it to this work.

While statistics in regard to past achievements and current courses cannot be more than approximate, it is interesting to note that in 1959 some 367 classes were being conducted, covering approximately 8,700 pupils. The spread of these classes and pupils over the country was for various reasons unequal, with the main work taking place in Nairobi, the Central and Rift Valley Provinces and in Machakos District.

While achievements have been fairly substantial, there have been a number of reasons which I will touch on in a minute as to why it has not been more, and it is from an examination of these reasons that my plans for the future can, perhaps, most helpfully be shaped.

The promotion of adult literacy has not hitherto been an essential part of the duties of any category of officer, other than the very small team that has been employed fully on this work and of whom I will say more later. Education officers, Community Development officers and voluntary agencies have, in different areas and according to opportunity and availability of time, severally made their contribution to the promotion of adult literacy, but the results have inevitably been of a somewhat "bitty" nature, excellent in some areas and disappointing in others. It would clearly be advantageous if one department and one category of officer were to carry full and inescapable responsibility for adult literacy, while at the same time taking advantage of such help as is available from other officers as well as from voluntary agencies. The rapid expansion of formal education has placed such a burden upon education officers that it would be unreasonable to look to them to take on the additional duty in all areas for the establishment, encouragement and supervision of adult literacy. Community Development officers who are, of

[The Minister for Labour, Social Security and Adult Education]

doubt, also heavily laden with work, do, however, have an unusually advantageous relationship with the adult public of the areas within which they work as a background for the promotion of adult literacy in their areas. These officers have already been taking a growing share of adult literacy work and it has now been decided that the field implementation of adult literacy policy for which I carry responsibility will be undertaken by the Community Development Department through its Community Development officers.

The Commissioner of Social Services will arrange for professional advice on adult literacy to be available at need and it has also been agreed that the ability to organize adult literacy on sound lines should henceforth become part of the normal stock-in-trade of the Community Development officer. To this end it may be necessary to hold short courses of instruction, perhaps at James School, for the dissemination of information on adult literacy techniques. However, while a number of details still need to be worked out, I am confident that some, at least, of the difficulties of past years should be overcome when one department and one group of trained officers carries responsibility for the promotion of adult literacy.

It has sometimes been suggested that a new and separate cadre of officers should be brought into being with a full-time and exclusive duty of promoting adult literacy. This, however, would only be worthwhile if such a special organization, which would of necessity be expensive, could be used to full economic advantage over a long period stretching into the future. It is, perhaps, fortunately not likely, that there will be a large concentration of illiterate persons in single areas for much longer, bearing in mind that tremendous progress has been made in recent years towards making at least four years' schooling available to all the children of Kenya. For Asians and Europeans this is virtually achieved, and for Africans and Arabs it is estimated by my friend, the Minister for Education, that only a small portion of Kenya's children on reaching school-going age, fail today to enter school. The vast majority of our growing generation will, therefore, receive at least four years' formal school and whatever may be the shortcomings of so short a period of education, it ought at least to have the merit of making the mass of the population literate. There will, of course, for a long time be a backlog of adults and even children who through lack of schooling or sufficient schooling could benefit from adult literacy courses. But their wasting numbers and their geographical spread is likely to be of such

a nature that the provision of adult literacy facilities will most suitably be supplied by officers engaged also in other work, other than by full-time adult literacy staff.

There is, however, need for some full-time adult literacy specialists, both for the performance of special duties and for the organization of classes in areas of high population density, e.g. in Nairobi and its environs, where the full-time concentration of an officer on adult literacy is rewarding. There are at present two officers in the Education Department who are so employed. These two officers will continue their present work and will be seconded to the Community Development Department.

It is also most important that there should be suitable reading available for the new literates. In this field much help has come from the East African Literature Bureau, books have been produced in a variety of vernaculars as well as handbooks for the guidance of teachers. The Bureau also administers on behalf of the Kenya Government a fund of £2,000 provided by the International Co-operation Administration to assist in the financing of publications. This fund, while revolving, is not fully self-replenishing and does slowly waste away in the face of the need to sell publications, sometimes at less than cost price to enable the new literates to pay for them. I would be ungenerous in speaking about adult literacy, if I were not to express gratitude to the many members of voluntary agencies, to the officers of various departments of Government and to local authorities for their work in this field. It is to be noted, too, that adult literacy has hitherto been promoted at very little cost to Government, apart from the salaries and expenses of those few officers who are engaged full-time and to some extent of those who have been engaged part-time and apart from a certain amount of financial support from local authorities, the cost of adult literacy classes has normally been met from fees and I should emphasize too that when stating that the promotion of adult literacy programmes will in future be the responsibility of Community Development officers, that I am in no way wishing to discourage members of voluntary agencies and others who have hitherto been so generously participating in this work from continuing their interest and activities. I will need their help in the future, as in the past, while yet hoping by rationalizing our approach to work, to affect an improvement in both the quality and quantity of adult literacy.

Now, Sir, I turn to labour. It is four years since the Labour Estimates were last debated and it must be of interest to Members to recall what in 1956 were some of the subjects that then

[The Minister for Labour, Social Security and Adult Education]

attracted special attention. They included these:— One, the contemporary labour shortage and the wisdom or unwisdom of importing foreign labour into Kenya; two, the need for modern, comprehensive apprenticeship legislation; three, the need for training and the potential value of the newly formed Training Section of the Labour Department; four, the position of trade unions in the industrial relations scene.

Well, there have been major changes and achievements in respect of these subjects over the last four years and if it were not that the relationship between labour supply and demand has swung too violently, all these changes and achievements would be on the credit side. In viewing the work of the Labour Ministry today, and looking immediately ahead, I must inevitably give special attention to the subjects of unemployment and industrial relations. But in doing so, it would be wrong and the picture would be out of perspective if I were not also to draw Council's attention to the solid achievements of those sections of the Ministry that may, perhaps, catch the headlines less frequently, but upon which depend a very great deal of our labour progress and well-being. I am thinking, Sir, of the sections dealing with training, with apprenticeship, with factory inspection, with workmen's compensation, with aptitude testing, with registration and last, but certainly not least, of the body of field labour officers who have to be jack of all trades in the dual work and without whom the Ministry could hardly function at all. I will return to some of these sections later, but I would like now to examine the big problem of unemployment.

The Temporary Minister of Labour dealt with some aspects of the unemployment problem in his speech on the Minister of Finance's Budget speech. But at the risk of repetition and because of the importance of the matter, I would like to attempt to review the subject fairly fully. I will do so by outlining the situation as I see it and looking at such remedial action as may be taken, not least by my Ministry. It is for various reasons impossible to assess the number of genuine unemployed with close accuracy. One would need both to be able to count those not in work at any given moment and to separate them into the wholly and unwillingly unemployed, those who make a partial living from the land and seek to supplement it by seasonal employment, those who are present in towns on visits, etc., those remaining unemployed through excessive selectiveness or selectivity and even those who are idling voluntarily. Nevertheless, it is abundantly clear that there is at present an unhealthy large number

of persons not in employment and who are in genuine search of work, particularly in urban areas.

If we are to assume for a moment that a genuine work-seeker would explore every reasonable opportunity of finding work and would therefore register at an employment office, it is worth noting that at the end of February there were some 12,000 Africans, adult males, registered over the 25 employment offices in the territory as being unplaced work-seekers. The registered numbers have dropped in March and April but this may be mainly because the big post-Emergency exodus of Kikuyu, Embu and Meru from their home areas is over and a partial return home has begun. Men tend to register more readily in the urban and settled areas than they do in the land units.

Twelve thousand unemployed may not particularly, if expressed as a percentage of the total wage-earning population, appear to be an unduly high figure but it is undoubtedly high enough to represent a major problem. It is also important to note that there are many influences operating which will tend to aggravate the problem in the years immediately ahead.

Let us attempt to analyse the position. African employment has always been a potential problem, but has become much more real over recent years and particularly over recent months. The reservoir of manpower in the African areas has always been greater than Kenya's economy could absorb in wage-earning employment, but it remained relatively undisturbed in pre-Emergency days. Then various inducements and recruiting activities attracted enough men for current needs, away from the peasant society of their home districts to wage-earning employment in towns and settled areas and an approximate state of equilibrium between supply and demand was achieved. The Emergency disturbed all that. Up to perhaps 100,000 Kikuyu, Embu and Meru wage-earners went out of employment for one reason or another and had to be replaced. Most of them were replaced largely through intense recruiting and propaganda. Inevitably many of these new wage-earners, following a break with their old life, wished to continue with the new. The return of the Kikuyu, Embu and Meru thus inevitably created a surplus work seeker problem which has not yet been overcome. This problem has been intensified by the fact that employers during the Emergency years under the pressures of labour shortages and rising costs learned to operate with reduced labour forces. A distribution of surplus manpower further aggravated the problem and this was inevitably made substantially more so. When the Emergency and movement restrictions

[The Minister for Labour, Social Security and Adult Education]

came to an end in January this year, Kikuyu, Embu and Meru, long unable to move about freely, quite understandably came out of their land units in large numbers, particularly to Nairobi, some to work, some lured by the attractions of urban life and some to renew contacts with friends and relatives or to visit old haunts. Nairobi and other important employment areas could not and cannot provide immediate work for extra people in these numbers, but even before the ending of the Emergency, the mal-distribution of manpower was a problem and is still such. There are at the moment jobs available in Kenya, amounting perhaps to some 2,000 which are not being taken up, notably on coastal plantation estates and even to some extent on consolidated land holdings in the African areas. Selectivity or "choosiness" is a worldwide complicating factor in regard to unemployment, and is no less so in Kenya than elsewhere.

Fortunately, the peak of movement out of the African land units appears to be past and reports are coming in from most areas of returns home and of movements out of urban areas. This in itself is not, of course, a permanent answer to unemployment; it does, however, represent improvement particularly having regard to the social problems created by the presence of large numbers of unemployed in urban areas.

What are the answers to the unemployment problem? Inevitably they lie in several directions, but quite prominent is the need for more and rapid economic development generating more employment opportunities. This necessitates an inflow of capital and confidence in Kenya. Government's own development programme for 1960/61 is an all record and most of it is being spent on economic projects and with emphasis on rural development—this latter point is most important.

The projects in the Government's Development Programme will provide employment both directly and indirectly. Their capacity to do this has been taken into account in drawing up their programme.

Mention has already been made in this Council on some of these projects, particularly of forest development, which will shortly be employing an additional 1,000 families and of the development plans for African agriculture and building of roads to serve the unemployment.

But Government planning is already at full stretch and while most helpful, provides only part of the answer. It is in the private sector of investment and development that the key to the problem really lies, not only is investment in this sector normally twice as large as in the Government

sector, but its potential for increase is also much larger.

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

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

It therefore behoves Government and all the peoples of Kenya to do everything possible to induce private development and do nothing that will retard it. There are, of course, limits to what the Minister for Labour can do in this matter. But in so far as investors may be influenced by the existence of a healthy pattern of industrial relations in this country, of a sound Government wages policy and by the availability of assistance in numerous ways from a Labour Ministry, I hope to contribute towards the presentation of an attractive picture.

Although the recently established Advisory Committee on Unemployment is under my chairmanship, looking into the question of creating more employment, this is not normally a direct function of a Ministry of Labour. The Ministry's function is more normally to facilitate the finding of available work by work seekers and the finding of suitable employees by employers. In performing these functions, the Ministry can, to some extent, contribute to the solution of the problem of maldistribution of surplus manpower. We are strenuously endeavouring, by advice given verbally to work seekers, through the radio and Press and by general propaganda to dissuade work seekers from flocking to the towns and the settled areas, and to make known to them exactly where work is available. We are giving preference at our employment offices to work seekers who are established wage earners in the area concerned. We are appealing to employers to engage labour through our offices and not, so to speak, at our door. Bigger employers are advised where, including rural areas, labour should be sought. In their accumulation these measures should bring greater stability to labour forces and discourage the casual work seekers from congregating in the urban and settled areas. There are still jobs for the taking in certain rural areas and there is less hardship for the individual African and less distress for the urban area if work seekers do not come to towns unless to an assured employment. It is our aim continually to improve our employment offices, that is, the Labour Exchange Offices. We want to improve the facilities which can, when fully efficient, provide comprehensive services. The employment offices must in fact be used if work seekers are not to feel that jobs are only found by flocking to towns. To this end a new post appears in the 1961 Estimates, that of Officer in Charge of Employment Services. It is our hope that the

[The Minister for Labour, Social Security and Adult Education]

other ways in which it will bring fresh ideas and expert knowledge to the organization. We will also be given the task of paying special attention to the training problem of youth employment and career guidance. My Ministry has applied too for a visit by the International Labour Office expert to advise us on how to improve our employment services.

Before leaving this question of unemployment, to which I plan to give very special attention, I would like to emphasize again the importance of developing the rural economy and rural employment opportunities. I am convinced that in that direction lies part of the answer to a number of our problems, including that of unemployment, and my Ministry is already, in its study of means to combat unemployment, paying special attention to the rural employment required, and the possibilities in the rural areas. But even having regard to that, nothing, and I repeat nothing, is more important in regard to unemployment than the accelerated achievement of economic development in Kenya.

Turning now to industrial relations, unrest and strikes in one area, the Thika District, were prominent when the Temporary Minister spoke only two weeks ago in this Council. So serious and so important to Kenya's economy was this unrest, that the Temporary Minister gave over most of his allotted half-hour to dealing with it. I am glad to be able to report a notable improvement in respect of the Thika District strike position. Whereas at the end of April ten strikes were still running, affecting some 5,000 men, today, to the best of my knowledge, there are no strikes in that area. Despite this improvement, it cannot yet be said that the troubles in the nearby coffee-growing areas and the danger to the coffee crop are over. More time will be needed to improve entirely some of the underlying causes of the unrest and even now daily picking labour so vital to coffee estates are not offering themselves for employment in the required numbers. The situation is already serious and it is necessary that I should underline this fact. However, I do not think that I would be contributing helpfully to a solution of the problem if I were to say much more than that at the present moment. The Coffee Growers' Association and the Coffee Plantation Workers' Union are meeting this very week in an urgent endeavour to overcome the difficulties besetting the coffee industry and my officers are providing assistance. These two organizations were first consulted with some two weeks ago and were then able to resolve certain other difficulties and to contribute to bringing the state of the Thika strikes to an end.

That was an encouraging start and I am sure that we all wish them well in their current task. It was indeed encouraging to note the success of the first meeting of the Coffee Growers' Association and the Coffee Plantation Workers' Union and it is to be hoped that the same willingness to sort out problems through co-operative consultation will develop fruitfully throughout all levels of the coffee and sisal industries. At the same time, it is wise not to forget that the development of good industrial relations in agriculture is never easy and even less so than usual in the unsettled atmosphere of Kenya's present stage of political transition. Therefore, the advice given by the Temporary Minister in his recent speech to all who can contribute to the achievement of good employer/employee relationships in the plantation industries, is still well worth having.

There has been a general increase in activity in the field of industrial relations over the country, as a whole, during the last year and there is much to record on both the credit and debit sides of the results ledger. Increasingly, but quite naturally and rightly, the trade union movement is playing a bigger and bigger part in this activity. There is now a total of 56 registered trade unions, made up of 44 worker and 12 employer unions. About 100 joint consultative negotiating or wage-fixing bodies with formal constitutions, now existing, through which the working conditions or terms of service of some quarter of a million employees are regulated. The Whitley Councils and associated machinery in the public services account for over half this coverage, but the figures are impressively large, bearing in mind that there is relatively little formal joint machinery in agriculture.

The worker trade unions are inevitably and rightly playing an ever growing part in this group of formal industrial relations machinery. Employer organizations are also growing apace and this development is as welcome as it is necessary.

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

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

During 1959, 57 districts resulted in stoppages of work involving 42,000 workers and causing the loss of 432,000 man-hour days. While the number of stoppages was not greater than in 1958 or 1957, the number of workers involved was twice as great as the number of man-hour days lost; it was very much increased. This latter deterioration was mainly the result of the railway strike of November, which weighed the statistics very adversely. However, there were more major strikes than in previous years. Nevertheless, while noting the seriousness of this, let us also realize

[The Minister for Labour, Social Security and Adult Education]

that the time lost from strikes in Kenya during 1959 still averaged less than one working day per employee.

1960, as we know, started badly in regard to stoppages of work, and heavy responsibility rests on all concerned with industrial relations to strive for improvement. A country suffering from unemployment and from the need to attract development cannot afford the luxury of unsettled industrial conditions. This clearly is of great importance. My ministry has an important part to play in achieving peace and stability in industry. Increasingly are my officers involved in advising on the establishment of joint consultative and negotiating machinery and on the smooth working of this machinery. Increasingly are they asked in as conciliators when negotiations break down. This important work falls not only on the specialists in the Ministry's industrial relations section but on all labour officers, and because of this every opportunity is taken to provide them with special training. Provision of £1,000 for training courses for officers appears in the Government Estimates for this and related purposes. The sum of £200 will also be found in these Estimates in respect of two courses, each of a month's duration, for employee representatives on industrial relations. Last year these courses were attended by 54 persons. The Royal Technical College provides two intensive courses annually, by arrangement with the Federation of Kenya Employers on industrial relations for managerial staff, while the Kenya Federation of Labour provides and has access to training for trades union officials. Such, Sir, are the needs and the development in the modern Kenya.

Before leaving the subject of industrial relations I would like to throw out a plea to both employers workers to make use of the conciliation facilities provided by my Ministry before resorting to stoppages of work. Demanding though conciliation work may be at all times on the patience and resourcefulness of officers, it is much more difficult to handle successfully if attempted against the frustrating background of a stoppage of work. Similarly, I would ask that a resort to arbitration be more frequent than it is. Arbitration is not always the ideal way to settle a dispute but it has a valuable place in suitable circumstances.

Related to the subject of industrial relations is the important one of wages policy. Wage determination is normally best left to employers and employees themselves without Government intervention. However, a Government does have responsibility in respect of the floor level of wages and to endeavour to ensure that this lowest level

has regard to the essential minimum needs of workers. In less developed territories such as Kenya this responsibility takes a realistic form and, as is well known, Government has in the main urban areas for several years been pursuing the aim of attaining a statutory minimum wage for the male workers capable of maintaining and housing him and his wife. In 1953, prior to the acceptance of this policy, the statutory monthly minimum wage and housing allowance in Nairobi totalled Sh. 59/50. Today the statutory minimum wage and minimum housing allowance for an adult male worker in Nairobi totals Sh. 119/50. Youths and women are entitled to a combined figure of Sh. 86. The pattern is similar in the other towns. Nevertheless it is true that the rate of increase has not equalled the Government's hopes expressed in Sessional Paper No. 21 of 1954, which declared acceptance of the main recommendations of the Carpenter Report. At that time it was hoped that the adult minimum wage and housing allowance would in five years drag ahead of the youth figure sufficiently to cater fully for the extra cost incurred by a man whose wife has to be supported by him in his urban home. These hopes were based upon economic and other conditions in Kenya being favourable. Unfortunately they have been less than favourable. Five years have now passed since Government embarked upon its present minimum wage policy in urban areas, and the adult target has not been reached. With a youth wage which is calculated on a formula of minimum rates and housing allowance totalling Sh. 86, the target adult total is Sh. 148. The present figure is, as I have said, Sh. 119/50. The rate of increase may therefore appear disappointing but it is not substantial and Government has endeavoured to remain true to its declared policy of advancing as fast as economic and other circumstances can permit.

It is relevant too that the cost of living increases have been small compared with these wage increases. This month the Wage Advisory Board gives advice to Government in respect of the next movement in the urban statutory minimum wage level and housing allowance. Such movement as may be recommended and as may be accepted by Government can be expected to date from 1st July.

The introduction of statutory minimum wages into rural areas, and particularly agriculture, presents special and complex difficulties. Government has however, already declared its intention of amending the Regulation of Wages and Conditions of Employment Ordinance to provide for more suitable machinery than is currently available, through which the task of determining wages in rural areas can be tackled. Previous Ministers of Labour have, over a protracted period, engaged

[The Minister for Labour, Social Security and Adult Education]

in discussions with employers and trade unions on the nature of the machinery, and of the minimum wage policy that should be applied through it. The most recent discussions have been fruitful in narrowing differences of viewpoint, and I am now about to consult the Labour Advisory Board on my proposals upon which the Temporary Minister for Labour has already consulted the Federation of Kenya Employers and the Kenya Federation of Labour. I am hopeful that these proposals will lead to the introduction of new legislation into this Council not later than October.

It is perhaps right that I should tell the Council that it is my intention that employer and employee representatives will play a major part in the determination of minimum wages in the agricultural industry. The minimum essentials needs of workers and the economics of the industry will not be taken into account in such determination, and those sections of the agricultural industry which establish effective voluntary machinery for wage determination will not have the statutory provisions applied to them. This latter proposal is consistent with the policy of my Ministry that voluntary determination of wages and conditions of service, where effective, is to be preferred to the statutory method.

Now, Sir, to switch to labour training, the hopes expressed in 1926 of the then newly created training section in my Ministry have I believe largely been realized. The training provided directly by the Ministry is that of supervisors at all levels and of various types. During 1959 a total of 1,000 supervisors attended Ministry courses on training within industry for supervisors. There were courses for supervisors from agriculture, Government departments, hotels, and industries generally. The training of apprentices and artisan trainees is not the direct responsibility of my Ministry but it is our duty to encourage, co-ordinate, and generally to supervise such training. During 1959 the number of formerly indentured apprentices and trainees totalled 2,226, of which almost half were in Government technical and trade schools.

The recently enacted Industrial Training Ordinance, which provides a legal framework within which training of future artisans can be carried out more effectively by industry, came into force on 16th of this month and has been widely welcomed. An Apprentices Board has been established, and has held its first meeting. This Board, whose members are drawn widely from industry and Government departments, will play a major part in the formulation and implementation of apprenticeship policy.

An allied service provided by the Ministry is that of trade testing whereby the measurement of skill in the craft trades is undertaken and recorded in the issue of grade certificates. During 1959 a total of 1,850 tests in a variety of trades was undertaken. To improve the equipment needed for these tests the financial provision of the current year is being increased by £750 in 1960/61. Many of these skilled, as well as unskilled, workers are employed in factories and my Ministry is also responsible for enforcing the provisions of the Factories Ordinance, which aims to protect the factory worker against those hazards to health or to life and limb which arise out of factory employment. The Ordinance also aims at raising the general standard of working conditions in factories and in improving welfare facilities.

The factory inspectorate are not only charged with the enforcement of the law but spend much time in giving advice to factory occupiers on the many technical problems of industrial safety, health, and welfare. Inspectors of factories are therefore technically qualified officers with varied industrial backgrounds.

At the end of 1959 the total number of factories registered under the Factories Ordinance was 5,218. The inspectorate carried out 2,334 factory inspections and made 243 visits to factories for purposes other than inspecting. 66 visits were made to premises in which steam boilers or hoists and lifts are used. Of the total of 1,047 factory accidents which were reported to the Labour Department, 198 were given special investigation. Although the inspectorate seeks to obtain compliance with the law by gaining the willing co-operation of occupiers, it is sometimes necessary to resort to legal action, and during 1959, 23 factory occupiers were convicted in respect of 74 offences against the Factories Ordinance and subsidiary legislation.

In October, 1959, a code of special rules—the Factories Woodworking Machinery Rules, 1959—were laid in Legislative Council and passed into law. These Rules were made necessary by the very large number of accidents caused by wood-working machines. Towards the end of 1959 the draft of a complex code of rules designed to raise the standard of safety in dock work was prepared. This draft is at present under discussion with the East African Railways and Harbours Administration. Such subsidiary legislation, although it greatly increases the work of the inspectorate, it is considered to be essential to the well-being of the Colony's industrial population, and in the case of docks safety rules are necessary if the Colony is to comply with the obligations under International Labour Convention No. 32.

[The Minister for Labour, Social Security and Adult Education]

Also worthy of note was the setting up in June, 1959, of a joint Factories Standing Committee for the sisal industry, on which the Kenya Sisal Growers' Association, the Minister for Agriculture, and the factory inspectorate are represented. In factories and in other employment, undertakings can engage workers with a suitable aptitude for the work they are to do. The major benefits accrue to all concerned.

Major benefits accrue to all concerned, labour turnover drops, and trading becomes more profitable, accidents lessen and morale improves. To assist in the achievement of this highly desirable aim my Ministry now makes available to employers the facilities of its Aptitude Testing Unit. This Unit was formerly part of the Prisons Department and was transferred to the Labour Ministry on 1st July, 1959. The Aptitude Testing Unit was formed in 1954 to assist in the selection and classification of *Mau Mau* detainees for specific occupational training. During the five years of its life it has extended its activities to cover a wide range of occupations and is now capable of administering selection procedures for persons of all races in respect of such employment as factory operatives, artisans, drivers, supervisors, and clerks, as well as trainees for more highly skilled jobs and managerial appointments. The Unit works not only for Government departments but for several commercial and industrial organizations and the High Commission services on a fee-paying basis. Requests from private employers for the use of the Unit's facilities are steadily increasing. The Ford Foundation of America agreed in December, 1959, to grant the sum of \$85,000, approximately £30,000, over a period of three years to enable the Unit to expand, and work is now going ahead with the purchase of additional equipment and recruitment and training for extra staff. I am extremely grateful to the Ford Foundation for its interest and its generosity in this project without which it would not have been developed and would perhaps have been abandoned.

These, Sir, are some of those unspectacular facts but very valuable services supplied by the Ministry of which I spoke earlier. It is also, Sir, through the officers in these services who are in daily contact with the employers that the latter can be made regularly and increasingly aware of the benefits to be derived from the provision of advancement and training opportunities for our Kenya people. I do not believe that there is justification for the employment of an additional special officer, as is sometimes urged solely to apply pressure and propaganda upon employers to this end. If

any additional spur is required it comes best from employee organizations. There are inevitable aspects of my Ministry's work upon which I have not dwelt today. This is purely in the interests of brevity and not because they are rated lowly. However, if hon. Members wish to touch upon them in their speeches I, or my Permanent Secretary, will endeavour to reply later in this debate.

It is right, Sir, on this occasion that I should pay a tribute to the staff at all levels and of all races working in my Ministry. Their diligence, loyalty and professional expertise are essential prerequisites to all our achievements and I thank them for providing the qualities in full measure. It is also right, Sir, that this Council should remember that despite the wide field of activity covered by my Ministry less than 1 per cent of the total recurrent expenditure of the Government is allocated to it. Compared with some of the financially better off Ministries, my Ministry is providing services almost on a shoestring and has to seek its satisfaction in the suggestion that it is more blessed to give than to receive. With that thought, Sir, I am sure that hon. Members will readily support the provision of a mere £318,200 for the Ministry of Labour, Social Security and Adult Education.

I beg to move.

Mr. Luyt seconded.

Question proposed.

Mr. Mboya: Mr. Deputy Speaker, Sir, I have chosen to intervene at an early stage of this debate mainly because at this particular time there are very important discussions taking place in the coffee industry which I am, unfortunately, having to chair, and perhaps I will not be in the Council to take part at a later stage, which I would have liked to do because I am sure that points will be raised on both sides of the House that might necessitate or require some observations from a person in my position in the labour movement.

May I be the first to congratulate the Minister on his, shall I say, maiden speech as Minister for Labour, and on the clarity with which he has delivered his remarks on Labour, Social Security and Adult Education; and whilst doing this I would like not only on my own behalf, but on behalf of the labour movement, to say a few words, if I may, on the—well, I do not know what you call him just now—Permanent Secretary to the Minister who has acted on several occasions as Temporary Minister. Those of us who have dealt with him have fully appreciated not only his very great knowledge on matters of labour, but his great sincerity and determination to do every thing possible from time to time to help the development of healthy relations in the industry

[Mr. Mboya]

in this country. I say these words now because I think it is appropriate that I do so, especially after the long period during which he has been acting as Temporary Minister for this Ministry.

Now, Sir, coming to the various points that have been made by the Minister in his speech in the first place, I would like to say a few words on social security. We who are very much involved and interested in labour matters cannot over-emphasize from time to time, even at the risk of repetition, the need for Government to give much greater and urgent attention to this question of social security. From 1953 this point has been made practically every year following the recommendations of the Carpenter Committee Report.

Now, we have heard that the Social Security Committee made certain recommendations and I am, myself, not quite satisfied that the Government has given the amount of attention that they should have given to this particular question, especially as it relates considerably to the question of efforts towards labour stabilization in this country. There are questions of economics and the availability of funds. But one is bound to ask how far we have made real efforts to find the necessary money or other formulae that might achieve the same thing. I would like, when the Minister speaks in this debate again—when he refers to tell us a little bit in more detail in practical terms, what efforts have been made, what they are doing, and what they intend to do, not in the distant future, but in the immediate future. I cannot over-emphasize the need to consider this matter urgently, because it is open for anyone who observes the present state of affairs, not only in industry in the urban areas, but especially now that we are opening up in the rural areas in so far as security in old age is concerned. There still are cases, Mr. Deputy Speaker, where a person may work for 20 to 30 years in this country, at the end of which he looks forward to nothing but a life full of misery and poverty. There still are areas of employment in this country where people spend their entire life serving loyally and faithfully an industry or an employer only to end up as destitutes, beggars, poverty-stricken old men, with no support and no place to look forward to. This is a very sad state of affairs, especially when we recognize that it is no longer possible for this category of people merely to emigrate back into their reserves and hope that their relatives will feed them or hope that they will be able to cultivate a small *shamba* and make a livelihood. To many of these people there is no reserve or home to return to. They are either dethralized or the home to which they might have returned is in such a state,

that what they might have been able to be provided with 20 years ago no longer exists.

I do not want to paint a particularly black picture but anyone who walks the streets of Nairobi or some of the other towns in the African residential areas especially or those who go to the reserves will see the position in which some of these people find themselves when ultimately the employer has no use for them, industry has no use for them, and apparently we have no use for them. There are, of course, voluntary schemes for provident fund arrangements and perhaps in some cases gratuities that are paid to this class of people, but it is my experience that the provident fund schemes are not as widely spread as they should be. In fact, in private industry there are only exceptional cases where we have private or voluntary provident fund schemes. We have more in the public services and related industries and I would like to stress this point especially after seeing so many of these people come to our office in the last few months when we have started expanding our organization in more of the private industries and also in the rural areas.

The second aspect of the Minister's portfolio deals with Adult Education and I would like merely to make one or two observations in so far as this is concerned. I am not sure whether the Minister is dealing with and is responsible for Jeanes School, but there is some adult education going on in some of these places including Jeanes School. We are interested in this question especially now because in our new building, the Solidarity Centre, we are going to provide for some facilities for adult education with particular emphasis on workers' education. I was glad to hear the Minister mention the availability of some Government help in this regard. I would like perhaps to enquire a little bit more into the position of those private agencies who may wish to participate in this particular field, who may wish to associate themselves with some of these governmental agencies in furthering adult education and especially literacy and women's training schemes in the various African areas. I do not know whether the Minister mentioned the question of licences, but I would like to know precisely where an organization like ours will, for example, fit in if we are to provide these sorts of facilities in Nairobi.

In addition to providing for adult education facilities we intend to provide for a library which will be run in conjunction with our adult education centre to see if we cannot improve on the present facilities in Nairobi especially.

Now, Sir, I come to the more important question dealing especially with labour. The question of unemployment has been debated in this House

[Mr. Mboya]

for the last few months practically every month, and in most cases it is perhaps going to be and in most cases it is perhaps the various repetition when we try to emphasize the various points that we have made before. There is no need to repeat—and I know that the Minister appreciates—that this is a real problem at the moment. Everywhere one goes in Nairobi one meets with the signs of *Hapana Kazi!* These are exhibited at the doors of big offices, factories in the industrial area, and so on. But at the same time, everywhere one goes one meets with people who have been looking for jobs for many months without being able to get a job, including some without school education. In fact, some of them have school certificate and so on who cannot get jobs at the moment. It is true that this is related to the economic development of the country; it is also true that the main answer lies in greater economic development in the country. But I do not think that this the answer we are asking the Government to give us at the moment. We all know that a country like ours which is under-developed is faced with serious questions or problems of economic development but the real issue here is that at the moment we have unemployment. And the question that the Government is being asked is to answer in practical terms at this particular time is in terms of actual projects of what they are going to do to meet this problem.

It is not enough for us to be told merely that these are problems of economic under-development, nor to be told that the answer lies in a future of full economic development. We would like to hear from the Government—and that is what we have been pressing for for months—exactly what Government effort or project is under way now to meet this problem of unemployment. The Minister has conceded that in fact the Government is not fully informed on this problem in terms of statistics, knowing properly where and how many unemployed people there are. I think this is a weakness, a weakness that some of us have tried to point out for not only many months in the last few months but for some years now; the need for Government to have accurate statistics in the matter of employment. I am encouraged to hear that the Government has asked for and is looking forward to receiving an expert from the International Labour Office. I hope that this means that the Government will be ready to review its own policy or its whole structure in this field of employment services with a view to giving us as much more accurate position in future.

The Minister has dealt at length with the question of selectivity and perhaps the presence or availability of some jobs which some of the unemployed will not take. But when he went on

to point out what jobs were available, I thought I heard him say there were about 2,000 jobs on the coastal plantations and a few other jobs in some places; but the figures he quoted of the unemployed in the urban areas in particular run up to something like 12,000 unemployed. Now, with or without selectivity, with or without this discrimination on the part of the job-seeker, it would appear to me that if in fact those figures are correct we still have a serious problem of unemployment. Some time—I think it was early last year or late in 1958—the then Minister for African Affairs indicated that there were up to something like 150,000 unemployed in the Central Province. Today the Minister in his speech did not in my view state clearly what was the position of unemployment in the rural areas. Now, this problem of unemployment cannot be looked at in the isolated terms of merely the urban areas. In fact, in his speech the Minister attempted to indicate some of the movements between the reserves and the urban employment areas and unless we know the true picture, the full picture, in so far as unemployment is concerned between the urban areas and the rural areas we will hardly be in a position to answer effectively or settle effectively this problem. I would like therefore to know from the Minister when he replies in this debate what the true position is in so far as unemployment in the rural areas is concerned.

The Minister, of course, indicated—and we concede this—that there has been a movement recently from the reserves into the urban areas especially as a result of the end of the Emergency. But if it is true that there is unemployment even in the reserves and that this is even more pronounced in those areas where you have had land consolidation and villagization schemes, then I do not think this is a particularly valid argument. It merely means that this unemployed population is moving from one area to another and to suggest that we have unemployment in Nairobi because some people have come in from the reserves does not therefore answer the question. It might serve well if we were discussing the unemployment situation in Nairobi. But it does not answer the question which is that we are asking the Government which is that of unemployment throughout the country, not just in Nairobi. And so whilst conceding that perhaps the ending of the State of Emergency has by removing certain restrictive measures enabled people to move a little bit more freely, I cannot myself agree that this is the answer to the question we are asking the Government. We would like to know from the Government the state of like to know from the Government the state of unemployment, a full picture of it in urban and rural areas. We would like to know from the Government the efforts, the plans, they have in

[Mr. Mboya]

and now and I submit, Mr. Deputy Speaker, the Government has had enough time to consider this matter and to work out a plan that they should present to the Council in terms of what they are ready to do immediately to meet this problem. It is not possible for the Ministry of Labour to conceive or to make such a plan, then whichever Ministry is involved, whichever Ministries are involved, should be called upon to give us an answer during this debate.

The improvement in facilities at employment exchanges is a particularly necessary aspect in our efforts to study the degree of unemployment and I thought I heard his Minister referring to this particular aspect of his Ministry. I am not myself sure that when we are told that at these exchanges those people who have been working for longer periods or who have been in wage-earning occupations for longer periods are given priority that it is possible to do so. Perhaps the Minister will explain a little bit more in detail how these offices work. Unless there is some system of registration (a) of unemployment and (b) of jobs available, registration not merely by those who volunteer to do so but on a country-wide basis, I cannot see that this system can work effectively and satisfactorily and I would like to hear the Minister say a little bit more on this particular question.

Now, Sir, reference has been made not only by the Minister but also by a number of people on the question of strikes. In fact, yesterday in the House of Commons the Colonial Secretary answered a question on this particular issue, the strikes in the coffee industry, and especially the more recent strikes in the Thika District. I have noticed the trend on the part of the Press and some other people that whenever they talk of strikes they seem to think that the only reason we have strikes is because the workers are irresponsible, and that there can be no other cause. Mr. Deputy Speaker, I would like to suggest that matters relating to industrial relations or industrial democracy are not merely a one-way traffic. It is not just a question of the workers deciding to go on strike. They either decide to go on strike because they are dissatisfied with certain conditions and there are no channels for settlement of those grievances or because they are unnecessarily provoked or because there is no reason on the other side of industry. I am glad to be able to say today that in the last two weeks there has been an improvement in the industrial relations situation especially in the coffee industry. The Young Kenya Coffee Growers' Association and the Young Coffee Plantation Workers' Union have been able to meet together to discuss various aspects of their relations and at least to reach

initial agreement that will form the basis of proper industrial relations in that industry. It is my hope that what they have started to do will grow into something much stronger and which is built on a firmer basis than merely the temporary desire to settle the present crisis. If it is based on a temporary desire to settle the present crisis, then we can look forward to other troubles in the future and that is why I think we would like to see not only a settlement in this industry of the question of coffee picking rates or the immediate question of wage increases, but rather the actual settlement of the whole question of recognition of access into the plantation and the establishment of permanent joint consultative and negotiating machinery.

Mr. Alexander: What about intimidators?

Mr. Mboya: I hear the Member for Nairobi West speaking about the intimidators. I do not know whether the Member for Nairobi West suggests that the Union has been intimidating people in that industry. If the record is looked at today and correctly—and I would ask the Government perhaps to make a statement on this at a later stage—it will be found that in settling the strikes in the last two weeks the Union has done much more than some people think or have known them to do in bringing about the end of those strikes, even at the risk in some areas of losing Union membership.

It is sometimes very, very inconsiderate merely to shout, "What about the intimidators?" There may be intimidators, I do not know. There could also be intimidators on the other side. There is such a thing as victimization of workers who dare join unions, and which is a real problem in some of these cases. I am being particularly careful in what I say here because there are negotiations going on, and my special interest at this particular stage is that those negotiations should succeed, and I am not, therefore, going to be drawn into any controversy by the Member for Nairobi West.

Mr. Deputy Speaker, strikes are undesirable, and we, the labour movement in this country, have always worked on the basis that they should not be encouraged. We have worked on the basis that where possible, everything should be done to bring about settlements without resort to strikes. Now this brings me to the Minister's mention of the availability of conciliation and arbitration facilities through his Ministry, and his appeal to the unions should do what they can to resort to or use these facilities instead of waiting until there is a strike in any industrial dispute. The facts, I think, will prove that most unions have sought to use these facilities of conciliation and arbitration. Even in that industry, the Railway Administration, the unions have sought to use conciliation and arbitration instead of strikes, but

[Mr. Mboya]

I think one thing ought to be understood in so far as these relations are concerned. I have noticed a rather undesirable trend or attitude on the part of employers. There is the attitude—I see the hon. Nominated Member, Mr. Rogers, suddenly come to attention—there is the unfortunate attitude on the part of some employers, and unfortunately at the moment many employers, who are not ready to recognize grievances when they are first reported to them by the workers or the unions. Some of them hope that by delaying tactics those grievances will suddenly disappear. Some of them hope that by delaying tactics they will not be called upon to face, perhaps, the need for an increase in wages or a change in the structure of conditions of employment. It is here that we have the most serious problem, and very often these same employers are the same people who, after a strike has taken place, will go to the Press condemning the unions and the workers for resorting to strikes without first accepting conciliation.

We in the labour movement are human beings. We are capable of assessing whether a person is sincere or honest or he is not. If the union is convinced that some employer is not really interested in negotiation, that all he is interested in is to frustrate the genuine and legitimate claims of the workers then, naturally, there is only one weapon the workers can use, and that is the strike weapon. There are cases that I could quote where I know that disputes have been left pending for months, sometimes for even a year or even more before the employers agreed to sit down and negotiate, or even listen to the case of the workers, and in these same cases after a strike takes place after months of attempts on the workers' side to draw attention to their grievances, when the strike takes place these same people go to the Press and condemn the unions and condemn the strike. These same people go to the Labour Department and ask that before there is any conciliation the workers must go back to work. Now, Sir, we are put in a most difficult position by this sort of attitude. We cannot be expected to go to the workers every time and tell them, "Go back to work and your grievances will be discussed or examined", especially after they have passed through a year's experience of dragging, of deliberate delaying tactics, of frustration by these same employers. It is rather testing sometimes for us, the leaders in the labour movement, when that sort of situation occurs, and I would like to draw the Minister's attention especially to this point because we have felt that sometimes the Ministry comes to the aid of this type of employers and insists that there must be a return to work before negotiations take place, regardless of the history of the particular dispute,

and I think it is necessary that we establish a basis on which some of these things will have to be done and understanding whereby some employers who are deliberately negative in their attitude should be made to know that they cannot be running to the Government when they run into trouble and trouble which arises from their own negative attitude in this particular case.

The Minister has referred to the formation of the Employers' Federation and the employer associations. We on our side welcome the formation of these associations and the Employers' Federation. I am personally convinced that the formation of the Employers' Federation has done very well and has helped considerably in improving relations between workers and employers. The mere fact that we now have groups of employers organized, however ineffectively some of them may be organized for the time being, and however apparently ignorant some of them may be on matters of industrial relations, I think the mere fact that they are working together is very helpful indeed. But we still have a number of prominent employers, or groups of employers, who even refuse to recognize the Employers' Federation, or refuse to join the Employers' Federation or refuse the Association of Employers in their particular industry. These types of employers are the biggest problem. I think in our efforts to establish good industrial relations, it is not enough for the Kenya Federation of Labour to be called upon from time to time to call upon workers to accept a basis of industrial relations if, on the other side, the Federation of Kenya Employers is not equally in a position effectively to call upon employers to respect the standards and the structures that we agree upon. I think it is absolutely necessary to impress on the employers—

The Deputy Speaker (Mr. Conroy): Mr. Mboya, I fear you are running over your time. I must ask you to finish your speech.

Mr. Alexander: You always do overtime.

Mr. Mboya: I always do overtime without pay. Let me conclude that particular point, Mr. Deputy Speaker, by saying that whereas in the past many people have spoken about the need for trade unions to become responsible and so on, I think they should realize that trade union leadership and responsibility will come about when they fully recognized they are enabled to play their full part in industry, and especially in negotiations and collective bargaining, and when their counterparts on the side of the employers are equally responsible and responsive to their overtures in trying to settle matters in the industry, whatever industry that may be.

Mr. Speaker, Sir, I beg to support.

Mr. Tyson: Mr. Deputy Speaker, whilst joining in the congratulations to the Minister on his maiden speech, it is a little disappointing to see how little reference he has made to this question of social security. The urgency of this problem does not seem to have been recognized even today by the Ministry, and it is as well, I think, that the Minister should refresh his memory over some of these matters, and I would particularly draw his attention to Sessional Paper No. 21 of 1954, which dealt with the implementation of the Carpenter Committee's Report. This paragraph reads as follows: "We are satisfied that some form of State-operated provident fund, or contributory pension scheme is urgently required. We are also of the opinion that it should be applied to all Africans employed outside the native land units, and that it should be financed by contributions from both employers and employees." Now I would remind the Minister that that was a Sessional Paper published in 1954—six years ago—and later on in that same Sessional Paper it was noted that the Government attached great importance to the work of the Social Security Committee which was then sitting, and whose Report was expected in 1955. In fact, that Report was published in February, 1956.

Now, as the Minister has earlier mentioned, I have on one or two occasions raised this question in the House, and have been put off each time by the excuse that there were no funds available. But what I cannot understand is why the Ministry has made no progress at all in the preliminary work, in getting together the statistics which are supposed to be needed before any scheme can be properly drawn up. Incidentally, much has been said about the question of unemployment, and I think we should all realize that this question of the introduction of a Social Security Scheme on the lines recommended by the Committee is very much bound up with the question of unemployment.

Another point to which I would like to refer, Sir, is the question of libraries, to which the Minister referred. As I understand the position today, the Government, under his Ministry, makes a contribution, I think of £800, to the Macmillan Library, and it does seem to me a pretty miserable contribution to make, because apart from the fact that this Library caters for people in the Nairobi area, a considerable amount of work is done in supplying through the Carnegie Fund Foundation boxes of books to up-country readers, in addition to which there is a large reference library which is made considerable use of by not only the Government departments here but by overseas people as well. Last year, according to the Report of the Library Committee, some 16,000 books were issued to up-country borrowers, and I would suggest to the Minister that

a little more consideration should be given to the grant which is made at present of only £800, added to which the Macmillan Library also supplies books to the prison libraries in different parts of the Colony.

I hope, Sir, that when the details of this Estimate are being considered the Minister will give consideration to arranging for an increase in that small Vote of £800.

Subject to that, Sir, I support the Motion.

Lord Portsmouth: Mr. Deputy Speaker, Sir, I would like to congratulate the Minister on his maiden speech as Minister, and thank him for the very comprehensive way in which he dealt with a great many of the problems in which we are all so interested.

Sir, I am not going to go in for the wider field of unemployment. The House already knows most of my views on that. But I would like to make two small points to the Minister about the possibilities which I think would come under his purview as Chairman of the Committee which he described earlier on this afternoon, and there I shall not, I hope, be out of order.

Sir, he spoke about the necessity for the dispersal of industry in the country, and in that I entirely agree with him. It always happens that industries tend at the moment, unless there are other ways of combating it, to come to centres where other industries are. Thus you get an enormous growth and you do not get prosperity dispersed throughout the country—you get it isolated in certain spots while other spots are as one knows in England, where they used to be called "distressed areas", and are now called "special areas" because that is the kind of euphemism we all use when we want to hide up the truth. Now although there is to all intents and purposes no unemployment in England today, there are still one or two places where owing to people very naturally not wanting to leave their homes, there are black spots of unemployment.

Now the hon. Nominated Member who has just sat down sent me some papers about unemployment collected from England the other day, for which I was most grateful, and among these other points which were made in the papers was that special facilities for cheap transport—railway transport and so forth—were to be given to factories who would set up in an area where they wanted to get employment going. Now, Sir, although this is obviously a matter for the High Commission in the long run, it might be possible to encourage industry to go as far abroad as Nyanza, shall we say, or up-country into the areas to the north, if you could get some form

[**Lord Portsmouth**]

of equalization of transport to encourage business to go further afield. I believe, Sir, that that has further merit because railways which have long hauls will be dispersed throughout the country are more profitable. At least, I may be talking in ignorance—but I should imagine that if you have your railways in constant use for long hauls, you then get a much more paying system than having to keep up railways with relatively small traffic on it because they are necessary to the country's communications.

Now, Sir, I think, as I say, it is a matter for the High Commission, but it is also a matter for the individual Governments should they decide to give a subsidy on transport to encourage industry to move to out of the way places where it is badly needed.

Sir, there is another point in the dispersal of industry that I think I am right in encouraging. Sometime about 1935 when unemployment was very bad in Italy, Mussolini announced a new act by which any new buildings, especially houses, which were put up at the time would, for 25 years, be free from rates. Now, Sir, I may be told that Mussolini was part of the bad old days, but I only know that the existing Italian Government since the war have kept that in use, and it is still true today that if you put a new building up you are exempt from rates for 25 years. I do not suggest that 25 years should be the exemption period from rates, but I do believe with factory rates, if you could get a remission for a number of years for industries going to places other than Mombasa, Nairobi and Nakuru. I put that as a suggestion to the Minister, and finally, Sir, I think that this Committee should go into the question of the encouragement of what I can only describe as cottage industries—again, to keep the whole body of the country in reasonable prosperity, and also to ease the pressure on land by people being able to have a "second string to their bow" in work in their houses. Sir, if you go even now to Milan every evening you will see hundreds, literally thousands of workers bicycling home or going home in a bus in order to be able to till their rice fields, each having an odd acre or two to supplement the family budget. But in this case it is a question of the reverse. If you can get the cottage industries to supplement the families' subsistence budget it would do a very great deal and help with unemployment in many ways. After all we have got some industries already. If you go along the Thika Road you can see that what is essentially a cottage industry for papyrus matting spread out for sale there. You can see in the streets here other cottage industries, in this case for tourists, wood carvings, and there are several other cottage industries already in exist-

ance, and I do not think it would tax our imagination and initiative to find others which will be equally useful and which could equally be spread over the country.

Sir, I beg to support.

Mrs. Shaw: Mr. Deputy Speaker, Sir, I would like to congratulate the Minister and apologize that I was not able to be here during the whole time of his speech. The noble Lord has said, because the last speaker, the noble Lord has said, because he underlined everything I said, during the Commerce and Industry Vote yesterday, and I would like to put my plea to the Minister for the dispersal of industry for all the reasons put forward by the last speaker.

I do believe too so strongly that it is so much apart from not having enormous concentrations of labour round Nairobi which brings with it so many social evils, it is so much better for people to be employed near their homes. From the point of view of the women I think it makes life—family life—very much happier and easier if the husband is within reach and return to his home after work. I also think, driving through Maragoli country, just to take an example, that it is very tragic to see in that district nothing but women, children and old men, because most of the Maragolis have gone off as far afield as Nairobi for work. Now if they were within Nyanza, as my hon. friend, the noble Lord has said, a concentration of industry round Kisumu where there are 2,500,000 of the 5,000,000 or 6,000,000 Africans in Kenya living, then I think, we should have a very much happier Colony and less social problems in and around Nairobi—less social evils.

And my other point, of course, I support very strongly, what my hon. and noble colleague said about the long haul and that it would pay the railroads to have the dispersal of industry as well.

I beg to support.

Mr. Alexander: Mr. Deputy Speaker, Sir, may I also say how pleasing it was to hear the business-like way in which the Minister presented his Estimates and the very many wise words that he uttered. It is a pleasure to us, of course, over here, to see him on that side of the House in a very responsible position that he has now taken on. I would just ask him, Sir, as I asked the Minister for Commerce and Industry, whether he has yet drawn the attention of Government to the fact that he has crossed the Floor from this side of the House, and that Government can now reduce their numbers by two and save £2,000 a year. I am not suggesting that it is his job to reduce the size of the Government, but I am only suggesting, Sir, that if he has not already—and

[Mr. Alexander]

I am sure he perhaps has—he might draw the attention of Government to the fact that he is not on that side now.

Now, Sir, the Minister talked about social security, and I think he mentioned pensions in old age—the need for a pension in old age. Certainly the Member for Nairobi Area, when he spoke, referred to pensions for people on their retirement, and in their old age, and this subject, Sir, having been referred to, I think it is right and proper for me here to tell hon. Members, and to tell particularly the Minister, of a matter that has developed in recent weeks in this country that is having a deadly serious effect on the economies and the financial affairs of this country in relation to pensions. If I may explain it is as simply as I can, Sir, and to ask the Minister to make it his urgent business to talk immediately with the Minister for Finance and the Minister for Commerce and Industry about this matter, the problem of the matter is this. There are, in this country, pension funds written with insurance companies involving many millions of pounds. Now, Sir, in most cases—in practically every instance—those pension arrangements have been written, have been agreed in terms of East African currency. By that I mean that the insured, or the employer arranging the scheme agrees to pay the premiums in East African shillings. In turn, the insurance companies who operate these pension schemes, agree to pay the benefits when they are due also in East African currency. Now what has happened is this. As a result of the political developments in this territory in the past few months—but, Sir, more particularly because of the utterances of certain African leaders—the holders of these pension insurance schemes have turned their minds to the arrangement whereby they can turn their liability into terms of premiums in sterling, and in turn, allow, or agree with the insurance companies to pay the benefits in sterling. Now what does this mean, Mr. Deputy Speaker? This involves many thousands of employees in this country that should be the concern of the Minister for Labour.

It means just this, Mr. Deputy Speaker. It means that many hundreds of thousands of pounds of our own money that was available for investment in our own assets in our own development in East Africa has now gone to London, turned into sterling and is bound to be invested in the United Kingdom in sterling in order to meet the obligations that those insurance companies will have to meet when they pay out the pensions.

Now I hope, Mr. Deputy Speaker, I have explained this as simply as possible, but that is precisely what is happening. Let me assure you

that it is not just a matter of a few pounds, it is many hundreds of thousands of pounds and in a moment I will be coming to what the Minister referred to as the real answer to unemployment in this country, as the investment in the private sector. Let me assure him that this private sector that he is looking to for the answer to his unemployment problem—our unemployment problem is being denied these many hundreds of thousands of pounds that are going out of this country as a result of this particular arrangement at this precise moment. I believe, Mr. Deputy Speaker, that there is an answer to it and I believe the answer might be this, that if those holding these types of pension scheme and the insurance companies themselves could be assured that if at any time they wish to transfer their arrangements into sterling they would be free to do so. I believe that it would go a long way towards stopping this particular flow of capital out of Kenya. Because what is it they are really trying to protect against? They are looking, as have private people every right to do, they are looking for the worst that may happen in Kenya today and they are putting up the answers to it now, rather than waiting for the worst to happen.

Mr. Deputy Speaker, it is most unfortunate and I was glad that yesterday the Minister for Commerce and Industry had occasion to speak to this point, but it is a pity that the Member for Nairobi Area when he has made his speech—and he makes always speeches with points to be commented upon and to be answered—invariably leaves the House, but I hope somebody will convey to him what I am now going to say. When he was speaking about the strikes at Thika and Ruiru and I questioned him—he was telling us of course of what a wonderful job the unions were doing and how progress was going on, that was all very heartening to hear but when I questioned him as to the part that intimidators played in this he retorted sharply to me and he said—and I quote: "There may be intimidators, I do not know." Well, Mr. Deputy Speaker, nobody in this House can believe that the hon. Member for Nairobi Area does not know that in fact in relation to the Ruiru/Thika strikes there was intimidation, because we all know, from a very full report in the *East African Standard* that some of those intimidators were brought to law and have been convicted, and I am surprised that the Member for Nairobi Area should stand there and try and tell us in all honesty that he did not know that there were intimidators concerned in the Ruiru/Thika strikes. Of course he was aware.

Mr. Deputy Speaker, I have just said, I will not repeat it all but the hon. Member for Nairobi Area has no right to stand in this House and tell us that he does not know whether there were

Friday, 27th May, 1960

The House met at Nine o'clock.

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

PRAYERS

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

The Traffic (Amendment) Bill

Clause 2

Mr. Alexander: Mr. Chairman, Sir, I beg to move the following amendment to clause 2 at 48 (a) (i): Insert before the words "no fuel" at the beginning the following: "It shall be permissible for any petroleum products which are not subject to import duty to be used in any motor vehicle provided the user first pays over to the customs authorities the equivalent duty. In all other cases." The wording then goes on exactly as it is in the Bill.

The reason for this amendment, Mr. Chairman, was briefly explained by me yesterday and it concerns the arbitrary division created by this Bill between engines that are designed for high speed and those that are possibly of lower revolutions. The situation is that in respect of many heavy vehicles it is possible for them to use heavier fuels, i.e. fuels that are not already subject to tax and even by voluntarily paying the duty it is still cheaper for them because of the price of the product to run their vehicles.

This question is quite fairly one of depending upon the revolutions per minute of the engine, and it does seem unreasonable for the Government, if the user of a vehicle is prepared to pay the duty that is due, to prevent him from being so.

Mr. Chairman, I beg to move the amendment.

Question proposed.

The Chief Secretary (Mr. Coultis): Mr. Chairman, should this not have appeared on the Order Paper? The Government has not seen the terms of this amendment at all.

The Chairman (Mr. Conroy): I think it is Standing Order 90 which deals with this. Standing Order 90, subparagraph (2), says: "No Bill amendment shall be moved in any part of a Bill amendment shall be moved in any part of a Bill by any Member other than the Member in charge

[Mr. Alexander] intimidators involved in the Ruiru/Thika strikes when we all know as the result of a very full report in the newspaper that intimidators were brought to law and were in fact convicted. I am not prepared to say that they were trade union people, in fact I have the assurance—we have the assurance of the Member for Nairobi Area that they were not and I believe him, but what I cannot understand is that if trade unionists are not involved as intimidators, surely, Mr. Deputy Speaker, they should be strong enough and the Member for Nairobi Area should be strong enough to tell them and to show them how to see off the blinking intimidators. Now you want me to give way!

Mr. Mboya: Mr. Deputy Speaker, I thought the Member for Nairobi West said I had no right to say what I said. I think I had every right to say what I said.

Mr. Alexander: What I did say, Mr. Deputy Speaker, was that I did not think that it was particularly honest of the hon. Member to stand in this House and to tell us that he did not know that intimidators were involved in the Thika/Ruiru coffee strikes and if he gives us an answer like the one he has just given, I am certainly not going to give way, but if he will give us a better answer I will sit down again.

Mr. Mboya: Mr. Deputy Speaker, on a point of order, is the Member for Nairobi West in order, he doubted my honesty on this question, on a statement which I have made to the House.

The Deputy Speaker (Mr. Conroy): It is not generally in order to impute improper motives to hon. Members.

Mr. Alexander: Now, Mr. Deputy Speaker, may I turn to the question of the Civil Service and it arose out of the reference to the Minister's remarks about Whitley Councils and as we are not likely to reach the Ministry of the Chief Secretary, it is perhaps more appropriate to deal with the Civil Service here, because of course there are many civil servants in this Ministry, than to deal with it anywhere else.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): Mr. Alexander, if you are going on to an entirely new subject in your speech, I think it might be more appropriate to stop here. I accordingly adjourn Council until Nine o'clock tomorrow morning, Friday the 27th May.

The House rose at thirty minutes past six o'clock.

of the Bill unless written notification thereof shall have been given to the Clerk before the commencement of the sitting at which that part of the Bill is considered in Committee." This amendment was, in fact, so I am informed, handed into the Clerk just before we sat this morning.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I must say that the Government is in some difficulty over this particular amendment as we have not had previous notice of it. I have, however, heard the hon. Member, and from what he said yesterday and from his speech this morning I think I have got the general drift of the proposal which really amounts to the fact that people having discovered that in certain circumstances vehicles which have probably been designed to use light diesel oil, and which up to a month ago were mainly using light diesel oil, but, having discovered by experiment that heavy diesel oil could be used, should be given a type of local option to use heavy diesel oil if they like it best, provided that they pay the equivalent in duty on the heavy diesel oil that they would have paid on light diesel oil had they continued to use it.

As I suggested, Sir, yesterday, I do not think this is a particularly good principle. It seems to me that the object of this particular tax is quite clear—it is to make vehicles using light diesel oil, or designed to use light diesel oil, pay tax. We have introduced this particular Bill precisely to prevent people from in any way evading that. I agree that if the system that the hon. Member suggested in his amendment were to be adopted there would not be evasion, but it would require to be policed very carefully. In fact, Sir, I believe, myself, that it would be very dangerous, in a revenue measure, to accept a principle of this kind.

If we wished, Sir, to tax heavy diesel oil used in road vehicles, the proper way to do it would be to impose a tax on heavy diesel oil. For very obvious reasons, Sir, the Government has not seen fit to do that for the very good reason that heavy diesel oil is used very widely in industry, and in any system of refund one would have the position that on the whole the Government would be refunding far more than it would be getting in retained revenue, and the cost of the administration would be far too great.

The hon. Member for Nairobi West has, I agree, produced an ingenious method of obtaining the same results, but it seems to me that what it amounts to, in fact, if not in principle, is the imposition of a tax on heavy diesel oil used in road vehicles. It leads to various uncertainties, and at present I do not think that

the Government could accept it. As I said yesterday, Sir, there is another aspect to the matter. I understand that there may be certain vehicles which have been specifically designed to use heavy diesel oil, and there are very few such vehicles. In such cases, Sir, I would be prepared, as I said yesterday, to see what can be done by administrative action to give relief so that people who may have invested considerable sums in investment of that kind will not be penalized. But so far as the general principle is concerned, Sir, as I understand the proposal at the moment, I do not find it a particularly attractive one. Having said that, Sir, and having said that I do not feel at the present moment able to accept the amendment, I will give this assurance, that the Government will keep the matter under review, and if it turns out in the light of experience that something on these lines is practical and that our present fears about them are unfounded, and that generally this is a good way of doing business, we would be prepared to look at the matter again later in the year, but for the moment I am afraid we cannot accept the amendment although I will be prepared, as I say, to look at the particularly hard cases and see whether they can be helped administratively.

Mr. Alexander: Mr. Chairman, I can perhaps help the Government. I realize from the tone of that reply that Government does accept the spirit of this amendment, the intention behind it, and I am very ready to withdraw it. I am told, Mr. Chairman, that in Tanganyika—this is my information this morning—that there is no intention of bringing in a similar ordinance such as this. In fact, in Dar es Salaam all the passenger vehicles are, at this very moment, running on heavy fuel. There are some 80 vehicles immediately involved in Kenya. I will withdraw the amendment with the leave of the House, Mr. Chairman; if I do understand it is Government's serious intention to look at this and perhaps bring in an amendment along these lines.

Sir Alfred Vincent: Could I enquire in the licensing of a vehicle, if that vehicle has been constructed for heavy fuel, heavy diesel, can the authority refuse to give a licence to run on heavy fuel if that heavy fuel is not taxable? Surely if a vehicle is constructed for the use of heavy fuel, I do not see the Government has any right to refuse a licence for that vehicle to use heavy fuel.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, as I said, where there are vehicles that have been specifically constructed to use heavy fuel, whilst I cannot see any easy way to exempt them or to cover them in the law at the present moment, if they have been constructed, as the hon. Corporate Member suggested, mainly to use heavy

[The Minister for Finance and Development] fuel, in those cases I am fully prepared to see what we can do to give relief administratively until the matter has been cleared up to a greater extent.

The only thing that at this moment I would not feel inclined to do is merely to give people an option to say either we use this or we use that, because I do feel that generally in revenue legislation it is not a particularly good principle.

Air Commodore Howard-Williams: Mr. Chairman, Sir, in that the term "passenger-carrying vehicle" has been rather freely used, will the Government give me, personally, an assurance that the Britannia and the Comet aircraft are not in any way affected by this.

Commander Goord: Mr. Chairman, Sir, on the point raised by the hon. Corporate Member on the principle for which I asked an answer yesterday, the answer was not entirely clear. It is not a very vital point, but it is a very untidy end. The point is what is going to be the discretion of the licensing authority. Well, Sir, clause 2 of the Bill in the amendment section 48, the new section 48A, says that "no fuel shall be used in any motor vehicle except that specified in the vehicle licence in respect of such vehicle." Sir, as far as I know the present procedure, if you want to license a vehicle, is that you fill in a form and say what sort of fuel you want to burn in that vehicle. Obviously under the new conditions the licensing authority will have to have some direction as to what it is to do in the matter. In the past if you filled in "pea soup" and the clerk would have filled in "pea soup" and you would have got a licence for pea soup. Nevertheless, Sir, it does seem necessary that there should be some direction here. I have for myself taken out a licence for a tractor which normally burns petrol in order to burn kerosene, and I have no doubt in the past if one applied, to do the same thing for a motor-car one could have done so. Presumably, the answer is that the licensing authority will only be enabled to issue licences in respect of the duty paying fuels, that is petrol and diesel fuels, but that does raise a second point, Sir, as to the definition of these fuels. For example, there are a number of cars which burn a mixture of petrol and oil, and if that is legal, is it legal to burn a mixture of petrol kerosene? I do suggest, Sir, that these are points which ought to be tidied up.

The Chief Secretary (Mr. Coutts): Government is not going to withdraw the Bill. What I propose is that in view of the fact that it might be possible for the Government to meet with the wishes of the hon. Member for Nairobi West by considering his point over the week-end and also considering the point raised by the hon. Nomi-

nated Member, a clear answer to which I cannot give at this stage, I would propose that Mr. Chairman do report progress and ask leave to sit again.

Question proposed.

The question was put and carried.

The House resumed.

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

PROGRESS REPORT

The Traffic (Amendment) Bill

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, I beg to report that a Committee of the whole Council has considered the Traffic (Amendment) Bill and has reported progress and asked leave to sit again.

Leave granted to sit again tomorrow.

MOTION

SUSPENSION OF STANDING ORDERS

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to move that under Standing Order No. 139 (1) Standing Orders be suspended to the extent necessary to have the Motion standing as Order No. 5 debated, and, if necessary, amended.

I would like to explain to hon. Members that I do not like doing this. It is unusual to suspend Standing Orders for a matter of this nature, but I did have an agreement yesterday at approximately one o'clock that he would move a Motion extending the period of debate for two days. It was something of a surprise, therefore, when he gave a Motion at two o'clock or two-fifteen for five days.

Now, Sir, under the present Standing Order under which this order is given, no debate and no amendments are allowed at all. Had I known that the hon. Member wished to go ahead with that the hon. Member wished to go ahead with his proposal for five days I would myself have given Notice of Motion yesterday. Having not given Notice of Motion yesterday I am unable to give anything else now except to suspend Standing Orders in order to allow this matter to be debated. My reasons for doing so are these, Sir.

We have had an extra half-hour on each of the days in which we have debated the Estimates, and therefore we have had now the equivalent in my view of about 12½ supply days, and therefore my view of an increase of two supply days, I consider that an increase of two supply days, and I would be prepared to accept three if hon. Members agree, would make the equivalent of the Members agree, would make the equivalent of the 15 days laid down in the Standing Orders, but I do feel fairly strongly that an extra five days at

[The Chief Secretary] this stage would make something of a mockery of the Estimates, and we should try and cut down our debating time. For instance, I would remind hon. Members that we spent three and three-quarter days on Agriculture and two and a half days on education. If we are not prepared to cut it down, then I do not see why we should take up extra time and extra money of the Government in order to have extra days in debate. I therefore propose, Sir, that Standing Orders now be suspended in order to allow the hon. Member's Motion to be debated.

The Minister for Information and Broadcasting (Mr. Harris) seconded.

Question proposed.

The Deputy Speaker (Mr. Conroy): Might I just explain for the benefit of Members what we are doing. The Motion which stands in Mr. Cooke's name as Order No. 5 in accordance with Standing Orders, has to be decided without debate and without amendment. Under Standing Order 139, the Chief Secretary has moved that Standing Orders be suspended to the extent necessary to allow Mr. Cooke's Motion when it is moved and when the question is proposed on it to be debated, and if necessary, to be amended. What we are discussing now is Mr. Cooke's Motion because we have not got to that yet. We are discussing the Chief Secretary's Motion that Standing Orders be suspended to the extent necessary to allow us to debate, and if necessary, to amend Mr. Cooke's Motion.

Mr. Blundell: Well, I was just giving a note to the Clerk, Mr. Deputy Speaker, but I would not have thought that debate was necessary. Surely we could agree to suspend Standing Orders—

Sir Charles Markham: Sit down then.

The question was put and carried.

MOTION

ADDITIONAL DAYS FOR SUPPLY

Mr. Cooke: Mr. Deputy Speaker, I beg to move that in accordance with Standing Order 112 five additional days be allotted for the business of the Annual Estimates.

Now when the hon. the Chief Secretary got up just now he only told half the truth. He suppressed the other half, and I am going to tell now what the other half is. Now yesterday, Sir, several of us felt that after nine days—yesterday was the ninth day—discussion we had only got as far as three Heads, and in spite of the fact that the Sessional Committee had thought it proper and had no doubt gone into the matter fully and had put 15 Heads on the proposed programme, 13 is less than

half of the number of Heads in the Estimates, so that the Sessional Committee really were taking a very fair view and did not want to waste the time of this House, but they thought 15 Heads could be debated. As I said, only three Heads were debated. Now yesterday I saw the hon. Chief Secretary, with my hon. friend, the Member for Ukamba, and we suggested that there should be two days only additional to enable us to discuss in Committee—in Committee mind you, and without any of the heads of departments making their somewhat lengthy speeches that they do make—and that then perhaps we could get through the full programme of the Sessional Committee. This was ruled to be out of order. Later I saw my hon. friend at about one o'clock and I said that we agreed that I should move a Motion that there should be two only extra days—two extra full days that is—of full debate. In the meantime I saw very many Members of all races on this side of the House, and almost unanimously, if not unanimously, they said, "If you are asking for two days why not ask for five days?" Now I looked for my hon. friend and could not find him. He may have been late at lunch. I actually stood at this door until I saw the Assistant Sergeant-at-Arms and he said the Speaker was just coming, so I rushed up to the Speaker and very nearly stumbled over the steps here and said to him that we wished to alter the two to five, which you allowed, and I had no opportunity whatever in getting in touch with my hon. friend. He wrote me a rather rude note later on, and I wrote quite an apologetic note saying I was very sorry it had happened, and these are the circumstances that they happened, with no discourtesy to my hon. friend.

Now, Sir, the reason for asking for these extra days is manifold really, and I think the fault is on both sides of the House, and I think, as an old Member of this House, some of the speeches we have heard—I do not mind saying it quite frankly—have been very wearisome, and they have been repetitive in the sense that the speaker may not have been repeating his own words, but he was repeating the words of some other Member when it would be quite sufficient to say, "I agree entirely with what the hon. Member who has just spoken has said". I merely mention that as one of the causes of delay. My hon. friend, the Chief Secretary, is just as much to blame as anybody else because he does not discipline his followers on the other side of the House, and we have had some very long speeches.

Now, I remember when Sir Gilbert Renny was Chief Secretary he used to send a little note to speakers who spoke for too long and they made a very rapid peroration, or whatever it is called, and then sat down. I do not want my friend to

[Mr. Cooke] be so drastic as all that, but I think he might inform his colleagues at times that it is not necessary really to deal so much in statistics. If they want statistics, lay them on the Table as a White Paper. What we want is really statements of policy rather than statements of detail in these general debates.

Now, I understand my hon. friend is going to move an amendment which I think perhaps is before the House and personally if the House is willing I would be perfectly prepared to accept his amendment. But, Sir, in fact it goes much further than our original suggestion which we asked the hon. gentleman to adopt. What we did originally suggest was two days in Committee which was turned down and therefore when we asked for the five days I personally take full responsibility for it but it was after consultation with a large number of Members on this side of the House.

Sir, I beg to move.

Mr. Travadi: Mr. Deputy Speaker, in seconding the Motion I would urge upon the Government that they should allow a full 15 days for the debate on the Estimates. I feel that when Dr. Hassan yesterday asked us whether we required two or three or five days, actually the Asian side was practically unanimous in pressing for a full five days extra, the reason being that these Estimates had never been through the scrutiny of any Estimates Committee or any other committee, with the exception of the Treasury itself and it is fit and proper that this House, the whole Council, should have full time and full facts before it to discuss each and every item. Even the 15 days that have been allotted under Standing Orders are hardly sufficient.

Mr. Deputy Speaker: I would press and urge the Government to make no amendment to the proposed Motion and allow the full five days. I also feel that much of the time of the day in the very early meetings of the Session is devoured by some other Motions or some other Bills and that has got to be given credit to as well. If the Chief Secretary thinks that by half an hour extra, two and half days do it, I strongly feel that I think a full 15 days should be given for full discussion as more valuable information is coming forward and this is the only time when the public and the House has a chance to know much of the Government machinery and its mechanics.

Question proposed.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to move an amendment to the Motion which has just been proposed. Before I do so I accept with great gratitude the words

which my hon. friend has said about our dealings yesterday and I am sorry that there was this misunderstanding. All I was trying to say was that it did not in fact give me a chance on this side of the House to let Government either move another Motion or give notice of another Motion because we could not amend his—

Now, Sir, the amendment which I wish to move to the hon. Member's Motion is as follows: "that the word 'five' be left out and the word 'three' be substituted."

I beg to move.

Sir Charles Markham: Mr. Deputy Speaker, I would like to second the amendment moved by my hon. friend, the Chief Secretary. As you know, Sir, we had this slightly unfortunate procedural difficulty yesterday and in seconding this amendment Motion for three days I would like to suggest to the Ministers whose Votes will come up for discussion, on the third day, that we move into Committee on the third day. That did happen, Sir, in 1958 with the agreement of the Ministers concerned and just after the Vote of the Ministry of Commerce and Industry on the last day we went straight into Committee dealing with the Police Estimates. Then we would have two further days, Sir, of the normal Votes and then the last day, Sir, in Committee when some of the details as opposed to policy of certain Ministries could, be discussed on an informal basis.

Sir, I beg to second.

Question proposed.

The Deputy Speaker (Mr. Conroy): I also rule in accordance with the proviso to Standing Order 62 that the Motion and the amendment can be conveniently discussed together.

Mr. Blundell: Mr. Deputy Speaker, I support the amendment. I think, Mr. Deputy Speaker, there is some substance in the remarks made by some Members on this side of the House that we need more time in view of the march of events that have already taken place, but I would like to make a point to all hon. Members. If we take the number of days we sit as a House it is very close to the number of days in which the parliaments of much more mature countries than ours get and they manage to get through the whole of their business much more expeditiously than we do. Why I am supporting the amendment, not the original Motion, is that I do feel that hon. Members could be briefer and support what the hon. Member for the Coast said when he said that some of the speeches are rather lengthy and in some cases slightly wearisome.

Now, I feel, Sir, if every year we took the full five days plus the half-hour which we have

[Mr. Glendell]

already agreed, we shall never do the training and discipline which is really part of our function to do because if you look ahead, Sir, almost certainly the House will get bigger and it gets bigger and all the Members speak as long as the Members who speak in the House today, we shall have not only to amend the Standing Orders but, Sir, have to apply for an amendment to the calendar to make more days in the year.

I therefore support the amendment.

Mr. Slade: Mr. Deputy Speaker, Sir, I come clean on this one. I was one of those who incited the hon. Mover to ask for five days, for what appeared to be a very good reason. But, Sir, having listened to the Chief Secretary when he explained why he thought we should be satisfied with three days, I think I am going to do something almost unprecedented in this Council and that is to change my mind after having heard a reasoned argument.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I am also one of those who persuaded the Mover of the Motion to change from two days to five days and I do not regret having done so. I think, Sir, that although it has been said that most of our speeches on this side of the House are lengthy I should say that this is the only time in the year in which this side of the House has any time to put across to the Government on the other side the views of the public. I should imagine that much as we would like to curtail these views that we already do so because we are only allotted 30 minutes and we are not allowed to speak for more than that. We would have wished, if we could, to speak at least for an hour or so. I should suggest, Mr. Deputy Speaker, that the Government side should be disciplined and that they should be restricted only to those Ministers who have to answer specific points raised by us on this side. And as for the other Members on the Back Benches, I do not think they should speak at all in this Budget debate.

Hon. Members: Interjection.

Mr. Khamisi: Well, that is not the question because they do not represent the views of anybody. Why should they—?

Therefore, Sir, we sometimes find it extremely difficult to go back to our constituencies and find that we have to face questions such as "Why did you not put this point and why did you not put that point?" and we find that it is very difficult to do so within the allotted time of 30 minutes.

With those views, Sir, I should like to say that I hope the Government will be more disciplined in future and if any Back Benches have to speak

at all they should be restricted to, say, ten minutes. With those views, Sir, I support the Motion.

Mr. Rubin: Mr. Deputy Speaker, I feel that I have a duty here to try and reply to the allegations made by the Member for Mombasa Area. I think, Sir, we have to refer to records in this case and see who gives longer speeches and uses much repetition. I submit, Sir, that the opposite Benches and particularly the Member for Mombasa Area is very fond of not only speaking for too long and saying very little but repeating what not only his side has already said but sometimes what we on this side have said.

Mr. Deputy Speaker, Sir, I think it is to be appreciated that we Back Benches do speak very little, but when we speak—and this is a fact—we do drive home our points because, if I may say so, we do not have any political pressures outside this Chamber.

Mr. Deputy Speaker, I beg to support.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I must say I have rarely heard such a preposterous suggestion as the one just made by the Member for Mombasa Area in suggesting that there should not be a balance in debate and that hon. Members sitting behind the Front Bench on this side should not have an equal opportunity to make their voices heard with other Members of the House. But, Sir, in supporting my hon. friend, the Chief Secretary's, amendment I would like to point to one comparison with the House of Commons. There, Sir, as I understand it from my reading of debate of Supply Day on a Vote normally lasts, in fact, one parliamentary day. Now, Sir, in the House of Commons there are some 625 Members. Here we are fewer than 100.

Sir Charles Markham: Thank goodness!

The Minister for Finance and Development (Mr. MacKenzie): And here, Sir, we have four and a quarter hours in a day in each of our Supply Days for under 100 Members as against normally the time from about three or four o'clock in the afternoon until ten o'clock for a House of Commons' Supply Day. Therefore, on that basis even if we cut down the Supply Days for each Vote to one day hon. Members of this House would comparatively have considerably longer to speak and more opportunity to speak than the Members of the House of Commons. As it is, Sir, with great tolerance this House allows debates to run on on one Head of the Estimates for two or three or even more days and therefore if hon. Members choose to take two or three or four days to debate one Head, I do not think that they altogether can be aggrieved if the opportunity to discuss other Heads is reduced.

[The Minister for Finance and Development] I would, however, Sir, like as a suggestion for future occasions to throw out this idea, that we might do well to consider in future allotting a specific time, a specific period, say one day, for the discussion of a Head or if there is particularly good reason two, but certainly never more, and that we should start at the beginning of the day and end at the end of that day. I would like to suggest that, Sir, for the future.

I beg to support the amendment.

Mrs. Shaw: Mr. Deputy Speaker, Sir, I want to suggest to the hon. Member for Mombasa Area that I do think that he might have more to take to his constituents—or the hon. African Elected Members might—if they spent more time in the House. They are hardly ever here listening to a Minister presenting his Ministry's Vote. After all, that is where we of the Opposition learn all about the Ministry in the speeches in which our Ministers have presented their Ministries' Votes, and I beg to suggest this should be of the greatest import to this side of the House. If you are here to listen to them and then make your contribution in the debate you should also be here to hear the reply. That is only courteous, especially when you criticize. I would suggest that the hon. African Elected Members might take that to heart and be here both for the introduction of the debate and not only just speak until the red light goes and then bolt from the Chamber not to be here again.

Captain Hamley: Mr. Deputy Speaker, Sir, can I ask once and for all what this nonsense about Back Benches' seats is. It is a very popular pastime on the other side, both in the House and in private, to snipe at the Back Benches. In all modesty—I am not speaking for myself, I am speaking for the other Back Benches—can I point out that Back Benches are people who have been selected by His Excellency the Governor because they have already made some mark in public life. And what they have to say in this House, particularly on specialized subjects, I submit is as well worth listening to as anybody else's remarks in the House.

Can I say finally, Sir, that as we are all equal in the sight of the Lord, so I understand that all Members are equal in the sight of the Speaker.

The Minister for Local Government and Lands (Mr. Havelock): Sir, being the Minister that will move the next Head, this debate has given me some trepidation. I have taken a long time in working out the speech that I was thinking of taking about five and a half hours to make, but obviously the House seems to think that the Ministers' speeches should be curtailed slightly. Sir, I will say that I will curtail mine.

I would like to ask, Sir, whether you as Deputy Speaker will give a ruling on this matter of one day in Committee. I personally—and I think the Government side—would certainly agree to it, but we would like to know, Sir, whether you can see your way to allowing it.

Just before I sit down, the other thing I wanted to say was that I think the hon. Member for Mombasa Area has been criticized rightly by two or three speakers but we cannot let the remark go by that hon. Members opposite have no opportunity to speak except in this debate. When one considers the enormous mammoth debate that goes on on the Speech from the Throne, and the very, very long debates that go on with regard to Private Motions, I do not think that there can be any—any—grounds for saying that hon. Members opposite are deprived of opportunities of putting their points of view.

I beg to support.

The Deputy Speaker (Mr. Conroy): I have been asked to rule whether it is possible under Standing Orders for me to direct that the final day in Committee of Supply should be in Committee. I draw the attention of hon. Members to Standing Order 108 which makes it quite clear that the decision as to whether we have a debate in Council before going into Committee is in the discretion of the Minister concerned. Standing Order 108 says this: "On an Order of the Day for Committee of Supply being read Mr./Speaker shall leave the Chair without question" put unless a Minister moves "That Mr. Speaker do now leave the Chair" for the purpose of—

- (a) enabling the Minister to deliver a Financial Statement; or
- (b) enabling the Minister to initiate a debate on the policy implied under a Vote for which he is responsible."

The matter is solely within the discretion of the Minister and it would be completely wrong for me to attempt to interfere with that discretion.

Mr. Travadi: Mr. Deputy Speaker, in opposing the amendment, I—

The Deputy Speaker (Mr. Conroy): Mr. Travadi, you have already spoken. I would point out that the debate on the amendment and the debate on the Motion have been consolidated by my ruling. You are allowed to speak on any new matter which has arisen in respect of the amendment, but you are not allowed to speak again in respect of the substantive Motion.

Mr. Travadi: I was just suggesting, Sir, how to save time and there is only one suggestion to which I wanted to make to the House. That is which I wanted to make to the House. That is that if each Minister instead of reading his

[Mr. Travali] speech in presenting the Estimates were to circulate it at once, each Member would save two hours and that would be 30 hours saved!

The Minister for Information and Broadcasting (Mr. Hario): Mr. Deputy Speaker, would the hon. Member who has just sat down agree to do the same with his speeches on education?

Mr. Blundell: Mr. Deputy Speaker, I move the question be now put.

The Deputy Speaker (Mr. Conroy): The question which we are now considering is the amendment. If the amendment is carried, then I propose the original Motion as amended.

Mr. Cooke: May I then reply to that Motion? There have been one or two points made—

The Deputy Speaker (Mr. Conroy): Yes, and if the original Motion is not amended I propose the original Motion as unamended in its original form and the debate on that continues if hon. Members wish it to do so. It appears to be the wish of the Council that I put the question on the amendment.

The question that the word proposed to be left out be left out put and carried.

The question that the word proposed to be inserted be inserted put and carried.

Motion as amended before Council.

Mr. Cooke: Mr. Deputy Speaker, there were one or two points that have been brought up in the debate which need a reply and that is about the Back Benches. Now, for the last two days, Sir, certainly during the later afternoon I have not seen more than two or three Back Benches occupying those Benches. Yesterday when my hon. friend, the Minister for Labour, was making his maiden speech as it were, as Minister, there were not two Members of the Back Benches present which I think, in my opinion, was the most discourteous way of treating a Member making his maiden speech.

Now, although I am an old man I sat right through until at the very end I had to go out. Now, on this side of the House too there were very few Members. I think at one time I was the only Opposition Member in my seat here—

An Hon. Member: Speak up!

Mr. Cooke:—in the House. My hon. friend asks me to speak out. He has just reminded me that the point I want to reply to on behalf of my hon. friend is that naturally he could not lay his speech on the Table because his speeches are *ex tempore*, impromptu speeches, whereas the Ministers make up their speeches beforehand. So my hon. friend's interruption really was a waste of the time of this Council.

Now, Sir, I will point out again that the drafting committee in its wisdom—and the House of Commons bears no analogy whatsoever in this matter—the drafting committee which sat very recently (and the Attorney-General was a Member) in its wisdom said that this House could ask for five extra days so there is nothing really at all strange or irregular in doing so. In fact we have done so in many years. Now, I would remind the House that unless we get this extra five days such important Votes—and very important Votes they are—will not be discussed. One is the Ministry of Internal Security, probably the most important subject in the country at the present moment. The other is the one of Tourism, Game, Forests and Fisheries, including National Parks and so on, another very important subject. One is the Ministry of Health which would give my hon. friend, Mr. Muiimi, an opportunity of making his maiden speech as a Minister.

Now, I think we should support and give every opportunity to Mr. Muiimi, for instance, to give his views as he has just been elected Minister. So I am adamant on that point that I think we should be given those five days, thankful as I am to the hon. gentleman for giving us even three days which he has given us which is certainly better than nothing.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

MOTION

VOTE 29—MINISTRY OF LABOUR, SOCIAL SECURITY AND ADULT EDUCATION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Continuation of debate adjourned on 26th May, 1960)

Mr. Alexander: Mr. Deputy Speaker, Sir, when we finished business last night I did say that I wished to deal fairly fully with the question of the Civil Service. Since then a matter has arisen on which I require urgently the help and the advice of the Minister for Labour and therefore I will not dwell long upon the Civil Service except to draw attention, Sir, to one very important matter concerning the comparison between the position of the Civil Service and that of agricultural landowners, farmers, in the country. We are repeatedly told, Sir, and very rightly and very properly that the economy of this country depends upon the farming areas and particularly at the moment upon the farming areas in the Scheduled zones. That is right and proper and it is correct that our attention should be continually drawn to the matter, drawn to the fact that if our farm

[Mr. Alexander] lands in the Scheduled areas are to be prejudiced, then the whole economy of this country collapses. But equally, Sir, if our Civil Service is in any way prejudicial, equally it means a collapse in the administration of this country. We have in this country, and His Excellency has acknowledged it, the finest Civil Service today in the Colonial Empire. It is just as important to the future of this country that we pay equal regard to the problems of the civil servants as we do to farmers. There are very real anxieties in the minds of the civil servants. We have seen some of them expressed only in the last few days. There are many civil servants in this country who are in a position to look to Her Majesty's Government for the answer to their problems. Some of the ideas of Her Majesty's Government in relation to Her Majesty's overseas Civil Service are contained in Colonial Paper 306—

Mr. Cooke: Mr. Deputy Speaker, Sir, on a point of order, we are discussing the Vote for the Ministry of Labour, Social Security and Adult Education, and much as I agree with the hon. gentleman in what he says about the civil servants' is he strictly in order?

The Deputy Speaker (Mr. Conroy): As I understand the hon. Member he is advancing the argument that there are civil servants in the Ministry of Labour.

Mr. Alexander: Not only, Sir, as I said last night, the whole question of the civil servants in this Ministry, but the fact that this Ministry is concerned with employee/employer relationships and Whitley Council was in fact mentioned in the Minister's speech. I am grateful to you, Sir, for your ruling. Now I forget where I was, Colonial Paper 316 does go a long way to help civil servants of Her Majesty's overseas Civil Service. There are not yet sufficiently reliable answers as to how Her Majesty's Government will in fact carry out her obligations under that Paper and we are waiting anxiously to hear how they will do so. But quite apart, Sir, from those of Her Majesty's overseas Civil Service, there are many hundreds, I imagine perhaps thousands, of pensionable civil servants who do not come within the terms of that particular Paper and they in turn have very real anxieties. It is up to us in this House, Sir, and up to the Government to make such utterances as will reassure these people now because if there is any deterioration in the quality of our Civil Service, in the morale of our Civil Service, then indeed this country is in for sad days ahead.

It is not the slightest bit of using having a sound agricultural economy if we have not got able people with us to administer this country; and these of us in the New Kenya Group are des-

perately anxious to see now that we create circumstances, that we utter words, that will encourage and induce the civil servants we have to remain in this country and to continue to serve it as they have done so loyally in the past.

Now, the urgent matter that has arisen upon which I require the immediate advice and help of the Minister concerned is related to remarks that he made in his speech, and I would just refer to one or two at random. He referred, and I quote, to "remedial action by the Ministry to relieve unemployment, 12,000 Africans, adult males, registered over 25 employment offices in the territory as being unplaced work-seekers". Then he went on and he said, "What are the answers to the unemployment problem? Prominent is the need for more and rapid economic development. It is in the private sector of investment and development that the key to the problem really lies: its potential for increase is much larger than the Government sector." Then later on he went on in his speech and referred to the rural areas and said, and I quote, "I would like to emphasize again the importance of developing the rural economy and rural employment opportunities," and he finished by referring to "accelerated achievement of economic development in Kenya."

Now, Sir, the immediate problem I come to is this. As you know, Sir, in my professional capacity it does go happen that people come to us to seek our advice about investment, our advice as to the stability of the country both now and in the future, and at this moment I have to answer, and answer very quickly if we are to get this investment that the Minister has referred to, Sir, into the private sector, in respect of some three projects. In one it will bring to Nairobi employment for about 900 Africans. Another in the rural areas concerns about 450 Africans, and another in the coastal area will involve about 650 Africans. Now, the money involved, of course, is immense. But for the moment I merely draw the Minister's attention to this possibility of helping with the unemployment problem. There are about 2,000 labourers, employees, concerned in these projects, and I try to reassure these investors that they must go ahead; but I am afraid to say, and the Minister should know this, that they tell me that they want answers to two very important questions before they can go on, and they want them now. Mr. Deputy Speaker; and they do not want to have to rely now on some nebulous possibilities in the future. The first question they want the answer to is whether the present Africans leaders of this country, whom they regard as those who will control the Kenya of the future, see the future of Kenya developing

[Mr. Cooke]

extraneously replied to he could easily have raised it on the adjournment. That, I submit to you very respectfully, is one of the ways whereby the time of the Council is wasted.

Now, with regard to what the Specially Elected Member said, I entirely agree with him about the unemployment problem. I think it is the most serious problem in this country at the moment. It has been brought up once or twice in this House but I do not think that anything very definite has been done, and although I do not look to private enterprise because private enterprise at the moment is a bit nervous, and I think unhelpful service, but I think it is absolutely essential on Government to provide this money from whatever source. For instance, taking the case of the new alignment Meru to Embu, which is a most important economic project in this country, there is no reason whatever why several thousands of Kikuyu, and Wakamba perhaps, should not be employed on this project. As my hon. friend said, perhaps we could do away with machinery, because, as he so rightly said, the Nairobi Airport was built very economically, because they were using *Musa Musa* hand labour. I think the Government should go to any lengths in providing employment for the unemployed.

Now, from my own experience on the Kibungo quite decent Kikuyu are coming along every day asking for work. One does not like to refuse them work. A friend of mine, one of the most important farmers in this country, refused work to a couple of decent Kikuyu the other day, and they said to him: "Well, *Swana*, all we can do is to go into the forest, because we have got no money and we cannot live." That is the position today. It is a very big problem. The Government always tries to minimize it, I do not know why, but they do try to minimize it. It is the biggest problem in Nairobi today. There are all these people, all these teenage youths, thieving and stealing, and they do it mainly because they have no money to live on otherwise; and instead of putting these people in prison it would be far better to employ them on public works. To that extent I entirely agree with what my hon. friend said.

I support.

Mr. Butter: Mr. Deputy Speaker, I rise to deal with a point raised by the hon. Member for Nairobi West yesterday evening when he referred to the very important question of the currency in which insurance policies are expressed. He stated quite correctly that where the people placing the insurance desire to secure sterling they will be required to pay their premia in sterling, which means the transfer of money from East Africa,

and he also said, quite correctly, that insurance companies with a liability to pay out in sterling will invest the proceeds of those insurance premia in sterling and not in this country.

An idea of the magnitude of the problem is given in the balance of payments figures which were published in March, 1960. For instance, it is estimated that in 1958 the total amount of premia paid in East Africa amounted to £10,171,000. On the other side the claims paid out and the management expenses came to £6,666,000, which means that there was a surplus of premium income over expenditure for East Africa of about £3,500,000 in 1958. That is money which should be available for investment in East Africa. No estimates have been made or can readily be made of what Kenya's share of that £3,500,000 is but it would be probable, I think, that it would be rather more than one-third.

He did go on to say that hundreds of thousands of pounds had already left this country because of this desire to obtain cover in sterling instead of East African shillings. This matter has been under consideration by the Government for some time but I have not been able so far—

Mr. Alexander: Mr. Deputy Speaker, I do not think that hundreds of thousands of pounds have already left, but they are committed to leave, Sir, in the future.

Mr. Butter: I thank the hon. Member, Sir, because although this problem is one which the local insurance companies are now considering, and which the Government is also concerned in, my information is that so far the transfer of policies from East African shillings into sterling has not been very great; and, as far as the particular matter of pension funds is concerned, I was informed yesterday evening after the debate by the head of probably the largest life insurance company in East Africa, which has a very large number of these pension funds on its books, that only one fund had so far been transferred to sterling and that that was the smallest of all the funds on his list.

Mr. Alexander: But arrangements have been made for the others.

Mr. Butter: The hon. Member went on to ask that an assurance should be given by the Government that there would be no interference placed by the Government on the transfer of East African shillings into sterling, and on that point I can refer him to the statement made by my hon. friend the Minister for Finance in his Budget speech in which he said, and I quote, "Whatever the political complexion of any future Government of this Colony may be, our economy will remain dependent on the rest of the world, not only for its development but for its very maintenance. Any interference in the free flow of

[Mr. Butter]

would, in my opinion, kill not only development but the economy itself stone dead. There would be an end to everyone's dreams of a better life, more schools, and an improving standard of living. I cannot believe that any foreseeable Government of this Colony is going to ignore these facts. I can therefore see no reason why anyone should have fears on this score now or in the future." Unfortunately I would agree with him that these fears do exist and it is difficult for Government speakers to eradicate them entirely. He has himself suggested that assurances are required from other Members of this House.

Before I sit down, Mr. Deputy Speaker, I did come across what I think are quite interesting figures on the relationship of capital investment to employment which were given in the Budget speech of Sir Ernest Vasey in Tanganyika recently; and with your permission, Sir, I would like to quote briefly from what he said because I think it is relevant to this debate, and I do not think that these figures have been given in this House before. He said, Sir, and I quote, "A 10 per cent expansion of agricultural marketed production, which is certainly feasible," would mean an increase of almost £4,000,000 in Tanganyika's national income and could be achieved with relatively little additional capital investment. A 10 per cent increase in manufacturing output would add only £700,000 to the national income but would require a capital outlay of the order of £4,000,000. A study of the figures of the initial amounts of capital required per worker in West African industries will underline this point. For the cement industry the figure is £13,120 per worker; for textile mills £1,375; and for the vehicle assembly plant £3,000 per worker. Similar ratios are likely to apply in East African circumstances. On West African experience a singlet factory employing about 200 people could supply the whole of Tanganyika's requirements." I will not quote the whole of the text but he does go on to say that so far as the Government was concerned in these circumstances, "Government money would more wisely and profitably be used in developing our natural resources, expanding in developing our agricultural production, and providing the communications which will open up the country and ensure a freer and more certain and cheaper method of getting that production to the point of sale or export." There is no doubt in agreeing to the expansion of the programme of African settlement in the Government's forest estate we are getting the maximum result from our limited resources." To take that a little further again, the emphasis in our programme is on agricultural development. The International Bank Loan, which has been referred to before, the expenditure on the feeder roads in the African areas, which has

been referred to by Mr. Cooke, all these things will give increased employment in the African areas and expansion of the market which, as Sir Ernest Vasey said in the speech to which I have referred, will lead to the development of the industrial sector.

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

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

The expansion in the market comes first and the development of secondary industries to meet that market comes second.

Finally, Sir, the hon. Specially Elected Member, Mr. Blundell, and the hon. Member for the Coast, Mr. Cooke, both suggested that by the use of more hand labour in road works increased employment could be given. That matter has been investigated by the Government and we are informed that the increased cost would be approximately 60 per cent over the cost of using modern methods; if Mr. Cooke has any doubts upon that point he might refer it to the technical officers of the Road Authority on which he serves.

With those few words, Mr. Deputy Speaker, I support the Motion.

Mr. Rogers: I want, Sir, strangely enough, to refer to the remarks made by the hon. Member for Nairobi Area. I am sure whenever he speaks we all pay due attention to what he says, but when speaking on labour matters I feel we should give him particularly careful consideration in view of his knowledge and experience and the help he has given towards organized labour and indeed the help he has given personally and through his organization to industrial relations in Kenya. He, of course, and I suppose inevitably, Sir, has criticized employers. Naturally there are some employers who are better than others just as there are employees and trade unions who are better than others. I do not think, myself, Sir, that there is very much profit in someone on one side of the House getting up and criticizing the unions or someone on the other side criticizing the employers. I think, Sir, it is a pastime about as valuable as picking oakum. However, the comments have been made, Mr. Mboya has spoken, and I think a reply is called for.

I would say with the utmost firmness that it is the employers who have almost entirely built up industrial relations in Kenya. I would say that it is the employers who have done this and have built up or helped to build up the trade union movement to such an extent that we are criticized by employers in other parts of the world. They have said to me and to many other employers, "We really cannot understand what

[Mr. Rogers]

you are doing. We really feel that in encouraging the trade union movement in Kenya and in East Africa, as many of you employ throughout the three territories, you really want your heads examined. You are building up a Frankenstein's monster which will devour you." We, however, do not look upon it like that. We look upon it that it is our duty to the country and to industrial relations and indeed will react as a long-term benefit to ourselves to build up a responsible—that is the operative word—trade union movement in this country.

I would also now like to refer to the question of employers' associations, and I would like to point out that it was the Federation of Kenya Employers which was formed mainly for the purpose of building up good industrial relations. We built it up, and I am proud to say that I was one of the founders of it, with that aim in view. Again, we can be open to the most serious criticism for doing that. There are many big and respectable and good employers who would disagree entirely with that policy; that would say, "Let labour stay on one side and you stay on the other. The closer you get the more trouble you are going to run into." Nevertheless we built this up with the main object of promoting the interests of employment with our opposite numbers, particularly the Kenya Federation of Labour, and as Mr. Mboya I know would agree I have here, the first approach to the Kenya Federation of Labour was from the Federation of Kenya Employers. We made the first approach and we have made every other approach since, and if there has been any delay it is clearly, I can tell you, at the door of the Kenya Federation of Labour. I am not being critical about this. I know that to get together a large number of very busy men on either side, the employment side or the employees' side, is very difficult, and I am afraid in the case of the Kenya Federation of Labour it is particularly difficult because Mr. Mboya is, and I am sure for very good reasons, away a great deal.

Again, the initiative in regard to rules of employment, rules as to how meetings should be conducted, I can tell you, Sir, comes entirely from the employers. The employees, I am afraid, are much too prone to sit back, to say, "Let us have a draft," and then to criticize that draft and if it finally goes wrong to say, "Well, I told you so. This was your idea." This may sound critical, Sir, but it is true, and if anyone wants more detailed proof I can undoubtedly and very easily give it to him. I can tell you, Sir, that it is now so bad that many employers are saying to the trade unions, "You must now take the initiative; you must produce these draft rules; you must set

right what you say is wrong, and we will criticize and come in and assist, but the initiative must come from you."

Mr. Mboya also mentioned the question of frustrating tactics by employers. There are, as I have said, better employers than others, just as there are better trade unions than others, but nevertheless in general I absolutely refute that statement. What so frequently happens is that employers receive a demand; it is never a request, but it is always known as a demand; the reply is required within three days, sometimes sooner than that. I am afraid that I must say, also, that the trade unions do not always follow the rules of procedure which have been produced by the employers and agreed and signed by the employees for the proper conduct of joint meetings, just as we have rules of procedure in this House: the employees do not always follow those when it does not suit their book to do so.

Now, Sir, however, I would like to emphasize as firmly as I possibly can that the employers are very anxious, as they have always been and I am sure they always will be, to build up responsible employers' organizations and responsible trade unions. We think, as we thought in the past, despite criticism from other parts of the world, that that is the proper way to build up industrial relations in Kenya, and we hold out the hand of friendship to the trade unions and to the Kenya Federation of Labour and all other organizations. We hold it out and always will hold it out. We do feel however that they should cooperate a little more and come towards us a little bit more and criticize a little bit less.

I have one other point, Sir, and that is the matter raised by the hon. Specially Elected Member, Mr. Blundell. I am afraid I was horrified to hear the suggestion that hand labour should be substituted for machine labour. We will never build up Kenya, our country, as it must be built up, Sir, on that basis. It is such wrong thinking that it quite horrifies me. Some little while ago, Sir, I told a story in this House and perhaps I may repeat it today. A ditch was being dug in the United Kingdom and a well-wisher who realized that there was some unemployment in the district said to the foreman who was digging this ditch, "Why are you using mechanical ditch diggers? Why do you not use shovels, and then instead of employing 20 men you could employ 200." The foreman replied, "Yes, and if we used teaspoons we could use 2,000." I cannot give a better illustration than that. We will never build up our country on the basis of using hand labour when machine handling is a more economic way, and it almost always is.

I beg to support.

Mr. Bompas: Mr. Deputy Speaker, I welcome the reiteration by the Permanent Secretary of previous assurances he has given in this House with regard to the restriction or otherwise of currency transfers. Sir, I had intended to return to this question of the movement of focus in payment of life assurance policies which was opened initially by my hon. colleague the Member for Nairobi West. The Permanent Secretary has dealt further with that this morning, Sir, but I wish to clear up any misapprehension that this change of focus initiates from or is the general desire of the life offices. It is nothing of the kind, because with possibly one exception, the demand has come exclusively from policy holders; a demand which has to be met of course by the companies concerned as part of the service to those policy holders.

Sir, the Permanent Secretary, Mr. Butter, did indicate that, up to date, in discussion with a leading life office out here, he believed there was only one case of a large block of pension business having actually been transferred.

Mr. Butter: What I said, Mr. Deputy Speaker, was that I had only been able to make enquiries from the head of one, and I believe, the largest life insurance company, and therefore my statement related to the business of one company and not all the life insurance companies.

Mr. Bompas: Mr. Deputy Speaker, that was my understanding, actually, and I was going to say that having got information from one office one could possibly multiply that by five or six or something of that sort. In addition one would have to add to that the volume of business transferred which derives from the individual policy holders as opposed to block pension schemes, so that all in all, even up to this date, there must be quite a substantial amount of capital transferred, and unhappily one can visualize that there may be a series of further transfers.

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

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

I think it is well, Sir, to repeat in this House, although the Permanent Secretary knows it full well, that it is probably only due to the co-operation and the intervention of the large life offices in particular that Government stock issues made locally during the last few years have been possible of any real success. Sir, the only apparent panacea would seem to be a restoration of confidence; and there is no easy formula to this.

Sir, the hon. Member for the Nairobi Area gave us a list of the general causes of strikes. What he did not mention in connexion with the Thika/Ruiru strikes was the high percentage of cases where the only apparent reason was the removal of an unpopular headman, and when an analysis of the reasons for his unpopularity was taken it was almost invariably because the man concerned was a loyalist.

Sir, the hon. Member for the Nairobi Area admonished employers for not dealing promptly with grievances and for not facilitating access of union officials to estates. The hon. Nominated Member, Mr. Rogers, has dealt to some extent with these particular points, but I would like to say that with regard to the first point, that of delay, there is so great a confusion in the minds of many workers who have only just joined a particular union that instead of bringing their grievances to the notice of their employers there is a tendency for them to rush straight to the union anyway; and therefore in a number of cases the employer has no opportunity of even attempting to achieve some sort of settlement of what often is not a very serious dispute. That does not seem to me to be a course conducive to good employer-employee relations.

Now, on the second point, also, the hon. Member quite correctly indicated that the Coffee Growers' Association and the Coffee/Plantation Workers' Union are only fledglings and both are rather feeling their way.

Now I have said before in this House that the coffee industry accepts trade unionism as something inevitable, and it does accept the implications that flow from that acceptance. This does involve a very great change in employer thinking and a very great deal of patience on both sides. Now access would undoubtedly be facilitated if the employer or the manager could be quite certain that the union official was properly accredited and that he was properly trained in the extent and limitations of his duties, and that, Sir, I know from personal experience is unhappily not always the case.

Mr. Deputy Speaker, leaving coffee for the moment, there seems to be great confusion with regard to the mixed farming labour situation. I know of cases where farms growing quite a wide variety of crops, in addition to producing a certain amount of milk, most of which is disposed of wholesale to the Kenya Co-operative Creameries, but they do sell a small amount of their milk production in a local urban milk round. Now officials of the Nairobi District Distributors' Union, which embraces dairies, have visited such farms and have enrolled or attempted to enrol

[Mr. Bomas]

into that union the entire labour force quite irrespective of what duties those individuals of the labour force perform. The situation seems to me, Sir, to be completely confused, and I hope the Minister will be able to tell us what the union position is in relation to mixed farming, and how far men employed in mixed farming can be regarded as men who are, in effect, town distributors of labour.

On Wednesday I extended my congratulations to the Minister for Commerce and Industry, and I coupled with him the Minister for Labour, and I suggested that they could jointly start with a considerable achievement if they were to effect a settlement of what I described as the "coffee picking 'babool'". Sir, I make no apology for referring to this vital subject because undoubtedly if the coffee is not picked the impact on next year's income tax collection will be such as to make the Minister's next Budget spending look like emaciated shadows of what we are currently approving.

Sir, unlike the Tika Ruiru strikes, which whether they were warranted or not, were a disagreement between employer and employees of one sort, the abstention from picking by casual labour seems to have no such facet at all. It is not a strike because the planters are not in any contractual association with the pickers until the pickers appear. I gathered, Sir, from the Minister that he felt it was unwise to intervene while discussions were proceeding between the Coffee Growers' Association and the Coffee Plantation Workers' Union. I was very disturbed by this, Sir, because I very much doubt whether the daily pickers in the reserves regard themselves as bound by, or in any way whatsoever under the discipline of, the Coffee Plantation Workers' Union. I may be wrong in this, Sir, but it seems to me quite illogical to imagine that the vast majority of daily workers from the reserve have reached the stage even of joining the union. It would seem to me, Sir, almost overwhelmingly evident that these pickers are merely waiting for the all clear from some high political source before they very gladly and willingly take up what is to them a usual, a seasonal and accustomed task.

Sir, I do hope that unless there is some very cogent reason for reticence, that Government will make a very full explanation of the circumstances and tell us what steps it proposes to take.

Finally, Sir, may I say it seems quite fantastic to me that we should hear demands in this House for immediate unemployment relief when there is work available which others are apparently not willing or too frightened to perform. Sir, I say this without in any way wanting to minimize the

urgent need for a long-term approach to our unemployment problem.

Mr. Deputy Speaker, I beg to support.

Major Day: Mr. Deputy Speaker, I am only getting to my feet for a couple of minutes to reinforce the excellent points which the last speaker brought out, in particular reference to the strikes on the coffee plantations. As a member, Sir, of the Coffee Board, I feel it is my duty to support him wholeheartedly in his request that the paramount importance of solving these strikes, which in many cases I think are the result of confusion on the part of the workers, and not as a result of grievances, is of paramount importance. Sir, and must be considered in the interests of the country. I cannot put it better than him, if I reiterate that unless they are settled, and unless the coffee crop is got off this season, we are all going to have to pay a good deal more money by way of income tax and the country, which at present is crying perpetually for more, this, more than, more development and a higher standard of living, will be the prime sufferers.

I beg to support.

Mr. Muchura: Mr. Deputy Speaker, Sir, I have one or two points to raise with the Minister, and as I followed his speech throughout yesterday I have the following questions to raise.

On the question of social security the Minister did say that the Report of the Committee submitted to Government in 1957 did recommend some form of State pension or superannuation scheme, and he went on to say that there were so many things involved, and especially the expense side of it, which needed further examination. While I agree that everything must be examined I think it is well over two years since that Report was completed, and therefore I think it is high time that Government should have made up its mind by this time. Now whilst on that particular point I think the Government should at least try and expedite its decisions and study of the problem as early as it possibly can before we are landed with the problem which is much more serious, when we would have to take a very immediate and almost a crash action to try and put right what could have been probably done over a number of years.

Now, I agree also, when he mentioned the question of unemployment—

The Minister for Finance and Development (Mr. MacKenzie): I think the hon. Specially Elected Member for giving way, Sir, but I would like to draw your attention, Sir, to ask for a ruling as to whether under Standing Order No. 15 we have a quorum in the House at the moment.

The Deputy Speaker (Mr. Conroy): We have not a quorum and so would the Serjeant-at-Arms ring the Division Bell.

Mr. Cooke: May I draw your attention, Sir, that the absenteeism is from most of the Nominated Members.

The Deputy Speaker (Mr. Conroy): I think that *in quoque* remarks of that kind are beneath the dignity of this Council and do no good. Would you proceed now, Mr. Muchura.

Mr. Muchura: On the question of unemployment, Sir, the Minister did tell us that it was impossible to assess the degree of unemployment existing in the Colony as it is today. In the latest issue of the East African Statistical Bulletin some figures are given, and those figures are stated by the Statistical Department to be not probably an overall picture levelled to gauge the degree of unemployment. But then, to me, that simply emphasizes the fact that there must be a great deal more because those figures are taken from those labour returns submitted at the end of the months that preceded the report, and therefore instead of using that as a basis for future planning but trying to do something in the meanwhile would be much better than waiting for a fully fledged census on the whole of the country before we can even try to take action on this question of unemployment. He also mentioned, Sir, that there was what he called partial living, or in the past I think it was known as one foot in the reserve and one foot in town. This is not going to be true for very much longer, so that question of partial living is not necessarily a very valid thing to be taken into account, because sooner or later all the Africans are not going to have one foot in the reserve and one foot in the town.

Now, on the question of selectivity which was mentioned, it is quite natural, but then I agree that Government may have to take account sooner or later of what I am going to suggest now. These labour exchanges are in different towns throughout the country. What arrangement does exist between the labour exchanges either to notify all the other exchanges daily, weekly or monthly.

The Deputy Speaker (Mr. Conroy): Order, order! Mr. Khamisi, I must draw your attention to the fact that it is unparliamentary for you to read the paper in this Chamber.

Mr. Muchura: I was saying, Sir, what arrangements exist between the various labour exchanges all over the country to notify others of what vacancies exist in what areas, and also to be able to notify the work-seekers of the existence of the various vacancies in different parts of the country.

It should be quite possible because I think if it was a matter of urgency, the police radio system could be used if telegraph and other means were too expensive. In other words, get contact so that there is knowledge of existing work or work-seekers in all the different parts of the country. This is being done in other countries, but not in Kenya, mainly because they are much more advanced. But I would suggest to the Minister to try and consider the possibility of getting into contact with the new employment exchanges so that he is always in touch and he is able to advise all the labour exchanges of the different jobs and things like that.

Now, I do not understand this question of there being 2,000 vacancies in existence at the Coast. That may be true. It may also be true that this particular place may be a bit unpopular, either from the past reports by various people who were either sent down there as recruited labour and who found possibly that the agreements given or the information given by the recruiting agents were not true. They became dissatisfied, absconded and then went back to the reserves via prison and they will not go back to this particular place, and this is tied up with the question of recruitment of labour. I think it is high time that the Minister should consider the possibility of doing away with labour recruitment and instead work more in line with labour exchanges as opposed to recruiting agents being exchanged through the reserves telling people all sorts of stories about conditions of employment on the farms which in most cases are not true because the agent is only interested primarily on the payment per head he gets when the people are delivered (slavery). To make sure the recruits do not let him down before the Labour Officer who is not going to have one foot in the reserve and one foot in the town.

The next point I want to get on to is the question of strikes and other things connected with them in places like Ruiru and other places. I do not think that the union—or rather let me put it this way, I think there was a bit of delay, primarily I think on the part of Government for not taking a lead, and this is what I mean. In 1956 the Rural Wages Committee did submit a report to Government. That report was not debated, and the Minister said so. Last year I remember I asked that at least in the industrial relations field in the industry a definite start must be made to initiate workers organizations wages councils and even Joint Industrial Councils and various other things so that the industry and

[Mr. Muehura]

The Government does not find itself under the hammer of the workers. Had the Government done something about trying to initiate some of these things to encourage the health development or organizations, whether it is works councils in a small firm, whether it be the beginning of the formation of a union, it would not have amounted to the workers holding hammers over the heads of primarily the employers, and with threats to the revenue which has been mentioned here by some of the Members. It is mainly because that report was not considered, and in my view the Government should have taken action before they were forced to take action, that is more or less the cause of this calamity and fear in agriculture which is our basic industry. Government should have taken action even if the report was not made public, and even if they thought that according to the Minister they were going to consider and do something about it. It is the delay which has more or less landed us with this particular problem.

Now on the next point, Sir, I welcome the idea that we are going to get an expert from the International Labour Office to come and advise on the working and organization of labour exchanges. I beg to say that it was not probably right when the Minister said that the wages structures as they are today, and the Government having accepted the Carpenter Report, are reasonable. And he further tied it up with the cost of living—the rise in the cost of living of the Africans—it is called by another name, but I forget what it is called now. What I am trying to say is this, that the Carpenter recommendations were not primarily tied to a cost of living index. The idea was that there should be what is known as a basic, or a minimum level of wages that was calculated to keep a person alive. It was not tied to a cost of living index of any kind, since the Minister himself admitted that this goal has not been reached and is already lagging behind and it has not reached the target, which was £10 a month, and to suggest that the present minimum or Sh. 148 or something like that should be adequate or reasonable or decent wage. I think was begging the question. It is not possible for one to keep a wife, a child or two and himself in a town alive on a wage as it is at the moment. Now instead of the Minister telling us exactly what he proposed to do and how he proposes to go about trying to implement the Carpenter Report and the White Paper which are too much out of date, he tries to suggest that the cost of living figures have not gone up nearly as much. The Carpenter Report and the appointment of the Committee had nothing to do with the cost of living. It was a question of trying to bring out

people to a standard of living where they can live with a certain amount of self-respect. And therefore, I would like the Minister, when he replies, to tell us roughly what he thinks of the Carpenter recommendations and what he thinks the Government's reaction is going to be, and then thirdly he must be fully aware that the present increase in cost of living should be over the £10; and Unions cannot miss using that as a very good argument in demanding wage increase because that was the recommendation of the Government-appointed committee, whose report accepted by the Government, and not implemented by the same Government, or for that matter the country as a whole. I would therefore like the Minister when he replies to tell us a little bit about this Paper, but not to tie it up with the cost of living.

Now the next point I must make is that various things have been said about unemployment, which I accept, and therefore I will not repeat them.

On the question of adult literacy and continuation classes, he said he was going to get some help from various people, including the Commissioner for Social Services, but he did not actually say what was likely to happen during the coming year, 1961. One would like to hear whether there is going to be an expansion of some of these activities into areas where they do not exist now, or that during this coming year he will be working on what to do the year after. One would have suggested, and I have always said, we would like a bit more of the adult literacy classes. I said so last year, and I say so now, that if we have a large number of our population illiterate so that they are able to read and learn some of the things which are in the paper to give them a chance to hear a different point of view and they will be much better people because they are able to study one or two ideas and judge for themselves and think for themselves what is right and what is possibly not right.

I would on the last note before I sit down suggest, Mr. Deputy Speaker, very strongly that in the agricultural industry I think the Government should try and go out and deliberately take steps to create labour saving machinery, and if possible they should have what one might call the Wages Advisory Council or the Wages Councils or the Joint Industrial Council and things of that kind. Now I do not want a situation in Kenya where the employers are forced to have discussions with these organizations and skip all the necessary things that should have been done by any of these labour associations in the past. I would urge the Minister very seriously to start right now, if it is possible, to send his officers

[Mr. Muehura]

into the field to sense the feeling, and if possible to initiate things like Wages Councils, and if possible Joint Industrial Councils and all the other things that are connected with industrial relations and good management.

Mr. Deputy Speaker, I beg to move.

Mr. ole Tips: Mr. Deputy Speaker, Sir, firstly I would like to congratulate the new Minister for Labour on the way he presented his Estimates for expenditure for his Ministry.

I feel a bit tired this morning, Mr. Deputy Speaker, because the labour problem is something which makes me more and more tired. Now I know that we have got to do something somewhere. As far as the labour situation is concerned, I think I am right in saying that the Government has, in a way, failed in giving us that lead which is really essential in industrial relations. Why I say this, is, that for quite a long time the Government has not done much in the field of trying to find out what the conditions, of salaries are, especially as far as the rural workers are concerned. I have repeated in this House several times, and I hope I will be given a hearing, because I strongly feel that we cannot possibly have the two conflicting patterns going on indefinitely without the Government getting in between and producing something which is acceptable to both parties. I moved, Mr. Deputy Speaker, two Motions in this House asking the Government to at least introduce minimum wages fixation for rural workers. All the time Government says they are looking into the matter, and during my last Motion I was given to understand that the Government was really now out to do something. I would like to know if it has been done, or what will be done, because we should not try to deceive ourselves by saying all is well. All is not well. If all was well then we would not be having the present labour uneasiness in the country. Something is wrong somewhere, and what we want is an officer or a commission to go into the whole affair, detect the faults and report to the Minister, especially now when we have this unemployment position. Where we have the supply of labour exceeding the demand, then, of course, I think I am right in saying that in some parts of the farming areas the wages have really declined. They are now lower than they used to be during the Emergency. Are we, as a Government, prepared to see this sort of thing go on? I think the first thing to do, if I may press it hard, is that unless the Government have the initiative, let them decide that for an ordinary farm labourer a wage of Sh. 30 or Sh. 40 is regarded by the Government as reasonable, because at present hundreds of farm labourers

are paid less than this. Do you expect to have anything out of a man who is frustrated, who feels that he is more or less paid very, very little compared to his output? It is very, very unfair, and when the Minister comes to reply I am looking forward to hearing what plans he has in mind with a view to introducing minimum wages fixation in the rural and semi-urban areas, because if those working in towns are protected, what about the majority of our working population in the rural areas. Did they not need any protection? They have cried long enough, and I think it is time we at least tried to protect them—not only protect the employee—but protect both the employee and the employer—because, for one thing, no one would ever advocate that wages should be raised so high without taking into consideration any other hidden emoluments which are available to the rural worker. I mean we can always value such things as rations and a few other items. It is possible.

Now, the other thing, Mr. Deputy Speaker, is the question of housing. I did raise it once, and I feel that we have got to do something about it. I know that there are some employers who are doing all they can to provide decent accommodation for their workers, but there are some who are not worried in the least, and I hope the Minister or the Permanent Secretary have seen some of these ransdvels on the way to Nakuru or other places, which cannot really be called houses at all. So I am asking have we not got any minimum standard of housing for our labour in this Colony? If we have, what is done, at least to put things right?

Then I come to social security—the Social Security Committee—and I think what is worrying most of us is that you cannot have labour stabilization without any security for old age. It is natural. We are all worried over our old age security. Now it might be a very expensive scheme, but nevertheless without it we cannot expect to have a stable labour force in the Colony, and I am just wondering as to when we may expect something at least to be done in this field for the rural workers. If the money is very difficult to obtain I would suggest that those employees who have worked for quite a long period—say between 10 and 15 years, with one employer and are very, very stable, such employees should at least be helped out—not be squatters, but at least, be given by the employer, as a token of gratitude for their long and faithful service, an acre of land which they could call their own, and which they could cultivate and try to maintain themselves when they are no longer able to work. We must make them feel that they are part and parcel, and at least their labour when they were young was not wasted. The bad chap, of course,

[Mr. ole Tipl]

can look after himself. But when a man becomes too old to work he has nowhere to go in the reserves because he is told, "You are now too old—you go away." Well, where do we expect them to go?

I have got one or two other points, as I said earlier, but I am going to be very short. One is this question of non-payment of monthly wages: I know it is a very difficult one, but I would like to suggest that instead of having only one labour officer in the district, we might well increase the number of inspectors, who could really go out and check and see that some of the bad employers do not get away with it, because there is an outcry in some parts, that some labourers have not been paid for over 16 months or so. This is quite intolerable. We should really look into it. I can see a gentleman somewhere on the Government side shaking his head, but if he wants me to prove it here and then.

Mr. Cooke: It goes to the magistrate.

Mr. ole Tipl: He does not go to the magistrate. What will the magistrate do with? If you want me to answer that one, he goes to the labour officer. He is told to go to the magistrate, and then this man is really tied up. You must look at both sides of the thing. He has nowhere to go. He has his whole family there, so he would rather stay there, and stick to his employer, rather than remove his children and family from the shelter, until he can get his employer to pay him slowly. It is not a question of going to a magistrate. The magistrate can only order the employer to pay, and then is the magistrate going to move the employee out?

Now, the other thing is contract workers. I do not know whether we have anything in the labour laws to cover them, because we have quite a number of contract workers who have an agreement between themselves and the employer that they will do a specified job and be paid so much. But there is always some dispute somewhere. On the completion of the job the employee goes for his wages, and he is told that the job was not done very satisfactorily and the agreed amount is not going to be paid. Of course, there again I might be told, "Why does he not go to the magistrate?" but surely we should have at least something to cover these small disputes. We should at least empower the labour officers to supervise, or at least to witness such agreements, so that when there is a dispute he has something really empowering him to go into the whole dispute.

The other thing also which is not in our law books is the question of crops. You know that the resident labourers are covered by the contract—

by the agreement or by the law—but surely there are quite a number—I think many more—who these days are termed as cottage labourers, and they are allowed by their employers to cultivate half or an acre of land, and then these chaps happen to be discharged. The employer has got fed up with him and sacked him and ordered him to move away from the farm. He has worked on his small plot and his crops are there but he is now allowed to harvest them, and he is not allowed even to dispose of it by selling it to the other labourers on the farm. With this one, of course, I cannot be told that the solution is for him to go to the magistrate, because it might be found, that he cultivated this piece of land illegally, and the employer will also be in trouble as well as the employee. Now I, for one, would not ask that there should be a lot of difficult complications in this. It is a gentleman's agreement, but I do not think that the employer should be made to suffer, or the employee, should be made to lose what he has laboured for so long to plant.

Now, the other thing is this question of squatters. In most areas the wages of squatters are usually lower than that of an ordinary cottage labourer. Of course, we know that he is allowed to keep a few sheep and also an acre or two of land, but I feel that that is compensated for to the employer by the fact that he is always assured of a stable labourer, somebody who has his feet deep on the farm. But I feel that the worker should be paid equal wages because after all he is doing the cultivation of this land during his own spare time, so I think the wages for non-squatters as well as for squatters should be equal.

Now, I think, if I may touch on the question of adult education, I see that the Minister has all the plans to expand it, but I think it should be spread whenever we have money available, not only to the big towns, but also to some trading centres in the African land units in the settled areas.

With these few remarks, Mr. Deputy Speaker, I beg to support.

Mr. Smith: Mr. Deputy Speaker, Sir, I would just like to raise a point made by the last speaker in connexion with payment of wages to farm labourers where there is unemployment. The majority of farmers are not trying to get cheaper labour for I do not think it would pay. But I do think what is happening is that farmers are perhaps changing their labour, even paying a little more for the amount of work done and the quality done now that they have the choice of taking on more and more labour and perhaps having to discharge others. I think it is the quantity and quality, Sir, which are most important and will have to be considered when we do discuss rural

[Mr. Smith]

wages again. The other point is that the Member did raise this question of what would be done with the old man and those who were retiring from farm service. I do commend him on that. Sir, because it is a thing that we all feel greatly about, particularly when we get a compulsory wage in our farming areas—a minimum wage. It is a great thing to many of us who have had our labour for 20 or 30 years—some of these old men who are not able to do a full day's work—as to just what should be done with them, and I do trust that the Minister will consider what the hon. Member has said on the opposite side of the House, because I would very strongly support him on that, when we get to that later on.

Sir, I beg to support.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I should like to congratulate the new Minister for the excellent exposition he has given us yesterday concerning his Ministry. I do realize, Sir, and accept that since he is a complete newcomer in the Ministry he has not been able yet to influence the policy of his Ministry to the extent which I would expect him to do. But I hope, Sir, that during the few coming months that will be done.

Sir, speaking as a Member for a town—a town Member—the problems, Sir, which face the people there who are mostly employees is the relations which exist between them, and the employers. Sir, you will find that very many unscrupulous employers can very easily get rid of their employees by pretending that they have committed one offence or another and in most cases the labour officers are not able to be of any help to these poor employees. For instance, an employer can very easily suggest or accuse his employee of being drunk whilst in employment and he can therefore summarily dismiss this employee without warning or giving him any notice. If this employee does complain to the labour office, the labour office depends entirely on the statements which have been made by the employer that the employee was found drunk during the time he was employed.

An Hon. Member: Question!

Mr. Khamisi: Well, you can easily say, "Question!" but there are so many cases of this nature that have come to me in Mombasa and even when the Minister was the Member for Mombasa at that time I know very well that he must have met a lot of cases of this nature. There are so many unscrupulous employees who do these things—No!, employers who do these things. I believe, Sir, that there must be some protection in the law of the country to make the employer prove that a particular employee was found drunk and therefore he deserves to be sum-

marily dismissed. The law as it stands at present does not provide anything of that nature and the word of the employer is the word which is generally taken by the Labour Department. I hope, Sir, that the Minister will look into this and improve the relations between the employer and the employees particularly in the towns.

Now, the second point which is also of equal importance and which I believe the Minister understands fairly well as he mentioned it in his speech is the question of old-age security for employees. Of course, that question does not exist in the case of Government employees, or even High Commission employees or the Railway employees, but the question of old-age security for the bulk of the employees who are in private employment is something which the Government must be able to solve in the very near future if they want stable citizens in this country. At present, Sir, an employee can work for his whole life with an employer only to be told at the time when he is absolutely of no useful purpose that he is now dismissed or discharged from service without any benefits whatsoever. If anybody would like to question that I can personally take them and show them the numerous people in Mombasa who have worked all their lives and who are now without any security whatsoever because they are not able now to do any work through old age. I think that is a point which Government must consider very seriously in the next few years and I submit that the Minister must give special attention to the question of social security for old age.

In this respect, Sir, I would like to question the Minister as to whether he considers that at some stage during the year the Report of the Social Security Committee could be brought into this House for debate and comments by us. I feel, Sir, it is a very important Report and it ought to be debated so that the people in the country would be able to understand that we are also thinking in terms of their old-age security.

Now, Sir, I come to the question of the Employment Ordinance. The Employment Ordinance was perhaps useful in the olden days but I feel, Sir, there are a lot of loopholes in the Ordinance that I would strongly suggest an early review of that I would strongly suggest an early review of this Ordinance. I remember, Sir, that last year I did bring this matter in this House and I got an assurance from the then Minister for Labour that he agreed that this Employment Ordinance ought to be revised. But we have now had one year to be revised, but we have had nothing done. Sir, the things gone by and nothing has been done. Sir, the things I want to see corrected in this Ordinance are things like sickness benefits. For instance, an employee can be dismissed once he is ill and at the end of that month. The employer can easily dismiss him from employment, although the poor

[Mr. Khamisi] chap has only contracted some disease and is in hospital. So many cases of that nature have come before me in which when we approach the Labour Department they tell us, "Well, there is nothing in the Ordinance to force or to make the employer continue to regard his employee as his employee once that month in which he is ill—because he has a month's contract—elapses. Then he is no longer the employee of the particular employer and therefore if he is in hospital all that the employer is obliged to do is to pay the hospital fees, but he is not obliged by law to pay him any wages." I think this thing is very very frustrating because you find a man who has worked for a certain employer for many years and you find that because he has now contracted a disease and is lying on a bed and is unable now to work, he is dismissed from his service and his wife and family are unable to get any means of livelihood. So there are very many other things in this Ordinance which, if examined, would be found to be completely out of date and needing very drastic revision and alteration. For that reason, Sir, I submit to the Minister for Labour that he appoint a Working Party in his Ministry to go through the Employment Ordinance and make whatever revisions are at present desirable.

Now, Sir, we come to the question of adult education. Although I should have imagined that this question of adult education should have been the responsibility of another Minister, particularly the Minister for Education, I do not understand what connexion the Minister for Labour could have with adult education. The schools in the countryside, the bush schools and so on are all under the Minister for Education and if the Minister for Labour wants to improve, to bring about mass education for the adults he will naturally be forced to go against the wishes of the Minister for Education. He will say, "No, you cannot use my schools for your adult literacy class. You can carry them on under the trees." I should have imagined that the most reasonable thing would be that adult education should have been under the coverage of the Minister for Education so that the whole question of education should be under one Minister and that the people in the country should be able to make use of class-rooms and perhaps school teachers in the evenings to impart adult education. What I mean by adult education is not only the continuation classes that are going on in the towns like Mombasa, Nairobi, Nakuru and so on but that adult education should include the education of adults in the countryside. People should at least be taught to read and write in the country in order to make them good citizens and to make them able to read simple instructions on agriculture,

hygiene and on improving their standard of living and so on. So I believe, Sir, that the Government will give this matter consideration and in due course bring this subject under the Minister for Education.

Now, Sir, I have very few things to say to the Minister because he is quite a new man, but I hope that what I have suggested will be given due consideration.

I beg to support.

Mr. Mate: Mr. Deputy Speaker, Sir, first I would like to congratulate the Minister for Labour, Social Security and Adult Education on the way I felt he seemed to have grasped the scope of his responsibilities in his opening speech.

The first thing, Sir, that I feel is very important is the organization of the machinery within his Ministry that seems to divorce adult education from ordinary education. I think it is a great Government omission that we should have a Minister for Education and another Minister with a portfolio called Adult Education because as far as I am concerned education is one. So I would like the Minister to consider this in conjunction with his colleagues as to whether it is really necessary to separate the Ministry of Education—meaning formal education—and this other so-called adult education. For, Sir, I feel whether it be adults or school children or students in colleges, having both sections under the same Ministry would be economical and it would give a comprehensive picture of the whole educational system and not have to duplicate things in certain cases. The other pity of it is that the Minister said that this is only a caretaker arrangement, that we should have adult education treated as a separate thing. It is all the more important that the Minister should realize what education in general means to the African community and to the other communities too in the sense that what is done in Machakos District in the adult literacy classes, what is being done at the Alliance High School, what is being done at Jeanes School or in the Nairobi Evening Continuation Classes, as far as the people are concerned is one thing: education. So I would like him to give further thought to the idea of calling the arrangement a caretaker one as this seems to give education such little importance.

Sir, he did stress that literacy was his main concern or the main concern of his Ministry, but if we were to limit this type of education to mere literacy without thinking of the substance of a curriculum it would be a great pity and I hope I am wrong here and if I am misquoting him I will apologize; but when talking of literacy surely the idea of being literate is in order to be able to read something sensible and to write

[Mr. Mate] something sensible, and mathematics, and the kind of courses conducted at the Jeanes School are vital to the welfare and economy of this country. I would like to hear from the Minister when he replies as to whether he really limits his job to mere literacy or whether he is thinking of improvements in the machinery of the so-called adult education. To illustrate this, at the Jeanes School today the courses organized for co-operative societies' secretaries or inspectors seems to be below standard in that when some of these people go back to their societies the knowledge they have acquired is mainly simple accounting, just to make sure that the figures in their account books do tally, what they call "in and out", and very simple economics. I would like the Minister to think of improving the standards in general so that the training given there compares favourably with the training given elsewhere in different places, because we think of the Jeanes Schools in terms of something a little bit more advanced. At the same time the *Maendeleo ya Wanawake* courses held there have had African women who have been there complaining that sometimes it is very, very elementary, even for those which have instructors. Some of them have been to school already; others have not. But the course is so elementary that some of them find it a waste of time, because as the Minister very well knows some of these women may have been to intermediate schools before where they have done enough domestic science. So we would like to see the standard raised at the Jeanes School and any other centre of such training so as to give importance to this side of education.

On the question of *Maendeleo ya Wanawake*, which I guess may come under his Ministry now, I would like to criticize its arrangement, because to the African women, the more advanced African women, it is a waste of time. It also cuts out a certain people from it. It is supposed to be a place where they do a lot of sports, a lot of traditional dancing, very elementary hygiene lessons, and things of that kind. What we are looking for is something higher for the African women in general, and the present arrangement has cut off the African woman who is better educated. The women in the locality who know cooking, who know child welfare, teachers, nurses, and such like, feel very much cut off; and yet these are supposed to be women's clubs which give some sort of useful occupation to the women, both in instruction and when they meet together. Could the Minister think of bridging this gap so that there is a link between the very illiterate and the more advanced. To illustrate this matter better, I understand there is an idea to try to

form an African Women's Association or League, on the part of certain African ladies who feel that the *Maendeleo ya Wanawake* does not quite fill their needs. There are plenty of things they could discuss; education, agriculture, their place in society; but the present *Maendeleo* clubs cut them off, and I think the Minister would be very well advised to try and contact the leading women in various locations and African areas.

The Minister for Labour, Social Security and Adult Education (Mr., Ngala): Mr. Deputy Speaker, on a point of order, Sir, I wonder whether the hon. Member is in order in touching upon an aspect which does not concern my Ministry.

The Deputy Speaker (Mr. Conroy): As the subjects about which the hon. Member was talking do not come within this portfolio it is irrelevant to enlarge your argument upon them, Mr. Mate.

Mr. Mate: Thank you, Mr. Deputy Speaker. I do not want to go into subjects that are not within the portfolio as such. I was touching on what I thought was adult education in general, and if the Minister thinks that it is not within his portfolio what African women concern themselves with civics and other things, then I am afraid I had better—

The Deputy Speaker (Mr. Conroy): Mr. Mate, it is not a question of what the Minister thinks. You were dealing with these women's clubs which do not come within this portfolio. I must rule that discussion on them is irrelevant in this debate. There are other debates in which the matter may be raised.

Mr. Mate: Thank you, Mr. Deputy Speaker. From there I would like to go to the section that deals, and I hope I am right here, with continuation classes which are part of the education and adult literacy, and I hope the Minister will put me right here, because I feel it is very important wherever these classes are held, where it concerns him, that something practical, something having to do with the kind of work that the people do in their working hours, to give them something more advanced, should be done. To take an example, what I have seen in Meru which literacy classes that I have seen in Meru which are conducted by the Department of Community Development and by the missions. The elementary literacy which the women are given needs to be improved so that they understand something about business, something about farming, and something of current affairs today; so if the Minister is at all interested in the literacy he should include in the curriculum of the reading material practical things that have to do with the uplifting of the African women's life, and also

[Mr. Mate]

men who come to these classes are more concerned with doing something practical and not simply reading and writing which is not related to their day-to-day lives.

I would like to mention at the same time an idea in this line of adult education of starting a college at Kikuyu for illiterate people. I feel, Sir, that this is part of adult education in the wider sense of the meaning for improving the standards. There again I feel that such things should be related to the practical needs of the country, and I feel they should be taught business and social economics regarding business and trade; this should be a great help in compiling the curricula of these schools.

Coming on to the question of labour, I am not at all an expert on labour matters, but there are one or two general things I would like to mention. Sir, African labour is inefficient. They waste a lot of time wherever they may be because they do not know what I call the movement in doing a particular job. I shall illustrate to the Minister the sort of testing and training of people in industry, whether it be agriculture or whether it be other industries. To take an example, I have seen boys who work in petrol stations trying to change a tyre. Some of them take a very short time because they have studied the movements of taking out a tyre from the rim and repairing it in a very short time. There are others who are very slow. I have seen in Britain that they do movement studies of how somebody works. If his department has the chance of encouraging companies or industries to try to train their men how to get a job done quickly I think it will be of great advantage to this country, because I feel the employer is entitled to efficient service, especially since we hear of strikes over salaries. That is quite all right. But at the same time I feel that a lot could be done by training people in the particular industries how to get their job done quickly and efficiently. I do not know whether the Minister is aware of what I am talking about, because, as I say, I am not an expert in this field. The examples given may not be so good, but having a car himself he may have seen the difference between an inefficient man and one who is efficient. So if within the so-called training he could organize such things and encourage the firms themselves to encourage the people who work for them to study the various movements in the various industries it would be of great help in improving the efficiency in general.

The other thing is the treatment given to the people who work in farms, with particular reference to the area I know best, Nanyuki, for

example. There are a lot of irritating things, it is alleged, which are done to employees by their employers, things that make their lives not so happy. One of the things is that they are dissuaded, for example, from going to public meetings, which are supposed to be political, even at the week-ends. I hope that the Minister will investigate this through his inspectors. If he is interested I could give examples of the kind of thing that has come to my notice because a man should be free to give his employer the service required of him, pay his wages, and the other things, but when he is free he should be free to think, to read newspapers, and no stumbling blocks should be put in his way. I am ready to give the Minister details of this kind of thing.

The other thing as regards the welfare of such people is what I have mentioned, that they feel like strangers where they live, and so there comes this idea of social security. Would the Minister make sure that in Government forests or other places where they are employed their social security is not only counted in terms of wages they get but the general treatment which they get; food, for instance, which they should get punctually, and in time; how many cows they are allowed to keep; how many goats; how big the pieces of land they are allowed to dig. All these come under the Ministry I feel because it is for labour and also for social security. The important thing is that they live there like squatters and therefore they do not feel quite secure. The Minister should investigate and see what could be done to make sure that the labour are content, not from the salaries point of view or from the wages point of view, but in respect of other things, too: their social life there; whether they have schools and such things. I feel it is a question of labour in general and social security; these are the unsatisfactory factors in the so-called security.

Mr. Deputy Speaker, my last point is that I would like to impress upon the Minister in general, his responsibility as far as the African community is concerned, because most of them are low-earning, low wage-earning classes of people, and they are the majority, and the whole country is looking to him to see what moves he is going to make in the way of making labour conditions better in general, both from the point of view of the employer and from the point of view of the employee; and I hope that the Minister will take his Ministry very, very seriously, because of the kind of social structure we have in Kenya today, so that we can see improvement in general regarding the whole labour situation which is one of the greatest problems in Kenya.

I beg to support.

Mr. Klamba: Mr. Deputy Speaker, Sir, I congratulate the Minister on the way in which he has made his maiden speech. I know that he has been away from the country and that he returned recently; he could not have done it better than that, and I could not have hoped for more because he has done the job well.

I appreciate what his Ministry is trying to do for the Africans in Kenya. Many labour experts have spoken on this question of unemployment, and there are Africans, Sir, who are wandering about the Nairobi streets looking for jobs which they cannot find. Yes, it is a fact, and it is the policy of this Government to surround the people in the streets and send them back home to their locations, and while that is the case this talk of security and peace cannot remain the truth, because in the days when people are hungry you cannot talk of peace. It is very difficult because they are tempted to do all sorts of bad things to look for food. I know that once this country is independent there will still be an unemployment problem, but it cannot be so much as it is now because I hope that by that time many anomalies will have been put right, people will be a little richer perhaps, and they will have to work hard because we say *Uhuru na kazi*, and they will pay more taxes, and many many things will be put right.

Turning to the question of adult education, I see that when it was started in some districts there were education officers specially allocated to that district, but as time went on the Government probably thought that people had know how to do the job and they had sufficient interest in the job, so this came out of the charge of these education officers and was put in the few hands of some African instructors. Now that seems as if the Government has lost interest in the work and I would like the Minister to investigate this and see whether he can introduce a system of appointing education officers in the districts to encourage this kind of thing; because with the mass education many more Africans would be able to read and write, because these are the people who missed chances when they were young. There were no primary schools or insufficient primary schools for these people to go to when they were young. They missed their education and it is only now when they are old enough that the Government has come to find that there could not be progress in the country if these people are not included in the educated class of the community; and that is why we think that adult education is important to have in a progressive country like Kenya today.

The labour experts have spoken more on this question but I think there is one point for me to speak on, and that is the people who work in

Nairobi, in Mombasa, in Kisumu, more often tend to think that they belong to the locations where they came from, and on every Saturday evening at the end of the month they try to go home and visit their families. As an example, if you go to the Machakos bus station you will see many many hundreds of buses taking people back to their reserve because they feel that they belong to Machakos District and not to Nairobi. Well, I think in many civilized countries people who are outside their districts leave with their families, especially the married people. It is very difficult to keep a man here in Nairobi and his wife apart. It is inhuman, I think he always feels like going home and he has not got a car to go home in, and that is why you see people going home every week-end at the end of the month. I hope that the Minister will investigate this and see whether I am speaking the truth, because they are earning very low wages, they have not got sufficient accommodation in the towns where they are working, and they find that they have got to keep their families in the districts to do some farming for their future security. Now, if you pay these people well I hope they will stay where they work and this there will be no mass movement at the end of every month. I think that if things continue as they are now we will need a railway station at Machakos to cater for the needs of these people.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support the Motion.

Mr. Luyt: Mr. Deputy Speaker, Sir, I would like to run through points made by speakers on my Ministry's Estimates thus far, and if in doing so, Sir, I find that individual speakers have dealt, as they inevitably have, with the same topic, I trust that those Members whom I do not specially name as having mentioned the subject will, nevertheless, accept my reply as addressed to another Member.

The hon. Member for Nairobi Area was the first to speak after the Minister, and I would thank him for opening up by saying such kind words about me personally. He then, Sir, went on to put in a plea, which has been repeated by many other Members in this debate, for more urgent action by the Government in the field of social security. He, and I think other speakers too, Sir, implied that Government had perhaps been unappreciative of the need for action in this field, that Government had neglectfully failed to measure up to its responsibilities. The Minister, in introducing his Estimates, was at some pains to point out that this was not so. He quoted, Sir, a reply to a question given by the Minister for Local Government at a time when that Minister had responsibility for social security and in which the Minister for Local Government made it quite clear that

[Mr. Loyl]

the inhibiting factor was finance. There are, Sir, a great many highly desirable social services which this country needs. There are, unfortunately, Sir, in a young country, which is not a wealthy one, a great many highly desirable social services which we cannot have immediately because of cost. We have to choose priorities: we have, often, to be patient.

Now, having said that, Sir, let me also remind hon. Members that the Minister for Labour went out of his way to point to the extent to which he himself appreciated the great importance of a State scheme of pensions for employees when they get beyond a working age. He attached importance to it, Sir, both from the humanitarian point of view, and because of the importance that it has to the Government's stabilization of labour policy. He underlined the fact that our stabilization policy to which our present wage policy is geared: cannot reach its fulfillment until we are in a position to take action in this field of social security in regard to employees who get beyond an effective working age. Therefore, Sir, I do not think the Minister for Labour can reasonably be criticized for having adopted any neglectful attitude in this important matter, and the Government as a whole, over these last two or three years since the report on the subject was first made public, has itself never suggested that it does not attach great importance to the matter. It has simply had to be, in the light of necessity, that for financial reasons implementation has had to be delayed. Well now, as my Minister has already said, one of the tasks of the Ministry of Labour and Social Security is to bring all our data up to date, to renew afresh against the financial problems which we can do and how soon we can do it. I trust, Sir, that that should be accepted as a reasonable answer as at today to the many Members who pleaded for urgency in this matter of social security.

The hon. Member for Nairobi Area, who first raised this matter that I have just dealt with, then went on to ask about the position of an organization such as the one with which he is associated, the Kenya Federation of Labour, should such an organization wish to start up adult literacy classes, and he expressed the hope that there would be no difficulty put in their way. Well, Sir, the quick, short answer is that they would be well advised to consult their District Education Officer, or Provincial Education Officer, because although the policy direction for adult literacy now passes to the Minister for Labour, nevertheless, under the Education Ordinance, it is still necessary that the management, the scheme and the teachers be approved by either the Director or the Minister for Educa-

tion. However, the answer to this will be given readily by any field Education Officer.

Then, Sir, unemployment. My Minister dealt at some length with this subject, and many Members very rightly and very understandably have raised it in their speeches. The Minister analysed what he saw to be the causes of our present difficulties; what he saw to be the various present aspects of it, and the various problems relating to early solution. He also looked at where the remedies should lie. He accepted a certain degree of responsibility for direct contribution in terms of remedial action by Government and by his own Ministry. He nevertheless, Sir, stressed that pre-eminent among these remedial measures must be an expansion of economic development in the private sector.

The hon. Specially Elected Member, Mr. Blundell, this morning spoke strongly about some of the difficulties that hon. Members make in this House in respect of attracting private investment. The very points, Sir, which the Specially Elected Member, Mr. Blundell, made were, in fact, made by myself a fortnight ago, but they are very cogent ones, and I am glad he made them, and I would like to endorse them thoroughly. It is essential that we should all realize that the potential for contribution to a solution to this problem is far greater in the private sector of economic development than in direct investment of money in capital schemes by Government. Government certainly has its part to play, and I will touch on that in a minute, but Kenya must realize, and therefore we must all act accordingly, that it is wholly necessary that every step should be taken to encourage development in the private sector and to do nothing that discourages it.

We have, Sir, in recent weeks, heard quite a lot in this House and elsewhere of Government's own development programme for the next year and for the next three years. It has been emphasized, and I shall have to do so again, that that plan carries more new projects than any of its predecessors; that those projects were weighed as to their employment generating qualities when they were being considered for inclusion in the programme; that those projects are some 65 per cent directly economic projects; that there is a rural and an agricultural bias in the Government development scheme; that Government is at full stretch regarding the finding of money for the development scheme; there is just not in sight more money. Now, Sir, that—I underline, as I did a couple of weeks ago—is not only the Government's contribution but is a pretty impressive contribution and is one correctly balanced. I can say again, Sir, what I have said before, that

[Mr. Loyl]

it would be quite easy to take perhaps a few hundred thousand pounds out of this ten million "plus" development programme for next year, and present them as some special unemployment relief scheme, and perhaps attract public applause for being rightly and wisely generous in one's approach to the unemployment problem. But is that really right, bearing in mind the nature of the projects that have gone into the Government scheme, and the necessity in the long-term economy of the country for a balanced scheme, and the fact that universally these rather unproductive Emergency schemes have seldom proved that they are the answer to unemployment? Are we right, therefore, Sir, until we have weighed the thing completely fully and find ourselves faced with utterly desperate circumstances, are we right to divert our very limited capital to projects of that sort? It may come, but I would plead that we should be extremely cautious about doing so.

The hon. Member for Nairobi Area rather glibly, Sir, said we talk too much about encouraging industry and development in the private sector when we ought to point to the Government projects. Well, in pointing to Government projects I nevertheless do not want to leave it at that and I feel I must, in this unemployment issue, return in full measure to the fact that it is in the private sector that the greatest contribution can come.

The hon. Member, Sir, took up the point made by the Minister that it is hoped that more resort would be made to the Ministry of Labour's conciliation facilities before there were stoppages of work. The hon. Member while, I think, generally accepting the Minister's plea, nevertheless said that as workers were only human, and as there were certain employers who either overlooked grievances or did not deal with them, conciliation led nowhere or the workers became frustrated and strikes were inevitable, and he implied, I think, justifiable without resort to conciliation. I, Sir, cannot accept that line of thought, and I would underline the fact that it is frequently where an employer is least receptive to representations made by labour that conciliation can pay the greatest dividends, and if employees do feel frustrated, if unions feel that way, then I can only commend to them that the answer is to make use of conciliation and not take action entirely into their own hands.

I think, Sir, while finishing off the points made by the hon. Member for Nairobi Area, that I ought in fairness to him and to the reputation for absence which he has earned in this House, draw the attention of hon. Members that yesterday evening when the Member for Nairobi Area got

up to speak he did make the point that he would be unable to be present here today because he was participating in the negotiations over the troubles in the coffee industry, and therefore, in so far as it has attracted strictures today for his absence, I think it is only right that I should point out what is fair to him.

The hon. and noble Lord, the Corporate Member for Agriculture, was showing his usual and much appreciated interest in unemployment and did come forward with some constructive proposals, mainly as to how we should encourage and disperse new industry. These points, Sir, will be considered, both in the Ministry of Labour, and I am sure in that of the Ministry of Commerce and Industry and by the Minister for Labour in his Unemployment Advisory Committee. I would, however, not like to pass on without acknowledging the fact that the hon. and noble Lord invariably when talking on unemployment does make some constructive proposal and not merely yell at the Government for not finding the answer to unemployment.

The hon. Member for Kiambu, Sir, pointed to certain faults that have been noticed in the behaviour of new members of trade unions. He pointed to the need for training—I imagine particularly in the responsibilities of trade union members. The Minister mentioned yesterday that both the Ministry of Labour and the Royal Technical College, by arrangement with the Federation of Kenya Employers, and the Kenya Federation of Labour, are building up and are expanding training opportunities, particularly for those who are concerned with industrial relations. These courses do provide opportunities not only for senior trade union officials, but for junior ones to become more fully aware of their duties and their responsibilities. I hope that we will be able to press on with this and enlarge the training opportunities. When I spoke two or three weeks ago—and I did throw out advice to the trade union movement over the Thika troubles—I drew attention then to the need for the trade union movement itself perhaps to take more positive action in this field, and I can but repeat that request.

The hon. Member also pointed to a problem that is ever present in industrial relations. That is, Sir, the confusion over demarcation of the fields of recruitment of different unions, and he pointed out how the Distributive Workers' Union, which is mainly an urban union, was intruding into dairy farms. Now this is, Sir, a problem that has beset industrial relations and trade unions universally, but fortunately in Kenya, a few years ago when the Federation of Kenya Employers and the Kenya Federation of Labour first got together

[Mr. Luyt]

and agreed upon arrangements as to how they would tackle certain joint problems, this one of demarcation was right from the start accepted by them as being one of the problems that they could, by joint consultation at their level, help to sort out, because frequently it is not possible to sort it out at individual union level as naturally there are individual union ambitions regarding expanding and extending into new territory. The Kenya Federation of Labour and the Federation of Kenya Employers have in the past been helpful and successful in keeping the demarcation arrangements tidy and logical, and I am sure if there is a further problem arising now that way of sorting it out will again prove both the best and most satisfactory.

The same Member, Sir, criticized the Minister for Labour for having stated that he was not intervening in the present coffee industry troubles, and the hon. Member thought that this was far too negative an approach. In actual fact, Sir, what the Minister really said was that at this present moment he thought it would not be a wise contribution for him to say more than he said yesterday. He did not say—and I hope he did not imply—that the Ministry and the Minister were standing on the touch lines and being wholly idle in this matter. We have, in fact, Sir, had a very busy few weeks on this matter, and it is only because this very week, and in fact, this very day, that the Coffee Plantation Workers' Union and the Coffee Growers' Association are sitting round a table and themselves endeavouring to sort out the troubles in their own industry, only because of that, that the Minister felt, and I would thoroughly endorse his view, that it would be unwise for him to speak publicly and strongly upon the very issues we hope the industry itself will resolve.

The hon. Specially Elected Member, Mr. Muchura, Sir, unfortunately rose in the coffee "break", and it was rather a pity that he had to start his speech with so few Members present bearing in mind that he is a Member who has a professional background of association with labour.

ADJOURNMENT

The Deputy Speaker: Mr. Luyt, if you are going on to a new point in your speech, I think it might be convenient to adjourn now and to allow you to continue on Tuesday.

I therefore adjourn Council until 2.15 p.m. on Tuesday afternoon, 31st May, 1959.

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

Tuesday, 31st May, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

PAPERS LAID

The following papers laid on the Table:—
Sessional Paper No. 5 of 1959/60: The History and Origins of *Mau Mau*—An Historical Survey.

(By the Chief Secretary (Mr. Coutts))

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, I would like to point out that although I lay this Paper, I do so in accordance with Standing Orders, but in order to have simultaneous laying of this Paper in Legislative Council in Kenya and of the House of Commons in England, it is embargoed until 5.30 p.m. this evening and will not be in the hands of hon. Members until that hour, or in the hands of the Press.

1958/59 Statement of Expenditure.

1959/60 Supplementary Estimate (No. 1)

1959/60 Development Supplementary Estimate (No. 2).

(By the Minister for Finance and Development) (Mr. MacKenzie)

The African Teachers Pensions Fund Account for the year ended 31st December, 1958, and Report thereon by the Controller and Auditor-General.

(By the Minister for Education (Mr. Mathison))

Local Government Loans Authority—Annual Report, 1956, 1957 and 1959.

(By the Minister for Local Government and Lands) (Mr. Havelock)

The Royal National Parks of Kenya (Photography) (Amendment) Regulations, 1960.

(By the Minister for Agriculture, Animal Husbandry and Water Resources (Mr. MacKenzie) on behalf of the Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill))

NOTICES OF MOTIONS

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:—
1959/60 Supplementary Estimates (No. 1)

THAT a sum not exceeding £435,339 be granted to the Governor on account for, or

[The Minister for Finance and Development] towards, defraying the charges of Supplementary Estimates No. 1 of 1959/60.

1959/60 Development Supplementary Estimate (No. 2) Part I

THAT a sum not exceeding £471,131 be granted to the Governor on account for, or towards, defraying the charges of Development Supplementary Estimate No. 2 of 1959/60, Part I.

1958/59 Development Supplementary Estimate (No. 2) Part II

THAT a sum not exceeding £283 be granted to the Governor on account for, or towards, defraying the charges of Development Supplementary Estimate No. 2 of 1958/59, Part II.

1958/59 Statement of Excess

THAT a sum not exceeding £9,165.94cts. be granted to the Governor on account for, or towards, defraying the charges of Statement of Excess 1958/59.

AFRICAN BUSINESS—MINISTERIAL RE-ORGANIZATION

Mr. Mboya: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

That this Council, being convinced of the need to stimulate and encourage African business and commerce in the rural as well as urban areas, is concerned at the lack of co-ordinated effort and the existence of apparent confusion over legislation and policy arising from the fact that the Ministry for Local Government and sometimes the Provincial Administration are made responsible for these activities and calls on the Government to re-organize the effort of Ministerial responsibility so that all the areas and programmes and policies of encouraging African business may come under the Minister for Commerce and Industry.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 98

Mr. Alexander asked the Chief Secretary will Government make a statement concerning the Study Group on the terms and conditions of service of local members of the public service and the position of expatriate officers particularly as regards its origin, terms of reference status, and its possible effect on other bodies dealing with similar questions and in particular:—

(a) Is this the enquiry promised by Mr. Macleod at Lancaster House?

(b) To what extent does Government contemplate modification of appointments or terms of service of officers already in the Service?

(c) Is it intended that localization shall be at the expense of standards?

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to reply.

I would refer the hon. Member for Nairobi West to my statement on 10th May in the House, reported in HANSARD, where will be found most of the information for which he has asked. In addition I can assure him that the appointment of the Study Group will not serve as a delaying factor in staff negotiations which may arise or which may have arisen between the Official and Staff sides, nor will it provide a substitute for the normal staff negotiating machinery provided by Central Whitley Council and the Joint Industrial Council.

On the specific questions asked by the hon. Member, I would reply to the first in the affirmative, pointing out that this is a Study Group and not an enquiry, and to the second and third in the negative subject to such modifications as may be recommended by the Study Group and accepted by the Government.

QUESTION No. 108

Mr. Mboya asked the Minister for Housing, Common Services, Probation and Approved Schools has Government got plans for the introduction of a tenant-purchase housing scheme among Africans in Nairobi?

If so, what terms and conditions are offered, when will it be introduced, and on what scale?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalamba): As recently as last year the Government announced a plan for the building of 80 to 90 tenant-purchase houses in the vicinity of King George VI Hospital, but it had to be abandoned because of the very small number of applications received. In the light of this experience the Government does not propose to formulate any further plans of a similar nature until there is evidence that the need exists.

Mr. Mboya: Mr. Deputy Speaker, Sir, is the Minister suggesting that the reason why the plan did not work is the lack of need for such a plan, or disagreement on certain questions which the Government should have examined?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalamba): It was mostly lack of interest amongst the people who were expected to be interested

[The Minister for Housing, Common Services, Probation and Approved Schools] in the scheme. Government was quite prepared to listen and consider the alterations and proposals that these people might have made.

Mr. Mboya: Mr. Deputy Speaker, Sir, would the Minister state now if the Government is prepared to consider alterations in the terms of the plots and the houses and the area of the houses against those originally proposed?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalamba): If the need arises, Sir, and in the interests of the scheme, Government is quite prepared to go into all these questions.

Mr. Mate: In view of the expensive housing at the King George VI Hospital site, will Government consider building cheaper houses of a lower standard?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalamba): The Government is doing that already under the contractor-finance arrangement which is to provide 3,000 houses for Nairobi City Council because the need seems to be more for rental schemes than tenant-purchase schemes in Nairobi.

Mr. Alexander: Mr. Deputy Speaker, is it not a fact that this activity should normally be left to private enterprise, and, if there is a need for this sort of tenant-purchase scheme, is it not the function of the Government to draw the attention of the building societies, in which Africans invest a great deal of money?

Mr. Muchura: The scheme at King George VI Hospital was not the first but the second scheme, and is it not a fact that the problem there was not a lack of interest but the conditions attached to such schemes?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalamba): The Government is aware of all that.

QUESTION NO. 115

Mr. Alexander asked the Chief Secretary Her Majesty's Government having recorded in Colonial 306 of 1954 at paragraph 6 (5) that it will endeavour to find alternative employment where desired for members of Her Majesty's Overseas Civil Service whose employment is terminated in consequence of constitutional changes: will the Government state what the position will be in those cases where no suitable alternative employment is available, and also in the cases of other pensionable officers referred to in paragraph 12 of the same Colonial 306?

The Chief Secretary (Mr. Coutts): The subject matter of the question asked by the hon. Member for Nairobi West is under negotiation with the Secretary of State and (although I am personally concerned in this matter) I am not at present in a position to add to this information.

QUESTION NO. 112

Mr. Mboya asked the Minister for Education does the Government have plans for the introduction of schools to the Kibera Settlement Area?

The Minister for Education (Mr. Mathieson): Full primary and intermediate school facilities under the control of the Nairobi City District Education Board are already available in the Kibera Settlement Area to enable all who wish to have eight years of education.

QUESTION NO. 114

Mr. Mboya asked the Chief Secretary—

(a) Is the Chief Secretary aware of the extreme embarrassment caused to African workers who live permanently or semi-permanently in the urban areas by demands made on them by the Provincial Administration for African district council rates and taxes?

(b) Is it equitable that Africans living in urban areas and only visiting families occasionally should be required to pay African district council taxes?

(c) What arrangements exist for such taxes to be paid in townships?

The Chief Secretary (Mr. Coutts): (a) I am not aware that any extreme embarrassment is caused to African workers in urban areas by their being required in certain circumstances to pay African district council rates.

(b) The legal liability for payment of an African district council poll rate is laid down in section 44 (5) of the African District Councils Ordinance, where it is stated that such a rate shall be related to residence or ownership of property, or both. If the families of Africans are residing in an African district council area this would constitute residence and the payment of African district council rate is, therefore, equitable, especially since those families will be using all the services, such as dispensaries, roads, schools, etc., provided by the Council.

(c) Facilities exist at the district revenue offices in Nairobi and Mombasa for paying African district council rates.

Mr. Mboya: Sir, would the Minister make it clear regarding those Africans who are not in the rural areas, but who live permanently in the

[Mr. Mboya]

urban areas and merely visit the reserves to see distant relatives and often have to meet many years of accumulated tax.

The Chief Secretary (Mr. Coutts): I think I made the position quite clear, Sir, in answer to (b) when I stated that this is related to residence or ownership of property, or both. If he is neither a resident, nor has property, then he is not liable.

Sir Charles Markham: Is the Chief Secretary aware that when an African goes along to pay his poll tax he is asked for his home location, and automatically charged with the African district council tax for the area from which he comes, regardless of whether he owns property or lives there?

The Chief Secretary (Mr. Coutts): Sir, I am not aware of that because my information is that there is no pressure put upon Africans to pay the African district council rate because it is purely voluntary if he lives in an urban area.

Sir Charles Markham: Could I ask, Mr. Deputy Speaker, the Chief Secretary to look into this matter again because I had personal experience of this this morning when they do ask the location of the individual and automatically charge him with the *kodi* rate for that area.

The Chief Secretary (Mr. Coutts): Perhaps the hon. Member is referring to the *kodi* rates, not the African district council rates.

Sir Charles Markham: If I could explain, Sir, I meant the African district council rate, but I thought it would help the Chief Secretary if I used the expression commonly used by the Government.

The Chief Secretary (Mr. Coutts): We do not use the words "*kodi* rates". It is not commonly used. I will look into the matter again at the hon. Member's request.

Mr. Cooke: Is the Minister aware that farmers are now receiving notices asking them to do their best to collect rates from their boys or to get their boys to pay rates in the African district council areas?

The Chief Secretary (Mr. Coutts): That seems to me to be perfectly reasonable, Mr. Deputy Speaker. It is very probable that most of these people on the conditions which I have already explained are liable to pay these rates.

Mr. Mate: Mr. Deputy Speaker, Sir, is the Minister aware that that applies to the settled area too?

The Chief Secretary (Mr. Coutts): I think I answered that question immediately before to my hon. friend the Member for the Coast.

Mr. Mboya: Would the Chief Secretary explain what he meant by voluntarily paying of rates? Does this mean that it is no longer a compulsory requirement?

The Chief Secretary (Mr. Coutts): If the person concerned has a residence or a property qualification in a certain African district council area he is compulsorily required to pay the rates. When I referred to the question of paying in an urban area it is a question for him voluntarily to pay in the urban area, or pay it when he returns to his own district.

Sir Charles Markham: Do I understand from the original question, because I must ask it that way, that if a person does not return for two or three years to his reserve, he is not liable for any other tax than for the particular current year?

The Chief Secretary (Mr. Coutts): He is liable, Sir, if he has the two qualifications which I have mentioned.

Mr. Jones: I wonder if I could clarify this for the edification of the people opposite, because although I—

The Deputy Speaker (Mr. Conroy): Order, order! Do you want to ask a supplementary question?

Mr. Jones: No, Sir, I was just trying to explain things.

SPEAKER'S RULING

The Deputy Speaker (Mr. Conroy): I would like to inform hon. Members that my guidance has been sought privately by some hon. Members as to certain rules of conduct, and I thought that my ruling might be of assistance to other Members, and I accordingly give it publicly.

The first matter on which my guidance was sought was the bringing of attaché-cases and brief-cases into the Council Chamber. The last time this matter was raised was in the House of Commons in 1952, when the Speaker ruled that it was out of order to do so. According to the ancient usages of the House of Commons there are certain articles which it is out of order for hon. Members to bring into the Chamber. These include attaché-cases, brief-cases, weapons, sticks, umbrellas—which in the context of Kenya, I rule, would include fly switches—and also newspapers, and I would therefore ask hon. Members to abide by what is a very sound and commonsense rule and not bring these articles into the Chamber. Otherwise we might have, in the words of the House of Commons debate on the subject, "these benches looking like a railway left luggage office". In accordance with the House of Commons practice I have asked the Serjeant-at-Arms

[The Deputy Speaker]

to remind hon. Members should they unwittingly transgress this rule of conduct.

One of the principal reasons for the prohibition of attaché-cases and brief-cases in the Chamber leads me to the next matter on which my ruling has been sought. An increasing tendency has been called to my attention for hon. Members to bring books, newspapers, letters and other documents into the Chamber and then settle down to do a good afternoon's work. In some instances papers and files are so voluminous that they cannot be easily transported without brief- or attaché-cases. I must draw the attention of hon. Members to the fact that the reading of books, newspapers, letters and other documents and the writing of letters and other documents is prohibited. It is both derogatory to the Council and discourteous to other Members if hon. Members treat this Council Chamber as a place in which to carry out their non-parliamentary work. The only reference to documents or preparation of documents which is permitted is where an hon. Member is taking notes or preparing to speak. Books, newspapers, etc., must not be read for amusement or work performed unconnected with the debate.

As hon. Members will appreciate, the ultimate standing and authority of this Council depends upon the standard of conduct which Members impose upon themselves, and I shall be most grateful if hon. Members would exercise self-discipline with regard to the observance of these ancient customs which are founded on common sense and good manners.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

The Traffic (Amendment) Bill

Clause 2

Consideration of amendment resumed.

The Chairman (Mr. Conroy): We were dealing with Mr. Alexander's amendment which he had moved and which appears as Order 5 on the Order Paper.

Mr. Alexander: Mr. Chairman, Sir, I did indicate the other day that I was very ready with the permission of the House to withdraw this amendment if Government accepted the spirit of it, and I do believe that in the amendment that

Government has now proposed, which is on the Supplementary Order Paper, the spirit of my amendment is accepted by them, and with your permission, Sir, and the permission of the House, I will withdraw my amendment.

Amendment by leave withdrawn.

The Chief Secretary (Mr. Coutts): Mr. Chairman, I beg to move that clause 2 be amended by adding to subsection (1) of the proposed new section 48A the following proviso:—

Provided that the Minister may, subject to such conditions as he may see fit to impose, exempt any specified vehicle, the motor unit of which is a compression ignition engine, from the provision of this subsection and may specify the fuel which shall be used in such motor vehicle.

As the hon. Member has said, the Government did try to meet the point which he made, and in consultation with the law officers we felt that the proviso in the amendment which I have now moved would meet the position, possibly rather better than the amendment which the hon. gentleman himself brought forward. I would like to stress in moving this amendment that I am the Minister and I will have to impose such conditions as will be designed to ensure that the revenue is fully collected, or protected for that matter. But until we actually receive applications from specific people, I think it would be very difficult for me to say what the actual conditions will be, because obviously they may vary from one case to another. But it is probably best for me to say here and now that we will be able to help those people who receive motor fuel supplies in bulk from oil companies rather more than other categories of people. But we will certainly examine each case with care, and I assure the hon. Member that I will do my best in exercising my rights under this proviso to do as well as I can for everyone.

Question proposed.

Mr. Cooke: Mr. Chairman, I want to raise a question about heavy oil in fishing boats used for the purposes of fishing trade, for instance at the Coast, and whether they should be—

The Chairman (Mr. Conroy): I am sorry, Mr. Cooke, but that is another matter. We are dealing now with motor vehicles which means vehicles on the road.

Mr. Cooke: What is the definition of vehicles?

The Chairman (Mr. Conroy): This is an amendment to the Traffic Bill and does not include ships, I fear.

Sir Charles Markham: Sir, with the greatest respect to the Chief Secretary, I would like to ask him how this proposed amendment—and I am grateful to him for having met this side of the Council on this issue—will meet with the particular aspects of vehicles such as scooters, which I understand are, a vehicle in every sense of the word, but you ruled out of order a moment ago, Mr. Chairman, the question of my hon. friend, the Member for the Coast regarding stationary engines. As I see it, Sir, a lot of engines—diesel engines, as we know them, rather than light amber mineral fuel oil—diesel engines have been altered from vehicle engines into stationary engines either for use in motor-boats or fishing, or alternatively, for industrial purposes. According to this, Sir, the licence which is specified says on the vehicle "diesel". It does not say the type of fuel which should be used in that vehicle, and I cannot see, Sir, how this particular amendment will meet the objections of people, particularly in view of clause 2 subsection (3), who may innocently buy diesel—and we call it diesel rather than this somewhat extravagant description as contained in this Bill—and then find later on that that particular diesel has been adulterated, in which case they have broken the law. I cannot see, Sir, why the Chief Secretary would not accept the amendment originally moved by my hon. friend, the Member for Nairobi West, because this particular suggestion, although in theory it sounds extremely generous towards the public, I cannot see in practice what will happen. The Minister, it says here, may "exempt any specified vehicle". Can you imagine, Mr. Chairman, what will happen in practice? Somebody who has a lorry which has been converted for the use of heavy diesel as opposed to ordinary diesel fuel, will apply for exemption. Sir, to get a reply out of any Government department in a normal time takes approximately one month and therefore the correspondence which will start when applying for exemption will mean, I suppose, a further application in next year's Estimates for a person to be responsible for dealing with applications for exemption. After about three months the person concerned will get the reply saying that the matter has been considered and the answer is either "Yes" or "No" as the case may be. By that time, I presume, he will either have been an honest citizen and not broken the law in that three months or will have broken the law pending the hearing of his application.

When the Minister, Mr. Chairman, introduced this measure, it was as I see it a measure for revenue purposes to avoid the differential between the amount of duty paid by those people using petrol, as against those people using diesel fuel. Nevertheless, Sir, at a later time in this Council

when we discuss the specific Bill under the customs amendment, we will have to raise other issues. But I would urge Government in this particular instance, although they have met us a lot with this amendment from the Chief Secretary—and I would like to thank him once again for it—to realize the possibility that this particular amending clause will produce circumstances which are far more expensive than the revenue which would be gained by it. Could I ask, Sir, the Chief Secretary to look back to his youth when Sir, perhaps, he was a junior district officer, when he was told—

Mr. Blundell: It is not possible!

Sir Charles Markham: I have been told by the hon. Specially Elected Member, Mr. Blundell, it is not possible, Sir, but I am quite certain it is possible, to remember when he was told under various instructions to apply in triplicate for something. So often, Sir, I feel certain he did apply and then years later, when he was well past the stage of remembering what he had applied for he got the reply.

I am not opposing this amendment, Sir, but I would suggest—and I have said this in this Council before—we do have a spate of regulations in Kenya and only by the—if I may crib the words used by the noble Earl, the Corporate Member for Agriculture—the "happy-go-lucky, the lucky-go-happy" and therefore, let us face it, rather than waste time applying, the majority of people who are using heavy diesel will carry on using it, hoping that nobody will spot it.

My final point on this particular clause, Mr. Chairman is this, I defy the average policeman, be he of any colour or race, to be able to take a sample of fuel from a heavy lorry and say whether it is heavy diesel or ordinary diesel. For one thing, Sir, the tank is very inaccessible, the second thing on that is that the person who has been found out will tell you that he bought the fuel quite openly and name the place, and on this particular issue I would suggest, Sir, that the Government, rather than framing amendments which on paper appear attractive, might well in practice result in more and more paper work and not achieve the object, I would much rather see, Sir, the Government go back—although it may have sounded complicated—to the system advocated by my friend the Member for Nairobi West, because I believe the honest firms, those people who are using heavy diesel, would then have submitted the returns and paid the duty willingly, rather than this particular method of applying for exemption which I believe will be quite unenforceable in practice.

The Chief Secretary (Mr. Coutts): Mr. Chairman, Sir, I think the speech of the hon. Member really contained three points. He began by talking about the person who happened to have got the wrong fuel in his tank. I think I might answer that by saying that the Government proposes to accept the Specially Elected Member, Mr. Blundell's, amendment to delete section 3 of clause 2 of this Bill, which will mean, therefore, that the onus will be on the Government to prove that that person had the wrong fuel in his tank by intent, which does mean that if somebody does get it in by mistake he has a very good defence to any probing officer who wishes to come along.

As regards his second point, the question of exemptions for applications, I do not think he need worry that we are going to have a great deal of red tape in this matter. I support him in his contention that I can remember my days as a district officer—if I may say so with great joy, and greater joy than the days in which I live at the present moment—I also remember applying for things in triplicate, but I regret to say that I do not remember that the Government was so dilatory as the hon. Member would like us to believe. In the case of people who wish to apply for exemption, the exemption need not be in triplicate because, as I see it, the proviso will allow people who are in this category merely to send a letter to my office. It will then be for me, or my own staff, to look at the particular application and decide whether it comes within this proviso and to lay down certain conditions whereby he can get his oil and pay for it.

With your permission, Mr. Chairman, I would like to deal with a point which was raised by my hon. friend the Nominated Member, Comdr. Goord, at this point, which I promised to reply to and which he raised on Friday morning. He raised the point as to what happened if somebody put a specific fuel down on his application form. Well, I have in front of me the two forms which you can use either for applying for registration or applying for a licence. In the case of the application for the registration of a motor vehicle, there is a question which asks whether it is propelled by steam, electricity, petrol or other oil, so when you apply originally for your registration you put down in the answer column what form of fuel you are going to use. Thereafter—

Sir Charles Markham: Coffee?

The Chief Secretary (Mr. Coutts): Or whisky? Thereafter you apply for a licence and there is a question in the licence form which says, "What alterations, if any, have been made affecting the registration particulars since the last declaration",

and my reading of this is that the licensing officer can refuse to issue a licence if he considers that the licence for which application is made, differs in any material particular from the particulars which he previously registered and I am quite certain that if he felt that the person was making an alteration in the application and it was contravening the law, that he would have every right to refuse that particular application. And I hope that answers the points which my hon. Nominated friend raised.

The third point which the hon. Member for Ukambani raised was the question of samples. It is not our intention, of course, that the person who takes the sample should necessarily say what type of oil it is, we have assumed that the Government Chemist will be brought in and in any subsequent case a properly qualified chemist will state whether the oil was the correct fuel or not.

Sir Charles Markham: Mr. Chairman, in view of the remarks of the Chief Secretary, for which I thank him, I wonder, Sir, whether he would accept an amendment to his amendment? The wording of the amendment which is Tabled on the Order Paper, Sir, does say "exempt any specified vehicle", which is contained in the second and third lines respectively. In order to avoid extra work for myself, and I say this, Sir, being a selfish person, I wonder whether the Chief Secretary would accept an amendment which will read "exempt any class of vehicle", which would mean that instead of exempting every single D.K.W. motor-car or scooter, that class of vehicle would be exempted. As I read it, Sir, and I see on the Front Bench of the Government side a very learned gentleman, the words "specified vehicle" as I read it—and I agree, Sir, that, with the exception of some of us, that many of us are ignorant of the law, it would appear to mean that each particular vehicle has got to be exempted if it is breaking the law as was raised by the hon. Nominated Member, Comdr. Goord. Therefore, rather than formally move, Sir, this amendment, I would ask the Government whether they would consider the matter, and perhaps I might get an assurance from the Temporary Solicitor-General which would reassure me on this issue, because I view with alarm the idea of filling in yet another form for my children's nurse to ask for exemption for her so she can drive her D.K.W. scooter, which has a mixture of oil and petrol, into Nairobi.

Mr. Webb: Mr. Chairman, Sir, the hon. Member for Ukamba is perfectly correct in suggesting that the phrase "any specified vehicle" does mean that each particular vehicle will have to be specified by number, and I am afraid that

[Mr. Webb]

Government cannot possibly accept his suggestion, because to grant exemption by class would be to drive a horse and coach through the revenue measure which this Ordinance helps to sustain.

Mr. Maxwell: I felt certain that when the Minister introduced this Bill it was intended that it would apply only to those vehicles propelled by compression ignition engines. The type of engine for motor scooters which the hon. Member for Ukamba has referred to, is of course, ignited by a spark which, again, is operated by a magneto. I was wondering, Mr. Chairman, in order to simplify the whole procedure, if it might not be reversed as far as operation of the proposed Ordinance is concerned. That is, that any person wishing to buy heavy fuel oil should have a licence to do so, and he indeed would then be responsible for either its resale or how it is to be used.

Sir Charles Markham: I do apologize to the Committee, Sir, for raising this again, but I would urge upon my hon. friend the quite impractical position in which he has placed the Government by his last speech, Sir, when he suggested that every single vehicle such as the Auto Union, D.K.W., I have been told "No", Sir, but I would suggest that those who say no, particularly my hon. friend from the Treasury, to read the specific suggestion as contained in clause 2, subsection 48 (a) with the amendment, if it is that intention, then definitely there will be another civil servant responsible for filing these applications.

The Chief Secretary (Mr. Coutts): Mr. Chairman, Sir, in answer to the hon. Member for Ukamba—I am not certain whether he was listening to my hon. friend from Trans Nzoia, that the engines with which we are dealing are compression ignition engines, not internal combustion engines. If the hon. Member goes on the way he is, I shall commit spontaneous combustion myself. The Government, I think, has gone as far as it possibly can to meet the hon. Member and we do not propose to accept any further amendments.

Sir Charles Markham: I must take exception to the remarks of the hon. Chief Secretary. I would suggest that before he talks that he reads what the clause does. For his benefit, Sir, could I quote? "No fuel should be used in any motor vehicle except that specified in the vehicle licence in respect of such vehicle, or in the case of a motor vehicle, the motor unit of which is a compression ignition engine, light amber mineral fuel oil." The vehicles I am talking about, Sir, are

petrol engines which use oil in them, not light amber mineral fuel oil.

Mr. Butler: The hon. Member has referred to me on the Back Benches. Could I just say that the difference as I see it between an Auto Union and a D.K.W. and an ordinary car is that with an ordinary car you pour the petrol in at one hole and the lubricating oil in at another hole. With the D.K.W. you pour the petrol in at one hole and you pour the lubricating oil in at the same hole. But that vehicle is not affected in any way, as I understand it, by this clause because the fuel on which it operates is petrol and the lubricating oil is performing the same function of lubricating the engine as it is in a Peugeot 403.

The Chairman (Mr. Contoy): I must point out that before we get too far away from this amendment that the proviso which we are discussing deals with diesel engines only, compression ignition engines. It does not deal with exempting petrol engines.

Mr. Alexander: Mr. Chairman, Sir, just a small point of clarification. Do I understand that the intention is, within this wording to enable low speed diesel engines to use heavy fuel and is it the intention that this heavy fuel which is normally exempted from tax should pay the tax when it is used in this manner?

I might just add, Sir, that I welcome this amendment: I thank the Government for having gone a very long way in co-operating with us on this side of the House, and I beg to support.

The Chief Secretary (Mr. Coutts): Mr. Chairman, the answer to the last question is "Yes, that is so."

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

Mr. Blundell: Mr. Chairman, I beg to move that clause 2 be amended with the deletion of subsection (3) of the proposed new section 48A.

Mr. Chairman, the hon. Chief Secretary has already said that Government is going to accept this amendment and I shall slightly amend what I was going to say. I think everybody would agree, Mr. Chairman, that in certain circumstances the onus on the accused is necessary, but I do feel that we want to view it with caution and whenever the prosecution can be made to carry the onus, we should attempt to do so. Now, I also think that whenever a Minister wants to bring forward a section like this in a Bill, he must be prepared to justify the reasons for it. It is not sufficient as the other day to say that because it is a revenue measure, *ipso facto* it is justified. I believe that revenue measures need just as careful scrutiny as any other measures. I do remember that when I was moving the Maize Marketing Bill

[Mr. Blundell]

there was provision in that Bill for the onus to be on the accused. I resisted an attack made upon me by my hon. friend on the right here because I justified that particular provision.

Now, what I want to put to Government is that I do not really believe that this can be justified and I think the police can test the fuel and prosecute if they find it has been changed or adulterated. For those reasons, Mr. Deputy Speaker, I move my amendment.

Question proposed.

The Chief Secretary (Mr. Coutts): Mr. Chairman, Government accepts the amendment.

Sir Charles Markham: Good heavens, what has gone wrong?

Question that the words to be left out be left out and agreed to.

The Chairman (Mr. Conroy): I will put the question that clause 2 as amended stand part of the Bill.

Mr. Slade: Mr. Chairman, would it be in order for me at this stage to oppose that it stands part of the Bill in its entirety?

The Chairman (Mr. Conroy): Yes, it is.

Mr. Slade: Thank you, Sir. The historian Suetonius made it his business to describe the worst Roman emperors and the worst things that they did and I think it was Emperor Caligula of whom he described—among other terrible atrocities—one well worth mentioning in the view of Suetonius, the practice of inventing taxes on certain articles and then forcing his subjects to use those articles whether they wanted them or not. Now, I say, Sir—

The Chairman (Mr. Conroy): Mr. Slade, when you said, was it open to you to oppose it, I meant that it was open to you to vote against it.

Mr. Slade, I am sorry, Sir.

The Chairman (Mr. Conroy): The principle of this Bill is contained in clause 2. If in Committee we were to speak against whether clause 2 should be in the Bill or out of the Bill we would be going against the decision of this Council which has been taken on the Second Reading. If you wish to oppose the principle of the Bill, it is open to you to do so at the Third Reading. At this stage I think it would be clearly not parliamentary practice to go against the principle as decided by this Council on the Second Reading.

Sir Charles Markham: Sir, could I suggest therefore, to meet my hon. friend's point, that I beg to move the deletion of clause 2?

The Chairman (Mr. Conroy): No, I am afraid you cannot do that, Sir Charles Markham, because you have not given notice of that amendment before the sitting of this Council this afternoon.

Mr. Blundell: Mr. Chairman, Sir, would not the hon. Member on my right be entitled to make his speech on the Report stage?

The Chairman (Mr. Conroy): I have told him it would be better to make it on the Third Reading.

Sir Charles Markham: With respects to you Sir, I am not challenging you in any way at all. I was always told that you could move deletion of a clause without notice, Sir, but that you could not amend a clause. But as the Third Reading is coming, Sir, I will withdraw my remark.

The Chairman (Mr. Conroy): In order to remove any lingering doubt in the hon. Baronet's mind, I must point out to the Council that it is not possible to move an amendment to a Bill (except by a Minister) unless notice of that amendment has been handed to the Clerk by 2.15 in the afternoon of an afternoon's sitting. Now, that has not been done in respect of clause 2. It is perfectly permissible in the Committee stage—provided adequate notice has been given—to move an amendment deleting a clause provided that amendment does not strike at the very principle of the Bill. If it strikes at the principle of the Bill, you are then casting doubt upon the decision which the Council has already taken in the Second Reading and I cannot allow it.

I would only add one further thing, that I am personally very sorry that we have been deprived of the speech from Mr. Slade which promised us an excursion into early Roman history. I have pointed out the manner in which we can hear that speech possibly at a later stage. I am not going to allow any further debate on this subject. I have started to put the question; the matter is not open to debate after the question has started to be put. We have been dealing more latterly with a point of order which is now settled. I will accordingly put the question.

Comdr. Goord: Mr. Chairman, Sir, may I put a point of order?

The Chairman (Mr. Conroy): No, not until after I have put the question. The question which I am putting and which I have half put is that clause 2 as amended stand part of the Bill.

Clause 2, as amended, agreed to.

Comdr. Goord: Mr. Chairman, when we were discussing the amendment to clause 2 you ruled that this had application to diesel fuel only and therefore you ruled out of order discussion on the first paragraph of clause 2 which said that "no fuel shall be used in any motor vehicle".

1965 Report—

The Chairman (Mr. Conroy): No, Comdr. Goord, I think you misunderstood my ruling. I said that we were dealing then with the amendment which proposed to add a proviso. That proviso dealt only with compression ignition engines.

Comdr. Goord: Sir, on a point of information, are we not allowed any further discussion on the provisions in clause 2 which were cut short on Friday?

The Chairman (Mr. Conroy): There was ample opportunity for anyone who wished to do so to raise any questions but no one did and I put the question on the clause.

Mr. Blundell: Mr. Chairman, may I make a point of order about your ruling? It does seem to me that my hon. friend on the right can if he so wishes speak to this Bill on the Report stage. You, Sir, were good enough to say that he can speak at the Third Reading. That, of course, is self-evident. He is, of course, entitled to do so. But it may be that my hon. friend wants to speak twice if he feels strongly, and I would submit, Mr. Chairman, that he is entitled to do so on the Report stage. I think it comes under section 93 of the Standing Rules and Orders.

The Chairman (Mr. Conroy): He can speak more than twice if he follows the rules precisely because he could recommit it into Committee at the Report stage—

Mr. Blundell: That was the point I was trying to make.

The Chairman (Mr. Conroy): —which would make a third speech. But if he wishes to attack the principle of the Bill which is contained in clause 2 he has to do it on a Third Reading. He cannot do it in Committee. That was the point which I was trying to make.

Sir Charles Markham: Could I ask, Sir, in view of the attempted rebellion from the Government Back Benches that when on the Report stage we ask this Bill be recommitted to the Committee that it will not be opposed by the Government.

The Chairman (Mr. Conroy): That is not a point of order.

Sir Charles Markham: I got away with it, Sir!

The Chief Secretary (Mr. Coutts): May I interpose, Sir, to say that there is no rebellion on the Back Benches of the Government.

The Chairman (Mr. Conroy): I will now ask the Clerk to call the title of the Bill.

Title agreed to.

Clause 1 agreed to.

The Chief Secretary (Mr. Coutts): Mr. Chairman, Sir, I beg to move that it be reported to Council that a Committee of the whole House has considered the Traffic (Amendment) Bill and approved the same with amendment.

Question proposed.

The question was put and carried.

Bill to be reported with amendment.

The House resumed.

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

REPORT

The Traffic (Amendment) Bill

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole House has been through the Traffic (Amendment) Bill, 1960, and approved the same with amendment.

Sir Charles Markham: Mr. Deputy Speaker, I beg to move that clause 2 be recommitted to a Committee of the whole Council in order that further consideration be given to the detail contained in the proposed clause 2.

Mr. Slade seconded.

The Deputy Speaker (Mr. Conroy): Could I have that in writing?

Sir Charles Markham: I have forgotten what I said now. If you will give me your indulgence, Mr. Deputy Speaker, I will write it down?

Question proposed.

Mr. Webb: On a point of order, Mr. Deputy Speaker, is not the hon. Member's Motion out of order? Standing Order 93 (1) says, Sir: "If any Member desires to delete or amend any provision contained in a Bill as reported from a Committee of the whole Council or to introduce any new provision therein, he may, when such Bill is under report, move that the Bill be recommitted . . . The Bill is not, Sir, yet, as I understand it, under Report: there is no Motion before the House that the House do agree with the Report of the Committee. All that my hon. friend has done is to indicate that the Bill has been considered by the Committee and will be reported in due course.

The Deputy Speaker (Mr. Conroy): The Motion is in order. I rule that the Bill is under Report because it has been reported.

Mr. Slade: Perhaps I could have the opportunity now of giving Chapter 2 of my Roman history. There is not very much of it. Chapter 1 was to show that, even judged by the most

[Mr. Slade]

notorious standards of the worst Roman emperors, the particular game of taxing things and then making people consume the object taxed was considered notorious. I do suggest, Sir, once more for the consideration of Government, that we, purporting to be working towards democracy, should not follow the habits of the worst Roman emperors.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, in answer to the hon. Member who has just spoken, I would point out that the Government is really taxing something which, until the time when the appropriate tax was imposed, everybody who had the appropriate type of vehicle was only too happy to use, and in fact normally did use it. All the Government is now doing is to encourage people to go on doing what they were doing very happily until this tax was introduced, and the Government trusts, Sir, that this little Bill will have that effect.

Sir, I beg to oppose.

The question was put and negatived.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, I beg to move that this Council doth agree with the Committee in the said Report.

The Minister for Finance and Development (Mr. MacKenzie) seconded.

The question was put and carried.

Third Reading ordered to be read tomorrow.

BILLS

FIRST READING

The Customs Tariff (Dumping and Subsidies) Bill
Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

SECOND READINGS

The Law Reform (Miscellaneous Provisions) (Amendment) Bill

Mr. Webb: Mr. Deputy Speaker, I beg to move that the Law Reform (Miscellaneous Provisions) (Amendment) Bill be now read a Second Time.

Sir, section 8 of the Law Reform (Miscellaneous Provisions) Ordinance, 1956, enables the Supreme Court to make certain orders amongst other things controlling the activities of subordinate courts, orders preventing them from doing things, orders requiring them to do things, and in particular, orders requiring the bringing up from subordinate courts of their proceedings in order that the Supreme Court may do what is right and proper when the subordinate court has

done the wrong thing. Sir, under both the Criminal Procedure Code and the Civil Procedure Ordinance the Supreme Court also has powers of revision and of review of proceedings in subordinate courts. Now, Sir, these are powers which it can exercise of its own motion or on the application of a party, but they are powers which the Supreme Court exercises in its discretion. Orders under section 8 of the Law Reform Ordinance, orders of *mandamus*, of prohibition, or of *certiorari*, are orders for which a party who is interested has to apply: there is therefore a difference between these two forms of control which the Supreme Court effects over subordinate courts. Now, Sir, the proviso to section 8 (2) of the Law Reform Ordinance, which this Bill seeks to repeal, prohibits the Supreme Court from making one of these prerogative orders if it can achieve the same result by reviewing or revising the proceedings in a subordinate court. This, Sir, means that in effect the power to compel, or to ask, the Supreme Court to make orders is very seriously limited, because it may have declined to review or to revise under the powers in the Civil Procedure Code, or under the Criminal Procedure Code. Since the Supreme Court cannot be forced to exercise those powers there may be a denial of justice both to the Crown or to a private person who feels that a subordinate court has in some way gone wrong. Consequently, Sir, with the approval of the Judges both of the Court of Appeal and the Supreme Court, and of the Law Society, this very little Bill has been drafted to put right something which is clearly wrong so as to ensure that the man in the street as well as the Crown will be able, in certain circumstances, to secure his rights.

Sir, I beg to move.

Mr. Bechgaard seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

The Debits (Summary Recovery) (Amendment) Bill

Mr. Webb: Mr. Deputy Speaker, I beg to move that the Debits (Summary Recovery) (Amendment) Bill, 1960, be now read a Second Time.

Sir, certain Ordinance prescribe that any sum of money which becomes due under or by virtue of those laws shall be "a civil debt recoverable summarily" and in that case the procedure enjoyed by the Debits (Summary Recovery) Ordinance may be invoked in order to recover those debts.

[Mr. Webb]

The powers conferred by that Ordinance are conferred on magistrates' courts and the procedure for the recovery of such debts is quasi-criminal in its nature. In fact, the Ordinance provides that such sums can be recovered as if they were fines imposed on conviction for a criminal offence. Now, Sir, this procedure has been found defective in practice and particularly for one reason—that there cannot be an attachment of moneys owing to the debtor and in particular of his salary in order to satisfy his debt. The reason for that, Sir, is that a fine cannot be recovered by attachment. This, Sir, has proved a hardship particularly in the case of unsatisfied maintenance orders for the recovery of which this procedure is employed by both the Subordinate Courts (Separation and Maintenance) Ordinance and by the Maintenance Orders Enforcement Ordinance. The first of those Ordinances deals with the power of subordinate courts in this country to make maintenance orders in respect of wives who have been deserted by their husbands in Kenya and the second deals with the enforcement in Kenya of a similar orders made by courts in other countries.

Sir, again after discussion with the judiciary and the Law Society, this Bill has been drafted, and it substitutes for the quasi-criminal powers and procedure for recovery of these debts, powers and procedure based on the civil law, that is to say, basically, imprisonment, but only when it is proved that the debtor has means to pay and either is refusing to pay or is neglecting to pay, attachment and sale of his property, and attachment of his debts, particularly his salary. This last remedy is of course of special value because so frequently it happens that the debtor has no property but has got a decent job. Imprisonment is of no value at all because then the man simply loses both his job and his salary and he is no better off and his creditor is worse off than she ever was before.

I think, Sir, that the other amendments which this Bill makes are only of a minor nature and are referred to in the Objects and Reasons and I accordingly beg to move.

Mr. Bechgaard seconded.

Question proposed.

Mr. Slade: Mr. Deputy Speaker, I welcome this amendment. It is a fact that it has been needed for some time for the reasons given by the hon. Member, and not only with regard to the kind of maintenance orders to which he refers, but also with regard to orders made under the Prevention of Cruelty to and the Neglect of Children Ordinance, when a court commits a child to the care of some person and makes an order against the

parent to contribute to the maintenance of the child. Here again, the order is only enforceable under this Ordinance, and up to date it has not been enforceable by attachment. This amendment will make the order much more worth while.

I beg to support, Sir.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

The King's African Rifles (Reserve of Officers) Bill

The Minister for Internal Security and Defence (Mr. Swann): Mr. Deputy Speaker, Sir, I beg to move that the King's African Rifles (Reserve of Officers) Bill be now read a Second Time.

It is desired, Sir, to revive the reserve of officers which lapsed with the outbreak of war in 1939. All the details, Sir, are adequately covered in the Memorandum of Objects and Reasons. I would like to make just one point, Sir, for the information of hon. Members, and that is that this Bill is non-racial, under section 4, which I will read, "Subject to the provision of this Ordinance the Governor may on the recommendation of the Commander grant a commission in the reserve to any fit and proper person." That, Sir, refers to prospective officers of all races.

Mr. Deputy Speaker, Sir, I beg to move.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE 29—MINISTRY OF LABOUR, SOCIAL SECURITY AND ADULT EDUCATION

(Continuation of debate interrupted on 27th May, 1960)

Mr. Luyt: Mr. Deputy Speaker, Sir, I understand I have about eight minutes, so I will attempt to make a few points that I did not cover last time as quickly as possible.

When we were debating the Estimates of the Ministry of Labour last week we were doing so against the background of labour uncertainties that were besetting the coffee industry, seriously besetting the coffee industry. While I would most certainly, Sir, not be rash enough to suggest that these uncertainties have all been removed I think it is right that this Council can note with some

[Mr. Loyt]

satisfaction that one of the more immediate troubles has, we hope, been removed, and that considerable progress has been made in improving the employer-employee relationships in that industry. Only yesterday, Sir, the Coffee Growers' Association and the Coffee Plantation Workers' Union announced that they had reached agreement upon the picking rate for coffee for the current picking season. That we will hope, Sir, will ensure that there will be sufficient labour available to pick the present coffee crop. It also, Sir, underlines the great importance of the well proved system of consultation and negotiation by representatives of employers and employees, and I think we will all join in the hope that the good start that has been made in joint consultation in the coffee industry in respect of both the Thika strikes and the coffee picking rate of recent days will be carried on into the future in respect of the undoubtedly further items that will have to be sorted out in the coffee industry.

I had just started, when I was interrupted on Friday, to comment upon a few of the points that had been made by the Specially Elected Member, Mr. Muchura. He did, Sir, in a generally thoughtful speech nevertheless make one or two remarks that I cannot allow to pass unchallenged. He suggested that when we spoke of employment vacancies in the Coast Province in fact all that existed was one large estate short of labour and that it was perhaps because of unsatisfactory employment conditions on that estate that there were any vacancies there at all. The truth of the position in respect of the Coast Province, Sir, is that today, right now, despite the fact of unemployment in Kenya, there are in plantations generally sufficient vacancies to enable us to place something of the order of 2,000/3,000 workers right away if only they would accept work on the plantations in the Coast Province. This underlines again this problem, has been repeated recently in this House and bears repetition, that of selectivity by labour which still impairs everybody's ability to move to an earlier resolution of the unemployment difficulties. It is not only in the Coast Province either, Sir, it is not purely a matter of climate. We have in recent week had experiences elsewhere in labour exchanges where several hundred vacancies for agricultural work have not been taken up despite the fact of unemployment existing in the areas to which the applications have gone.

The hon. Specially Elected Member to whom I have referred, Sir, also suggested that the time had come to abolish all recruitment in Kenya; engagement by recruiting I think he was referring to. He suggested that all engagements should rest upon a basis of labour offering itself voluntarily

and without any recruitment. If it were not for this very selectivity which I have just mentioned we might be nearer to reaching what would, I agree, be a more desirable situation than exists at present. But there are undertakings in this country that must have labour and can only get it by recruiting despite the existence of unemployment; and as long, therefore, Sir, as selectivity continues, so long must recruiting also continue.

The same Member, Sir, I think perhaps misunderstanding what the Minister for Labour had said about the relationship of the cost of living and statutory minimum wages, criticized the Minister for the alleged holding back of the upward movement of statutory minimum wages because he was tying it to the cost of living. Well, Sir, as I think all Members in this House know, the Government policy in respect of statutory minimum wages in the nine urban areas to which it applies is not a policy based upon trying to keep wages in step with cost of living. Our aim, Sir, is to try to enable the adult male worker to enjoy a wage which will enable him to meet his own, his wife's, and in due course his full family commitments in the urban area in which he works. Certainly the base upon which the calculations are made is affected by changing costs, but the movement of the adult wage itself is affected primarily by the policy to reach first an adult wage and then later we hope a family wage and not by changes in the cost of living. Perhaps arising out of a similar understanding the figure of Sh. 148, which was mentioned as being inadequate for a male worker's full family needs, it was in fact never put forward by my Minister as a figure adequate for such needs. The Minister for Labour mentioned it as being the first goal, the goal which we hope to reach as soon as possible when the male worker on a wage of Sh. 148 will be able to support himself and his wife in respect of all their inescapable commitments in an urban area.

The hon. Member for Mombasa Area, Sir, raised one point which I cannot allow to pass unchallenged. He suggested that whenever employers and employees brought grievances or issues between themselves to labour officers it was invariably the word of the employer that the labour officer accepted. This is a general criticism, Sir, which it would be quite unfair to the many labour officers in the field not to refute and deny completely from the Floor of this House. Labour officers have an extremely difficult task in sorting out the many issues between employers and employees, and whatever may be the feeling of the Member for the Mombasa Area, Sir, I can assure him that they do approach their work with complete integrity and honesty of purpose and without showing any partiality.

[Mr. Loyt]

Finally, Sir, the same Member pleaded that the time had come for a review of labour legislation. I readily accept, Sir, that there is much labour legislation that needs amendment and bringing up to date, but I think in accepting this, Sir, that I do so for a different purpose than that for which the hon. Member put it forward. He, if I understood him aright, suggested that our legislation was defective in that it omitted provisions in the field of social security, ensuring adequate pensions schemes or provident schemes for persons in their old age, ensuring adequate sickness benefits. My main concern with our legislation is that with the passage of time, and with changing conditions to some extent, out-dated. I am not speaking about the basic principles upon which it rests, but upon the details, and I would accept that it is wholly necessary that any Government in a society such as ours should regularly, constantly and diligently review its legislation and attempt to keep it as up to date as possible to meet modern and ever-changing needs. This is a task, Sir, which we are ever diligently engaged in. At the same time owing to the endless pressures of our day-to-day work we cannot always make progress with quite the speed which we would wish. Nevertheless, I accept this plea for continual review of our legislation, and would merely make the point, Sir, that we are getting on with it as fast as we can.

I would, Sir, with those words, support the Motion.

Mr. Mutiro: Mr. Deputy Speaker, Sir, I have a few points to make, and before I do so I want to comment a little bit on what the Permanent Secretary to the Ministry for Labour called the "selectivity of labour". I think that every worker is interested in the job which he knows best and which will afford him a good living. I best and which will afford him a good living. I think the work-seekers who are selective always find that the jobs which are there for them have hardly anything for them at all. That is one of the main reasons why the labour becomes very selective. On recruitment many Africans have been very disappointed to find conditions on various estates very deplorable. Some of them, when they are induced from the reserves, when they are in fact promised heaven, and when they get to the place of work they get hell. That is one of the reasons why many of these Africans think twice before they get out, and I think the Specially Elected Member, Mr. Muchura, had a very strong point on this question of recruitment. The people or estates which are interested in recruiting Africans from the reserves definitely must tell these Africans the truth rather than lies. I have known of people

from my own area who are being recruited to go to the Coast Province for the work on sisal or sugar estates, and when these people have reported back that actually they never got what they were promised. While on this point again, Sir, I would raise this issue with the Minister for Labour actually that there are areas in my Constituency where various recruitment huts were put up but our African District Council, or the owners of the land, have never been paid the money for them. I hope that the Minister will examine that.

Another point I would like to raise while talking on this vote is the question of adult literacy. I regard education for the adults as one of the most urgent issues in Kenya now. Many of our adults do not know what is going on. Many of them hardly know what even their duties as citizens or their duties in a given district or given location are at all. I think the Department of Adult Literacy could do a very good job if they could use schools and training colleges for pupils and students and teach adult literacy in the urban areas, especially if the voluntary teachers could be given some form of inducement in the form of a few shillings as pocket money for the time they spend there doing such work. If the Minister and his Department do not regard this as very serious, I think the Government are wasting a jolly good time for us in this country.

Also, Mr. Deputy Speaker, I would like to say that I was disappointed that the Minister did not come out clearly on the question of drawing up a Bill which would give security for the old and the infirm and all those types of people. The Minister argued that they could not draw any Bill out for the time being because they would have to look into the matter again. Many of our problems, Mr. Deputy Speaker, are due to the fact that many people in this country, the Africans, Asians and a number of Europeans, do not take out policies as an insurance for old age pensions and they suffer during their old age. This is one of the main reasons why many Africans look upon land as their only security for old age.

Now the Government must have a comprehensive scheme whereby all our old people are looked after in old-age homes at the time when they cannot work, or when they have no young people to work for them. Every developing country of our own era has regard to this very, very urgent issue, and I think if the Kenya Government ignores this aspect the effect in the future will be worse than that of the past, so I would urge the Government to take the Report which they have already. If they have started on that, let them expand on that, and let them draw up a law for this country which covers everybody in the future.

[Mr. Muliro]

With these few remarks, Mr. Deputy Speaker, I beg to support.

The Minister for Education (Mr. Mathieson): Mr. Deputy Speaker, with the friendly concurrence of my hon. colleague the Minister for Labour I would like to intervene very briefly in this debate as one of the most recently discharged of the many ex-Ministers for Labour in this House.

I should like to congratulate my hon. colleague on the opportunity which he now has to devote all his energies to this most rewarding area of endeavour.

My hon. friend Mr. Luyt, in his remarks, pointed out the wide range of activities covered by the small but highly efficient staff of what, in our time, was the Labour Department in our multifarious Ministry. I think that my hon. friend the Minister for Labour is extremely fortunate in having as his Permanent Secretary an officer whose capacity and versatility as a senior member of our Civil Service are happily combined in this particular instance with a deep understanding and experience of labour problems. I am sure he has got the best official support and advice which any Minister could wish for. He is, I feel, also fortunate in his senior professional staff, with whom I worked for many months. We have in the person of the Labour Commissioner an officer with imperturbable—I almost said impeccable—honesty of thought and purpose, which may be at times a little disconcerting to anyone who is seeking too facile a solution to a problem. But his thoroughness and experienced determination to get to the right solution, based on enduring principles, coupled with a tenacity in the most arduous situation which I have often admired, brings, I am sure, great strength to the professional side of the Ministry.

In conditions of industrial unrest labour officers must be ready at any time to offer impartial advice to both sides, and they must possess the tact and the understanding required to make that advice acceptable. They need judgment and patience and diplomatic skill of a high order, and I feel sure that my hon. friend will scrutinize the conditions of service of these officers to ensure that we can continue to attract the very best people to this important profession.

In thus saying "good-bye" to the Ministry of Labour, Mr. Deputy Speaker, I would like to thank two persons especially for the co-operation, and consideration which they have always extended to me when I was there. The first is Mr. John Hillard, whose term of office as President of the Federation of Kenya Employers was almost co-terminous with my responsibilities, and he has now been happily succeeded by Mr. Graham

Clark. I always found him most responsive and helpful in the many dealings which I had with the Federation. The second person is my hon. friend the Member for Nairobi Area, who, when he was available, always acted in his capacity as General Secretary of the Kenya Federation of Labour with a ready anxiety to promote a constructive solution of every problem.

Quite a number of Members in the course of this debate have referred to the importance of the adult education side of my hon. friend's new Ministry. In developing policies for adult education I hope that he will devote particular attention to the women of the country. In 1951 the first four African girls passed school certificate, whereas in 1959 the total of passes was 49 and we expect to see 80 succeeded in 1961. I hope that more and more of these girls will go on to our new university college in Nairobi for higher education, where the college authorities, with far-seeing wisdom, have secured the appointment as warden of Women Students of Miss Miriam Janisch, who was lately in the Kenya Education Department and whose experience and energy will help to promote a wider and more influential place for women in the intellectual and social life of Kenya. I hope that this effort will be matched and supported by adult education work among these women who have not had the advantage of a secondary education.

Mr. Deputy Speaker, I beg to support.

Mr. Usher: Mr. Deputy Speaker, Sir, I have a short intervention in this debate. I regret that I was out of action last week, and I hope that the point has not already been covered.

I am speaking now in particular of the coastal labour situation, or employment situation, but what I say may, of course, relate to the whole country. Now, as my hon. friend the Minister will probably readily agree, the coastal tribes are not among what you might call the working classes. They supply 1 per cent of African labour; they themselves, as tribes, being, I think, 10 per cent of the total estimated population. However, let us leave that alone. Even on the coast we find that the proportion of members of the coastal tribes employed on the coast itself is only 42 per cent, and if you look at Mombasa Municipality itself, which probably provides the highest paid labour, there is only 38 per cent, and the work, in fact, is being taken very largely by Akamba, in particular, and by Nyanza tribes.

Now, Sir, when one goes and looks into the unemployment position it is quite an interesting one. I do not believe there is much unemployment there. This high degree of selectivity we have heard about certainly exists there, but there is a certain amount of unemployment in what

[Mr. Usher]

you might call the specialist employment categories. I do not wish in particular, Sir, to go into the question of all the applications that are constantly being made both there, and no doubt here, for clerks in general, for office boys, for domestic workers and for drivers, but what does rather concern me is the comparatively large number of men who have a trade who do not seem to be able to get fixed up, and one would rather like to know why that is. It seems only a short time ago, Sir, we all understood that as soon as a man came out qualified from Kabete, or wherever it might be, he was snapped up at once, but it does not seem to be so now, for I find that on the coast there are quite a large number of carpenters, masons, mechanics and painters—and I presume they would not have been put down unless they had the special qualifications—I hope that is the case. These people appear to be unable to find employment. Now it may possibly be that they want employment in the towns and not in the country. I am not in any position to say that, nor, I think, is anybody else, but I rather wonder whether, in fact, these people who are qualified in trades could get employment in the rural areas if they really wanted it, or whether the scope for employment there does not exist, or the people are not sufficiently developed as communities to be able to absorb this surplus of tradesmen. I shall be very grateful if the Minister could give his mind to this, and if he feels that we have got an overplus which we cannot deal with, then he will know that it needs pretty careful thought, and we shall have to look to the output and to see whether we are not overdoing our trade instruction.

Sir, I beg to support.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): Mr. Deputy Speaker, Sir, I must thank all the hon. Members for the contribution that they have made in their suggestions and different advices that they have given during this debate. I also thank most particularly the Members who have said very many kind words in relation to the good work that is being done by officers in my Ministry. I very much appreciate their tributes.

Now there are several points of general interest which I feel I should first reply to before I go to the different detailed points raised by the Members. The first is the question of unemployment. I have already pointed out, Sir, in my speech that this is a problem of great importance to this country, and Government is very specially interested in trying to do all that we can to help in this problem, and it is for this reason that the present development estimates of Government

are an all-time record of Government development estimates. We have done this purposely because we see that unemployment should be helped as far as possible by the developments that are within the financial ability of the present Government. I think it will be appreciated by Members that Government has included the projects which are particularly directed to rural development, and we have given as much chance as we could with the idea of providing more employment in the rural areas.

Now I have also indicated in my speech that I have set up a Committee on unemployment. This Committee consists of trade union officers and members of the Federation of Employers and other people who are very knowledgeable on what sort of advice should be given to the Minister so that all the opportunities possible can be available to people who are seeking jobs. I have already said that I am chairing this Committee myself, and this reflects exactly the sort of interest I have in the problem of unemployment today in this country. I hope to call the second meeting of this Unemployment Committee some time early in June so that we can go into these difficulties and see what we can do to help.

Now, although we are doing this I would like to remind hon. Members that we would like to see more job opportunities created in the country. Now they cannot be created on a large scale by Government schemes. I feel that these job opportunities must be created by private enterprise. I emphasized it very much in my speech, and I think in a country like Kenya we should be fully aware of the necessity for more and more private enterprises providing jobs for the people.

Now the Members opposite have a greater responsibility in this aspect rather than expecting the Minister for Labour to provide jobs, and as I have already said, the Minister and the Government are doing quite a lot to try and help in every way that we can.

As far as social security is concerned, Sir, I have already indicated that on the First Reading of the Security Report a few facts were revealed. One of the facts—a very important fact—that was revealed was that this Report was too expensive for the Government at the time that it was introduced. Now I have been a very short time in my Ministry, but already I have set up a Committee, and I have issued instructions to my officers who are knowledgeable on this aspect to go into the question of bringing up-to-date figures related to this idea and give me a full report, which I hope to take up with the idea of making it possible for Government to have the appropriate and up-to-date facts to discuss the possibility of this. I have already shown that this is a very expensive scheme—it is a very expensive scheme indeed—

[The Minister for Labour, Social Security and Adult Education]

but I realize very much that we need to do all that we can to provide some kind of security to workers during their old age, and it is this desire that has moved me so quickly to issue the necessary instructions to my officers so that the figures can be made available as quickly as possible and give me the opportunity of taking up this matter with the Government. This is therefore something that is well in hand, and I hope to be in a position to report this matter to my fellow colleagues, the different Ministers who are all concerned in the collective responsibility.

Some Members have said that Government has delayed on this point, and they have implied that Government has not been doing anything about it for years, but I must make it quite clear that social security as well as other social provisions must be carried out with money that is available to the Government. When we have no money for this scheme, as I understand it has been in the past, according to the reply that was given by my hon. friend Mr. Tyson, it has been quite difficult, or almost impossible, for Government to implement ideas when they have no money, and this is the cause for the delay. It is not because the Government does not realize the need for social security. We very much realize the need, and I will do my best to see that the figures are out and try to discuss them in relation to what is available in the way of money and see what can be done in implementing some of the ideas.

On the question of minimum wages for rural areas, this is something which we have already done something about. My Ministry has made some proposals which have been discussed with the Kenya Federation of Labour, and the Federation of Employers, and I hope some time during this coming month to put these proposals to the Labour Advisory Board so that this Board may have the opportunity of advising me on some of the aspects included in the proposals, and after that I hope to be able to take up these ideas with the Council of Ministers and later on be in a position to report as much as possible to the people who are concerned. It is my hope, Sir, that some time this year I will be in a position to introduce a Bill in this House on this aspect, and I hope that this will come to fruition and that Members will have a chance of giving their views if this Bill is introduced in the House.

On the question of recruitment, Sir, I do not think my Ministry, apart from giving licences to people who wish to recruit labour, recruits labour, and the agreements that are made by different people when they are recruited by different employment managements should not be levelled against the Ministry of Labour. But if there are

any serious complaints that any Member wishes to let me know of I will be very happy indeed to discuss these problems and discuss these questions and try and see what I can do to help in these matters.

Now some Members have talked about confidence in the country as related to labour and investments coming into the country. As the Minister of Labour I think I am only concerned with about three issues. First, I am concerned with creating good industrial labour relations so that investors or employers can feel confident as much as possible. My Ministry has already created these good industrial labour relations—a reputation of my Ministry is well known to Members, and I intend to maintain and improve on the standard that we have reached. Now I think another thing that we should be expected to do as the Ministry of Labour on this aspect is to create a sensible wage policy. My Ministry is very much interested in the wage policy, and in this matter we co-operate with the trade unions, particularly the Kenya Federation of Labour, and the Federation of Employers, and we try to maintain a wage policy that is attractive to workers and a policy that will make the employers feel that their employees are happy and are going to work more effectively. The third point that we should be expected to achieve as a Ministry, is to be in a position to provide the necessary information on employment matters to employers, so that they find it easy to get the type of people that they want. I made it quite clear in my speech that I hope to get an extra officer who will be in charge of co-ordinating all the labour exchange offices and make it easier for different employers to get the right information more quickly of people they may want to employ. I also mentioned the idea of the tests that exist within the Ministry so that people can be fitted into the right jobs and be of much assistance to the people who employ them. Now I think that these are the three aspects which we should be expected to fulfil as a Ministry, and we are already fulfilling these three conditions with the hope that our employers will feel quite happy and bring about confidence in the field of employment.

Now, I think the Members that raised this question raised it with some political implication behind their remarks. Now, for that I personally think that this is a matter on which (particularly when it concerns land, as I am given to understand from what different Members have said) if it concerns land I think the best idea is to consult the African Members and leaders as much as possible, so that an agreement can be reached between the Members concerned. Government is fully aware that there is need for providing employment in rural areas, and I will do all that

[The Minister for Labour, Social Security and Adult Education]

I can with the co-operation of my hon. colleague, the Minister for Commerce and Industry, to make it possible for workers to get employment in the rural areas where industries can exist.

Now a lot of this depends on the political stability and the political stability with which Members on the opposite side have much to do, even more so than a Minister for Labour and I hope that hon. Members will come forward. Now another general point is the question of trade unions and strikes. Now, I am very pleased that this point has already been touched on by my Permanent Secretary and I think that all the people in this House and also the people in Kenya must be very happy indeed to see that one of the aspects has been settled and we wish every success to the trade unions concerned and the employers concerned so that remaining negotiations can carry on with more confidence and success in the future.

Now, I would like to point out that my Ministry has the intention of encouraging the employers as well as the trade unions to realize that they need one another and to realize that the country needs them and we would like to make it quite clear that both of them are here in this country to stay and I would like to see more settlements done by agreement between these parties concerned. Some Members must at least have asked why I have not intervened. I can say that I did not intervene because I believed that the two parties concerned should come to a friendly and equitable solution themselves and this has proved to be true and this is why very much, in my Ministry, believe that the trade unions and employers should try as much as possible to solve their own problems. Of course we are always ready to come in where they want our assistance and we have done so and we shall continue doing so, but it should be quite clear to the employers that I personally feel that trade unions have come in Kenya to stay and the trade unions also need the employers.

Now, Mr. Deputy Speaker, Sir, to go to the particular points raised by hon. Members, I would like to start with the Member for Nairobi Area. Now the Member for Nairobi Area raised the question of social security. I have already dealt with this question and my Permanent Secretary dwelt on it for a very long time last week. I do not remember whether the Member was present, but I hope the Member will take the trouble to read the HANSARD.

Now, the hon. Member for Nairobi Area went on asking what we are doing for the poor, old aged people, people with no homes and people

that are detribalized. Now, I have already indicated, Sir, that my Ministry is taking this up and when this question of social security comes to discussion I hope that the Member will be in a position to give any views that he wants to give. But I very much realize that in order to bring about labour stability in this country, we ought to look into this question of social security very, very closely indeed and see what we can do to help these old people who have left their jobs and need security in the last part of their lives.

The Member for Nairobi Area again touched on adult education and he asked about the Kenya Federation of Labour which is starting some kind of adult education or some kind of adult school; a reply has already been given but the Member was absent, I think. I would say that the Kenya Federation of Labour is entirely free to carry out adult education provided that they get the usual certificates required by the Education Ordinance to run such schools. This is a matter which the Kenya Federation of Labour should refer to the officers concerned in the Education Department.

Another point which he raised was the question of unemployment which I have touched on. Now the question of unemployed people, between 2,000 and 3,000 people in the Coast Province raised by the Member for Nairobi; this has already been touched on and been explained in great deal by my Permanent Secretary but if there is any other matter which the Member would like to raise with my officers or myself, I would be very prepared to help in this way.

Now we have already issued instructions to all our labour officers in the field to try and do more investigation into any possible work that is available in the rural areas or the urban areas so that they may be of greater assistance to job seekers. Now I think we must all the time remind the people who are seeking for jobs that if they continue with the attitude of selecting to the extent of remaining unemployed because of that, this is a very dangerous attitude indeed. I hope they will try their best and get the jobs, if they cannot get the very job that they want, they should at least have some work so that they can earn their bread. This is very, very important indeed. When there are vacancies unfilled I think that work seekers should take the first advantage of filling these jobs.

The Member for Nairobi Area said that the Minister appears not to be well informed on figures for unemployment. I would like to say, Sir, that I am very well informed on the figures for unemployment. I have got all the figures in and if there are any places where the Member feels that work seekers have not been reported, I would advise him to make it quite clear that

[The Minister for Labour, Social Security and Adult Education]

the trade unions concerned or the people concerned report this matter to any of the 25 labour exchange offices that we have. Of course, Sir, we must produce figures of the work seekers who report that they are unemployed at the labour exchanges and furthermore I have given special instructions for the rural areas to be looked into and this is extra to what has already been done.

Now, the question of intimidation. Now, some Members have raised the question of intimidation, I think this has been raised by the Member for Nairobi West. My Ministry is not aware of any intimidation that has been done by a trade union. But this is a matter where if there is any intimidation it is not really the concern of my Ministry but probably the Member concerned should refer to my hon. colleague whose job it is to look after this aspect.

Mr. Alevamler: I thank the hon. Minister for giving way. What I did ask, Mr. Deputy Speaker, is whether the trade unions themselves have not got a responsibility in retaliating against intimidators in helping the forces of law and order.

Mr. Mboya: We are not policemen.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): My Ministry is not aware of any intimidation by trade unions, and if it is a question of the hon. Member pressing the trade unions to do something, this is not a direct responsibility of my Ministry.

The hon. Member, Mr. Tyson, made a very brief reference to social security. I have already explained, and my Permanent Secretary has already explained, our intention as far as the idea of social security is concerned. We will do our best to produce the figures and the necessary data that is required before the whole thing is reviewed again, and we will look into the possibility of Government taking this matter up. We feel that it is a very necessary thing and, only apart from financial difficulties, we feel that something should be done.

Now, the same Member raised the question of libraries and the contribution that is made to the MacMillan Library. Now this is a question which is very important, because I believe that libraries should be assisted more, but at the moment the library is getting about £800 as a yearly grant. I will look into the possibility of doing anything further to help the library.

• Now the Corporate Member, Lord Po tsmouth, had three very useful suggestions, but all these three suggestions I thought concerned the Ministry of Commerce and Industry and I think

I will remind my hon. colleague the Minister for Commerce and Industry that the commission that he has appointed can also look into the three points raised by the hon. Member.

The hon. and gracious Member, Mrs. Shaw, also raised two questions that very much concern the development in the rural areas and I feel these two points also should be brought to the attention of the Minister for Commerce and Industry and I will do so because they very much concern him.

I quite agreed with her that we must develop the rural areas so that work can be given within walking distance, if possible, from the homes of the people. In many cases this may not be possible, but still that commission which is appointed will look into this and I hope my hon. colleague the Minister for Commerce and Industry will give it some attention.

I am very glad that the Member for Nairobi West has said so many good and kind words about my Ministry and officers in my Ministry and he also raised questions that concerned premiums and questions that concerned insurances and so on. I think these questions are questions that also concern the Ministry of Commerce and Industry and I will pass them on to the Minister concerned.

The same Member raised the question of intimidation to workers and so on and whether farmers should be treated with great prejudice and so on. Now I have already said that my Ministry, the Labour Ministry, will do all that it can and we already have done all that we can to provide the necessary labour industrial relations that are wanted to bring about the confidence and our reputation in the past is well known to Members and we intend to maintain this, and maintain it so that investors may have no fear as far as the Labour Ministry is concerned. I have already pointed out that we also intend a sensible wage policy so that investors may feel more confident in the wage arrangements, and also we intend to provide the necessary guidance so that our investors and employers are in a position to pick up and get the people that they want quickly—the right people in the different spheres that I have analysed in my speech. Now this is what a Ministry of Labour can be expected to do in bringing about confidence in employers, but if this question was raised as a political question I have already said that this is a matter on which I believe the hon. Member and other Members on the other side can, with full consultation, come to a good understanding and make it easy for confidence and investors to come into the country.

[The Minister for Labour, Social Security and Adult Education]

I said last week that it is very, very important that every chance should be taken to encourage investment in this country and raise the standard of living of labour and all our people.

The same Member raised the question of civil servants which has been dealt with by the hon. Chief Secretary.

The hon. Member, Mr. Blundell, raised the question of unemployment and roads and the use of manpower or hands instead of machinery. Now, this is a question which we, as a Ministry, are very much interested in because of the problem of unemployment. Now, in some cases it may be possible, I think, to use manpower instead of using machinery. There are some instances where we have to use machinery. Now I am going to look into this matter and see how much can be done to try and help with employment in this way. I hope that the Committee which I have set up on unemployment will be giving me some advice on this aspect. It is a point which I feel might help at present with unemployment—I do not know exactly to what extent—but as I say, it is something that I am going to look into.

Now, the hon. Member, Mr. Blundell, again referred to the stability in economics and the attitude that Members should take. Now, I think this has been answered in my speech last week, then I mentioned and made it very, very clear that stability is necessary. This afternoon I have made it quite clear too that my Ministry of Labour very much depends on Members opposite to bring about the stability that we want so that I can direct my labour into the different places.

The hon. Member for the Coast, Mr. Cooke, again raised the question of unemployment which I have already answered and the other questions that he raised have been answered by my Permanent Secretary.

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

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

The hon. Member, Mr. Bompas, also raised the question of pensions and premiums and this is a question which I feel is, as I have said, very much the concern of the Ministry of Commerce and Industry. He also raised the question of the coffee industry in relation to the strike in Thika and Kiambu. Now I hope the hon. Member will be much happier this afternoon to hear of the progress that has been made and also that further progress on other items may be made in future discussions. I have already pointed out that our intention is to try our best to bring together the

parties concerned to sort out the problems themselves, sometimes it means long sittings, sometimes with hard argument, but they usually come out quite successfully as they have already done in this aspect. But any assistance that is required from the Ministry of Labour we are prepared to give as we have already done.

Points raised by my hon. friend, Mr. Muchura, have already been covered by my Permanent Secretary so I need not go over them as they have been so well and efficiently covered.

My hon. friend, Mr. Tipis, has raised the question of rural minimum wages and the question of standards of housing and non-payment of salaries and so on. Now, I think when the Member was speaking he gave me the impression that there are some workers who are not willing to inform the labour officers of their difficulties. Now I must make it quite clear that my Ministry is expecting workers to report difficulties to the district about officers and to the district inspectors that we send round these areas. If the workers themselves do not report these things, or their difficulties, then it is very, very difficult for the Ministry to know what the people are suffering from until they can make use of the different provisions that are made by the Ministry.

The Member for Nairobi says that these people are fearing victimization. Now, in reply to Mr. Tipis I do not think that the Member himself fears intimidation from my Ministry, he should have reported this matter a long time ago to me and I assure you I would have taken the necessary steps to see that investigation was carried out.

Mr. Mboya: Interjection.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): It must be clear to the Member for Nairobi that when I say "me" I am talking of the Ministry which has been there for a long time. But now that these matters have been brought to our notice, we have already given instructions and we are very keen to look into these difficulties and in a very short time I will be able to communicate with the hon. Member Mr. Tipis and see what can be done to help with these difficulties.

I was very pleased to note from Mr. Smith, the Nominated Member, that farmers are thinking of or are aware of the need for increased wages.

I was also pleased to note that the question of old age security is also concerning them and they realize the difficulties. I hope the Members will help in this way so that we find ourselves in a position to implement these good suggestions.

As for the Member for Mombasa area, Mr. Khamisi, his points have already been covered by the Permanent Secretary. I would like to

[The Minister for Labour, Social Security and Adult Education]

endorse what the Permanent Secretary has said, that we in the Ministry, we try to be very, very impartial indeed. There is no question of the Ministry trying to favour one side. We always take matters very impartially and decide very impartially. That is why so many people are attracted by the Ministry of Labour to come forward for advice.

Now, the second point raised by the Member for Mombasa, that question of revising some labour ordinance or laws, this has already been touched upon and as far as the principle goes would seem quite alright, but there might be some details and I would like again to endorse the feeling expressed by the Permanent Secretary that this is a matter which we are prepared to consider if any of these points are raised, points of detail in the labour laws.

The hon. Member, Mr. Mate, the Member for Meru, talked very widely on adult education. He had to be ruled out of order on some points, but I would like to assure him that I take adult education in the widest sense, not just literacy education, and within the finances available and personnel available, I will try to do all in my ability to bring about the idea of adult education in the widest sense. I would like to make it quite clear that, as far as literacy education is concerned, there have been, as I said in my speech, a few very encouraging results and there are some results that have not been so encouraging, but I intend to go into this more and more and try to make any improvement that we can carry out. Now the evening continuation classes which he raised, I made it quite clear in my speech that we only give grants to the different managements that are running the evening continuation classes, and it is up to these managements that are running the classes to make out the curriculum themselves, and I am satisfied with the different managements, the municipal councils and so on. I think they are doing a very good job in the evening continuation classes. But where we feel that we can give some advice, we have not hesitated in doing that.

The Member for Meru, Mr. Mate, pointed out the need for training African labour. In my speech I made it quite clear that we have training courses and training facilities. I made it quite clear that even the officers of the Kenya Federation of Labour are free to take an advantage of these courses. I mentioned that we have a course and we have also within industry courses that are proving to be very useful and very popular. Now we shall continue giving these courses and making them available to all workers, not only

Africans, but to Europeans and Asians and any workers.

Now, the treatment of people working on farms. Now this is one of the issues raised by my hon. friend, Mr. Tipis, which I promised to go into and I am very much interested in this type of worker and I will do my best to get to know exactly what is going on.

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

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

The same Member raised the question of lower wages and the need for increasing African wages. Now, this question concerns the minimum wages, which I have already pointed out, we are having discussions on and we have got proposals already on this. Apart from the minimum-wages which we intend to do something about, and for which proposals are laid by my Ministry, I think any other wage level, I believe, should be settled by the trade unions concerned and the employers concerned. The Member for Machakos talked about unemployment, which I have touched upon, and he talked about the need for education officers for adult education. I have already said that I treat adult education in the widest sense and where there is need for appointing an officer and if we have the money, I will not hesitate to do so.

He mentioned that workers go home because they do not have sufficient wages. I do not entirely agree with this, I think people go home sometimes to visit their homes and, in any case, the question of minimum wages is already in hand.

The other point raised by the Member for Nyanza North, Mr. Muliro; he touched on the question of adult education and referred to some pocket-money being given to people. Now, I think this is quite out of Government policy and out of the policy of the Ministry, but where people desire to get some form of adult education we shall do our best to try to meet them in their need. Of course, the only limiting factor is money here and personnel, but I will do all that I can in making these provisions available to people.

The same Member raised the question of social security. I think this is a question which appears to be very, very common among other speakers and reflects the sort of interest that the whole country has on this question, and I have noted this interest and will do all that I can to bring the appropriate figures to the notice of the House and the Members.

[The Minister for Labour, Social Security and Adult Education]

With these few words, Sir, I would like to move my Vote.

The question was put and carried.

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

IN THE COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C., in the Chair.]

VOTE 29—MINISTRY OF LABOUR, SOCIAL SECURITY AND ADULT EDUCATION

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that a sum not exceeding £318,200 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 29—Ministry of Labour, Social Security and Adult Education.

Question proposed.

Head A.1—Personal Emoluments

Mr. Cooke: Mr. Chairman, at one time it was my intention to move the reduction of £1 in the salary of the Minister on account of his giving an unsatisfactory dissertation about the position of the unemployed at the present moment. But he became a little bit more contrite, I thought, as the speech ended and I think if I am just allowed to make a few criticisms I will not go any further than that, but my old friend will understand that even if I had moved a reduction of £1 there would have been no personal reason for it.

Sir, we have heard a lot about this committee that is sitting, but I would point out—I suppose my hon. friend referred to the committee that Lord Portsmouth had promised—that this is a short-term rather than a long-term problem, this of unemployment, and what we want is something done now; we cannot wait, I think, until the committee has reported in some distant future. Now, we have heard a lot about intimidation and so on and agitation, but I also will remember those words of Burke when he defined agitation as a symptom and not a cause of unrest and when you have agitation it means that there is something wrong somewhere. It is up to Government to find out where that wrong exists. Now, I remember so well, and so does every other Member or many other Members of this House, when between 1950 and 1952, from this side of the Council, we warned Government time after time about the unrest and the agitation throughout the country and we were in many cases laughed at by the

Government on the other side of the House. The agitation eventually, of course, turned out into the *Mau Mau* rebellion. Now, I do not suppose that the problem today of unemployed is anything like as serious as that, but it might easily become a serious problem and it is a serious problem today, and might easily become a very serious problem in the future. Now, again, my hon. friend did promise that he would explore the policy of employing labour in the place of machinery and I hope that the House will not think that when I and my hon. friend the Specially Elected Member advocated the use of labour, that we were advocating doing away with machinery because my hon. friend Mr. Rogers rather gave me that impression the other day. That is no such thing; of course we realize machinery must be used, but we thought on this *ad hoc* occasion, especially, for instance, on the Meru/Embu road, it might be advisable to use labour and that was the reason that I suggested it and I understand my hon. friend did the same.

Now, we are always informed by Government and by my hon. friend the Permanent Secretary, who made such a very fine speech, I thought, the other day and this morning, that there were thousands of vacancies for the unemployed.

Well, there may be, but is everyone satisfied that the wages where those vacancies are, are appropriate? For instance, this affair in Thika and Kiambu which is now very happily settled and everybody is glad to hear it, has turned out that the people who refused to work have now been given a raise of 33 per cent on the picking of coffee, which rather shows that they must have been working on a too low rate before that. So there may have been some very good reason after all. If I may quote Burke again—it was a symptom and not a cause of unrest, and the symptom in that case may be that the people felt that really they were worthy of a little bit more from the profits that come from coffee and pyrethrum and other produce. But I do urge Government to give far more attention to this matter. It is a matter that must be grasped at both ends, and my hon. friend the Member for Nairobi Area, who knows the unemployment problem better than many of us, will I imagine be speaking on this and he will be much more able to paint the picture than I am.

Sir, I will say again that in the country district there are hundreds of people, mainly Kikuyu, they are looking for work and I do not suppose they register themselves. They sometimes drift into Nairobi and sometimes go round the farms, but it is a very great problem in those areas and I do urge Government to give this matter its fullest consideration.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): Mr. Chairman, I have already said that Government and my Ministry will give this matter real and complete consideration, and as regards people who may be in the rural areas looking for jobs who do not have a chance to report at the labour exchange, I have already said that it is a matter which we are quite aware of and we have done something about it, to try and get full assistance of the whole solution. I do not think there is any need for having to report back on a vacancy that is existing. My Ministry in consultation with the Kenya Federation of Labour and the Federation of Employers, when vacancies do occur people will just take them over without any delay, and it is our intention to fix up work seekers as quickly as possible and this committee that is working with that sense of full urgency on this difficulty.

The suggestion of machinery as compared to working with hands, of course I have said that there are some cases where it is more appropriate to use machinery than hands, but I will look immediately into the whole problem and see where we could fit in labour immediately so that people can get opportunities of more and more work.

Now as far as the wages are concerned, this is a question which is very interesting and my Ministry is already doing this as indicated in my original speech and also in my replies. It has always been the desire of the trade unions concerned to work and try and come to agreement with the employers themselves and this is a thing which I think in the past been very much appreciated by the workers themselves and officers of the trade unions have also felt that they should be given a chance to negotiate on these things. But my Ministry is prepared to get any other matters or any difficulties in this matter and will be prepared to look into them as quickly as they can.

Mr. Mboya: Mr. Chairman, the Government's reply and position on this matter is totally unsatisfactory, and I say it with the greatest force I can muster that the Government cannot satisfy us by merely repeating what they have been saying for the last few weeks, for the last few months, in fact for over a year. We have tried to emphasize the urgency of this problem in so far as the present conditions are concerned, the conditions prevailing today. We have asked the Government not merely to give us a reply to what they will do in the long run but to tell us what is going to be done in the short period now before us. We would like to know whether the

committee to which reference has been made so many times in the House has been charged actually with producing some specific and definite plan to meet the unemployment situation, or whether it is merely an advisory committee that will lead to helping the Government in future in keeping itself better informed, and therefore formulating policies that may gradually tend to reduce the chances of unemployment.

It is not therefore enough, Mr. Chairman, for the Minister to repeat to us merely the speech he made last week and a few minutes ago to repeat his reply to the House. The question is and still remains what is the Government going to do in the next few days or weeks to meet the unemployment problem.

I think it will be a sorry state of affairs if even after our repeated demands from this side, or requests from this side, the Government has not moved to the point where it is able to tell the House even in an embryonic stage what plans they will produce or they will put before the country for immediate alleviation of this particular problem.

Mr. Chairman, it is not necessary to repeat here what we have said in the last few months. I think perhaps the Minister and the Government ought to start going around some of the urban areas to see for themselves this problem—visit the Nairobi Railway Station some time in the evenings or at night and see the number of people who sleep there, many of them without ever having had a meal for many many hours. Visit some of the African residential areas and see how many people there are living in congested conditions, not having been able to have even a decent meal in several days. See for yourselves this problem in the rural areas, especially where you have the village schemes. How many people stand about, walk around, during the daytime without any useful employment. And I think the Government ought to take seriously, a little bit more seriously than they are making us believe now, the social implications of this problem, the problems not only of the individuals concerned but also of the families that are involved. Some of these people are adults with families to support. Some of them have no other means of subsistence, either in the urban areas or in the rural areas, and I charge the Government in the strongest possible terms with negligence, carelessness and perhaps indifference on this particular issue. I am not convinced that the urgency with which this matter should be dealt with has been applied, and the Minister's reply today is particularly unsatisfactory and like my friend the Member for the Coast I was almost moved to the point of moving a reduction in his salary for this very unsatisfactory state of affairs.

[Mr. Mboya]

because this is a serious situation and one which the Government cannot pretend they have not known anything about.

Now, Sir, reference has been made here to intimidation both in the Minister's speech and in some speeches on this side of the House. I think some Members perhaps wanted a statement from me regarding the trade union movement's attitude to intimidation. The trade union movement makes no secret of the fact that it condemns intimidation completely, condemns intimidation, and by that I mean intimidation in every form, not just intimidation by a few people or some people who intimidate workers not to go to work or not to do certain things, but I also include intimidation by employers in the form of victimization or other forms of intimidation by them. I also include intimidation by the Government when some of their agents unnecessarily interfere with the natural process of industrial relations, as has been the case in some areas when policemen are sent to intimidate workers who have legitimately sought to take action in a matter or a dispute that is entirely industrial, when district commissioners have misapplied their powers in a situation that does not call for their action. Now if that is the sense of what some Members would like us to pronounce on, they have the pronouncement. The Kenya Federation of Labour condemns intimidation, and that includes all forms of intimidation. But far from having this completely on record, that the Kenya Federation of Labour and the trade unions affiliated to it have not—and I want to emphasize this—have not been implicated in any cases of what have been referred to as intimidation. In the Thika and Liruru areas it is in fact the trade union officials who have gone round the estates to get these strikes settled and to get the workers back, and let me say this to the industry, especially the plantation industry. In my own experience in the last week the settlement in the coffee in the industry, in the dispute over picking rates, is a great lesson for that industry. It shows how much can be done by accepting responsibility on both sides and sitting down to talk about it, and how much evil and waste and destruction will accompany the negative attitude of some people who think it is below their dignity to meet the workers from their plantations and talk to them man to man on equal basis and settle their grievances. I think it can be done and if there is any need to give an example we have given it this week by the agreement in the coffee industry.

I call upon plantation workers, and the growers, in various parts of this country—not only the coffee but in the tea, sisal and other plantations—

to at least heed this example. Only yesterday, Mr. Chairman, after the settlement in the coffee industry, a report was received in my office of an employer in this same area who, even today, despite these last few days' experiences, will not tolerate the sight of a trade union organizer or the representatives of his own employees and has in fact said to us he is wealthy enough to disregard and ignore our efforts to bring about a settlement and that he will not meet or see any of us on his plantation. Now I do not want to generalize but I say that that sort of a man is a liability to that industry. He is a danger to himself and to the country and our economy, and he should not be encouraged in his very stupid ideas.

The Minister has referred to selectivity and the question of labour exchanges. Again I say in this particular point the Minister has made a very unsatisfactory reply on the question of labour exchanges and providing employment services. I was hoping the Minister would say that some plan was afoot to improve on the employment services, either in terms of expanded services, more labour exchanges, or improved services in those labour exchanges. Perhaps this point was touched upon when I was not in the House, dealing with the coffee situation, but I thought the Minister's reference to it today was particularly unsatisfactory. It was—

The Chairman (Mr. Conroy): Mr. Mboya, your ten minutes are up.

Mr. Mboya: It would have helped us if the Minister would have indicated what plans they would put before the international labour offices expert when he comes here, and whether we will be consulted on both sides of the industry.

Mr. Alexander: Mr. Chairman, the Member for the Coast was quite right to remind us of the need to produce remedies immediately for unemployment and the Member for Nairobi Area, who has just sat down, was quite right to emphasize this. I did the other day make some positive proposals on how we could go about it. Before I ask about those may I say, Mr. Chairman, that it is not much use us on this side of the House merely attacking Government in such a way as to suggest that only they should provide the answer to the unemployment problem. And whilst I was listening to the beginning of the speech from the Member for Nairobi Area I thought that it was certainly and obviously, now looking at it in retrospect, a great pity and a great loss to the country that he himself did not accept this very portfolio when it was offered to him, some few weeks ago, because instead of speaking from this side in a purely positive way and the responsibility of speaking from that side and telling us

[Mr. Alexander] what all the answers are. We know, Mr. Chairman, what the illness is: what we want is the remedy, and the other day, positively trying to approach this problem objectively, standing here, I did put to the Minister a proposal that would have meant the immediate employment of some 2,000 people, and I asked him to answer two simple questions. Now I, understood today that he suggested that the inference was that these were political matters. I do want to assure you, Mr. Chairman, that these were business matters: these were not politicians asking simply straight-forward business questions. They have gone and left Kenya for the moment and are waiting for me to cable them as to whether it is worth their while to come back through Kenya on their way here to come to some conclusions. I said I have asked the Minister some real searching questions that he would answer, and I believe if he can it would help considerably. I tell you why, Mr. Chairman, they particularly want to hear from this Minister, because he was the leader in London of the African Elected Members at the Lancaster House Conference, and these people who got to know him in that capacity regard his words as carrying very great weight indeed, and I believe, Sir, today, if he can answer those two simple questions, it will go a long way to helping me to bring people here who will employ 2,000 people straight away.

Mr. Luyt: Sir, speakers on this item have been throwing out the allegation that Government is neglectfully doing nothing about unemployment. The hon. Member for Nairobi West has already come back with part of the attack that I intended, of asking what use was it of continually criticizing Government and saying we are doing nothing, and not in fact putting forward any constructive proposals themselves. I do not want, Sir, to hand all hon. Members opposite with that criticism. As I mentioned last Friday, the hon. and noble lord on the Back Bench particularly does come forward with constructive proposals. But it is true, Sir, that we have gone on this side of the House to great pains to analyse, in front of Members, what the unemployment problem is as we see it, and to explain what we are doing, and then to emphasize that we must be cautious about spending money upon special emergency schemes. When we do all that, Sir, it is a little unfair I think to suggest (a) that nothing is happening, and (b) that we must be doing very much more.

When I underline the caution that ought to go into consideration of some special emergency measure, which I imagine is implied in some of the criticism that we are doing nothing, I might ask hon. Members just exactly what they have in

mind. Is it intended that we should in the urban areas launch special projects with Government finance to provide extra employment in the urban areas, when hon. Members know that every new project launched in an urban area immediately attracts a number of additional men out of the reserves into the urban area, immediately building up housing problems, problems of education, problems of health, and other social problems. I thought it had been accepted by Members of this House that the answer was development in the rural areas, agricultural development and general stimulus of the rural economy. We accept that, and we have already experience of a large number of rural jobs not being filled. Have we a right to use Government money on further rural projects when conditions of service will be approximately the same, to create additional rural opportunities of the sort that already exist and are not being taken up? I do not merely want to draw attention again to the 2-3,000 jobs vacant in the Coast Province. I know I will be met with the retort that many tribes do not happily work in the Coastal Province, that sisal and sugar particularly provide uncongenial work. But it is significant that in the last few weeks we have had 300 vacancies put to the Machakos Labour Exchange for agricultural work, not very far away, and we have had 39 takers. It is significant, Sir, that the Mwea/Tebera irrigation scheme in the Embu District, which, I suggest, would probably be thrown at us as the sort of emergency project we should launch, is still having difficulty in getting labour, and at Government rates of pay; that there are certain consolidated holdings in the Kikuyu reserve where the owners are short of labour.

Now, this selectivity makes it almost impossible for the problem to be solved adequately, and even though there might still be further schemes that should be launched the fact remains that Government must be, I suggest, Sir, extremely cautious about charging in and spending money on expensive projects when we have got similar types of projects already existing which are not proving attractive to the unemployed. And I would again suggest, Sir, that the balanced development of the whole Colony, the stimulus of private enterprise generally we have been putting across, and the contribution that everybody can make, to encourage such balanced development in the country and is the better approach to this problem.

The Unemployment Advisory Committee, which it has been suggested this afternoon should not merely produce a delayed report with Government doing nothing in the meanwhile, is not in fact charged with writing a report. This Advisory Committee is to meet regularly. It has

[Mr. Luyt] already had its first meeting and its second meeting is due next week. It is charged with continually feeding the Minister for Labour with its advice upon what steps can be taken to improve the situation, what shifts of emphasis might be made, what improvements in our own employment service, and in fact anything that will assist in combating unemployment. This is a committee, Sir, which is feeding its advice in, and this advice is being acted upon right away.

Finally, Sir, before I sit down, may I thank the hon. Member for Nairobi Area on two counts: one, for answering my challenge of a fortnight ago, to condemn intimidation in all its forms, and, secondly, Sir, I think it is only fair for us to note in this House that he himself played a leading part in the negotiations over the last few days that led to the settlement of this present problem of the picking rate in the coffee industry.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): Mr. Chairman, before I became Minister for Labour I happened to be travelling with my friend the Member for Nairobi Area, and we passed near a labour exchange and—and this was before I became a Minister—he pointed out to me the number of people sitting and waiting for employment. I said, "Well, there is the right job for you". He said: "It is impossible to get work for all these people." Now, I have been in my office for hardly two weeks, but what has been gone over by my Permanent Secretary is a clear reflection of what the Minister for Labour is doing and what the Government is doing. It is quite useless for Members on the other side to say "Give us work" when they fail to bring about the conditions that would make more jobs available and more work available. Now, we are not expected as a Government to provide all work. I have emphasized it this afternoon that a lot of it depends on private enterprise. The answer is always private enterprise. The Government problems and projects can only go on to the extent that they should go on: forestry, for example. I have pointed out in my speech that we are thinking of providing some work for about 1,000 families in the Forestry Department. The Minister and I have been discussing the question of making jobs available immediately for people in his Ministry, and I have also taken up this matter with the Minister for Commerce and Industry to make it possible so that people could be fitted in in some jobs in Government projects. But a lot of our answer to this problem will very much depend on bringing about a situation in this country and make it possible for the people to get some jobs! We can never feed our people on empty words; we must give them some work to do.

Now, I believe that the Members sitting opposite me can do quite a lot to help me in getting and directing job-seekers to appropriate places.

Now, in reply to the hon. Member for Nairobi, the expert I mentioned who is coming from the International Labour Office will consult everybody, the trade unions concerned, the employers; everybody concerned will be consulted, because we value the advice which might be given to a person to make the employment services available. If there is a need for an increase in the labour exchange officers this will also be taken into account in considering the general recommendation to the Government. It would be rather premature for me to say now exactly what form of advice he will give the Government, but everybody concerned will be consulted, the Kenya Federation of Labour included.

I must emphasize the refutation given by the Permanent Secretary on Government being careless or negligent over the unemployment problem. I pointed it out last week and this afternoon that I intend to go into this immediately. We have already started work on this and we regard the problem as a really serious problem which must be looked into immediately. But it would be quite wrong for Members on the other side who think that every job is going to be provided by the Government. This is quite wrong.

Mr. Bompas: Mr. Chairman, my hon. colleague, the Member for Nairobi West, pressed the Minister to give him an answer to a certain matter that he raised. The Minister has very successfully talked his way all round it, Sir, and I am going to give him the answer and I would like the Minister to tell me whether I am correct or not. The fundamental answer to the creation of work in the sector of private enterprise is the creation of confidence. The creation of confidence, Sir, by the utterances in public of those men who are leaders and men in public places, and a cessation of such claims that a matter like land is in dispute should be banded about in this country, Sir, at a time when we are endeavouring to restore confidence. That, Sir, is the answer, and I challenge the Minister to say that it is not.

Mr. Ngome: Mr. Chairman, I seem to have failed to understand whether my friend on this side has got a complete answer or not. I fail to understand whether the answer is, as has already been given. What I gather from the Members' questions on this side is whether a man in England who is ready to employ 2,000 people, whether his position will not be shaken by the utterances of the African leaders in this country. If the African leaders in this country are to address their audiences outside and say, "We people in this country have got to live happily

[Mr. Ngonle]

together with the Europeans and Asians and all races", and if a man in England wants to bring his money here for private enterprise and asks whether it will be all right, well, such utterances, such declarations have not been declared here but outside. Here it is said that it will be quite all right, but outside our people are shouting "Uhuru!" when they think that they will get jobs or money without working, just wasting their time. They have got to do some hard work to get money and not to shout "Uhuru!". It is no good going round and telling people: "This is our country and the foreigners, the Europeans and Asians, must go so that we can enjoy our uhuru." What our friends want is a declaration, not here but outside, that the Africans are told: "Look, we have to live in this country together with Europeans and Asians, and with no question of the Europeans leaving. We need more help, more education, and we need the Europeans to teach us, and if they go away there will be no more private enterprise coming in." I would not expect a European to bring his money here for the development of this country if he knows that there is no co-operation or confidence in this country. I would not bring my money here in this country if I were in England. I want to see that the country lives in peace with all races co-operating together. An answer is required for the man outside. A man wants to employ 2,000 labourers. Will he be all right if he comes to this country? The answer must be "Yes" or "No".

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): Mr. Chairman, Sir, I do not want to be dragged into arguments about *uhuru* here, but speaking as a Minister for Labour, as a Minister of this Government, Sir, the present Government is confident of everything that is going on in the Ministry of Labour and in the Government today in this country. As far as confidence is concerned, I have already analysed what the functions of my Ministry are. I have put these very clearly to the hon. Members opposite and the three functions that I have mentioned should be enough as far as labour stability and as far as labour confidence—confidence in labour—is concerned; and I should have satisfied the Members.

As far future Government policy is concerned, I do not think I am expected to say anything from my Ministry as far as that is concerned. Personally I think it is necessary to have a condition—a situation—in a country where there will be more and more jobs for our people.

Mr. Odinga: Mr. Chairman, Sir, I was not going to speak and I did not intend to speak on this particular Ministry, but I have been persuaded

by only one thing, that there some Members on this side who are notorious for trying to commit the Ministers, particularly the African Ministers, on some of the things which they should expect us on this side to say, and not the Ministers. Ministers do not go to be Ministers to commit us in anything as Africans or to serve the wishes of some Members on this side.

I would only say that I do not think that the Africans in this country will be only satisfied by being the labour class only. The Government's intention should not be to make, to think all the time of an African as a labourer or in the labour class. They should make conditions which make the Africans also get themselves into self-employment. At the present moment, they are being discouraged rather than being encouraged to stand on their own feet or to start even on a very, very simple basis in perhaps business. The Africans are being greatly discouraged by the Government, by a lot of restrictions either in business or in all sorts of spheres. I would only ask the Minister for Labour to get together with the Minister for Commerce and Industry and the Minister for Agriculture and Water Resources. They should all combine together and try to find a way of relaxing some of the restrictions at the present moment. Then you will find that an African has got the initiative to actually start on his own and get himself into self-employment. But the present Kenya Government is not encouraging him. The present Kenya Government has left one door only open for the Africans and that is to go to be a labourer; and that is a great shame indeed.

Mr. Mboya: Mr. Chairman, Sir, the Government has succeeded in convincing us that they have perhaps exhausted their resourcefulness and imagination and they need to be replaced by some better people or better Government. I think it is time we called on the entire Government to resign, if this is their attitude of themselves. We on the Opposition are now being told, "Please take responsibility. We have run out of ideas, we have no ideas, we have no suggestions to offer. Give us some." Mr. Chairman, is this in fact what the Government is saying? Is this in fact what this Government has believed for all this time?

The Minister for Finance and Development (Mr. MacKenzie): No!

Mr. Mboya: If the answer is "No", then let the Government produce the ideas and the suggestions.

Mr. Alexander: What about my ideas?

Mr. Mboya: If the answer is "No" then we are right in calling upon them to produce the ideas and the definite specific plans. If the answer is "Yes" then the Government should resign.

[Mr. Mboya]

Now, as to a Member on this side of the House, I do not know what he really meant, whether this was his idea of a good joke, when he said that perhaps I should have accepted the Ministry of Labour and supplied the answers. I do not know whether he really intends to imply no confidence in the present Minister and the present Government because I have confidence in the present Minister and in his ability to do this job and to carry this portfolio. I cannot associate myself with his remarks in the circumstances.

Mr. Chairman, the Permanent Secretary used the word "caution" when he referred to perhaps jobs being created in the urban areas in respect of the population or a movement of workers into the urban areas when such jobs were created and the resultant problems. Now, whereas I can see the resultant problems of an influx into the urban areas of a large body of people, when the Permanent Secretary speaks of "caution" he, I thought, implied that (i) there must be an unemployed population in the rural areas that would move into the urban areas, and (ii) that there is an unbalanced situation in the present development *vis-à-vis* the urban and rural areas. Sir, I do not know what this Government wants to do, but from year to year we have pointed out to the Government the weaknesses in their economic plans, their development plans, the fact that a lot of problems they were trying to solve piecemeal instead of having an all-embracing and comprehensive plan based not only on the sort of short-term but also long-term considerations, and especially the developments as related to changes that were bound to take place in the way of life, the thinking, the attitudes of our people. Take a point in case, Sir: the whole problem of land consolidation. Now, every year we have pointed out the weaknesses in this programme in terms of concentration merely on consolidation and always hoping that when it is over there will be jobs. We have been told here that there must be jobs in the consolidated areas, but jobs may be there in terms of the need for some work to be done. But before you have the jobs in consolidated areas the people must be able to employ. The capacity of these people to employ is a very essential factor. Has it been considered? Was it always being considered? There is no use in telling us that because a man has now consolidated 50 acres automatically he is able to employ 50 workers. If that man has only consolidated 50 acres and has not got the capital to develop that acres and has not got to employ 50 people, the 50 acres or to be able to employ 50 people, the result is that you may have thought you created jobs, but there are no jobs. In some of these consolidated areas which have been referred to, most of these people are employing or taking on

families and relatives to work on their consolidated plots. So I am not sure that the Government is really serious when it fails to take into account all these factors.

Sir, I do not want to dwell on the question of confidence because it appears some Members think they can blackmail us into giving them various statements that they particularly want from a political point of view or to satisfy certain political motives by using this unemployment situation, as it were, as a smoke screen. The whole question of confidence has been discussed. Mr. Chairman, in the general debate on the Budget debate, I do not want to repeat myself but I hold the position that we are faced with an unemployment situation and that in discussing this particular Vote that is the question on which we would like the Government to satisfy us. I will not myself deal with the question of confidence.

Mr. Blundell: Mr. Chairman, would the hon. Permanent Secretary to the Ministry of Labour tell me when the Labour Advisory Committee was set up, how often it has met and who is on it?

Mr. Luyt: Yes, Sir. This is a special unemployment advisory committee on unemployment, not to be confused with the Labour Advisory Board or any other standing committees and boards of the Ministry of Labour. The decision to set up this committee was taken in late April of this year. Inquiries were sent out to various organizations immediately asking them to nominate representatives on to this committee and all the organizations asked responded readily, and I think the membership—speaking without the file—but I think the membership consists of two representatives from the Federation of Kenya Employers, one of who has a special rural background and the other urban; two representatives from the Kenya Federation of Labour; one representative from the Associated Chambers of Commerce and Industry of East Africa; one from the Asian Chamber of Commerce; one is a Kikuyu resident in the Kikuyu land unit; and I think one or two represent the Association of Local Government Authorities of Kenya. I may have overlooked somebody, but certainly I have provided the bulk.

Mr. Blundell: Does it include the four Permanent Secretaries?

Mr. Luyt: No, Sir, the four Permanent Secretaries that I mentioned previously to the hon. Member are merely attending meetings in order to be of assistance to these other gentlemen whenever they raise matters upon which expert knowledge may be required.

Mr. Blandell: Mr. Chairman, I do think that the hon. Member's answer completely underlines everything everybody on this side of the House has said. The hon. and noble lord raised the whole of the matter of this unemployment. I remember rightly, last year in October in a Special Motion and the hon. Members opposite and they would set up an examination of the problem which I believe they have done. But, nevertheless, it is not until April, only a month ago, that the hon. Member is goaded, jerked or electrified into having this committee and I believe that that is an underlining of everything that we have said.

Now, would the hon. Member give me who is on the committee?

Mr. Luyt: Sir, may I first of all make the point that the hon. Member's criticism is completely misplaced. When the hon. and noble lord, the Corporate Member for Agriculture, made an appeal for a specific enquiry into unemployment, that appeal was readily followed up and an officer was appointed to make a survey of unemployment to assess the size of unemployment and under-employment, to discover and advise upon why it exists, where it exists and what are the main factors relating to it. That enquiry, Sir, has already been going on for the last five months or so and that is the enquiry that the hon. and noble lord appealed for last year.

This latest advisory committee, Sir, is entirely the brain child of the Government and is not in any way the consequence of pressure put on by anybody else.

As regards the individual membership which I have been trying to jot down from memory, Sir, I think the two representatives from the Federation of Kenya Employers are Mr. Alec Ward and Mr. Hunting. The two representatives from the Kenya Federation of Labour—I think Mr. Mboya might be able to help me out on them in a second—but speaking from memory I am not quite certain now, I would not care to make a mistake, Sir, Mr. Somen represents the Association of Local Government Authorities of Kenya; Mr. R. E. Anderson represents the Associated Chambers of Commerce and Industry, the substantive member, has not yet been appointed and a temporary member attended the first meeting. Those, Sir, offhand are the names that I can remember. If the hon. Member would like a full list of absolutely accurate names, I will supply them to him.

Mr. Blandell: Mr. Chairman, I would like a full list and I would like the hon. Member to tell the House what Permanent Secretaries in an advisory capacity attend this committee.

Mr. Luyt: Yes, Sir. The Permanent Secretaries that attended the first meeting are not necessarily going to be the same ones that will attend each meeting because it will depend what is on the agenda on each occasion as to which Permanent Secretaries can be most helpful. However, there are the Permanent Secretary to the Treasury, the Permanent Secretary for Labour, the Permanent Secretary for Commerce and Industry, the Chief Commissioner, and the Permanent Secretary for Agriculture, who did not attend the first meeting but will, I hope, in future be a regular attendee.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): Mr. Chairman, Sir, in connexion with this Committee the representatives from the Kenya Federation of Labour here, according to the detail I have, are Mr. G. M. Odiso and Mr. E. A. Mutiso and if it will help my hon. friend, Mr. Blandell, I have a full list of the people here and I will make it available to him.

Mr. ole Tipis: Mr. Chairman, Sir, we seem to be in a very confused state of affairs. First of all the Minister seems to have suggested to us here that it is not entirely the responsibility of his Ministry to create jobs for everybody. This might be quite true. Then he goes on to tell us that labour in some parts of the country, in some industries, is very selective. This is natural. As far as I am concerned I do not think there is anything sinister in some people being selective. Now when we talk of selectivity surely we might as well examine the reasons why labour becomes selective because, of course, we know very well there are some jobs which are not attractive at all to anybody, and if the conditions and wages, as such, are not attractive why should we expect these people to go and break their necks for nothing. He comes and tells us that all is well in his Ministry and the wages are reasonable. Can he really tell us that a wage of Sh. 20 a month is reasonable for a human being? I will not accept it. It is quite true that it is not up to his Ministry to provide jobs for every Dick, Tom and Harry, but on the other hand he should try and protect the employee population of the country against exploitation from any quarter; then we shall have all confidence in him and give him our blessing.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): Mr. Chairman, I do not think that the hon. Member heard my speech, and I see he has been absent for quite a good part of this afternoon. I have said this afternoon it is one of the functions of the Minister for Labour to try and provide a suitable wage policy this is the policy and the function of

[The Minister for Labour, Social Security and Adult Education] the Ministry, and we have always had it constantly in our minds, and it is continuing to be our policy.

Now I am glad that the Member realizes that it is not to be expected that the Ministry of Labour would give jobs to everybody. I hope the Member will help in creating the necessary situation where we can get more jobs for the people. He has mentioned a case of Sh. 20 a month as a salary. I would be very much interested if the Member would give me some specific cases which my Ministry could look into and see how much help we could give in the way of assistance to such people who might be in a difficult position.

I have also said this afternoon in the absence of the Member that the details he has already given me are in hand, and I hope to report to him some time this week exactly what our investigations have been, and any further complaints that come to the knowledge of the Member should be reported to my office immediately and we shall do all that we can to help.

Mrs. Shaw: On a point of information, Sir, is it not usual for a Member to have to substantiate allegations in this Council, Sir, because the Member who spoke before the Minister, spoke of exploitation and a wage of Sh. 20 per month, and I do not believe that such a wage as this exists today.

Mr. ole Tipis: Mr. Chairman, Sir, I thank the hon. and gracious lady, the Member for Nyanza, for calling upon me to substantiate what I have just said—a wage of Sh. 20. It is just an easy and simple question. I believe even the Ministry of Labour has all the facts from the East African Statistical Department. I do not want to mention where she could really find the facts, but I could go even further than quoting a wage of Sh. 20. There are some—

The Chairman (Mr. Conroy): Order, order! Mr. Tipis I called on you because Mrs. Shaw has drawn my attention to the allegation of facts which you have made. Standing Order 60 provides that a Member shall be responsible for the accuracy of any facts which he alleges to be true and he may be required to substantiate any such facts or to withdraw his allegation. Now as I understood it, you alleged that there were certain employers who were only paying Sh. 20 a month. Is that right?

Mr. ole Tipis: Mr. Chairman, Sir, I am quite prepared to substantiate that there are some employers who engage labourers at a wage of Sh. 20 per month.

The Chairman (Mr. Conroy): Can you supply the Minister with names?

Mr. Cooke: On a point of order, does that rule not refer to specific allegations, not to general allegations? General allegations are made in this House every day and we are not called to order—

The Chairman (Mr. Conroy): Mr. Cooke, I was asking Mr. Tipis, when you interrupted, whether it was a specific allegation or a general allegation, and I understood him to say it was a specific allegation.

Mr. ole Tipis: Mr. Chairman, if required I could produce the names.

The Chairman (Mr. Conroy): If you will produce them to the Minister, that will substantiate your allegation.

Lord Portsmouth: Mr. Chairman, Sir, the Minister has been so much under fire in the last hour or so that I am proposing to draw the fire off him and on to another Member on the Benches opposite.

The hon. Nominated Member, Mr. Rogers, in the more general debate last week, got up and made an attack on the folly of those who dared to suggest that hand labour might sometimes be a useful method of both producing productive results and lessening unemployment. Now, Sir, he speaks with such authority on labour matters, and as a great industrialist himself, that only a very rash chap like myself would dare put my head into the lion's mouth. But, Sir, I do because I think he talks in certain instances from a fallacious argument. If you use tractors, enormous bulldozers and all sorts of other things of that sort, the labour you are employing is not employed in this country it is employed in England or America or where the manufacture takes place. It is employing the miners who mine the metal abroad for the same reason.

Now, Sir, also I think another Member of the Government did answer that they had looked into this question of hand labour and it was considerably more expensive. Well, I suggest, Sir, that it is possible on an overall theme to say that hand labour is more expensive, but if you look at specific operations you can find specific operations where it is not so expensive. I can prove that to my farm. I had a next-door neighbour who had two managers. One was all for the machine like for my hon. friend opposite, and the other was all for the hand. The job that had to be done was cleaning the grass round the edges of a coffee *shamba* with heavy shade trees. The grass had to be taken some five or six feet all round. The machine was main-won and put in a D2 tractor to plough round the whole *shamba* and so save hand labour at extra cost. Well, I think the actual cost of using the D2 on this particular job was about £10 in

[Lord Portsmouth]

travelling, fuel, tractor driver's wages, but also the repair bill for doing the job, which was totally unsuitable, was about £35. If it had been done by hand labour it would have been about £7, but it would have taken a few more days perhaps. Now, Sir, I have proved again and again on my farm than an ox team is cheaper by far than a tractor, and that does employ considerably more labour than the tractor, and we are not also paying precious East African Shillings for foreign imports of oil and machinery and for spares and repairs. Now, Sir, I do suggest to my hon. friend, the Minister that he, or the committee whose work is within his province, should very seriously consider where possible, and where the figures show likelihood of it being reasonably economical to use hand labour on productive jobs.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): Mr. Chairman, Sir, first, I have already said this afternoon that this question of hand labour as against machinery labour is something that I will look into, and I think it is a very important point that has been made by the hon. and noble Lord Portsmouth who has just sat down, and so I will definitely look into this.

Secondly, the Member for Rift Valley Central, Mr. Tipis has alleged that I, as Minister, have been telling the House that wages are reasonable. This is far from the truth, Sir. I have not been saying anything like that, and I did not say it even last week. Last week I told the House that the minimum wage has risen from about Sh. 59/50 to today Sh. 119/50 in places like Nairobi for about five years, and for the rural wages I indicated very clearly that I was concerned about that aspect and we are looking into that.

I would say that the policy of Government is that of advancing as fast as economic and other circumstances can permit, and this is the policy and there should not be any misunderstanding about my Ministry having stated that salaries are reasonable.

I will expect the figures of Sh. 20 as a salary from the hon. Member so that I can go into that.

Mr. Blundell: Mr. Chairman, I would like to ask the hon. Minister if he would tell the House a little bit more about this expert from the International Labour Office who is coming out to this country. Is he connected with this unemployment problem, as I understood from his reply? When is he coming, and when was it arranged that he should come, and exactly what is he going to do?

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): There has been a general feeling, and this idea has mainly originated from the Ministry and Government, that

there should be an officer to advise us on questions of labour employment and give us some advice on co-ordinating the different labour offices that we have, and the possibility of increasing them if we can have the finance, and also considering the way in which we can advise employers in the most effective way to get their employees from different places, and this officer will be arriving soon from the International Labour Organization to help us in these matters. He will work with the labour organizations in this country, like the Kenya Federation of Labour, giving advice and helping us, as well as the Federation of Employers, and I understand, according to the information I have here, he was appointed towards the end of last year and it is coming out, I think, next month to assist in this work.

Mr. Cooke: Mr. Chairman, may I put right one misconception, as far as I am concerned, and I think as far as everybody on this side of the House is concerned. We are fully aware of the obligation of the private sector to give employment. That is fully acknowledged by us, but that now seems to have broken down for want of confidence or some other reason. Therefore it is obligatory on the Government to step in and take the place of the private sector for the time being. In the 1930's when in the United States of America there were millions out of employment, what did Roosevelt do? He got all the unemployed—hundreds of thousands of them—and used them on the Tennessee Valley Scheme, which is one of the greatest schemes invented by man. Now I do not say that we could do any such thing as that here, but if the private sector temporarily has broken down, it is up to the Government to step and give employment by relief works of that nature.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I would like to make one or two points in respect of what the hon. Member for the Coast and one or two other Members who have spoken have said on this question of the Government's responsibility. I would like to say quite clearly, Sir, that the responsibility of the Government is to create conditions in which employment can increase and to create conditions in which the country can become richer, and only in that way shall we increase our prosperity. Sir, if the Government attempted to take over the job of main employer where, Sir, does the hon. Member think—where does any hon. Member think—that the money to pay for this is going to be found. I can assure, Sir, the hon. Member, that the Government—and I do not wish to anticipate a debate which will be taking place in the near future on the development programme—but, Sir, the next development

The Minister for Finance and Development: programme is providing for the greatest expenditure on development of any three-year period so far, and next year, Sir, the Estimates which are at present before the House for approval are greater than any that have been placed before this House so far for development. But, Sir, it is going to be extremely difficult for the Government to raise the money that will be needed even to finance those programmes. I think, Sir, that it will be possible, but it will not be by any means easy.

Sir, the problem of unemployment can only be solved in one way, and that is by generally increasing investment in this Colony. That, Sir, is the only way to do it and I can assure all hon. Members that there is plenty of scope for doing that. But, Sir, there is one way in which every Member of this House can help and, Sir, that goes for the hon. Member for Nairobi Area, it goes for the hon. Member for Central Nyanza who I notice is no longer here, and it goes for every Member of the House, and that is if all Members present—and this, Sir, is not a question of blackmail, this Sir, is pure, sheer, economic sense that the best thing that can be done to increase employment opportunities in this country is not to commit any future Government or anything of the kind, it is merely for hon. Members here present at this moment to send out a message to the whole world that so far as they are personally concerned they will have respect for people's investments which are to be made in this country and which have been made in this country, both in the past, in the present and in the future. That, Sir, is the way to solve this problem of unemployment in Kenya and it is the only way in which we shall ever do it. And, Sir, for that reason I do suggest that we stop thinking in terms of throwing in a little here and a little there from the public sector; that is not going to solve this problem. It will merely be a palliative and as my hon. friend the Permanent Secretary for Labour has said, it will be no more than that. The only real way is to increase our general prosperity and, Sir, I have suggested there is one way in which every Member of this House can here and now help to do that.

Mr. Alexander: Mr. Chairman, I must answer the Member for the Coast. The private sector has not broken down. What has happened is that the private sector is watching very carefully and listening very carefully to what is being said by the present leaders in this country and those who may control it in the future. And when business comes here, Mr. Chairman, it does not expect to be told by the Member for Nairobi Area that it is plotting for political motives, that it is trying to create a smokescreen, when it asks

very real and very normal business questions. Until, Sir, those questions are answered, I am afraid that potential investors that would involve some 2,000 employees will not be interested in investing in Kenya. There is nothing whatsoever political about it.

Mr. Rogers: The question of hand labour, Sir, as compared with machine labour, I am afraid I heartily, absolutely and completely disagree with the noble earl and indeed I must say that I hang my head in shame that such a statement should have been made in this House. There is no one, surely, who knows the position about employment in general who can say today that hand labour is better in general terms than machine labour, and that is particularly so in Africa where the labour today, because it is not used on hour-by-hour job is, unless it is very closely supervised, perhaps more expensive than other countries if it is used on hand work. Of course, there are a few simple jobs which can more cheaply be done by hand work, but in general that just is not so. As Mr. Lusty said to the House the other day, Sir, he has calculated that hand labour would be 60 per cent more expensive, I think he said, than road-making machinery. I would suggest that the example I gave the other day in the debate which the hon. and Corporate Member mentioned gave some illustrations as to the definite fact that in general heavy machinery is far cheaper than hand work—it will be recalled that in the story I told the foreman said that he was using spades he could use 2,000 labourers compared with 20 by machinery. Let us reduce it further and say that he could use even more hand labour if they scraped the earth up out of the tunnels or the ditches with their feet and even more if they pushed it out with their noses! If we reduce it to that absurdity I think it will then, Sir, be quite clear.

The Member for the Coast mentioned the Tennessee Valley Scheme under the Roosevelt New Deal. He is right that that was the first process of re-establishing employment in America following their terrible depression. I would, however, inform him that it was done by machinery just as they do everything by machinery in that country of America. There is no country that is more machine-minded than America and so I do suggest that that example should be taken with a certain amount of reserve.

I am a member of the Road Authority and we often get asked why we cannot assist this unemployment situation by employing hand work on the roads. I feel myself that it would surely be better to continue with the machine work, but we can then, out of the money we have got, we can stretch the money to pay for a far greater length of road than we could possibly do

[Mr. Rogers]

on hand work because by using machines with the greater length of road and the greater number of machines we can probably use the same amount of labour.

Mr. Mboya: Mr. Chairman, Sir, there is a lot in what the hon. Nominated Member, Mr. Rogers, says except, perhaps for one or two points that he and others may not be considering at this particular moment. I do not think the question we are being asked is whether or not we should make the choice between machines and hand labour, the question is whether in trying to solve the unemployment problem it would be useful or it would be appropriate to employ a little bit more labour and save ourselves from machines and automation until we are in a position to apply automation.

Mr. Rogers is well aware of the disputes or discussions when a lot of experts have gone into the whole subject of automation in the United States and the other countries. One subject that is always considered is the replacement of labour when you introduce automation. You have immediately to consider the fate of the labour that you replace with machinery and the question as far as this side of the House is concerned is not so much whether Kenya should ultimately have automation in its factories and its farms—this is bound to come so long as Kenya maintains her contact and interdependence with the rest of the world. The question is whether in the present short-term position we are faced with we should use more hand labour and keep in reserve the application of machinery. I would say this. I would strongly support the hon. and noble lord in this contention that we could do with a great deal more hand labour than the use of machinery. It is true that perhaps there may be extra cost and more time spent by using hand labour than we would when we use machines, but I think, again the test here is the desire, the urgent desire, to solve the unemployment problem. It may take a little bit more time, it may need a little bit more money, but it will also mean the solving of a serious problem so that the issue before us must be kept clearly in mind.

Now, speaking about this question of automation, I suppose we could refer Mr. Rogers, the hon. Nominated Member, to the whole principle which some people have used in defending cottage industries, for example in India and in other countries, and the argument that it creates more jobs in a country which is not highly developed, in a country that cannot afford to mechanize although it may want to do so but for reasons of under-development it does not find it fit to immediately install them.

Now, Sir, I want, if I may, to take the next few minutes in dealing with the question of confidence. I said originally that I did not want to say anything on it. But after the Minister for Finance's speech in which he seems to want us especially to say something about confidence, I think it is necessary that I say something on this question again, although I personally consider that in my speech in the debate and in some exchanges in the House during the Vote on Agriculture, I made the position particularly clear.

Let me say this at the outset, so long as our political problems are not solved, there is bound to be doubt, suspicion and instability or insecurity and I think we should not "kid" ourselves that we are going to create here a situation where there is complete economic security, complete answers to economic questions, before we have produced conditions of political settlement in our country and in our relations. Some of the present problems are fears that are expressed in the economic sector or in discussing economic factors and they will only be answered fully and effectively after most of our political problems have been solved, and especially after the questions of self-government and independence have been met. It is no use trying to think that the African leaders are going to forget that one of the main aspirations of our people today is political independence and self-government. I think we have said in this House and we do not want to appear nasty about it but we must say it, that we consider this Government merely an agent of the Colonial Government, we have never considered it part of our own Government, responsible to our own African people and any time we are talking about this matter we consider that we are in a state of change, some of you do not want those changes to come soon enough, some of us want it to come today. This is the issue and you cannot convince me that when there is that big difference, where some people do not think change should ever be encouraged, that we are bound to agree completely on matters of economic priorities or importance or significance for that matter. But I can say this, without any hesitation, that any African leader in this country must be fully aware that even when Kenya becomes independent and when its Government is in the control of the Africans that Kenya will need to develop, that her people will still want and demand those higher things for which they have been asking during this period. If anyone doubts this very simple logic, he has only got to look around himself and see even in those other countries which are already independent, whether you like their system or not, the process of economic development and change is taking place and there is security for investment, in fact there is greater investment, a greater flow of investment

[Mr. Mboya]

in those countries than in the pre-independence days. I do not think you should expect us to say more, but if there are people here who have taken it upon themselves to go around the world spreading the gospel of fear and panic for political motives, as a short cut to justify their present attitude—negative attitude—to political change, then I agree to that, that they are the problem and not ourselves. They are a liability to Kenya and the sooner they leave the country the better, and perhaps the best way we are going to solve this problem is to take the whole question of the political situation, the political problem, solve it and let us have certainty and stability.

I have the greatest respect for the Minister for Finance, I have said so before, and I believe that he means what he says, but I do want to say to him honestly that he cannot forget the political problems of this country and think that our economic problems will be considered in a vacuum or in isolation from the political problem.

Mr. Alexander: Mr. Chairman, I would like the hon. Member for Nairobi West to tell me, am I to tell these people who want to employ 2,000 people that really they must wait until independence before they will get their answer?

Mr. Mboya: Mr. Chairman, if the Member for Nairobi West has no confidence in the future government of this country and that they will need to develop this country's resources, will be interested in this country's economic development, then I say to him, tell them not to come. But if he knows as well as we do and if he knows and has observed in other countries that economic development has become the main point of concern of every independent African state, then I say if he tells them that if they have no confidence in the future government of this country, they will be doing it merely for political purposes and merely to justify perhaps his and other people's political motives.

Mrs. Shaw: Mr. Chairman, I would like to ask the hon. Member for Nairobi, because only yesterday I had a man fly out from London to ask whether to continue with tea plantation development in the Colony because he had read a speech made by the hon. Member when he said that of course there would be compensation paid for land and assets.

Now people do not put money into long-term development like tea plantations only to have the land and assets expropriated for compensation. They want to put their money into a country where they know their land and assets will be secure from expropriation so that the long-term policy may bear fruit—that is the whole point of their investment—and such people are

disturbed by the speech of the hon. Member and ask us "What's your answer to that?" What security can you give, what assurance can you give when a potential leader of an independent Kenya makes those sort of irresponsible statements?

Mr. Mboya: Once again I want to say in the most emphatic terms possible that if any of these people come to the European Elected Members or the European leaders and the European leaders know that these people consider the European leaders to be merely temporarily the leaders for the time being, then I think the reasonable, the logical thing to do is to ask these people to meet the African leaders and talk to them and not to rely on hearsay. How many of these European leaders now stand here and quote these instances have taken the trouble to bring those same visitors to us and hear from us, discuss with us our policies, our attitudes and the details, perhaps, of our future programmes. If they want an answer, the answer is simple, bring them to the African leaders, because the future of this country lies in those African leaders, not in hearsay from European leaders, some of whom, as I have said and I say it again, have minds which are not thinking straight on this issue because of some prejudiced ideas or because of some fears on their part or because they think those changes are so closely related to their immediate political interests. Bring these people to us, we will, tell them our policies. I am positive from experience of those I have talked to, those who have come to me to explain our position and those who have seen some of our other leaders, that they will understand and in many cases they have come to feel that there is no need for as much alarm as they have been made to feel.

Mr. Blundell: Mr. Chairman, I do feel that the Member who has just spoken is guilty—and he will forgive my saying so—of distorted thinking. The Secretary of State for the Colonies of Her Majesty's Government has quite clearly said that the future of this country is independence based on the majority of the people of this country who will be African. There is a clear-cut intention and a clear-cut goal and an end we shall reach. The present African leaders, therefore, can expect that. It is only a question of timing. Now if the hon. Member wants to go too fast, I merely would draw his attention to the events which are now happening in the Congo. The essential feature of any move to independence is the training of the local people to help with the social, the economic, political and the administrative problems of independence. And this is the clear-cut course which some of us had the courage to accept at Lancaster House

[Mr. Blundell]

and for which we have been abused. All I am asking the hon. Member and other hon. Members is expecting that goal, clearly laid down, he must realize that one day the ship of this country is going to go into the waters of independence and what of the economic energy which is going to push it forward? He can destroy it today or he can build up that economic energy for the very certain day when he gets independence. All we are asking him to do is to be as generous in his outlook as we were when we accepted that independence would come and ask him now to plan positively so that the economy of this country can carry that independence forward well and truly.

The Chairman (Mr. Conroy): The time has come for someone to move that we do report progress and ask leave to sit again.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee doth report progress and beg leave to sit again.

The question was put and carried.

The House resumed.

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

Progress reported and leave granted to sit again tomorrow.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I accordingly adjourn Council until 2.15 p.m. tomorrow afternoon, Wednesday, 1st June.

The House rose at thirty minutes past six o'clock.

Wednesday, 1st June, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

NOTICES OF MOTIONS

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:—

DOUBLE SITTINGS ON THURSDAYS

THAT in order to complete outstanding business as early as possible, this Council agrees to sit both in the morning and in the afternoon of Thursday, 16th June, and on each following Thursday during June on which the Council meets.

DEVELOPMENT ESTIMATES

THAT this Council agrees to limit the debate on the Development Programme 1960-63 to three days, i.e. Tuesday 21st June, Wednesday 22nd June, and Thursday morning only of the 23rd June.

PRIVATE MEMBERS' DAY

THAT Standing Orders be suspended to the extent necessary to enable Government business to be taken on Friday, 24th June, 1960.

BUSINESS OF COUNCIL

The Chief Secretary (Mr. Coutts): For the information of Members, the programme of business for the rest of the month has been drawn up by the Sessional Committee and is now being circulated to all hon. Members.

NOTICE OF MOTION

CORFIELD REPORT ON MAU MAU

Sir Charles Markham: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council records its appreciation to Mr. F. D. Corfield for his report entitled "Origins and Growth of Mau Mau", and urges the Government to take note of Mr. Corfield's historical survey applying his findings in relation to the commission of adequate measures for the maintenance of Kenya security in the future.

BILLS

THIRD READING

The Traffic (Amendment) Bill

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir I beg to move that the Traffic (Amendment) Bill be now read a Third Time.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

SECOND READING

The Customs Tariff (Dumping and Subsidies) Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I hope that this Bill will prove to be completely uncontroversial in spite of its being a Customs Bill. Sir, this Bill arises out of the general matters which have to be taken in order to put an end—or to make it possible for the Government to put an end—to dumping by other countries into Kenya and indeed into East Africa and also to give us the means to protect ourselves against other forms of unfair trade practices such as subsidization by other countries of their traders thus enabling the traders of other countries to import their goods into Kenya and into East Africa generally at very much lower prices than obtain in the countries concerned and to the detriment of our own produce in this country and incidentally thereby affecting our employment position.

The first part of the measure has already been taken in the East African Central Legislative Assembly by the passing of the Customs (Dumping and Subsidies) Act, 1959. That Act, Sir, which is intended to counteract the type of practice to which I have referred provides for investigation by the High Commission into any allegations that dumping or subsidies or other unfair trading practices are being indulged in, for investigation by the High Commission and for a report to be made by the High Commission to the Governments of the three territories. I understand, Sir, that the administrative procedure under that Act will be that in the first instance people will be invited by public notice to make any applications they wish to the Commissioner of Customs suggesting that certain goods are being dumped or are being subsidized by foreign countries to the detriment of our own producers.

The form of application will be a questionnaire setting out and asking various questions and giving the applicant an opportunity to produce a prima facie case that these practices were going on in respect of the goods concerned. On receipt of the application it would be investigated by the Commissioner of Customs and the administrative officers of the High Commission and if they considered that a prima facie case existed they would inform the Governments accordingly. If

then there were no objections within a given period, probably about 14 days, the Commissioner of Customs would then continue to make a full investigation of the case, if possible. If the arrangements can be made it is proposed that he should, where appropriate, seek the assistance of the Board of Trade in the United Kingdom in the investigation, the reason for that being that there is a specialized technique for investigating cases of this kind and they have a highly trained staff there. It is also a task that could well require in certain cases travelling, and it is the sort of thing that can be much better gone into by experts. In the event of the investigation showing that the case is proved or, indeed, that it is not proved the Commissioner would then submit a report to the High Commission and the High Commission would pass on that report to the Governments.

Now, Sir, after all that action has been taken, that is where this particular Bill before the House at the moment comes into play, if it becomes law. The Governor in Council, having received a report from the High Commission that certain goods are being dumped or are being subsidized, is empowered, or the Governor is empowered, under clause 2 of this Bill to prescribe the appropriate rates of duty. These rates would, as hon. Members have no doubt noted under clause 4 of the Bill, be additional to any other existing rates which have already been imposed for revenue purposes. The intention is naturally that the rates imposed under this particular Bill would not bring in any additional revenue to the Government since they are intended to keep out the goods in question altogether.

Clause 3 of the Bill provides for various conditions to be imposed whatever may be appropriate, with particular reference to the period during which the anti-dumping rates of duty would apply, and clause 5 of the Bill provides for remission in the public interest in certain cases. Clause 6, which is an important clause, provides that any orders made under this Bill would have to be laid on the Table of this Council at the first opportunity and that there would have to be a positive resolution approving the order, and in default of that the duty would cease to have effect at the end of the sitting of Legislative Council involved.

There are just one or two other points which I should add, I think, Sir. The first is that it is intended that where people ask for investigations to take place I understand that it is intended that a fee should be charged to cover the expenses of the investigation. As I said, there will be no revenue from duty under this Bill because it is intended to keep the goods out altogether.

[The Minister for Finance and Development]

I should also say, Sir, that hon. Members may have wondered and may have thought that the procedure laid down, involving as it does a possibly quite extensive investigation and consultation with the three Governments, might involve too long a passage of time before effective action can be taken. The answer to that, Sir, is, of course, that we have our import licensing procedure which could always be used as a stop-gap to defend ourselves whilst the investigations under this particular Bill were being undertaken.

There is one final point, Sir, and that is that parallel action is being taken, or I think actually has already been taken, by the Governments of Tanganyika and Uganda since this is naturally one of those cases where there is, and indeed must be, co-operation throughout East Africa.

Sir, I beg to move.

Mr. Webb seconded.

Question proposed.

Mr. Tyson: Mr. Deputy Speaker, Sir, there is only one point I wish to raise, and that is I would like an assurance from the Minister that any legislation which is introduced will be enforceable in each of the three territories. It would be fatal, it seems to me, if anti-dumping duties were imposed in one territory if they were not also simultaneously applied in the other territories. If the Minister can give us that assurance, then I am quite content.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, the point that my hon. friend has just raised is naturally one which the Government, and indeed all three Governments, have had in mind throughout the negotiations in respect of this legislation, and it is naturally intended that if any duties are imposed that parallel action would be taken by all three Governments. If that could not be taken, so far as I can see, given our present situation, it would be quite impossible to enforce an order under this Bill, but this is one of the matters on which the three Governments are in constant consultation, and I feel sure that in appropriate cases that it will be possible to ensure that there is in fact the same degree of co-operation in future as we have had in the past in matters of this kind.

I hope that satisfies the hon. Member's point, Sir.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE.

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C. in the Chair]

The Law Reform (Miscellaneous Provisions) (Amendment) Bill

Clause 2 agreed to.

Title agreed to.

Clause 1 agreed to.

The Debts (Summary Recovery) (Amendment) Bill

Clauses 2, 3, 4 and 5 agreed to.

Title agreed to.

Clause 1 agreed to.

The King's African Rifles (Reserve of Officers) Bill

Clauses 2, 3, 4, 5, 6, 7, 8, 9 and 10 agreed to.

Clauses 11, 12, 13 and 14 agreed to.

Title agreed to.

Clause 1 agreed to.

The Chief Secretary (Mr. Coutts): Sir, I beg to move that it be reported to Council that a Committee of the whole House has considered The Law Reform (Miscellaneous Provisions) (Amendment) Bill, The Debts (Summary Recovery) (Amendment) Bill, The King's African Rifles (Reserve of Officers) Bill and approved all three Bills without amendment.

Question proposed.

The question was put and carried.

Bills to be reported without amendment.

The House resumed.

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

REPORTS AND THIRD READINGS**The Law Reform (Miscellaneous Provisions) (Amendment) Bill**

Mr. Webb: Mr. Deputy Speaker, a Committee of the whole Council has considered the Law Reform (Miscellaneous Provisions) (Amendment) Bill and directed that the same should be reported without amendment. I accordingly beg to move that Council doth agree with the Committee in its said Report.

Mr. Webb: Mr. Deputy Speaker, I beg to move that The Law Reform (Miscellaneous Provisions) (Amendment) Bill be now read a Third Time.

Mr. Loyt seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

The Debts (Summary Recovery) (Amendment) Bill

Mr. Webb: Mr. Deputy Speaker, a Committee of the whole Council has considered The Debts (Summary Recovery) (Amendment) Bill and directed that the same should be reported without amendment. I accordingly beg to move that Council doth agree with the Committee in its said Report.

The question was put and carried.

Mr. Webb: Mr. Deputy Speaker, I beg to move that The Debts (Summary Recovery) (Amendment) Bill be now read a Third Time.

The Chief Secretary (Mr. Coutts) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

The King's African Rifles (Reserve of Officers) Bill

The Minister for Internal Security and Defence (Mr. Swann): Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole Council has been through The King's African Rifles (Reserve of Officers) Bill and directed me to report the same without amendment. I accordingly beg to move that the Council doth agree with the Committee in its said Report.

The question was put and carried.

The Minister for Internal Security and Defence (Mr. Swann): I beg to move, Sir, that The King's African Rifles (Reserve of Officers) Bill be now read a Third Time.

Mr. Webb seconded.

Question proposed.

The Bill was accordingly read the Third Time and passed.

COMMITTEE OF SUPPLY

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

IN COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C. in the Chair]

VOTE 29—MINISTRY OF LABOUR, SOCIAL SECURITY AND ADULT EDUCATION

Continuation of consideration of Committee interrupted on 31st May, 1960.

The Chairman (Mr. Conroy): When business was interrupted last night we were dealing with Vote 29—Head A, and I would like to remind hon. Members that possibly yesterday evening we did stray a little far from the path of relevance; as it was a debate in which all hon. Members had great interest I hesitated to intervene, but I would ask hon. Members today to stick strictly to the point in this debate. We have a large number of Heads and Votes to get through and time is running short. We are still dealing with Head A.

Head A agreed to.

Heads B, C, D, E, F, G, H, J, K1, K2 and K3 agreed to.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee do report to the Council its consideration and approval of the Resolution without amendment.

The Chief Secretary (Mr. Coutts) seconded.

Resolution to be reported.

The House resumed.

REPORT**VOTE 29—MINISTRY OF LABOUR, SOCIAL SECURITY AND ADULT EDUCATION**

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that the Committee of Supply has considered a Resolution that a sum not exceeding £318,200 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, in respect of Vote 29—Ministry of Labour, Social Security and Adult Education and has approved the same without amendment.

Mr. Deputy Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY
Order for Committee read.

VOICE 30—MINISTRY OF LOCAL GOVERNMENT AND LANDS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I beg to move that Mr. Deputy Speaker do now leave the Chair. I am not going to take very long, Sir, on this. (Applause.) A most appreciative audience! I am, in fact, going to give a short outline of activities of my Ministry which, of course, has been changed since last time I spoke in this debate.

Hon. Members who are normally rather out-of-date, may not realize that I must remind them that I am now Minister for Local Government, Town Planning, Surveys and Lands.

An Hon. Member: Interjection.

The Minister for Local Government and Lands (Mr. Havelock): If the hon. Member wishes to do anything about my pay, he will have every opportunity in the Committee stage.

Sir, as far as the Lands Department is concerned, I would like to give the House certain information which I think is of interest, especially to some Members, and I would like to start off with how we have got on with the valuation of agricultural land before the revision of rentals. I think this is a particularly important topic and of interest to the House and a number of hon. Members.

The progress so far is as follows. In Trans Nzoia and Uasin Gishu inspections have been completed. In Nakuru inspections are 80 per cent completed, in Nyeri and Nanyuki about 75 per cent completed, Nairobi, Thika, Machakos, Sotik, Kericho, Rift Valley and Kinangop completed, Londiani and Kibos 50 per cent completed and the Coast, Voi and Kibwezi about 75 per cent completed. It will be observed, therefore, that the inspections are going on very well and very little is left to be done in this way as far as the initial inspection is concerned. Valuers met agricultural committees during the latter part of 1959 and it now remains for the Board of Agriculture to appoint members of the panels, consultations with those panels should begin about the end of July and this should allow ample time for discussions on the values of the broad categories of land. The system is that in each district having laid down the value of such broad categories, each farm will then be assessed according to the amount of such categories within the area of each farm.

I have no doubt that hon. Members will wish to raise other questions on this matter and that information, at any rate, gives them a lead in.

With regard to revenue, Sir, it is interesting to note that the revenue from the registration fees, stamp duty and conveyancing fees, stamp premium, rent of land alienated from royalties has all been increased in the last year. I will not go into the detailed figures although I have them here if hon. Members require them. I would like to say this, though, that although the figures show a steady increase in revenue receipts from last year and they are statistically accurate, it must be remembered that with the exception of what can be properly called "commercial documents" which are reflected under the heads of "Cheques, Revenue Stamps and Bills of Exchange", the remainder probably relates to bargains struck in the latter part of 1959 and the early part of 1960, so anything that happened in the first few months of 1960 may not be reflected in these figures.

Hon. Members will note I am turning over a number of pages of my notes as I know they wish me to be brief, it rather reminds me of one hon. Member doing the same thing at Lancaster House.

Another point I would like to touch on, Sir, is one which I think is of some interest because we have had a considerable number of applications of late and that is the applications for Crown land for religious and educational, charitable purposes in different areas of the Colony. We have laid down as far as Nairobi is concerned that no more land should be made available for these purposes in the developed areas—and I stress the word "developed" areas of Nairobi, it has been found that the amount of land so allocated has now become so great that the Crown really cannot afford to allocate any more in the developed and therefore very valuable areas of Nairobi.

For the interest of hon. Members I would like to give very quickly one or two figures of the amount of land allocated in the townships of Kenya to these particular purposes. We have, in fact, in the last ten years, allocated some four acres in Mombasa township for religious purposes, 23 acres for education and 71 acres for charitable purposes. And here I would like to point out to hon. Members, especially those from the Coast, that with regard to Mombasa we face a very difficult problem indeed in that there always has been a lack of Crown land, that nearly all the land has been in private hands.

Nairobi, as another example, is rather a contrast. In the last ten years we have allocated 227 acres for religious purposes, 451 acres for educational and 261 for charitable purposes. I think hon.

[The Minister for Local Government and Lands] Members will admit and agree that the Government has been pretty generous in this regard, especially if you recognize the value that some of the plots have which may well be in the region of £8,000, £9,000 to £10,000 an acre. Elsewhere even greater allocations have been made in other townships ranging from for religious up to 170 acres, educational nearly 300 and charitable some 80 or 90.

I would like to stress this particular matter, because I know there has been a lot of heart-burning amongst charitable, educational and religious institutions, when they have had to be turned down, when they make application for some Crown land, and one other point I would like also to make with regard to Nairobi, where the problem is as great as anywhere except Mombasa, the Crown has made available in Nairobi 700 acres of Crown land for parks and open spaces and that too represents a lot of money.

Now, Sir, especially for the hon. Members who have come from the Coast, I understand they are a bit worried with regard to title and adjudication of claims. It is rather a sorry story. Between 1908 and 1922 some 20,000 claims had been made, some 10,000 certificates of ownership had been issued. But in the latter years a measure of economy and as over 3,000 completed titles awaited delivery against charges due it was decided not to proceed with the adjudication of 4,500 claims. Since that date the Registrar of Titles at the Coast has been appointed and then an Acting Recorder of Titles and a small number of titles have been issued in most years after payment of charges due when the title was required by the owner.

I will not go into a lot more detail but would only mention that we appointed a Mr. Kenyon as the Recorder of Titles and then he left us and Mr. Hunter of the Land Office, Mombasa, was then appointed and things do go slowly, but one of the main reasons—and I want to touch on this when I speak on the Survey Department—is that after all the work that has gone into them by the Government on this matter, fees are not available, or people who want to have their titles recorded will not pay the fees, and the Government is facing conditions where work has been done and a lot of expense has fallen on the Government and when it comes to the point the people concerned will not put their hands in their pockets. So if there is a delay—and there is a delay in this matter—a lot of it is due to the people themselves and not to the Government. Some 3,000 claims are known to be outstanding and many of these are of very little value indeed, ranging in isolated areas between Vanga and Lamu.

Now, Sir, if I may turn to the Survey Department—hon. Members will see that I am racing through—the greater part of the expenditure on this Survey Department is entailed in the mapping of Central Province and other areas which have been consolidated and require titles. During the past year a final survey has been completed for Kiambu, part of Fort Hall and a portion of Nyeri District. That means that titles will now be available and are being made available in those areas. A total of some 10,000 plots of varying acreages have been completed in Kiambu, as an example, this year. In the coming year work will be concentrated on completing Kiambu, another 50,000 plots and doing 10,000 plots in Fort Hall and 10,000 plots in Nyeri District. The system is that a base map has got to be provided first to the Administration and of course the Survey Department has got to provide that base map and further base maps are now required in Embu and Meru Districts where registration and development schemes are forging ahead. After the base maps have been provided, then the Administration go ahead with consolidation and outlining and pegging out of the plots and then the Survey Department have to come in again for a final check and approval. Work will also be done in Nyanza and Rift Valley Provinces where a lot of work is being done on consolidation. Firstly in the Rift Valley they are the Tugan areas and Elgon Nyanza and Central Nyanza/Too.

A point of interest is that the primary triangulation of Kenya with regard to survey is being done by the Director of Overseas Services from funds supplied by the United Kingdom. A point, I think, which is not normally appreciated. From there, of course, the breakdown is the responsibility of the Kenya Government.

Turning now, Sir, to the surveys for the conversion of title, 99- to 999-year leases, they are well in hand and we consider that both the survey and registration, they should all be completed within about a year's time. I am afraid they are taking a considerable time to do this, but as hon. Members will appreciate there is a lot of work entailed. There is also a lot of work to be done on new ground for both rural and township plots. This is a recurrent commitment and goes on from time to time. There have been in this House certain criticisms of the delay in surveys for trading centres and markets.

All trading centres have now been completed. Except those trading centres which have very recently been gazetted and now the Survey Department is moving on to the survey of markets. They will start in Nyanza area. It will take some time to complete this, but the work goes ahead as rapidly as we possibly can make it do so.

[The Minister for Local Government and Lands] As far as forest excisions are concerned, all excisions will be completed within the next few months, i.e. the survey of them.

One point I would like to make—rather referring back to the matter of tiles at the coast—is that the Survey Department is called upon to survey a plot and to re-peg it, to find the pegs, to show the owner where this plot is, and they do so at great expense through very thick bush, cutting a wide swathe through the bush, putting in the pegs, and then they go to the owner and say "Well, now, will you pay?" and he says he has no money. Within six months all that work is completely lost, the bush comes in and grows over, and it is lost to everybody because there is really no intention at all of the owner to make use of the plot, to cultivate it; he merely wants to know that the plot is there and then he goes back and resists again for another five years and then he will come and say to the Survey Department, "Will you check it up again for me to see that it is still there?" Maybe it has walked off to India or somewhere. But that is a most irritating factor for the Director of Surveys to cope with and once again a considerable waste of money—Government money—is going on in this matter. I personally feel, and instructions will be issued, that this sort of thing will not happen again and Surveys will not take this trouble unless a deposit is put down by the owner to show that he is genuine and is prepared to pay after all the trouble that is taken.

The topographical surveys of townships are very urgently required, mostly by the town planning advisor, and they can only be carried out with the help of aerial photography, which I said in this Council is being used very considerably and widely by the Survey Department now. It is, of course, a very great help indeed, but one factor, of course, which is rather difficult is that one does not know when the photography can take place owing to cloud conditions and so forth. I am afraid there is quite a considerable backlog of topographical surveys of townships and we will try to cope with them as soon as we can. Local authorities are particularly interested in these as town planning cannot be carried out without them.

As far as mapping is concerned, the highest priority has been given and it is being given to the Northern Frontier Province. Hon. Members will appreciate that this has a strategic value. In fact, half of the Northern Frontier Province has been mapped to a scale of one in 50,000 and the other is going on. Luckily we have the very close and helpful co-operation of the Royal Air Force in

this matter and we believe that we can complete it within the next year.

One other small point which I will mention for the hon. Members' interest is with regard to levelling. We have a levelling team taking levels throughout the Colony up from the coast and all the way up to the tops of our mountains to find out the exact heights and so on of different areas which, of course, is useful for hydro schemes and so forth. But the interesting thing is that we have only just in the last year completed the levelling from the coast to Kisumu and we found that although the graph went up and down very considerably there was only three feet difference between the expert survey just completed by our surveyors and the rather rough and, of course, very difficult survey carried out in 1898 by the Railway when they first were surveying the line to Kisumu.

Sir, if I may now turn to Local Government, I would like first to deal with African district councils. The hon. Members will remember that a Paper was put before this House some years ago with regard to financial relationships between African district councils and the home Government and in that Paper it was stated that a review of this relationship would take place within three years. Well, this review has taken place and no major changes are proposed in the report that I have received. This report, of course, will be Tabled before this Council in due course and a debate may take place on the detail if hon. Members so wish. It is interesting to note in that review that education expenditure within that period has increased by between 11 per cent and 13 per cent per year on the average, i.e. educational expenditure by African district councils. Now educational expenditure with regard to the total budgets of African district councils represents a fairly constant overall average of 50 per cent of their total budget. It is certainly the policy of my Ministry to try to maintain that 50 per cent and not let it go much higher. Otherwise, obviously, our services will suffer.

Loans to African district councils: about £3,000,000 will be available in the next three years for all local government authorities against which requests so far have been received to the tune of some £3,700,000. Of these bids, African district councils have asked for £370,000 to date, which is a very great increase over the last period. There are details, but because I know hon. Members are waiting to twist my tail I will not go into the details at this moment.

Another matter of interest which has been discussed in this Council previously is the statutory recognition of locational councils. Forty of

[The Minister for Local Government and Lands] These locational councils have now been recognized in different areas and I anticipate that some 100 more will be made statutory in the next few months.

One of our greatest problems with regard to African district councils is to see where and how we can obtain revenue for them on an equitable basis. As I have said before, it is very difficult to base the revenues, or rather the spending and the budgets of African district councils on cesses which vary from time to time according to the prices of agricultural produce and also the poll rate is not necessarily very fair, especially to the poorer man, although, of course, there is a system whereby the poorer people can be exempted. We are therefore all the time trying to find a more equitable and a more steady and stable form of revenue for these authorities. Of course, a land rate, as in other local authorities, is the right rate, as in other local authorities, is the right rate, but it is not yet practicable in African district council areas. Bungoma has now completed—or rather Elgon Nyanza African District Council has now completed—one full year with an African chairman and I am very happy to state that this appointment has been a very great success. Machakos African District Council has had an African chairman appointed and I have already stated that Kiambu will be the next and that a chairman will be appointed in the near future.

If I may now turn, Sir, to the municipalities, there are very many changes taking place in the six municipalities. In Nairobi elections were held in February of this year including the first election of African councillors. Mombasa Municipal Council is to hold elections in June including the first election of Africans so that the new Council as constituted in the amending Ordinance can become effective in July. Aldermanic elections are also to take place on 16th May in Mombasa. The constitution at Nakuru has recently been changed to include aldermen and African and Asian Muslim elected councillors. That is for the first time and elections are to be held in June and September so that the new constitution can come into force in October. A proclamation was recently published to provide for the Kisumu Municipal Board to become a Municipal Council with effect from 1st November of this year and there is also provision for a new constitution, including elected members for the first time, and elections will be held on 1st November so that new councillors can take their seats on that day. Kitale Municipal Board is to hold its first elections in June of this year to elect a new Council to take office in July.

Turning now, Sir, to county councils, one or two of the larger county councils are coming to

the conclusion that the existing form of area rating is unsatisfactory as a rating basis and does not fully meet the demands placed upon it by the continued development of their services. County councils are free to experiment with different forms of rating and it is likely that at least one of them—Nairobi County Council—may after consideration decide to alter the rating system now in force. I think they probably will have to. If the need arises, it is possible that an enquiry will be undertaken by the county council representatives into various alternative forms of rating and in that even my Ministry, of course, will co-operate with them fully.

Water supplies. For some time now discussions have taken place in regard to the transfer of water supplies from the Ministry of Works to county councils. I am afraid negotiations are still proceeding but I think that although a number of difficulties have been in the way it is expected that the transfers will now be carried through very quickly and especially because the Government has now agreed that transfers of water supplies to county councils can take place by county council area, not necessarily all at once. So it is a quite generous gesture really on the part of the Government, this one, because it means that county councils who have within their area economic water supplies can take those over whilst the Government may have to continue for a while with the uneconomic water supplies in other areas until they are turned into economic supplies.

The Uasin Gishu County Council have applied for a declaration of the County as a public health authority from next year. The proposed arrangements in this County Council area represent a very valuable example of co-operation between neighbouring authorities because the health service in both the County area and the Eldoret Municipality will be administered as one service, the cost being shared by the two local authorities. The same two local authorities have undertaken a scheme of staff integration which should in the long run promote increased efficiency and understanding of each other's problems. This, as hon. Members in this Council know, is one of the principles which I have wished to promote with regard to local government, i.e. the co-operation and closer integration of the different types of local authorities to make it more economic and—underline—to help with the understanding of each other's problems. I especially welcome the integration between an urban local authority on the one hand and a rural one on the other. I think it may go some way to stop what I think is a very stupid and silly weakness within not only local government but in politics generally, and that is the division between town and country.

[The Minister for Local Government and Lands] The Local Government Loans Authority. Capital is still scarce but there are good reasons to hope that the essential services such as water, sewerage, together with a number of smaller but equally valuable local authority services, will receive sufficient capital sums for the next development period to continue at a reasonable rate. Here I would say that the short-term deposit scheme by local authorities with the Local Government Loans Authority which I announced in this House some year ago has been an outstanding success. At the moment we have deposited with us something in the region of £600,000 short-term deposits and the Authority considers that we can make use in fairly long-term development—quite safely make use—of a sum of up to £400,000 out of that £600,000. Naturally we have to keep a reserve in case of a quick call but we consider that at least £200,000 or a little bit more is all we need to keep. Therefore, through the inauguration of this scheme which indeed was a development of debates in this House we have been able to obtain a considerable—a very material, sum of money for further capital development.

Again with regard to county councils, hon. Members have in this House from time to time criticized the county councils' activities with regard to social services supplied to the African populations within their area. I asked for a special report on this and I am myself very impressed with the long report that I have received which shows that every county council is going ahead very speedily indeed, especially in the last year or so, with such social services.

I do not want to bore the House by giving details of the different areas but I think I could read, as an example, from the Aberdare County Council which, after all, is a pretty isolated one, and not a very wealthy one. Social services others were appointed at Nyeri and Nanyuki. A new social hall was opened in Nyeri, an attractive centre for African social life and entertainment, and the dances and film shows that go on in that hall are very well attended. The Council will probably take over the United Sports Club at Thomson's Falls, and its development into a sports stadium for all races is now in hand. There have been new beer halls and another social hall at Thomson's Falls which is being used as an instructional and social centre. At Nanyuki considerable activities go on with their halls in connection with adult education classes, cinema shows, libraries, lectures, dances, *Masendeo* and sports stadium, and so on and so forth. An extension to the stadium is now taking place and elsewhere in this country such as at Naro Moru, etc., and Timau, similar provisions are being made for the population. In Dundori there is a

very long list indeed of all the activities and buildings that have been built lately, and the same goes for Rongai and elsewhere. As I say, I will not go into all the detail but I was impressed by the report which I received.

Sir, with regard to the political aspect of local government, I would like to tell this House that in the last few days I have issued a circular to all local authorities setting out certain ideas as to how the development and the political development of local authorities might take place and asking them for their considered opinions. The ideas are certainly based on the principles that were accepted at Lancaster House, and it seems to me that in this plan or projected plan which I have put forward there is a logical and indeed a fair and proper development of local government. I hope, and greatly hope, that what we have maintained up to now, and that is that those people serving in local government have recognized themselves as part of the administrative machine rather than as part of the purely political activities of the Colony, will be maintained in the future, because it is my sincere belief that indeed that is the greatest and most important function of local government, to be a part of the administrative machine, to keep the wheels turning, although this is a mixed metaphor, at ground level.

I believe and I hope that local authorities of all types and sorts to whom this letter has been addressed may well be able to provide further ideas of their own and of course when all these matters have been collated, which I hope will not take very long, the result, when approved by the Government as a whole, will naturally be a subject for discussion in this House, either as legislation, because legislation will be required, or even as a White Paper. But I can assure the House that full opportunity for discussion for the development of local authorities on these lines will be given to this House.

Sir, I beg to move.

The Minister for Finance and Development (Mr. MacKenzie) seconded.

Question proposed.

Mr. Travadi: Mr. Deputy Speaker, I do not feel actually that I could support the Motion as I have a very serious complaint against the Minister for Local Government who wields tremendous power over the local authorities. The greatest complaint the Asian community has, more particularly concerns the Nairobi slum areas, as I call them, on the Eastleigh side. They have been clamouring not for a day or two but for the last ten, or 15, or even score of years, for making the roads, but unfortunately the composition of

[Mr. Travadi] The Nairobi City Council has so racial a bias and basis that it has not been able even to provide, or persuaded to make, roads with the money offered. Promises after promises have been given; deputation after deputation has gone to the Minister and even to the City Council but of no avail. In summer dust reigns and when the rain comes in that slum area the young children go knee deep in the water and eventually they get pneumonia and so on and so forth.

I had the good fortune, or the misfortune, to go and see the Minister and even gave an ultimatum, not as severe as a civil disobedience movement as has been threatened by the Africans, but that if something was not done before the end of the last month, etc., at least I would have to raise this matter here, and here I am today telling him point blank that these things are stretched to a breaking point and that the civil disobedience will not come from the African side but if it may be that the Asians, and more particularly the Indians, will do this. Sir in respect of non-payment of taxation, which will be the thing he will be confronted with.

Mr. Deputy Speaker, under the Private Streets Ordinance of 1934 and in 1951 when the law was consolidated no construction of the roads took place. By an amendment, a small trick, in 1922 both private streets and roads became public streets and even then in spite of that little amendment without the knowledge, I say in the House here, of the people, and nobody realized what was meant by changing the little definition that involved the Asians and all the other people in expenditure of millions of pounds worth of money coming from their pockets. Not satisfied with that amendment, Sir, after 1952 to 1960 the Municipality has not been able to construct the public roads. This is the liability and the obligation of the Municipality itself. They still feel that there is some loophole left whereby the Asians may or are likely to raise the point in court and even so the Municipality are sleeping over it and the slum areas still go on as they were before. If any visiting commission comes from outside I think the first thing that can be done by any other authority is to take them to these areas and show them how the Indians live in these dirty villages and dirty streets with dirty and dusty slime here and there. I think this would be a very good exhibition for the whole community to be exposed to the ridicule of the whole world. I think, Sir, that I have spoken sufficiently to draw the attention of the Minister to this and I hope he will be able to wield his magic wand upon the authorities to do the needful in the matter. I hope that whatever loopholes are left will be put right by him so that no further com-

plaint will be heard. With regard to the composition of the City Council I think he should see that the Lancaster House principles are embodied, because, after all, equality and common roll are things that have got to be embodied and incorporated into the new constitution in whatever form it comes to.

Sir, the other point concerns educational and charitable institutions. Today he announced that in the developed areas no further land would be given. I think this rule has been in operation for the last two or three years, and during the last two or three years nobody would have come forward to put up applications for such things if this had been known before. I have been recommending a couple of institutions and the reply I got was that as this was developed land I could not get it. But unfortunately he has not defined the word "developed". I hope that when he replies he will just say what in the Nairobi area a developed area is, so that nobody should come forward to make any application whatsoever for any charitable or educational use.

Mr. Deputy Speaker, I also raised the question last time about the remission of fees for these charitable and educational institutions, even religious institutions. Now, Sir, the Municipality, and more particularly the City Council, have refused to remit these charges for the religious bodies or educational bodies where nursery schools are carried out. No doubt they charge fees, but they are running at a loss just for educational purposes. But if a religious body does start a small nursery school it does not mean that that body runs a sort of a business where a profit and loss is made; it is just for the sake of an educational purpose that that particular body starts a school because the Government up to now has not taken over that obligation of having nursery schools of their own and neither do they pay any grant-in-aid towards the tuition fees or the recurrent expenditure or to the capital charges. I hope therefore that the argument about profit making by these institutions will not apply to a library run by the Patel Brotherhood. A library is a sort of educational institution: those people run a sort of a nursery school. They are asked to pay thousands of shillings in respect of unimproved site tax. Take the case of Kenya Brahma Sabha. They are also having a nursery school and they are given no remission whatsoever, and in the same way the Khoja Mosque is treated, although they are Ismailis, and the Jumilia Mosque, and so on. There are many of these institutions which do require sympathetic consideration at the hands of the local authorities and I hope the Minister will wield his magic wand somewhere here and there, behind the scenes and see that justice is done, too. I am not touching upon the present rise in the values of

[Mr. Traavadi]

plots and the prices paid, which is a grievance, which has been ventilated in the newspapers.

I would, therefore, Mr. Deputy Speaker, say that I oppose it for the sake of opposition in order that I may draw the Minister's attention to this matter. I am talking in a very humble way, with all humility, and not in opposition, but just to draw the attention of the Minister and of the public to this point.

I oppose.

Major Day: Mr. Deputy Speaker, Sir, I would welcome the speech of the Minister and I would like to support him in the various points which I thought he made most clearly. However, I have, Sir, a little tale to tell this House, and before doing so I would like to assure all the Members here I am *compus mentis* and that I have, although, as I say, I do not in fact possess a certificate of sanity, to add that should they in the course of the first part of my speech be tempted to wonder what exactly I am getting at I would ask for their forbearance, Sir, and your licence. I should also like to add, Sir, that anything I say is not directed at any person or race or any individual or hon. Member in this Council.

Since my return recently from a visit to Laikipia I learned something which I consider to be of the greatest significance and which I feel I must put before this Council, and this I am now doing. It so happened that I was fortunate enough to meet and converse with in Laikipia a large number of four-legged animals. Now, Sir, I am not in a position to reveal how I carried on this conversation because the matter is *sub judice*. However, I found considerable turbulence existing among these four-legged animals as a backwash to the recent Lancaster House Conference. They were particularly concerned with the matters of land and the franchise. I believe, Sir, that the attitude of the zebra reflected perhaps in the main that of the other clans. Their leaders who informed me that they were busily attempting to create a United Grass-eaters' Front said that they were meeting with considerable success, but that they were having a certain amount of opposition from the meat-eating animals.

The Minister for Local Government and Lands (Mr. Havlock): On a point of order, Mr. Deputy Speaker, would it not be better for the hon. Member to wait until the debate on Game and Fisheries?

Major Day: I did ask for your forbearance. This will not last for more than four minutes longer.

I would say that their attitude could be summed up as follows, and I would quote, and therefore read. They say this: "From our point of view the titles to land . . .—and I think that this is not irrelevant— . . . are definitely in dispute because we consider that we are the original indigenous inhabitants of this land, and we have roamed this country from time immemorial. So far no consideration is being given to us whatsoever by the Colonial Secretary, nor indeed was it given to us recently by the hon. Minister for Agriculture in regard to the new 50-acre plots for resettlement. We are about to send a delegation to America." I particularly asked them why this was so. Their answer was that they felt that they would have some claim on the sympathies of people who rejoiced always in their generosity and who were noted also for their open-mindedness, particularly in so far as a matter of land, which is so emotional, is concerned.

Now, I thought it would be interesting to ask them what their attitude to the two-legged creatures of all races in this country was. Their answer was, "We are completely non-racial in our approach. We have never gone out of our way to harm these creatures and we do not wish to begin now. But we must at this late date insist upon our rights, and we resent remaining as an animal zoo to be stared at and photographed by tourists. I then put to them what their views, their other strong views, were. They said, and I think this is of interest although some of you may feel that it is not entirely relevant, and I again apologize for that particular aspect of it. "We believe in Western parliamentary democracy on the Westminster model." They said, "One creature, one vote, irrespective of whether he has either two or four legs. But we do feel, however, that there is a good case to be made for two votes for four legs, but we do not intend to press this at the moment; and so far as we are concerned we are completely disenfranchised. How, then, can we represent our people and prevent ourselves from being exploited?" They said, "We consider that the Government of this country is living in the past so far as our people are concerned. We hear a good deal about the Bill of Human Rights, but what about a Bill of Animal Rights? In our opinion this is long, long overdue. The United Nations should be made to be ashamed of their attitude in this respect and we consider that this problem of animal relations deserves the most detailed study.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Deputy Speaker, on a point of order, I think it is the responsibility of hon. Members to substantiate the statements they make in the House. Can the hon. Member tell us in what language this conversation took place? Can

[The Minister for Information and Broadcasting] he produce evidence that the conversation ever took place.

Major Day: In answer to the hon. Minister I would say that I mentioned originally that this matter is *sub judice* and that these are not necessarily my own views but were expressed to me.

The Minister for Information and Broadcasting (Mr. Harris): On a point of order, Mr. Deputy Speaker, may matters which are *sub judice* be mentioned in this House?

The Deputy Speaker (Mr. Conroy): I did not understand that the hon. and gallant Member was alleging a specific fact, but that he was developing an allegory.

Major Day: I have been slightly put off by this. However, I will continue determinedly.

Now, I think I said their answer was that they were hoping that there would be a study made of animal relations. Sir, they continued to say, "The claims that we four-legged animals have no souls has never been unanimously agreed to by all the theologians, and we therefore feel that this is a matter which must receive consideration." Now, they told me a good deal more. Sir, which I will not bore the House with, but I would now like for a very short period to thank the Minister for his toleration and I do not wish to overstrain either his patience or the patience of the House.

Therefore, Sir, I will get down to my mittens, or, as I see it, Sir, the land. I would like to ask him some questions. They are these.

First of all, Sir, we have heard in this House recently a good deal about the titles of land. I would like to know definitely and categorically, is, or is not, the title to land in this country in dispute. If so, whose land is in dispute. Now, is it European land or the land of those African farmers who have recently been granted freehold title under land consolidation. Is it a dispute, Sir, between the landowners and the Government? If so, which Government? Is it between them and the Kenya Government, the British Government or a future independent Government of Kenya? It has been said that everybody in this House welcomes the return of confidence and I really think people have been sincere in the course of the last two or three weeks in saying this, from all shades of opinion and on both sides of the woman. How can any man, Sir, born of woman, feel confidence if the means of his whole livelihood may be the question of dispute in some years to come? That, Sir, is at the very bottom of the lack of confidence which is at the moment definitely and strongly and most unfortunately inherent in the minds of by far the majority of the European farmers in this country.

Now, we hear a lot about existing investments and I put it to the House that these existing investments in the form of land are just as important, if not more so, than the potential investments which may be made or created by that potential investment capital which everybody in this House is always screaming for. The Government cannot say, Sir, that they are unaware why the fresh capital that they are so rightly concerned to attract is not coming to this country. But I feel, Sir, and I fear, that they are inclined to bury their heads in the sand in this respect. Surely they must realize, Sir, that there is over and above everything else an overwhelming need, an obligation, for them, by means of an assurance which is quite distinct and quite clear and which cannot be argued against, to restore that confidence the lack of which is perhaps one of the greatest tragedies in this country today.

Now, Sir, it is true that certain Members, certain hon. Ministers, have, I think, gone a good way to attempting to give these assurances. But there has been nothing definite, Sir, and that is what this country, and that is what the farmers in this country, the farmers I represent in my constituency who are European farmers, are waiting for. In fact, I will go further and I would say, in view of the expressed opinions of only certain of the African leaders, does the Government now not agree to the universal request for an underwriting of land values? You can call it what you like because you can play tricks with this word but the meaning is the same: the meaning is, a sum which will restore confidence and enable people to stay here. Do they not agree that this, Sir, is in fact the only thing which will restore confidence among the farmers? I beg of them to face this. There is a good deal of talk going here, going there, that things will be all right in the end, but that, Sir, is not enough. I beg of them, before I sit down, to consider this, and although it may not be strictly pertaining to the hon. Minister's portfolio, yet I believe it does come under his portfolio, and I sincerely hope that when he gets up he will try and give the European farmer a categorical assurance because that, Sir, is what is needed. If this delay goes on I can assure him that matters will become worse so far as confidence is concerned.

I beg to support.

Mr. Odunga: Mr. Deputy Speaker, Sir, the Minister himself has said at this time that he wanted to be very brief. I think that we from this side will adopt the same policy and to be as brief as we can.

Well, the Minister has explained briefly some improvement on the urban local government. He

[Mr. Mboya] is always concerned about European welfare first and we merely receive second-rate attention or interest. I suggest strongly to the Government that we should not come here to be told any more of elections that will be held in June or July or any more of African chairmen to be appointed to African district councils. We should like to be told that the Government, in accordance with the Lancaster House decisions, will now completely reform the local government system, and do so within the next few months, so that if there are any elections pending, those elections would be conducted under a new, reformed local government system and not the present one. It is going to be an expensive exercise to hold elections under the present system, or the present structures, if, in fact, far-reaching changes are intended. Unless, of course, it is being suggested that those changes which we hope are going to take place will not be taking place.

I raised, during the main Budget speech, some questions relevant to my own constituency of Nairobi, and I want to raise them again since the Minister did not refer to them in his speech today, at least in order to be able to get a reply from him. One is the promise given to the Africans in Nairobi that they would have an alderman under the reconstituted City Council. I pointed out that despite this promise having been made in the Legislature, the reason—

The Minister for Local Government and Lands (Mr. Havelock): On a point of order, Sir, the hon. Member was not in the House when I replied in detail to the question which he raised on another debate.

Mr. Mboya: Mr. Deputy Speaker, I am glad to hear the Minister say he has dealt with this question before. I have tried to look at the HANSSARD, and if I might say so, I am not satisfied with his answer.

The Deputy Speaker (Mr. Conroy): Order, order! I think it is undesirable when we have completed one debate it should drag over into another debate. This point has been the subject to constant rulings from the Chair, both in the House of Commons and in this Council, that a debate should be a finished, finite thing, and if we bring one debate over into the next debate, then we do tend to get away from the proper parliamentary procedure.

Mr. Mboya: May I, with due respect, Mr. Deputy Speaker, on a point of either order or explanation say, when we are discussing the Budget and certain questions are raised in the main part of the Budget speech, is it in order or

out of order to raise them under the Heads given if one is not satisfied with the reply given in the Budget speech?

The Deputy Speaker (Mr. Conroy): It is quite in order to raise any matter for which the Minister is responsible. What is not in order is to drag in what happened in the last debate and then we have an argument as to whether something was said or not. You can raise matters now without reference to previous debates for which this Minister is responsible, and the Minister can reply or not. The Minister has, in fact, said on a point of explanation that he has already replied.

Mr. Mboya: Mr. Deputy Speaker, I thank you very much. It is my submission that this matter comes within the portfolio of the Minister and within the subject of this—

The Deputy Speaker (Mr. Conroy): Mr. Mboya, I hope I made it clear, but the particular matters which you are raising do come within the jurisdiction or the portfolio of the Minister. What is improper is to drag in the last debate and say, "I raised this on the last debate and I did not get an answer." You are perfectly entitled to raise the question now of these specific matters, but you are not entitled to bring in the old debate.

Mr. Mboya: I thank you, May I just speak about African aldermen? And here I merely wish to emphasize the point I have made about the nature and structure of not only the Nairobi City Council, but also the other urban municipal councils, and I say again, the unsatisfactory state of affairs that we find when representation is concerned at this level. You have, for example, I think seven or nine European aldermen, as against one or two Asians and no African at all in Nairobi. Similarly, in the other municipal councils you will find a predominance of European aldermen as against a very small minority of African or Asian aldermen. My submission is that the reforms to which we look forward must be based on a movement away from communal representation and communal elections in the urban areas to non-racial, non-communal representation and elections. It is also my submission that whereas in respect of the Central Government or the legislature we have moved to the point where we expect next year to have common roll elections on a qualified franchise with reserved seats, that in order to bring the situation to what it should be, namely that the local government machinery should be far more advanced than that of the Central Government, that the elections for the local government should, in fact, be made completely and fully on an unqualified franchise, and by that I do not mean an open election without consideration of ratepayers and that sort of thing,

[Mr. Mboya] but I mean without undue qualifications such as we have at the moment, and further, that there should be no question of reservation of seats. I think that in the local government we have reached the point where we should be able to move without regard to these questions about reservation. I also want to submit that in so far as the African district Councils are concerned, I think the time has been reached when these must be brought on a par with the county councils or the councils in local governments in European areas, and that those Europeans, Asians or other races living in African areas must come under the immediate direct control administratively and financially of the African district councils or the African governments. The present situation whereby other races living in African areas are not quite under the control of the African district councils is, in my view, undesirable. These people, if they live in those areas, should be treated exactly like the Africans in those areas. I would like to hear the Minister's views on this question when he replies in this debate.

On the question of staffing and the development of the local government system and replacing the Central Government, we have said here before that perhaps the best approach is to look forward to the day when the Central Government, the administrative part, the provincial administration, will completely disappear, and in its place we will have a democratic local government system. We want to see the disappearance of people like district commissioners, Provincial Commissioners and so on, replaced by locally constituted and effectively organized local governments, and the chairman, or whatever you might like to call him at that stage, of the county council or whatever local government machinery you have, take a proper place in the hierarchy of the local government machinery. It is for this reason that some of us did suggest at one stage that perhaps the provincial administration should come under the portfolio of the Minister for Local Government instead of as at present under the Chief Secretary, or before him, the Minister for African Affairs. We consider that as we move rapidly towards independence, the whole question of the local government structure becomes even more urgent, and we feel very strongly that the Minister in whatever programmes, or plans he has for the reforms of the local government machinery, should seriously take into account these particular questions.

Mr. Deputy Speaker, I want to raise also the question of trade, especially within the urban areas. This, it has been pointed out, is under the Minister for Local Government. To my mind it is unsatisfactory that African trade in the local

government areas or the urban areas should be treated as though it had nothing at all to do with the general development of trade and commerce among the Africans in this country. I would not raise this at this particular point, but I do want to raise this question that we are completely dissatisfied with the present policies and attitude of the Nairobi City Council, the Mombasa Municipality, the Nakuru Municipal Council, the Kisumu Municipal Council and so on. Their attitude is that they will encourage only certain standards based on what they have said, based on health regulations, public health standards and so on. My contention is that you cannot look forward to standards which you cannot afford, and especially if the policy is to encourage African business, I think we should be much more lenient and consider the nature of the people we are dealing with rather than merely fix standards and hope that everybody will maintain those standards, regardless of the means available and their capacity to achieve those standards. It has come to a point where some of us are convinced that, in fact, the reason for some of these restrictions on African petty traders, vegetable traders, second-hand clothes dealers and so on are being prevented from trade merely in order to meet—again I say it, and I say it in all sincerity—the interests of those people who have the bigger voice in the City Council today—the Europeans, and to some extent, the Asians. Competition between these petty traders and the big established shops in Government Road does not really exist, and there is no reason why they should be prevented. Competition between these petty traders and even African licensed premises does not really exist to the point where these poorer people should be denied the opportunity to compete and have at least a chance in developing their own trade in these areas, and I say again, that the situation has been made much worse by these decisions to ban everything without considering what alternative there will be for those people who will be left without means of subsistence, without in some cases, even the ability to survive because some of those who engage in this petty trade business are very old people, very illiterate people, who have been used to nothing in this type of trade. Many times we have been told not to consider ourselves similar to the West Africans. We have been told they are much more developed, they are more prosperous and wealthy and so on. Now one of the things I have noticed during my trips to West Africa, is the very busy trade that goes on in this class of people in markets, street corners, verandas and so on. Now I am not suggesting that we should completely disregard the need to have Nairobi look as pretty as possible. I am not disregarding the fact that we would like to maintain some health

[Mr. Mboya] standards and also conditions that will enable us to deal with epidemics and that sort of thing, but I am saying that the point to which we are going is completely unrealistic and is not entirely based on those standards of practice which we are being asked to consider, and I say that there is a chance here for the City Council, if the Minister will use his influence, to reconsider the matter.

Sir, I would also like to mention today what I consider to be a very negative attitude on the part of the City Council and some of the municipal councils, and that is their attitude in matters of employment and their staff relations. The City Council, it would appear, despite the Lidbury Report and recommendations, has never moved away from racial terms of employment and terms of service. They still classify their staff as African, Asian, European. The European at the top, the Asian in the middle and the African at the bottom. I am not going to be held into confusion or accept this smoke-screen by the City Council of saying, "We have so many categories in our scales from 1 to 24 or whatever it is"; if, in fact, all the Europeans find their way to the top of that scale, all the Asians somehow by coincidence find their way in the middle of the scale, and all the Africans, whatever their qualifications, whatever their experience find their way to the bottom.

Now there is something wrong, and I would like the Minister to take it upon himself because bodies like these are public bodies, and they should be responsive to such Government policies and programmes as are introduced from time to time. I would like the Minister to take it upon himself to bring such influence to bear upon the City Council and other urban local councils that they must move away from this idea of racial terms of employment and give every person a chance, according to his qualifications and his experience. Now, Sir we have, in this particular respect, a situation—for example, in the City Council, where you have an African who was employed many years ago, I think over ten years ago, as an assistant African affairs officer, and whatever changes take place in the City Council he remains assistant. When new people are employed they become deputy, and then they rise up and become something else, but this man, when there is a reorganization in the department, when there are changes in the structure of the service, he is always assistant. Now, I do not know that this man was born to be an assistant, and I do not know that this man is completely incapable of rising. I do not know that this man, despite his experience of 15 or 20 years in the City Council, has not even been able to win their confidence, just a little bit of confidence, so that he could become a deputy something.

Now, I submit that if this man is so bad that he cannot rise at all, he is so completely impervious to experience and so on, they have no business keeping him in their service, because this is the sort of situation which is used from time to time to demonstrate to Africans that they are not yet capable. There are many capable Africans and if this particular African is incapable, let them employ Africans of education with the capacity who can rise. We do not like to see, especially if you continue, to have African residential areas, every year a new European is brought in there to become the welfare officer, to become the housing officer, to become the education officer, and there are Africans who have been working as assistant welfare officers, assistant housing officers, for ten years, why cannot these people rise; have they got nothing in this?

And this all arises from this particular false concept that salaries and conditions of employment will be based on race rather than on ability, education and experience. Somebody has to do something about this and inasmuch as the City Council has at present constituted is impervious to our pleas and representations. I think the Government should take it upon itself to do something and do it real fast.

I would like, when the Minister replies also to tell us something about the position now of leases for African plotowners in the Nairobi City area and what position he has reached in enabling them to be able to get loans for their business or loans for small buildings in the City Council areas.

Mr. Speaker, Sir, I beg to support.

Mr. Bompas: Mr. Deputy Speaker, Sir, I would be doing less than justice if I did not thank the hon. Member for Nairobi Area for giving us quite a refreshing speech this afternoon. I feel quite cheered up; I think we have had quite a jovial occasion.

I do not know the unfortunate gentleman in the Nairobi City Council who is predestined to be an assistant all his life. I sympathize with him, but one must remember, as in the army, you sometimes find a man who is an excellent corporal but he is never capable really of becoming a sergeant, his gravitates between lance-corporal and corporal, but you do not sack him. Sir, for being a corporal and say you must only have corporals who are capable of rising to be a general in due course.

Sir, I am sorry the hon. Member did not either hear or read the speech which I made in this House under the Commerce and Industry Vote, because I did discuss this question of

[Mr. Bompas]

hawkers and traders generally in relation to standards, and I suggested, Sir, at that time that the hon. Member did not—I did not feel that he really believed that the issue was so very vital on the question of competition, because, Sir, the health standards have certain minima that one cannot go below and I am perfectly certain, Sir, myself that our local authorities are genuinely concerned with the health of the population. It is no use allowing all itinerants to hawk whatever they want to hawk.

Sir, one matter that I would particularly like to ask the Minister or Government generally to reply to and that is the question of Kibera. It seems to be very inconclusive as to whether Kibera is now a responsibility of the County Council or whether it is a responsibility of the Nairobi City Council. This is a very old and unresolved problem, which has been dragging on for many, many years. On occasions we have thought that a solution was emerging and I would, Sir, like to hear from Government what progress, if any, they are making in the solution of that problem.

I beg to support, Sir.

Captain Hamley: Mr. Deputy Speaker, Sir, it may ease the mind of the Member for Nairobi Area if I tell him that in Mombasa we are carrying out a sewage scheme in the Old Town and we empty the sanitary buckets in the European area.

The other point I would take up is this question—

Mr. Mboya: Interjection.

Captain Hamley: What? I am afraid I did not hear. The other point I must take up is the question of the hawkers. The African Members and myself will never see eye to eye on this. I did ten or twelve years on the Municipal Board of Mombasa and this particular item, I think, came up in a committee of which I was the chairman. Now I can assure the hon. Member, Sir, that there was never any question of competition between the shops and other traders entering into this, it was purely a matter of hygiene, and I went myself and saw these dear old ladies—and I am very sorry for them, they are very nice old ladies—but they were cooking bits of meat on the bare ground—

An Hon. Member: Interjection.

The Deputy Speaker (Mr. Conroy): Order, order!

Captain Hamley: Surely it can be seen that it is completely insanitary to cook food in that way. And what is the object of stopping them?

It is to protect the health of the African population, not for the benefit of the European, not for the benefit of the Asians, not for the benefit of anybody except the majority of the Africans, and it is an unfortunate fact that one or two of the African population have to suffer, for the benefit of the great majority.

The hon. Member shakes his head and shakes his head, but this argument has been going on for ten years, and he will shake his head one way and I will nod my head the other! But there is the fact; and my opinion is backed up by sanitary inspectors, by medical officers of health, by everybody who knows anything at all about hygiene, and it just cannot go on. We cannot go on having these people cooking food on pavements and on bare ground for the simple fact that it is insanitary and bad for the African population. The very few must suffer for the advantage of the many.

Sir, I beg to support.

Mr. Mate: Mr. Deputy Speaker, I would like to ask the Minister one or two things, particularly with regard to things that have been done in Nanyuki for the welfare of the Africans. I have seen some of the things which have been done for them but the trouble is that they are done for them. There are sports fields, the welfare work, all these things are done for them and that is why I feel that it is important to emphasize the difference between 'doing things' for somebody and between taking part in doing it. But before I do so I would like to ask the previous speaker, the hon. Nominated Member for Mombasa, which is preferable, to cook meat on the bare ground or to house three families in one room in the locations in Nairobi? Under the Nairobi City Council? If the Mombasa Municipality does not like the things the Africans do—unhygienic things—like cooking meat on the bare ground, which I think is quite healthy as the fire can actually kill the germs, but in the Bahati location of Nairobi under the same City Council, there are three African families living in the same room, a man and his wife and children, under the same Ministry that is under discussion, Sir, I feel sometimes the Africans should be left to fend for themselves, which is more hygienic? For the last ten years in Mombasa they, perhaps and even stop people roasting meat, perhaps and even maize which is roasted at least in the countryside in Meru in the open and they do not think that the Mombasa area is any different to any other part of Kenya, so personally I would support the Member for Nairobi Area who a few years ago did work in the same Health Department in the same city. He also is aware of the need to be healthy, but at the same time is more sympathetic with the other aspects of life, the

[Mr. Mate] the economic good or the economic welfare of the people in Nairobi, so I would ask the Minister to use his influence to make it possible for these people to do small businesses by the road or beside the road to continue. When the hon. Nominated Member for Mombasa talks about the hygienic thing, I would ask him whether he has ever been in an African house in Bahati location or Ofaka or Kariakoo or Punwani, to see the kind of conditions, the true conditions which the African lives in. So I would rather the Minister took the advice of the Member for Nairobi Area and not that of the Nominated Member for Mombasa.

Sir, the Africans living in the county council areas would like to be directly associated with the affairs of that particular area. They do not want to have the so-called African welfare officers employed either by the municipality or by a county council or even a change of name from being an African affairs officer to a social welfare officer. After all, we are working towards integration in Kenya. Today the Ministry for African Affairs has been abolished by this Government. Why does not the Minister follow the same example in recommending to the county councils that we Africans—I am an African—do not want people doing things for us. This is a slight thing, maybe, but the point is why do we have African locations? And these other locations? We Africans—and might I be allowed to say this—do not want people doing things for us. It may be a school, a dispensary, a sports field which are all very good things, but the idea of somebody doing it for us puts our whole human dignity below that of the other person who claims to know better, and I feel, right down the line, the African wants to be independent, doing it himself and not things being done for him. And I would ask the Minister that he makes a recommendation to the county councils with relation to the good things they are doing there, the African wants to be a member of that particular council and vote like any other citizen. Together with that they want to feel that they belong there.

This brings me to the planning of towns, the housing and the roads in towns like Nanyuki. I am sure the Minister is aware of the kind of roads we have in that part of the town known as Majengo. During the rains they are impassable. He knows about the houses there, what security the African has in those towns, they should have titles so that they know that they should have that and that applies to many other towns in Kenya and I would ask the Minister to take this matter seriously because it is only postponing a problem that is well known and that as possible be put right one day, if not now, as soon as possible. I would ask the Minister to look into this particular aspect of it.

The other thing is the question of buildings. We have heard in answer to a question here a Minister of the Government saying that the Africans did not seem to want to build houses or something to that effect. There are two factors, one is money. If these Africans have not got enough money to put up wonderful houses, I am sure the town planning people and the Ministry of Works, together with the Africans, could sit down and devise a cheaper kind of house which the African can build so that he lives in a cleaner house but not so expensive. It is the money difficulty. So I would like to see in towns another way of planning, simpler, houses which do not cost so much but which could be lived in and people can obtain titles to those particular plots they have in the towns, especially in rural areas, and I am sure if Government put more thought into this kind of thing they would find that the Africans are only too ready to co-operate in improving their standards. After all, in the African areas, or reserves as we call them today, Africans do put up their own houses, some are decent houses, but because of the difficulties in towns in getting the materials, they need to be assisted in the expense, not according to what an officer in Nairobi says or the planning office, but to get co-operation to study the particular area and I am sure the Minister for Local Government would be doing the ordinary African a lot of good by going into this problem, or his Ministry going into this problem.

Sir, the Minister talked about improvements in the progress of the African district councils. He quoted examples of African chairmen here and there. We are glad that this is happening at last.

The Minister for Local Government and Lands (Mr. Havelock): Meru next?

Mr. Mate: No, I am not talking about Meru. I am talking about African district councils in general. I am coming to Meru soon. But we would like to see this accelerated so that not only are we given an example from North Nyanza or from Machakos or that Kiambu has this, but people are not interested in what has happened in Machakos, they want to see it in their own areas too, they are too parochial. People in Embu, people in Meru, people in Kwale, they are not so much interested in what things are happening elsewhere, they want to see what is happening in their own area. So I would like the Minister to accelerate this idea. Of course, I am not saying that he should hand over power like that, and the thing go wrong tomorrow. All I am saying is that there are plenty of African councillors who can do these jobs and the delay is frustrating them, the word is not very popular here but they do get frustrated.

[Mr. Mate]

The second point is the veto powers that the Minister has through the Provincial Commissioner, through the district commissioner. The hon. Member for Nairobi Area did mention it, but I am sure the Minister knows at times how annoying it is for an African district council to live to have a district commissioner as a chairman, but he is also a district commissioner with extra powers to veto the majority decision of the council. Then, of course, by the time the Minister gets it, the Minister for Local Government, the whole matter has gone wrong. We would like these things to be more direct and as the district commissioners are people with extra powers, we would like these bodies to grow and be able to act with their own officers becoming higher in rank, to have an African district council secretary, an African district council treasurer, an African district council staff, senior staff who ought to be competent men who can see what it is required to be done. After all, when you take education, we have got many educated Africans. If they are as educated as the particular district commissioner, we may have their opinion as considered as any, so instead of having the district commissioner all the time putting his veto powers through the Provincial Commissioner, we would like to see the advancement of the African district council through their own officers and giving the African District Council Bill greater status to be able to decide once and for all and I feel also when it comes to the question of other communities living in an African area, we should try to integrate so that in an area the Asians should not be cut out, or the Europeans and have to go through the district commissioner to come to the African district council when they come for licences and trading matters, they have got to go round, why not go ahead and integrate the whole thing?

Now, Sir, I come to Meru question as I am sure the Minister would like to hear. It is electricity in Meru town. We would like the Minister to do something to use his influence to help the Meru African District Council to find the money and experts in order to install electricity in Meru town. It has grown considerably, we have more than three schools there, big schools, we have a bishop there, we have—that is right, the Bishop of Meru is there, he has built a very wonderful cathedral—a big trading community, Asian and African, we have a big hospital there and it is time we had electricity so that we can get some light industries, to be able to have students studying at night more easily—students doing studies at the training college—and even the citizens living in the town enjoying these facilities. I would like an answer from him later

as to what plans he has, because I am sure I raised this matter with him more than a year or two ago.

The next question is we would like assistance—the African district council would like assistance—in piping some water in to the Kijafaj, Muthara and Lare area of Nyanthem Division, next to the area where they are going to grow tea because it has plenty of rain. The water is also available. We have got a rain shallow on one side, the western side of Nyanthem. If the Minister for Health and the African district council could get money or raise a loan to put in water for human beings, human consumption, I am sure he will be joining the Member for Mombasa in looking after African health because they go without water, they cannot wash, even cooking. There are rivers near there and we would like some assistance on this.

Mr. Deputy Speaker: that brings me to a very important question and that is I would like the Minister to tell me what the position is regarding an African district council which has voted so much money for higher or overseas education for their children and they are told that the Minister for Local Government has said they cannot use that money for education. The ~~governor~~ overseas has said to a student "Yes, you can come, you are qualified" by attesting his papers and then the African district council as a whole voted the money and then we are told that we must not use that money for that purpose. The money is voted and set aside for African education and then we are told that the Minister for Local Government says we cannot spend that money thus. It was not set aside for anything else, I would like him to tell me why the delay if it is the Minister's responsibility. I would ask the Minister for Education to solve the problem, we would like it solved as quickly as possible, particularly in Meru.

Sir, coming to land. I have a simple question to ask the Minister for Lands, a somewhat overlooked. Has the Minister for Lands ever looked at the land in Kenya, the way it is divided between the communities to see how much land over where the need is greatest for over a space or where the need is greatest? Land is talked about to live in with security? Land is talked about so much in Kenya today, and we have talked about land in Kenya being ~~conscientious~~ we have talked about land claims and all these. What have we done on this particular side of the problem? What answer would he have about all these conflicting claims of the people of Kenya?

[Mr. Deputy Speaker (Mr. Cowry): In the Chair]
[Mr. Deputy Speaker (Mr. Bevan): took the Chair]

[Mr. Mate]

Speaking as an African, the question of land is an inescapable question. The African people who live in congested areas would like to feel that they can get land where they can live with ease, where they can live more freely. The second point, those Africans who live in the various lands, various Government land, or the settled areas without security, they have no right to own a piece of land, would like to have some security. At the same time, the Minister should give us an answer to all these points that have been put to Government all these years on the question of land by the various tribes, groups and everybody. The problem cannot be shelved for ever. To give an example, the Meru people have a claim to some land between the two rivers, West and East Luguthu, which was ceded or given away by a simple administrative mistake. There is the question of land in Upper Chuka. Mr. Deputy Speaker, I feel it is important to understand the African is not mad. We are not going to cut down all the forest on Mount Kenya. We are not going to pull down the various things or pull down this building here. We are not saying pull down the coffee, we are not saying destroy what has been done during the development of the country, but nobody can convince me that all this land, for example, in my constituency is being properly used just because somebody has a title to it given by this particular Government here, or the particular Government of the day, whether it was in 1906 or when, which ought to see the need for these reforms, people need places to live, places to farm and instead of having this plan of 50-acre plots they should look into the whole question. I call the 50-acre idea a very good approach, a very good beginning, but why not deal with the whole problem? We have got areas of jungle here which are very thinly populated, we have got empty land. In the Central Province, not much of it, I am including Meru. This can go further than the 50-acre idea. What can the ordinary man do? That is why we have to have a thorough study with regard to the question of land and so-called title, if the title means that you have got 100,000 acres which you are not even farming and you have got a piece of paper about it, cannot we get so many acres and plan for people to live there from other districts? We should be ashamed to stop the necessary, sensible reforms in these acres.

Sir, I have never heard an African politician who says that we must undo the roads in Kenya, we must undo everything that has been done in making Kenya a better place, but at the same time the question of land, the question of African, Asians, Europeans and land, these must be faced. So what I want to say, Mr. Deputy

Speaker, very seriously, is for the Minister for Lands to use his influence with the Minister for Agriculture to advance this so-called 50-acre plan to see that the problem is greater. In the settled areas you will never convince an African that he has no right to live on his God-given land—instead he lives as a foreigner, a squatter, someone temporary. I do not want to go into history here; who did that, who did this. I am sure we all mean to live together, but these obvious problems must be solved in a simple straightforward way and we are speaking as African politicians, Mr. Deputy Speaker; if I am to be told that you get so many acres, which means modifying the title of the particular man's land by having it sliced because some has to be taken away and be asked to say that I do not see the need of the Africans for this land so that capital may come into Kenya sorry I cannot. I differ very categorically from the Minister for Finance and Development when he tells me, "Do not mention titles, let them stay as they are, everybody congested, with squatters in the European areas, nothing changed and the money will come." Into whose pocket?

A man with so many acres may be given a loan by this Government or by somebody else because he is supposed to have so many acres and is a rich man. Now, that money goes into his pocket. The Kenya total income is increased, but the ordinary man has nothing. He should have two or three to farm and get something to eat. Sir, I feel that is where we African politicians stand. We are not trying to destroy the good things that have been done, but we are saying that we have a problem here. Our Government has realized it; they are very shy to go ahead; they should get moving quicker and we shall be with them. But we cannot promise that an African Government will shut their eyes to the problem. We are going to accelerate it. If I knew any economics—we have been tutored here by the Minister for Finance about economics—the thing that matters is not only production but even distribution, and if it should be necessary one day to modify the Government policies of this country so that distribution fits into a particular scheme that is sensible we are going to do it because so many systems exist. In Britain today and a little earlier there was the so-called Welfare State set-up, a kind of half and half, a blend of old practices and new practices. Kenya must come to that stage, not only as far as production is concerned, but also distribution, salaries, wages, even how much space one has for building a house. We are going to face this problem, and for those who say that because we say there is a problem here we are scaring away capital, sorry, but they should come and meet all the 14 African Elected

[Mr. Mate]

Members and the other politicians outside and discuss this thing. For we have got qualified men—Dr. Kiano is not a Communist—and I cannot be convinced that when we talk about the question of land being disputed under this Government we are scaring away any capital. And those who want to invest—for example, as far as the people that are helping to put up the factory for the tea in Meru are concerned, I was very pleased when they came right to Meru and they had lunch with these ordinary African councillors, the people who matter. But others come into Nairobi; here they do not go out into the country. They never see African politicians and they are told by somebody in Nairobi here who is supposed to be a big businessman that there is so much politics here that they thing they are not so very safe, and that they should go away and must not bring this capital here. They should come and be advised in the bush here. We are quite happy to discuss it. Some of us have travelled a little in this world, but because we are taken simply... that is why in Kenya we shall always have this that I call a political background to the land problem which our Government shies away from. I hope the Minister is going to realize that we shall not stop the question until the necessary reforms have been accepted.

An Hon. Member: Well done!

Mr. Mate: I hope well done. Now, Mr. Deputy Speaker, there is another problem that I feel the Minister for Local Government should look into. To quote another Member of this House some time ago, he said: "Why should I become a Minister when I cannot become a district officer?" Today we have got African Ministers. Why the delay in the Ministry of Local Government and Lands in promoting Africans to higher ranks; say to an executive officer for an African district council secretary? Why do we not have more Africans high up in the executive; in the secretariat? No, you are all right, but in the offices there are too many people of the same colour in the top sector. I would like to see the Africanization that was mentioned in the London Conference applied to the Ministry of Local Government. The Minister can remain what he is, but whatever was meant by Africanization I would like to see more black faces.

Mr. Muliro: (Interjection.)

Mr. Mate: No, Africanization, I said. Both. Mr. Deputy Speaker, Sir, I differ from the Member from Kiambu, Mr. Bompa, who talks of an assistant so-and-so and tells us of sergeants in the army. We have got so many retired sergeants now at home in the Kenya Police, in the

Prisons, who tell us exactly what happens in the army. It is they who tell us: "Look here, I was never promoted because of this and the other." They got medals in Burma, the Middle East and all over the place. When they go overseas who complains? But as far as soldiers are concerned, if they are happy to remain down there—which I know they are not—it is all right. We are talking about to remain as assistants for as many years as anybody likes. Now, I will give an example, I know a certain Government servant in Meru—an African. He works for a department and his education is so low that he cannot understand even simple English. Because of political expediency he was made an assistant officer of a certain department and young people, or younger people who had got better qualifications—

The Minister for Local Government and Lands (Mr. Havelock): On a point of order, Mr. Deputy Speaker, I do not think this is anything to do with my Ministry at all.

The Deputy Speaker (Mr. Conroy): I understood Mr. Mate to be saying that there should be promotions in your Ministry and in all other Ministries.

Mr. Mate: Thank you, Mr. Deputy Speaker. Sir, I am not accusing the Minister of mis-managing this particular department, I am saying that as a general question we would like this Africanization and localization. I think that they should take us more seriously—

The Deputy Speaker (Mr. Conroy): Order, order! General questions, of course, should be discussed under the Chief Secretary's Vote. If you are raising it as a general question you are out of order, but if you are raising it as a specific question on this specific Ministry you are in order.

Mr. Mate: Thank you, Mr. Deputy Speaker. In any case, I do not think I should go on on that point again because it sort of hinders me from finishing my speech.

On the question of town planning and surveys, we would like to see the town planning treated as one. We find locations and African areas in the towns we have today. Would the Minister consider in the new towns that are going up—I know you cannot move Kariakor from where it is but you can improve the houses. But in a new town, let us take anywhere at all in Kenya, would the Minister not consider building houses and having shops just for the Kenyans and not for these and the others. We know these things have happened, localizing people, but we must put them right. So in the planning of the new towns together with the cheaper houses for Africans, so that the Minister for Housing can be able to help

[Mr. Mate]

them, we should plan simple houses and for new towns we should not have provisions for this, that and the other. So in the old towns everybody knows about it and it does not matter very much.

I beg to support.

Commander Goord: Mr. Deputy Speaker, I feel rather staggered by the torrent which has come from the last speaker and hardly know where to start. I do not envy the Minister his task of having to reply. I might perhaps however relieve him of trying to one or two of the points raised by the hon. Member who has just sat down.

I felt that it was rather entertaining that he would not have "Localization" but insisted on having "Africanization"; but he wanted to be strictly non-racial and have "Social Welfare" officers instead of "African Affairs" officers. Anyway, I quite agree with him—

Mr. Mate: On a point of explanation, Mr. Deputy Speaker, I did not say I wanted social welfare workers. I simply said that only the names have been changed to that, I did not say I wanted them. I said the names are changed.

Commander Goord: I take the hon. Member's point and I may say I fully agree with it. I think he would probably be happy to know that local authorities are in fact adopting his suggestion and turning over to this terminology.

Another point that he made was that the Africans, particularly the Africans in rural areas, were very anxious to take part in all welfare work but they did not like having it thrust on them from above. I am sure that that is a very proper spirit and I know from personal experience that local authorities are only too anxious and do all they can to encourage the active participation of Africans in their own welfare activities, in the community centres and elsewhere.

He then went on, Sir, to refer to overcrowding in Nairobi City. Now, Sir, we have this question every year, year after year, and hon. Members opposite must realize that as fast as the houses go up the people crowd in and it is a physically impossible task either for Government or the City Council to keep pace with this development. The only answer to overcrowding is to keep the people out by pass laws and I feel sure that is not a thing that the hon. Member would like to see.

Now, Sir, there are two particular matters which are of great concern to local authorities which I want to touch upon today. Both have been aired quite a lot during the past year and both have a very great impact on all local authorities in the settled areas. The first is the cut in the traffic licence revenues and the second is the

freezing of the public health grants. These are both very considerable financial cuts in the grants made to local authorities. Hon. Members will remember that with regard to traffic licence revenues the Minister has proposed a completely new system of allocation. This was very hotly contested by the municipalities, by the counties to a lesser extent, and in the upshot the two sets of bodies together on the Association of Local Authorities did in fact reject the Minister's scheme. Now, I think, Sir, it would be very interesting to know what the Minister's intentions are in regard to going ahead with this or not, and on what basis the Estimates have in fact been made.

Now, turning, Sir, to the public health grants, I feel that the matter of principle here of making these cuts is even more outstanding. In the Municipalities Ordinance, Notice No. 37 of 1959, it states that half of the net expenditure which may be in accordance with the Annual and Supplementary Estimates be approved by the Minister in connexion with measures for promoting and maintaining public health shall be paid to a municipal local authority. The question arises, Sir, that if the Minister does in fact approve Estimates by a local authority in which Government's contribution is actually less than 50 per cent, whether he is not in fact breaking the law. We must, of course, recognize that these cuts had to be made; but cutting statutory grants is a very dangerous principle because the question arises as to when, if ever, they are going to be restored. Here again, I do feel that some indication of policy would be encouraging to local authorities. The effects of these arbitrary cuts as opposed to any planned change in the financial system are, partly, that they have a very uneven effect on different local authorities, and partly that the whole of the forward planning of the authority is upset. Some authorities who have had difficulty in slowing up their plans may find themselves in very difficult circumstances.

Sir, before I leave that, I would be interested to know what arrangements will be made for the Usin Gishu County Council, when it becomes a Health Authority, in the matter of grants, in view of the general freeze on public health grants.

Now, Sir, I am sure—at least, I am not sure, but I suspect—that the Minister in his reply will say, "Well, these are very much matters for the Advisory Committee." I can only say again that the delay of the local authorities in submitting evidence on these things is not helping to solve these problems.

In conclusion, Sir, I would like to congratulate the Minister on the success of his local loans scheme and to ask him if in his reply he could

[Commander Goord]

give some indication as to the extent to which these moneys are in fact meeting the needs of local authorities.

Mr. Deputy Speaker, I beg to support.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I would also like to be very brief in this debate. I would like first of all to touch upon the question of petty trading and the by-laws which are being applied by the local authorities to this type of traders. I do not want, Mr. Deputy Speaker, to repeat the arguments that have been repeated in this House by my colleague, the Member for Nairobi Area, but I would like to add new things and to ask a few questions.

In the first place, I would like to say that these restrictions, most of them, have become so ridiculous to the Africans that even the pretence of health as being the reason which has brought about these restrictions do not hold water at all. Perhaps the Minister for Local Government will be able to tell me what dangers—what are the dangers that—can be encountered in a man sitting under a mango tree selling snuff to the people who are passing there. Where is the health danger there? If he sells his snuff there people come and buy and go and there is no health danger there. What is the health danger in a man selling his cashew nuts properly dried under a mango tree? There is no danger there at all, yet the local authorities are very particular in trying to restrict this type of commerce. I think they are quite wrong. And going on from there, there are very many articles which are edible which could easily be sold in the streets without any danger at all. During my recent visit to London I visited one of the areas where the Europeans are selling this type of foodstuff in the back streets and the municipalities are not interfering with them at all. I think, Sir, there must be some other reason beyond this question of health behind these restrictions and behind these by-laws. I can only think that the reasons behind it or the motives perhaps are to try and make these people poorer and poorer, particularly this type of people who cannot get any other employment anywhere.

Now, Sir, the local authorities are very fond of and take great interest in building food vendors' canteens and making these African men and women cook their foods in these canteens. Now, I would like to see the hon. Nominated Member for Mombasa going to Mwenbe Tayari canteen or to Majengo canteen and see the conditions under which these women are cooking their food, and the conditions, I can tell him, he will find are more unhealthy in these small cubicles of cooking near a very heavy fire big *sufurias* of porridge and beans than if the municipality had

left these women to cook them at home or under the trees as they have been doing all these years.

Captain Hamley: (Interjection.)

Mr. Khamisi: It is more unhealthy. Now, Sir, when these canteens have been built the municipality goes and charges very high rents to the people, the women who sell food in there. The rents are so high that in some of these canteens the women cannot even afford to pay the rent. They have to run away at the end of the month because they cannot pay. You see, the business that they do brings them a profit of, say Sh. 1 or Sh. 2 a day which is not sufficient to pay Sh. 32 per month, being the rent of these canteens. Now, Sir, I feel, that the time has come when these standards which are demanded by the local authorities should be set aside and people—these petty traders of this type—should be allowed to continue to sell their food to the people. Let the people themselves who go to buy this food, say, "We do not want this food, it is dirty!" Let them say so. Let them be made to sweep the surroundings in which they sell this food. That would be quite reasonable. But to say that they cannot sell there simply because there is a danger to the health of the towns is pure unreasonableness and has no meaning whatsoever.

Sir, coming to the question of the monopoly which is still being held by the local authorities for the sale of native liquor, I feel that that is one of the things which should be removed and abolished. If the local authorities want a monopoly to sell native liquor, why should they be allowed also to sell European liquor. Why are the other people who pay very high licence fees restricted to selling only European liquor and not allowed to sell the native liquor, which is the type of liquor they like and favour more than the European liquor. I feel, Sir, that this Native Liquor Ordinance should be abolished altogether and removed from the Statute Book so that if at all the local authorities are ready to compete with the people, let them compete with them on equal terms.

Captain Hamley: And who gets the profit?

Mr. Khamisi: Well, the African people get the profit.

Captain Hamley: Yes!

Mr. Khamisi: They are anxious to compete. It is the African people who drink this type of intoxicating liquor and not the local authorities themselves.

Now, Sir, coming to the question of dispensaries, I understand that the dispensaries in the municipalities are the responsibility of the

[Mr. Khamisi]

local authorities themselves. I hope that if I am wrong the Minister will correct me. After making enquiries I find that the local authorities have not started to build any dispensaries to cater for the people in the mainland areas of Mombasa. I have since I came into this House every year suggested and requested the Government to build dispensaries at Mtongwe and Kisauni and Changamwe, but up to now the dispensaries have not been put up. A very small dispensary was built in the early years, in 1955 I understand, at Mtongwe, but due to the fact that this dispensary was not staffed with the necessary qualified staff to deal with the sick people and had no medicines at all. To all the cases which came there the dispenser used to say, "All right, you had better go to Makadara; we have no medicines here. This is a serious case." to each case so people lost faith in going to this place. Now, it is, I think, the duty of the Minister to see that dispensaries are constructed and placed under the control of experienced hospital assistants who will be able to treat the ordinary small diseases which would avoid the necessity for people to go across the ferry into Mombasa Island when they have got simple diseases.

Sir, coming now to the question of the surveys. The Minister has stated that his Ministry has carried out surveys on certain pieces of land but that the owners have failed to come and collect their title deeds. Well, I am quite sure that the owners are as anxious as the Minister to collect their title deeds, but if the land which they possess is worthless and the cost of the survey is too great, then they cannot afford to pay. Most of these people, as I know, are poor people who are unable to raise the necessary funds to pay these heavy fees which his Ministry is asking for. I would request him to reduce them so that these poor people can be able to come and collect their title deeds. I think it is time that Government should consider the situation looking at the conditions of the people from whom they want to collect the money.

Now, Sir, I would not like to repeat what my colleague has said about the composition of the local authorities in Mombasa and therefore I should say that the whole question of the composition of the Municipal Council of Mombasa should be reviewed as soon as possible to conform with the decisions reached at Lancaster House.

Another point I would like to mention, Sir, is the question of locational councils. I would like these councils—the locational councils in the districts, in the towns—because I understand that he has now recognized some of these locational councils, and I believe some of them are the

Mombasa locational councils, to have authority to deal with matters which are not only purely African but all matters which relate to people of all races living in that particular location. Therefore, the locational councils should be non-racial and their decisions should be applicable to all the people of all races in any particular location. I hope, Sir, that in this respect the chairmanship of these locational councils should not be restricted to the chiefs of the locations. They should be open to any member of the locational council who should be able to be elected the chairman of the councils and not as it is at present in Mombasa where only the chief is the chairman and must always remain the chairman.

With these few words, Sir, I beg to support the Motion.

Mrs. Hughes: Mr. Deputy Speaker, I only want to ask one short question of the Minister. About 18 months ago he set up a committee of which I was a member to go into the question of composing a set of model building by-laws. We met once and a small committee of three, I think it was, was set up to draft these model by-laws. Well, Sir, since then we have heard nothing further about it and I would like to ask the Minister what is the position because certainly the main committee has never received any report at all from this working committee. Sir, I do feel that it is a very urgent thing indeed. Finance is very limited these days and as we have heard many Members say in this present debate, it is essential that we get far more houses, far more shops and so on at very much cheaper and simpler ways of building. So we cannot bring into practice modern methods of building while we still have the same by-laws in the various townships. I do suggest to the Minister there is an urgent need for a modern set of permissive building by-laws.

Mr. Rubia: Sir, before I start I would like to apologize to my hon. friend the Minister because I was not in when he was moving the Vote and I would like to apologize if I raise questions which he has already dealt with.

Now, Sir, I shall be very brief because I do not want to be, at one stage or another, accused of having taken up a lot of the Council's time.

Sir, I always consider that one of our main problems in this country, and I think our main question, is how can we black, white or yellow live together harmoniously. Now, I would like to tackle this from the local government level, and I would like to submit, Sir, that that is where we should have encouraged the sense of racial understanding. But I think, Sir, we have failed in that several municipalities have by-laws which prohibit one particular community living with

[Mr. Rubia]

and I would like, Sir, at this stage to quote the case of Nairobi where there was a by-law, and I believe that it still exists and has never been repealed, which prohibits, say, a European to come and live in Pumwani if he wishes to. Now, it is true that if Mr. Smith wants to come and live in Pumwani he can obtain permission and usually it is granted. But the fact is that the by-law is still there and I think we should try and get away from the question of restricting residences to particular communities. I have given the example of Nairobi because I know that in 1956/57, I cannot remember exactly when, I sat on the City Council, and I did take this up and the Council after considering it for quite a long time found that there were some snags if that restriction were removed, but I think it was agreed that it was not difficult or impossible to see a way out of it, and I sincerely hope that the Minister will give thought to this idea, because I believe it is useless to talk of racial understanding if nothing positive is done in that direction. It is possible in a town or a municipality to understand what is the political attitude of, say, Mr. Njoroge, he wants you to vote for him as a European or Asian voter, but it is more difficult to do so in the rural areas. I suggest, Sir, that those sort of by-laws should not be allowed in our municipalities and towns.

The other point, Sir, is the standard of health. Sir, I would like to differ here with what quite a number of hon. Members have said, but I do not believe that in our towns and cities and municipalities we can afford to drop the standard of hygiene. There are many reasons. I am not a medical man but I can think of one straight away, and that is the congestion. If we do not stick to a reasonable standard of hygiene I have no doubt that if an epidemic occurred it would cost more to control than perhaps it would have cost by sticking to the high standard of hygiene. Therefore, Sir, I would like to differ from what has been said, that a high standard is unreasonable and so on.

However, Sir, at the same time I think that what many hon. Members have in mind is the question of building standards, the high building standards. I would like to give an example of our city here and to quote Ofasa as an example where you have a municipal housing estate and Makadara. Now, it always beats the African tenants in Makadara with plots and houses why they should be asked to build houses to that high standard when the Nairobi Municipal Council itself has got hopeless houses next door. I think that is the question which is worrying many people. If standards are going to be insisted upon then they should be reasonable standards which

can be afforded. In Makadara the average cost of a house of five rooms is anything up to £1,500, but I believe that if we lower that standard it will be possible to have four houses out of the cost of three built to the present standards. There, Sir, although I agree we should have a high standard of hygiene in such matters as food, accommodation, etc., I think our building standards are rather too high to the extent of limiting the accommodation we can provide for our population here.

Now, Sir, I would like the Minister to inform me as to what the position is regarding the shopping facilities in Ofasa and in Mbotela, Nairobi. I raised this question some time ago, I think it was last year, although I cannot remember exactly. I think I pointed out that Ofasa itself was completed, I believe, in 1955, and Mr. Deputy Speaker, Sir, up until now no proper shopping facilities have been provided, and that, Sir, I think, is one of the points that I believe our local authorities should feel very much concerned about, not only to provide four walls and a roof but also to provide services such as shopping facilities, health and schools and such like. I maintain there is a question of urgency here. Ofasa and Mbotela Estates have been without proper shopping facilities since they were built. I think the Minister will do a really good service to the residents in those areas, because Ofasa has approximately 20,000 to 25,000 people today, with, as I say, no proper shopping facilities. The position is very serious.

During the main Budget speech, I believe the Minister was out, I raised the question of the services of organization and methods teams from the Central Government to serve our local authorities, and I would like, Sir, very briefly to mention this so that the Minister will inform the House what opinion he has on this matter. Now, I understand that to have a service of an organization and methods team is an expensive business and that not many local authorities can afford to have their own team. That is why, Sir, I have suggested that the Minister should look into the question of having a team in his own Ministry so that it is available to local authorities which cannot afford to have their own teams. Now, I am sure that the Minister is aware of the benefits to be obtained from such organization and methods teams, and as we progress and more and more responsibilities are handed over to our local authorities, one of the most important things is to make sure that the money they spend is well spent, and not only well spent but also if nothing more cannot be done with the same amount of money. In one particular case which I do not want to quote in detail I know that there was a team which went into the question of African estates in Nairobi in 1957. Their report which I

[Mr. Rubia]

saw, as a member of the City Council, made me, I must confess, feel very shocked because what that report revealed in some instances was unbelievable. It was unbelievable that such things could happen in the Nairobi City Council and I believe it could be even worse in smaller local authorities with councillors having less financial knowledge.

Sir, I beg to support.

Mr. Muchura: Mr. Deputy Speaker, Sir, I must agree with my friend the Member for Nairobi Area's remarks about the City Council. One very good and obvious reason which he mentioned was the conditions and terms of service. I have mentioned in the past in various other debates, the differences that existed between health inspectors employed by the City Council and those employed by the Government. It is true. I will not repeat all the arguments used to support the case, but it is a fact that it is high time the Minister did try his level best to bring some pressure to bear.

On the question of housing, which is also within the Minister's portfolio, African housing in city councils and municipalities in various areas. The Minister for Housing did say yesterday that there was no interest in tenant-purchase housing amongst the Africans in Nairobi. I would like to suggest, and I have suggested this before, that there should be an offer made concerning the present municipal housing or city council houses that those who instead of being tenants should become tenant-purchasers, thus bringing about very good results, even if that meant paying five shillings or ten shillings more. But I would like to suggest to the Minister to try and find out if there would be any possibility of people wanting to be tenant-purchasers of the present rooms or flats which they are occupying. Secondly, I would suggest to the Minister that instead of going ahead and building more of these rental houses they should try to consider very seriously simple but habitable houses for people living in Nairobi. There are two very good reasons: (a) it will cause the stability needed instead of the rather uncertain type of living that most Africans have in towns; and (b) it will help to cut down the big overheads of what I am going to talk about next.

My next point is the question of rents. I must say that the Minister did on one or two occasions step in and sort of stabilize things, instead of allowing the City Council to increase the rents in the way that they had suggested; and I think as a result of that this enquiry or investigation by the organization and methods team which was mentioned by my hon. friend Mr. Rubia

some results were produced. But all the same there is always pressure to increase rents. We were told most of it is due to wastage of water, great overheads, supervision and the like. It is true even on the tenant-purchase scheme this estate will somehow or other be inspected by, shall we say, the principal to make sure that the property is not being misused, to make sure that the estate is something kept clean, but that will not warrant employing this large number of officers that are at present employed to chase people around, to collect rents, lock the doors, and do all they like. It will be the responsibility, I suppose, of the tenant-purchasers to keep the standards as they are required by the health regulations.

Now, on this question of rents, the whole of the Department of Social Services and Housing was changed to the present name since the pressure in this House to get rid of the post of the Minister for African Affairs; so they thought in the City Council that it would be very fair and proper to change that office from the City African Affairs Office to the Department of Social Services and Housing. This question of social services has, I think, and probably is still confusing even the Government, because I see in the Estimates that the Minister, whose Vote we are discussing, has got a certain section of Social Welfare. The Minister for Health has got something about social welfare, but when the Minister was moving his Vote he did not mention anything about the social section within the Ministry of Local Government and Lands. Now, what I am saying is this almost perpetual demand for increased rents because of the increased overheads and charges could be greatly minimized. I have suggested once before that there is no need to have the very highly paid officers who are employed at present. These flats could be turned over by asking the people who are occupying them to see if they would not like to take them over as tenant-purchasers over a number of years. I maintain that if this were done the Department of Social Services and Housing will find that there is nothing whatever for it to do; and at present I think there is quite a lot of money being spent there, I think, Sir, most unnecessarily, on the very highly paid staff in the locations themselves besides those in the Town Hall.

Now, Sir, on the question of the eviction of tenants, I agree any landlord would like to have his rents paid regularly, but there is a limit to what can be done. The recent instances of people coming back from work and finding their families locked out, sometimes with children, is a bit hard. Therefore, Sir, I suggest that they should encourage by circular to the

[Mr. Muchura]

of the municipal estates, the City Council tenants, to take over as tenant-purchasers as opposed to being direct tenants.

My hon. friend the Member for Mombasa Area has mentioned the question of locational councils which the Minister talked about. I mentioned this last year and I am glad he has taken some action about it, but I think he means probably also that he will take note when he comes to giving statutory powers to locational councils in the reserves and at the same time will do what he possibly can about these ward councils and various other organizations we have in the municipal areas and urban areas. For reasons which I advanced last time they should be able to regulate and govern their own estates, whatever they may be called, with some statutory powers.

Now, I do not know whether what I wanted to talk about is the sort of section of social welfare that is under this Vote; if not I will wait for the Ministry of Health and Social Welfare Vote, and if he does not speak on it I will bring it up then. It is most interesting to learn that although there is a section of social welfare under this Ministry there is no mention made of it in the speech of the Minister.

The next question which has always worried me is the question of juvenile prostitutes. To me it appears as if the existence of prostitution has been accepted by the Government. There are two things why I say so. Either the police have not got enough power under the laws of Kenya to deal with these people or they just turn a blind eye.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I have now been deprived of that part of my portfolio.

Mr. Muchura: In that case I will probably raise it later. Now, on the next question of the local governments becoming health authorities, and I am sure the Nairobi City Council is one, there again if they become health authorities alternative arrangements should be made for sickness during the nights or on public holidays when these health centres are closed, as they are closed in Nairobi.

It is true I may be told that in Nairobi it is possible to go to King George VI Hospital at night, into a casualty department. It is not very easy for some of the more simple Africans to do that. They would rather have something handy when they are ill as they are used to.

With those few remarks, Mr. Deputy Speaker, I beg to support.

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): Mr. Deputy Speaker, Sir, I would just like to join in with the other hon. Members and thank and congratulate the Minister for moving this Vote in such an able way that we have been able to follow exactly what is going on in his Ministry. I would, however, like to answer a few points that were raised which I think do not concern this Minister and rather concern my Ministry:

The question of the boundary demarcation for Kibera was raised by the Member for Kiambu and I would like to say that it is still a very difficult question. Many people should know that Kibera is in the County Council area at the moment and, therefore, we treat it as an area that is not within the City Council boundaries, but in the County Council area. The administration of Kibera has not been by the County Council. The Government has been doing it through the district commissioner, and until we have improved it to a standard that would be acceptable to the local authority concerned, I think Government will continue to be responsible for that area, although it is, as I said, in the County Council area. He also asked about the progress that has been made so far in the development of this area. Well, discussions are still going on. Some of you might have read in the papers that the Sudanese are very angry with me. It is a very difficult thing, you know, to break away from a habit that one has been used to for so long. I think Government means well in trying to improve Kibera to make it habitable—a place that would have the social services that other people are enjoying—and I think we shall continue to negotiate and discuss with the Sudanese in that area and assure them that it is to their advantage that this development should be carried out. It is a development that we think must be in keeping with the surroundings of the Nairobi City Council and the County Council area. It is, I think, a very attractive site and when it is improved it will be a very useful place of residence. We feel that it is important that we must develop this area. The scheme really will be divided into five neighbourhoods, but starting with this side of Kibera, where the Sudanese themselves live. We would like to develop their section first, so that they can feel secure in their place before we extend the scheme. In next year's Development Estimates there are £90,000 allocated to Kibera. This is intended to provide the necessary funds to start the scheme working. But, as I said last time when I spoke on Kibera, we are not going ahead with this scheme without consulting, or without negotiating with the Sudanese

[The Minister for Housing, Common Services, Probation and Approved Schools] in that area as to the design, the plan and layout of that area, because they are the people going to live in those houses and they should be able to tell us exactly what sort of design and layout is in keeping with their tribal customs. It will eventually be an area with five neighbourhoods accommodating about—15,000 people, and so the development will be a big one. It will not be limited to the area that is occupied by the Sudanese, but the whole of that area.

As to the question about their future and so on, I have invited the elders from Kibera to come and see what sort of proposals we have in my Ministry, and see whether they can suggest alterations or any amendments to the scheme, so that we go ahead with full support and understanding from them.

The hon. Member for Meru mentioned about cheaper houses for African tenant-purchasers. It is exactly with that in mind that the Central Housing Board proceeds with any housing schemes. We do not go ahead with a scheme if we think that it will be an expensive scheme. If we think that the eventual, or the final, figure in a scheme will be beyond the capability of the tenants to pay, then we have to think again and give a once and for all subsidy in the way of a grant for services, which would provide them with roads, sewers and that sort of thing. Government gives a 50 per cent grant and asks the local authority concerned to do the same and on the understanding that they will not reflect that item in the rent. That is the best way we can subsidize by a once and for all subsidy, and it is intended to reduce the cost of the scheme and make it a little cheaper for the tenants to bear. I do not see any other way, unless we get a millionaire to donate money to such schemes, and we have very few millionaires in this country. I wish I could know them. There is no other way of helping or producing a cheaper house than the one I have suggested. If any Member has any suggestions, better suggestions, to make, we are always prepared to listen and consider them.

The question raised by the hon. Nominated Member, Mr. Charles Rubia, comparing Ofafa and Makadara; I would like to be clear on this. There are three types of Ofafa and forgive me for mentioning them. The first one, which was the subject of a court case, was the Ofafa that was tumbling down when the contractors were building it, and it is now known as: *Ofafa ya kuhuni*. You should be able to understand what that means. *Ofafa ya kununi* means the Ofafa that is bug-infested. That is the first one which was not to the satisfaction of the City Council's

requirement and there was a court case over the scheme in general. Therefore, we cannot take that as a comparison with Makadara. I would like to know whether the Member meant the two new schemes which we have put in Ofafa, the one they call Maringo and the other one now popularly known as Jerusalem. If he is comparing the two schemes with Makadara, then I think there are differences that could not be compared. I think those two schemes are rental schemes, whereas Makadara in general is an owner/builder scheme. And I think the quality of Ofafa Maringo and Ofafa Jerusalem surely is much much better than the Makadara that is referred to.

Mr. Rubia: Mr. Deputy Speaker, Sir, on a point of explanation, I was comparing (thanking the Minister for letting me know the name), *Ofafa Kunguni* and African stone built houses in Makadara. Those houses were going up at the same time and, even taking Jerusalem itself, I still maintain the African built stone houses in Makadara are better than Jerusalem.

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): Thank you Mr. Deputy Speaker, it is a matter of opinion and I am glad to hear that he was comparing it mainly with the Ofafa Jerusalem and Maringo, with which, I think, the only difference would be that one is a rental scheme, the other one is an owner/builder scheme. But that was before my time, Makadara and the other *Ofafa Kunguni*, and I would not claim responsibility for it.

The hon. Member, the Specially Elected Member, Mr. Muchura, suggested that, in view of the lack of interest in Africans taking up tenant-purchase houses in Nairobi, we should try and sell to them the present rental housing in the municipal area. Well, I am not going to answer that for the City Council, but I think there would be some administrative difficulties which the City Council might experience if they did it. However, I would leave it to the Minister for Local Government to see whether it is a point that needs to be examined. I think a person buying a house would like to have that house standing on a plot that gives him that ownership and that pride of having some land and some flowerbeds around his house. Anyway, I would still leave it to the Minister concerned to see whether there is any point in pursuing the matter. As to simplified standards or designs for houses to make them cheaper, these differ with the different local authorities. If you talk about Mombasa, you may find that there are houses in Mombasa that have survived over 50 years, which would have fallen down within ten or 15 years if they were up-country in Nairobi or in another area. Therefore,

[The Minister for Housing, Common Services, Probation and Approved Schools]

the local conditions are taken into account whenever a scheme is mooted and we cannot generalize by simplifying either designs or standards of houses, but the local authority, taking a scheme, has to assure itself that that scheme will last the 40 years, the period of the loan that is given to them. It would be a very stupid local authority who would take up a housing loan, put up houses that would only last ten years, and then continue to pay back that loan for 40 years after the houses have actually fallen down. So those points have to be considered while taking up a loan in building a housing scheme.

Generally speaking, I think the terms and the designs and the standards of houses that the Central Housing Board is putting up is very, very much considered and examined before it actually goes on the ground, taking into account the ability of the tenants to pay and any other improvements.

I think this answers the allegation, that African houses are built in inferior material to the other houses. In simplifying a design specification in order to save the tenant the burden of paying more than they are able to, you may find that the house does not come out in the same way, or of the same quality, and the same finish, as the other houses which have been built for people who are able to meet the rents, and it is that that is considered and not the colour of the people who will be occupying those houses. The question about restriction in residential areas has been mentioned, the racial residential areas. I think it is correct to say that Government is very, very much sympathetic to that view that there should be no racial restrictions in residential areas and, in fact, Government has gone on with some schemes which have been open to all. There is the Nairobi South Scheme which, if you want there, you would find there are residents of all races living there. Coming from Embakasi Airport in the morning, you would find Africans, Asians and Europeans living in that area waiting for the bus to come to the town. That is one example of breaking down the racial barriers. In Kileleshwa another housing scheme has been completed, the scheme was open to all and I am glad to say that the allocation of housing in that area was not based on the colour of a person, but on the income of the person. Anyone who is able to pay the rent, to buy a house in that area, paying the dues that are expected of him every month, was considered. I think there is one African who has got a house over there and that should be sufficient example to prove that racial residential restrictions are on their way out.

Mr. Deputy Speaker, I beg to support.

Mr. Hassan: Sir, I would like to reply to a remark made by my African friend, the Member for Mombasa. He said that the Mombasa Town Council had done absolutely nothing for the petty traders. I will not entirely agree with him because the Town Council of Mombasa has done quite a lot for the petty traders. I know there are several hundred stalls put up by them very cheaply roofed by *makui* and grass and corrugated sheets, so that the poor people could afford to pay the rent of those stalls, and there is no doubt we expect the town council to do a lot more for the petty traders because we have a very large number of poor people in Mombasa, of the African, Arab and Asian communities.

The second point is the question of rates. I would like to draw the attention of the Minister to the rates now being charged by the local authorities from the religious places like mosques, graveyards, and such other charitable and religious institutions. For instance, if a mosque within its compound has a room for the person who is to lead the prayers, which are five times a day in the mosque, and he is expected to remain there to lead the prayers, the municipality is charging the site value rate on that particular piece where the room is situated. Well, that does not appear to be a very reasonable sort of attitude because mosques are not like other religious places, like churches and temples. It is a place where five times a day the muslim is called upon to call for prayers to the Muslims and to lead the prayers, which is not done in any other religious place. Therefore, we want that person who leads the prayers to be in the vicinity of the mosque when it is situated in the same plot which is given by the Government for the mosque. And, after all, it does not look nice that anyone who is trying to remain on duty near God's house, that any rate should be levied on that.

The second was, a report was made to me by graveyard committee that the municipality has asked them to pay site value rates and they said part of the area which is still not covered with graves, is covered with long grass and so on, and with a view to keeping it clear and nice they had to keep some labour there, that labour is frequently called upon in Mombasa to keep those places cleared of grass.

And doing that they naturally planted some pawpaws and some vegetables to see that in all that work of clearing grass the labour is not wasted, and naturally any income they get out of it is used to pay a monthly rate on it, enough to pay the salary of the labourer in the graveyard.

Now they told me that they were getting £10 a month rent to pay the labour in the graveyards.

[Mr. Hassan] and the municipality has billed them for Sh. 3,500 tax, which amount is far in excess of the £10 a month they were getting from the vegetable grower. They were forced to give a notice to quit to that man, and now the community has had to keep the labour to clear the grass and pay £10 a month by collecting donations from the community. This sort of thing is not desirable, to try and squeeze things out of the places where we bury those who die.

The third thing is the question of appointments in the municipalities and the town councils. They usually show in the yearly Estimates to European, Asians and Africans, but now that the Government has taken away this sort of discrimination of the Government services, the town council is expected to follow suit, and I think before the agitation against this attitude of theirs gets stronger and stronger it is far better that they should fall in line with the system of the Government.

Another matter I wanted to bring to your notice, Sir, which appeared in the *Mombasa Times* a few weeks ago, is that the mayor had received some very serious reports against some of the municipal staff, and he handed over all the papers to the police for investigation. Well, we never heard anything further about that. I would like the Minister to make enquiries and find out what happened on that enquiry because the townspeople are very anxiously waiting to hear about it, and this brings me to a demand from the town of Mombasa, when they said that we needed a Commission of Enquiry to look into the problem of the staff in Mombasa, and it is time, Sir, we had it before something very serious happens to that town council. We should have an investigation from your office.

With these few points, Sir, I support the Motion.

Dr. Walker: Mr. Deputy Speaker, I would like to deal shortly, if possible, with this question of the itinerant food hawkers. I am sorry to see that the various complainants have left me with an empty bench to answer, but I would like, at the same time, to thank my hon. friend on this side for his support for the maintenance of public health standards.

Sir, it is the public health officers who insist that local authorities should act in this matter of the itinerant food hawkers, and they are acting purely and simply in the public's interest. I would like to take this opportunity of specifying some of the conditions in order that the House may start to be convinced that action of this nature is necessary. I should like first to say that the dangers coming from ill and improperly prepared

food arise first from bacterial food poisoning. This includes all the gamut of enteric diseases of which you could include typhoid amongst them, and it has not been unknown in the history of public health that improperly prepared food, especially unsupervised, such as we have with the itinerant food hawkers, has produced epidemics of typhoid.

Secondly, from the utensils themselves that are used. It is impossible that the itinerant hawker can look after his utensils, including those used for personal consumption of food. They have no facilities for washing or storing the utensils, and it is easily possible that certain mouth diseases can be transmitted from infected utensils. And of those mouth diseases there is a condition which I hardly like mentioning in this House—a disgraceful condition.

Then there comes the quality of the food. It is the responsibility of the public health service and inspectors to ensure that all eating houses and food which is being sold in a cooked state to the public should be of a reasonable quality, that it should not in itself be poisonous. As an instance of this, there are certain cheap cooking oils which are freely available here which not being of the proper quality can be definitely poisonous.

And in this connexion I would also like to include—should I say my condemnation of irregular sale of food—any suggestion that there should be private brewing of native liquor, because native liquor is of a nature that can quite easily be infected, and if stored for a certain time the infection can grow in the liquor so that the eventual consumer can get a considerable inoculum of disease organisms. I have heard the suggestion made by one hon. Member that the private sale of native liquor should be encouraged in the municipalities, but the public health officers are going to have a lot to say on this matter. Indeed, they would only be satisfied that the sale of this product should come from a properly regulated place.

Now, Sir, I always thought that it was our endeavour in this country that we should achieve standards in public health and education and all else the same as exist in the developed countries. I could say now, Sir, that we, in this country, when we have to witness that out of a thousand children born maybe three hundred of those will never live to see their fifth birthday, there is a big room for improvement in public health standards. Hence, Sir, I can give way in no manner in this connexion.

I beg to support.

Mr. Shikely: Mr. Deputy Speaker, I regret very much that I was not present when the

[Mr. Shikely]

Minister was first moving his Vote. I came in at a time when he was discussing the question of the code of titles for the Coast Province.

I was indeed very surprised to hear from him that there were certain surveys which had been made and no fees paid. It is surprising that a Government department should do service before they accept any money. The reason for this, it has been suggested, is that it might be that the land which has been surveyed is worth less than the fees for the survey. I would like here to join my hon. friend the Member for Mombasa Area in suggesting that there should be revision of the fees charged for survey. I do not know how these fees are calculated, but I would like to suggest that there should be limit both in the maximum and in the minimum.

Speaking of the Mombasa Municipal Council I am happy to see that the status of the Council was raised very recently, but in this connexion there has also been an expansion of the area of the municipality. It has now taken in the whole district area. Several areas in the district have now come under the jurisdiction of the Municipal Council. These areas are very underdeveloped, and I think it is a decision of the Municipal Council to exempt them, at least for this year, from the paying of rates. But I feel that when the time comes for them to pay rates that the greatest consideration will be given to their ability to pay, or not to pay.

The question of the raising of the mainland area is one which is causing considerable concern. There is a considerable amount of back rate which is still unpaid to the Municipal Council, and in this connexion I would like the Minister to find out means of waiving some of the interest charged on unpaid municipal rates. The interest charged at the moment is very high.

There is also one matter which was the subject of a dispute between the Municipal Council of Mombasa and the port authorities, and that related to the rating of the sea-bed. I would like the Minister to tell us when he replies what has been done about this matter.

Speaking on the standard of hygiene. I am grateful to the hon. Nominated Member who has just sat down for his endeavour to explain the position of the public health authorities, but to my mind I feel that we are pressing for too high standards at the moment. To me it seems extremely futile that we should press for high standards in our hotels and shops when in the home we live in such substandards of human hygiene. I think the solution to this is that considerable propaganda should be carried out by the Ministry in conjunction with the Ministry

of Health. In this respect I think they should pay a subsidy to the local authorities and help them in trying to propagate proper methods of hygiene.

Mr. Deputy Speaker, I am a member of the Municipal Council of Mombasa, and for many years I have been fighting for a lowering of the standard of hygiene to cater for the itinerant hawkers and food vendors. For many years the Health Department has been strongly opposed to this, but I was indeed surprised recently when the Medical Officer for Health came to a meeting and after discussion of a recommendation of the Mombasa African Advisory Council, agreed to allow the tea hawkers to sell bread in conjunction with their tea. This was a change of heart which may meet the demands of the lower-income people to provide cheap food for themselves.

Now, Mr. Deputy Speaker, I would like to answer a point which was raised by the African Elected Member for Mombasa Area, Mr. Khamisi, who himself was a member of the Municipal Council for a number of years. He has suggested that the Municipal Council has done nothing in the way of putting up dispensaries in the mainland area. I would like to say that he is out of date with his statistics, and that there is on this side of the municipal area at least one dispensary.

Mr. Deputy Speaker, I support.

The Minister for Health and Welfare (Mr. Muimi): Mr. Deputy Speaker, I would just like to deal with one point which has raised, Member who has just sat down has raised, and that is the question of the standards required for hotels. I think we must draw a distinction between the standards required for cleanliness in hotels and the standards required in the sense that the Member is referring to. I think the concern of my Ministry is the cleanliness that is required in hotels, and as has been pointed out by my Permanent Secretary, it is very important that we should look and take very care to make sure that the health of the people of the country is safeguarded, and one way of doing this is to discourage such things as have been mentioned by my Permanent Secretary it is very important that we should look and take care to make sure that the health of the people of the country is safeguarded, and one way of doing this is to discourage such things as have been mentioned by my Permanent Secretary regarding the sale of cooked food especially, which is in most cases open to very serious results. Well, I am not only thinking of places like Mombasa. This has been the practice in many urban areas, and one of the duties of my Ministry is to try to see that people in these

[The Minister for Health and Welfare] areas are served with the best type of food that is suited for human consumption. I do not want to go into the question of African liquors which has been referred to by my Permanent Secretary, but I know of a fact that sometimes these native liquors can be dangerous to the health of the people, and it must be one of our functions to see that proper services are given, more especially in the municipal African boroughs.

Mr. Deputy Speaker, I beg to support.

Mr. Klamba: Mr. Deputy Speaker, Sir, like a Member sitting behind, I came a bit late and did not hear the Minister give his speech. However, the things I am going to suggest he might have already suggested and he must forgive me for doing so.

I thank the Minister for having elevated the Machakos African District Council and given an African councillor the position of chairman. I hope that in the future it will be possible in his Ministry to do this to all other progressive African district councils in the urban areas, and that by doing this we shall see all the powers are surrendered by the district commissioners to these African chairmen. They will be of such a nature that it will manifestly be made seen that the Africans themselves have more authority in the councils concerned.

The other thing I would like to touch on, is that of the grants the Central Government gives to the African district councils. I believe they should be calculated in such a way that the poorer councils receive more help from the Central Government, because all these people pay the same kind of tax, and we find that the poorer councils suffer much more. They cannot meet some of their commitments, and therefore they suffer, and if the Central Government can devise some means or way in which they can regulate their grants so that the poorer Council gets more benefit from the grants, then the people in those areas will not be kept behind. They will always progress like the other people, and I think that should be the aim and the purpose of these Government grants. If they can do that, there may come a time when it will be possible to transfer some of the Government functions in the African districts to African district councils themselves like the Veterinary Department, the Medical Department and the Agricultural Department. They could well be under the authority of the Clerk to the Council, or the Secretary, as he is nowadays called. These officers could be paid from the funds of the local Government. Now, I know that the present African district councils cannot afford to do this, but, if the grants were worked in such a manner that all the money coming from the Central Government and the African district council

would pay, or raise funds to meet the rest, then these officers could well and truly be paid from the local government funds. We could take an example of a certain type of disease. A disease may start at Kitui, but the Central Government may say, "That is a matter for the Local Government of Kitui", but the disease could easily spread to Machakos and Nairobi, but in the first instance if the Kitui African District Council had sufficient funds to stop the disease from spreading by being given more money by the Central Government, then the disease will not be able to spread to Machakos and Nairobi, and I think that is the way that these grants should be worked, to see that the poorer councils get more money from the Central Government.

With these few words, Mr. Deputy Speaker, Sir, I beg to support the Motion.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, may I thank hon. Members for showing such an interest in this Ministry of mine, and also I think it is right to say that everybody was very brief.

I have a number of points that hon. Members raised, and they will have to excuse me if I cannot answer some of them because I really have not had much time to look anything up, and everything has got to be done "off the cuff".

If I may first deal with the hon. Member for the Central Electoral Area with regard to his rather well-known complaints that he put forward again. The hon. Member must know that I am receiving another delegation in the next few days in regard to roads at Eastleigh, and the inhabitants of Eastleigh have now come round to the point of view that they will agree that the roads concerned are private streets, and no action should be taken in the courts, and if they do so, as they have done with another road in that area, as the hon. Member knows, then there is little doubt that the City Council will go ahead immediately and make the roads up. It has, Sir, I know, been a very long and drawn-out measure, but I think it is coming to a conclusion in the very near future, and the further and more long-term matter of amending the actual Ordinance is being gone into.

The hon. Member asked me to define the developed area where it is not the policy of Government to give land for charitable institutions. Well, it is difficult to define without a map in front of one, but generally I can say that it is the built-up areas. Indeed, the hon. Member may be particularly interested in Parklands, and I can tell him that Parklands is a developed area, and therefore there is no land there available. But there are quite a number of underdeveloped areas in the city where land might still be available for these purposes.

[The Minister for Local Government and Lands]

As regards the remission of rates for a nursery school and library, as far as I could gather, which were being run, or might be run, by religious institutions, I am afraid I really cannot deal with this, but if the hon. Member would give me the specific information I will go into it.

The hon. Member for Aberdare gave a very amusing dissertation on the matter of his four-legged friends, but I do not think I need comment on that. All I can say is the answer to his query as to whether Government agrees, or that Government states that the present titles of land are secure, I would like to say this. As far as this Government is concerned, any title which is held today from the Government is secure in this Government's eyes. As far as I am concerned and as far as a very large number of people are concerned, I would not be a member of a Government if the titles were insecure. Any Government which may give a hint that titles would be insecure, I would certainly not participate in. I realize that that may not be enough for the hon. Member, but he can hardly expect me to say much more, in fact I know that his remarks were addressed more to other people than to me.

With regard to the hon. Member for Central Nyanza, he was good enough to say that he thought that some improvement had been made in urban local government, but that nothing had been done about African district councils and I would like to deal with this point and with one made by the hon. Member for Nairobi Area at the same time.

It seems that I expressed myself badly in that these two hon. Members seemed to think that the circular I had sent out to local authorities was merely a circular asking them for their ideas and it was not, Sir. It was much more than that. The circular actually puts down suggestions of how local authorities can be developed constitutionally, can be and should be developed constitutionally on the lines of the Lancaster House Agreement and comments are asked on these particular suggestions, which of course are not final suggestions but my Ministry has given a lead to local authorities on the lines of Lancaster House, and the questions will be to do with such things as franchise, qualifications of candidates, numbers of representation, whether there should or should not be reserved seats and so forth. So I can assure hon. Members that a lead has been given and we are not just vaguely asking for advice but asking for comment on a plan.

Now, Sir, in that circular, the circular having been sent to African district councils as well as other local authorities, the matter of direct elec-

tion to African district councils and the proportion of elected members on African district councils, to nominated or whether there should be any nominated members at all, all those matters are incorporated in the circular, and therefore I have by no means neglected the African district councils in this matter, they are part of the local government machinery and they too, will be the subject for investigation and of possible renovation.

The hon. Member for Central Nyanza said that he noted that the Survey Department were going to get on with surveying the markets and that is correct. His constituency—lucky man—will be the first. But it is going to take something like four or five years to cover survey of markets throughout the Colony as there are so many hundreds of them.

He also said that the survey should not be only where land has been consolidated but also should take place where people hold plots of their own without consolidation. That has certainly been taken into consideration, and indeed I did mention that the Survey Department has allocated a lot of time to Nyanza where a considerable number of individual holdings already exist.

As far as the 99- and 999-year leases are concerned, I think the hon. Member has been completely misled or anyway did not understand what I was getting at. The option for a man holding a 99-year lease for agricultural holding in this country to revert from 99 to 999 years was given many years ago—many years ago and conversions have been taking place for the last eight to ten years, possibly more. So I think the hon. Member is a bit out of date. There is now a backlog, as I said, which we hope will be completed within a year or so.

The hon. Member for Nairobi Area had a lot to say and I would like to say this, Sir, that nearly all the questions which he put to me in this debate have been already put to me as Legislative Council Parliamentary Questions. All this matter of hawkers and other things, even the matter of non-racial staff for the City Council, I have now got in my Ministry and indeed I believe the answers have already been returned from my Ministry to the Clerk of the Council for answering in the next day or two, so I really do not see why I should waste time in doing both. I therefore feel that as there are certain specific matter of detail, which I cannot remember offhand, in the answers to these questions, I would rather deal with them as Parliamentary Questions rather than in this debate. I therefore feel that I can skim over a considerable amount of the hon. Member's speech.

I would come to one point where he said in European residential areas they always get their roads made up, their lighting made more

[The Minister for Local Government and Lands] quickly, whereas that does not happen in non-European areas and the whole matter is racial and only happens because the Europeans are in the majority on the City Council. That, of course, is absolute rubbish. What it amounts to is that the Europeans pay and when an estate is developed they pay. Some of the other races have not got the money to pay, it is not their fault, but the fact of the matter is that the Europeans pay for these services and therefore they get them when the estate is first developed.

I do admit, though, that there are some areas, both in the African areas—estates—and of course in the Asian areas, which do need urgent attention. They are going to be given that urgent attention and, again, as I recollect it, part of that is part of a Parliamentary Answer to a Question.

As regards the aldermen, the hon. Member knows very well that I answered him in the last debate and I will just repeat that if the African councillors of the City Council of Nairobi had not walked out as they did there would today have been two African aldermen. How on earth can I keep to an undertaking which I did give in this House—there should be, there would be African aldermen—if the City councillors themselves deprive those aldermen of four votes by walking out? So I do suggest that neither I am to blame, nor the City Council. If the African councillors had stayed there I know from an account which I have investigated that at least one—certainly one and probably two African aldermen would be sitting on the aldermanic benches today.

Again, he referred to the African district councils being on a par with county councils, and said that non-Africans living in African district council areas should be under the jurisdiction of the African district councils. I agree, but I also put to him, as I put to him before and other hon. Members, that the real and proper development of African district councils is to become county councils by incorporating townships and trading centres within those areas and in doing so to accept non-African membership. That is the rub, that is what hon. African Members will have to make up their minds to.

Sir, I do not know whether you wish me to break off now?

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): The time has come to interrupt business and I will therefore adjourn Council until 2.15 p.m. tomorrow afternoon, Thursday, 2nd June.

The House rose at thirty minutes past six o'clock.

Thursday, 2nd June, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

QUESTION No. 99

Mr. Mboya asked the Minister for Local Government and Lands will the Minister state how many people live in Pumwani African Location, Nairobi, and what plans exist for its future reconstruction and development?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, Sir, I beg to reply. The reasonable capacity of Pumwani is about 10,000 persons, but with the influx of people into the City consequent upon the removal of the Emergency restrictions the present population undoubtedly exceeds that figure. The actual number of inhabitants could only be ascertained by a census. The City Council has plans, which depend on the availability of finance, to spend about £500,000 on the reconstruction and development of Pumwani.

Mr. Mboya: Mr. Deputy Speaker, Sir, would the Minister indicate how soon such plans will be implemented?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, the money will be spent in stages and at least £100,000 will be spent in the first stage which should be at the end of this year or early 1961.

Mr. Mboya: Mr. Deputy Speaker, Sir, will the Minister tell us what consultation, if any, has taken place with the village community and the residents of Pumwani regarding the plan itself and regarding the ownership of plots and houses in the area.

The Minister for Local Government and Lands (Mr. Havelock): Sir, I understand that the intention is that part of the funds will be used to make loans to householders to enable them to rebuild with permanent materials when these are available. The plans have not yet been finalized and I do not know what further consultation has taken place, but I will make enquiries.

QUESTION No. 100

Mr. Mboya asked the Minister for Local Government and Lands would the Minister explain the action taken recently by the City Council to restrict the activities of hawkers of vegetables, *uji*, tea and second-hand clothing

[Mr. Mboya]

in the City? And is he aware that such action discriminates against Africans and deprives a large number of them of their only means of livelihood and risks driving them to destitution and possibly desperation?

The Minister for Local Government and Lands (Mr. Havelock): I am informed that the primary reason for restricting the activities of hawkers of vegetables, *uji* and second-hand clothing is the safeguarding of public health. There has, however, been no further reduction in the number of licences in 1960, as compared with 1959.

This action could only be deemed to be discriminatory against Africans in that the majority of hawkers were Africans, but a number of Asian hawkers have also not had their licences renewed. In order to alleviate hardship the Council allocated market stalls to the 30 vegetable sellers who lost their hawkers' licences in 1959.

Mr. Mboya: Mr. Deputy Speaker, Sir, would the Minister explain how it is that if the action is taken on grounds of public health standards other hawkers doing exactly the same business are still allowed to continue to do that business?

The Minister for Local Government and Lands (Mr. Havelock): I presume, Sir, that there was a certain amount of discrimination in the removal of those licences and those who were hawking in an unhealthy manner were the ones who had their licences removed.

Mr. Mboya: Mr. Deputy Speaker, Sir, would not the Minister agree that there is a definite anomaly here and that perhaps the reasons are not entirely those based on public health standards?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I think the hon. Member is leading up to a matter on which he has given Notice of Motion.

Mr. Cooke: Mr. Deputy Speaker, seeing that so many big cities in England are now hawking, would the Minister not consider it advisable to adopt a more liberal policy in a new place like Kenya?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I think that the hon. Member must realize that we are talking about the hawking of food, especially of food, and that I think myself that the policy adopted is fairly reasonable in the City of Nairobi.

Mr. Mboya: Mr. Deputy Speaker, Sir, would the Minister state whether he has information leading to this decision showing that epidemics or other diseases have spread mainly as a result of this business?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I think that that question might be better addressed to another Minister. All I would like to say is that one does not wait until the fire breaks out to put it out: one tries to prevent the fire from breaking out.

Dr. Walker: Mr. Deputy Speaker, is the Minister aware that one is never able to say what diseases would have been prevented if it had never occurred?

The Minister for Local Government and Lands (Mr. Havelock): I am so aware, Sir.

Mr. Mboya: Mr. Deputy Speaker, Sir, is the Government aware that in fact within the City Council area, in fact in this country, there are activities conducted by the City Council or the Government which are very much below standards of health but which they continue nevertheless on the grounds of hardship or economies.

The Minister for Local Government and Lands (Mr. Havelock): If the hon. Member would like to bring specific instances to my notice I will take the matter up.

QUESTION No. 101

Mr. Mboya asked the Minister for Local Government and Lands what plans exist for the construction of proper roads in the African estates of Nairobi and what steps are being taken for the introduction of water-borne sanitation in all those areas?

The Minister for Local Government and Lands (Mr. Havelock): I am informed that the Nairobi City Council propose to spend about £284,000 on the construction of bitumen-sealed roads in the African estates between now and the end of 1964. With regard to the provisions of water-borne sanitation, £80,000 has already been spent on this in Bahari and, in the period 1960-64, the City Council propose to spend some £212,000 for the conversion of Kaloleni, Ofafa, Mbotela, Ziwani and Makadara to water-borne sanitation.

Mr. Mboya: Mr. Deputy Speaker, Sir, would the Minister agree that the City Council is guilty of negligence in respect of African districts when roads, sanitation and so on take so many years to construct after the completion of building.

The Minister for Local Government and Lands (Mr. Havelock): No, Sir.

Mr. Blundell: Would the Minister give an assurance to the House that he will use his influence on the City Council to accelerate as much as possible these programmes so that they may be accomplished below the date of 1964?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I am surprised at such a question from such a hon. Member. This matter is a matter of the availability of capital and the City Council will continue to progress and develop these matters as quickly as possible as soon as it can get the money.

Mr. Mboya: Mr. Deputy Speaker, Sir, would not the Minister agree that such matters should be given consideration at the time of constructing the building of houses in the African areas, and that in this respect African areas have not received due consideration, especially as compared with the European areas.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I would not accept the implication that there was racial discrimination in this matter, and indeed since this is part of a debate which is now going on I would merely say that it is true that in the past some estates have not been properly serviced. That has been put right and all new estates will be serviced in the future and we will try to put what was wrong right as quickly as possible.

Mr. Conke: Mr. Deputy Speaker, the Minister has answered the second question and was very concerned about the health of the inhabitants in Kenya. Would he expedite these sanitary arrangements which will also be for the health of Nairobi.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, as far as is practicable I will do so, as I answered the hon. Specially Elected Member, Mr. Blundell.

Mr. Mboya: Mr. Deputy Speaker, Sir, in view of the statement by the Director of Medical Services that it is difficult to know from which sources diseases occur, is it not possible that it comes from the lack of sanitation and good sewerage rather than the sale of *uji* or second-hand clothing?

QUESTION No. 102

Mr. Mboya asked the Minister for Local Government and Lands would the Minister urge the City Council to move the Sanitary Disposal and Bucket Cleansing Centre from the vicinity of the Doonholm Road African Stadium, where its presence is a very grave embarrassment to the public visiting the Stadium?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I beg to reply. The City Council has recently completed works at the Eastleigh Sewage Disposal Works to enable vehicles to discharge their loads there. As a result and as from the end of May this

year, the Kaloleni cleansing centre will no longer be used for the disposal of night soil.

QUESTION No. 103

Mr. Mboya asked the Minister for Local Government and Lands would the Minister state whether the Nairobi City Council propose to accept in full the principles laid down in the Lübury Report, namely, that of equal opportunities for all with equal pay for equal work?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I beg to reply. In August, 1959, the Finance Committee of the Nairobi City Council resolved that a review of salaries and gradings of the Council's staff should be carried out, and on 6th October, 1959, on the motion of Councillor Dr. Adajja, the Council passed the following resolution:—

"Resolved that this Council resolves that the appropriate committee, or committees, be instructed in examining the existing grading schemes and salary scales to consider and report upon the question of eliminating the deficiencies based on race of the employees concerned and the committee also to consider the question of the reappointment of the Appointments Board."

This review has now been carried out, and the report of the Finance Committee in accordance with the resolution will shortly be laid before the Council.

Mr. Mboya: Mr. Deputy Speaker, Sir, is the Minister aware that so far as the views to which he referred are concerned, it was reported in the Press recently that this concerned European and Asian staff. Does this not clearly indicate that there is racial discrimination in the terms of employment of the City Council?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I possibly do not read my paper with as much attention as the hon. Member, but I do not really remember that report, but if that is so I will certainly look into it. It was my impression that this was a complete review of all races.

Mr. Mboya: Mr. Deputy Speaker, in so far as the Minister seems to be only informed of resolutions passed, he is not aware that such resolutions could be passed but that in fact in practice there may not be complete integration. Would he not therefore agree that some form of grading team, impartially conducted, should be introduced?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, that, I think, is a matter for the City Council, but I

[The Minister for Local Government and Lands] would say that it is Government's policy to have non-racial staff salaries and grades and it would certainly be my intention to impress that same policy on the City Council.

Mr. Mboya: Mr. Deputy Speaker, in view of the fact that the City Council seems to be impervious to the appeals of the trade unions and other members of that Council, would not the Government agree that they have a responsibility to bring greater influence or pressure to bear upon the City Council consistent with the policies of the Central Government?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, this matter has been under discussion and is still under discussion and I maintain what I said in reply to the last supplementary question. The Government will continue to put pressure on that basis.

Commander Goold: Would the hon. Minister consider nominating the hon. Member for Nairobi West to serve on the City Council?

QUESTION No. 104

Mr. Mboya asked the Minister for Health and Welfare:—

- How many City Council clinics operate in the African estates of Nairobi?
- How many patients do they handle each day?
- What staff are employed by these clinics?

The Minister for Health and Welfare (Mr. Muimi): (a) There are 13 maternity and child welfare clinics, one special treatment clinic and three health centres, in addition to the headquarters clinic at Rhodes Avenue, in the areas referred to by the Member.

(b) Attendances at the maternity and child welfare clinics average 600 a day and the average attendance figure for the health centres is 480 each day.

(c) Seventy-eight staff are employed at the maternity and child welfare clinics and the figure for health centres is 39.

Mr. Mboya: Mr. Deputy Speaker, would the Minister state whether he is satisfied with these figures in terms of the provision of efficient facilities for the Africans in Nairobi, and would he also state whether he is satisfied with their operation especially as it affects those who fall sick late in the evening or late in the night.

The Minister for Health and Welfare (Mr. Muimi): Mr. Deputy Speaker, I believe that that is another question, but for the information of the Council I would like to give the following

information. The normal staff at the maternity hospital and the child welfare clinic is one medical officer, who is employed part-time, one fully qualified health visitor, and four assistant nurses. Sir, the normal staff at a City Council health centre is one medical officer, one fully qualified nursing sister, seven to eight assistant nurses, and one clerk. Now, in giving this reply, Mr. Deputy Speaker, I would like to point out that although we know that we have not, up to date, been able to attain the establishment required in such services, nevertheless, I think, we are not doing badly and that the services in the areas referred to by the Member are satisfactory.

Mr. Muchura: What about the evening services in case somebody falls ill in the night?

The Minister for Health and Welfare (Mr. Muimi): That is also, Mr. Deputy Speaker, another question but I would like to refer the Member to the King George VI Casualty Clinic.

Mr. Mboya: Mr. Deputy Speaker, is the Minister seriously suggesting that there are enough facilities in the African areas for people who fall sick at night to be able to reach the King George Hospital by telephone or by other means to get help?

The Minister for Health and Welfare (Mr. Muimi): Mr. Deputy Speaker, I would like to refer the hon. Member to a case which I myself experienced. There are facilities in the city to take patients who fall seriously sick to the clinic at King George Hospital. I know, Sir, that it is not sometimes possible to attend patients in such health centres as the hon. Member may have in mind.

Mr. Mboya: Mr. Deputy Speaker, Sir, will not the Minister concede—and this is not an unreasonable question—that these services are unsatisfactory? Therefore, will he not tell us what other plans there are in this matter?

The Minister for Health and Welfare (Mr. Muimi): Mr. Deputy Speaker, I believe that the hon. Member should be specific in stating what he means that these services are inadequate.

Mr. Mboya: Mr. Deputy Speaker, does this mean that the hon. Minister does not understand the difference between satisfactory and unsatisfactory?

Sir Charles Markham: *Uhuru!*

QUESTION No. 105

Mr. Mboya asked the Minister for Health and Welfare would the Minister state what the results of the T.B. survey recently conducted in Nairobi by the World Health Organization are, and what recommendations were made?

The Minister for Health and Welfare (Mr. Muimi): A report on the tuberculosis survey of Nairobi was published in July, 1959. It was demonstrated that the prevalence of infectious tuberculosis was 1.4 per thousand of the population. This figure is much better than was expected and credit is due to the established tuberculosis services of the City Council and the Government hospitals' staff.

The recommendation contained in the report was the continuation of the City Council tuberculosis services with special reference to the examination of school children since it is in them that the disease starts.

QUESTION No. 106

Mr. Mboya asked the Minister for Health and Welfare:—

(a) Would the Minister state whether there is malnutrition in Nairobi?

(b) If so, would he state what steps his Ministry is taking to combat it?

The Minister for Health and Welfare (Mr. Muimi): (a) Yes, but malnutrition is not an important condition among the settled urban population.

(b) The City Council, with the advice and encouragement of the Government, have established Maternity and Child Welfare Clinics. These constitute a standing surveillance service to detect the occurrence of malnutrition in women and children. Appropriate treatment and advice is given at these clinics. Cases of malnutrition discovered at the Health Centres are referred to the Maternity and Child Welfare services or hospital if necessary. This action follows assessment by the medical officer i/c at the Rhodes Avenue Clinic.

Mr. Mboya: Mr. Deputy Speaker, Sir, would the Minister not agree that a programme of education in this type of matter is most effective? Would he state what plans or programmes his Ministry or other ministries have embarked on to combat malnutrition.

The Minister for Health and Welfare (Mr. Muimi): Mr. Deputy Speaker, in order to meet the requirements raised by the hon. Members the Kenya Dairy Board and the Chairman of the Health Committee of the City Council are consulting Professor Platt of the London School of Tropical Medicine and Hygiene in connexion with measures to improve nutritional standards among children in Nairobi. Secondly, Sir, the UNICEF dried milk supplies are distributed in Nairobi at M.C.W. clinics. Again, Sir, there is a full health visiting and health education service in Nairobi based on the M.C.W. clinics. During

1958 more than 30,000 home visits were made by the staff. May I add, Sir, that the distressed and undernourished people are referred from the health centres to the hospitals and from there are placed in the care of voluntary and benevolent societies if no relatives of the persons concerned can be found.

Mr. Mboya: Mr. Deputy Speaker, would the Minister indicate how many, if any, suitably qualified African women take part in this very important job?

The Minister for Health and Welfare (Mr. Muimi): Mr. Deputy Speaker, that is another question, requiring notice before reply.

QUESTION No. 109

Mr. Mboya asked the Minister for Education would the Minister please state what progress has been made in adult education and extra-mural work in Kenya? What plans are envisaged for the future?

The Minister for Education (Mr. Mathieson): In my interventions in the debate on the Estimates for the Ministry of Education, I dealt at some length with our plans for extra-mural work in Kenya and I hope that the hon. Member is now satisfied. Adult education is now in the hands of my hon. friend the Minister for Labour, Social Security and Adult Education with whom, I am sure, the hon. Member is in touch.

Mr. Mate: Mr. Deputy Speaker, of the services available here, what facilities are available for the Meru people?

The Minister for Education (Mr. Mathieson): Mr. Deputy Speaker, this, Sir, is a national service, and I hesitate at short notice to subdivide it tribally.

Mr. Mboya: Mr. Deputy Speaker, Sir, would the Minister indicate in respect of extra-mural work in Kenya what, if any encouragement is given to those students who have finished their studies in the Extra-mural Department to go to a university for preparation for higher education.

The Minister for Education (Mr. Mathieson): Mr. Deputy Speaker, no student has ever finished his studies under the stimulus of the Extra-mural Department but we do hope that will be to organize certain schemes whereby students who have performed particularly well in the courses they have taken there will be given special scholarships to proceed to higher education.

Mr. Mboya: Mr. Deputy Speaker, Sir, is the Minister aware that in fact there are students of this kind who the Extra-mural Department recommend to go to institutions in the United Kingdom. One case I have in mind has in fact been admitted to such an institution. Would the

[Mr. Mboya]
Government now try to undertake to assist in such cases?

The Minister for Education (Mr. Mathieson): Mr. Deputy Speaker, I am in close touch with the Director of Extra-mural Studies and his representative in Kenya in the hope of expanding such facilities.

Mr. Slade: Mr. Deputy Speaker, is the Minister aware that only this year the Bursary Board has in fact awarded a bursary to one of these extra-mural students and is quite prepared to consider other cases as they come along for extra-mural studies just as much as for schools, according to their merits.

The Minister for Education (Mr. Mathieson): Mr. Deputy Speaker, I am aware of that and I recognize the case to which my hon. friend the Member for Nairobi Area referred, the one case being covered by this Committee. I hope that this service can be expanded in the future.

Mr. Mate: Mr. Deputy Speaker, arising out of the last reply, is the Minister not aware that the Meru geographical area contains Asians, Africans and Europeans living there? It is not an African area only.

QUESTION No. 110

Mr. Mboya asked the Minister for Education how many nursery, primary, intermediate and secondary schools exist for each race in Nairobi, and how many pupils have passed through these schools in the last five years?

The Minister for Education (Mr. Mathieson): As the reply is long and can best be presented in tabular form I will arrange for the information when available to be circulated in the official report.

(Statement printed under Written Replies: see index)

QUESTION No. 116

Air Commodore Howard-Williams asked the Minister for Legal Affairs will the Minister for Legal Affairs say why only one in every four Asian deaths are reported to the police and what he proposes to do to enable them to enforce this vital aspect of the law?

The Minister for Legal Affairs (Mr. Griffith-Jones): This question assumes a fact which is not true, namely that only one in every four Asian deaths is reported to the police. The statistics suggest that most, if not all, Asian deaths are now being registered as required by law.

Sir Charles Markham: Mr. Deputy Speaker, could I ask the Minister for Legal Affairs how the Asians who do not register deaths can get a burial certificate, without doing so, from the police?

The Minister for Legal Affairs (Mr. Griffith-Jones): If the hon. gentleman can tell me I shall be very interested.

Sir Charles Markham: In view of the fact that the Minister does not know his law, could I ask him how an Asian can obtain a burial certificate when one of the primary requirements is a certificate from the police?

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Deputy Speaker, there is a provision in the law in regard to Asians and in regard to Europeans for the application and issue of burial permits. I understood the hon. gentleman to say or suggest or ask me how it was that some Asians failed to make applications for obtaining burial permits. If I misunderstood him I apologize.

Mr. Blundell: Has the hon. Member any reason to believe that the Asian community has any more reason to hide their deaths than any other community?

The Minister for Legal Affairs (Mr. Griffith-Jones): In the past many Asian deaths were not reported due to ignorance on the part of the Asian community of their obligation at law to report them. I do not think there was necessarily any reluctance on their part to do so. Until a few years ago a fairly large proportion of Asian deaths went unreported, but I am glad to say that as a result of action taken during the last few years to bring the legal requirements as to the notification of deaths and registration to the notice of the Asian community the position has now improved and no longer gives cause for undue concern.

Sir Charles Markham: I must apologize to the Minister for Legal Affairs, but could I ask how does an Asian who has not reported a death get a burial certificate?

The Minister for Legal Affairs (Mr. Griffith-Jones): I do not know.

QUESTION No. 117

Mr. Alexander asked the Chief Secretary is Government prepared to make a statement as to exactly how it proposes, in accordance with paragraph 4 of Establishment Circular No. 6 of 12th April, 1960, to protect the interests of officers who are not members of Her Majesty's Overseas Civil Service, particularly as regards continuation and promotion rights in their present employment, pension rights and compensation or alternative employment in the event of premature retirement resulting from constitutional changes?

The Chief Secretary (Mr. Coultas): No, Sir. Not while matters such as you mention continue to be the subject of negotiation with the Secretary of State.

Mr. Alexander: Mr. Deputy Speaker, although I realize that I should have given notice to the Minister, is he able to or is he in a position to say how many civil servants come within the category described here outside Her Majesty's Overseas Civil Service?

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, I would want notice of that question if he wants a definite reply.

QUESTION No. 119

Mr. Alexander asked the Minister for Local Government and Lands, is the Government aware that some 650 local government officers serving throughout Kenya are seriously concerned about the future security of their superannuation scheme and the possibility of premature retirement resulting from constitutional changes, and is Government prepared to make a statement that will allay the present doubts?

The Minister for Local Government and Lands (Mr. Havelock): Representations have been received by the Government from the Association of Local Government Authorities of Kenya on the future security of the Nairobi City Council's Provident Fund, and as to the position of local government officers as a result of constitutional changes, together with proposals as to how the officers concerned could be reassured on these points. These representations have been forwarded to the Secretary of State by the Government and linked with earlier representations on similar issues made by the Government on behalf of civil servants and local government staff.

Mr. Alexander: Mr. Deputy Speaker, Sir, is the Minister able to tell us whether this superannuation scheme is funded and, if so, are any of the investments included in the Public Debt of the Colony; if so, in view of statements we have heard about commitments which may not be met in the future, is there any question of these investments in the superannuation scheme being repudiated?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I regret I would need notice of that question.

Mr. Cooke: Mr. Deputy Speaker, are not many of these men employed by municipalities in England and will they not be able to return to those municipalities if and when they are asked?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, no, they would not be able to, they have terminated their service in England and started again in Kenya.

COMMITTEE OF SUPPLY

VOTE 30—MINISTRY OF LOCAL GOVERNMENT AND LANDS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Continuation of debate adjourned on 1st June, 1960)

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, when the Council adjourned last night, I was dealing with points raised by the hon. Member for Nairobi Area but I think most of the points—or many of them—were dealt with earlier this afternoon in the form of answers to questions so I do not think that I need dwell on any of the points that he raised now. In fact, I had, of course, yesterday evening, replied to one or two further points that he raised as well. If I may therefore, Sir, move on to other speakers I would like now to deal with the questions raised by the hon. Member for Central Province North. He made one particular point, he thought that in spite of the efforts of county councils to help the social welfare of Africans in their areas, that the Africans were not satisfied with that, they wanted to be more closely associated with such activities themselves and I presume he was referring to the need for more African county councillors. Well, as I have said earlier on, Sir, the whole scheme which I outlined in this Council does include re-organization on those lines and I think he should await the result of the investigation and plans that have been put forward by my Ministry.

He also mentioned specifically the roads in Nanyuki in the African estates there and I wish to give him an assurance that I will go into that matter immediately. I know, myself, that the roads are in a disgraceful state, it is not really the fault of the Local Authority, it is all tied up with titles and other matters and I assure him that I will go into it as soon as possible.

The hon. Member also said that he would like to see the veto powers of the Minister which are usually used through the provincial commissioner or district commissioner, that those veto powers should be reduced. He hoped that secretaries and treasurers of African district councils would be given more authority. I have every sympathy with his hopes and indeed that is the policy we are trying to promote. The difficulty at the moment is that the secretaries and treasurers of African district councils are, I am afraid, in most cases—by no means in all but in most cases—of not very high quality. My Ministry is now going into further schemes to see if we can help to train these people and give them more qualifications and more experience in which case,

[The Minister for Local Government and Lands] and only then I am afraid, can I consider "upping" their authority or giving them more than they have now.

The hon. Member also mentioned electricity for Meru. I do not think it really comes into the Portfolio, but for his interest I can say that a survey team of the East African Power and Lighting Company will be going to Meru on 18th June and their report may be ready about August. But the hon. Member must not assume that this means that electricity will go to Meru, because it may be—in spite of the fact as he said that there were secondary schools, hotels, bishops and others that require the electricity—un-economic for the Company to put electricity in.

He also raised the point about Kianjai and water points and I will go into that matter.

The fact that the African district Council at Meru has voted money for higher education has not yet been brought to my notice and I am making enquiries. I understood the hon. Member to say that my Ministry had disallowed this, but from enquiries I cannot find any trace and will go into the matter and see what the real position is.

He then went on, Sir, in the matter of lands and I think made rather a courageous remark, especially in view of the different expressions of opinion that have been made in this Council and outside by other African Elected Members. He said, in fact, that we should open the doors both ways and I understood him to say that he would favour allowing persons such as Kikuyu from over-populated areas, congested areas in say Kiambu, to purchase, occupy and farm land in the Meru area where there is some open space. I think that was a very courageous thing to say and, indeed, it is entirely in line with the Government policy that all land barriers should eventually disappear and that the whole matter of land should be looked upon as an economic problem and not a racial one. I assure him that if he thinks that way he is entirely in line with the ideas of the Government and I hope he will express those views again and give support to the Government policy when Sessional Paper No. 10 is debated in this House.

Sir, the Africanization or localization of my Ministry is another point which the hon. Member brought up. All I can tell him is that that is the general policy—localization is the general policy of the Government, and indeed in my Ministry specifically we have trainee posts which are being occupied, I think we have got one vacancy now, we have three altogether and the trainee position is fairly satisfactory. Except that one of the trainees we have at the moment, I

understand, is so satisfied with his trainee salary that he does not really want to cease being a trainee and would rather not do a lot of work in getting his qualification because he is quite happy as he is. I am afraid he will have to be forced to either qualify or not be a trainee.

The hon. Nominated Member, Comdr. Goord, brought up the rather thorny question of traffic grants to local authorities. All I can tell him at the moment is that another scheme has been worked out with my Ministry which I hope will be put before the local authorities in the very near future which I hope will go some way to meet the requests of the local authorities on this matter. It will only go some way; it will certainly not meet all their requests and I am afraid there will still be a diminution of the total amount of money which local authorities might expect and I hope, as I say, in some aspects we will be meeting some of the points that they have raised.

The basis of the Estimates at the moment are on the original scheme which was put forward from my Ministry and whatever is now adopted in the future, the Estimates may well have to be adjusted by a Supplementary Estimate.

I do not think, Sir, in fact I am quite sure, that the Government is not breaking the law by pegging, not cutting, pegging the health grants. In fact, as far as county councils are concerned, most of them are on the basis of over 50 per cent because they started with 95 on a reducing basis. And the actual position is that these grants are paid on estimates approved by the Minister, so the percentage can be so regulated. I cannot say when the cuts, or rather the pegging is going to be unpegged. That, again, is a matter of availability of revenue, but as far as Usain Gishu is concerned, the hon. Member, if he looks at his Estimates, will see a note to the effect that money will be made available to provide the grant for the new Usain Gishu County Council as a health authority. In fact one might even say that the grant has been more or less unpegged slightly because there is a bit more money in the kitty than there was this time last year.

The local loans scheme has been outlined and has been a success. Naturally we have not got all the money that we want for the Local Government Loans Authority, but I think the Local Government Loans Authority has done very well in being able to provide the essentials in the past and indeed I gave an assurance that over the next three years they will still be able to provide the money for essentials for local authorities.

The hon. Member for Mombasa Area, most of his points I think have been dealt with by other speakers. I would very much like him to

[The Minister for Local Government and Lands] give me some detail about the food vendors at Mombasa who are in cantens and who he says are operating under filthy conditions. I would like more detail of that, Sir, and I will go into it.

As regards the monopoly of native liquor being relaxed, I think that we will have to be very careful about that, firstly on health grounds, and the hon. Director of Medical Services has made his point in this debate on that and also, of course, the African population generally, especially in Mombasa, gain very greatly in matters of welfare from the profits from this brewing of *tumbo*.

The hon. Member also asked that I should go into the question of reducing survey fees and I would like to bring to his notice that the actual survey fees with regard to the issue of titles at the coast are completely nominal. In fact the cost is Sh. 20 per plot under one acre and Sh. 2 per acre for any additional acre. I do suggest that that fee could hardly be reduced; in fact it is quite uneconomic. I am going to enquire and look into the matter of other costs of issue of title, but I do not hold out very much hope that I can reduce the fees. All I can say is that at the time and at the present level there is no doubt that the whole operation is completely uneconomic from the Government point of view.

Now, Sir, if I may I will turn to the hon. and gracious lady representing Usain Gishu and answer her one question on model building by-laws. I only wish other people had been so brief. The Working Party on the draft model building by-laws completed its work in December last. The draft comprises some 220 pages. I realize that this is not news to the hon. Member, but it is of interest to others. It was originally intended that the draft should be typed by a business firm in order to save time. The quotations for the work was about £60 and it was therefore decided that the by-laws should be typed by the Ministry's staff in any available time they might have. In the event this work took much longer than was expected. I am afraid the Minister and his officers were rather verbose in their dictation to their secretaries. There are several reasons for this delay: the complexity of the work; pressure of other work; sickness and staff changes. The initial typing was eventually completed two months ago, since when the stenicals have to be rechecked for clerical and grammatical and technical errors. The corrected stenicals will be ready by the end of this week. When copies have been run off it will remain for the Working Party to consider the by-laws again before they are submitted to the Attorney-

General for his final approval. I cannot give the hon. Member a definite date of when the whole thing will be brought to complete finality, but it seems to be moving along quite nicely now and I hope that it will not be very long.

Now, Sir, if I may turn to the hon. Nominated Member, Mr. Rubia, who brought up some very interesting and useful points. Firstly, he is quite right—I have had the opportunity to check—that there are one or two discriminatory and racial by-laws still in existence on the books of the City Council of Nairobi. With regard to the particular one which he raised I will most certainly bring that matter to the attention of the Council and see if we cannot get them deleted as soon as possible. It may take a little bit of time, as the hon. Member, having had experience himself, realizes that these things do take a little time to go through the machine. I fully understand his references to the standards of health that should be only what we can afford, but of course what can we afford? We certainly cannot afford a very bad epidemic, and I think that it is merely a matter of degree and a matter of balance. As regards shopping facilities in Ofata, the hon. Member knows that there has been this difficulty of providing the leases for the shopping plots in Ofata and I have dealt with that in a previous debate. I hope that the matter will be finalized very soon indeed. His suggestion with regard to organization and method teams for local authorities is an interesting one. Unfortunately for the smaller local authorities even together I do not think it would be economic. It would be very difficult for us to hold an organization and method team awaiting requests from smaller local authorities. On the other hand we are examining it and there may well be a practical solution to this in the Nairobi City Council expanding its own organization and method team a little bit so that organization and method officers may be available on payment to other local authorities.

The hon. Specially Elected Member, Mr. Muchura, brought up a certain number of questions, a number of which I have answered in questions this afternoon. But with regard to rents, I would like to point out to him that the administration charges are a very small element indeed—a very small element—in the total rent. Water, of course, is very much greater. However, these points have been brought up and these allegations made before that the administration of African estates in Nairobi is rather extravagant and I will again have discussions with the City Council on it. I would like to put his mind at rest with regard to the Social Welfare Section of my Ministry. It is really rather a misnomer. It now only deals with the relief of distress which is a

[The Minister for Local Government and Lands] special fund which we have discussed in this Council before and I think we ought to change the name of it. The reason why that part has been left to my Ministry is that ultimately this relief of distress I think must become the responsibility of the local authorities.

With regard to families being locked out when they do not pay their rents, this indeed was a practice in the past, but I am now assured that that practice has been stopped. Indeed the result of stopping that practice is that the non-paid rents in the City Council's books have gone up to very large figures indeed. There are very large figures owing for rents. The other questions, I think, have been answered in one way or another.

Now, if I may turn to the hon. Member for the East Electoral Area, I will go into this matter of graveyards—the rating of graveyards—again, but I must admit that as he described it himself it did look to me as if the community concerned was trying to make a little profit out of the graveyard in planting up what must have been a very pleasant garden. But I will go into that particular one to see if one can be of any help. I doubt it. The hon. Member knows very well with regard to the rating of accommodation in mosques and religious institutions that indeed I have no powers to do anything about it. And on the whole I think that it is pretty justifiable. After all, all institutions have to have somebody to run them, whatever they may be, whether they are priests or administrators or anything else, and those persons have to be housed and those persons housed normally will be housed in accommodation on which rates are paid. On the whole I do not think there is a very strong argument. The matter of the mayor receiving certain documents, allegations against some of the staff at Mombasa, was brought to my notice. In fact, as usual with the co-operation which I get from local authorities, the Mayor sent me copies as soon as he received them himself. I know all about this and we are now awaiting the result of the enquiries of the Criminal Investigation Department. I believe that they may want some further time but the matter has not yet been dropped.

The hon. Sheikh Shikely brought up matters of fees with which I think I have dealt and also the rating of the new areas in Mombasa and indeed the undeveloped areas which have now been incorporated in the Mombasa Municipal Council areas. Well, there has been, as the hon. Member knows, a differential rate for mainland and island for some time and this is now being gone into in my Ministry as to what level of rate if any may be imposed on the new areas, especially those which are undeveloped and especially those which cannot expect to receive services. I do want

to make that point, that one cannot waive the rates over an area because it is alleged that the people living in that area are very poor, but one certainly can waive rates over an area if that area is not going to receive any services. And it is on that basis that one will be looking at it. The rating of the sea-bed has been decided. It has been ruled in fact by regulation that the sea-bed is not liable for rates. The other matters with regard to dispensaries, etc., I think have been answered.

The hon. Member for Machakos asked that grants to African district councils might be varied according to the wealth of the council or the poverty of the council. Of course, that is the principle on which we work. The grants on the basis of rates collected—the Government grants on the basis of rates collected—are varied to some extent according to the poverty of the wealth of the African district council. There are also special grants which are made to really poor African district councils and allocations will be made very soon for this financial year. But further to that, we are considering in the Ministry whether we cannot extend that principle a little more than it is today because we fully realize the very great differences between certain African district councils not due to their fault but due to lack of natural resources, etc. I can assure the hon. Member that his point is being investigated and will be kept in mind.

I think, Sir, that I have covered most of the points that have been raised in this debate and again I thank hon. Members for the interest they have taken, especially as I understand I had a certain amount of competition yesterday afternoon as regards the Derby.

I beg to move.

The question was put and carried.

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

IN THE COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C., in the Chair]

VOICE 30—MINISTRY OF LOCAL GOVERNMENT AND LANDS

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that a sum not exceeding £170,043 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 30—Ministry of Local Government and Lands.

Question proposed.

Heads A, B, C, D, E and F agreed to.

Head G—Mombasa Master Plan

Mrs. Shaw: I regret to have to show my ignorance. Mr. Chairman, I would like to know what the Master Plan is?

Sir Charles Markham: Bright girl!

The Minister for Local Government and Lands (Mr. Havelock): I have sympathy, Mr. Chairman, with the inquisitiveness of the hon. and gracious Lady. It is indeed a master town plan which Mombasa wish to have completed. They have tried to get it done by private enterprise and failed and now my Ministry—the Town Planning Section—is undertaking it on repayment.

Head G agreed to.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the Resolution without amendment.

The question was put and carried.

Resolution to be reported without amendment.

The House resumed.

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

REPORT

VOTE 30—MINISTRY OF LOCAL GOVERNMENT AND LANDS

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that the Committee of Supply has considered a resolution that a sum not exceeding £170,043 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 30—Ministry of Local Government and Lands.

Mr. Deputy Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said resolution.

The Chief Secretary (Mr. Couitts) seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

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

IN COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C. in the Chair]

VOTE 15—MINISTRY OF INTERNAL SECURITY AND DEFENCE

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that a sum not exceeding £83,241 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 15—Ministry of Internal Security and Defence.

Question proposed.

Head A—Personal Emoluments

Mr. Pandya: Mr. Chairman, I wanted to ask on a point of information whether we will be able to raise any matters of administration of Prisons under this Head, because the Vote is quite separate for Prisons?

The Chairman (Mr. Conroy): You can raise matters of policy for which the Minister is responsible, Mr. Pandya. You cannot raise specific items for prison administration which come under the other Heads which are not in this Vote.

Mr. Pandya: Mr. Chairman, I wanted to raise the question of the food and diet of prisoners at Shimo-la-Tewa Prison. The Minister, Sir, in the original debate has said that there was no complaint with regard to the quality of food at Shimo-la-Tewa Prison. Now, Sir, I would like to state that I am an official visitor to this prison, and every time that I visit the prison prisoners have complained about the quality of food that is provided at this place. Indeed, Sir, I have brought this matter to the notice of the prison authorities, and I have also intervened and discussed this matter.

The Chairman (Mr. Conroy): Mr. Pandya, I want to help you as much as possible, but to refer to specific matters in a specific prison does not come under this Vote. To refer to a matter of prison administration generally is a matter of policy for which the Minister is responsible. The particular Head with which we are dealing is the Ministry under which you can raise matters of policy. I do not think that you can raise matters of specific detail arising under Vote 18 when we are dealing with Vote 15, and as I understand the argument you are developing, you are dealing with a specific matter in a specific prison or a specific place in that prison.

Mr. Pandya: Then I would go over to a matter of policy, and I would like to remind the Minister of his visit to Mombasa in November last year, when a colleague of mine, an official visitor, Dr. Rana, and myself made representations to him and the Acting Commissioner of Prisons who was with him with regard to the

[Mr. Pandya] scales of diet which were introduced by regulation on 1st November last year. Now, Sir, these representations were made to the Minister and the Acting Commissioner of Prisons after we had interviewed and discussed the matter not only with the prisoners, but also with the superintendent of the prison. There was much discontent among the prisoners with regard to scales, particularly of bread, that were to be provided under the new regulations. Under the old regulations the scale for bread was 12 oz., which was reduced to 5½ oz. These supplies were also of a very poor quality, and we were told that the medical authorities—

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, on a point of order, would not the matter which the hon. Member is raising come up for debate again under Item No. 1 of Subhead L of Vote 18, which deals specifically with the subject of prisoners' food?

The Chairman (Mr. Conroy): It seems to me that the general question of diet in a prison is a matter of policy for a Minister. Specific details of diet seem to me to come under Vote 18, which we probably shall not debate because I see it is on the list under Order 7, which we will not debate in detail, and therefore, anxious as I am to assist Mr. Pandya to deal with matters of policy, matters of specific detail, Mr. Pandya, can only be dealt with if they arise under Vote 15.

Mr. Pandya: Mr. Chairman, with due respect, I would like to say that the question of diet is a question of policy.

The Chairman (Mr. Conroy): That is what I ruled.

Mr. Pandya: Yes, thank you very much, Sir. Now, Sir, we were told that the medical authorities approved this new diet scale, but, Sir, the adequacy was not borne out by the information we had from some of the private medical practitioners, and we were definitely given to understand that the new scales of diet were inadequate for a normal man. Now, Sir, I would like the Minister, when he replies, to give us some more information on this point.

Another point which I wanted to raise, and which I think would be a matter of policy is the question of accommodation and supply of necessities. Sir, every time that I visited the prison it has generally been brought to my notice that not only the quality, but the quantity is totally inadequate to meet the needs of prisoners. There has been, Sir, if I may suggest it, some discrimination between the Mombasa Prison, with regard to the supply of iron beds and other items

which have been provided in Nairobi, but not in Mombasa, but, Sir, I will gloss over this point as quickly as I can, in case I am again called to order for bringing up a matter of specific nature.

Now, Sir, there is another general matter that I wish to raise, and that is that after the visit of the official visitors, when we have entered the observations in a book that is provided for the purpose we are told these observations are forwarded to the Commissioner of Prisons for his comments. Sir, we do not know what action has been taken on the suggestions that have been made by the official visitors, and may I suggest to the Minister that the official visitors should be informed of what action the Government proposes to take or not to take on the specific matters which have been raised by the official visitors.

Now, Sir, if I may, as a matter of policy, raise the question of military service, I was very glad the Minister had said that the Government was giving active consideration to the question of military service for all races. Sir, it seems to me that every time we demand these facilities, which I suggest are the due and prerogative of every citizen of this country, the Government's answer has always been of the financial implications involved. Now, Sir, how can this Government justify the expenditure of about £208,000 for one race only and deny this facility to the others? I feel that practical steps should be taken now to extend this facility to citizens of all races in this country, or until the Government is able to provide the facilities for members of all races, it should cease this facility for one race until we move away from the racial character of the Kenya Regiment, and make it a truly non-racial one in keeping with the new spirit that we wish to prevail in this country, and which the Government always says it wants to see implemented in the policies that it proposes for the benefit of the citizens of this country. The Government on one hand says that their policies are non-racial, and then it maintains such an organization as the Kenya Regiment which is essentially racial in character. I would like the Minister to give very serious consideration to this matter in the best interests of all the citizens of this country.

Sir, I beg to support.

The Minister for Internal Security and Defence (Mr. Swann): Mr. Chairman, I would like to deal with the various points raised by the hon. Member who has just sat down.

The first was the question of prison diet. Now I can assure the hon. Member that the Government Medical Department has approved the new ration scales for prisoners. I cannot, I am afraid,

[The Minister for Internal Security and Defence] argue about the private practitioners in Mombasa, but I can assure the hon. Member that the medical authorities have advised us that the new ration scales are fully in order for health purposes.

With regard to the details about bread and rice, I submit to your ruling, Sir, and indeed strongly support it. We cannot go into those details today, but I can assure the hon. Member, if he will approach me outside the Chamber I will certainly take up the specific points about specific items of diet which he thinks are unsatisfactory.

The question of accommodation in prisons is unfortunately a very serious one indeed at the moment. I am sorry about the bedsteads at Mombasa as opposed to Nairobi, but at the moment the problems of overcrowding in all prisons are extremely serious indeed, and had I been able to make the excellent speech which I prepared so busily for the past fortnight, I was going into this question of overcrowding in very great detail, and I was going to deal with the truly terrifying manner in which the number of prisoners per annum are ever increasing. We have, Sir, two very alarming features of overcrowding. The first is the convicts, and I say with regret that the daily average last year was 9,000, and the estimated daily average for the next financial year is 9,500 and the first four months of this year have indeed borne out the fact that we are going to have a figure of 9,500 a day. The other more terrifying feature is the great increase in the daily average in the number of inmates of detention camps. Now in 1950 the daily average was 2,500, and in 1960 the daily average is over 11,000, and I need not stress to hon. Members opposite the very severe strain which that has put on the Prisons Department, both as regards accommodation for prisoners and the strain which it has put on the custodial staff, who are responsible for the welfare, training and safe keeping of the prisoners. It is, I am afraid, Sir, a truly alarming situation. We are very conscious of it, and we shall do everything we can to meet it, both in the Annual Estimates and in the Development Estimates.

Finally, Sir, the hon. Member raised the question of military service for all races. As I said in the main debate, we have this under active consideration, but unfortunately, Sir, one cannot get away from the financial implications. If we are to introduce services it does need money and personnel, and you cannot have personnel and equipment without financial provision. I can assure the hon. Member that I am extremely sympathetic to his requests, and he was not quite accurate in saying that military service was denied to all other races. Now there are three battalions

of the King's African Rifles which are open to other races, and it may interest the hon. Member to know that we have at the moment at Sandhurst a Hindu boy and a Goan boy who, I trust, will be commissioned and will then serve with the King's African Rifles in this country. I am also extremely hopeful that we shall be able to gain for Africans direct entry into Sandhurst, and we have, at the moment, Sir, and I would suggest to all Members to go and visit the Junior Leaders' Training Centre at Kahawa, where there are 150 boys who are receiving not only military training, but education, and it is hoped, Sir, that a number of those boys will receive a direct entry to Sandhurst and will then be commissioned to serve in the King's African Rifles in Kenya.

Mr. Mboya: Mr. Chairman, may I raise the following points. First, commenting on the question of military training, I find it a bit illogical that we should argue that the limitation is finance, because if that is the only limitation, then the little finance that there is should be spread over everybody and not just one race. It would be more logical then to argue that the extent of military training is limited by finance, but everybody would be receiving it and not just the Europeans. I have said before, and I think that this point should be considered again.

The other points I wish to raise to which I would like the Minister to reply are in respect of African wardens in the prisons service. The question of their housing and their salaries and their uniforms to my mind deserves a little bit of examination. I do not know how long ago these were reviewed, but it would appear that in the present and changing circumstances that they deserve something better in what is after all a very useful service to this country. The Minister said, and I agree with him, that some of these people have served the country very well, and I think in the circumstances they deserve much closer attention.

Another point in regard to African wardens and Africans employed in the prisons generally is the question of promotion for Africans in the service. To date it is my understanding that there are not any Africans really with responsible positions in terms of gazetted officers and the like, and I would like to know why it is that in this service Africans have not been able to rise sufficiently high above such jobs as sergeants and corporals and petty officers. I would like to see them taking much more important administrative jobs in the prisons service. After all the greater percentage of the inmates in these prisons are Africans, and perhaps African officers would be in a better position to understand some aspects of the problems of these inmates than total strangers to them.

[Mr. Mboya]

With regard to the police service I also want to raise the question of promotion for Africans. To date I am aware of only one African with a gazetted post. This African, I understand, is merely an acting officer, and strangely enough has been acting for the last few years. I am not sure why he should be made an acting gazetted officer for so many years. Whether it is because there are no vacancies available, or whether because he is incapable. This particular officer has been to the United Kingdom several times on training, and in my view, as qualified, has reached the point where he not only deserves a full post in the service, but where he deserves a much higher position than the one of Acting Assistant Superintendent, and I would like the Minister to explain exactly why this particular person should not rise and further to explain what other reviews he has made in the service to enable Africans to rise to the highest level in this service.

On the question of prisoners, I would like to raise a number of points. One is that I would like to know from the Minister the position *vis-à-vis* the treatment accorded to prisoners of different races. What sort of treatment do the Europeans—I mean what points of difference are there between European, Asian and African prisoners, in matters such as diet, uniforms and general treatment with regard to visitors and so on. There are such little questions as shaving of hair or heads and beards. How far does this apply to every prisoner regardless of race? Why should African prisoners be forced to shave their heads if other races can have their hair, or why should Africans be forced to shave their beards if other races can have their beards? I think this is an important question. There was a case recently of a prisoner forced to shave his beard when, in fact, the previous medical officer in the prison had ordered that he should not shave his beard, but the medical officer had been transferred and the medical certificate had been misplaced or something and he was forced to shave his beard.

There is the question, Sir, of restricted persons, and here I would like to know from the Minister the present position with regard to the allowances that they are given. In some countries we hear of restricted persons who are paid up to about £50 per year—a rate of £60 per year. The present position with regard to Jomo Kenyatta, for example, and those others restricted at Lodwar, is that they are paid only £6 per month—if my figures are right.

Group Captain Briggs: That is too much.

Mr. Mboya: I hear the hon. Member for Mount Kenya say that that is too much, but I would tell him to try and live on £6 and see how far it goes. The restricted persons in Uganda certainly

get the same things, free food and so on, and yet they get £60 per month, and I would like to know why restricted persons in Kenya are accorded this rather terrible treatment—some of it quite inhuman—especially when you take into account the climate in which they are forced to live. I would also like to know, with regard to restricted persons, the question of policy on visitors. What kind of visitors they may have and how often. Also, on the question of their correspondence, whether it is censored, and if so, why, and what kind of correspondence they are allowed to have? Are Pressmen allowed to visit them, are their lawyers allowed to visit them at will, and what of their relatives—are they allowed to visit them? The Minister should let us know also if the restricted persons are forced to do any work, and if so, what sort of work, and if they are forced to do such work, whether they are paid any salary, and whether that salary is related to the job or is merely on the basis of allowances. I would also like to know whether the policy of Government with regard to restricted persons is based on seeking to help them or merely looking at it as a punitive measure.

Lastly, Mr. Chairman, I would like to know on the question of visits to the prison, in terms of official visitors, whether at this particular stage today, there are African Elected Members on any of the official visitors' lists to the prisons? We are often confronted with questions raised by prisoners, some of which we are unable to deal with or to reply to because we are very ignorant of some of the things going on there from the official view-points, and I think it would help if visits are allowed and encouraged, even if they were to be guided, we would at least have an opportunity to see something of the conditions themselves and the treatment in practice.

Mr. Chairman, Sir, with these few observations, I beg to support.

Mr. Alexander: Mr. Chairman, Sir, by now I imagine, our very conscientious Minister for Defence will have read the Public Accounts Committee Report—paragraphs 18, 19 and 20, of the Accounts to June, 1959, concerning the Supplies and Transport Department, and particularly the relationship to the police and the work required by the police, and I am wondering, Sir, if at this stage, he would be prepared to offer us any comments as to the future policy on this particular Vote.

Group Captain Briggs: Mr. Chairman, Sir, I would like to take this opportunity of making a few comments and putting a few points to the Minister in regard to the internal security situation.

[Group Capt. Briggs]

Now I do think that it is no use pretending that the past two years and more have not seen a serious deterioration in the general internal security situation here in Kenya, and as well, a growing disrespect for law and order in the rather broader sense. Intimidation is rife throughout the country and many aspects of the situation, to my mind, resemble the conditions which existed in the pre-Emergency period. Apart from intimidation there are many indications of what I can only describe as *Mau Mau* thinking, one symptom of which, of course, has been the constant propagation of the Kenya cult, as it has been called in this House. There have also been many acts of violence throughout the country, but it is not usually disclosed whether the perpetrators were former members of *Mau Mau* or whether they were not. There has also been a wave of strikes in areas in which I believe that *Mau Mau* has never been entirely eradicated.

I would like to ask the Minister to reply on a number of specific points arising out of those brief comments. I would like to ask him whether he has any information which connects the present unrest in the areas I have referred to with the activities of particular persons or organizations and how it is linked, if it is linked in any way with the recent tension and difficulties which have arisen in the Thika and Kiambu areas? If so, I would like to ask him, what is the connexion between those persons or these persons or organizations and ex-detainees or with *Mau Mau*, if any? I would also like to ask him as to what extent does the Minister consider that the Act of Grace announced by His Excellency the Governor and the removal of the Emergency regulations has contributed to the present rather disturbing situation? Also, it was always understood by me that the post-Emergency legislation, which was quite recently introduced, was intended to give the Government powers to deal with what might be described as a state of pre-Emergency. Now I would like to ask the Minister whether he does not consider that a state of pre-Emergency exists today. Also, is the apparent inactivity on the part of Government due to difficulty in obtaining evidence as in the early days of *Mau Mau*, and if so, will the Government not adopt the same methods that were used when the same difficulties appeared during the early days of *Mau Mau* to enable persons to give evidence, who may be subject to intimidation, without fear of reprisals? I do most sincerely hope that the mistakes which were made in handling the Emergency in the early days are not being repeated, and I would also like to be assured that the Government is taking full cognizance of the lessons to be learned from the conclusions included in the Corfield Report.

Subject to these observations, Sir, I beg to support.

The Minister for Internal Security and Defence (Mr. Swann): Before I get too far behind, Mr. Chairman, I think I had better go in again. To deal with the points raised by the hon. Member for Nairobi Area, I am in full agreement with him that we must pay particular care to the conditions of service of the African warder staff, and indeed, Sir, in our development programme, what money we are not spending on increased accommodation for prisoners, will all be spent on improved accommodation for the African warder staff.

He raised, Sir, the question of promotion for African officers and said they only hold subordinate positions. Now, Sir, I cannot give him off the cuff, I am afraid, the actual rank of the officer, but there is an extremely efficient African officer whom I myself visited who is in sole charge of the prison at Thomson's Falls. I am delighted to say that he has been sent on a course to the United Kingdom and no doubt will derive great benefit from it, and we shall be able to promote him at the conclusion of his course.

He also raised the question, Sir, of diets, uniforms, etc., for prisoners. The standard of treatment, Sir, is the standard of living that the prisoner has in his private life. If, Sir, he has the same standard, we will use the phrase, of a European and he is used to European clothes and European diet, he can obtain that diet and the same clothing as a European prisoner in the prison. The question of visitors is also the same. On the question of shaving heads and beards, Sir, I am afraid, as I am not so fortunate as many of my fellows in having one of those admirable men, a head of department or permanent secretary, sitting behind, I am a little shaky on detail, but I will certainly go into the question as to whether all or any specific race have to shave their heads and beards. I am afraid I cannot answer that one at the moment. With regard to the general question of treatment, we have at the moment the new Prisons Ordinance which is being drafted and which will be debated by this Council. The general principle of that Ordinance will be that prisoners are graded according to their behaviour and according to the grade in which they are placed and according to their behaviour, they will obtain specific privileges, and I think the hon. Member will agree that this will go a very long way to meeting the points, which he has raised.

With regard to African promotions in the police, we have one African A.S.P. I think he has been confirmed, I will check on this. I do not think, myself, that he is still acting. My information is that he has been confirmed. We have three African chief inspectors and 41

[The Minister for Internal Security and Defence] African inspectors, grade I. We are also sending further African officers for training in the United Kingdom and I have every hope that we shall be able to make additional promotions.

On the question, once again, Sir, of military service, I do think, with respect, that some Members opposite, when they talk about expenditure, have forgotten that Her Majesty's Government have now taken over financial responsibility for the King's African Rifles, and therefore when one says that all the expenditure is for one race only in point of fact the three battalions of the King's African Rifles have a vast expenditure of over £1,000,000, and that is paid for by Her Majesty's Government and was previously paid for by the Kenya Government.

We then came, Sir, to the question of restricted persons' allowances and I am afraid, Sir, that I think that £60 per month, as paid in Uganda, is a trifle excessive. The allowances here, Sir, are Sh. 180 per month, Sh. 120 if the wife is resident with the restricted person, and Sh. 60 per child if they are resident with the restricted person. We are at the moment, Sir, examining this question of allowances to see whether they are in fact adequate and I hope to be able to report shortly to the House.

I am afraid I have to go fast, Sir, because I have a mass of stuff to answer. I shall have to bat again later I think.

On the question of the policy of visitors, it is, Sir, that every case is judged on its merits and permission to visit is given by my Ministry at my discretion and under the conditions which we see fit to lay down. Each individual case is judged on its merits and I can assure the hon. Member that I know of a number of cases in which relatives have visited restricted persons. In fact we are rather more lenient in granting permission to relatives than to any other category of visitor.

He raised the question, Sir, of African Elected Members on Official Visitors' List. I am afraid I will have to check on that, Sir—I could not answer off the cuff, but I can assure the hon. Member if any individual Member opposite wishes to visit a prison, if he will make an application to the Commissioner of Prisons, a date and time will be fixed for him to do so. That indeed is the existing procedure.

The hon. Member for Nairobi West raised the question of Supplies and Transport and the Police Workshop. I can assure the hon. Member our relationship has been most happy; as he knows, the Supplies and Transport have now gone to the Ministry of Works and we are now considering what the set up for specific workshops should be in the future, whether it should continue as at

present or whether it should be altered to the previous position by which the Police ran their own workshops.

The hon. Member for Mount Kenya, Sir, raised a number of questions on security. Since I last spoke on this subject I think I can say that although it has improved in certain aspects, it has deteriorated in others. Now we have so far, Sir, I am very glad to see, cleared up the strikes in the Thika and Kiambu areas, and that is a problem, which, at any rate at the moment, is well out of the way. A number of cases were taken for intimidation and as I informed the House previously, we did have a joint Special Branch and C.I.D. investigation team, which toured the area and went into every single case of alleged intimidation. The disturbing part is, Sir, that I have to say with regret, that we are getting an ever increasing number of reports of oath taking ceremonies, particularly now in the settled areas of the Rift Valley Province, which I find extremely disquieting and which we are investigating at the moment.

The hon. Member, Sir, asked if we had found a pattern in the areas of the Central Province leading to any specific organization or any specific individual. The answer is at the moment, Sir, that we have not. However, I can assure the hon. and gallant Member that when a certain name comes to our attention we do go into his past record to see if he was either an ex-detainee or had connexion with *Mau Mau*.

With regard to crimes of violence, I am afraid I can only make the rather unsatisfactory reply that some of those who carried them out are former detainees and *Mau Mau* adherents. In a large number of cases they are not—they are common criminals.

With regard, Sir, to the similarity between today and 1952, I was myself, as the hon. Member is aware, in the Central Province in 1952. Although I have said, Sir, we do not view the situation as I have said, Sir, we do not view the situation with anything like complacency. I think I can say quite honestly it is not on all fours with those days. Sir, in Nyeri in 1952 we had 40 cases of arson in February, in which loyalist headmen and subheadmen were locked in their huts, and the huts then set on fire.

Group Captain Briggs: Interjection.

The Minister for Internal Security and Defence (Mr. Swann): These crimes were actually prior to the Emergency, Sir—that was in February, 1952, and the Emergency was not declared I think until September.

Hon. Members: October!

The Minister for Internal Security and Defence (Mr. Swann): We are also, Sir, very much better

[The Minister for Internal Security and Defence] off in that we have a very much larger Police force on the ground than we had in those days, as the hon. Member will see from the Corfield Report. The number of African police in the Kikuyu areas at that time was terrifyingly low, and they are now well covered with Police posts. We also have a very much more efficient and larger Special Branch; we have more administrative officers than we did; and we also now have, what we did not have at that juncture, the pre-Emergency powers which can be adopted at very short notice.

Sir Charles Markham: Mr. Chairman, if I could pursue very briefly the one subject of military training. I was amused, Sir, to hear the plea from the hon. Member for the Eastern Area, who gave the impression of the amazing keenness of his race to participate in military training. Normally, Sir, all races of all colours are most reluctant to indulge in this practice today. Quite frankly, Sir, I would urge the Minister to reconsider this problem of military training. Having, Sir, been in the Army for quite a long time, I came to the conclusion early on in my reluctant military career that those who did not wish to be in the Army were quite frankly often a liability to the Army, and I would much rather see the Kenya Government return to the same system or principle that has been adopted in the United Kingdom, whereby military training on a compulsory basis no longer comes into operation. I would like to see, Sir, two systems adopted by the Kenya Government: first of all a system of military training for those who wish to participate on a territorial basis for all races, bearing in mind that education and qualifications would be necessary for the personnel concerned. At the same time, Mr. Chairman, I would like to see the Minister examine the scheme whereby the youth of all races should undergo some sort of national service, not necessarily on a military basis, but a national service whereby they can serve the country. I hate to suggest the system adopted by that well known dictator, Adolf Hitler, although looking at certain articles about Kenya there is quite an analogy coming in the future. I was not referring to the hon. Member for Nairobi Area either, but if the cap fits he may wear it—also a moustache—he has got to grow a small one before he can. But, Sir, the fact remains, in all seriousness, that the labour corps did provide the youth of Germany with a most valuable training of discipline and of service to their own community.

I would like to suggest this, Mr. Chairman. We in this country have a population growing up, many of whom qualify on equal standards

of education for all races, and I would like to see those who do qualify with, say, a secondary school qualification, to serve for three or four months, not by presenting arms or doing drill or military tactics—unless they wish to do so that is—but the other should do some sort of work, living together with all races under certain conditions of hardship. Now I am thinking particularly of an extended course such as exists today under the Outward Bound Scheme. I believe that sort of idea, Sir, where all our youth would live together, suffer together the hardships, enjoy together the comradeship such as youth always finds, would result in a lessening of racial tensions later on. I do not wish, Sir, to start to preach in this Committee certain schemes, but I have always been of the opinion, starting, Sir, when I saw my first conscripts brought into Germany after the war, that so often they were a financial liability, whereas in other cases they were great patriots of the country, which in our case was the United Kingdom. And the Army indeed has been very short without the conscript element in fighting the *Mau Mau* rebellion.

Nowadays, Sir, I believe in Kenya we cannot afford the reluctant legionnaires, if I may crib a title of a well-known book published in England. I would much rather see the Kenya Regiment, Sir, becoming a territorial force of the highest discipline and standards which exist today, with the King's African Rifles also having a territorial element to allow for all those who wish to go in for a territorial military career, rather than compulsory military training which in this instance, Sir, is bound to have racial repercussions because of the financial implications mentioned by the Minister for Defence.

Now, Sir, in case there is any misunderstanding on this, let me say straight away that I am a great admirer of the Kenya Regiment. They proved themselves in the last war as being most vital to the defence of Kenya, and they proved themselves again during the recent rebellion. But, Mr. Chairman, the Kenya Regiment of those days was a volunteer force and not a conscript force, and although I have not discussed this matter, Sir, with any officer or non-commissioned officer of the force, I would like to say I hope the Minister will reconsider this problem, hoping that out of it may come a solution satisfactory to the future of Kenya and not just the future of one race.

Finally, Sir, I do not know who is keeping the time during this Committee, but I would like to make one final remark, Sir, about the statement made by the Minister about oath-taking ceremonies in the Rift Valley Province. We on this side of the House have listened with interest to his remarks and, Sir, all we can hope is

[Sir Charles Markham] that he will tell the Colonial Secretary in England of his information so that when our master—not our lord and master, but our master—does answer questions in the House of Commons at least he will be accurate for a change.

Commander Goord: Mr. Chairman, I should like to set off on a new tack and say a few words about the navy. I am aware that I shall have to crave your indulgence in this matter because this does not, strictly speaking, come under this Head. I hope I shall have that indulgence. I particularly want to raise this matter, Sir, on account of the debate which took place in the East African Assembly, when the value of the Royal East African Navy was called into doubt.

Now, Sir, having served in small navies, I hold very strong opinions on this, and I think it is the plain duty, and real necessity, for countries like this to train a small naval force for the defence of its own harbours. That, Sir, means first training sailors, that is seamen and men who can operate the engines in small craft, the harbours services, signals, and the various weapons and so on which may be called into use in harbour defence. That, Sir, is really the responsibility of these territories. Now having said that, Sir, I would like to ask if the High Commission is fully satisfied that the vessels which they are obtaining are really suitable and whether in the light of their experience with this class, they intend to take delivery of the remaining ships; if not, what future policy may be.

Now, Sir, to go out on another tack before I sit down, I would like the Minister for Defence to tell us how one obtains a restriction order in Uganda!

Mr. Pandya: Mr. Chairman, I can assure the hon. and gallant Member that we who live at the coast appreciate very much the value of the Navy.

Sir, I just wanted to say that I was surprised with some of the remarks made by the hon. Member for Ukamba. I cannot understand the objections to extending the facility of military service to members of other races. We are asking for opportunities, that these facilities be extended to members of other races.

Sir Charles Markham: I am very grateful to the hon. Member for giving way and perhaps because of the acoustics in this Chamber he did not understand me. I was trying to explain that I was opposed to compulsory training for any race, that all races should have a chance for volunteering.

Mr. Pandya: I just want to refer to one other matter raised by the Minister earlier, coming back to the question of prisons. He has said that

the diet was given to the prisoners according to their way of life. Now, Sir, I have visited Mombasa Prison very often, and I have seldom seen examples of this practice in existence. I cannot understand, Sir, how this policy could be implemented when prisoners are put in cells according to their race. These are the very people who cook their own food; they are supposed to eat their own food which they know is of an inferior standard, and I cannot see how this facility could be extended to these people when they are put in different cells. I would like, Sir, information from the Minister on this point.

Mr. Muliro: Mr. Chairman, I will take up the point which the hon. Member for Ukamba raised. I think that on the Kenya Regiment and the compulsory military training for Europeans, if we want to build one country I think the Kenya Regiment should be abolished or the K.A.R. should be abolished. Now, if we have the K.A.R. it should be for all or the Kenya Regiment should be open to everybody in this country without keeping it for Europeans only. A number of people in this country look upon the Kenya Regiment as a European organization, where the Europeans are preparing themselves for guerrilla warfare one of these years. Therefore I feel either the Kenya Regiment be disbanded or it becomes open to everybody in this country. If the Minister does not indicate to me in his reply that this organization is going to be open to all, I am going to move that this item should be deleted.

Also, the Minister says that once a prisoner shows that he has got—the wears European clothes and eats a European diet he will be given the same. Now, I do not know that will be the clothes which many Africans wear from Britain, at least I thought all of them came from Britain, at least many European countries. Some of them are from Bombay probably, but the British manufacture them, even in Bombay. Also I do not know how they also come to say that a given prisoner has a European diet. I think the food for all prisoners as such should be improved rather than talk of European or African diets.

On the question of military training I find it high time this Government sent some 20 or 30 Africans to Sandhurst to be trained as commanders. As many African states become independent we need an army which is strong. Somalia might declare war on us because of the Northern Frontier Province, and if that is going to be the case, I would, Mr. Chairman, find it very difficult for a Goan commander to command many battalions of Africans. So the sooner we send Africans to be trained in England the better.

[Mr. Muliro]

If Britain is not offering facilities to Africans to be trained in military warfare, we could as well get them to other countries which might be prepared to give us the assistance.

I want to say one thing about these oaths in the Rift Valley Province. We have heard a lot about oath-taking everywhere in the country and I think the Government at this time must take this very seriously and examine the reasons why these people go in for oath-taking others at this stage. I find that as long as we do not eliminate social and economic frustrations which these people face in all these areas, the oaths are going to go on from one year to the other. So I think the best solution for the Government is to try to eliminate some of these disabilities which these people in the Rift Valley Province are faced with. I know there are problems. Some of them were there before. They came back, they were crowded in the Central Province. They have gone back and many of them have lost their jobs which they had before. That might be one of the causes, but I think the Government should take this very seriously and try to eliminate this problem rather than allow it to go on and probably bring us into some other catastrophe.

Mr. Shaw: Mr. Chairman, Sir, I first of all should like to say that I think it is most regrettable that the Minister was not allowed to make his brilliant speech because I am sure if he had we should not have asked for all these questions, as we should have had the answers. What I want to ask arises out of a Kenya broadcast this morning that two Nairobi magistrates were reported as saying that the authority of the police force today was not being respected, particularly that of the African *askari*. If that is so, Sir, I would like to ask the Minister if he is perfectly satisfied as to the security position when I gather that amongst the European inspectorate there is a great deal of uncertainty felt as to their future since Lancaster House, and I also hear very prevalent rumours that they are resigning or are about to resign and applying for positions in Great Britain. Sir, I would like to ask the Minister if he is quite satisfied with the security position as a result of that and especially when the magistrates have said that the African *askaris'* authority today is not being respected. That was reported this morning by the Kenya Broadcasting Service.

Major Day: Sir, I would like to ask the Minister, and it may be a rather difficult question, in assessing the position today in answer to the hon. Member for Mount Kenya he said that in certain respects the security position gave cause for alarm, but that it had improved in other respects. Now, Sir, in a period like this it is

quite obvious that the Government are deeply perturbed, although it may not have reached any pre-Emergency situation up to date. Now, in his opinion, Sir, taking into account the police, the armed forces in this country, in a changing time where, of necessity, certain people's ambitions, particularly perhaps the European element, are likely, possibly, to be frustrated in the future, those people in some cases, perhaps feeling slightly a lack of *esprit de corps*, this, that, and the other, taking all these things into consideration, Sir, I would like him to give me an absolutely factual answer. Does he consider that if a State of Emergency should descend upon this country he has the necessary mechanism, so far as the morale in the services which he controls is concerned, to deal with such an emergency expeditiously and efficiently.

Or is it, Sir, possible that in this changing time with these rumours and counter-rumours, there is insufficient assurance to those people in all the armed services which are essential to our efficient running, there is insufficient assurance for him to rely upon them to give of their efficiency to the tune of 100 per cent? Because, Sir, it is absolutely vital in any form of police organization, armed services, you must have at the top 100 per cent efficiency, 100 per cent confidence and 100 per cent *esprit de corps*.

Group Captain Briggs: Mr. Chairman, Sir, I have just received information to the effect that a Kikuyu headman in Othaya Division has been found murdered and that it is believed to be an act of *Mau Mau* retribution. I would like to ask the Minister arising out of his remarks with regard to *Mau Mau* in the Rift Valley, what indications there are of *Mau Mau* activity in the Central Province over and above what he has already stated, whether he has any particular information dealing with this report which, as I say, I have just received.

The Minister for Internal Security and Defence (Mr. Swann): Mr. Chairman, we have already received a report about the Kikuyu headman in Othaya, he has been missing for three days and his battered body has been found at the bottom of a latrine on his house holding. It is far too early yet, Sir, to say what the motive for the murder was which is being investigated by the Criminal Investigation Department and as soon as we know the result of the investigation I shall be only too happy to inform the hon. Member, but at the moment it is far too early to say what the motive for the murder was.

If I might, as it were, work backwards, from the hon. Member who has just sat down, the hon. and gallant Member for the Aberdares asked

[The Minister for Internal Security and Defence] about the morale of the security forces. Now, of course, there is no question but as in all services there is a certain amount of anxiety about their future. But I think I can say quite openly that I would have not the slightest doubt of their morale, courage and efficiency if an Emergency took place. I have not the slightest doubt that they would display their usual courage and gallantry which they have never failed to show in the past.

The hon. and gracious lady for Nyanza raised the question of the authority of the police. Well, I expect the hon. and gracious lady has seen the cutting in the *East African Standard* of a court case in Nairobi in which I am glad to say the magistrate has strict words to say about the hoodlaming of crowds in Nairobi and also praised the exemplary courage of the unarmed police in carrying out arrests in the face of armed opposition from a large crowd of thugs. Now it is often said, Sir, that many of these people in Nairobi are poor, innocent out-of-workers who are not allowed to sell their *uji* or their tea. I would point out for your information that one of the gentlemen in question had 26 previous convictions including assault, robbery, robbery with violence and theft. I do not think, Sir, he could be described as an innocent and unfortunate out-of-work.

Working back again, Sir, the hon. and gracious lady raised the question of the Inspectorate. We are going at the moment into the question of the pay and allowances of the Inspectorate, but as I have said in the past, it is very, very difficult to deal with one specific rank of a specific officer in a specific department without taking into consideration the repercussions which there will be in other departments. However, I can assure the hon. and gracious lady that both the Commissioner and myself are very sympathetic to the state of the Inspectorate.

The hon. Member for Nyanza North raised the question of whether if we could not get African cadets into Sandhurst we should go to other countries. I think the hon. gentleman forgot that you have got to have certain qualifications of education in order to get into Sandhurst. We have, in fact, seven vacancies a year and I have to say with regret that we are unable to fill them. We have at the moment only five and two of another, and I for one would very much welcome it if we could fulfil our quota of seven officers a year, but I have every hope that as soon as the Junior Leaders Training Centre at Kahawa gets into its stride (and we are taking boys of an even greater standard of education), for the information of Members there are two boys at the

moment who, we are extremely hopeful, will pass into Sandhurst and receive the Queen's Commission.

He also raised the question of the oath-taking in the Rift Valley. Now in fairness to the Secretary of State, I must point out to the hon. Member for Ukamba that this information was received by the Government here subsequent to the statement by the Secretary of State in the House of Commons. He asked the reasons for this oath-taking. Well, like the gentleman with 26 previous convictions in Nairobi who assaulted the police, I am afraid I am unable to agree that there is a social problem at the back of this oath-taking. It takes, I say with regret, two forms—one is what we know as the "get rich quick boys" who receive 15 to 10 shillings a head for the oaths which they administer and the other form, I have to say with regret, our recent investigations reveal, is nearly always a revival of a portion—not the whole—but a portion of the old *Mau Mau* oaths. And I cannot accept, I am afraid, that this was caused by unemployment, lack of employment or any other reason and in most cases the administrators of the oaths have got a previous record of *Mau Mau* sympathies.

The hon. and gallant Nominated Member Commander Goard, I would point out (but the hon. gentleman is very correctly having his tea), the hon. East African Navy belongs to the East Africa High Commission and I am not really responsible for it, but I can inform the hon. gentleman that, as in all departments, we are seriously embarrassed by lack of money and although the original programme was that there should be three minesweepers, we have only been able to get sufficient credit or to get the cash to pay for one. We are at the moment—the East African Governments—discussing with Her Majesty's Government the question of the future of the East African Navy.

I would like strongly to support a number of the statements made by the hon. Member for Ukamba. I think there is a very great deal to be said for a territorial force open to volunteers of all races, and we will certainly take that suggestion into consideration when we do go into this problem of considerable detail.

Mr. Hughes: I am deeply concerned indeed about this question of overcrowding in the prisons and I too am very sorry that we have been unable to hear the Minister and what plans he has to overcome the position. I believe it is a very serious one indeed and I know in my own particular area that the conditions are such that the medical report on it, I think, is quite horrifying. Sir, one factor that aggravates the overcrowding is the fact that many of these prisons have to

[Mr. Slade]

work on a project outside the prison, either housing them in some sort of camp, not under barbed wire or anything like that, or you even allow them to live in their homes if no camp is handy within reach of the work. You do not pay them for their work, but you do either feed them or provide them with a subsistence allowance. Now I understand, Sir, that quite apart from relieving the congestion of the prisons, that does have a very good moral effect on the first offender, or even the second or third offender of small offences, because we have often heard from those who know what they are talking about that a great deal of damage is done by short periods of imprisonment, particularly when you get a succession of short periods of imprisonment. In fact that is what creates habitual offenders.

Now if you can employ this alternative, you not only relieve the congestion of the prisons, but you give such prisoners a better opportunity of staying as fairly independent citizens, not mixed up with the worst criminal elements, preserving their self-respect and ready to take their place in the world more easily when the sentence is served. Also, I suggest, you probably get better value from his services, and certainly at much less cost of his imprisonment in this way.

Now, Sir, another matter, with reference to the Kenya Regiment. It has been suggested by the hon. Member for Nyanza North, following the example set by the hon. Member for Nairobi Area in the general Budget Debate, that the Kenya Regiment should be disbanded on the grounds that it is suspect as an organization designed to enable Europeans to fight a guerilla war of their own when they feel so disposed.

Sir, when hon. Members make suggestions like that, I wonder if they are utterly insensitive, or whether they do not understand the intense pride that the European community—all the European community—but particularly those who have ever served in this Regiment over the past 25 years—take in the Kenya Regiment and what it has done for Kenya? I wonder if they have ever thought for a moment—these hon. Members—what the Kenya Regiment has done for Kenya, and not only for the Europeans in Kenya? Of the hundreds of officers and non-commissioned officers which it supplied to the armed forces during the Great War, the many men of the Kenya Regiment who died during the War, and the service as a solid unit which it gave during the Rebellion, and those who also died in that Rebellion? It is not an easy thing to listen to hon. Members who claim responsibility, when they suggest that this Regiment should be disbanded as suspect of trying to fight only for the cause of one race in this

country. However one may feel about these things, Mr. Chairman, and however obvious it is that at all costs the Kenya Regiment must never be disbanded, on the other hand I know we have got to face thinking anew as to its future. In particular, I agree with the hon. Member for Ukamba and I very much appreciate all he said on this subject, and I agree with him that the time for compulsory national service of one race only through its unit must end. There can be no sense any longer in this country of having compulsory service for one race only, and it is quite clear that we cannot afford compulsory service for all. So whatever the right answer now is to the future of the Kenya Regiment, and it is an answer which we have to consider very carefully before we try to give it, I am pretty sure that we have got to say "goodbye" to the idea of using the unit for compulsory training, and get back to what it was originally, that was a voluntary selective organization, drawing on the very best young men of the country to provide the leaders of our military formations in case of need. If we get back to that, we are getting the best value at the least cost. How exactly we do it, so as to make room for all races instead of one, I do suggest we consider very carefully before we try to say. We must not delay our consideration; we have obviously got to tackle the problem now; but I would urge all hon. Members not to be in too much of a hurry to say exactly what the answer is; and particularly, coming back to what I said before, that because of the pride which past and present members of the Kenya Regiment take in that Regiment, they in particular must be consulted before any final conclusion is reached. We must ask the Commanding Officer and the present officers of the Kenya Regiment, we must consult the old comrades; and among all of them perhaps foremost, Sir, we must consult the distinguished Colonel who founded it and still its Colonel.

I beg to support.

The Minister for Internal Security and Defence (Mr. Swann): Mr. Chairman, Sir, if I could deal with some of the more recent points which have been brought up, the hon. and gracious lady the Member for Uasin Gishu asked if we were proceeding with the building of the Broadmoor for criminal lunatics. I can assure the hon. and gracious lady that there is financial provision for the Broadmoor in the Development Programme not actually in the period 1960/61, but in the total period provision has been made.

The hon. and gracious lady also raised the question of overcrowding and I have no doubt that she had in mind that well-known beauty spot Eldoret Prison. Nobody would like to demolish Eldoret Prison more than myself, but unfortunately there is the overriding question of finance

[Mr. Hughes]

hold criminal lunatics because they are unable to house them in Mathari and I would like to ask the Minister if any provision has been made to build a Broadmoor which I believe is very urgently needed in this country.

Mr. Travadi: Mr. Chairman, I have a small question to put to the Minister. I am very much concerned about the recent thefts, particularly of radios and only yesterday I was listening to one of the shopkeepers when he counted 21 thefts during the last two or three months and even in spite of thick plate glass and the iron grilling the shops are broken into and radios removed either by hand or poles or things like that. I should like particularly to draw the attention of the Minister to this type of theft. It appears that these thieves have a particular liking for radios, as either they are very much interested in news or they want to convey some information to some others, whatever may be the reason, that is one thing I want information about.

The good news was when the Minister agreed to a non-racial territorial force. The time was very propitious for having a sort of national territorial force or a cadet corps whatever you call it, as every race here has applauded the suggestion and I hope the Minister will put it into practice, sooner the better.

On the security side I would say that the Asians—if I may just segregate one race of the three or four races—particularly for the last ten years have been shivering as the first blow always has been falling on that particular race. I was just looking into the Police Estimates for the last ten or 14 years and I found out that in 1948 and 1950 the Police Expenditure was in the nature of £800,000 which has risen by 500 times today, and which is over £4,000,000 the increase in the vote has grown with the corresponding deterioration of the security and safety of the people. I hope that this point also will be taken into consideration.

Mr. Chairman, I beg to support.

The Minister for Health and Welfare (Mr. Mumi): Mr. Chairman, Sir, reference has been made as to the various types of diet provided for prisoners and in the main speech of the Budget. I did point out when I made reference to the various kinds of diet provided for patients and prisoners, that the essential point and the essential function of my Ministry is to ensure that the diet provided for prisoners and patients is nutritious and that it is suitable for human consumption.

* In regard to the points raised by the hon. Member, Mr. Pandya and the hon. Member for Nairobi Area and the hon. Member for Nyanza

North, we have to take into account the fact that in prisons we have to deal with three types of people. We have to deal with people who are used to a Western kind of diet, we have also to deal with people from the Eastern areas who are used to the Eastern side of the world—kind of diet and also we have to deal with indigenous people. Now, Sir, we have to draw an average between the kind of diet applicable to the three races or to the three kinds of people without bringing in the question of race. The reason, Sir, I want to bring up these three kinds of people we have to deal with is to eliminate any feeling that any Members may have as to any attempt by Government to create discrimination. I want to prove that there is no discrimination whatsoever. All that we are trying to do is to give every prisoner the kind of food that he or she is used to in his or her environment. In doing so, Sir, we have to take into account such factors as, for example, dealing with a Hindu. If we said, for example that all prisoners must have meat in prison, what shall we do with him who is a vegetarian and does not eat meat? We have to consider every case. In the same way the Moslems, for example, do not eat pork and we have to ensure that we give the kind of food as near as possible to that to which they are used to and Mr. Chairman, I want to prove very categorically that there is no question of discrimination in the supply of diet to various prisoners in prison.

Mr. Chairman, I beg to support.

[The Deputy Chairman (Mr. Conroy) left the Chair]

[The Deputy Chairman (Mr. Bechgaard) took the Chair]

Major Day: Mr. Chairman, Sir, I would like to ask the Minister, since he replied earlier on stating that he thought this conception of the volunteer territorial force had to a certain extent received sympathetic consideration, how far he has got in outlining such a scheme, Sir, and where he is going to find the money from to actually operate this scheme. If he is not in a position to answer it, Sir, if it is too embryonic, Sir, I naturally will not expect him to answer.

Mr. Slade: Mr. Chairman, arising out of the problem of overcrowding prisons, I would like to ask the Minister whether we have yet in Kenya made a start, or what progress we have made, with the modern conception of an extra-mural employment of prisoners, such as I understand is already being practised in Tanganyika with some success. The scheme, as I understand it, is that instead of putting short-term offenders into prison for six months or less, you put them to

[Mr. Slade]

work on a project outside the prison, either housing them in some sort of camp, not under barbed wire or anything like that, or you even allow them to live in their homes if no camp is handy within reach of the work. You do not pay them for their work, but you do either feed them or provide them with a subsistence allowance. Now I understand, Sir, that quite apart from relieving the congestion of the prisons, that does have a very good moral effect on the first offender, or even the second or third offender of small offences, because we have often heard from those who know what they are talking about that a great deal of damage is done by short periods of imprisonment, particularly when you get a succession of short periods of imprisonment. In fact that is what creates habitual offenders.

Now if you can employ this alternative, you not only relieve the congestion of the prisons, but you give such prisoners a better opportunity of staying as fairly independent citizens, not mixed up with the worst criminal elements, preserving their self-respect and ready to take their place in the world more easily when the sentence is served. Also, I suggest, you probably get better value from his services, and certainly at much less cost of his imprisonment in this way.

Now, Sir, another matter, with reference to the Kenya Regiment. It has been suggested by the hon. Member for Nyanza North, following the example set by the hon. Member for Nairobi Area in the general Budget Debate, that the Kenya Regiment should be disbanded on the grounds that it is suspect as an organization designed to enable Europeans to fight a guerrilla war of their own when they feel so disposed.

Sir, when hon. Members make suggestions like that, I wonder if they are utterly insensitive, or whether they do not understand the intense pride that the European community—all the European community—but particularly those who have ever served in this Regiment over the past 25 years—take in the Kenya Regiment and what it has done for Kenya? I wonder if they have ever thought for a moment—these hon. Members—what the Kenya Regiment has done for Kenya, and not only for the Europeans in Kenya? Of the hundreds of officers and non-commissioned officers which it supplied to the armed forces during the Great War, the many men of the Kenya Regiment who died during the War, and the service as a solid unit which it gave during the Rebellion, and those who also died in that Rebellion? It is not an easy thing to listen to hon. Members who claim responsibility, when they suggest that this Regiment should be disbanded as suspect of trying to fight only for the cause of one race in this

country. However one may feel about these things, Mr. Chairman, and however obvious it is that at all costs the Kenya Regiment must never be disbanded, on the other hand I know we have got to face thinking anew as to its future. In particular, I agree with the hon. Member for Ukamba and I very much appreciate all he said on this subject, and I agree with him that the time for compulsory national service of one race only through this unit must end. There can be no sense any longer in this country of having compulsory service for one race only, and it is quite clear that we cannot afford compulsory service for all. So whatever the right answer now is to the future of the Kenya Regiment, and it is an answer which we have to consider very carefully before we try to give it, I am pretty sure that we have got to say "goodbye" to the idea of using the unit for compulsory training, and get back to what it was originally, that was a voluntary selective organization, drawing on the very best young men of the country to provide the leaders of our military formations in case of need. If we get back to that, we are getting the best value at the least cost. How exactly we do it, so as to make room for all races instead of one, I do suggest we consider very carefully before we try to say: We must not delay our consideration, we have obviously got to tackle the problem now; but I would urge all hon. Members not to be in too much of a hurry to say exactly what the answer is, and particularly, coming back to what I said before, that because of the pride which past and present members of the Kenya Regiment take in that Regiment, they in particular must be consulted before any final conclusion is reached. We must ask the Commanding Officer and the present officers of the Kenya Regiment, we must consult the old comrades, and among all of them perhaps foremost, Sir, we must consult the distinguished Colonel who founded it and still its Colonel.

I beg to support.

The Minister for Internal Security and Defence (Mr. Swann): Mr. Chairman, Sir, if I could deal with some of the more recent points which have been brought up, the hon. and gracious lady the Member for Uasin Gishu asked if we were proceeding with the building of the Broadmoor for criminal lunatics. I can assure the hon. and gracious lady that there is financial provision for the Broadmoor in the Development Programme met actually in the period 1960/61, but in the total period provision has been made.

The hon. and gracious lady also raised the question of overcrowding and I have no doubt that she had in mind that well-known beauty spot Eldoret Prison. Nobody would like to demolish Eldoret Prison more than myself, but unfortunately there is the overriding question of finance

[The Minister for Internal Security and Defence] and other prisons, I am sorry to say, are in even worse condition than Eldoret.

The hon. Member for the Central Electoral Area raised the question of the theft of radios. Now I am afraid that I cannot give the hon. gentleman the reason for these thefts, except perhaps that it is a tribute to the efficiency of our new Minister for Information.

The hon. gentleman also raised the question of crime in Nairobi. Now in the next financial year we have made provision for an increase in police personnel in the city. We are going to supply eight new 999 cars in addition to the existing 999 cars, eight inspectors to be in charge of those cars and an additional 62 rank and file, of whom six will be available for traffic and 56 for general duties and I do hope that that reinforcement will help to improve the crime situation in Nairobi.

The hon. and gallant Member for the Aberdares asked how far we had got with our plans for military service. At the moment, Sir, they are completely embryonic. We have to reconcile the wishes of all races, the wishes of the military authorities for efficient training, and, of course, we shall take into consideration the feelings of the former members of the Regiment and of the commanding officer and of the honorary colonel. It is too early to say what form we think this question of military service of all races will take and there is, as I have said, unfortunately the overriding consideration of finance. Obviously on the question of finance a territorial unit would be easier to finance than compulsory military training.

The hon. Specialty Elected Member, Mr. Slade, raised the point of extra-mural employment. Well, our draft Prisons Ordinance, which I hope will eventually come to this Council when the present work on it has been completed, does make provision for extra-mural employment and personally I can assure the Minister that I am a very strong supporter of it, both on the grounds that it is better for the first offender and also on the more mundane aspect of finance. There are other methods by which we are hoping to relieve this pressure on the prisons. I shall be introducing an amending Bill to reduce the number of convicts in prison by increasing the rate of remission to one-third of the sentence as it is in Uganda and Tanganyika and in nearly all other countries in the world. The present remission rate is one-seventh for prisoners serving over one month but less than three years. If the House approves this amending Bill this will reduce the convict population and save £35,000 in the full financial year. Perhaps I should tell hon. Members opposite that my hon. friend the Minister for

Finance has anticipated that this measure will be passed and has reduced my Estimates accordingly.

In conclusion, Sir, I would like to say that having had the very proud privilege of serving both in the Kenya Regiment and the King's African Rifles I fully share the very great pride of hon. Members opposite and can assure them that it will always be considered by myself.

[Mr. Deputy Chairman (Mr. Bechgaard) left the Chair]

[Mr. Chairman (Mr. Conroy) took the Chair]

Mr. Mate: Mr. Chairman, Sir, it is heartening to see that more and more Africans have been promoted to higher ranks in the Police Department and like the other Members who spoke before me I would like to see more and more African ranks promoted to these higher ranks. On the question of training one has noticed for the last year or so improved knowledge of their work on the part of the policemen and I am glad to say that I feel that the training that they get is helping them to do their proper duty as guardians of the peace. At the same time, Sir, the African constables live under some very difficult conditions. Housing is one of them. I wonder if the Minister could consider improving housing throughout Kenya for the African constable and also for African inspectors. It seems to me that in many cases the houses go by race. It may be like the Minister for Health and Welfare said about food in the prisons differing according to the various races and the various customs, but on the question of a good house I do not think it should go by race alone. I feel that they are, especially in the countryside where we have no permanent buildings, having difficulties and their families and their children. We should consider their housing particularly.

At the same time there are a few other aspects of the general police behaviour, two in particular that I would like to mention. I have noticed especially on the roads when the traffic policemen are having checks on the roads that it seems as if every African vehicle—say, for instance, on the Thika Road—must be stopped and the driver asked all sorts of questions when European cars come and go. And it is the same with Asians. Now I do not know whether there are some people who are supposed to have licences or whether it is a special check for some special thing, but I am surprised to see this kind of thing happening. What are you going to do? Are you going to grade human beings, saying that this or that man is better or higher than the other and is above stopping on the road, or what shall we do? I would like the Minister to look into that because I feel that criminal activity

[Mr. Mate] not having a licence—a driving licence—is not confined to the African people. It is the experience of many African vehicle drivers that they are stopped far too many times and members of the other races too few times.

Sir, there is an example which happened not so long ago where a certain group of constables went to the house of the now Minister for Health and Welfare in Ofafa Maringo. It was news all over Kenya. Their behaviour surprised everybody. We just wonder to what rank should an African go in order to be respected? Here, Sir, I feel that it was not perhaps the fault of the Ministry as such but the particular individuals. It does surprise people when this kind of thing happens and I feel there is need or room for more and more training for them to treat other people equally.

Coming to the point of prisons, it is true that prisons are congested. There is a particular case in Meru lately where a number of people had to be detained for tax offences. Instead of remaining in the Meru detention prisons they had to be transferred to Mwea. In Meru we have so many schemes and projects where their labour could have been used with advantage, even including the new road, that we would like Government to provide more room for this kind of building in Meru itself so that their labour could be of some use and they do not have to be transferred so far away for perhaps one month or even two months. We feel that if we had more room in the detention camps there or even in the detention prisons there it would save that part of the country having to lose the labour of these particular offenders.

Coming to the question of oaths, and the other things that have been mentioned in the Central Province, it is true that there have been incidents of oath taking which I am glad to say are finishing; they are not increasing. This has happened in certain parts of Meru District and in other parts too. But, Sir, throughout the Central Province and in all the meetings held by the Members for Central Province the vast majority of the people have themselves declared that they are against violence. It would not be true to say that it is the general thing that is happening all over the place and I would like here to say that those Members who make it a habit or a point of quoting incidents somewhere in Central Province as indications of something off round the corner are implying that all the people in Central Province are criminally bent or that they always mean to do harm. I would like to refer these Members to what has happened since the majority of detainees were released to come back to their homes. The general behaviour of the people in general is not what these Members would like

to have us believe. It is true the Emergency has been there; terrible things happened. But it is not true that should there be reported a criminal act in the Central Province then one can say, "We told you; something is going to happen round the corner." Furthermore, the majority of the people in the Central Province want to get on with their work of reconstruction and their own trades and their own general progress and for one to quote an isolated example and make it the general rule I feel is not doing Kenya any service at all. It is like what they say in English: "Give the dog a bad name and hang him." And I was glad to hear the Minister for Internal Security and Defence say that as far as he was concerned there was no general or planned system of oath taking and such other things. What happens is like what happened in Nyeri just lately. An Asian planned according to the report in the newspapers to murder a member of his family. Then people began to think, "It is in Nyeri," implying Nyeri Africans. I am glad to know today that the picture given to begin with is not a true picture.

Now, I do not want to go on quoting examples of criminals among the other races, but I would like to remind the House, Mr. Chairman, that the Africans are the majority of people in this country and it is obvious that among the greater community you hear more of such reports. But they are not endorsed by the African leaders or by any responsible man. The Africans themselves do regret this kind of thing.

On the question of reforms, I would like to say that although there are some people who are criminally bent it is true also to say that one finds that when people are in difficulties they have problems of food, of employment, and many other frustrations. They tend to be moody, to be troublesome, and the reforms that we have urged in this House from time to time should be carried on more and more so that there is more prosperity and petty crime can be stopped. Stealing of things like food, such things, or stealing a shilling to buy something should not be mixed up with the ordinary criminal activities of people when everybody regrets that they should behave as they do.

I would like also mention to the Minister for Internal Security and Defence the fact that there are certain members of gangs who are still roaming in certain parts of the Meru District and we would like assistance in getting these people in Government knows about this and I feel it is time that these remaining people should be chased and arrested.

Coming to the question of the Kenya Regiment, the African Elected Members have not said that the Kenya Regiment—

The Chairman (Mr. Conroy): Mr. Mate, your ten minutes have expired, if you are going on to another subject.

Mr. Pandya: Mr. Chairman, Sir, I would like to assure the hon. Specially Elected Member, Mr. Slade—who I see unfortunately is not in the House—that we appreciate very much the excellent services rendered by the Kenya Regiment during the last War and the Emergency, Sir, what we are asking is that since this Regiment was open to the best young men of one community only it should be extended to youths of other races.

Now, Sir, the hon. Minister for Health and Welfare spoke on the question of diets and that there was no discrimination in the diets that were provided for all the races. Well, Sir, I am grateful to him for his explanation but I would like to assure him that I am not satisfied with his answer. Although we have been assured that the new diet scales have been brought into practice, after consulting the medical authorities with regard to caloric value, I can assure the hon. Minister that most of the prisoners go hungry and their stomachs are empty.

Mr. ole Tipts: Mr. Chairman, Sir, I did not intend to intervene in this debate but I feel that I must stress one or two points. Much has been said about the security situation in the country. Some Members seem to think that they are the only persons who are at all concerned or perturbed by any deterioration in the security situation. This is very, very wrong, Mr. Chairman. Now, I would like to say here, and most strongly too, that we the African Elected Members are more concerned than any body else in this country. We are more concerned that law and order should be respected because we do not want to find ourselves plunged into another unhealthy situation, especially at this stage of our constitutional development. We know as well that there are some people who have said in public that they will go out and do anything possible to deter our progress. These are the people who are doing more harm than good. We have said publicly in public meetings, we have warned our people, that we are not going to have any nonsense, any deterioration at all; we are not going to have any subversive movements in this country, no oath taking, and we have made it perfectly clear. I think I shall be speaking on behalf of all my colleagues when I say that we shall do everything possible to prevent anything which might plunge our people and our country into more bloodshed.

Now, of course, I was really surprised to hear that there have been instances of oath taking ceremonies in parts of my constituency and I would be only too glad if the Minister could order

investigations to be carried out and should he require my help at any time I shall gladly give it to him. But I think we should really try to get rid of these oath taking ceremonies whenever they occur and wherever they are brought to light.

Now, also much talk has been made, much has been said, about the Kenya Regiment as a territorial force. Personally I think it is entirely wrong to have a territorial force in a country such as Kenya exclusively for one particular race because, if it is for the training of our young men in the military field, then, of course, it should be open to all. It should be open to all. Because even during the last War, Mr. Chairman, the Kenya Regiment did not go to the battlegrounds alone as such. I think it was more or less disbanded and they joined the King's African Rifles units or other units which came to this country to help us. Of course, there was no question at all then of having only the Kenya Regiment. We all joined together and managed to defeat the enemy. And if we continue having this territorial force to train the European young leaders and stop the Africans—or the Asians, for that matter—it will always create a feeling and a bad feeling too, that these people are planning for something. What have they got to hide from us? We have proved and shown to the whole world that when the Africans or Asians in this country are called upon to defend their mother country they have voluntarily done so and have shed their blood without any hesitation at all. Therefore, I do not see why there is this discrimination when it comes to training our military personnel. It should not be there at all, if it was the question of qualifications, Sir, yes, that is acceptable, but I will not accept that the Kenya Regiment is entirely for the Europeans, I think we should get rid of that idea.

Now, the other thing, Mr. Chairman, is the behaviour of our police force. I believe, and I think I am right, that there have been some slight improvements in the behaviour of the police force, but a lot remains to be done to create an efficient force in this country. We all know that there are bad hats everywhere among all communities but I think it is the duty of the officer in charge of every police station to instil into the minds of his subordinate staff and constables that they should respect the public unless they have ground for acting otherwise.

The hon. and gracious lady, the Member for Nyanza, went on talking about the feeling of uncertainty among some officers of the force. Well, everybody who is uncertain of his future in Kenya especially a member of the police force, should from today know exactly where he stands. We can only assure him that he is

[Mr. ole Tipts] quite welcome provided that he does his job well and that he does not go about hitting or humiliating people and creating ill feelings, otherwise he is quite welcome. He has got a great future. We want him and we shall want him, but anybody who thinks that he can walk on the streets molesting people, well, we do not want him. If he is uncertain of his position, well, an officer of that character should go to whichever country he can find room in, to go on with his malpractices.

Now, my other point—and I do not know whether the Minister did touch on this one, Sir—is the question of uniforms for our police. It is bad to see our constables, many of whom have done courageous acts in the course of their duty and who have suffered a lot in the execution of their duties, dressed in black pullovers in the burning sun. We should like then to have a decent uniform, and at least we should like them to feel comfortable and we should like to see them marching smartly along in a decent uniform. Also, Sir, their conditions of service, their wages and the rest, should be increased. You see, otherwise if the wages are lower than they could get in other work in other industries then of course we are only inviting them or we are encouraging them to adopt some bad ways and means in order to make both ends meet, which is bad.

Now, Sir, I come to the question of—

The Chairman (Mr. Conroy): You have been overtaken by the clock Mr. ole Tipts.

Mr. ole Tipts: Thank you, Mr. Chairman. I beg to support.

Mrs. Hughes: Mr. Chairman, I know that approved schools do not come under this particular Ministry, but there is one aspect of it which I think does concern the Minister and that is that there are many criminal juveniles put into these approved schools, and where it is not the function of these schools to cater for this type of child. I do not know how many of these children are actually put in prisons—I do not think it is a large number—but I do think there are a large number in these approved schools who should be rightly placed in a borstal and I am wondering if the Minister can tell us if there is any provision in the next development period for a borstal, which I think is very badly needed, in order to clear the approved schools so that they may function correctly.

The Minister for Internal Security and Defence (Mr. Swann): Mr. Chairman, I am afraid I must disappoint the hon. and gracious lady. There is no provision for a borstal in the next development period, I should very much welcome one myself.

Mr. Ngome: Mr. Chairman, there was one point raised about the police on this side, Mr. Chairman, and I would like the Minister to consider the payment of policemen to be reviewed. You cannot get a better policeman unless you pay him well, give him good housing, and so on. You cannot expect an African policeman to be happy and feed his family on a minimum or maximum wage of Sh. 100. They cannot live happily on that, and, here in this House, we sometimes hear that policemen misbehave themselves, but I think the better we pay a policeman the more we can expect him to be more gentle and respectful to people in this country.

Otherwise, Sir, I support.

The Minister for Internal Security and Defence (Mr. Swann): Mr. Chairman, I trust that this is my final appearance at the wicket so I should perhaps comment on one or two remarks about the police force.

I agree with the hon. Member for Meru that we must improve the housing of the African constables and non-commissioned officers, and the bulk of the Police Development money will be spent on the housing of policemen, and very urgently it is needed, particularly in the towns.

On the question of uniform, Sir, we are now thinking along the lines of a blue khaki shirt which I used to wear, myself, in the war, and it is proving very popular with the constables.

Sir Charles Markham: What, the same blue shirt?

The Minister for Internal Security and Defence (Mr. Swann): If it proves successful, and if I am successful with the hon. Minister for Finance, we shall replace the blue jersey by this very taking blue shirt.

Head A agreed to.

Heads B, C, D, E, F, G, H and I agreed to.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee do report to the Council its consideration and approval of the Resolution without amendment.

The question was put and carried.

Resolutions to be reported.

The House resumed.

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

REPORT

VOLE 15—MINISTRY OF INTERNAL SECURITY AND DEFENCE

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that the Committee of Supply has considered a resolution that a sum not exceeding

[The Minister for Tourism, Game, Forests and Fisheries]

In reply to the hon. and gracious lady from Nyanza, I think she may be confusing the Highley Report on Forests with the Craib Report, but we are following very closely the recommendations of the Craib Report.

Mrs. Shaw: I said Highley Report, I meant Highley.

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): I was afraid the hon. lady was, and in answer to that one then, it is being re-examined. I cannot say more than that at the present moment.

In reply to the hon. Member for Central Province North with regard to casual labour. Some of them are referred to as casual-labour, others resident labour—they amount to almost 10,000 in the forests at the present time. That force will be increased by about 1,000 shortly in order to assist the unemployment problem. Great attention has been paid by the Department to their welfare and he may be interested to know that in the 46 principle villages, throughout the forest areas, each one of those has its dispensary, almost everyone has its sports ground, playground for the children, and water piped. Furthermore, there are 62 primary schools in the forest area, there are four intermediate schools and many other amenities have been raised by a most admirable voluntary cess imposed on the people themselves on their vegetable and maize. This has provided many other amenities.

In reply to the hon. Member for the Eastern Area, with regard to game wardens, there is no bar on account of race whatsoever; provided people are qualified, they may be of any race—African, Asian or European.

In reply to the hon. Corporate Member with regard to fire breaks, the reply I gave recently in a debate as far as I remember was to the effect that a great deal of the manpower which will be provided by the employment of the additional thousand men will be used to make good a backlog of work on fire breaks, which has to a great extent been neglected on account of the Emergency. I hope that meets the point that he made. The work on fire-breaks and roads is very, very considerable as he knows since we have in the forest some 2,400 miles of road, as well as an additional 758 miles of fire lines and of inspection paths another 526. That entails a vast amount of work and the extra men now being taken on will be extremely useful in catching up with it.

In reply to the hon. Nominated Member, Colonel Cowie, he raised the most important point with regard to game control. Now, owing to shortage of staff unfortunately that aspect of the work on game has been to some extent neglected and many Africans in particular have suffered on their *shambas* depredations which have led to hardship. I am quite determined to see that that side of the work will be increased so that they will not suffer that hardship, because I do want to get the support of the African people for the preservation of game. We cannot have that if game to them is a threat to their very existence and, therefore, I can assure them that we shall be laying emphasis on that particular side of the work. There are difficulties in connexion with it and in respect of the hon. Member's parish, where they have created a band of farms right round the mountain, and this cuts right across the path of the elephant migration. I would ask him to see that there is a gate in that barrier of farms so that the elephants can get through, because the elephants will find a way. There are certain measures which I shall ask them to take in order to help us to perfect those controls.

Mr. Cooke: Could the Minister tell us something about the Galana River Management Scheme because I endorse everything that has been said by my friend, Colonel Cowie, about the management of the scheme, but can we have a specific pledge? I hope the Minister can tell us something about it.

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Yes Sir, it has been started. It covers an area, as the hon. Member knows, of about 2,000 square miles north of the Galana River. The population of elephants are known to be a minimum of 3,000 and it is hoped that they will be able to crop say about 150. The Wallangulu are becoming interested. The scheme will be in charge of two game wardens and preliminary work has already been started.

Mr. Hassan: May I, Sir, ask the Minister that due to the new policy of the Game Department of reserving blocks of the game area in different parts of the country, the position has arisen now that most of the blocks have now been reserved for different parties likely to come for the next six to eight months and, due to this system of blocking, the parties intending to come from America and other places are now being refused.

The Chairman (Mr. Conroy): Order, order, I fear it is now the time for me now to put all the Votes in accordance with Standing Order 112. It is now half past five on the last day of supply.

VOTE 34—MINISTRY OF TOURISM, GAME, FORESTS AND FISHERIES

That a sum not exceeding £609,349 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 34—Ministry of Tourism, Game, Forests and Fisheries.

The question was put and carried.

VOTE 7—OFFICE OF THE CHIEF SECRETARY

That a sum not exceeding £2,803,402 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 7—Office of the Chief Secretary.

The question was put and carried.

VOTE 23—MINISTRY OF HEALTH AND WELFARE

That a sum not exceeding £2,067,300 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 23—Ministry of Health and Welfare.

The question was put and carried.

VOTE 13—CONTRIBUTIONS TO THE COST OF HIGH COMMISSION SERVICES

That a sum not exceeding £1,567,131 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 13—Contributions to the Cost of High Commission Services.

The question was put and carried.

VOTE 6—CIVIL SERVICE COMMISSION

That a sum not exceeding £20,150 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 6—Civil Service Commission.

The question was put and carried.

VOTE 36—SUPPLIES AND TRANSPORT DEPARTMENT

That a sum not exceeding £131,832 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 36—Supplies and Transport Department.

The question was put and carried.

VOTE 24—MINISTRY OF HOUSING, COMMON SERVICES, PROBATION AND APPROVED SCHOOLS

That a sum not exceeding £172,255 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for the Development Estimates.

The question was put and carried.

VOTE 27—MINISTRY OF INFORMATION AND BROADCASTING

That a sum not exceeding £175,550 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 27—Ministry of Information and Broadcasting.

The question was put and carried.

VOTE 3—LEGISLATIVE COUNCIL

That a sum not exceeding £119,700 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 3—Legislative Council.

The question was put and carried.

VOTE 1—THE GOVERNOR

That a sum not exceeding £47,940 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 1—The Governor.

The question was put and carried.

VOTE 2—JUDICIAL

That a sum not exceeding £158,350 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 2—Judicial.

The question was put and carried.

VOTE 4—COUNCIL OF STATE

That a sum not exceeding £10,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 4—Council of State.

The question was put and carried.

VOTE 5—EXCHEQUER AND AUDIT

That a sum not exceeding £66,460 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 5—Exchequer and Audit.

The question was put and carried.

VOTE 8—LEGAL AFFAIRS

That a sum not exceeding £104,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 8—Legal Affairs.

The question was put and carried.

VOTE 9—THE TREASURY

That a sum not exceeding £153,670 be granted to the Governor to defray the charge which will

came in course of payment for the year ending 30th June, 1961, for Vote 9—The Treasury.

The question was put and carried.

VOICE 10—MISCELLANEOUS

That a sum not exceeding £296,275 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 10—Miscellaneous.

The question was put and carried.

VOICE 11—ANNUITY TO H.H. THE SULTAN OF ZANZIBAR

That a sum not exceeding £16,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 11—Annuity to H.H. The Sultan of Zanzibar.

The question was put and carried.

VOICE 12—PUBLIC DEBT

That a sum not exceeding £2,847,234 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 12—Public Debt.

The question was put and carried.

VOICE 14—PENSIONS AND GRATUITIES

That a sum not exceeding £1,395,550 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 14—Pensions and Gratuities.

The question was put and carried.

VOICE 16—MILITARY

That a sum not exceeding £224,402 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 16—Military.

The question was put and carried.

VOICE 17—POLICE

That a sum not exceeding £4,114,800 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 17—Police.

The question was put and carried.

VOICE 18—PRISONS

That a sum not exceeding £1,282,300 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 18—Prisons.

The question was put and carried.

VOICE 19—IMMIGRATION

That a sum not exceeding £29,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 19—Immigration.

The question was put and carried.

VOICE 25—PRINTING AND STATIONERY

That a sum not exceeding £137,800 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 25—Printing and Stationery.

The question was put and carried.

VOICE 26—GOVERNMENT COAST AGENCY

That a sum not exceeding £19,425 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 26—Government Coast Agency.

The question was put and carried.

VOICE 28—BROADCASTING

That a sum not exceeding £129,340 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 28—Broadcasting.

The question was put and carried.

VOICE 31—LOCAL GOVERNMENT CONTRIBUTIONS

That a sum not exceeding £1,476,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 31—Local Government Contributions.

The question was put and carried.

VOICE 32—LANDS

That a sum not exceeding £131,500 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 32—Lands.

The question was put and carried.

VOICE 33—SURVEYS

That a sum not exceeding £173,200 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 33—Surveys.

The question was put and carried.

VOICE 35—MINISTRY OF WORKS

That a sum not exceeding £2,801,154 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 35—Ministry of Works.

The question was put and carried.

VOICE 37—MOMBASA WATER SUPPLY

That a sum not exceeding £10 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for Vote 37—Mombasa Water Supply.

The question was put and carried.

DEVELOPMENT ESTIMATES

That a sum not exceeding £10,127,610 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1961, for the Development Estimates.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee do report to the Council its consideration and approval of the Resolutions without amendment.

Question proposed.

The question was put and carried.

The House resumed.

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

REPORTS

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I have to report that the Committee of Supply has considered Motions and approved Resolutions without amendment that sums not exceeding the following amounts be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1961, for the following Votes respectively:—

Vote

	£
34—Ministry of Tourism, Game, Forest and Fisheries	609,349
7—Office of the Chief Secretary	2,803,402
23—Ministry of Health and Welfare	2,067,300
13—Contributions to the Cost of High Commission Services	1,567,131
6—Civil Service Commission	20,150
36—Supplies and Transport Department	131,832
24—Ministry of Housing, Common Services, Probation and Approved Schools	172,255
27—Ministry of Information and Broadcasting	175,550

	£
3—Legislative Council	119,700
1—The Governor	47,940
2—Judicial	158,350
4—Council of State	10,000
5—Exchequer and Audit	66,460
8—Legal Affairs	104,000
9—The Treasury	153,670
10—Miscellaneous	296,275

11—Annuity to H.H. the Sultan of Zanzibar	16,000
12—Public Debt	2,847,234
14—Pensions and Gratuities	1,395,550
16—Military	224,401
17—Police	4,114,800
18—Prisons	1,282,300
19—Immigration	29,000
25—Printing and Stationery	137,800
26—Government Coast Agency	19,425
28—Broadcasting	129,340

31—Local Government Contributions	1,476,000
32—Lands	131,500
33—Surveys	173,200
35—Ministry of Works	2,801,154
37—Mombasa Water Supply	10
Development	10,127,610

Mr. Deputy Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Resolutions.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL
Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C., in the Chair]

The Customs Tariff (Dumping and Subsidies) Bill
Clauses 2, 3, 4 and 5 agreed to.

Clause 6

Mr. Webb: Mr. Chairman, I beg to move that clause 6 of the Bill be left out and that the following clause be inserted in place thereof:—

Orders to be laid before the Legislative Council
6. Every order made under this Ordinance shall come into operation on a day to be specified therein, shall be laid before the Legislative Council without unreasonable delay and, if not approved by the Legislative Council within the next twenty days on which the Legislative Council sits next after such order is laid before it, shall cease to have effect at the expiration of the

ADJOURNMENT

[Mr. Webb]

said twenty days, but without prejudice to anything done or suffered thereunder while such order was in operation.

Sir, my attention was drawn yesterday when my hon. friend the Minister was moving the Second Reading of this Bill to the reference in the clause, as it appears in the printed Bill, to "sittings" of the Legislative Council. Sir, the definition of "sitting" in both Standing Orders and in the Order-in-Council refers to the daily sittings of this House, and it would therefore have been technically impossible for clause 6 as it stands to have been implemented, since it requires orders to be laid at the next sitting after they were made and be approved before the end of that sitting. Such approval would, of course, have required a Motion, and Standing Orders would have required this sort of Motion to have had notice. I have therefore, Sir, re-drafted the clause so as to give effect to the intention of the clause and to conform with similar provisions in other Ordinances, and in particular in the Rules and Regulations (Laying) Ordinance, 1956.

Sir, I beg to move.

Question proposed.

Question that the clause to be left out be left out put and carried.

Question that the clause to be inserted in place thereof be inserted put and carried.

Clause 6 agreed to.

Title agreed to.

Clause 1 agreed to.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee do report to the Council its consideration of the Customs Tariff (Dumping and Subsidies) Bill with amendment.

Question proposed.

The question was put and carried.

Bill to be reported with amendment.

The House resumed.

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

REPORT

The Customs Tariff (Dumping and Subsidies) Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Customs Tariff (Dumping and Subsidies) Bill and has approved the same with amendment.

Report ordered to be considered tomorrow.

The Deputy Speaker (Mr. Conroy): That concludes the business on the Order Paper, and I accordingly adjourn Council until 9 o'clock tomorrow morning, Friday, 3rd June, 1960.

The House rose at fifty-five minutes past five o'clock.

Friday, 3rd June, 1960

The House met at Nine o'clock.

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

PRAYERS

MOTIONS

DOUBLE DAY SITTINGS ON THURSDAYS

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to move:—

THAT in order to complete outstanding business as early as possible, this Council agrees to sit both in the morning and in the afternoon, of Thursday, 16th June, and on each following Thursday during June on which the Council meets.

I notice, Mr. Deputy Speaker, when I am absent from the House there seems to be a deplorable sense of rebellion and indiscipline amongst Members! When I on behalf of the Sessional Committee put forward a Motion such as this I gather the House threw it out with contumely.

Now, Sir, the only point in bringing the Motion before was in order to get the House to complete its business as far as possible by the end of June and I think it is important both from the point of view of Government business and also from the point of view of ordinary Members' plans, largely with the ensuing holiday months, that we should try and get through the business of this House by the end of June. I am, therefore, proposing that hon. Members should sit in double sessions for the last three Thursdays of this month, the 16th, the 23rd and the 30th, and I hope that if we can sit on these days in double sessions, we will be able to get through the business. But even so, we may have to sit for a day or two early in July.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

MOTION

LIMITATION OF DEBATE—DEVELOPMENT ESTIMATES

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, I beg to move that this Council agrees to limit the debate on the Development Programme 1960-63 to three days, i.e. Tuesday, 21st June; Wednesday, 22nd June, and Thursday morning only of 23rd June.

I think that this Motion is self-explanatory. The Sessional Committee felt that we should restrict the debate on the Development Programme, which naturally will range over all subjects dealt with

by the Government, and we felt that three days was a reasonable period. We do not wish to limit individual speakers in this debate and speakers will be allowed to speak for as long as they wish, but we would expect that, if the debate lasts for the full three days the Mover of the Motion should be called on to reply about an hour and a half before the final day.

Sir, I beg to move.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF WAYS AND MEANS

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D.,
Q.C., in the Chair]

MOTIONS

CUSTOMS DUTIES

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the proposals relating to the Customs duties contained in the Financial Statement for the Year of Account 1960/61 be approved.

This Motion, Sir, follows our usual practice whereby in anticipation of the Finance Bill covering taxation measures introduced in the Budget the Committee have an opportunity to debate the proposals contained in the Budget speech and in the Bill. The matters, Sir, have already been dealt with at some length in the Budget speech and they have also been covered in the Financial Statement, and on those occasions the reasons for them have been explained.

Sir, I beg to move.

Question proposed.

The question was put and carried.

EXCISE DUTY

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that an excise duty shall be charged at the rate of Sh. 6 per gallon on still wine and of Sh. 18 per gallon on sparkling wine.

Sir, this proposal was also dealt with in the Budget Speech on the Financial Statement. In my reply to the Budget debate on 11th May I referred to the error on page 7 of the Financial Statement to which the hon. Member for Mombasa had drawn my attention, where it said,

[The Minister for Finance and Development]—“This measure is intended primarily to protect the Customs and Excise revenue at present derived from spirituous liquors.” I indicated, Sir, that the measure is primarily a tying-up one designed to close a possible loophole which is of very little consequence at present, but could become important in the future.

Sir, I have nothing further to add and I beg to move.

Question proposed.

Sir Charles Markham: Mr. Chairman, could I ask the Minister for Finance before we debate the Finance Bill to look into one aspect of this proposal. Sir, I understand that there is a drink at the Coast which is very popular with certain Africans, made from coconuts, which under this definition would qualify because the coconut, I believe, is a fruit, and therefore the brew mentioned which is drunk quite liberally down there should be liable for excise duty. Perhaps the Minister could look into this, Sir, before we debate the Finance Bill.

Mr. Usher: Mr. Chairman, Sir, might I ask the Minister to look very carefully into the whole question of the duty on wine. It is a deplorable fact that we pay more for wine in this country even than they do in England where it is notoriously heavily taxed. About seven years ago, Sir, we had a Minister for Finance who had previously been quite conventional in his ideas and who suddenly turned into a sort of “beatnik” and viciously attacked this necessity of civilized life. When I taxed him with the matter, Sir, he looked rather sheepish about it, and he said he would look into wine, but as far as I know he did not do so, and that is the request that I am now making to his successor. Sir, the hon. Minister gets very nearly £3,000,000 out of drink, and a very, very small proportion of that is due to wine. I have not got the figures with me, but I assure him that it is so, and I think it is high time that he took a human view of this matter.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I will certainly have a look at the point raised by the hon. Member for Ukamba, and I will see that that is looked into before we deal with the Finance Bill.

As regards the point put by the hon. Member for Mombasa, I can assure him that both my predecessor and I have looked into wine on many occasions in more than the purely literal way. And I certainly—and I know this was also the view of my predecessor—have a great deal of sympathy with the view that has been put forward. For various reasons on which I do not need

to detain the House at the moment, it has not been possible for us to take the action which we would like to have taken, but I can give the hon. Member a full assurance that the matter has not been, and will not be, forgotten, and I would hope that one of these days it is going to be possible to put this whole matter on to a much more sensible basis and one much more in accordance with what is done in other civilized countries than what we have got at the moment.

The question was put and carried.

DANGEROUS PETROLEUM TAX

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the tax on dangerous petroleum shall be charged at the rate of 35 cents a gallon.

On page 8 of the Financial Statement, Sir, it is made clear that this increase of 3 cents per gallon in the tax on petrol, which is proposed by this particular measure, should produce additional revenue of about £50,000 a year to be hypothecated to the road authority. As I explained Sir, in the Budget speech, this is necessary because we have to provide more and more money for the maintenance and betterment of the Colony's road system as the traffic density increases and higher standards are demanded by the motoring public. The cost to the driver of petrol-driven motor vehicles will be 3 cents per gallon which I think is negligible.

Sir, I beg to move.

Question proposed.

The question was put and carried.

DIESEL OIL TAX REFUND

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that a tax shall be charged at the rate of 35 cents a gallon on light amber mineral fuel oil. Sir, this particular tax, which will also provide a very considerable amount of money for the road authority of over £200,000 is one of the general Budget measures. It has been discussed at very considerable length on a number of occasions, and I do not think that there is anything that I can add at this stage. The House have, of course, already dealt in the first of the Motions that I moved this morning with the corresponding proposal under the customs law that this oil shall bear a customs duty at the rate of 75 per cent, and I do not think it is necessary for me to add anything more on this particular aspect of the matter at this stage, and I beg to move.

Question proposed.

The question was put and carried.

REFUND OF TAX ON LIGHT AMBER MINERAL FUEL OIL

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I beg to move that as from 28th April, 1960, a refund shall be granted upon light amber mineral fuel oil used in tractors and stationary engines employed solely for agricultural purposes on farms or used in tractors and stationary engines employed solely for logging purposes, including the conversion of logs into lumber.

Sir, there was a considerable amount said during the Budget debate about this particular tax. This Motion refers to a refund, and I would like to say one or two things about those. As the Finance Bill stands at present, these will be limited to cases where the oil in tractors employed solely for agricultural or logging purposes will enjoy a refund. In my reply to the debate I made it clear that the refund system would be extended to all light diesel oil used on farms or in sawmilling, except such as is used in road vehicles. As regards sawmilling I had, of course, in mind light diesel oil used in the extraction of logs from forests, and their subsequent conversion at the mill into lumber.

As regards, Sir, non-agricultural and non-forestry users of light diesel oil, I expressed sympathy with the pleas put forward on behalf of hospitals and non-profit making institutions. I said that if eventually I was satisfied that there was no other appropriate way for these institutions to be protected from the full effect of the tax, I would re-examine the possibility of extending the refund system to them. This aspect of the matter is still being looked at.

I went on, Sir, to suggest that the owners of stationary engines might enquire as to what measures they could take to help themselves in consultation with their technical advisers, including their suppliers before pressing for action by the Exchequer. In this context I included industrial users of light diesel oil in stationary equipment. I understand, Sir, that quite a number of enquiries have been made of the suppliers about this aspect of the matter. I, Sir, too, have received a small number of applications for assistance, as have some of my colleagues. I still do not consider that any general system of refund of duties and tax on gas oil employed in stationary engines should be adopted beyond those used on farms and in sawmilling. I have explained on a number of previous occasions why I think this is so. But, Sir, I propose to arrange for very careful and sympathetic consideration to be given to individual representations in respect of stationary engines where no other fuel could reasonably be

used, or where adaption is either impossible or would be unreasonable to ask. I propose, Sir, to have any applications or representations of that kind given very careful and sympathetic consideration with a view to seeing whether we cannot give *ex gratia* refunds where I am satisfied that no other appropriate solution to the problem can be found, or alternatively is reasonable.

Sir, I beg to move.

Question proposed.

Sir Charles Markham: Mr. Chairman, there was some slight cold comfort in the words of the Minister when he said he would reconsider the question of exemptions for institutions such as hospitals, and again for those other users who could not convert. But I am wondering, Sir, on this issue, whether the Minister is aware of the wide use of diesel gas oil, both in the quarrying business for compressors, stationary engines, and power units used in the mining world, as many of the engines, stationary engines, such as the Caterpillar stationary engine, cannot use anything else but the light oil, and if you do any conversion on those engines the guarantee is immediately removed.

There is also, Sir, as the Minister said in his remarks, the aspect of those people who have put in machinery such as in the hotels which again cannot be converted at all, and the facts have been given to the Minister's colleague, the Minister for Commerce and Industry, involving one of the largest hotels in Nairobi.

Sir, I believe that this proposal for exemption is a very bare one, if it is practical. The honest person will, I suppose, as usual, pay the penalty, whereas the dishonest person will get away with it, as usual. Most farmers who are users of diesel gas oil buy their supplies in bulk. How, Sir, are they going to allocate between the various uses on the farm? If they have a diesel lorry, then out of the pump comes a portion of diesel fuel into that lorry, where others might go into, we will say, an engine used for coffee pulping. It is going to make the question of refunds most difficult, and, as usual, up-country the majority of farms are nowhere near the main electricity supply, and they use this diesel oil for their lighting plants in their houses. Is it suggested on this that they are going to have to pay extra money for it on this tax, or do we presume they will claim a refund on the grounds that the oil has been used in their tractors? I would hope, Sir, that the implications of this particular proposal of tax, particularly on those who are not using it for vehicles and stationary engines, including, I believe, motor boats used in the fishing and tourist industry at the coast, all of whose costs will be considerably

[Sir Charles Markham] higher by this proposal unless they can claim exemption. The Minister has said he will look into it, Sir, but having had the instance used by the hon. Member for Mombasa on wine, when the Minister said he would look into that seven years ago; how long will he take to look into it in this particular instance? I am thinking, Sir, of one or two companies who are using considerable quantities of this oil, who will be financially very heavily hit unless they can get a refund. Also another instance, Sir, which might perhaps interest the Minister as the Government is involved. At the airport, for example, the Government put in a new boiler quite recently on the grounds that the previous one was not as efficient as it should be, and that boiler is designed for the use of light amber—whatever it is called—diesel oil, as I propose to call it, light diesel.

Now, if that is to be converted at Government's expense it can be nevertheless, the makers do say the efficiency of that particular machine will not be so good, and I understand from conversations with some of the oil companies there is a danger in using heavy diesel in some of these, what I call fast-revving engines, because you get the heavier sulphur content in the heavy diesel which can cause damage to the machinery. I hope therefore, Sir, before very long the Minister can exempt widely all those people using stationary engines because, as he said, his original proposals were for vehicles and not for the person in industry.

Mrs. Shaw: Mr. Chairman, I would like to support everything the hon. Member who has just sat down has said. I think that the rebate will mean that Government will be absolutely flooded with demands for rebate when you realize that it covers all pumping and diesel engines used, including stationary engines used for pumping water supplies, lighting plants and drying machinery for tea companies, etc., and all farming operations. I think, therefore, that the extra amount of work that will come into the Government Department on rebates will be simply terrific, and I do think it would be very much simpler if the Minister could consider a printed list of exemptions which could come under this tax.

Major Day: Mr. Chairman, Sir, I would like to support the points made by the last two hon. Members, and ask the Minister, to reconsider this aspect of the tax. I wish to say nothing further, Sir, but to hope that he will move in this direction.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I would like to deal with the points that have been made

by the hon. Members who have spoken. Certainly I will bear very much in mind the points made about quarrying and mining. I was aware of the position there, as described by the hon. Member for Ukamba. That was one of the things that I had very much in mind when I was suggesting a system of *ex gratia* refunds for those particular industries. And, Sir, the hon. Member would notice that I also said when I spoke earlier this morning that where no other action is appropriate or reasonable—I think that has to be borne in mind, whether it is reasonable or not from a financial point of view—that in those cases also I would consider *ex gratia* refunds.

Now, Sir, as regards the position on farms—and this, of course, applies to tea companies as well—I think that hon. Members cannot have heard exactly what I said earlier and also what I said in my reply to the main debate and that was that we are already proposing to make it clear that the refund system will be extended to all light diesel oil used on farms except in road vehicles. So that will cover the lighting plant and the pumping engines and it will be merely a matter of any road vehicles that the refund system will not apply to.

I am aware also, Sir, of the point the hon. Member for Ukamba made about the honest people and the dishonest people. I am sure he agrees with me that the bulk of people are the honest ones. There will probably be an odd case, but what we shall have to do is to devise our system so, that as far as possible, we can protect ourselves against that. It will not be easy, I know, but we shall have to do our best. There is, however, one point on which I think I can give hon. Members a crumb of comfort and that is that I understand that the solution to the problem of putting in some foolproof additive to make—either in colouring or something of that kind—quite clear the distinction between gas oil in stationary engines and that used on the roads; I understand, Sir, that a solution to that has either been found or is well on its way to being found. I think it possible even that there is something, I have been advised, possibly in the most recent United Kingdom Finance Bill on this matter and I am having that looked into by my expert advisers, in particular by the Commissioner of Customs. If this information is correct, of course, it will make the whole of this business very much easier to deal with and I certainly hope that it is because then, of course, we shall be able to put the whole thing on to a much better basis by making the tax merely applicable to oil used for road vehicles and these difficult questions would not then arise. As I say, I hope I am not raising people's hopes too high—or my own, for that matter—but I

[The Minister for Finance and Development] hope that this will come about because it certainly will be the best way of all of dealing with the matter.

Colonel Jackman: Mr. Chairman, there are just two points I would like to put to the Minister. The first is in relation to the machinery for claiming these rebates. I do not know if it has been settled yet, but I do ask the Minister to try and keep the procedure as simple as possible and evolve a procedure which will not necessitate the risk of members of agricultural subcommittees perjurying themselves. The second point, Sir, relates to distributors. I know distributors are very worried about this position in relation to this tax because farmers who use quantities like 1,000 gallons, possibly a month, or light diesel, will be charged by their suppliers with the full price, and I cannot see a great many of them putting their hands in their pockets and having to wait to recoup themselves, three months later. The chap who will have to carry it, I think, will be largely the distributor. So I would ask the Minister to use his, undoubted influence with the oil companies, and ask them to be fairly reasonable in the matter of rather more extended credit to their distributors.

I beg to support.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I have noted the two points made by my hon. friend and I will certainly bear them in mind. I too certainly hope that the refund system will not be unduly difficult because I must say I like to understand these things myself and if they are too complicated they can quite easily tend to be self-defeating. Also, Sir, I feel quite sure that no member of an agricultural subcommittee would ever dream of perjurying himself but we will bear the importance of not putting them into the position where they feel that they have to do so in mind.

The question was put and carried.

VEHICLE LICENCE FEES REFUNDS

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I beg to move that the proposals relating to fees for vehicle licences contained in the Financial Statement for the Year of Account 1960/61 be approved.

Sir, these proposals are set out on pages 8 and 9 of the Financial Statement and in clauses 10 and 11 of the Finance Bill. I dealt with them and with their effect fully in my Budget statement and I do not think it is necessary for me to go into them again at this stage.

Sir, I beg to move.

Question proposed.

The question was put and carried.

REFUND TAX ON VEHICLE LICENCE FEES

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the holder of any vehicle licence issued before 1st May, 1960, being a vehicle licence in respect of a motor vehicle with pneumatic tyres, the motor unit of which uses light amber mineral fuel oil, shall be entitled to a refund to the intent that the fee for such vehicle licence in respect of any period after 1st May, 1960, shall be the same as if such fee had been paid on the basis that the motor unit of the vehicle concerned used petrol.

Now, Sir, I explained this also in my Budget speech and I do not think it is necessary to go any further into it now except to tell hon. Members that in anticipation of this Motion and in anticipation of the House accepting it a number of refunds have already been paid; in fact, 1,296 cases have been dealt with representing a total sum of £22,094. That, I hope, Sir, shows that there are occasions when the Government does not take seven years to deal with a matter.

Sir, I beg to move.

Question proposed.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the Motions on the Order Paper without amendment.

The question was put and carried.

The House resumed.

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

REPORTS

CUSTOMS DUTIES

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that the Committee of Ways and Means has considered the following Motion:—

THAT the proposals relating to the Customs duties contained in the Financial Statement for the Year of Account 1960/61 be approved. I and has agreed the same without amendment. I beg to move, Sir, that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coutts) seconded.

The question was put and carried.

EXCISE DUTY

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that the Committee of Ways and Means has considered the following Motion: "That an excise duty shall be charged at the rate of Sh. 6 per gallon on still wine and of Sh. 18 on sparkling

[The Minister for Finance and Development] wine", and has agreed the same without amendment. I beg to move, Sir, that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coultis) seconded.

Question proposed.

The question was put and carried.

DANGEROUS PETROLEUM TAX

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that the Committee of Ways and Means has considered the following Motion: "That the tax on dangerous petroleum shall be charged at the rate of 35 cents per gallon", and has agreed the same without amendment. I beg to move that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coultis) seconded.

Question proposed.

The question was put and carried.

DIESEL OIL TAX REFUND

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that a Committee of Ways and Means has considered the following Motion: "That a tax shall be charged at the rate of 35 cents a gallon on light amber mineral fuel oil", and has agreed the same without amendment. I beg to move that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coultis) seconded.

Question proposed.

The question was put and carried.

REFUND ON TAX ON LIGHT AMBER MINERAL FUEL OIL

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to report that a Committee of Ways and Means has considered the following Motion: "That as from 28th April, 1960, a refund shall be granted of the customs duty and of the tax charged upon light amber mineral fuel oil used in tractors and stationary engines employed solely for agricultural purposes on farms or used in tractors and stationary engines employed solely for logging purposes, including the conversion of logs into lumber", and has agreed the same without amendment. I beg to move, Sir, that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coultis) seconded.

Question proposed.

The question was put and carried.

VEHICLE LICENCE FEES REFUND

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that a Committee of Ways and Means has considered the following Motion: "That the proposals relating to fees for vehicle licences contained in the Financial Statement for the Year of Account 1960/61 be approved", and has agreed the same without amendment. I beg to move that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coultis) seconded.

Question proposed.

The question was put and carried.

REFUND TAX ON VEHICLE LICENCES FEES

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that a Committee of Ways and Means has considered the following Motion: "That the holder of any vehicle licence issued before 1st May, 1960, being a vehicle licence in respect of a motor vehicle with pneumatic tyres, the motor unit of which uses light amber mineral fuel oil, shall be entitled to a refund to the intent that the fee for such vehicle licence in respect of any period after 1st May, 1960, shall be the same as if such fee had been paid on the basis that the motor unit of the vehicle concerned used petrol", and has agreed the same without amendment. I beg to move that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coultis) seconded.

Question proposed.

The question was put and carried.

BILLS

FIRST READING

The Appropriation Bill, 1960

Order for First Reading read—Read the First Time—Ordered to be read the Second Time today.

SECOND READING

The Appropriation Bill, 1960

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to move that the Appropriation Bill be now read a Second Time.

Sir, the purpose of this Bill which normally tends to be a formal measure is to give legislative sanction to the resolutions which were taken in Committee of Supply yesterday and during the previous days relating to various Heads of expenditure. They are intended to provide the Governor with the money needed to keep the services of the Government going during the coming year.

[The Minister for Finance and Development]

There is, Sir, only one particular point to which I would like to draw attention—I think I should draw the attention of the House to—and that is one point in which the form of the Bill differs from that of last year and that is in clause 5 (f) of the Bill where we have followed this year the normal system that is always followed in the United Kingdom of inserting under the short-term borrowing powers granted to the Minister, inserting the full sum which is contained in the Appropriation Bill, i.e. the full net expenditure figure of £42,142,285 is inserted there as being the maximum which we shall be authorized to borrow short-term. I might say, Sir, that I do not think we have the slightest intention of borrowing to anything like that amount although it could happen that owing to the system of borrowing short-term for, say, one, two or three months and then repaying and borrowing the same money over again, the total sum, that is actually borrowed during a year can be considerably—in fact, very much—greater than the amount outstanding. It is to cover that sort of situation where one has repeated borrowing of the same sum of money that this particular sum is inserted and this method of dealing with a matter is used.

Sir, I beg to move.

The Chief Secretary (Mr. Coultis) seconded.

Question proposed.

Mr. Alexander: Mr. Deputy Speaker, Sir, I have noted that the Minister for Finance has told us that this, the approval of this Bill, is normally a formal matter. There are, however, one or two matters arising out of the Public Accounts Committee's Report on the Colony's Accounts for 30th June, 1959, to which as chairman, Sir, of that Committee I consider it right and proper that the attention of hon. Members should be drawn. It arises out of clause 3 of the Bill which in turn refers us to the schedule at the end.

Firstly, I want to deal with Vote No. 3 in that schedule which refers to the amount required in the year ending 30th June, 1961, for the salaries and expenses of the Legislative Council. Now, Sir, I would like to draw the attention of hon. Members to page (v) of the Public Accounts Committee and to paragraphs 14 and 15. Dealing with paragraph 15 first, it refers to the contribution to catering expenses. Now, here, Sir, I would like to turn to the evidence on pages 6, 7 and 8 of the Public Accounts Committee's Report which relate more particularly to what I might term the "messing account" or catering answering questions. The Serjeant-at-Arms, answering questions, on page 6 did refer to the fact that at 29th February, 1960, i.e. this year, Sir, there was owing to the catering account £1,666. In answer to a

further question, the Serjeant-at-Arms told us that the last time the Kitchen Committee had met was on 24th February, 1959, and that resulted, Sir, from a very useful and very objective explanation by the Member for Ukamba, who is a member of the Public Accounts Committee but was trying to assist us. At the end of it all he said, "It is all very unsatisfactory, Sir, and I would like to have a chance one year of going through the lot." Well, then later on in the evidence the Serjeant-at-Arms was asked whether there were many Members who make up the total of £1,666, and he said in reply to a further question of whether there were any that had been outstanding for a long time, "Some for a very considerable time."

Then he went on and said this, and I quote: "Up until recently one Member had never paid anything at all." Well, Sir, this concerns hon. Members of this Council not only because they are the people concerned in these very affairs, but because, of course, there is public money involved. Some £4,000 was advanced by the Government, or granted by the Government, as working capital, and of course the public funds of the Colony are responsible for paying much of the staff that works in this building. We did feel considerable disquiet on the Public Accounts Committee that all was not well in the financial affairs of the catering arrangements and the bar arrangements in this Council, and this, Sir, is the first opportunity that we have had to draw attention to this matter, and although I agree that his Bill is normally formal I think it is right to use this opportunity here to draw attention to what we on the Public Accounts Committee considered as a serious matter, a matter which I believe, Sir, should like to know is, this Council, what we would like to know is, what is the situation today? Are the accounts, what is the situation, up to date? Are there our catering accounts, up to date, and if so, how many Members owing money, and, if so, how long have they been owing it? What has been done to recover the amounts owing?

Secondly, Mr. Deputy Speaker, if I may refer particularly to paragraph 14 of the same Public Accounts Committee Report, this deals with the whole status of the staff in this building and particularly, of course, the Clerk of the Council. At page 3 of the evidence the chairman asked this question, and I quote: "I think, you know, this does raise a broader issue altogether which we might have to look at in another place, and that is the independence of the Clerk to the Council. And I know there is some disquiet about this in other respects. Many Members want to feel—and rightly feel—that the Clerk is quite independent of the Government." The Treasury official, Sir, replying to that question, says: "That is, of course, so in the United Kingdom." Now,

[Mr. Alexander]

Sir, we on the Public Accounts Committee believe that it was right that we should attempt to find out what is the relationship between the staff in this building who are paid by the Government and ourselves—the relationship between them and ourselves—and between them and the Government. Who do they look to for their instructions? Who, in fact, is their boss? I think, Mr. Deputy Speaker, that this is a matter that many hon. Members would like to have clarified.

Lastly, turning to Vote 13 in this Schedule, I would draw the attention of hon. Members to a state of affairs existing in relation to this Colony's finances with the East Africa High Commission that is not entirely satisfactory. At page (vi) of the Public Accounts Committee Report there is reference to the overspending in certain High Commission services, and the recommendation of the Committee reads as follows: "It is noted by the Committee that the over-expenditure mentioned will be met from accumulated balances in the High Commission Non-Self-Contained Services Fund; on which fund the High Commission could draw by Estimates approved in the Assembly. The Committee expressed its concern regarding the position, and recommended that the present system of financial control over these balances should be examined by the Treasury." One amount in particular, Sir, relates to expenditure charged to Kenya on certain Heads exceeding the contributions from Kenya, and in respect of the Income Tax Department this amounted to £96,000-odd. I understand that that was possible because the High Commission were holding balances on the expenditure of the Locust Control. The point the Public Accounts Committee wished to emphasize was that if the High Commission are holding funds that are being derived from Kenya then our Treasury should have a constant check on the total disbursement out of funds to see that none of our money is lying idle in the hands of the High Commission.

Mr. Deputy Speaker, I beg to support the Bill.

Sir Charles Markham: Mr. Deputy Speaker, very briefly, wearing the hat now as chairman of the Kitchen Committee, I would like to explain, Sir, for the benefit of Members of this House, that the Public Accounts Committee were considering, let us face it, accounts which are now out of date; and the hon. Member for Nairobi West did ask certain specific questions about the present-day workings. I think, Sir, that the House should know that the criticisms which are contained in evidence brought before the Public Accounts Committee did in the main refer, for want of a better expression, to the previous régime in this House, and, Sir, the present

Serjeant-at-Arms, who is responsible to the Kitchen Committee, has made very great improvements. The kitchen and bar accounts are now entirely up to date, and the Committee has met and gone through the latest report from the Controller and Auditor-General, and the position is satisfactory so far as that is concerned.

I do not wish from this side of the Council to discuss hon. Members' debts, but I can tell the hon. Member for Nairobi West and the House that the position today is very different from that which was brought before the Public Accounts Committee and the amount outstanding owed by Members is very small compared with what it was previously.

Finally, Sir, this is a difficult subject to raise on the Appropriation Bill because there are various aspects of the administration of the kitchens and the bar in this House, but perhaps Members would like, Sir, if it is possible later on this year, to have a brief debate on the subject so that the various aspects which Members wish to bring forward can be discussed then. Alternatively, Sir, I feel certain that the Committee, which consists of yourself, Sir, and my hon. Nominated friend, Mr. Kirpal Singh Sagoo, and myself, would be only too glad to discuss with Members any aspects which they may wish to bring forward.

I beg to support.

The Chief Secretary (Mr. Coultis): Mr. Deputy Speaker, I just wanted to answer the question raised by the hon. Member for Nairobi West concerning the Government servants who work in this building. When I became Chief Secretary I discovered what I thought were rather unsatisfactory arrangements whereby the Chief Secretary was really responsible for all people in this House. Well, that is certainly correct and proper in so far as the servants in this House are Government servants employed by the Government, but I did feel, short of going through a stage which I do not think we have yet reached whereby we give Legislative Council complete autonomy, that we should try to divide the responsibility for staff between my own office and the Speaker; and administratively therefore we agreed that the Speaker should in fact take complete control of the Clerk, the Serjeant-at-Arms, the Assistant Serjeant-at-Arms, and the palanquinists, but that my office, because we have to deal with the accounts and that sort of thing, would be responsible for the accounts clerks and people who normally work in the tower. We therefore have an arrangement, which I think works perfectly well now, that virtually for those important people who do work in this House the Speaker is practically entirely responsible.

Mr. Webb: Mr. Deputy Speaker, I think I should try to deal with and answer one part of the remarks made by my hon. friend the Member for Nairobi West, although I think his remarks might be more appropriate to a Misappropriation Bill than the Bill under discussion. As a result of the observations of the Public Accounts Committee the Clerk placed these unfortunate affairs in the hands of his legal advisers, and a Crown Counsel did write to those former Members of this Council who owed considerable sums to the Legislative Council Catering with results which I believe my hon. friend the Minister will be able to say are rather satisfactory. As far as the existing and present Members of Legislative Council are concerned, Sir, my hon. and learned friend the Minister for Legal Affairs advised the Clerk that he could properly deduct any sums owing by them from the pay and allowances payable to Members. I therefore think that we can say that we have done our best to clear up the past, and, as the hon. Member for Ukamba has said, the position with regard to the present is very much better.

Mr. Cooke: Mr. Deputy Speaker, the Member for Nairobi West of course was quite right to bring this matter up in Council. It is a pity in many ways it has been ventilated, because of course people will say outside now that if we cannot regulate our own accounts how are we going to regulate or look after the accounts of the Colony?

Now, I do think that the Kitchen Committee might have instructed the Serjeant-at-Arms that he should not give more than a certain amount of credit to any particular Member, say Sh. 200, or whatever it might be. In any reputable club, of course, if a member does not pay his debts, Sir, he is posted, and he is not permitted to incur any further debts until he has paid up. I do suggest, Sir, that, with all respect, my hon. friend the hon. Member for Ukamba does know as well as I do that he should be very firm to see that such a thing does not occur again.

Thank you, Sir.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, my hon. friend the Chief Secretary and my hon. Nominated friend Mr. Webb have dealt with most of the points which have been raised and I should also like to thank the hon. Member for Ukamba for also answering certain of the points that have been raised from the other side.

I do not think, really, that there is very much more than we can say on the points raised concerning the Catering Committee. I understand, Sir, that the matter has been cleared up in recent

months and next year a very much better bill of health will be available.

My hon. friend the Chief Secretary spoke about the staff in this building, and I think the only other point is that regarding the surplus balances with the High Commission. I think, Sir, I should explain that once money has been voted and has been paid over to the High Commission and into the High Commission Fund it then becomes the legal property of the High Commission and is available for disbursement under the control of the Central Legislative Assembly. That is legally the position, but in actual fact I think I should also make it quite clear that the Finance Ministers of the three mainland territories keep an eye on these surplus balances and they find out from time to time what the position is, and if they find that they are growing to too large an extent—that is, to an extent larger than is necessary to provide the High Commission Non-Self-Contained Services with working capital—then, from time to time, the Finance Ministers of the territories say to the Financial Secretary of the High Commission, "We think that you have too much money at the moment, and instead of paying you the monthly subscriptions for the rest of the current year we will let you jive-off your own fat" and in that way the amount in the fund is reduced; Sir, to an amount that is generally standing at round about £300,000 which we regard as the amount needed for working capital. That, Sir, was done during the current year. I think, Sir, we should remember that I mentioned the matter in the Budget speech. I have not got the exact reference readily available but I know that that was done during the current year, and the result of that is that the amount outstanding on the Kenya account in the High Commission Fund by the end of the year should have been reduced very considerably.

It is a matter we keep under review and I think that the hon. Member himself who raised this matter will realize that it is quite a complicated thing in view of the fact that there are so many High Commission services it is quite impossible to make quite sure that the contribution from each territory during each year is going to be exactly matched by expenditure as it may be more or it may be less. But I can give the House a full assurance that the matter is kept under review and that so far as we possibly can—and I might say with the full co-operation of the Financial Secretary of the High Commission—we see to it that large amounts of territorial money are not left idle if it can possibly be avoided. I hope that the hon. Member will realize that this is not the hon. Member will be a full reply to his point: that will be covered in full in the Treasury Memorandum to the Public Accounts Committee which will be

[The Minister for Finance and Development] seat along in due course; but for the time being, I hope that he will accept my assurance that the matter is not lost sight of and, what is more, that it will continue not to be lost sight of.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council today.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read, Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C., in the Chair]

The Appropriation Bill

Clause 2 agreed to.

Clause 3

Mr. Alexander: Mr. Chairman, just to clear up one detail which I think would help to clarify the minds of all hon. Members, could we just be told, in relation to the procedure of the spending of this money on what we term, I think, the catering account, whether we should not have every year some form or other of a balance sheet and accounts presented to us so that we, as hon. Members of this House concerned with our own club, could survey it once a year. I think that would help to put the matter right.

Sir Charles Markham: I find myself in a difficult position, Sir, in answering some of these questions. However, the point raised by my hon. friend the Member for Nairobi West has been considered and it is on the agenda for the next meeting, Sir, as to how we can produce the accounts for Members, but I do not think the accounts of the club, if I can use that word, are the property of the public; they are the property of Members, and Members alone. Perhaps this matter could be left for the time being until the Committee has had a chance to consider the whole matter, particularly with the Government.

Clause 3 agreed to.

Clauses 4 and 5 agreed to.

Schedule agreed to.

Title agreed to.

Clause 1 agreed to.

The Chief Secretary (Mr. Coutts): Mr. Chairman, I beg to move that it be reported that the Appropriation Bill has been considered by a Committee of the whole House and approved without amendment.

The question was put and carried.

Bill to be reported without amendments.
The House resumed.

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

REPORT AND THIRD READING

The Appropriation Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that a Committee of the whole Council has considered the Appropriation Bill and has approved the same without amendment.

Sir, I beg to move that the Council doth agree with the Committee in the said Report.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to move that the Appropriation Bill be now read a Third Time.

The Chief Secretary (Mr. Coutts) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

CONSIDERATION OF REPORT AND THIRD READING

The Customs Tariff (Dumping and Subsidies) Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that the Committee of the whole Council has considered the Customs Tariff (Dumping and Subsidies) Bill and has approved the same with amendment.

I beg to move that the Council doth agree with the Committee in the said Report.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to move that the Customs Tariff (Dumping and Subsidies) Bill be now read a Third Time.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): That completes the business on the Order Paper and I therefore adjourn Council until 2.15 p.m. next Tuesday, 7th June.

The House rose at twenty-seven minutes past Ten o'clock.

Tuesday, 7th June, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—
Report of the Committee on the Organization of Agriculture (commonly known as the McGillivray Report).

Department of Agriculture Annual Report, 1959, Vol. I.

The Marketing of African Produce (Central Province Marketing Board) (Movement of Regulated Produce) (Amendment) Rules, 1960.
(By the Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie))

Nairobi Airport Annual Report, 1959.

(By the Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie) on behalf of the Minister for Commerce and Industry)

NOTICES OF MOTION

Group Captain Briggs: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

MURDER OF HEADMAN WILLIAM WAMBUGU KIMATHI

THAT this Council expresses its deepest horror at the murder of Headman William Wambugu Kimathi and urges Government to make use of the existing legislation to the full to terminate once and for all the revival of *Mau Mau* and the preaching of anti-European and anti-Asian hatred which has accompanied and encouraged its growth.

Mr. Odinga: Shame!

Mr. Odinga: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

JUSTICE IN AFRICAN COURTS

THAT in view of the highly unsatisfactory practices employed in the administration of justice in the African courts by interested staff of the Department of Administration, where there are threats to respect for justice, this Council notes with grave concern the continuity of these practices and therefore urges the Government to appoint a commission of enquiry into the administration of justice in the African courts with a view to placing the said courts into the hands of the appropriate Department—the Judiciary.

Hon. Ministers: Shame!

ORAL ANSWERS TO QUESTIONS

QUESTION No. 111

Mr. Mboya asked the Minister for Education what steps are being taken to speed up the education of Muslim boys and girls in Nairobi.

The Minister for Education (Mr. Matheson): All Government Asian schools admit pupils without consideration of their religion and in addition to the considerable capital expenditure undertaken recently to expand these facilities over £50,000 has been expended in 1959/60 in capital grants to aided schools serving Muslim communities in Nairobi. All African Muslim children can get eight years of education in Nairobi primary and intermediate schools and two such primary schools are reserved exclusively for Muslims. Unfortunately enrolment is low and already this year three meetings have been held with Muslim leaders in a so far unrewarding endeavour to stimulate recruitment.

Mr. Mboya: Mr. Deputy Speaker, would not the Minister agree that there is a special problem for the Muslim girls and that in so far as the present facilities are concerned they do not appear to meet the wishes of the community and therefore that Government should take into account this particular feature.

The Minister for Education (Mr. Matheson): I certainly have regard, Mr. Deputy Speaker, to the problem of the education of Muslim girls. The Muslim Girls' School in Nairobi, for example and the Aga Khan Mixed Primary School provide considerable educational opportunities for Muslim girls and in the case of smaller African Muslim communities we are intending to make as we can special provision for the education of girls.

Mr. Mboya: Mr. Deputy Speaker, Sir, would not the Minister agree that there is perhaps lack of knowledge on the part of the African Muslims that the Asian educational facilities are open to them and would the Minister explain what the Government is doing to ensure that this community fully understands these facilities are open to them?

The Minister for Education (Mr. Matheson): I agree, Sir.

QUESTION No. 107

Mr. Mboya asked the Minister for Housing, Common Services, Probation and Approved Schools:—

(a) Would the Minister state how many people in Nairobi are estimated to have no houses?

[Mr. Mboya]

(b) Has Government got any plans for the provision of housing for the homeless of this City?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): Mr. Deputy Speaker, Sir, I beg to reply:—

(a) Statistics indicating the number of people in Nairobi who have no houses are not available. There are, however, some 7,000 African applicants for houses on the City Council's waiting list.

(b) Apart from the building of additional housing for its own staff the Government has no plans for providing houses for the general public—this being primarily the concern of the local authority. The Government will, however, be assisting the City Council in the extension of its African housing estates by guaranteeing the repayments due by the Council under the contractor-finance scheme described in Sessional Paper No. 3 of 1959, and by advancing the necessary funds to the Council to enable repayments to be made. This scheme, which will cost in the neighbourhood of £1,500,000, includes the building of 3,002 houses accommodating 15,010 people; work on it is expected to start within the next three months.

In addition, the Central Housing Board, which is the principal medium through which the Government helps local authorities in the development of African housing, will continue to give the most sympathetic consideration to any loan applications which the City Council may make to it.

Mr. Mboya: Mr. Deputy Speaker, arising from the reply to the question, would the Minister not agree that the absence of accurate statistics is a handicap in dealing with the whole problem of housing in not only Nairobi but throughout the country, and if so, will he indicate what the Government intends to do to meet this situation?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): I do agree that it is important that statistics should be made available in order to know exactly what problem we are facing, and in this connection there are plans in hand for a social survey to be started in Nairobi, the cost of which the Government will be contributing. This should provide us with these figures.

Mr. Mboya: Mr. Deputy Speaker, Sir, would not the Minister agree that in fact there are many Africans in Nairobi today who have no roof over their heads, and that therefore this is not just a

problem that can be left entirely to Nairobi City Council, but is a problem which the Government should actively participate in trying to solve? If so, would the Minister indicate what plans the City Council has to his knowledge, and what he himself, as Minister, would be prepared to do?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): Mr. Deputy Speaker, Sir, Government agrees that there is a problem, and it is a very acute one, and the scheme I mentioned of contractor-finance is one of the major steps to meet this particular demand or defect in the housing situation. I think that until we have finished that scheme it would be perhaps going too far to start thinking of another one before we even start on the 3,000 housing scheme we have in mind. I believe in doing one thing at a time and doing it well.

Mr. Mboya: Mr. Deputy Speaker, Sir, would the Minister indicate how many houses would have been built under the scheme he refers to now, and how many houses have, in fact, been built since last year, taking into account the situation that already exists?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): Mr. Deputy Speaker, Sir, although that is a question that I would require notice of. The Annual Report of the Minister for Housing presented to this Council gives all those figures in full. However, we have had 1,400 houses built at Maringo and another housing estate of 500 houses which is called Jerusalem, and this is the third phase of the same scheme that is coming forward for 3,000 houses. As I said, we are very very anxious that this problem should be solved, and we are doing our best to face it with both hands.

Mr. Odunga: Mr. Deputy Speaker, Sir, would the Minister let us know what encouragement the Government is giving to those who are prepared to build their own houses?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): May I answer that, Sir, because it seems to be another question? Mr. Deputy Speaker, if you will allow me to reply, I would say the Government, through the Central Housing Board, gives money on loan to local authorities, which in turn lends to individuals in every township who wish to build their own houses under the tenant-purchase scheme, and all townships and local authorities are taking full advantage of this particular facility.

Mr. Muchura: In reply to the question the Minister said that there was a waiting list of 7,000. Is the Minister, or is the Government, aware of the number without houses in Nairobi?

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): The answer is that there are no statistics to show how many, but the City Council has a waiting list of about 7,000 applicants who are Africans: so far as the other races on the waiting list are concerned, there are 320 Europeans and 340 Asians. I hesitated to give that reply because it is not an authoritative source to show how many people there are who have no houses. I may add, Sir, that it does not mean that those who have not got their own houses are homeless: there are very many people living in hotels and in rented accommodation in the city.

Mr. Mboya: Mr. Deputy Speaker, Sir, would the Minister state whether the City Council's waiting list has been open all the time or whether he is aware that it was closed for some years and that therefore the figure which he gives it totally unreliable.

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): That is quite true, Sir, and, when I said that I thought there were no statistics available, I thought I had covered myself well.

BILLS

FIRST READINGS

The Finance Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Local Authorities Provident Fund Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Books and Newspapers Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Central Housing Board (Vesting of Loans) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Guarantee (High Commission Posts and Telecommunications) Loan Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Lake Victoria Fisheries (Reapplication of Laws) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Coffee Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Prevention of Crime (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

COMMITTEE OF SUPPLY

Order for Committee read.

IN THE COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C., in the Chair]

MOTIONS

SUPPLEMENTARY ESTIMATE (NO. 1) OF 1959/60

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that a sum not exceeding £435,339 be granted to the Governor on account for, or towards, defraying the charges of Supplementary Estimates No. 1 of 1959/60.

Question proposed.

VOTE 1—THE GOVERNOR

Sir Charles Markham: Mr. Chairman, it is customary that we do not debate items effecting expenditure under Vote 1—The Governor, but this year there are certain aspects of these Supplementary Estimates which must cause concern to this Council, and this concern—and I raise it using this opportunity under Vote 1 to raise it—concerns the lack of detail supplied in the Supplementary Estimates as to why this Council is being asked to vote additional sums. If it is being asked to vote additional sums, I may refer to one aspect of this Vote which I believe is an impertinence to this House, if I say, Sir, under "Details of the Foregoing": "Additional provision is required to meet the cost of leave pay to the retiring Governor, duty allowance to the Acting Governor, and certain other charges mainly for the maintenance and upkeep of Government House, Nairobi." Now, Sir, nobody has any objection to the details provided we are given the details and I cannot see why, as estimates are provided breaking up this various items under the subheads concerned, this Council should not be told the details. For ex-

[Sir Charles Markham] ample, if the leave pay of the retiring Governor is a matter, say, of £100, and there is an item of £6,000 mainly for the upkeep of Government House then this Council would like to know why, but I do believe, Sir, it is a bad principle altogether to come before this Council for a supplementary estimate without giving the detail, and that same criticism, Sir, can be made right through the majority of these Supplementary Estimates under the different Ministries which will come on later this afternoon.

My second point, Sir, is also a general issue, that if the Government feels that this item is really purely formal and that the rest of these Estimates are really purely formal and are only brought to the attention of this Council for the sake of the legal position, then, Sir, we will be forced to take action, however small we are in number—and we are getting smaller looking at who is going out—to move a reduction on every single item in order to show our protest at the Government.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, the hon. Member for Ukamba is perfectly aware of the fact that this Vote is one in respect of which the details are not given except as an appendix to the ordinary Estimates and that it is not customary to go into details on this particular Vote or to itemize the expenditure. But, Sir, as regards his general criticism of the form of these Estimates, I am sorry that he does not think that sufficient information is given. My own view is that a considerable amount of information is there under the Votes and certainly considerably more than is normally given in the Annual Estimates which are for considerably greater amounts. But, Sir, in addition to that, as regards the detail, if the hon. Member, or any hon. Member, wishes to have information about the details of the Estimates I suggest that it is precisely why the Government Front Bench is so extraordinarily crowded today, and that is why my hon. colleagues on this Front Bench are here; and it is, Sir, their function to explain details if hon. Members wish to have them. I suggest that it is much better that it should be done in that way than that we should run into what I personally would consider to be the error of having a long series of essays on each one of the items and on the make-up of these particular Supplementary Estimates, Sir. One could very easily on Supplementary Estimates fill quite a large volume if one were to go into the details, and even then the amount of detail given would not necessarily happen to contain the particular piece of information that an hon. Member opposite wished to have. Therefore, Sir, I do feel that this is a much better

method and that my colleagues should be here to answer questions and to give details where they are required in respect of these Estimates rather than that, as I say, we should publish what could well amount to a small book, or at least to a large book (this is a small book). If anybody at any future date wishes to check up on the detail they will, of course, always have what is in the HANSARD to refer to, and, Sir, I think the hon. Member realizes full well that we are fully prepared to give him all the answers that he requires, and indeed that is our duty to the House.

Sir Charles Markham: Sir, I accept what the Minister for Finance has said, and basing my future arguments on the merit of being kind to him I will warn him that when Vote 13 comes up, Sir, he will have to produce quite a bit of detail.

The Chief Secretary (Mr. Coutts): Mr. Chairman, could I just add one thing to what my hon. colleague said, I would like to assure all hon. Members that we never consider Supplementary Estimates to be purely formal, and that is also the reason why the Front Bench is full today.

Mr. Cooke: With respect, Sir, I do not accept what my hon. friend the Financial Secretary said. If he had given the detail he might have avoided any discussion whatsoever. If he had written just a few lines we might have accepted the detail. A few years ago, I believe, a swimming bath was put up in Government House, also with no details, and that is one of the reasons why I personally keep an eye on all the details of these Supplementary Estimates.

Vote 1 agreed to.

Votes 3 and 6 agreed to.

NOTE 7—CHIEF SECRETARY

Sir Charles Markham: Mr. Chairman, some years ago when we were discussing some Supplementary Estimates we were given an assurance by the Chief Secretary at the time that no new post would be created whilst Supplementary Estimates were being debated until that post had been approved by this Council.

Now, Sir, I want to make it quite clear that I am not criticizing the personality of the individual who has been honoured by the appointment of Deputy Chief Secretary and I would like that to be made quite clear now. But I am surprised, though, Sir, that before this House had agreed this token vote or had approved even the Estimates that were completed on Friday, the Chief Secretary announces in the Press that he had appointed an individual to the post of Deputy Chief Secretary. Sir, I think this is a complete breach of an assurance given by Government

[Sir Charles Markham] some time ago on the issue of not appointing or creating new posts when the Council had not had a chance of considering them. I understand the necessity for this post, Sir, and let me make it quite clear now that I am not criticizing the necessity for this post, because I believe it is very necessary but I would have thought that it would have been quite possible for the hon. gentleman who now sits on the other side of this Council in the second row, to have carried out his work without the formality of announcing that he had been given this post, in case by chance, Sir, a majority on this side of the Council resulted in this post being deleted. Therefore, Sir, I am going to move the deletion of item A, Subhead 1A, and I understand, Sir, that when we come to Supplementary Estimates I have not got to put deletions in writing. I repeat that from previous years, Sir, unless you rule differently now.

The Chairman (Mr. Conroy): My reading of Standing Orders is that all Motions should be in writing. What is precisely your Motion?

Sir Charles Markham: Sir, the deletion of A Subhead 1A, Deputy Chief Secretary, Token Vote of £1.

The Chairman (Mr. Conroy): The Motion has to be framed so as to propose the reduction in the total amount of that Vote.

Sir Charles Markham: Right Sir, I beg to move that Vote 7 be reduced by £1 to £2,000 as opposed to £2,001.

Question proposed.

The Chief Secretary (Mr. Coutts): Mr. Chairman, Sir, I would have been much more impressed with the hon. Member's arguments if he had backed up his statement that Government had given an unqualified assurance on this point by reference to previous HANSARDS or in some other way.

I have looked up the HANSARDS on this particular point and I would draw the hon. Member's attention to the HANSARD of 28th November, 1956, referring to a Motion on Supplementary Estimate No. 1 by the then Minister for Finance and Development, Mr. Vasey, who in dealing with the then Supplementary Estimates said, "It would be better to consider moving right over to the systems which obtain in the House of Commons whenever Supplementary Estimates are presented. They are only presented if either the total provision for the Vote is exceeded, or if it is desired to introduce a new service, that is, a new activity of the department and not merely a new item or post which is not covered by the existing ambit of the Vote for which there is therefore no proper

legal authority." I think that was quite clear on that occasion. My hon. colleague the present Minister for Finance dealt with this matter also again on 18th February, 1958. He said on that occasion, "Mr. Chairman, I would like to refresh my memory on what was actually said on an occasion previously"—that was the one to which I have just referred—"but I think, my recollection is, that the undertaking that was given was that new posts would not be created without reference to the Council at some stage." Finally, he said, "I think the undertaking related to supersede posts but where you have posts on the normal scale which, if necessary, be offset by getting rid of—which could if the Council was not prepared to vote the money—be offset by getting rid of another post of not so great importance. I think that the existing procedure is the more satisfactory."

Reference to both of these HANSARDS shows, Mr. Chairman, that there was no definite undertaking given by Government that we would refer all posts to this Council. What we have undertaken in the past is to refer new services of some kind or another to the Council. All that my hon. friend suggested was that at some stage we should seek the approval of this Council to the creation of new posts.

Now, Sir, the hon. Member has given me a chance, possibly, to speak about the creation of those posts and I would like to emphasize what has been said about it now. At the request of a number of Members of this Council, the Chief Secretary this year took over the previous duties of the Minister for African Affairs. I, myself, did not feel that there was any real diminution of the work which the Chief Secretary had to do by taking over the Ministry of African Affairs, thereby losing Information, Immigration and Broadcasting. I have felt that it was necessary for someone to assist the Chief Secretary, first in Legislative Council, and secondly in the office and I proposed that we should give up in exchange for this post the present post of Assistant Chief Secretary, which although shown in the Estimates this year—a matter which I was unable to explain as my own Estimates were not debated—will in fact disappear.

Now, in this House I have noticed that very often Members who have lost their dogs or have constituency worries, want to sell a house, always come and ask the Chief Secretary about it, and I feel that in future it might be possible with a deputy who is sitting in this House perhaps to give me a chance to get on with more important business for the Government and therefore suggest that all such enquiries in future might be directed to the Deputy Chief Secretary.

[The Chief Secretary]

But returning to the point which the hon. Member has raised, I would like to assure him that had it not been for the fact that I personally felt that this is the busiest time of the year, that is the beginning of the Budget Session, and a time when the pressure on the Chief Secretary or on the Chief Secretary's office is at its highest during the year, I felt that I needed the assistance now rather than later, and I would have certainly respected the feeling behind what the hon. Member has said and would have waited until the Legislative Council would have had a chance of considering this particular post. And certainly for the future, although I deny that we have given this assurance in the past, I will certainly say that posts of this level should certainly be referred to the Legislative Council before any substantive appointments are made to them.

In closing I would like to say this, that I am sorry that the hon. Member should have taken the stand that he has in moving the deletion of this post because I, personally, would like to welcome the new Deputy Chief Secretary to this House and to his new job.

Mr. Alexander: Mr. Chairman, Sir, I think it is appropriate under this Head to ask the Chief Secretary a question I have asked him before two or three times, because he is responsible for the Government side of this House, and for Government business, and it concerns the possibility of reducing the size of this Council by six individuals by reason of the fact that, of course, we have allowed three precious bodies to go from this side, enabling the whole size of the Council to be reduced by six persons to retain a Government majority. Could we know what the size of the Council is and how we are getting on with it?

The Chief Secretary (Mr. Coutts): I had hoped that if the hon. Member was going to raise this particular point he would raise it under (c) of Vote 3—Legislative Council, because I feel that it is tied up with a number of matters concerning this Council and the salaries of Members. But if the Chairman himself—if you wish to rule that I can deal with it now I shall do so.

I say it is tied up with the question of the cost of Legislative Council because on at least two occasions in the past the Government has done its best to try to cut down the overall cost of Legislative Council. A Committee has sat on it and we came to the conclusion that there might be two ways—apart from the suggestion which has been made by the hon. Member—in which we could cut down the cost. One was to suggest that there should be more group meetings of Members during the time when

Legislative Council is sitting and not at times when the Legislative Council is not sitting and not allowing Members the full range of 28 meetings a year outside the time when Legislative Council is sitting, which appeared to the Government to be excessive and there was a proposal that we might reduce these to 14. But as we were going through a rather difficult political period, as at any moment we may be having a new election, and as we may have an entirely new Council, it was decided not to press for that particular reduction.

The other way in which we have suggested we might reduce the amount of cost was to ask hon. Members to sit, or alternatively to have double sessions, and therefore to draw for longer periods of the day the same allowances which they were now drawing. But as all hon. Members know, these suggestions from time to time, although we have done our best through limitation in the Sessional Committee, were not met with any great delight, I would say, on the part of Members and it has not been possible for this side of the House to get hon. Members opposite to agree to this sort of reduction in the total cost of Legislative Council.

As regards the point raised by the hon. Member for Nairobi West, I have been perfectly conscious about the situation to which he refers for some time, but we have always taken the view on this side of the House that there must be a reasonable Government majority. Normally "reasonable" is in the nature of six or seven Members.

Mr. Slade: Reasonable in the head?

The Chief Secretary (Mr. Coutts): No, Sir, reasonable in numbers.

Now, Sir, I would like to say what has already been said in this House rather forcibly and also with a rather salt tang about it by my hon. friend the Nominated Member for Mombasa, Captain Hamley, the Chief Whip, that there is the idea abroad that Nominated Members count for nothing in Legislative Council. Now, Sir, I disagree with that view entirely. Nominated Members have, over the years, been selected for particular reasons. They have been selected because it is believed that they can add something to the deliberations of this House as well as helping the Government in its work. We believe also that Nominated Members can help with advice to Ministers and for that reason the Back Benchers' Committee has been divided up into specific committees for the assistance of Ministers. We have never, therefore, treated either them or their position lightly and when they are appointed, I think the majority of them, feel that it is an honour and indeed, possibly, a privilege to sit in this House. To suggest,

[The Chief Secretary]

therefore, that because three Members have crossed the Floor that I as Chief Secretary should wantonly or by any other way just discard three or four of the Nominated Members because we happen now to have a rather larger majority than usual is, I think, something of an insult to the Members concerned.

I personally am not prepared just to discard them for that reason. If some Nominated Member or a Nominated Member feels himself that his own usefulness is over or the fact that he cannot for one reason or another continue to serve in this Council, then naturally I would not replace him. But I do not see why the Government merely should throw away the services of these people who have served the Government well in the past.

Mr. Alexander: Mr. Chairman, I think it is most unfortunate that the Chief Secretary should have taken my question as referring only to the Back Benchers and that he should dilate at length about their capacity. We on this side have acknowledged their qualities and their capacity from time to time. In fact, I have often said that the only real wisdom from the Government side comes from the Back Benchers. But, Sir, what I particularly had in mind—and do believe me when I say this—what I particularly had in mind was the Permanent Secretaries, the permanent civil servants, who are expected to sit in this House when there is a great amount of work and very valuable work for them to do outside and as I look along the second bench—there is one walking out now—but including him, Sir, as I look along the second bench there are about five who, I am sure, could be occupying their time more valuably outside this House in view of the fact that, of course, they have got their Ministers on the Front Bench to deal with the Ministerial affairs. And if it is possible for the size of the Council to be reduced by six, I suggest that that is the first place that the Government might look at. The value placed on the cost of Members in this House is roughly £1,000 a year, and I look at the loss to the Colony of these senior civil servants sitting in the second row as being of the order of £1,000 a year each. I reckon that the Colony would be having that much value of their effort if the Government could see to it that by reason of the fact that Members have crossed the House they can reduce the size of the Council.

Lastly, may I ask the Minister whether it would be any help to the Government whatsoever if we all came over on to that side and thereby reduced the cost very considerably?

The Chief Secretary (Mr. Coutts): The answer to the last part of the question is, "Yes, indeed, Sir, if you are willing to come!"

I am grateful to the hon. Member for making his point much clearer than it was originally, because if I am allowed to refer to a previous debate, Mr. Chairman, he did say in an earlier debate in this House on the Budget that by getting rid of some Nominated Members we would save £2,000 a year.

Mr. Alexander: I never mentioned Nominated Members.

The Chief Secretary (Mr. Coutts): And I was under the impression that he was referring to people who were actually drawing salaries or drawing allowances for being in this House. All the hon. Members to whom the hon. Member for Nairobi West has now referred do not draw salaries for being in the House. They draw their Civil Service salaries and it is that loss presumably to their own particular Ministries to which he is referring. In respect of these Members they are here normally for specific purposes and usually at the request of a particular Minister and I would certainly not say that we would reduce these particular people unless the Minister himself was satisfied that he could do without his help.

Mr. Alexander: Mr. Chairman, surely the Permanent Secretaries really only need to be here in the House when there is a particular question relating to their Ministry being dealt with. In fact, the usual thing is for the officials to come into the Treasury box when their Ministry is being dealt with. I am thinking about the hours of time—the many, many hours of time—that these gentlemen—very, very valuable gentlemen—have to sit over there listening to stuff that really does not concern them.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Chairman, would the hon. Member also think of the many hours of time, very valuable hours of time, which the Ministers have to sit over here listening to a lot of stuff that does not concern them. May I point out to the hon. Member that the presence of the civil servant Nominated Members, as they are, on the Back Bench is invaluable to Ministers, especially on technical subjects and especially also—as the hon. Member on the other side, the Member for Ukamba, has said—to hold their hand. Ministers require their hands held and they have been held well in the past and I hope they will continue to be held well in the future.

Mrs. Shaw: Mr. Chairman, surely in reply to what the hon. Minister was saying the Ministers only need to have their hand held during the debate when their particular portfolio is being debated or under review. Then surely that Minister could send for the Permanent Secretary on that day and he could even sit over in that

[Sir Charles Markham]

It is entirely wrong that the main hours for an evening should be devoted to commercial programmes, all of whom repeat day after day the same wonderful thing they are trying to sell which quite frankly is to the detriment of the listener, who can be told surely at the beginning of the programme or at the end who was sponsoring the programme, and let it run at that.

I did talk, Mr. Chairman, the other day, to two people who are in the business—not in Kenya, but outside—and they said every country has got to learn. Well, Sir, we accept that, but let us hope the lesson does not take too long, and finally I would like to ask the Minister this. Because I believe there is a very dangerous precedent coming on commercial advertising unless the Minister has the powers now to prevent it. Can anybody, Mr. Chairman, buy time for advertising purposes, because with an election coming in the near future we will find the makers of so and so's *petit beurre* biscuits using their programme to plug—I wish they possibly would sometimes, but that is the wrong word—anyhow to sponsor a particular candidate for the election. It would be very dangerous indeed and not very good before dinner to hear that sort of programme.

And finally, on the question of advertising, there is one thing Sir, which I believe is very dangerous. In England there is an organization called, I believe, the Bureau of Standards. That organization does not exist in Kenya, but there is a definite undertaking that certain goods which are advertised for sale must conform to certain standards which are laid down. There are people, Sir, I know from the Middle and the Back Benches who know more about this subject than I do, but this morning, or the other day I heard so many different medicines which were guaranteed to cure me in the shortest possible time that I wondered what the effect would have been if I had tried all of them on the same morning, and I think it is something, with a population the vast majority of whom are not educated as yet, and can be fooled by some of the—well, I cannot think of a parliamentary word for this, Mr. Chairman—the advertising blah which is attached to the various commercial advertisements. Perhaps, Sir, the Minister would like to discuss this subject, or wait until later on when he gives his full report to the Committee.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Chairman, Sir, if the hon. Member tried all the patent medicines that we advertise in one morning it would undoubtedly be he who has been plugged.

Sir, on the question of licences, we have the differential licence, as the hon. Member suggested,

but it is very difficult for us to differentiate within the two particular groups. The hon. Member did rather exaggerate the situation when he talked about children making "toy" wireless sets, because the Press publicity was in favour of all children's wireless sets at school, and of course, parents will use them at half term and during the holidays as well, and if he could define for me what a "toy" wireless set is, if it does not receive the service then I might consider remission of licence.

Sir, on wireless advertising generally, the policy has been accepted by this House that we shall have commercial radio. Throughout the world, the civilized world, there are very stringent rules as to conditions of radio advertising, and we have, in the knowledge that we have possibly a more exploitable public than most countries, we have been even more stringent and every advertiser has to sign a contract which lays down very carefully thought out rules against either exploitation or annoyance to the general public. In any case, Sir, it has been found in countries that have had commercial radio for longer than we have that the firm that over-plugs, in fact, under-sells, and it does not redound to the credit of an advertiser if he overdoes it, but even on the number of times that a particular product may be mentioned in a programme, that is all controlled by agreement.

I think the last point that the hon. Member made, Sir, was whether we would allow the manufacturers of *petit beurre* biscuits to advertise a particular candidate at an election. With the usual foresight of this Government, Sir, we are now considering the whole question of election expenses, and the expense entailed in fighting an election, and we shall be bringing before this House an Election Expenses Bill, certainly before the next General Election, and I think the manufacturers of *petit beurre* biscuits will be covered in that legislation.

Mr. Alexander: Mr. Chairman, Sir, as the Member for Ukamba referred to commercial advertising, may I remind hon. Members that "there is no cheaper fare than the coach Canadair". But Mr. Chairman, I think it is appropriate here, as the Kenya Broadcasting Service has been going for sometime—several months—and we have not had the chance to refer to it in specific terms in this House, certainly from this side of the House for us to express our satisfaction of the way in which this service has been handled since it was taken over by the Kenya Broadcasting Service. I think we all agree that all over the country there has been a very great improvement, not only in the quality of what we are given over the air, but in the reception we are able to have, although I gather in some parts of the country it is not yet entirely

[Mr. Alexander] but there are strenuous efforts being made to improve it.

Now, Sir, one of the most important features in this broadcasting service of ours is, of course, the news bulletins, and I do think it would be timely, Sir, for us to be told in this House exactly what the arrangements are for these bulletins, and whether the Government is satisfied that the arrangements are working satisfactorily. We were told if I recollect correctly, at the time we debated the Paper on the transfer of the broadcasting service, that there would be an agreement between the *East African Standard* and the Kenya Broadcasting Service on the supply of news. I understand, Sir, that this arrangement is, at the moment going on, and what we would like to know is whether the co-ordination between the Kenya Broadcasting Service and the *East African Standard* in this particular respect is working properly and is satisfactory. As I understand it, Sir, the Kenya Broadcasting News Service has available to it all the local news that comes into the *East African Standard*, but that it is the responsibility of the broadcasting service to choose what news they want and to headline it and present it in the way that they want. Now this seems to be, Sir, in view of our finances in this Colony, an admirable arrangement. The alternative, I imagine, would be to set up a very expensive news bureau of the Kenya Broadcasting Service costing many thousands of pounds, and it does seem to me that the arrangement that has been made, is a good one, and what we would like to know is how it is working and whether it is working well.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Chairman, Sir, I would like to thank the hon. Member for Nairobi West for giving me the opportunity of saying a little bit more about the broadcasting service. May I say, Sir, that the reason why this Supplementary Estimate today is only the nominal one of £1, as I think the hon. Member for Ukamba pointed out, is due to the increase in appropriations-in-aid. The position really, Sir, is when we took over the old Cable and Wireless Service on 1st October last year, we estimated that advertising revenue would give us £17,000 in the remainder of the year. In actual fact the figure is now increased by £46,000. In the 1960/61 Estimates we have estimated the income from this source at £100,000. In fact, Sir, we are, after ten months of operation, we are at the stage of development which we estimated would occur after about three years. It is for that reason that I have had to come to the Council today and ask for this Supplementary Estimate for additional staff—and it mostly is

staff if you study the details of the Estimates. But, Sir, I think we should congratulate what was a very new and young staff that we got together when we took over the service, on the very excellent results of, the first nine or ten months. I can assure hon. Members that they are not civil servants in the sense that they work from 8 until 4.30, they work tremendous hours, and we have been suffering very seriously from understaff. The understaffing was caused mostly by the original planners not quite knowing what the implication would be of a broadcasting service which was independent, or as independent as the present one was as compared to the old Cable and Wireless Service.

Now, Sir, the hon. Member for Nairobi West mentioned the question of news bulletins. At the moment the service has a contract with the *East African Standard*, and everything, all news that goes into the newsroom of the *East African Standard* is automatically copied to the newsroom of the Kenya Broadcasting Service. There we have a very able news editor with a good many years' experience who, at his discretion, selects and writes the news bulletins from the news as it comes in. I think that the news service which the Broadcasting Service is providing for the country at the moment in all languages—and let me say here, Sir, it is not just that the news bulletin that each member happens to hear is excellent. The service is putting out 19 news bulletins per 24 hours in a great number of languages, and that is all the work of a very small staff of one editor and sub-editors who assist him.

The hon. Member wanted to know how the arrangement was working with the *East African Standard*. At the moment there is a year's contract for the supply of news dating from 1st October last year. At the end of the year the contract will continue, subject to a six months' notice clause. In other words, it can be said that the initial contract is, in fact, for 18 months, which ends in March, 1961. The arrangement is working extraordinarily well, as I think the end product of the news bulletins indicates. We are, in up against one problem, and that is that we, in addition to the *East African Standard* service, have news items coming in from other sources. In fact it has not been unknown for Members of this House to ring up the Kenya Broadcasting Service and give a very flowery account of their own political meetings. But we have these other sources, and, of course, it may be that the *East African Standard* does not put the same weight on a particular item of news as we may. They may not have a reporter at a particular place, in cases where it is possible for us to have a representative, we do so, so as to get a double

[Sir Charles Markham]

It is entirely wrong that the main hours for an evening should be devoted to commercial programmes, all of whom repeat day after day the same wonderful thing they are trying to sell, quite frankly to the detriment of those who can be told surely at the programme, and

I did talk, Mr. two people who Kenya, but out has got to feel we hope they finally I because of the Minister and

Mr. Alexander: Mr. Chairman, the Minister has referred to a point which it seems to me might have very considerable dangers in it, and that is his reference to the fact that the Kenya Broadcasting Service is, or might be, collecting news, as it were, from unofficial sources. I understood as it were, from unofficial sources. I understood him to say that the people. Now he did also refer to Members of this House who pass on to the news group their ideas of their own political meetings. Now I wonder, Sir, if the Minister can tell us to what extent this is going on, because there does seem to me a very serious temptation for members of the public generally to be contacting the Kenya Broadcasting Service and putting over to them information which they might, with all the will in the world, quite unwittingly convey to the public and really is there not a very severe line that must be drawn as to the extent to which the Kenya Broadcasting Service should rely on these unofficial sources. Surely the rule must be, must it not, Mr. Chairman, that unless the Kenya Broadcasting Service have their own man on the spot at the time the particular happening is supposed to have occurred, then they would be better advised to ignore the information they get other than checking up what they have got from official sources.

The Minister for Information and Broadcasting (Mr. Harris): Hon. Members may often get annoyed because we do ignore information we have. A line has been drawn, and that is why I said earlier it is very unsatisfactory only to have one source of news, and whether that be a private source or a commercial source, it is still always advisable to be able to get a second source of news. As I explained, Sir, in so far as we are able we sent a representative to cover news events

but it is very difficult for the usual news providers are rather responsible for the accuracy of their state- being responsible for the accuracy of their state- At a telephone conversations, and we do check.

Sir Charles Markham: Mr. Chairman, as one who has rung up Kenya Broadcasting Service news twice, the first time, Sir, I queried the starting price of the winner of the one thousand guineas, I was right, and they admitted they were wrong. There was quite a considerable difference too. The second time I rang up the other day, Sir, because I had heard that there were going to be 16 economy class flights each way starting in October.

Mr. Alexander: Advertising!

Sir Charles Markham: And, Sir, it will not be cheaper by the Canadair then either. I then queried that, Sir, because I could not believe the Government would be so generous, and I checked and got the reply that that was perfectly true, and we are very grateful to the Kenya Broadcasting Service for giving us such good information.

But in all seriousness, Sir, the Minister did ask me about the question of wirelesses for boys at school, and he gave me the rather pathetic, if I may say so, the rather pathetic answer that parents would use them during the holidays or at half term. Sir, the parents probably have a wireless. If they have not got one, then it is very doubtful if their son could even afford to make one, and what is more, if the boy was living at home he would not be liable for a licence fee because one fee is payable for all the wirelesses in a house. I hope, Sir, he will look into that again. If he has not got a wireless licence, Sir, I would suggest that the campaign which was started, I see, the other day, to try and catch offenders, is speeded up so that those people, and I include myself, Sir, who are paying a licence fee should not be subsidizing those people who cannot be bothered to take out the necessary licence.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Chairman, on this question of licence fees generally I would say this, that we have now got an investigating team, and I hope that we shall bring before the courts before very long some defaulters on wireless licences, which may perhaps encourage other people to help to subsidize the hon. Member for Ukamba. But, Sir, on this question of school licences I am sympathetic, but until we can get the public paying their just dues in greater numbers than they are

[**The Minister for Information and Broadcasting**] at the present time, I am afraid I cannot promise any concessions on licences.

Mr. Tyson: Mr. Chairman, in the last paragraph the additional provision required is to cover the cost of the additional posts and other charges consequent on the unexpectedly rapid development of the broadcasting service. Could I ask the Minister to tell us, does this include additional posts in connexion with school broadcasting? It is a matter, which I brought up I think when we were discussing the Education Vote, and I would like to know whether he, in conjunction with the Minister for Education, is making any arrangement for these additional posts to cover school broadcasting?

The Minister for Information and Broadcasting (Mr. Harris): Mr. Chairman, these Votes do not cover school broadcasting, but I intend to bring before this House very shortly proposals for the beginning of school broadcasting. If the hon. Member will support me when I tell him what the cost of an adequate school broadcasting system is, then I think the chances are that it will go through this House.

Mr. Shaw: Mr. Chairman, I would like to join with the hon. Members who congratulated the Kenya Broadcasting Service on their very excellent service, because I do think the service has improved out of all recognition. The news broadcasts are well presented and very frequent and for the most part factual. If occasionally they slip up, so also do the newspapers, and we do not believe everything we see in the newspapers because we have just heard this last week that 150,000 acres at Sotik was offered for sale and Sotik is only 139,000 altogether. That would mean the whole district was up for sale. However, I do think we have many varied programmes, talks, debates, discussions, etc., and delightful feature programmes, and I think the improvement has been, as I said, out of all recognition.

Now, everyone finds commercial broadcasting tiresome, but if it enables us to have this very extended service, then I do think we should not grumble, and we should just take it. After all, we can always turn the wireless off, and the Chief Secretary did warn us in the original debate, if I remember rightly, that we might have our Beethoven or our Eartha Kitt interrupted by, "Klim, Klim, drink up your Klim, it is good for her and good for him." So I think we had the warning and after all we certainly have the benefit in extended services. You have, of course, to cater for all tastes, and I am not very fond of cha cha and boogie woogie especially early in the day. Especially in the early morning I find it very upsetting to the liver at that hour. I can turn it off

and other people no doubt find it makes them feel lively and enables them to get up. The only thing is I cannot believe anyone really enjoys what we were treated to at lunch time today, what might be regarded as an historical piece. There was an entire half hour of records of the 1920's, scratches and all, and I think that really was perhaps rather too much, but on the whole I think they give an excellent service, and I, for one, would like to say "thank you".

The Minister for Information and Broadcasting (Mr. Harris): Mr. Chairman, may I thank the hon. and gracious lady, the Member for Nyanza, for congratulating the service because I think it does deserve congratulation on the improvements they have made in a very short while.

May I say, Sir—the hon. Member said she did not always believe everything she read in the newspaper—I am told certain sections of the community in Kenya believe that everything that comes out of the little box on the wall is the voice of God. Might I say, Sir, that I believe it is the voice of God speaking through Saint Patrick.

Mr. Alexander: Mr. Chairman, the hon. and gracious lady, the Member for Nyanza has really misled the House. At the Lancaster House Conference, Sir, the hon. and gracious lady and myself spent quite a lot of time doing the boogie woogie. I can assure hon. Members that she thoroughly enjoyed it, and Sir, can I just refer to one other matter. She did say that it is quite simple to turn off the radio. Well, she is speaking from that glorious age where perhaps no longer has she got teenagers in her house. But I can assure her, Sir, that in my house I have not got a hope of turning the thing off.

Now, finally, Sir, may I just refer to one fundamental matter that concerns all hon. Members and certainly the public outside this House, and that is to have an assurance of our Kenya Broadcasting Service, and particularly our Director of Broadcasting, being independent of ministerial direction or Government interference in the day-to-day workings of the service. Policy, Sir, is a matter for the Government. The presentation of it is at the discretion of the Director, and I think this is the right place and the right opportunity, now that our Broadcasting Service has got under way, that we should have an assurance from the Government that the relationship between the Director of Broadcasting Services and Government and the Ministry is one in which the Colony, the peoples of Kenya, can feel well satisfied about the independence of the Director in the presentation of its programmes.

The Chief Secretary (Mr. Coutts): May I thank the hon. Member for Nairobi West for telling

[The Minister for Information and Broadcasting] check, and might I say, Sir—I am sorry to take up the time of the House, but this is the first opportunity I have had of discussing this matter—may I say that it is unheard of in the world for any news service which propagates news to rely on one source of information only, and to that extent, although our arrangement with the *East African Standard* is working excellently it is not a comprehensive service because we should be able to check with another source of news as to the weight and the accuracy thereof. But, Sir, at the moment we have this contract with six months' notice at the end of 12 months, and the arrangement is working well, and I cannot help feeling that for people who have not been in this country very long to select the news in the way in which the news staff select their present news bulletins I think does them very great credit, because I find the news of considerably more interest than some of our papers in the country.

Mr. Alexander: Mr. Chairman, the Minister has referred to a point which it seems to me might have very considerable dangers in it, and that is his reference to the fact that the Kenya Broadcasting Service is, or might be, collecting news, as it were, from unofficial sources. I understood him to say that the news service does take information from other people. Now he did also refer to Members of this House who pass on to the newsroom their ideas of their own political meetings. Now I wonder, Sir, if the Minister can tell us to what extent this is going on, because there does seem to me a very serious temptation for members of the public generally to be contacting the Kenya Broadcasting Service and putting over to them information which they might, with all the will in the world, quite unwittingly convey to the public and really is there not a very severe line that must be drawn as to the extent to which the Kenya Broadcasting Service should rely on these unofficial sources. Surely the rule must be, must it not, Mr. Chairman, that unless the Kenya Broadcasting Service have their own man on the spot at the time the particular happening is supposed to have occurred, then they would be better advised to ignore the information they get other than checking up what they have got from official sources.

The Minister for Information and Broadcasting (Mr. Harris): Hon. Members may often get annoyed because we do ignore information we have. A line has been drawn, and that is why I said earlier it is very unsatisfactory only to have one source of news, and whether that be a private source or a commercial source, it is still always advisable to be able to get a second source of news. As I explained, Sir, in so far as we are able we sent a representative to cover news events

as we know they are going to happen. That is, if it is unlikely that our usual news providers are not going to cover that particular event, and I would say, Sir, that while hon. Members in this House are responsible under Standing Orders for being responsible for the accuracy of their statements, we do not consider that the same applies to telephone conversations, and we do check.

Sir Charles Markham: Mr. Chairman, as one who has rung up Kenya Broadcasting Service news twice, the first time, Sir, I queried the starting price of the winner of the one thousand guineas, I was right, and they admitted they were wrong. There was quite a considerable difference too. The second time I rang up the other day, Sir, because I had heard that there were going to be 16 economy class flights each way starting in October.

Mr. Alexander: Advertising!

Sir Charles Markham: And, Sir, it will not be cheaper by the Canadair than either. I then queried that, Sir, because I could not believe the Government would be so generous, and I checked and got the reply that that was perfectly true, and we are very grateful to the Kenya Broadcasting Service for giving us such good information.

But in all seriousness, Sir, the Minister did ask me about the question of wirelesses for boys at school, and he gave me the rather pathetic, if I may say so, the rather pathetic answer that parents would use them during the holidays or at half term. Sir, the parents probably have a wireless. If they have not got one, then it is very doubtful if their son could even afford to make one, and what is more, if the boy was living at home he would not be liable for a licence fee because one fee is payable for all the wirelesses in a house. I hope, Sir, he will look into that again. If he has not got a wireless licence, Sir, I would suggest that the campaign which was started, I see, the other day, to try and catch offenders, is speeded up so that those people, and I include myself, Sir, who are paying a licence fee should not be subsidizing those people who cannot be bothered to take out the necessary licence.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Chairman, on this question of licence fees generally I would say this, that we have now got an investigating team, and I hope that we shall bring before the courts before very long some defaulters on wireless licences, which may perhaps encourage other people to help to subsidize the hon. Member for Ukamba. But, Sir, on this question of school licences I am sympathetic, but until we can get the public paying their just dues in greater numbers than they are

[The Minister for Information and Broadcasting] at the present time, I am afraid I cannot promise any concessions on licences.

Mr. Tyson: Mr. Chairman, in the last paragraph the additional provision required is to cover the cost of the additional posts and other charges consequent on the unexpectedly rapid development of the broadcasting service. Could I ask the Minister to tell us, does this include additional posts in connexion with school broadcasting? It is a matter, which I brought up I think when we were discussing the Education Vote, and I would like to know whether he, in conjunction with the Minister for Education, is making any arrangement for these additional posts to cover school broadcasting?

The Minister for Information and Broadcasting (Mr. Harris): Mr. Chairman, these Votes do not cover school broadcasting, but I intend to bring before this House very shortly proposals for the beginning of school broadcasting. If the hon. Member will support me when I tell him what the cost of an adequate school broadcasting system is, then I think the chances are that it will go through this House.

Mr. Shaw: Mr. Chairman, I would like to join with the hon. Members who congratulated the Kenya Broadcasting Service on their very excellent service, because I do think the service has improved out of all recognition. The news broadcast is well presented and very frequent and for the most part factual. If occasionally they slip up, so also do the newspapers, and we do not believe everything we see in the newspapers because we have just heard this last week that 150,000 acres at Sotik was offered for sale and Sotik is only 139,000 altogether. That would mean the whole district was up for sale. However, I do think we have many varied programmes, talks, debates, discussions, etc., and delightful feature programmes, and I think the improvement has been, as I said, out of all recognition.

Now, everyone finds commercial broadcasting tiresome, but if it enables us to have this very extended service, then I do think we should not grumble, and we should just take it. After all, we can always turn the wireless off, and the Chief Secretary did warn us in the original debate, if I remember rightly, that we might have our Beethoven or our Eartha Kitt interrupted by, "Klim, Klim, drink up your Klim, it is good for her and good for him." So I think we had the warning and after all we certainly have the benefit in extended services. You have, of course, to cater for all tastes, and I am not very fond of cha cha and boogie woogie especially early in the day. Especially in the early morning I find it very upsetting to the liver at that hour. I can turn it off

and other people no doubt find it makes them feel lively and enables them to get up. The only thing is I cannot believe anyone really enjoys what we were treated to at lunch time today, what might be regarded as an historical piece. There was an entire half hour of records of the 1930's, scratches and all, and I think that really was perhaps rather too much, but on the whole I think they give an excellent service, and I, for one, would like to say "thank you".

The Minister for Information and Broadcasting (Mr. Harris): Mr. Chairman, may I thank the hon. and gracious lady, the Member for Nyanza, for congratulating the service because I think it does deserve congratulation on the improvements they have made in a very short while.

May I say, Sir—the hon. Member said she did not always believe everything she read in the newspaper—I am told certain sections of the community in Kenya believe that everything that comes out of the little box on the wall is the voice of God. Might I say, Sir, that I believe it is the voice of God speaking through Saint Patrick.

Mr. Alexander: Mr. Chairman, the hon. and gracious lady, the Member for Nyanza has really misled the House. At the Lancaster House Conference, Sir, the hon. and gracious lady and myself spent quite a lot of time doing the boogie woogie. I can assure hon. Members that she thoroughly enjoyed it, and Sir, can I just refer to one other matter. She did say that it is quite simple to turn off the radio. Well, she is speaking from that glorious age where perhaps no longer has she got teenagers in her house. But I can assure her, Sir, that in my house I have not got a hope of turning the thing off.

Now, finally, Sir, may I just refer to one fundamental matter that concerns all hon. Members and certainly the public outside this House, and that is to have an assurance of our Kenya Broadcasting Service, and particularly our Director of Broadcasting, being independent of ministerial direction or Government interference in the day-to-day workings of the service. Policy, Sir, is a matter for the Government. The presentation of it is at the discretion of the Director, and I think this is the right place and the right opportunity, now that our Broadcasting Service has got under way, that we should have an assurance from the Government that the relationship between the Director of Broadcasting Services and Government and the Ministry is one in which the Colony, the peoples of Kenya, can feel well satisfied about the independence of the Director in the presentation of its programmes.

The Chief Secretary (Mr. Coutts): May I thank the hon. Member for Nairobi West for telling

[The Chief Secretary]

those of us who were not present at Lancaster House exactly what did happen there—

Mr. Ngome: Sir, I welcome our Broadcasting Service but at the same time I think there must be some checking on the Swahili records. I think some of the records are not very good for those who speak Swahili, and I think I mentioned this last year to the authorities here in Nairobi. With the cinema, Sir, children under the age of 16 are not allowed in, and these records are not good for children of the same age. I would like the authorities to go into this very carefully; otherwise it will mean that there will have to be a censor to check these Swahili programmes before they are made use of; and I believe that there are some Africans outside this House who welcome this idea. I hope the Minister will go into it.

Thank you.

The Minister for Information and Broadcasting (Mr. Harris): I would thank the hon. Specially Elected Member for that suggestion and I will certainly see that there is a check made of the kind of stuff that is being given on these Swahili records. I take it, Sir, that he is thinking particularly of the Mombasa broadcasts.

Mr. Ngome: General Swahili records. When one comes to Swahili records they are broadcast all over the country, whether it is Mombasa, Nairobi, or elsewhere, these Swahili records have got to be gone into carefully to ensure that the language used is not insulting.

The Minister for Information and Broadcasting (Mr. Harris): I will, Sir, certainly take a note of that and have an investigation made.

With regard to the hon. Member for Nairobi West's point, he asked for an assurance concerning the relationship between the Government and the day-to-day direction of broadcasting. I can assure him, Sir, that there is nothing I abhor more than a Government controlled news organ or propaganda organ of any kind. In fact, Sir, I would say that I have almost a daily meeting with the Director of Broadcasting and I think it is more a case that, because he knows his job much better than I know mine, he tells me what to do rather than I tell him.

Sir Charles Markham: What does he get paid?

The Minister for Information and Broadcasting (Mr. Harris): He gets paid just about the same as I do.

I can assure the Member, Sir, that there is no intention whatsoever of the Government interfering with the policy or the day-to-day administration of broadcasting providing that policy produces objectivity in the presentation of programmes and news, and from the com-

plaints we have, Sir, telling us that our programmes are much too African, and on the other side the complaints telling us that our programmes are much too European. I feel that we are just about striking the right average.

Mr. Ngome: Mr. Chairman, if I could make the matter clearer, perhaps if one does not like to hear the record then he can switch off, but at the same time I must say that if today, because of your children, you switch off the record, tomorrow they can hear the same record next door. I must say that this should be gone into very carefully.

The Minister for Information and Broadcasting (Mr. Harris): If we are putting across anything which is objectionable it will be stopped in so far as we are able to stop it.

Vote 9 agreed to.

Votes 10 and 11 agreed to.

VOTE 13—MISCELLANEOUS

Sir Charles Markham: Could I ask the Minister for Finance to give the House some details first as to why the Extra-gratia Payment figure first as to why the ex gratia payment figure was underestimated, and perhaps give adequate reasons as to why the figure had to go up to £11,000; and, secondly, Sir, I am somewhat concerned about this item on the realization of investments. I cannot see how, Sir, there should be a net capital loss on investments which have matured, unless they were bought at a premium, but normally I would have thought that Government bought investments generally at par or at a discount. Still, perhaps the Minister can tell us this, and also what other investments which were made had to be sold during the year and which resulted in this loss.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, the answer to the first part of the hon. Member's question is that it is normal for this particular Vote to be underestimated. The reason is that it is quite impossible to make an accurate estimate of the number of ex gratia refunds or payments to be made in a year and therefore we normally put in a token figure and the method is to increase it as necessary by Supplementary Estimate.

As regards the detail of the additional sum required, the major items are compensation to an officer who was injured in a motor accident, leave pay to certain ex-K.A.R. officers, a refund of consumption tax on petrol imported by the Railways and Harbours Administration, and there is a refund of customs duty on oil exploration equipment imported by a petroleum development company. Those are the major items making up almost the whole of this £11,000.

[The Minister for Finance and Development]

As regards the other plant, Sir, losses on sales are due to the fact that very often when a public issue is made the Government takes up quite a considerable amount itself and off-loads them during the year as demand comes along and, of course, the market price falling in accordance with the market price ruling at the time the demand is made, and that is the reason for the quite small losses on sales, in comparison with the total amounts involved which amounted to over £1,500,000. I think that the hon. Member will agree that that does not look nearly so bad.

As regards the losses on investments, it is a curious thing that some ten years ago certain stocks were bought at prices slightly above par and hence the losses. As the hon. Member will see, Sir, these losses on the sales were to a considerable extent offset by profits made on sales of other stocks. I hope, Sir, that that is a full answer to the hon. Member's question.

Vote 13 agreed to.

VOTE 19—MINISTRY OF AFRICAN AFFAIRS

Sir Charles Markham: I do apologize to the Committee, Sir, but we were asked to ask for detail by the Minister for Finance, so I am going to do so. Under item L.1 there be a provision here for extra Tribal Police protection at Turkana? Would the Minister like to take this opportunity of giving the House some report on the position in Turkana, as last year we were debating the serious outbreaks of murder from across the border?

The Chief Secretary (Mr. Coultts): Mr. Chairman, Sir, I regret to say I am not wholly up to date with information in respect of the question which the hon. Member has asked, but as the hon. Member probably knows, raids by the Merille last year resulted in having to make this increase which is shown in the Estimates, the Turkana were withdrawn behind a certain line so that there should be virtually a no-man's-land between the furthest north of the outlying *man-yattas* and that area which is normally inhabited by the Merille, and the extra provision of the Tribal Police has to a large extent prevented the *man-yattas* from going so far north as they were likely to come under Merille attack. And so far, if I may say, resting my hand firmly on the wood by which I am standing, we have not suffered further losses.

Sir Charles Markham: Thank you.

Vote 19 agreed to.

Vote 21 agreed to.

VOTE 22—MINISTRY OF INTERNAL SECURITY AND DEFENCE

Mr. Alexander: Mr. Chairman, Sir, on the Ministry of Internal Security and Defence, I wish to refer to the Public Accounts Committee Report. The Minister need not worry, Sir—it is a reasonable one. I wish to refer to the Public Accounts Committee Report on the Colony's Accounts, 30th June, 1959, page 14, and this concerns the question of transport for the police to enable them to participate in sports and to take reasonable exercise.

The Auditor-General's Report did have this paragraph in it, and I quote: "Fresh instructions have been issued, effective from 1st March, 1959, to ensure that journeys in connection with organized recreation are paid for from the Police Sports Fund. I have been informed by the Accounting Officer that he is now satisfied that adequate machinery exists in the Ministry to ensure that financial directives are complied with promptly."

Now, Sir, the wish of all of us, I am sure, is that proper arrangements should be made for the police to have these facilities and I can assure hon. Members that the query in the Public Accounts Committee was not aimed at doing away with the facility, only merely regularizing it, and what I think we would like to know from the Minister is whether this very valuable and very necessary aspect of police life is taken care of and that they are encouraged to take part in sport and recreation and that adequate facilities and arrangements are made for them.

The Minister for Internal Security and Defence (Mr. Swann): I can very readily give the hon. Member that assurance.

Vote 22 agreed to.

Votes 25, 26 and 27 agreed to.

VOTE 28—MINISTRY OF HEALTH AND WELFARE

Sir Charles Markham: Mr. Chairman, I am only raising this under the question of the amount of money required for the Minister's salary, as there seems to be an anomaly here. The sum required for this Vote, Sir, is £888. For another new Minister, Sir—the Minister for Commerce and Industry—the sum of £888. When we come to the new Minister for Labour, who is the most recently appointed Minister, they have virtually doubled that amount, Sir. The only reason I am raising it is to ask the Government whether they are paying double salaries to people to keep away or whether, Sir, you only get half salary if you are there at work.

The Minister for Finance and Development (Mr. MacKenzie): I am assured, Sir, that the answer to the hon. Member's point is contained

[The Minister for Finance and Development] in the fact that the provision is under the Ministry of Labour Vote, which we shall come to later, it runs from January and it covers pay for the Temporary Minister during the period before the present Minister was appointed.

Vote 28 agreed to.

Vote 29 agreed to.

Vote 30—EDUCATION

Mr. Travadi: Mr. Chairman, Sir, Cl, £10,000. May I know who that distinguished person is, whose expenses were underestimated by £10,000 and now upgraded to Senior Education Officer—ship to be the Principal of this School. I would like to have some information about it.

The Minister for Education (Mr. Mathieson): Mr. Chairman, the contribution towards this additional provision occasioned by the upgrading of the post of the Principal of the Highlands School at Eldoret is only fractional. The great majority of this money is in fact required for the payment of personal emoluments of teachers in Asian schools, the sum required having been underestimated when these Estimates were initially framed.

Mr. Travadi: Would it not be better to have the corresponding reduction under C4, which is the Estimate for headmasters, principals and headmistresses?

The Minister for Education (Mr. Mathieson): No, Sir.

Vote 30 agreed to.

Vote 32—LANDS

Sir Charles Markham: Sir, do I understand from item F that at long last we are going to get that road opposite the Council tarmac, Sir? I do not know the name of the road but I mean the road running by the Law Office, Sir, and down to the Land Office.

The Minister for Local Government and Lands (Mr. Havelock): That is not the road according to the plan. It will be a path and the access will be from Coronation Avenue the other way. This is to do with a car park between Cargen House and the Central Government buildings which are at the other end.

Vote 32 agreed to.

Vote 34 agreed to.

Vote 35—COMMERCE AND INDUSTRY

Mr. Alexander: Mr. Chairman, Sir, if I did not feel so kindly towards the Minister I would move the reduction of £1 in his Vote. I realize, Sir, that he is being pressed from the front in this

House and from behind his life is not being made any more comfortable by K.A.N.U., but it is a very great disappointment to us, Sir, that on this important afternoon of Supplementary Estimates he is not in this House. Our understanding on this side, Sir, is that for Supplementary Estimates the whole of the Ministers of our Government do arrange themselves on the Front Bench, available to answer questions, and only leave the House when their own Vote has been cleared. Therefore, Sir, I must express great disappointment that we have not this afternoon got the services of our own Minister for Commerce and Industry because there were two rather important questions from the Public Accounts Committee that I wanted to ask him. I will ask them, Sir, in the hope that somebody might be able to answer them, but, if not, Sir, I quite understand that they cannot be answered and I will not press the points today.

The first, Sir, concerning the Public Accounts Committee Report on the Accounts to 30th June, 1959, is at page (ii), and it concerns the loans to African traders, under the International Co-operation Scheme, which is referred to at heading J of this Vote we are considering; and the point was whether there was to be any income from which the expenses of the Fund could be paid as it was considered that at one time there should be sufficient interest earned for the administrative expenses to be paid. The Committee merely noted the position and suggested that we may come back to look at this, but it would save the time of the Public Accounts Committee if we could just perhaps have the answer on the floor of this House.

The other, Sir, did concern a matter in respect of Emergency expenditure on the Nairobi Airport, and I quote paragraph 7 of the Public Accounts Committee Report, at page (ii), and the question—as to whether £33,000 was finally admitted by Her Majesty's Government as being their responsibility. As I have said, Sir, I did look forward to having the Minister himself here and I quite understand if the other Ministers are not familiar with this subject, and I do not intend to press it any further but I will deal with the Minister somewhere else.

Mr. Butler: Mr. Chairman, the first point was, I think, how far we had in fact been able to pay for the cost of operating the I.C.A. scheme from the interest earned on the money not actually issued in loans. The original estimates show that we expected to get £1,600 in interest and I am now advised that that estimate will be exceeded and that we will get £2,600, which will go a long way towards meeting the cost of operating this scheme.

[Mr. Butler]

The second point was whether a decision had been reached on whether the £33,000 expenditure on Nairobi Airport could remain a charge to Emergency funds. We have been advised by the Colonial Office that there is no objection to this sum remaining in charge to Emergency funds.

Vote 35 agreed to.

Vote 36—MINISTRY OF WORKS

Mr. Alexander: Mr. Chairman, here again, concerning the Ministry of Works, I refer to the Public Accounts Committee Report of June, 1959, on page (ii), with the recommendation on page (iii), and it concerned in this particular case the water supplies at Thika. The point at issue was the transfer of Government assets without the matter being reported to this House. This was what the Committee recommended, and I quote: "The Committee considers that the transfer of Government assets of substantial value to other authorities or institutions should be reported to the Legislative Council in order that they may have an opportunity of debating the matter." The question that arises, Sir, is whether in fact Government have taken note of that recommendation and whether they accept it.

Vote 36 agreed to.

Vote 37—MOMBASA WATER SUPPLY

Mr. Alexander: Mr. Chairman, Sir, here again we have to go to the Public Accounts Committee Report at page (iii). In the Auditor-General's Report it said this, and I quote, "The Pipeline Board's accounts for 1958/59 show an overall loss of £197,276." The Committee's recommendation read, and I quote, "The Committee appreciated that a loss was expected in the first few years of operation, but doubts whether the high figures mentioned above were anticipated." Well, Sir, what will interest us, and all hon. Members, I am sure, with these figures of loss, and very large figures, is whether we can be told where we are today, and how this particular Mombasa Water Supply is progressing. I see that the Minister for Agriculture is familiar with this subject and I hope that he will be able to tell us at length exactly how we are getting on.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Negotiations are proceeding with the lenders about the rate of interest in the first instance, but over and above that I would like to explain to the hon. Member that the calculation is based on a forecast of consumption. We appreciate the demand in the early life of the pipeline will not be anywhere near the capacity of the pipeline; it will build up over the years to the capacity of the pipeline. Now, Sir, appreciating that, it is

obvious then that in the early years of the life of the pipeline, there will be a substantial loss, but half way through its life this loss ought to turn into a profit amount and thereafter run into a greater profit so as to repay the loss of the earlier years. I think that once the oil refinery gets going at Mombasa a very different picture will be available.

Mr. Alexander: Mr. Chairman, Sir, the Minister has referred to the oil refinery in Mombasa. Can we be assured that the equipment of the supply as it is now will be adequate to cater for all the needs of the refinery or is it going to be necessary to supplement it?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): In the first place, Sir, yes, but in the second stage it will depend on what quantity they will require, then whether we can supply the water from the present pipeline or not.

Mr. Usher: Mr. Chairman, Sir, can the Minister assure us that in fact the consumption of water has greatly improved in the last few years and that we shall break even at about the time that was forecast in the 1957 appreciation?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): That is quite correct. I can assure the hon. Member that that is so.

Vote 37 agreed to.

Vote 38 agreed to.

Vote 41—SUPPLIES AND TRANSPORT

Sir Charles Markham: I know, Sir, that my hon. friend the Member for Nairobi West is going to bat on this one, Sir, but I would only like to say before he speaks that I would like to express my sympathy with the Minister for Works on this item. Sir, His Ministry, Sir, is the Accounting Officer, and he has got a lot of explaining to do.

Under the item of expenditure which says "Expected Deficiency, Heavy Repair Workshops" we have heard a lot about this in the Public Accounts Committee, but I will leave that, to the Chairman. But what I would like to know, to the Chairman, but what I would like to know, Sir, is this. We were informed that the Workshops were working almost full capacity—almost full capacity. But it has resulted in a deficiency of capacity. But it must have been working very much £41,000 so it must have been working very much below capacity (for the greater part of that year, view of the fact as well, Sir, that the Government, or this Department rather, was subsidising most of the other Government Departments because the other Department concerned was bearing all the overheads with the exception of a nominal sum put on this figure here, Sir, is a frightening figure,

[Sir Charles Markham]

although there are savings, we accept, for other items mentioned under Item D of Heavy Repair Workshops. But, Sir, I will not poach upon what has been up to now the customary preserve, Sir, of the Member for Nairobi West, but I think I had better come in behind him, Sir, and back him up on some of the details.

Mr. Alexander: Mr. Chairman, Sir, it has been customary whenever this subject has been raised in this House over the last two and a half years for there to be hilarious laughter from the Government side—we have had some this afternoon—and it is sad to relate, Sir, that that seems to have been in the past the attitude of Government to his particular activity. I would now, Sir, and I am not wanting to go over the past in this—I would now ask Government to treat this matter deadly seriously. The Member for Ukamba has very rightly pointed to the lack of expectation in the Appropriation-in-Aid. The Public Accounts Committee has said—I quote "The Committee have not yet received any substantial evidence of the activities of this Department to bring about a saving of public funds."

Sir, there has been in the last few weeks a glimmer that Government is taking this matter seriously. We from this side of the House over a long period have put up ideas as to how this particular Department might be reorganized to the general good of the Colony and I would ask Government, Sir, to take this opportunity today just to tell us how they are getting on in their ideas. I am glad to see the Minister for Works here and he is nodding his head objectively to this suggestion, and I hope he will take, Sir, this opportunity to give us some idea of the rethinking of Government on his side of the House, Sir, that once again Government can have the confidence of us on this side, because that is the position we wish to get into. There is no joy in going on criticizing a thing like this if Government in fact have made up their minds to do something about it. I would be very heartened if they can tell us that today.

The Chief Secretary (Mr. Coutts): Mr. Chairman, before other Ministers answer specific questions which have been raised by the hon. Members, may I assure hon. Members opposite that Government has always taken the question of Supplies and Transport seriously. The question of levity on this side of the House has always been not at the question of Supplies and Transport but the hon. Member's persistence in bringing this matter up in the House. I admire the hon. Member's persistence but what we have always felt on this side of the House is that at least we can give Supplies and Transport Government Department a chance before we decided to change in any

way the policy as regards Supplies and Transport and indeed the hon. Member's persistence very often did not give us that chance. However that is all I want to make of this point, that the Government has always taken the question of Supplies and Transport extremely seriously. I will now leave my colleagues to answer the specific points raised by the hon. Member.

Mr. Alexander: Mr. Chairman, I must get up to answer. The suggestion in this now is that if Government conceives a policy, if that policy is seen to be wrong, nevertheless it must be given the chance to prove that it is wrong. Surely, Sir, this is Government at its worst. We from this side of the House—and I have said I did not want to go over this and I am sorry the Minister has chosen to do so—we on this side of the House told Government that this policy was wrong from the very beginning and now we are told that "we know why this country has had to suffer this monstrosity for these years, it is because Government's idea is to give policies a chance". Now the only use that can come out of this is to ask the Minister, Sir, that when Government in the future conceives policies of this kind that when very soon after their implementation they can see them to be wrong, that they will be big enough and bold enough to say "Stop" there and then before they waste any more of this Colony's money. That is the assurance we want.

The Chief Secretary (Mr. Coutts): I do not accept the hon. Member's premise. The hon. Member for Nairobi West is always right and Government is always wrong. What I do say is that we still do not accept that we were wrong, what we had to do was to find out whether the thing worked or not.

Sir Charles Markham: Sir, could I suggest, then to the Chief Secretary that he reads the evidence of the last Public Accounts Committee. If, Sir, that evidence had been given any publicity at all, it makes better reading than half the penny dreadfuls that you buy in the shops. There was one particular case, Sir, when after a lot of specific questioning based on what was the cost of overheads, we had one bit of evidence that that Department was rebuilding a Land-Rover, the cost of which with the overheads was more than buying a new one in the shop. That, Sir, was an example and if the Minister still thinks he was right, then, Sir, I would suggest he reads that Report once again and then perhaps he might admit that the hon. Member for Nairobi West was right to query the value of this Department.

The Minister for Works (Mr. Nathoo): Mr. Chairman, what I would like to point out was that when the Supplies and Transport scheme was first discussed it was primarily established for the

[The Minister for Works]

security forces. This point, Sir, quite often has not been taken into consideration by the hon. Members opposite.

I think I ought to endorse the view of the hon. Chief Secretary, that right from the beginning when the Department commenced operations, it has been the continuous target for criticism and the organization has never been allowed to get on with its work.

Now as regards some of the details I will leave these for the Minister for Finance to deal with, but I would like to say this, that from the knowledge I have personally of this matter, I know that the work expected in the Heavy Repair Shop never came up to expectations and hence a great deal of difficulty has arisen regarding its overheads.

As regards the heavy cost of repairs to vehicles, it was Government's policy then to repair vehicles even when they had gone beyond a certain stage, but in the light of advice we have received it has been decided that it is much better to go without a vehicle rather than spend a lot of money off heavy repairs.

In the original instance the supply of vehicles was difficult and therefore vehicles had to be kept in operation longer than was economical but this policy has now been changed with the result that the heavy repairs have decreased.

Now, Sir, this Government has shown that when we find that we have taken certain decisions according to technical advice which have not been the correct ones, we have had the broad-mindedness to change them and have not been afraid to acknowledge the position. I would like to say, and I would emphasize the fact, that the Government has not taken this matter lightly. We have treated it seriously and particularly during the last few weeks, as the hon. Member is well aware, the whole Department is being reorganized and very soon we shall be in a position to place before the House the new proposals which will convince the commercial community that every attention is paid to the interests of the country and commerce and industry.

Sir Charles Markham: Sir, could I say this much to the Minister that I welcome his remarks when he said how this Department came into being. We have never, Sir, from this side of the Council, queried the fact that this Department was set up for the benefit of the security forces. What we did query, Sir, it has been queried constantly both on this year's Public Accounts Committee and last year's, was the right of Government for this Department—Supplies and Transport—to go into the field of being the general

agent of all Government departments. That is where we thought there would be waste and extravagance and perhaps even a waste of public funds.

Now, Sir, that we have been told by the Minister, that he is going to look into it again, I am more satisfied than I was. But I would urge upon the Government to be very careful of going into the field of central workshops, bearing in mind the evidence which they must have from all the Government departments who were asked at the Public Accounts Committee as to what they thought of the value of the workshops concerned.

Not all the Government departments come before the Public Accounts Committee, only those on whom the Controller and Auditor-General has commented, but after questions to various accounting officers, we were given some evidence which quite frankly, was conflicting to say the least. Now, again, Sir, I feel sorry for the Minister having inherited this rather ugly child, but I hope, Sir, that he will be able to give it some better looks, if nothing else, and perhaps, if necessary, burying it under six feet of ground if he finds he cannot make it anything less of a monstrosity. I urge upon him, Sir, that this is probably the last year we will be kind, we have not moved any reductions this year other than the 10 per cent one for the Chief Secretary but there is a method which the Chief Secretary must remember from his days as a district officer where sometimes he might have tried to wriggle out of the idea of a surcharge if he was negligent with the public funds at his disposal. In this particular instance, Sir, it might well have been necessary to have a vote of censure on the Minister who at the time was the previous Minister for Finance who is now in Tanganyika. I only hope for the sake of Tanganyika, Sir, that they do not start a Supplies and Transport Department.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I am first of all quite sure that my hon. friend the Chief Secretary has never had to answer a surcharge, I am quite sure that he has been far too careful with—

Sir Charles Markham: Or cunning!

The Minister for Finance and Development (Mr. MacKenzie): Far too careful in his handling of financial matters throughout his service for anything like a surcharge to have been necessary.

As regards this general question of the Supplies and Transport Department, the history, I think, has been a very difficult one and I think in some ways a rather unfortunate one. I still believe my way's a rather unfortunate one. I still believe my way's the general conception of this Department, that the general conception of economy by

[The Minister for Finance and Development] specialization which was intended as far as the workshop side is concerned, was a good conception. It is one which has worked in many other spheres and I think that there is no reason to believe that given a chance it would not have worked in this case.

Equally, Sir, I think indeed, in many ways we have been not too unsuccessful.

On the other side, the point that has not been mentioned has been the stores side and the purchasing side where I think a number of very useful aspects have come out and certainly one of the points which arose out of the setting up of this that has been of considerable value to the country has been that it focused attention on local purchase and the Department has pushed local purchase to a very considerable extent.

But, Sir, as regards the future and that is really what matters, I would like to add to what my hon. friend the Chief Secretary said that the Government is treating this matter very seriously and to say that in fact there is at present sitting a Working Party under the chairmanship of my hon. friend the Permanent Secretary to the Treasury and on it are the two other Permanent Secretaries chiefly concerned, the Permanent Secretary for Works and the Permanent Secretary for Internal Security and Defence. They are going into this matter of what is the best future organization in the changed shape of the Government and I think that they will be replying very soon and I hope that when that is done that we shall be able to bring along a solution that will be found satisfactory by all Members of the House. I certainly hope that is so and I believe that that will be found—that the solution that they will reach will be found to be highly satisfactory and that Members will find that these assets which have been created will be of very considerable value to the Colony in the future.

Mr. Blundell: Mr. Chairman, on the general issue of the policy of the Minister under this Head, will the Minister give me an assurance that wherever he can he will purchase local supplies, rather than the imported article?

The Minister for Works (Mr. Nathoo): Mr. Chairman, Sir, not only now are we prepared to but ever since I have been the Minister for Works in charge of the Colony's stores I have maintained that whenever it is possible to make local purchases it shall be done. Sometimes even when the cost is more than what it would be if the article were imported, so long as the increase is not too great the local people are given the opportunity to supply the goods. I am sure, Sir, an enquiry in the commercial circles will convince

the hon. Member that the business community is satisfied with the policy I have adopted; whenever we can buy locally we shall do so.

Mr. Blundell: Mr. Chairman, I thank the hon. Minister for that assurance, but as I believe this Department has only just passed under his care, might I ask him to look at the arrangements for the purchase of blankets and to see that the same imagination which he has used formerly is used in the allocation of purchases to local blanket factories?

The Minister for Works (Mr. Nathoo): I thank the hon. Member very much for his suggestion. Since the Supplies and Transport Department came under my Portfolio steps have immediately been taken to see that under me the organization is streamlined and the policy which has been followed in the Ministry of Works would be implemented also in this Department.

Sir Charles Markham: May I say in the absence of the Member for Rift Valley, Sir, how much we appreciate the suggestion made by the hon. Member in looking after his ex-constituents?

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Mr. Chairman, may I say a word or two in clarification of the position with regard to my child? Albeit an adopted child?

First of all I would just like to say that with regard to the remarks by the hon. Member for Nairobi West, I have a very great friend who is a first-class farmer and for many years he has been under the delusion that he is also a first-class accountant. In consequence he is having some little trouble with the Income Tax Department.

Now from many of the questions which I have read which were made in the Public Accounts Committee, it is quite clear to me that as a good accountant, which the hon. Member for Nairobi West undoubtedly is, he is not the last word in expertise in motor transport repair, and if I could only have about a quarter of an hour with him I could put him right on many of the points on which he is wrong. I was very sorry that he did not give credit where credit is undoubtedly due. The hon. Member knows perfectly well that the figures provided to him showing the work during the first quarter of this year after there had been a struggle to get adequate vehicles for repair were most satisfactory in every respect. He was given a detailed account of the workings and the costs and I should have expected him at least to give credit for having worked up to that point of crescendo where the work was satisfactory.

I would only add one more word, Mr. Chairman, and that is that I would ask hon. Members opposite to get this into the right perspective. If

[The Minister for Tourism, Game, Forests and Fisheries] they will examine the figures in this Supplementary Estimate they will see that they have underestimated £6,400 in a Vote of £124,000 which is round about 5 per cent, and in an embryonic organization, which this has been during the past year, I think that is not a large sum. I would urge hon. Members to see this in the right perspective.

Mr. Alexander: Mr. Chairman, the Minister for Tourism who has just sat down I think has fallen into the same error as the Chief Secretary. There are two principles involved which I think must be answered. By both of them, by attempting to attach responsibility to me personally in this, they have overlooked what has been said and what has been done by many others and when the Chief Secretary spoke, Sir, I rather wondered whether in fact the Government had bothered very much to consult the findings of the Public Accounts Committee, because this particular matter has been under review for at least the last three Public Accounts Committees, and when the Minister for Tourism points a finger at me and says that I am not the last word in expertise, I can assure him, Sir, that I am not, the only one on the Public Accounts Committee and that the evidence that is given to us in many cases is given by people who do know what they are talking about. In fact the evidence, Sir, is given by the senior members of the Civil Service of our Government and we are bound, Sir, to take note of it, and I would suggest that our own Government might have taken more note of what was said.

The other thing, Sir, concerns the principle that the Chief Secretary has raised that because we criticize from this side of the House we do not give Government departments or activities a chance. We have heard this one before, Sir. We have heard it in connexion with the Civil Service and frankly, Sir, I am less convinced today having heard the Chief Secretary than I have ever been about our position on this side to criticize Government.

I can tell the Chief Secretary, Sir, that so far as the Civil Service goes, rather than us having depressed them, we have in fact improved their morale because they know there are people on this side that they can refer to and this was the same with the Supplies and Transport Department. I can assure the Government that I have spoken to members of the Supplies and Transport Department and although this criticism from this side has focused public attention on them, nevertheless, by and large, those that are really competent welcome it as it gives them the chance,

amongst other things, to tell the world what they are trying to do, and I can assure the Chief Secretary, Sir, that his remarks on this have fallen completely on stony ground. We will be glad to criticize Government when it starts activities whilst it goes on right to the bitter end.

Mr. Rogers: This is, I feel, rather a business matter, Sir. I would like to say something on it, particularly as the House will remember I seconded the Motion of the Minister for Tourism when to was on his schedule and I have, of course, no wish in any way to conceal that fact. I seconded the Motion because I wished to. As to recommending the policy behind Supplies and Transport, that was recommended on the basis that it would be properly run and it would have reasonable time to prove itself or otherwise. I feel myself that the Member for Nairobi West is quite right in drawing the attention of the House to the comments of the Public Accounts Committee and I think the criticism of that Committee and the criticisms that have been voiced in this House are constructive and worthwhile criticisms and I think will improve the basis of this Department. For there is no doubt that it does in fact need some reorganization. The Government, starting with the Chief Secretary and the Minister for Works and finally the Minister for Finance, have given the House a firm assurance on that basis to the extent that a proper committee of enquiry or a working party is going to investigate the whole Department.

Nevertheless, Sir, I would like to say something about the principle behind the idea of the Supplies and Transport Department. Central purchasing and central store holding is a principle, Sir, which is widely used by the larger business houses and used successfully. One I know has had this system in operation for 18 months—18 months only—and has already shown a capital investment saving, a reduction in the quantity of values held, saving of 40 per cent. On top of that, of course, there is a large saving in staff and a large saving in storage space. Furthermore, in this particular organization the centralized stores holding system is a marked success even apart from the saving. It makes the organization work more efficiently and furthermore this organization is dealing with a far wider field than Kenya only which as Supplies and Transport Department sets out to deal with; it is dealing with the field all over East Africa, at points at large installations as far apart as Kampala and Dar es Salaam. When we come to a centralized system of machine over-come I am less certain and as the House will recall when we were debating the Motion I have already referred to I said I was less certain about it. Nevertheless, Sir, many operators in the field of private enterprise in fact operate these

[Mr. Rogers]

central overhaul depots and operate them successfully. Furthermore, as a matter of interest, Sir, they also operate them in conjunction with training schools and training courses for their employees and thus provide a great service to the general training schemes in Kenya. I feel, Sir, that on this basis and from my own personal experience and the experience of other businessmen that properly run a centralized system should work, can work, and indeed will work; but it must be properly run. And I feel if it is introduced here on a reorganized basis it will work to the advantage of Kenya.

I feel I would like to reply to the hon. Specially Elected Member Mr. Blundell about local purchase. I can assure the House that the Minister for Works is absolutely correct as regards his Department and the Minister for Tourism who used to run the Supplies and Transport Department is quite correct as far as his Department is concerned. The Government are buying from local sources to the utmost of their ability.

Vote 41 agreed to.

Vote 42 agreed to.

VOICE 43—OFFICE OF THE MINISTER FOR LABOUR, SOCIAL SECURITY AND ADULT EDUCATION

Sir Charles Markham: I do apologize sincerely, Sir, for having this very—I was going to say "throaty" voice. It almost sounds like "fruity" voice, but "throaty" voice is the word, Sir.

Could I ask, Sir, for a better explanation of this amount required of £1,547 under item A (1). I was told, Sir, when the Permanent Secretary answered that it included other details such as the Acting Minister or the Temporary Minister. Oh, I beg his pardon, Sir, it was the Minister for Finance, I think. It was somebody earlier on. I would like to know what this detail was, because if it is just a new Minister's salary it must be a mistake in the amount required because it is different from all the others.

Mr. Lust: Mr. Chairman, Sir, this sum dates back to the payment of the salary of a Minister for Labour as separate from the old Minister for Education, as from the middle of January of this year. From the middle of January, as the hon. Member will recall, we had a Temporary Minister for Labour and the present—

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): And a jolly good one, too!

Mr. Luyt:—substantive holder returned to the country early in May, but the salary needed to be paid from the middle of January. The hon. Member may wonder what happened to

the salary of the Permanent Secretary in that period. You may recall that I was Permanent Secretary to the Minister for Education, Labour and Lands. From the middle of January the Director of Education combined the posts of Permanent Secretary to the Ministry of Education and Director of Education and down at the bottom that little figure of appropriation-in-aid is the saving on the Permanent Secretary's salary as from the middle of January to the end of the financial year. But there had to be payment for a Minister from the middle of January to the end of the financial year.

Mr. Tyson: Mr. Chairman, could I ask with regard to the miscellaneous other charges, does that include any provision for collecting the data that was required in connexion with the Social Security Committee's recommendations?

The Minister for Finance and Development (Mr. MacKenzie): No, Sir.

Vote 43 agreed to.

The question was put and carried.

DEVELOPMENT SUPPLEMENTARY ESTIMATE (No. 2) OF 1959/60, PART I

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that a sum not exceeding £471,131 be granted to the Governor on account for, or towards, defraying the charges of Development Supplementary Estimates No. 2 of 1959/60, Part I.

Question proposed.

Votes D1 (1) and D1 (2) agreed to.

Vote D3 (1) agreed to.

Votes D4 (1), D4 (2), D4 (4), D4 (5), D4 (6) and D4 (7) agreed to.

Votes D5 (1) and D5 (2) agreed to.

Vote D6 (2) agreed to.

Votes D7 (1), D7 (2) and D7 (4) agreed to.

Vote D8 (1) agreed to.

VOICE D8 (2)—ASIAN EDUCATION

Mr. Travadi: Mr. Chairman, I would like to have a little bit of information with regard to D8 (2) (x). How is it true that money, £125,994, was not spent in 1958/59? That is the first point. What happened to the money not spent in 1957/58? The third question is, is the Minister aware that in 1946/54 in the Development Programme that £1,000,000 was not spent and in the 1954/57 Programme £250,000 was carried on to the 1957/60 Programme? Quite apart from that, the credits given less savings on items (3) and (4), how is it that this £24,000 has been saved on the two schemes of the Teacher Training College and the Nairobi Teacher Training

[Mr. Travadi]

College which were to be spent actually during the previous year? I would like to hear a little explanation on these three or four points.

The Minister for Education (Mr. Mathieson): Mr. Chairman, I will take the three or four points in reverse order of presentation. The last point asked by the hon. Member was how this money was going to be saved on teacher training colleges. That, in fact, arises from a delay in the actual carrying out of works for which money was voted this year but these works will be completed in the following year. Therefore, in so far as the presentation of account for this year is concerned, that money can be regarded as a saving although it does not indicate any intention of Government not to spend the full amount on this purpose.

The third point made by the hon. Member I think related to expenditure which had not been completed in 1954. I am afraid that my memory does not go far enough back to account for that in relation to the Estimates now before the House.

As regards the period 1958/59 where it is stated that provision totalling £125,994 may go unspent, that was before we launched our intensified capital development programme in the field of Asian education and these Estimates illustrate how we have caught up with that backlog.

Mr. Travadi: One point that he has left out is the 1957/58 saving of about £125,000. What happened to that? I can tell you that of the 1957-60 Development Programme which was something £600,000, £240,000 is the backlog of the 1954-57 Development Programme. How is it that Asian education is always lagging behind until now? Even in the 1946-54 Programme £1,000,000 was not spent. In the 1954-57 Programme £250,000 was not spent and this saving of £1,250,000 is not even yet in 1960 being spent. How is it that Asian education continuously suffers?

The Minister for Education (Mr. Mathieson): Mr. Chairman, I find the remarks of the hon. Member really almost amount to misrepresentation of the intention and achievement of Government in this regard. We have in the Supplementary Estimates additional expenditure amounting to £140,481 in this financial year for this purpose and these Supplementary Estimates in fact illustrate how Government is spending to the hilt the complete sum voted for Asian capital expansion in the period 1957-60.

Mr. Travadi: Mr. Chairman, I should be pleased to have the full figures by the end of this month as to how much has been spent and how much not spent so that this House can have a clear

perspective of how things have been going in the last 15 years, I should say.

The Chief Secretary (Mr. Coutts): The House is quite clear on this point.

Vote D8 (2) agreed to.

Votes D8 (3), D8 (4), D8 (6) agreed to.

Vote D9 agreed to.

Vote D10 (1) agreed to.

Vote D11 (4) agreed to.

Votes D12 (1), D12 (2) and D12 (7) agreed to.

VOICE D13 (2)—ROADS

Mrs. Shaw: Mr. Chairman, I would just like to know what D13 (2)—a contractor-finance project of £25,000 provided in 1958, etc., and an additional sum of £20,000 required—what road that is required for. Could the Minister give me an indication? What road is it required for? The Unilever Scheme?

The Minister for Works (Mr. Nathoo): Mr. Chairman, this is a part of the general contractor-finance scheme. The work was not started as scheduled and hence we are asking for this Supplementary Vote.

Mr. Blundell: Mr. Chairman, can I ask the hon. Minister to give me an assurance in regard to the road programme in the country that he will not make the mistake of imagining that all roads must be built in Nyanza?

The Minister for Works (Mr. Nathoo): Sir, I think I can give the hon. gentleman the assurance that we never treat any scheme as belonging to a certain part of the country. We treat it on an overall basis and if we find the roads in Nyanza are more important than others we shall certainly do so.

Vote D13 (2) agreed to.

Vote D13 (3) agreed to.

Vote D14 agreed to.

The question was put and carried.

DEVELOPMENT SUPPLEMENTARY ESTIMATE (No. 2) OF 1958/59, PART II

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that a sum not exceeding £283 be granted to the Governor on account for, or towards, defraying the charges of Development Supplementary Estimate No. 2 of 1958/59, Part II.

Question proposed.

VOICE D4 (6)—AGRICULTURAL SERVICES (SWYNNERTON)

Mr. Blundell: Mr. Chairman, Sir, owing to being misled by the Director of Agriculture outside this House I was unable to raise the question which I wished to raise on the earlier

[Mr. Blundell] Supplementary Votes under the Ministry of Agriculture and therefore I am going to raise it on this one. I would like to ask the Minister for Agriculture—who I regret is not present—whether he is satisfied that in building up the technical services for the training of farmers he is equally developing the training facilities available to the agricultural instructors in the field. I have in mind particularly, for instance, the Embu Agricultural College. This item, Sir, refers to farms of high potential and farms of high potential need farmers of reasonable intelligence and those farmers need agricultural advisory services similarly arranged. I merely wanted to ask the Director of Agriculture, as the Minister is not here, whether he is satisfied he has had enough provision for the raising of the agricultural instructors in the field as opposed to the tremendous efforts he is putting in to raising the work of the individual farmer.

Mr. Swannerton: Mr. Chairman, I apologise for the absence of the Minister from the House, but he has felt the urge to lean over a fence and prod some pigs in the ribs.

I would like to answer the hon. Specially Elected Member and say first of all, of course, that I do not think he was in the House when the Ministry of Agriculture Estimates were debated and also it does not appear that he read his HANSARD, because this subject was debated very fully during the debate on the Ministry. The whole field of agricultural training of agricultural officers, assistant agricultural officers and instructors is being dealt with very comprehensively by the Ministry. In fact, we have had the needs of localisation in mind for a number of years. The instructor training is being undertaken at three levels. The training centre at Siriba in Nyanza is taking people at a very high level and we hope to work them up to a diploma course starting next year; that is, instructors who have been through in the last year or two, the very best of them, will be taken back to Siriba and be pushed up to diploma level. But Siriba will also turn out agricultural instructors. At Embu, which is the next level, people with School Certificate who are not quite good enough for diploma training will be trained; and we hope to get through between 50 and 60 instructors a year at that school. In addition, we have Kaimosi, which helps to train instructors at a lower level, particularly for the Rift Valley, but also for other parts of the country. Other training centres are mainly devoted to training farmers, but instructors go in with those farmers for refresher courses, so that instructors are constantly trained within the training courses and not just on the training courses for two years and then finish: as modern

methods develop they are taken back on further courses.

I hope I have answered the hon. Member, Sir.

Vote D4-6 agreed to.

STATEMENT OF EXCESS

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I beg to move that a sum not exceeding £9,16s.9d. be granted to the Governor on account for, or towards, defraying the charges of Statement of Excess, 1958/59.

Question proposed.

Statement of Excess agreed to.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval without amendment of the Motions set out on the Order Paper.

The question was put and carried.

Motions to be reported.

The House resumed.

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

REPORTS

SUPPLEMENTARY ESTIMATE (No. 1) OF 1959/60

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to report that a Committee of Supply has considered the following Motion: That a sum not exceeding £435,339 be granted to the Governor on account for, or towards, defraying the charges of Supplementary Estimates No. 1 of 1959/60, and has agreed the same without amendment.

I beg to move that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coutts) seconded.

The question was put and carried.

DEVELOPMENT SUPPLEMENTARY ESTIMATE (No. 2) OF 1959/60, PART I

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to report that the Committee of Supply has considered the following Motion:—

That a sum not exceeding £471,131 be granted to the Governor on account for, or towards defraying the charges of Development Supplementary Estimates No. 2 of 1959/60, Part I, and has agreed the same without amendment.

[**The Minister for Finance and Development**] I beg to move, Sir, that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coutts) seconded.

The question was put and carried.

DEVELOPMENT SUPPLEMENTARY ESTIMATE (No. 2) OF 1958/59, PART II

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to report that the Committee of Supply has considered the following Motion:—

That a sum not exceeding £283 be granted to the Governor on account for, or towards, defraying the charges of Development Supplementary Estimates No. 2 of 1958/59, Part II, and has agreed the same without amendment. I beg to move, Sir, that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coutts) seconded.

The question was put and carried.

STATEMENT OF EXCESS

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to report that the Committee of Supply has considered the following Motion:—

That a sum not exceeding £9,16s.9d. be granted to the Governor on account for, or towards, defraying the charges of Statement of Excess 1958/59 and has agreed the same without amendment.

I beg to move, Sir, that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coutts) seconded.

The question was put and carried.

BILL

FIRST READING

The Consolidated Fund (No. 2) Bill
Order for First Reading read—Read the First Time—Ordered to be read the Second Time today.

SECOND READING

The Consolidated Fund (No. 2) Bill
The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to move that the Consolidated Fund (No. 2) Bill be now read a Second Time.

Sir, the effect of this Bill is to give legal sanction to the various Resolutions which have been passed this afternoon by the House. The reason for this apparently indecent haste is that

as you are aware, Sir, accounting officers in the various Ministries have to perform quite a number of payments when this money becomes available to them, and the doing of the various things which have to be done takes some little time. It is therefore important that they should have legal sanction for the action that has to be taken as soon as possible so as to leave as much of the financial year as possible available for them to do what is necessary.

Sir, I beg to move.

Mr. Webb seconded.

Question proposed.

Sir Charles Markham: Mr. Deputy Speaker, I think that I would like to apologise to the Minister for the absence of so many Members on this side of the Council both during the debate on the Supplementary Estimates and now on this particular Bill. The numbers are very small, Sir, but I feel certain that we understand the reason why the Minister wants to get this thing through, and I beg to support.

The Minister for Finance and Development (Mr. MacKenzie): I should like, Sir, to thank the hon. Member for Ukaniba for what he has just said and to say that we always very much appreciate his own presence on (the benches opposite during debates on Supplementary Estimates and that we feel that it certainly helps to make them much more palatable affairs than otherwise would be the case.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House today.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C., in the Chair]

The Consolidated Fund (No. 2) Bill

Clauses 2, 3, 4 and 5 agreed to.

First Schedule agreed to.

Second Schedule agreed to.

Title agreed to.

Clause 1 agreed to.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that this Committee do report to Council that it has considered the Consolidated Fund (No. 2) Bill and has approved the same without amendment.

[The Minister for Finance and Development]

The question was put and carried.

Bill to be reported without amendment.

The House resumed.

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

REPORT AND THIRD READING

The Consolidated Fund (No. 2) Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Consolidated Fund (No. 2) Bill and has approved the same without amendment.

I beg to move, Sir, that the Council doth agree with the Committee in the said report.

Mr. Webb seconded.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to move that the Consolidated Fund (No. 2) Bill be now read a Third Time.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): That completes the business on the Order Paper and I accordingly adjourn Council until a quarter past two tomorrow afternoon, Wednesday, 8th June.

The House rose at fourteen minutes past Five o'clock.

Wednesday, 8th June, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

NOTICES OF MOTIONS

Group Captain Briggs: Mr. Deputy Speaker, I beg to give notice of the following Motion:—

MAY MAU AND EMERGENCY ACTIVITIES

THAT this Council calls on Government to appoint a suitably qualified person to conduct a further enquiry into the activities of *Mau Mau* continuing from the point where Mr. Corfield left off and including an historical survey of all aspects affecting the conduct of the Emergency.

Mr. Odunga: Shame!

The Chief Secretary (Mr. Courts): Mr. Deputy Speaker, I beg to give notice of the following Motion:—

APPOINTMENT TO SESSIONAL COMMITTEE

THAT this Council nominates Mr. R. O. Hennings to be a member of the Sessional Committee.

Mr. Mutiro: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:—

DEPORTATION OF ELIJAH OMOLO AGAR TO LAMU

THAT this Council being aware that the state of Emergency has been ended, deposes the deportation of Elijah Omolo Agar to Lamu Island; and calls upon the Governor to restrict the said detainee in his own Location in South Nyanza District.

REINTRODUCTION OF SWAHILI IN SCHOOLS

THAT this Council being conscious of the importance of Swahili as the chief means of communication among the people of Kenya, calls upon the Government to reintroduce the teaching of Swahili in all African schools in the Colony and to consider its voluntary introduction in non-African schools.

Mr. ole Tiplis: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

STOP COMMUNAL FINES ON MASAI

THAT this Council being aware that communal fines are unjust, calls upon the Government to stop all forms of communal fines

[Mr. ole Tiplis]

imposed upon the people of the Masai tribe as a result of stock thefts and urges the Government to work out an appropriate method of ascertaining and punishing the culprits of any stock theft.

ORAL ANSWER TO QUESTION

QUESTION No. 123

Mr. Alexander asked the Minister for Finance and Development is the Minister aware of rumours that our currency might be devalued in the near future—i.e., it would probably cost Sh. 24 to buy £1, and if so is he prepared to make a statement?

The Minister for Finance and Development (Mr. MacKenzie): Yes, Sir, I have heard of this rumour. I am glad to have this opportunity of denying it most emphatically. As the hon. Member is aware, the Currency Board System requires that the East African shilling shall be fully backed by equivalent securities, most of which are held in London, and is designed to ensure that the public will always be able to exchange twenty East African shillings for £1 sterling. Devaluation in terms of sterling is, therefore, virtually impossible.

Mr. Alexander: Mr. Deputy Speaker, is it not a fact that our currency system is virtually a gold standard system and is it not a fact that this is evidenced by a currency reserve of £63,000,000 covering a circulation of £57,000,000 of which there are investments of £41,000,000 and of those the sterling investments are £32,000,000?

The Minister for Finance and Development (Mr. MacKenzie): I entirely agree with the hon. Member's statement, Sir.

BILLS

SECOND READINGS

The Finance Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to move that the Finance Bill be now read a Second Time.

Sir, in my Budget speech I referred to the fact that in the past each type of revenue measure had been dealt with in a separate Bill and I informed the House that this time we intended to include all the revenue measures in one comprehensive Finance Bill. This, Sir, is the legislation now before the House.

I am indebted, Sir, to my hon. friend the Attorney-General for proposing this new arrangement which should, I think, prove much more

convenient to the House than our previous practice and which is, of course, in accordance with the practice normally followed in the United Kingdom.

Sir, my various revenue proposals for the coming financial year to which this Bill is intended to give statutory effect were set out at some length in the Financial Statement and I also referred to them at some length in my Budget Speech and in my reply to the debate. More recently, Sir, they have been the subject of Resolutions in the Committee of Ways and Means which were dealt with last Friday and approved by the House. For these reasons, Sir, I do not propose to detain the House by undertaking a further examination of the measures. I would, however, like to make two points: The first, Sir, concerns clause 3 of the Bill which, amongst other things, amends section 5 (a) of the Customs Tariff Ordinance, 1958. In fact it completely replaces it. The purpose of this amendment, Sir, which follows the lines of legislation in the two neighbouring territories is to permit the Government to remit duty without pursuing their present rather cumbersome system of granting *ex gratia* refunds equivalent in amount to the duty paid. In 1959 the power of remission of refund of import duty vested in the Commissioner of Customs was extended to include bond-fide gifts consigned to and imported by charitable organizations for free distribution in any case approved by the Minister where the duty did not exceed Sh. 1,000. The new provisions in clause 3 of the Bill before the House will extend this power, which will, if the Bill becomes law, be exercised in future by the Governor-in-Council and which will simplify the procedure. I might say, Sir, that the sort of thing we have in mind—a very good example of it was given yesterday in our Supplementary Estimates, when I mentioned that one of the *ex gratia* refunds which we had made during the last year was in respect of equipment introduced for oil-drilling exploration work, and it is that type of thing which we have in mind. Similarly, in connexion with the starting of the oil refinery at Mombasa, there will be a lot of equipment which has to be imported, which would normally pay duty, but there again this particular clause will enable us to deal with the matter very much more swiftly and effectively.

My second point, Sir, deals with Part V of the Bill on mineral fuel oil. I have already mentioned, Sir, in my reply to the Budget debate and in moving the Ways and Means Motions and in moving the refunds of duty and tax paid that the system of refunds will be extended to all light on this fuel oil will be extended to all light diesel oil used on farms, except in road vehicles, and it will also be extended to sawmills engaged in lumber operations. I shall, Sir, be moving

[The Minister for Finance and Development] an amendment to clause 7 of the Bill at the Committee stage in order to give effect to these proposals. The House will note, Sir, from clause 7 of the Bill that to enable refunds to be claimed rules may be made under the Dangerous Petroleum Tax Ordinance. I should like to let the House know, Sir, that these rules are now being prepared and they will cover the arrangements for refunding both the import duty and the consumption tax.

There is one other amendment to the Bill which will be proposed at the Committee stage. This, Sir, relates to the temperature of light diesel oil on which the import duty is imposed. At present this is not fixed in the Schedule to the Bill, but at the Committee stage an amendment will be moved proposing that it should be fixed at 62° F., which is the same temperature as at present applies to petrol and kerosene. I should say, Sir, that here again I understand that similar action is being taken by our neighbours, and I am informed that this point of saying what degree the temperature of the diesel oil shall be follows arrangements in a number of other countries. It is indeed the normal practice, and it is essential for administrative reasons and in order to ensure that the duty is imposed on the right amount of oil.

Sir, I beg to move.

The Minister for Local Government and Lands (Mr. Havelock) seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

The Local Authorities Provident Fund Bill

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, Sir, I beg to move that The Local Authorities Provident Fund Bill be read a Second Time.

This Bill, Sir, is designed to provide provident fund benefits for those local authorities, mainly African district councils, who have not already set up provident funds of their own. We have indeed sent a circular letter to all local authorities inviting them to participate and 12 African district councils, one county council, one township—Kakamega—have indicated that they wish to do so. The number of employees who will participate in the first instance is expected to be between 1,500 and 2,000.

Sir, the scheme will provide for lump sum provident fund benefits, not pensions, but any

authorities who wish to provide pensions for their employees will be able to do so through the medium of the Nairobi City Council's scheme, which although it has not yet been published, is now being finalized by that Council. Under this Bill local authorities will be free to adopt the provisions of the Bill by resolution and there will be no compulsion. Local authorities include every known type of local authority, and the Minister will have power to declare any other authority, or class of authority, to be a local authority for the purpose of this Ordinance. The Fund will be centrally operated, the contributions of the employee and the employing local authority being remitted monthly to the Fund. I intend to move an amendment at the Committee Stage, Sir, with regard to the actual composition of the Board. I intend to suggest that the Board will comprise not less than four members, including the chairman, and not more than six, including the chairman. And if the Board does consist of six members, the quorum should be four, and if the Board consists of either four or five members, the quorum should be three.

The powers and duties of the Board are more or less self-explanatory. It is not expected that the Board will wish to meet frequently because the day-to-day transactions will be carried out by my Ministry. The major functions of the Board will be in connexion with the investments of the Fund. Contributors to the Fund will be persons who hold designated posts. It will be for each local authority to designate the posts within its establishment for the purposes of the Ordinance. Contributions will be at the rate of Sh. 1/50 for each Sh. 20 of salary—that is 7½ per cent. Calculations will be quite simple because the contributions are to be worked out to the nearest Sh. 20 of salary and all monthly contributions will be in multiples of Sh. 1/50. Local authorities contributions will be equal to that of the contributor. Provision is made for additional contributions by employees and employers in respect of past services. The agreement with the local authority and the approval of the Minister are required in these cases. This, indeed, is to avoid any council from entering into too great a liability, or giving any particular employee any undue preference.

With regard to the Reserve Fund, the provisions are designed to allow the creation of a reserve fund to meet any losses in the value of investments, but if, as we hope, a considerable portion of the Fund will be left to the Local Government Loans Authority, then, of course, the risk of such losses on investments will be very slight.

With regard to the annual distribution of profits, we provide for the crediting of interest each year to the contributors' accounts. Benefits

[The Minister for Local Government and Lands] if a contributor leaves the local authority's service in any of the circumstances described in the Bill, he will receive full benefits, and these are, in fact, on normal retirement, retirement for health reasons and on termination of service because of reorganization or redundancy; also, on voluntary resignation after ten years. There are, of course, provisions in the Bill with regard to partial benefits, and, in fact, with voluntary resignation after over five years, but less than ten years' service, the contributor will get three-quarters. A special provision is put in here to the Bill with regard to female contributors—the ladies, of course, are always privileged, with regard to their resigning on, or with a view to marriage. As far as voluntary resignation is concerned, if the contributor has less than five years' service, he is entitled to half contributions. With regard to dismissal for misconduct or inefficiency, again half, but, of course, there is provision here for the forfeiture of all claim to benefit may be provided for if the dismissal is in consequence of an offence of a fraudulent character, but the local authority may, at their discretion, pay to the contributor, and this is quite an important point, or his family, all or part of his contributions. If the employee resigns voluntarily with less than ten years' service, he does not get full benefits but only three-quarters or half. The balance is retained in the Fund for a period of one year before being repaid to the employing local authority. The reason for that is that according to another clause, if that employee returns to the same authority and is employed within that one year, then he is entitled to repay to the authority in retrospect, and he can count the previous service as contributing service under clause 16. If the employee is dismissed, then the balance remaining in his account is repaid to the employing local authority.

With regard to reappointment, the Bill provides or allows for an employee to return to the Fund, as I said, within a period of 12 months, and to count it as contributing service, provided he repays any sum which was refunded to him when he resigned.

There is a special provision with regard to transfer to the public service from the local authority service, and that provision has the effect of freezing the benefits at the time of transfer. They are not paid out until the person concerned eventually retires from the public service. During the period of public service, which of course is normally Government service, no further contributions will be payable, by the employee to the Provident Fund, but the amount of his account will continue to earn interest.

With regard to transfer from the public service, we cannot really get complete transferability between the Government and local authorities. This is because most Government officers are now on pension terms, while the scheme under this Bill is with regard to Provident Fund benefits. However, we wish to make the terms as attractive as possible for any employees who might transfer from Government to local authority service—I think hon. Members will recognize the importance of this, especially in the future—and clause 18 therefore, confers the benefit by proscribing that for the purpose of calculating the periods laid down in clauses 14 and 15—that is the periods of five years and ten years relating to resignation—any previous Government service will be counted. This does not throw any additional burden on the local authorities, but it does mean that in any such cases they would not get a refund, or they would get a smaller refund than they would do otherwise.

Contributors can nominate persons to whom payment can be made in the case of death, and if they do so, benefits can be paid out immediately if they do not exceed Sh. 500. If the benefit does exceed Sh. 500, it has to be paid to the legal representative of the contributor, but an interim payment of not more than Sh. 300 can be made immediately to give relief to dependents. This phrase or definition of the legal persons representing of the contributor has already been used in other cases, and of course, it refers to all races, and it has worked satisfactorily in the case of the High Commission Act which has been in force for the last ten years. We had some doubts as to whether it would be practicable, but it seems it has proved itself in operation.

As far as existing Provident Funds are concerned, and there are a number of local authorities who have them, there is provision to allow for the transfer of any such existing Funds to the Central Fund. One or two of the councils have already indicated their intention to take advantage of this provision—that is the Kipigwi African District Council, the Nakuru County Council, the Tana River African District Council, the Baringo African District Council and Central Nyanza District Council. In the last case, the Central Nyanza one, the council propose to retain their own Fund for some employees and to put others into the Central Fund, and there is no objection to that.

The remainder of the Bill really deals with procedural matters, such as accounts, audit, appeals—there it power to determine appeals made by an employee by the Minister, or indeed made by an employee from other claimants. As there may be appeals from other claimants as far as regulations are concerned, the Minister has

[The Minister for Local Government and Lands] the power to make them, as is per usual, but under clauses 14 and 15, dealing with benefits which lay down periods of five and ten years contributing service as a condition for receiving three-quarters or full benefits on resignation, we considered whether in calculating such periods, the previous service of the contributor with the local authority should be reckoned. It would complicate the Bill quite considerably to make allowances for this factor, and we have concluded that contributors will be able to get benefits for past services in two ways. Firstly, under clause 10, where additional contributions can be paid by the contributor and the local authority in respect of previous service, that is previous to the introduction of this Ordinance, and secondly, the local authorities can, if they wish, pay such gratuity on retirement covering the period of non-contributory service to pension fund, and that gratuity could be used to enter the scheme, or not, as the employee may wish.

Sir, I think I have covered all the main points in the Bill before the House, and I beg to move.

Mr. Webb seconded.

Question proposed.

Mr. Stude: Mr. Deputy Speaker, Sir, in supporting this Bill, I should like to ask one or two questions concerning disposal of benefits to arise out of this Fund. I see, Sir, that clause 22 of the Bill, which protects these benefits against voluntary assignment to any other person, or against attachment by court procedure, and my question there, Sir, is whether that clause is wide enough to afford protection against bankruptcy—that is to say the benefit being included in the bankrupt state, and administered as in bankruptcy for the creditors of the employee—my suggestion the employees benefits from attachment by operation of bankruptcy, just as much as it is exempt from any other judicial procedure. But following on that clause, Sir, and the general protection of the employees benefits from attachment by operation of law, we do get the position that maintenance orders made in favour of the wife or children of the employee will not be enforceable against the benefits deriving from this Fund, and that may work great hardship on the wife or child of the employee. I have, in fact, seen it work hardship in similar cases, where the benefit of the husband who failed to provide for his wife or children was completely exempt, and went to him to the exclusion of them on his termination of service. That being so, it does seem to me that we have got to give the wife and children of the employee protection in some other way. We have got to give the local authority, in fact, discretion

at all times with regard to all benefits, to pay all or part to the wife or children of the employee instead of paying him. Now, I see that there is such a provision in clause 15 (1) (c) of the Bill. There we find that, in the case of the dismissal of the employee from the service, there is a proviso that although he is entitled to one-half of the credit balance in his account the Board may, on the recommendation of the local authority, pay to his wife or family out of the fund a certain further sum instead of paying him. It is a discretionary power. I would suggest, Sir, that that should be extended to all benefits, even to the benefits arising on termination of service in the ordinary course. Coming to clause 14, which deals with satisfactory termination of service, I find that the employee is entitled to the full amount of the balance standing to the credit of his account in the fund and it is to be paid to the contributor or to any other person to whom by virtue of this Ordinance, or otherwise, payment may lawfully be made; but I cannot find that, on that occasion, those other persons to whom payment may lawfully be made would include his wife or children, even though they had obtained a maintenance order against him. I do suggest, Sir, there, and also in the case of resignation covered by clause 15, as well as in the case of dismissal, that there should be a discretion to the local authority to ask the Board to make some payment to the wife or family instead of the employee himself. That also arises on death. Under clause 19 the employee will have complete power of disposal by his will, as I understand it, with regard to all benefits arising from the fund, or, in default of any will, there will be devolution according to the ordinary laws of intestacy. There is provision for relief to the extent of Sh. 300 for the widow or children or other dependents of the deceased, but that is all. Here again, Sir, I would suggest that there should be discretion to the local authority to ask the Board, notwithstanding the will of the deceased or the ordinary laws of intestacy, to make some payment to the widow or children of the employee in appropriate cases.

Subject to those points, Sir, I beg to support.

Mrs. Shaw: Mr. Deputy Speaker, in rising to support this Bill, I would just like to ask one question. The Minister has in his usual meticulous manner covered most points and if I were not so ignorant I should probably know this. But are the contributions to be offset against income tax, if income tax is paid, and will the gratuity, when paid, bear income tax, or suffer income tax, when it is paid on retirement?

Mr. Odunga: Mr. Deputy Speaker, Sir, I do welcome the Bill and I would only comment on some very few points.

[Mr. Odunga]

First of all, Sir, I want to comment on the establishment of the Board which will deal with the supervision of such funds. Whereas I welcome the appointment by the Minister of the Principal Local Government Financial Officer to be the Chairman of the Board, I would very much question the appointment by the Minister of the other members. I would have thought that it would have been very much better if other members were elected by the respective local government authorities, to elect or to appoint them on a regional basis. For instance all those local authorities in the Coast Province together with those in the Southern Province should be requested to join together and appoint or elect one representative who is going to represent them on the Board. I think in that way we would be getting people who are not merely serving the wishes of the Minister but people who are there to represent those local authorities and also to listen to the difficulties and the problems which would be experienced by the employees of those areas.

Now, again, Sir, I had another comment on clause 15, where it is stated, "On resignation or dismissal . . ." and there are certain recommendations made on the reduction of the payment. I should think, Sir, that in consideration of such contributions, whether the local government contributes its part as the employee contributes another part, all that money is considered to be part of that employee's pay, and, as such, no matter however bad his conduct has been, any amount of money he has worked for should not be refused to him in any way. I do not think that that will help to induce the employees to contribute to this fund. I should therefore recommend strongly that all that fund which an employee had worked for, and which even the local authorities had contributed to and which he had also contributed to, even if there is probably a point where he is dismissed for any act which happened just after that time, well, his previous service should be considered and the amount which had already been contributed should be refunded to him in full.

Now, with these few remarks, Mr. Deputy Speaker, I beg to support.

Mr. Travadi: Mr. Deputy Speaker, I welcome the inauguration of the central fund and a board to control all these contributions, and I have a small point with regard to clause 15 of the Bill, Sir, which is in connexion with the resignation and dismissal of an employee, and I refer more particularly to paragraph 1 (c), provisos (i) and (ii). My appeal to the Minister is that if a man by chance, or misfortune I should say, is convicted for something like a fraudulent misappropriation, or something like that, and is fined

or sentenced to some imprisonment, and if, over and above that, he loses his contributions to the local government, then thereby, Sir, he will be doubly punished. I would here join hands with the hon. Member who has just sat down. He should not be deprived of his contributions and the contributions paid to his account by the local authority.

Quite apart from that, Sir, referring to paragraph (ii) of the proviso, there is discretion given to the Board on the recommendation of the local authority that he should be refunded his contributions, or his wife and children should get something, but the question is this, that even the contributions from the local authority should likewise, in the discretion of the Board and on the recommendation of the local authority, be paid to his wife, dependents, or whoever he is to provide for.

With these observations, Mr. Deputy Speaker, I beg to support.

Mr. Muchura: Mr. Deputy Speaker, Sir, I welcome the Bill, as many other speakers have done. One of the most important points which I think is very important is the fact that there is some recognition of interchange between the public and the local authority services. That has been causing some inconvenience to those who transfer either from the local service to the public service and vice versa.

Now, on the question of membership of the Board, I think, I would like to draw the Minister's attention to some of the experiences we had in the Civil Service when we had a similar board operating therein. I admit that the Civil Service Provident Fund Board was much bigger than the one proposed in this Bill. It is not because I want the Board to consist of more people, but for some very good reasons I think the Minister will find it necessary, if possible, to increase this number from three, excluding the chairman, to number from three to five or six. The reasons probably something like five or six. The reasons for having such a big board in the Civil Service were that there were some independent members of the Board, independent in the sense that they were not directly concerned with the dispute, and normally, as it appears in clauses 14 and 15, an officer may be dismissed, and he will probably contend that his dismissal was not correct. The authorities now will say that his dismissal was correct and will probably quote certain reasons as to why they think it was. That will be more difficult to judge, especially in view of the fact that I do not think all the local authorities have got what we used to have in the Service in the form of a Code of Regulations which was very nearly written up to the best that can possibly be put on paper, allowing for human judgment. In view of this

[Mr. Muchura]

I can foresee a lot of difficulties and disputes as to whether a chap could be given half the total amount accruing to him, or his own contribution, with or without interest: that will depend very much on the degree, in the case of dismissal, of serious or just slight misconduct. Therefore when I talked about increasing the numbers, I think it will be necessary for the Local Government Workers' Union, as we have it now, to have one or two nominees: they need not be appointed by those people, but a panel of names should be asked for to sit in and to be appointed as members of the Board, and so the dispute as to the dismissal, or otherwise, could be gone into by these representatives who will sit in. I accept that the local government officers will have to sit in, but I would very much recommend to the Minister that he should consider seriously that the nominee of the Local Government Workers' Union should be included among the members on this Board.

It was obvious that during the time that we had several Government officers on the provident fund our various staff associations were represented not directly to go and represent them in the case of the employee but to look at the case from, shall we say, the employee's point of view without necessarily being his advocate. Now, this particular Board where these things are done I think is very important; and I think in view of the fact that there is no well reasoned code of regulations as there is in Government—although even then we had difficulties—the Minister should consider not only appointing three members most of whom will probably be officials of the local government department or representatives of the—what do they call it?—East African Association of Local Governments, or whatever it is. On top of that they should have what I suggest would be union nominees to be appointed by the Minister. You could probably ask them to send a panel of three or four names out of which you could take one or two. I agree that this will increase the number and may become a bit expensive. But in the Civil Service again, they do not have to sit at formal meetings. The files are circulated and all these various people in their own quiet time put down their observations in minutes and their recommendations and the arguments for such recommendations. Therefore, I would suggest very strongly to the Minister that (a) he should consider increasing the number of members of the Board and (b) he should make sure that the workers' representative or the officers' representative is a member of the Board. As I say, in the Civil Service, the boards used to have representatives or nominees of various staff associations whose names had been sent in to the Chief Secretary who eventually selected one or two to sit in.

With those few remarks, Mr. Deputy Speaker, I beg to support.

Mr. Harrison: Mr. Deputy Speaker, Sir, I welcome this Bill. There are one or two points, however, which I should like the Minister to clarify. Clauses 17 and 18: I would like to know what would be the position of an employee on pensionable status in public service who eventually is transferred to service with a local authority. What would be his position at the time of retirement? During the course of his service, the latter part with the local authority, he has been a contributor; whereas, in the earlier part he was on pensionable status.

The second question is, what would be the position of an employee who has been with the local authority as a contributor and eventually transfers to public service with pensionable status. What is his position on retirement?

With these few words, Sir, I would like to support the Bill.

Mr. Alexander: Mr. Deputy Speaker, Sir, the powers and duties of the Board are contained in clause 6, Subclause (c) does say the powers and the duties of the Board shall be from time to time "to invest the moneys of the fund in securities or any form of property". Now, Sir, as the result of a question the other day, we learned that there are some 650 local-government officers throughout Kenya who are at this moment seriously concerned about the future security of their superannuation scheme. This Bill, Sir, deals with a similar type of activity, that is, the means whereby employees, local government employees, are to be provided with security in their old age. When the Minister was answering the other day concerning the superannuation scheme that operates throughout Kenya, and the intention of this scheme is for it to operate throughout Kenya, he did say, Sir, that there were discussions and negotiations going on with the Secretary of State in conjunction with submissions from the Civil Service of Kenya to establish to the satisfaction of those who benefit under these funds that there was no doubt about the security.

Now, the question I would like the Minister to answer, Sir, is whether it really is wise to introduce this Bill at this particular stage until the whole question of the future security of these types of funds has been clarified at the level of the Secretary of State. If there are at the moment 650 local government officers worried about their superannuation scheme, how many more officers are we going to hear about who contribute to the fund established under this scheme who in turn may be worried about the future security of the investment?

[Mr. Alexander]

This particular problem, Sir, and this particular anxiety does, of course, relate very much to the utterances we have heard from those who may control the future Government of this country, that it is quite impossible for any future Government to be committed by the decisions of the present Government. Well, Sir, we know that all responsible governments are bound to be committed by certain policies and decisions of previous governments; I mean, things like the Public Debt, retirement benefits and pensions, are all items in that category, and this is such another one, Sir. The fund created by this Bill is such another of these type of commitments which no future Government with any sense of responsibility at all could avoid and I would suggest to the Minister that he considers seriously delaying this Bill until this matter has been clarified. I do realize, Sir, that there are many officers throughout local government who will wish this Bill to be implemented at an early stage. It is right that the laws of this country should have a Bill of this nature on the Statute Book, but I do suggest that whilst there are doubts in connexion with the superannuation scheme we do not want to create any more doubts at the moment that will arise out of a Bill of this nature.

Commander Goord: Mr. Deputy Speaker, two hon. Members have suggested that the Board should have on it members who were elected or nominated to represent special interests, and I gathered that in relation to that proposal they were mainly concerned with the Board's powers of discretion under paragraph 15 (1) (c). I do feel, Sir, that it would be most inappropriate for this Board to have any electoral principle behind it. Its powers and duties are quite clear in paragraph 6 and they are mainly concerned with the management of money—which is essentially a job for experts. But I do think, Sir, that there is some ground for misgiving in paragraph (c) of 15 (1) where it says: "Where the dismissal is in consequence of an offence of a fraudulent character or of grave misconduct the person dismissed shall forfeit all claim to any payment under this Ordinance." Sir, bearing in mind that under this Ordinance the money which the officer has contributed is the money which his own money which, if he had not virtually his own money which, if he had not belonged to the scheme, would have been in his own pocket or spent by him, it does seem, Sir, that there is need for some safeguard here against possible wrongful dismissal. To this end, Sir, I would suggest an amendment to (i) of paragraph (c) to the effect that such an offence of a fraudulent character or of grave misconduct should be proven in the courts before it has application under this Ordinance.

I beg to support, Sir.

Major Day: Mr. Deputy Speaker, Sir, I should like to support what the last speaker but one said, the hon. Member for Nairobi West. I think the Minister should very seriously consider before this Bill is implemented what the basis of security of it is. Indeed, Sir, that is what is troubling us. I think all of us, today. We are in this House day after day: we see measures such as this which, of course, are right and proper and of the greatest public benefit; and all the time, Sir, at the back of our mind there is a cynical background to most of this legislation. Now, Sir, I know the Government are getting a little tired of being told this but I think that we have a duty on our side to go on reiterating it constantly because unless we go on repeating it, Sir, people, the Government, opinion generally, is apt to overlook this vital point. And it is symptomatic, Sir, of what is happening today in this country. It is part and parcel of the general apathy and lack of confidence and it is no good laughing, shaking your heads or looking weary and tolerably bored about it. It is a fundamental fact and unless it is faced and something is done about it, Sir, quickly you will never get your conscience clear.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I thank hon. Members for taking such an interest in this Bill, which rather caught me on the wrong leg.

If I may deal with one or two points raised by the hon. Specially Elected Member, Mr. Slade, I am advised that clause 22 would cover the matter of bankruptcy.

With regard to maintenance orders, they are of course not covered and I would be prepared to examine that to see whether we could put something in to ensure that local authorities can pay out on maintenance orders. But I do not think I would like to go much further than that, think I understood from the hon. Member that he wanted the authority—the local authority—to be able to pay out more or less on just the conditions of the family without any particular order having been made by the court. I think that would be putting very considerable responsibility on the local authority itself but where a maintenance order has been served I think that the hon. Member has a strong point and I will certainly go into it, and in fact ask his aid with regard to an amendment that might be moved at the Committee stage.

The hon. and gracious Member for Nyanza, I think I am right in saying, asked me questions about income tax. I am afraid I am not an expert on that. I have to employ somebody at great cost to look after my own. But I think it is right to say that contributions are not liable to income tax or rather they are an expense, a liable

[The Minister for Local Government and Lands] expense, but the gratuity would be liable. You cannot have it both ways. The hon. Member looks rather puzzled. I will give way if she wants to clarify.

Mrs. Shaw: Thank you for giving way. It was merely that I wanted to ask if you are allowed to deduct contributions.

The Minister for Local Government and Lands (Mr. Havelock): I thought I had said that contributions are legitimate expense and are offset whereas a gratuity itself is liable to tax.

Mr. Alexander: Ask the Permanent Secretary!

The Minister for Local Government and Lands (Mr. Havelock): That is the whole point, Sir, it is most unfortunate that I have not at the back of me an expert to tell me all these things.

Sir Charles Markham: What about him?

The Minister for Local Government and Lands (Mr. Havelock): As to the hon. Member for Central Nyanza, I could not quite gather what he meant—

Sir Charles Markham: God knows!

The Minister for Local Government and Lands (Mr. Havelock):—but he seemed to want representatives from every region to be sitting on this particular Board. Well, the main thing is that this Board is really a management committee and what we want on this Board are people who are able to manage the money properly. It is not a matter of representation of either area or interest. I will deal with another point about interest, though, later which was raised by the hon. Specially Elected Member, Mr. Muchura. I therefore could not accept the recommendation of the hon. Member for Central Nyanza. He also raised the matter of clause 15 which was touched upon by a number of hon. Members, that is, in regard to not paying out the total when dismissal is the consequence of an offence of a fraudulent character or of grave misconduct. I would like to emphasize those words. Those are the words in the proviso I think he made the point that it might mean a double punishment. I am prepared to examine whether it is right that the money paid by the contributor can be retained.—Does the hon. Member want me to give way?

Sir Charles Markham: No.

The Minister for Local Government and Lands (Mr. Havelock): Standing up and wandering about! I think I would be prepared to examine that point or part of it, but I cannot see that we can go any further than that. After all, there are many occasions and I think this answers the point the hon. Nominated Member, Commander Goord, made, on which it may not be possible to take a man to court, but it is quite

proved and may not be necessary, may not be required, to take a man to court, but the employer is quite satisfied on all grounds that there has been fraudulence and/or grave misconduct.

Sir, I think that we should maintain that particular proviso and for the interest of hon. Members as they will see in fact if they look at the back at the comparative table this particular clause is lifted from United Kingdom legislation of a similar pattern. I think the hon. Member for Central Electoral Area also raised that point—I have now dealt with it.

The hon. Specially Elected Member, Mr. Muchura, asked that the membership of the Board should be increased and I did say in opening, in moving the Second Reading, that it was my intention to move an amendment at the Committee stage to increase the number on the Board. I will be moving that amendment to the effect that the Board should comprise not less than four members, including the chairman, and not more than six. I think that covers his point with regard to numbers. He then made the point that representatives of the Local Government Workers' Union might well be nominated to this Board within those numbers and he gave his reasons. I think that there is some substance in his argument and I will undertake to take his points into consideration when nominations are being made.

The hon. Nominated Member, Mr. Harrison, asked about the position of a Government employee who was taken on by the local authority, that Government employee being on pensionable terms. The answer is, as I thought I had made clear when moving, that the pension of the Government employee would be frozen and he would be able to go on to his provident fund terms if he wished to and it would be paid out, of course, when he left local government service. The same applies vice versa; if a local government officer joins the Government, the provident fund benefits would be frozen until he had left the Government service.

With regard to the hon. Member for Nairobi West, I realize that he was, of course, plugging a point which he has been plugging for a long time in this Council on every possible occasion. I do not blame him for doing so; he is probably very right in doing so. But in spite of that, in spite of his remarks I feel that it would be very unfortunate indeed not to pass this Bill now. There are a number of local authorities as I have told him waiting the passing of this Bill so that they can join in on the provident fund basis, from which they will get a certain amount of benefit. At the same time I did make the point that I hoped a considerable

[The Minister for Local Government and Lands] proportion of this money would be invested in the Local Government Loans Authority and in that way be of very great use for the development of local authorities and local government generally. The actual investments are pretty well controlled by the Government, by the Minister, and I believe that we can look after that aspect even at this moment and even under present conditions.

The hon. Member for Aberdare made a similar point, but I do not really think that we need hold this Bill up for those reasons.

The hon. Nominated Member, Commander Goord, made another point; I think it was in regard to conviction. He said, I think, that no local authority, could really withhold the money due to the contributor under clause 15 unless there had been a conviction in court. Well, it would be, I think, fairly unlikely, although there are cases that may arise, that a local authority, or the Board rather, would take that action unless there had been a conviction. But on the other hand if they do take that action there is always an appeal under clause 23 to the Minister if the employee or contributor thinks he is being badly done by. I think he is quite well covered.

I think those are all the points raised by hon. Members. Sir, and again I thank hon. Members for taking the interest they have shown.

I beg to move.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

The Books and Newspapers Bill

Mr. Webb: Mr. Deputy Speaker, I beg to move that the Books and Newspapers Bill be now read a Second Time.

Sir, this Bill has two purposes. Part II of the Bill deals with the deposit and registration of books and newspapers and is merely a further development of the national deposit library in Kenya which the Book and Newspapers Registration Ordinance, Cap. 310 of the Laws of Kenya, began in 1906. It is perhaps remarkable, Sir, to note that that old Ordinance, which was enacted by the then Commissioner for East Africa, has never been amended from that day to this and indeed, Sir, therein lies one of the reasons for replacing it, because its provisions are so vague and so difficult to operate that in fact it does not really work at all. Therefore, Sir, Part II of this Bill, which I think nobody will take exception to, replaces those provisions.

Under that old Ordinance, Sir, the publisher of a book in Kenya had to give to the designated official, who is in fact the Registrar-General, one copy of every book published and the Registrar-General had power to call for up to two more copies within a year. The provisions of this Bill, Sir, in clause 6 provide that a publisher will have to provide up to three copies on publication—and it is intended at the present only to ask for two—and the Registrar under this Bill, who will also be the Registrar-General, will be empowered to call for a further three copies within a year. That is the most that a publisher will be called upon to supply, six copies, which curiously is the same as a publisher of a book in England. The intention, Sir, is that of the two copies which will be demanded, one will be kept by the Registrar-General and the other will probably be given to the library of the Royal Technical College for the further development of a national deposit library in Kenya. The purpose of having further copies available on call is to enable books particularly on an East African basis to be obtained and given to other suitable and appropriate institutions, such as Makerere and a University College in Tanganyika if that were to be formed in due course. There is also, Sir, the possibility that the British Museum may ask for copies of particular books.

Sir, that, I think, deals with books and really encloses with improvements the existing legislation. As far as newspapers are concerned, the present Ordinance makes no requirement for the deposit of copies of newspapers. All that the printer and publisher of a newspaper has to do is each year to make a return of certain particulars regarding the names and addresses of the owners and the number of copies printed and certain other particulars. The Bill, by clause 7, will now require the publisher of every newspaper printed in the Colony to send two copies to the Registrar-General who will retain both as part of the national deposit library in Kenya. Sir, I think everybody will agree that the printed publications of a people at any time reflect the life and thought of that people in a unique fashion and these publications—and perhaps especially the more ephemeral of them, such as newspapers—if preserved form an individual mine of information for the historian and in these days, Sir, when so much of importance in the history of Kenya is happening it is perhaps particularly important that we should start to collect material for this history of Kenya in the future. Such a depository is, Sir, of course of great value also to administrators, research workers and even to businessmen.

Sir, this part, Part II of the Bill, is not materially different from similar legislation that exists in most

[Mr. Webb] civilized countries which take steps to preserve their published literature.

Sir, the second purpose of this Bill, contained in Part III of the Bill, is to require the printers and publishers to deposit bonds with one or more sureties. I am aware, Sir, that these provisions have excited comment in certain quarters. Now, Sir, the object of this part of the Bill is to obtain security, as set out in clause 11, for the payment of monetary penalties which may be judicially imposed for criminal offences relating to the publication of newspapers, such as sedition and criminal defamation, and for the payment of damages and costs which are judicially awarded to a plaintiff for libel. Sir, the Government has no desire to interfere with the freedom of the Press in any degree greater than that which can be justified. The most severe control of the Press can be obtained by licensing and controlling printing presses and that sort of control was in fact imposed by this Council in 1952 in an Ordinance which lapsed on the ending of the Emergency. That very severe restriction, Sir, on the liberty of the subject was justified by what Mr. Corfield called "the torrent of subversion which was then gushing" from the rash of small but intensely subversive news sheets which had sprung into brief existence in the period immediately before the Emergency.

Those hon. Members, Sir, who have read Mr. Corfield's Report, will have noted particularly in Chapter 8 that he deals with the vernacular Press and public meetings, and he points out that as early as 1946 the whole question of the pernicious propaganda and seditious articles, which were quickly becoming the main feature of the vernacular newspapers, was discussed at a Provincial Commissioners' meeting, and that meeting recommended certain points. I might read, Sir, three of them. "(1) That the present trend of the vernacular Press constituted a grave menace to the future of the Colony. (2) That certain vernacular newspapers were being financed and influenced by seditiously-minded Indians and that their object was purely anti-Government and anti-European. (3) That, as regards freedom of the Press, liberty was being mistaken for licence, and that in addition to the deliberate distortion of facts, many of the articles in such newspapers contained a most dangerous and pernicious form of anti-European propaganda." Succeeding paragraphs, Sir, of that chapter relate the development of the vernacular Press between 1946 and 1952, when this Council finally intervened to control printing presses, and paragraphs 9 and 10 in particular contain matters which are immediately relevant to our present discussion. Sir, after the

Emergency had been declared, Emergency Regulations were made which gave power to proscribe publications. This power has also, Sir, lapsed, with the end of the Emergency.

Sir, as in all things, one has to try and achieve a balance. If Government does nothing and allows a completely free Press, with no restrictions, we shall be blamed for the consequences. If, on the other hand, we propose stringent control, such as licensing of printing presses, then, of course, we shall be charged with endeavouring to stifle the Press and muzzle the free expression of opinion, and this measure which we have now devised, Sir, we think probably will meet the situation for the present. The purpose of the bond, Sir, is to obtain an assurance of some degree of responsibility against the abuse of the freedom of the Press. The amount of the bond, which is £500, is not, Sir, I think, unreasonable in relation to the fines which could be imposed for offences, or for the damages which might be awarded for libel. The criterion of a surety will, as in other cases where sureties are required, be only his ability to meet his potential obligation. There are no conditions attached to the bond. There is no registration of a newspaper, or its publisher, or its printer. It simply means that there is a little nest egg in Government's hands to repay either Government or a private individual whom the newspaper brings into hatred or contempt.

Sir, it has been suggested that the small man may be prevented from starting a newspaper by these provisions. Sir, if he is a responsible man, even though in a small way of business, I apprehend that he will have no difficulty in obtaining the necessary bond. If, Sir, he is a man of straw, who could not meet a fine or damages, then I suggest that he should not be allowed to prey upon the reputation of rights of individuals or to preach sedition.

I would, Sir, draw the attention of hon. Members to the fact that in clause 10 the Minister has a power to exempt newspapers from all or any of the provisions of Part III either absolutely or upon conditions. I am aware, Sir, that the definition of "newspaper" is very wide, and it covers a lot of things, a lot of publications which many people would not regard as newspapers. I have in mind, particularly because they have been brought to our attention, the house news letters of many commercial firms. I have no doubt, Sir, that my Minister will consider very sympathetically proper cases for exemption.

Sir, this Bill, as the Memorandum of Objects and Reasons point out, derives in part from legislation in Uganda which has been in force there since 1910. It has been suggested to me that the reference to this legislation may not be very

[Mr. Webb] but although Uganda has been having a very troublous time of late, I am sure that Members would agree that if, in addition, they had been badgered by a rash of small but intensely subversive news sheets, the position there would have been very much worse than it has in fact been.

Sir, I have not referred in detail to all the provisions of this Bill. It is not very long, and they are, I think mostly self-explanatory. There is, in addition, a comprehensive comparative table. Sir, I commend this Bill to the House as a compromise between doing something and going the whole hog, and I beg to move.

The Minister for Finance and Development (Mr. MacKenzie) seconded.

Question proposed.

Mr. Mboya: Mr. Deputy Speaker, Sir, it was not my intention to say very much on this particular Bill since I am not a newspaperman myself. But one thing does strike me, and that is the whole question of having a bond or depositing some money in case one commits sudden crimes in the future—crimes that at least at this stage are not suggested or premeditated or planned. If one were to adopt this attitude in practically every case then, Sir, we might get to the stage when you would ask every citizen to deposit with the Government a certain amount of money just in case they were to commit a crime at some time in the unknown future. We might ask Ministers to deposit some money in case they committed traffic offences, or ask any other ordinary person to deposit money in case they committed some small, big, or any form of crime. This sort of situation, Sir, cuts across the whole concept that our people or citizens must be deemed to be innocent and of good intention until or unless otherwise proven to be guilty by intention. It appears to me that the Government is seeking to meet the situation created at the end of the State of Emergency by the ending of some of the restrictive measures imposed on the Press, or freedom of expression during the period of the Emergency. If this is the case, then certainly the Government is forgetting that during the State of Emergency they had to justify certain steps taken to limit the freedom of the Press, and the freedom of the individual, for the specific reasons that existed during that period. It does not appear, therefore, that at the end of the Emergency we should seek to continue to apply restrictions of this nature even in disguise, when the conditions that justified such measures during the State of Emergency have ceased to exist.

The Minister has said that this Bill would not interfere with the small man who wished to start

a newspaper, and he suggested that if this man were so small that he was not able to raise £500 he would be better advised, or well advised, not to start a newspaper. Now, Sir, there may be a small man who is quite responsible, and who does not intend in any way to commit a crime, but who is unable to raise £500, in addition to the other money or capital he needs to start his newspaper. Why should that man not have the freedom to start a newspaper? I consider that it should be generally accepted that any person in our community or society is free to engage in any field of economic or other activities in this country without this sort of restriction that tends to discriminate against those who genuinely and honestly wish to enter into such fields of business or any other fields.

There is also the question of the powers conferred upon policemen. It appears that any policeman from the humblest constable on the streets to the highest is free to search and seize publications or newspapers if he thought that there was a crime committed, or likely to be committed. Is it not possible, Sir, that in that case we are exposing ourselves to the dangers of action by people who may not even understand the nature of the crime that the Government may have in mind. Now I would like to know, for example, what would happen in the case of a constable who did not understand Swahili sufficiently, or did not understand English for that matter, but who found, it necessary to take action under this Bill against the *East African Standard* or another newspaper of that nature. Now, Sir, perhaps someone will say that if he did not understand someone he would not take action. But if the language he would not take action. But if that is the position then it reveals the impracticability of implementing the provisions of the Bill itself, and it would appear to me that perhaps the Minister or the Government should reconsider this situation, *vis-à-vis*, the powers they wish to grant to the various people, especially the constables and other ranks in the police force.

Another question that occurs to my mind is how this Bill, as such, will operate in the absence of any amendment on the legislation affecting libel and sedition. To justify the introduction of this Bill I think the Government should be able to state that in the last few years there has been an increase in crimes of libel and sedition, or slander, whatever it is, and I would like to hear the Minister when he replies tell the House how far Government have taken action on this sort of crime. In so far as civil action is concerned, I would have thought that this is not a matter which should concern the Government but rather which should concern the people who wish to bring libel actions against a newspaper, or against a person, would do so on their own, and I do not

[Mr. Mboya] I myself feel that this is a question, if it is entirely a matter of civil action, on which the Government should find it necessary to bring a Bill before this House. But in so far as action in which the Government itself finds it necessary to take proceedings against a newspaper or individuals, I think the Government can only justify his Bill if they show that there has been a general disrespect for the law, and that in addition to the existing measures it is necessary to introduce this form of legislation as perhaps a necessary deterrent to those who may wish to indulge in such acts of libel or sedition. So far in his speech the Minister has failed to show that this is the position, and I am not myself aware that there have been many crimes of this nature, apart from the ordinary ones that exist not only in this country but in any other country, and perhaps there are many more such crimes in other countries than we find in Kenya.

The Minister lastly referred to this Bill being similar to that in Uganda enacted in 1910. Well, I do not know whether that in itself is a necessary qualification in recommending this Bill to the House. I am not sure that we are being persuaded to look upon Uganda as a blueprint for our own actions and standards. I would have thought that the whole thing should be the other way round, but I am not sure that the existence of this legislation in Uganda in 1910 has any real effect in curbing crime or reducing crimes of this nature, and when the Minister replies he will perhaps tell us what advantages there have been in Uganda as a result of having this sort of legislation there against the position that would exist in Kenya after the restoration of the freedom of the Press with the ending of the State of Emergency.

Mr. Deputy Speaker, Sir, I beg to oppose.

Mr. Blundell: Mr. Deputy Speaker, like the last speaker, I shall only say a few words. Mr. Deputy Speaker, I rise to support the Bill. I cannot accept as has been alleged elsewhere that the Bill as drafted is really an infringement of the liberty of the Press. As I see it, the main object of the Bill is to protect as the hon. Mover said, the ordinary citizen from the insults and libels which a licentious Press may sometimes inflict upon him. I did want to raise one or two small matters which arise out of the Bill for the hon. the Mover to answer when he replies.

I was interested in his statement that one of the aspects of the Bill was the protection of Government against sedition. I would merely like to ask whether he is satisfied that indeed the law on sedition does not need clarification in view of the tremendous possibilities of seditious statements

in countries of mixed communities and varying standards of political maturity. I would like to know whether he is considering any such clarification, because if he is not considering any such clarification then, at least, one of the purposes of this Bill will largely be nullified in that as the law of sedition now stands it is difficult for Government to operate it. The hon. the Member who has just spoken stated that he felt the justification for the Bill would only lie if it could be shown that there had been an increase in the crimes of libel and sedition; I would like to submit to the House that this Bill—and this is one of the reasons why I support it—is largely a preventive measure, and that we should not look at what has happened in the past, we should anticipate what may happen to the ordinary citizens and the Legislative Councillors of this country, including the hon. Member who has just spoken, if the new and emerging vernacular newspapers are not governed in some degree by some discipline.

And lastly, I would like to record that bearing in mind the damages which are given in libel cases, the House should record, I think, that possibly the Government has been more than lenient in its assessment of the bond of surety.

With these words, Mr. Deputy Speaker, I support the Bill.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Deputy Speaker, Sir, I only have one point I wish to make arising out of the remarks of the hon. Member for Nairobi Area, and that is that he suggested that it should be no concern of the Government to legislate for a matter which is purely between private individuals or a private individual and a newspaper proprietor in a civil suit. It was, Sir, the hon. Member himself who suggested that all Ministers might be asked to provide a bond against traffic offences. He gave the example, Sir, and it will be remembered of course, that third party insurance is designed for that very purpose, to protect members of the public against bodily harm from irresponsible drivers of motor-cars who have no money to pay the subsequent damages. And, Sir, he would know from his past experience, although he said he was not a newspaper proprietor, he would know from his past experience, Sir, that whereas one can insure against third party risks with motor vehicles, one cannot insure with any company against sedition, or against malicious libel, and it is therefore necessary in this case for the Government to ask for this bond as the proprietor of a newspaper is taking an uninsurable risk of doing considerable damage to other people's reputation, instead of in the case of motor-cars, with their bodies. But I consider, Sir, that the

[The Minister for Information and Broadcasting] analogy is completely on all fours, and it is in order to protect members of the public again from irresponsible newspaper proprietors, and I would suggest, Sir, that a responsible newspaper proprietor, however big or small he may be, has nothing to fear from this legislation, which I beg to support.

Mr. Odinga: Mr. Deputy Speaker, Sir, I beg to oppose this particular Bill because I feel that the Bill is directed to discourage the vernacular Press, as has already been expressed by some Members both on this side and from the opposite side. It is really deplorable for the Minister to mention that this particular Bill has been in operation in Uganda since 1910. How many legislations are operating in Kenya which are not operating in Uganda? And each time there is something which is to the advantage of the Government they will always refer to this and that, and when it is something for which they can find no example in Great Britain, they will go all over the world to find where it is operating in order to bring it here, while I think is quite deplorable and is not, worthwhile. I only say we follow the examples in Great Britain, and I do not think there is similar legislation applying in Great Britain as far as book publications are concerned, or as far as newspaper publications are concerned.

Now, Mr. Deputy Speaker, I would only refer to one paragraph here—clause 6—where it is said that "the publisher of every book printed and published in the Colony shall (a) before, or within 14 days after publication of the book, at his own expense enable the Registrar such number of copies thereof, not exceeding three in number". Well, I know that many of the gentlemen here who are supporting this Bill are supporting it because probably they know that any publication they have will be published overseas. They are not considering that they are a party to this Bill or that this Bill is going to affect them, and therefore they are being irresponsible.

I feel, Mr. Deputy Speaker, that whenever we consider a legislation or Bill of such nature, we should at the same time consider the people, or should at the same time consider the member of the public, whom it is going to affect, and that is the small man who wants to start his work as a publisher or who has got the inclination to publish or to write newspapers in this country. I am sure that with this legislation the African who is inclined to start the publication or the work of newspapers will be completely discouraged, as is intended by the Government. I can see that already in Kenya we have all the newspapers being registered by the General Post Office, and such I do not see any need again of another Registrar for the newspapers. Each time before you start a newspaper you have to register

at the General Post Office, and that, I think, is enough registration. I do not think we need any more unless we want to put somebody who will go into the affairs of all the newspapers and direct them as to what sort of stuff they ought to write in the newspapers, just as they are now doing with the Society's Ordinance and the registration of societies. Now they are interfering even in the Election and in every aspect of any society. At the beginning it was placed very well that it would only deal with registration, but then later on they become the managers of the societies. The same thing will happen here. The man who is supposed to be the registrar will later on be the manager of those newspapers or of those books. Supposing I had already published a book, and I am required within 14 days to deliver the book, or books, to the registrar, what about it next time he refuses to register those books, and the registrar finds that the books are not after his taste and he condemns them, and is not going to register them? What will happen? Will I lose all that money which I have already spent in publishing the books? That is not actually specified or explained here very well. I know with all those newspapers there is an escape clause here, which is, intentionally placed very well, and that is included in clause 10 which talks about the law. There it is made very clear that the Minister may, by notice, in the *Gazette*, exclude any specified person, or class of persons, from the operation of all or any of the provisions of this Bill absolutely and which means that it will only be the already established Press which will never be excluded, and the African Press—they will never be excluded, and they are only making an escape clause in order to accommodate the already established Presses in this country.

Now, Mr. Deputy Speaker, I would only ask that although the Government may, at the present moment, be gratifying itself by the introduction of such Bills, it is all the more gratifying when of such Bills, it is all the more gratifying when it is applied to other people, but the time will come when the wind will start blowing on the other side, and when it is applied to other people they will not like it. Therefore, I do feel strongly that—and I am advising the Government—that such Bills will only hamper the good race relationship which we have in this country, and the progress which an African could make in business in newspapers, and the publication of books, and I am sure it will only increase frustration even more.

With these few remarks, Mr. Deputy Speaker, I beg to oppose.

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, I rise to oppose this Bill, which I regard as the act of a very weak Government. An act of men who do not understand what they

[Mr. Commodore Howard-Williams] are doing. In effect, by this Bill, they are doing their best to stop criticism, and healthy criticism is a good thing in any community. They are trying to encourage what I would call, Sir, the "Yes" Press. Trying to make a way to encourage a form of blackmail. With some experience, Sir, in that for nearly five years I ran a column which was called "The Truth", and which a number of people read, and which never told a lie—

Sir Charles Markham: Oh! Tana River.

Sir Commodore Howard-Williams: And which, Sir, never told a lie.

Mr. Blundell: On a point of order, Sir, is the hon. Member responsible for the accuracy of the statements he makes in this House?

Sir Commodore Howard-Williams: Mr. Deputy Speaker, Sir, that is not a point of order.

The Deputy Speaker (Mr. Conroy): It is a point of order, because Standing Orders require that if a Member makes a statement of fact he can be called upon to substantiate it. I understood that the hon. and Gallant Member was not stating a fact, but expressing an opinion.

Sir Commodore Howard-Williams: It is an expression, Sir, if an adverse and very weak opinion. They could not stop my newspaper at the very end of the Emergency, so they proscribed it by using the terms of the Emergency.

In conclusion, Sir, I would like to say that I regard this as another tragic betrayal of honest men.

I oppose.

Mr. ole Tipli: Mr. Deputy Speaker, Sir, I rise to oppose the Bill very, very strongly. Whatever explanation the Government might advance to defend the introduction of this Bill, it is very, very unconvincing. It is nothing less than trying to stifle the free expression of the Press. Now as far as I can see, the Bill before the House is aimed entirely at suppressing the vernacular Press as such.

An Hon. Member: Why?

Mr. ole Tipli: Someone questions why—because the Government knows full well that there are not many Africans—or there might be one in the whole country, who can stand the surety required of a bond of Sh. 10,000.

Now if I may touch on a few clauses. Mr. Deputy Speaker, I see that clause 7—personally why should the publisher be required to deliver, or send by registered post, to the registrar, two copies of the newspaper on every day on which the newspaper is published? There is, of course,

here unnecessary expense and extra work for the publisher which is quite unjustified, and I, for one, would have thought that it was the business of the Government to lay its hand on any newspaper published in the Colony if it so wishes. There is nothing to prevent the Government from getting, or buying a copy of a newspaper, but why compel the publisher to send it. That is not his business. He is only interested in publishing the paper, and if they want to detect anything in the newspaper then surely it is the Government's business to get that newspaper.

Another thing is clause 9 provides for a fine not exceeding Sh. 10,000 or one year's imprisonment, or both. Surely this is quite uncalled for in any self-respecting free country where the freedom of the Press is recognized. Why punish someone for a minor offence of failing to send in the forms or anything minor of that nature? Sh. 10,000 is really too much. And I do not see why it should be there at all. Such a heavy penalty should not be imposed under any circumstances, as far as I can see, unless the Government is out to hinder and to a certain extent, kill the existing newspapers and prevent new ones from coming into being. That is the whole intention. Nothing else except that.

Now, the Minister went on to say that the introduction of this Bill is a protective measure against sedition, and the Minister for Information went on to say that the good newspaper men have nothing to worry about because the whole intention is to catch the irresponsible publisher. Surely we have enough legislation already to catch the irresponsible publishers of any newspapers. Do I understand that in the past because a man had not deposited a surety of Sh. 10,000 he could not be prosecuted for libel or sedition? If this was done, then what is there to prevent it? What is required, surely, is to enforce the existing law so that whoever publishes seditious matter or defamatory matter, or any such criminal acts, could be prosecuted and the whole force of the law applied in his case. Otherwise, I do not see personally the logic of somebody having to deposit such a large sum as surety against libel or sedition. We shall soon be required to call upon all our citizens to deposit large sums of money against committing any criminal offence.

Now, another thing is that the whole intention, I think, and the Government has partly admitted, is that it is worried about the increasing number of vernacular newspapers which were there before the declaration of the Emergency. Now if the Government is worried that an increase of such papers can do much damage to the country's security position, then my suggestion to the Government is that they should

[Mr. ole Tipli] do everything possible to check on any newspaper which might come up, and by punishing the culprits, then the rest will learn a lesson, but not by coming here and telling us that they want a bond of Sh. 10,000—I will not accept it. Because the whole thing is surely to stifle the Press. Nothing short of this. What has happened? Why was this legislation not brought in in 1910, according to the Minister for Legal Affairs? Why bring it in only today? We have had all these newspapers in the country for circulation. What has gone wrong now? We would like to be told.

Now, Mr. Deputy Speaker, I feel that the Government will be well advised to withdraw this Bill and burn it.

With these words, I beg to oppose.

Major Day: Mr. Deputy Speaker, Sir, I would like to rise and say that I welcome the intentions behind the Government in producing this Bill, but there are one or two things that I feel personally slightly apprehensive about, and I would like, if possible, to clear these points.

First of all, I believe, Sir, that they are entirely right in disciplining, or attempting to find a means of disciplining that part of the vernacular Press which may become subversive, but, Sir, it does not necessarily mean to say that all the vernacular Press are necessarily subversive. Nor, Sir, do I think that because a man may not happen to have a great deal of capital, if he wishes to start a newspaper, that the sum of £500 is perhaps slightly large in this connexion, because, Sir, if a man happens to be poor, or a small company has little capital, it by no means follows that they are necessarily going to be subversive or seditious in the nature of their publications. So perhaps, Sir, in my opinion, the sum of money of £500 as security is large—perhaps too large.

Now, Sir, times change and customs change with them, and another thing which worries me about this is the other side of the question in this connexion. We are told, Sir, that if newspapers are responsible they are going to be all right. Now, Sir, when times and customs are changing as rapidly as they are today, what is going to happen if what is now considered to be responsible in five years' time is considered to be irresponsible? What, Sir, therefore, I would like to ask the Government, are the assurances of what are now termed as "responsible" newspapers. Could they not, in fact, have this particular legislation used against them if there was an irresponsible Government in power in this country? I think this is an important point. I am not trying to quibble, and I think the Govern-

ment should bear this in mind, because they should not be laying the foundations to trap, or to create a position which I believe they are attempting at this moment to prevent. It might be a weapon, Sir—I repeat—which could be used by irresponsible people in an irresponsible Government to the detriment of responsible journalists and the detriment of responsible capital in those newspapers, and is just another instance of the multitudinous problems which we need reassurance upon by the Government today.

Otherwise, Sir, I beg to support.

Sir Charles Markham: Mr. Deputy Speaker, Sir, a short time ago one of the Sunday newspapers which is in the English language started a campaign against this particular Bill, and so I did some homework because I found that a lot of the allegations made in that particular newspaper were not contained in this particular Bill. Having heard, Sir, the speech of the hon. Member for Nairobi North, again, Sir, I find a lot of his remarks are not connected with this Bill. If this was the proposal whereby the Government would be the only people to allow a newspaper to print news or to start up operations, then, Sir, I would be the first person to oppose it.

But according to the way I read it, and perhaps I will be corrected if I am wrong, anybody can start up a newspaper—I will talk about the bond in a moment—and provided he does not get himself into court he can carry on his business. There is nothing, Sir, as I see it, in this Bill which will stifle the Press, muzzle the Press, create a yest-ster Press, or even a no-Press; and I cannot see what a lot of the opposition to this Bill is, except perhaps what is commonly called the good old days of appeal of emotion. The only thing I do criticize is this question of the £500 bond, and I think, Sir, perhaps, when he introduced this Bill, the Solicitor-General was wrong to talk about sedition. If a newspaper is seditious then that sedition, or the proprietors of that newspaper, or paper, or the publishers, as the case may be, should be prosecuted, and, Sir, it is not a question of a fine, Sir, but a term of imprisonment, or fine if there is the money. When it comes down to libel on the other hand, £500 is a very small sum, Mr. at the hon. Specially Elected Member, Mr. Blundell, said, by the time you have paid the crumb lawyers' bill, Sir, what is left over, the crumb which will fall at the feet of the person who have been libelled, will be very very small indeed. Therefore that side particularly is dangerous because there have been cases in the past where certain of these news-sheets have been libelled people in the most flagrant manner, and let us face it, it is not worth the effort of taking the

[Mr. Mate] to get better things. Why should we refer to this every time, and why should we not hear the Government say that they have plans to try to assist those people who want to open up newspapers, in giving them the necessary training at a fee, in a college or a school, in order to encourage the proper way of writing newspapers and books, rather than having laws that do not stop the people from wondering and thinking and wanting to spread their ideas which are not necessarily in any manner seditious or malicious. I feel that this Government here is in a hurry to do some things before some time, but I do not know what time. The reason why I feel this Bill is very hard is because there are some Africans in the Central Province who want to publish newspapers. They are going to be hit very hard. I do not think the Government will deny that this Bill is very discriminatory. What is Sh. 10,000 to the old established newspapers compared with that amount of money to the man who is going to start? It seems as if the Minister will have power to exempt such individuals. I wonder what measures he or the Government are going to use in exempting these people. I feel therefore that the Bill is not outwardly but by implication aimed at the African people, because the other races have had newspapers going on all this time. So whether the Government likes it or not I feel the African people are going to look at it as something deliberately planned to stifle a healthy wish to take part in the newspaper industry.

My second point is that even if the particular individual pays Sh. 10,000 are you going to pay him interest on that money? Are they going to keep it and hope that one day, if it is necessary, and even if it is in 20 years time, that money will only come back to the owner should he deserve it. I want the Government to explain there whether they are going to deposit it in the bank and whether the interest will accrue. I feel, Sir, that rather than give us examples they should encourage education in these lines and that they should reduce that sum to something like Sh. 3,000 if they must have some money. If Government is prepared to exempt some people why should they oblige others to pay this deposit? I feel, Sir, that this Bill will not achieve that particular kind of result and happiness that the Government wants to see. It is going to frustrate many of the African people. They hope that by not saying things in certain languages, the so-called vernaculars, everything will be all right. Now, the Government have got so many experts, Swahili experts, Kikuyu experts, and Luo experts. They can censor these newspapers. They can find out exactly what is being said. Why are they

afraid? Already there are laws which provide that anybody who writes seditious material will be prosecuted. I am surprised, Sir, that such a Bill should be thought as the cure for the frustration people feel in this respect. I hope as soon as convenient in this country this Bill will be swept aside and that we will get the full freedom of the Press, provided, of course, that the ordinary common laws of decency do stay.

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

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

I am asking this Government here why they are so much in a hurry to pass this Bill. I would hope that the Government when they come to applying this Bill will decide on how they will carry on with it, and whether the liberal language which the Chief Secretary used will be used in encouraging African newspapers, editors and proprietors, to develop the art of writing newspapers, because otherwise if it is hoped that this will stifle the African way of thinking then I think it will do more harm than good. There are many undesirable things that nobody wants to say, but I do not believe that by simply opposing and saying "We do not want to hear this", that that is any positive way of improving things without training people. That will not help anybody.

I beg to oppose.

Mr. Mutiro: Mr. Deputy Speaker, Sir, I think when we talk of the freedom of the Press we do not exclude the individual. The individual is only free in so far as the Press in which he expresses his views is free and not tempered by the Government. I think that now Kenya requires a free Press more than anything else. Just now many people in this country require very good and sound education, at least in public affairs. They cannot get this education if the news is very brief, particularly in the vernacular Press. When one comes to the vernacular Press one finds that a lot of people do not dream of going in for journalism. However, as the hon. Member for the Coast suggested, I think a very positive approach by the Government should provide some money to start a school of journalism in Kenya. I would urge the Pressmen in Kenya, especially those people on the *East African Standard* or other papers who are already qualified in these matters, to try to assist these people in the vernacular Press who are trying to make news available to the public.

[Mr. Mutiro]

Also, Sir, what I would like to know concerns the question of prohibited literature, books and all those things. I think the Government and all those things. I think the Government is trying to deal with this matter must also bear in mind that many people come in contact with books which might be regarded in Kenya as prohibited literature, particularly in colleges like Makerere or the Royal Technical College, where you will come in contact with books like the *Communist Manifesto* or *Dar* books like the *Communist Manifesto* and books like that. Probably the Kenya Government might look upon documents like that as historical and informative to a student in a university college, but as prohibited literature in Kenya generally. But one must also know that unless people come across and know and read by themselves these books they will never know where the problem lies. I, myself, as a student of political science, have some of these books and if you come to me you will find *Communist Manifesto* in my library, but that is not kept by me because I want to be subversive; I use it for studying. Now with books like that the Government should also reckon upon the truth that the arguments generally given are that the book is used as a text-book and not as an instrument which you use to subvert others.

On the question of bonds, I think this should not be there, by the fact that if someone signs a security or deposits a certain amount of money, already the Government presupposes him to be someone who is going to break the law. If that is the approach I think it is the wrong approach. I know some of us have signed a lot of security bonds for some people who have left this country. Now you want in this Bill people to sign security bonds or deposit so much money before they can start the Press. As the Member for Central Province (North) says, this is going to cut out quite a number of people who want to start a Press, particularly Africans, and they are the people who require education now more than any other section of community probably, and I think they can only do that through the medium of the vernacular Press, Swahili and other vernaculars in Kenya.

And, therefore, if this is going to be pushed through as normally it is pushed through by this Government, the Government should be lenient on this issue and, therefore, I beg to oppose this measure.

Mr. Travadi: Mr. Deputy Speaker, Sir, I beg to oppose this Motion, the Second Reading of this Bill. I feel that whatever the demand from the publishers or printers of any amount from a penny to £1,000 it is a sort of incursion on the freedom of the Press which may eventually lead the country to a police state. I feel that the last

three lines of clause 11, which ensure the payment to prospective plaintiffs of any amount of damages which they might expect from the courts will tend to lead to more litigation than anything else.

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

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

It will not, in any way, prevent the publication of any subversive literature whatsoever and this Bill does not deal with that at all. The Penal Code Provisions are sufficient enough to cope with that type of crime. It would, I think, penalize the poorer type of newspaper proprietors and owners, more particularly Africans and Indians who are just in their infancy, and it will not, I am positive, penalize the Press of the type that my hon. friend, Air Commodore Howard-Williams, used to run in his columns where he used to print only "the truth, nothing but the truth and the whole truth". This type of people naturally will never be penalized at all, but in another way I am positive that the poorer Asian and African newspaper men will have to cut down their numbers, at least, tremendously.

With regard to clause 10 (2), the powers of the Minister to exclude any type of publisher or printer or anything, I think the Government would have done better if they had defined these discretionary powers, as the Chief Secretary just now said, that an honest man can be exempted; that there will not be any favouritism towards the foreign Press or the English Press, or against the Asian or African Press or that type of thing. I think that the full definition, instead of leaving the whole thing out in an omnibus provision, should be defined more or less, so that the ordinary layman can understand what type of exclusion or discretionary power is given to the Minister.

Mr. Deputy Speaker, the one thing that I forgot—if a private litigant gets a decree, a sort of a judgment, against a newspaper man, he could very well execute the decree by issuing a garnishee order from the court but here if the Government holds the money it will go back straightaway to the plaintiff and thereby the court will be deprived of little fees and charges. It will be an undoubted loss even to the court as well as to the general revenue of the Colony.

I therefore feel, Mr. Deputy Speaker, that instead of preventing the publication of subversive literature by this type of method of asking for security and money and the like, it would have been better if some small Bill had been published whereby a general approach would have been

[Mr. Webb]

striking misunderstandings was that the book or newspaper had to be registered, and he compared registration at the General Post Office in respect of second class mail. I was careful, Sir, to point out, and he could have discovered it had he read the Bill, that there is no registration of books and newspapers. There is mere deposit of them. There is no question of the Registrar reading a book and condemning it or refusing to register it, so that his money will be lost. He can publish anything he chooses to publish, subject to the general law of the land, and the Registrar, poor fellow, will have to accept it.

Certain other Members, Sir, and notably, I think, the hon. Member for the Aberdares, raised the question of the amount of the bond and implied that cash was required. Now, Sir, that is not the case. A bond is merely a promise to pay, and there is no necessary requirement of cash in any case. It may be that in certain cases the Minister might require a deposit of cash, but if a proper bond is executed and a suitable surety can be found, then there is no question of actually finding the cash.

The hon. Member for Ukamba, Sir, very rightly said that anybody can start a newspaper, and I willingly give him the assurance for which he asked—that there is nothing whatever in this Bill to muzzle the Press at all. He pointed out, Sir, a fact which is very relevant in this context, and that is that it is sometimes quite useless to try and use somebody who may have labelled you because he is not worth powder and shot. One effect of this Bill would be, Sir, at any rate there would be £500 available in a kitty, and it might well be worth suing at any rate for that amount, and to that extent I think this Bill might be a useful measure.

Sir, the hon. Member for the Coast suggested that the education of Africans—I imagine, in particular, and Asians too—to conduct the vernacular Press would be a good thing, and with that I entirely agree. Government is already taking steps to educate its own Information Assistants, and I am sure that his remarks will be borne in mind by those responsible in the largest sense for education. But of course, Sir, in the last analysis, you cannot teach a man not to be seditious and not to be libellous.

The hon. Member for Central Province North suggested that Government was in a hurry to do something before something happens. He is absolutely right.

Sir, I do not think that in view of the remarks which have already been made by my hon. friends on this side, that I need to say anything more,

except to end by once more commending this Bill to this House, and to say with Burke, "What we like is liberty connected with order."

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

The Central House Board (Vesting of Loans) Bill

The Minister for Housing, Common Services, Probation and Approved Schools (Mr. Amalemba): Mr. Deputy Speaker, Sir, I beg to move that The Central Housing Board (Vesting of Loans) Bill, 1960, be read a Second Time.

Prior to the enactment of the Local Government Loans Ordinance, 1953, certain loans had been made by the Government to various local authorities, including a number of loans issued from the fund of the Development and Reconstruction Authority for the purpose of building African houses. Section 6 of the Local Government Loans Ordinance vested in the Local Government Loans Authority, established by that Ordinance, the right to recover the principal and interest on these loans. It is, however, more appropriate that this right should, in the case of housing loans, be vested in the Central Housing Board, established under the Housing Ordinance, 1953, and this Bill does so vest it.

The loans in question are listed in the schedule. I think, Mr. Deputy Speaker, the only part of the Bill that I would like to draw the attention of the House to is section 3 (2). On 18th February, 1953, Legislative Council approved a resolution to the effect that as from the date of operation of the Local Government Loans Ordinance (that is, 20th March, 1953), there should vest in the Local Government Loans Authority established by that Ordinance the right of the Government in respect of certain loans which had been made to local authorities before 20th March, 1953, from the provision made annually in the Estimates of the Development and Reconstruction Authority against the allocation of £2,000,000 for loans to local authorities.

Section 6 (2) of the Local Government Loans Ordinance says, among other things, that there shall be "vested in the Authority the right of the Government to demand, sue for and recover . . . such loans made to local authorities by the Government out of the public revenues of the Colony, as may be approved from time to time by resolution of the Legislative Council. . . ."

It might be argued that section 6 (2) applies to the loans approved by resolution of Legislative Council subsequent to 20th March, 1953, and that therefore the loans made by Government to local authorities before that date have never, in

[The Minister for Housing, Common Services, Probation and Approved Schools]

fact, been vested in the Authority. In the circumstances, and since it was intended by Legislative Council that the right of Government in respect of loans made before 20th March, 1953, should vest in the Authority, clause 3 (2) has been included in this Bill in order to ensure that they are so vested and that the intention of the resolution is implemented.

By administrative arrangement the Central Housing Board has, for some years, been responsible for collecting repayments due on the housing loans by the local authorities concerned, and this Bill legalizes the arrangement.

Mr. Deputy Speaker, I beg to move.

The Minister for Local Government and Lands (Mr. Havelock) seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

The Guarantee (High Commission Posts and Telecommunications Loan) Bill

Mr. Butter: Mr. Deputy Speaker, I beg to move that the Guarantee (High Commission Posts and Telecommunications Loan) Bill be now read a Second Time.

This legislation is required in order to provide security for investors and to allow the stock issued under the High Commission Loan Act of 1959 to have trustee status. The principle of enacting legislation of this kind has been accepted by the House on a number of previous occasions. The Bill provides in clause 1 that it shall come into force on such day as the Governor may, by notice in the *Gazette*, appoint, and the purpose of this is to enable the Kenya Government to arrange with the other two Governments concerned—the Uganda and Tanganyika Governments—for an agreement to be signed between them under which the liability of each will be limited to one-third of any amount which might possibly have to be paid out under the guarantee.

Similar legislation has already been passed in Uganda, and has been published in Tanganyika—and I believe has also been passed in Tanganyika. I do not think, Sir, that there is anything I need add at this stage. I will do my best to answer any questions that may be raised by hon. Members.

The Minister for Finance and Development (Mr. MacKenzie) seconded.

Question proposed.

Mr. Alexander: Mr. Deputy Speaker, Sir, this Bill creates a contingent liability upon the Government of Kenya, the contingent liability for a guarantee, and the Public Accounts Committee, Sir, when dealing with this question of guarantees in the Report on the Accounts to June, 1959, at page IV had this to say, and I quote: "Contingent liabilities. The figure for contingent liabilities at 30th June, 1959, stood at £5,861,500. The Treasury, however, saw no cause for alarm, and as each new overdraft guaranteed by Government received the approval of Legislative Council, the Committee accepted the position, but recommends that this cumulative figure be brought to the attention of Council whenever a new guarantee is reported." At June, 1959, therefore, Sir, the contingent liability was nearly £6,000,000. This Bill guarantees a loan to be raised by the Posts and Telecommunications of some £3,250,000, therefore it would seem that the total contingent liabilities of the Colony have been increased, and it would seem, Sir, that the Government have taken little or no notice of what the Public Accounts Committee recommended. That is, that we should be kept up to date each time there is a new guarantee, and when he replies, perhaps the Minister would tell us whether he intends to comply with the wishes of the Public Accounts Committee, and if so, will he bring us up to date with the total contingent liabilities.

Now, Sir, this Bill does deal with a major activity of the East Africa High Commission. We, in this House, Sir, are anxious, and there have been expressions from both sides of this House, to stimulate and encourage all activities that lead to the economic interdependence of these territories—these East African territories—and it has been most refreshing and encouraging to us to have heard words recently from Tanganyika that also lend support and lend weight to this kind of thinking, and we are fortunate, no doubt, to have there at the moment our previous Minister for Finance, who himself is a keen advocate of this economic interdependence. We therefore, Sir, in Kenya, are glad to enter into the commitment of this kind that will help all the East African territories, and in doing so, Sir, it is appropriate that we should use an opportunity like this to draw the attention of this House and of our friends in neighbouring territories, of the extent to which Kenya is prepared to help this common market thinking—this economic interdependence thinking—and it would be useful, when the Minister replies, if he could tell us just how much the other territories taking part in the Posts and Telecommunications Service do benefit from the fact that that service does provide for a wider geographical area. I would suggest, Sir,

[Mr. Alexander] that perhaps Tanganyika benefit very greatly from the telephone services in their territory. Looking at the Annual Report of the East African Posts and Telecommunications for 1958 I notice that on the telephone net revenue account the deficit for the year is approximately £180,000. Now what I would like to suggest, Sir, is that that deficit would perhaps have been far greater if there had not been the concentrated activity on telephones in Kenya, and it might have been greater if only account was taken of the widely dispersed area that has to be served in Tanganyika. Again, the telegraph net revenue account showed a deficit of £23,000, and it would be interesting to know to what extent each of the territories had benefited from the concentration in any particular territory. We do know, for example, with the railways, Sir, that there has been considerable benefit derived by the other territories through the activities in Kenya. I merely mention this, Sir, at this appropriate stage, in order that we might help to remove in this House the suspicions that are generated against Kenya from the other territories, and to assure the other territories that we are glad to be participating in these interterritorial activities. We welcome our association with the other territories, and we hope, Sir, that they will welcome us just as much as we are pleased to be part of them economically.

I beg to support.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I do not propose to deal with the first of the points raised by the hon. Member for Nairobi West. I am sure that my hon. friend the Secretary to the Treasury when he replies will be able to give the hon. Member the information he needs.

Sir, I would, however, like to deal briefly with what the hon. Member said about the interdependence of these three East African territories. I agree entirely with him that this interdependence is a matter of the utmost economic importance to all three territories and also I believe that it is a matter of the utmost benefit to all three territories that the interdependence should be maintained and encouraged. It is quite obvious, I think, particularly in these High Commission services such as the Posts and Telecommunications Administration and the East African Railways, that we all stand to benefit by the operations on the scale that they are. I would agree, Sir, with the hon. Member that Tanganyika and Uganda stand to benefit in many ways from this association, but, Sir, I also would like to say that Kenya, too, derives very great benefit from the services, and in particular of course we derive great benefit

from being at the centre of a market of some 20,000,000 people. I have always believed myself that in this question of interterritorial interdependence it is not particularly easy to add up the actual financial benefits in one way or another. So many of them tend to fit into one another in rather the form of a jigsaw and one territory gains in one way and apparently another territory gains in another, and yet in some circumstances, although it may appear that one particular service is being subsidized in one of the territories, it means that through the chain reaction it redounds to the benefit of the other two. For these reasons, Sir, I personally have always felt that it is rather dangerous to try to tie this thing up too much in the form of an exact balance sheet because it is the sort of balance sheet one would always have disputes about, about definitions, about the weight of the various factors in it. Suffice it to say, Sir, however, that I do agree entirely with the hon. Member that we must I would say almost at all cost maintain this link because, as I think I have said here before, and I certainly feel it very strongly, my own belief is that if we were three independent territories here each one of us would be considerably poorer than we are at the moment and that our being associated one with the other has resulted in each one of our territories being richer than would otherwise be the case. I hope that that process is going to continue throughout the years and that as time goes on everyone in these territories will fully appreciate the position as, I might say, I am quite sure, at the present moment, all the wiser people in all three territories appreciate the position at the present moment.

Sir, I beg to support.

Mr. Butler: Mr. Deputy Speaker, Sir, I am grateful to the hon. Member for Nairobi West for his support of the principle of this legislation. He did ask for figure of our contingent liabilities and I had anticipated that he might do so. On this occasion he has, I think, been slightly misled because the figure of contingent liabilities considered by the Public Accounts Committee of £5,861,500 related to the contingent liabilities in respect of bank overdrafts and loans made by banks: there is an entirely separate figure of our guarantees of public loans issues. These, before the enactment of this Bill, as stated in the latest Annual Report, amounted for the East African Posts and Telecommunications Administration to £11,250,000, and for the East African Railways and Harbours to £75,250,000. The total of public loan issues guaranteed therefore will now rise from £86,500,000 to £89,750,000, which may sound a formidable figure, but the loans that have been raised by these two Administrations are well within the capacity of these two Administrations to service and, when necessary, to repay.

[Mr. Butler]

He also asked whether it was the intention of the Government to act on the recommendation of the Public Accounts Committee, and I feel reasonably confident that we will be able to accept this recommendation.

His second point, Sir, concerned the benefits which all three territories obtained from common services such as those provided by the Posts and Telecommunications Administration. That point has been dealt with by my hon. friend the Minister for Finance. I would merely add one more point in support of what he said, in that I think that the size of the organization does attract a quality of staff that a smaller organization would not, and an illustration of that is of course the recent one where the Postmaster-General of the East African Posts and Telecommunications Administration has now gone to hold a similar position in the United Kingdom.

Mr. Deputy Speaker, I beg to move.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

The Lake Victoria Fisheries (Reapplication of Laws) Bill

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Mr. Deputy Speaker, I beg to move that the Lake Victoria Fisheries (Reapplication of Laws) Bill be now read a Second Time.

Mr. Deputy Speaker, I hope this Bill may be considered mainly to be a formal one because the object of it is to revive and to a small extent to amend legislation which was passed in 1939 and then was superceded by the Lake Victoria Fisheries Act, 1950, passed by the late Commission. That Act, however, is to be repealed with effect from 30th June this year and it is therefore necessary, as I say, to revive the Kenya legislation to take its place. What the Bill proposes to do is to revive the laws which are listed in clause 2 of the Bill and which are the Fish Protection Ordinance, the Royal National Parks of Kenya Ordinance and the Trout Ordinance. In addition to reviving the old Ordinances, the powers in those Ordinances, this opportunity is taken of making certain amendments mainly with the view of bringing the provisions up to date.

The main amendments are in respect of penalties. Mr. Deputy Speaker, because it was found that the penalties which were imposed under the Ordinance of 1939 are inadequate in the conditions today. The amendments have been made

because of the change in the value of money and also to bring the penalties in line with those in the recently passed Control of Nets (Nyanza Province) Ordinance of 1958. It was found, unfortunately, that the penalties imposed in 1939 would not suffice. If I may give just one example, because they would be economically acceptable at the present time by certain poaching fishermen. It is therefore necessary that these should be increased. Therefore, the first increase is in section 4 of the Fish Protection Ordinance which is referred to in clause 3 of the Bill before Council. The penalties there are in respect of general offences under rules and regulations approved by the Minister. The proposal is that those should be increased.

The second amendment is in regard to penalties under section 6 of the Fish Protection Ordinance, or clause 4 in this Bill. Here it is proposed that they should be increased to a greater extent than in the previous clause to which I have referred because it is a much more venal offence and is in respect of persons who have resorted to the use of explosives or to poison in order to kill fish. I think hon. Members will agree that that is a most inhumane procedure and the penalty should be greater than for an offence under ordinary regulations and rules.

Clause 5 of the Bill which refers to section 9 of the Fish Protection Ordinance—the penalty is also increased because that is in respect of wilful obstruction of fisheries officers in the lawless pursuit of their duties. There again I think hon. Members will agree that the penalty should fit the crime. In addition to that—the I beg my hon. Members' pardon, Mr. Deputy Speaker, my last reference should have been to clause 6 of the Fish Protection Ordinance, or section 10 of the old Ordinance deals with the confiscation of a vehicle or vessel in which the crime has taken place.

I think there is little to add to that at this juncture, Mr. Deputy Speaker, and I beg to move.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie) seconded.

Question proposed.

Mr. Odongo: Mr. Deputy Speaker, I beg to oppose this Bill.

Hon. Ministers: Shame! Shame!

Mr. Odongo: On the grounds that it is the most unreasonable Bill ever introduced into this House by the Government. It is only a few hours ago, by the Government, that one of the Ministers Mr. Deputy Speaker, that one of these pieces of legislation is being introduced because it has been in

[Mr. Odinga]

Uganda for some time. Now I understand that the same Bill which is being introduced into this country is being removed from the books of Uganda and Tanganyika. I do not know why the same Ministers could not follow Uganda and Tanganyika in doing the same thing here.

Mr. Deputy Speaker, the logic of the Ministers in this House I really fail to understand, because when they find one thing which suits them they refer to things which happened in the other territories. When something is disadvantageous to them, then they do not refer to the things or to the activities in those territories.

Now, Mr. Deputy Speaker, I should say that Lake Victoria cannot be compared with other stretches of water in Kenya because it is an interterritorial stretch of water and therefore the fish in Lake Victoria does not concern Kenya alone. It concerns everyone; all the East African territories. As such, any legislation which affects the part in Kenya and does not affect the other territories is most unreasonable. You will find here, Mr. Deputy Speaker, that the fish which are marked in Kisumu—the numbers of which are in the report, the Lake Victoria Fisheries Report, 1959, where this is stated very clearly—the fish which are marked at Kisumu and dipped into the water at Kisumu make up only 9.25 per cent of the fish which return to the same place or which are caught in the vicinity of Kisumu area. This means that about 10 per cent only return to the area. At one time also in one of the reports it was said that several of the fish which were dipped in Kisumu waters were caught in Mwanza which means that the fish do move around the lake. There is no confinement, you know, with fish to the one area only to Kisumu area alone.

And that refutes all the arguments, all the logic, which are advanced here by the Minister, and I do not know why the Minister finds it shameful for him to withdraw or to stop the Bill. Probably he feels that when he withdraws it he will feel probably foolish or something like that. But I do not think that there is anything foolish in this because in the whole of East Africa they have found that this legislation does not actually hold water. They find that they are spending money very much unnecessarily and as such they have found this unnecessary in Uganda, they have found it unnecessary in Tanganyika. And if we in Kenya are going to apply these controls and control our fishermen unnecessarily, we are only controlling them in order to feed fish for the people of Tanganyika and the people of Uganda to use. We will also be penalizing our people for nothing at all, because generally when these people want to run to the Uganda part of the

waters they also find that these people arrest them and fine them. They do not allow them to go there. And yet these are the very fish which come, which are being controlled, from their area which also move and which those people are using in their part of the water.

Now, again, I do not think, Mr. Deputy Speaker, that the Ordinance as the Minister has stated here, that the Fish Protection Ordinance and the Royal National Parks of Kenya Ordinance and the Trout Ordinance should apply at all in Lake Victoria because if they are to apply, you know, the Uganda Government and the Tanganyika Government should be consulted and the legislation should be uniform. Otherwise, we are making the Government become unpleasant to the people unnecessarily because an ordinary African man will not understand if in Kenya waters—and they do not even understand where the Kenya waters are and where the Uganda waters begin—he is heavily penalized or heavily fined for fishing with certain nets on this side when on the other side just next to him he is seeing a man in Uganda or in Tanganyika fishing with the same nets freely in that part of the water.

I do not think that I should go on for long, Mr. Deputy Speaker, but I would only refer to what is happening in Great Britain. Recently when I was in Great Britain—

An Hon. Member: Ah, who is quoting now?

Mr. Odinga: Yes, I am referring to it because they always refer to it. It is only when it is disadvantageous to them that they do not refer to it. When I was in Great Britain I asked some fishermen to tell me what was being done in Great Britain. They told me that that there the Government only directs the policy and it is the fishermen themselves who form themselves into co-operative societies and co-operative unions and they are the people who decide when to fish with this type of net—and where not to fish with that type of net. And why should such a policy not be applied here in this country? These fishermen know their job. They are fishing in the Lake also. This also is just a business, just as a farmer is on his own farm. These people would definitely know the seasons for using such types of nets, the seasons for using another type of net, and they would just carry on well.

I am sure that the new Minister will now reconsider his position and be more reasonable and I hope that if he does he will probably have started very well with his Ministry and he will not actually get into unnecessary conflict with the fishermen in Kenya. I hope that that will be a credit to him. Therefore, I beg to oppose the Bill and ask him to withdraw the Bill and probably later on find another way of helping the fishermen to carry on.

[Mr. Odinga]

Mr. Deputy Speaker, I beg to oppose.

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Mr. Deputy Speaker, in reply to various points raised by the hon. Member for Central Nyanza, first of all I would like to say that all conditions are not the same in Kenya as they are in Uganda. There are differences, and in this particular respect there are more fish in the Uganda waters than there are in the Kenya waters of Lake Victoria. What is more, the water conditions are different. Whereas the Kenya waters which consist of some 250 square miles are in the main in the Kavirondo Gulf but also go down the East Coast. The East Coast waters are very different also to the majority of the water fished by Uganda and Tanganyika. There are two quite large rivers which flow into the Lake, the Kuja and the Nzoia, and there are large sandbanks which create quite different conditions.

Furthermore, the catches of fish in the Lake in Uganda are diminishing and I would quote to him the report I have from the East African Fisheries Research Organization at Jinja where they say that, as they foretold, the catches in Uganda rose sharply at first and are now declining seriously. The hon. Member says that he has other information with regard to fish research. He must be in touch with other organizations than those with which I am in contact and I would be very grateful if he would, after this debate, give me the information which he has. But we are following very closely the information which we can get and I will tell the hon. Member that the information in some respects does conflict. This Government is doing its utmost to protect the industry and must be on the careful side until we know that we can relax conditions. This Government does not wish to see the industry destroyed as well it might be if, for example, unrestricted fishing by seining methods were allowed at this present time.

The hon. Member in his speech, I feel, presupposes that there is a slump in the industry and has inferred that perhaps there is hardship in the Nyanza Province from the restrictions which this Government has imposed for the time being on fishing. Well, I would like to give him some facts and figures which will show that that is far from the case.

In 1958 there were taken from the Kenya waters 25,000 tons of fish worth £990,000. I would again admit that it is very difficult to get accurate figures but those are estimates which are done by officers in whom I have confidence and I believe them to be approximate. I am informed that the number of fishing licences issued in 1959

showed an increase on those issued in 1958 and have risen now to 4,492. It is believed that the value of the fish catch from the Kenya waters in 1959 may well amount to £1,500,000. Now, I do submit, Mr. Deputy Speaker, that if it were uneconomic to fish, then all those fishermen would not have applied for licences and there would not be a continuing increase in applications.

That, Mr. Deputy Speaker, introduces another difficulty with which we are faced, not only in respect of the size of nets but the increase in the number of fishermen who are fishing. It is the impact of those increased number of fishermen that we must very carefully watch. Now, feeling that there might be some hardship the chief fisheries officer and research officers in Kenya took other steps to safeguard against that which, of course, would be most undesirable. It is an industry which has thriven for many, many years in Nyanza. It may be the main industry there, in the lakeside part of Nyanza anyway. In order that they should not suffer the Fisheries Department started a hatchery for restocking the lake and also for supplying individual farmers there with fish which they could put in their own ponds. They found that another type of tilapia was better for the inland ponds than the Tilapia Esculenta which is in the lake. They therefore are not only producing that type but the Tilapia Zilli which is more suitable for the inland ponds. Now, that has been so successful that there are now nearly 4,000 fish ponds in Nyanza and those are increasing monthly because the farmers there find that by making quite a small hole in the ground and putting fish which are supplied by Government into them they can have an ever ready supply of food on their doorsteps. Therefore, Mr. Deputy Speaker, I do submit that there is no hardship and the precautions we are taking are to ensure the future prosperity of the industry which we know is of very great value indeed to the people of the Nyanza Province.

In this we followed the example of Uganda. The hon. Member will be interested to know that here there is a big similarity with Uganda because in the Buganda Province there are now, I believe I am right in saying, more fish ponds than we have in Kenya, but it may be just about the same number.

I do not want, Mr. Deputy Speaker, to take the time of Council in going into all the details of fish protection which were given by my hon. predecessor in the debate in this Council Chamber on 15th December, 1959, and I would ask the hon. Member to refresh his memory perhaps by reading HANSARD of that debate before the Committee stage if he has any other questions to put to me in detail.

[The Minister for Tourism, Game, Forests and Fisheries]

Mr. Deputy Speaker, I beg to move.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

The Coffee Bill

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, I beg to move the Second Reading of the Coffee Bill, 1960.

In introducing this Bill, Mr. Deputy Speaker, I do not propose to go into any great detail. I propose instead to confine myself to giving the House an outline of the two main principles on which this Bill is based. Firstly, Mr. Deputy Speaker, this Bill is very largely a piece of tidying-up legislation. Up until now the coffee industry has been regulated and governed by two Ordinances; firstly, the Coffee Industry Ordinance and secondly the Coffee Marketing Ordinance. The first was enacted in 1934 and the second in 1946. Since those two dates there have been five amendments to these most important Ordinances.

Now, Sir, this is not altogether a satisfactory state of affairs for an industry which, I need hardly remind the House, is by far the most important industry in our country. Of the total domestic exports from Kenya in 1959 amounting to £29.7 million no less than 35.6 per cent were exports of coffee. These exports were valued at a figure of £11.25 million. Mr. Deputy Speaker, for an industry of this size and importance, it is obvious and desirable that legislation should be not only streamlined but should be as clear as possible. It is therefore the view of Government, and Government fully supported by the industry, that it would be more convenient and efficient if all the legislation affecting this industry were embodied into one Ordinance. Thus Government have proceeded. The Bill then, Mr. Deputy Speaker, in the main is a re-enactment of the Coffee Industry and the Coffee Marketing Ordinances and bringing these two Ordinances together we have at the same time brought in some minor modifications and alterations. But by and large excepting for one major alteration which I will discuss later this is not any new legislation. And I would like to stress that point. The greater number of clauses in this Bill have been lifted from the existing Ordinances and repeated in the new Bill more or less unchanged as the House finds them.

The second principle on which this Bill is based—and this perhaps is the major alteration, Mr. Deputy Speaker, to which I have referred—is the

reorganization of this vital industry on an entirely non-racial basis. Both the Coffee Industry Ordinance and the Coffee Marketing Ordinance were primarily designed for the organization of what was at that time, at the time of the original enactment, almost entirely a European industry.

Up to the present time the growing of African coffee has been regulated by my Director of Agriculture under other legislation. I am very glad indeed to say that this change to a non-racial organization of the industry which is of course in entire accordance with the policy of my Ministry has been brought about at the instigation of the European coffee planters themselves. That is a point which I would like to stress. It is a change, Mr. Deputy Speaker, which recognizes to the full the very rapidly increasing African contribution which African coffee growers and African coffee farmers are making to the industry. I would I think also like to give the House, Mr. Deputy Speaker, a few figures to illustrate the dramatic increase in coffee production in African areas over the last seven or eight years. In 1951 the acreage under coffee in the African areas was 1,700 acres. Last year, i.e. 1959, eight years later, it was 24,000. In 1951 the number of African coffee planters was approximately 8,000 whereas at the end of last year 1959 the number was 85,000. These figures speak for themselves and I would like to take this opportunity of congratulating the African coffee planters or farmers as they are sometimes called for the effort that they have put in increasing this very great increase of acreage from 1,700 acres eight years ago to 24,000 acres at the end of last year.

Now, Mr. Deputy Speaker, two years ago the Coffee Board organized a referendum amongst all the registered planters, that is to say, the European planters, on whether to accept and have amongst them on their boards their African colleagues. Now, the result of this referendum indicated that the overwhelming majority of European planters (and the figure was very high in the 90 per cent) favoured the appointment of African representatives on the coffee boards and also that African participation should take place in what was more important still, the Coffee Conference. Both boards, that is, the Coffee Board and the Coffee Marketing Board, approached Government to have the Ordinances amended to enable this new policy to be carried out. The result of that approach is the Bill which the hon. Members have in front of them this afternoon.

But in the meanwhile the coffee planters appreciated how long Government machinery normally takes to turn over and appreciating how long it would take for new legislation to come forward both these boards proceeded to implement their

[The Minister for Agriculture Animal Husbandry and Water Resources]

new non-racial policy as best they could, they themselves, within the framework of the legislation, or of the existing legislation. Three African farmers have for the last three years been co-opted on to the Coffee Marketing Board and also three African planters have been co-opted on to the Coffee Board since early last year. I would also like to take this opportunity of thanking those gentlemen who have operated on those boards and to thank them for the most useful contribution which I am told by the chairman of those boards that they have given since they have been co-opted.

Now, in 1959 for the first time African delegates took part in the Coffee Conference. But under existing legislation the position of these African representatives has so far been unofficial and their status has been that of people invited to the Conference. This, however, Mr. Deputy Speaker, was the best that the two boards could do at that time pending amendment to the legislation. Now, Sir, one of the major changes from the existing law is therefore to legalize African representation on the boards and also their attendance at the Coffee Conference. This, Mr. Deputy Speaker, is covered in clauses 3, 4 and 12 of the Bill. Hon. Members however will not find in these clauses any specific provision for three Africans to be on the Coffee Board and for three to be on the Coffee Marketing Board. Now, this omission is deliberate, Mr. Deputy Speaker. The reason is that of course it is an entirely non-racial Bill, but I have the assurance of both boards, which I need hardly say that I question especially as they have been operating with co-opted members over the last two or three years, that the African representation will be as I have described.

The election of delegates to attend the Coffee Conference and the method of election of members of both boards by the Conference will be dealt with under rules to be made, as hon. Members will see under clause 36. This, Mr. Deputy Speaker, will achieve a desirable flexibility so that adjustments can more easily be made from time to time according to the changes of acreages of areas of production in distant parts of the Colony. I would like to emphasize here that these acreages in various areas are changing very very quickly year by year. I think it is only right at this juncture for me to pay tribute to the extremely far-sighted, liberal and enlightened attitude which has clearly been shown in the past few years not only by the two boards concerned but by the whole of the coffee industry and I would like to take this opportunity of perhaps singling out the names of two men who have had perhaps

most to do with this move to having African participation on these boards and having a non-racial outlook, namely Mr. Solley and Mr. Warren.

Mr. Deputy Speaker, I am sorry to say that when we published this Bill we found it did not completely fulfil our objectives of one Ordinance governing the whole of the industry, that is the governing of the industry on a non-racial basis. This is because the licensing of production and control over cultivation in African areas without further amendments to the Bill would remain under other legislation, namely the Native Lands Coffee Rules, which are normally published under the Crop Production and Livestock Ordinance. We have therefore decided with the full support of the industry that it would be wrong to leave matters to be dealt with, for one reason only, under entirely different legislation. The most important of the amendments to this Bill of which I have given notice is the amendment designed, Mr. Deputy Speaker, to remove this wrong. This amendment is to clause 36 and will enable the Minister, after consultation with the boards concerned, to make rules relating to production and quality, and also controlling pests and diseases. It is obvious that when this becomes law the Native Lands Coffee Rules will be revoked. Mr. Deputy Speaker, the main effect of this amendment is to avoid any semblance of discrimination and to ensure that the issue of licences to farmers of any race and control of cultivation of coffee by any farmer of any race, farming in any area, are dealt with under this Bill and not under any extraneous legislation. I am also glad to find that the MacGillivray Committee Report, which I laid yesterday in this House, has independently arrived at the same conclusion that we ourselves in the Ministry have arrived at. They have in their Report recommended, Mr. Deputy Speaker, that all legislation governing coffee should be included in one Ordinance and on a non-discriminatory basis.

Mr. Deputy Speaker, there are three other amendments which are being made in the Bill, and other than those three the others are very minor ones. The ones to which, I should I think draw the attention of hon. Members opposite are as follows.

Clause 17. This is amended to provide that the Coffee Board may ensure, revoke and extend planting orders after consultation with the Director of Agriculture, and also to provide for crop licences to be issued to co-operative societies. There will now be uniformity in regard to planting licences throughout the Colony, Sir, if that amendment is accepted.

There is a new clause providing for the licensing of pulping stations. This is a new clause and is

[The Minister for Agriculture Animal Husbandry and Water Resources]

something which we have touched on before. Such licensing that we have had before has only applied to African areas under the Native Lands Coffee Rules, but now under this new clause will cover the whole country.

A further new clause, Mr. Deputy Speaker, provides for all appeals under the Ordinance to be made to the Agricultural Appeals Tribunal, established under the Agricultural Ordinance. What happened previously was that appeals did go to the Minister and in accepting that now they should go to the Agricultural Appeals Tribunal we are falling into line with the principle that we have set up in the Ministry over the last few years. An example of other legislation coming under the Agricultural Appeals Tribunal is the Maize Marketing Ordinance and the Fencing Ordinance.

Mr. Deputy Speaker, I do not think that I have anything more to add to this but I would just like to stress again that other than the new clauses which I have mentioned and the clauses which I have specifically mentioned the new Bill is in fact the putting together and the tidying up of the previous legislation and also amendments over the last years since 1934, the amendments to those two Ordinances.

Mr. Deputy Speaker, I beg to move.

Mr. Webb seconded.

Question proposed.

Mr. Mate: Mr. Deputy Speaker, Sir, I am glad to welcome this Bill which is really very very long overdue. At the same time, the Minister spoke as if the African growers were being given a favour by the Coffee Board and the Coffee Marketing Board in having representation on these two Boards. That is very untrue. It is through his sweat and the help of the Agricultural Department that the African grower has attained this recognition. I would like any air of favours or privileges to the African growers removed from this Bill, or in the representation of it. It is true that Africans have been serving on this Board for the last three years and they have also been wondering why their representation has been so poor, and unlike the Minister, who speaks of a non-racial Bill, I think the numbers given of representation should be explained, whether it is on the basis of acreage, quality, or numbers of planters, Sir, that the representation on this board or boards is going what it is going to be. Instead of being left in the dark regarding clauses 3 and 4 I would like to be told and I would like to have it laid down as to whether it is by areas or any other way so as to know where we stand, because if it is not like that I am sure it will be left to the Minister himself, being the high authority, to nominate people

from various areas to serve on the Board. We are interested in the principles and the way in which he is going to arrive at this decision.

Coming to the question of the growers in the two areas, what you might call the settled areas and the African areas, he has mentioned a very important point about clause 36, that the planting will be non-racial. I hope it will be non-racial so far as his Department of Agriculture is concerned. Africans have complained that so far they have been kept down by the Agricultural Department from planting their acreages. We see European farmers planting as much coffee as they like. Some of it is of the lowest quality so far as taste goes. At mile 47 on the Nairobi/Nanyuki road you see the poorest kind of coffee one could ever see in this country. You will never see such coffee in Meru. But in Meru trees are uprooted by the Agricultural Department because they are supposed to be bad, so I hope that the Minister, the next time he goes on this particular road, will stop at mile 47 to see examples of non-racial coffee. What we want in the African areas is not a low quality of coffee but to plant and maintain more trees, that is what we want. Here I may mention the disappointment the Meru and Embu people feel because in Kiambu today we are told there is one farmer who has got 10,000 trees, whereas in the whole of the Meru and Embu Districts there is not a single farmer with 4,000 trees. I feel that the whole blame rests with the agricultural instructors and I would think regarding this clause 36 that the Minister should say categorically that the African coffee farmers have got their freedom, subject to good rules of husbandry.

The Minister for Local Government and Lands (Mr. Havelock): *Uhuru!*

Mr. Mate: As my hon. friend the Minister for Local Government and Lands say *Uhuru* and he knows that from the earliest times we African growers have not had it, and we want it.

The other question, Sir, is the question of the K.P.C.U. compared with the African co-operative societies. I think it will be relevant for the Minister to mention the place of the Kenya Planters' Co-operative Union and any dealings in coffee regarding the African societies and unions. The African societies feel that they want to grow and be independent so that a big society can branch out on their own and they may be able to market their own crops as a society and not as a member of a union. Some are even splitting and I should have liked to hear on the marketing side what plans the Minister has for giving more and more autonomy to a single African co-operative society in a district.

[Mr. Mate]

For example, in Meru we have the African Coffee Growers' Union and in this union we have got some very large societies. The arrangements have become very cumbersome. Sometimes having to go together is the opposite of what is supposed to happen. Some societies seem to carry the others. As the industry grows in the African areas we would like to hear the Minister say what relationship will exist so far as marketing, transportation and all these things are concerned with regard to the other societies in the country.

I should have been interested also when it comes to the question of acreages that the Minister quoted to see the comparative figures of the other planters. The Minister has told us that the Africans since 1951 have increased their acreage from 1,700 to 24,000 acres in 1959. How many acres do the other farmers have?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): The non-racial farmers?

Mr. Mate: I do not know whether they are non-racial, but at any rate the other farmers. I would like to know this so that we could compare the progress made. This will be very, very interesting because it will help to start encouraging the African farmer to do more and more in order to increase the Kenya economy.

With the Minister, Sir, I welcome this Bill very much and I am sure that the African farmer will welcome it, but we would like to know the details one by one, and I would like to say this: should it be in the end that the so-called representation is only a confirmation of the three places that have been filled by co-opted members we shall not be satisfied. We should think of making a fair representation in line with the African demand that on all boards, committees and councils of Government in Kenya it is time that the African was adequately and effectively represented.

Mr. Deputy Speaker, I beg to support.

Mr. Maliro: Mr. Deputy Speaker, I support this Bill as a coffee grower myself, also.

Now, the hon. Member for Central Nyanza is a coffee grower and I think he should welcome a Bill like this, but many African coffee growers throughout the country have been complaining a lot about the Native Lands Coffee Rules which have been applicable only to the Africans and not to the European coffee growers. Now, Sir, we very much welcome the idea that these Rules are going to be revoked as soon as the new Bill becomes law.

Now, Sir, we in this country emphasize the idea of one industry today for all people in the

country. Now, this Bill should be welcomed by us all because it is unifying and equalizing all the farmers so that all their problems will be discussed around the same table.

An Hon. Member: Question!

Mr. Maliro: Well, the hon. Member can question that but I wish he could next time make an effort to plant some 20 or 50 stems of coffee and then we will have very much in common.

Now, Mr. Deputy Speaker, I would also urge the Government that they should make more experiments in some of these African areas, particularly in Central Nyanza and in some parts of the Coast Province, and see what type of coffee can be grown in those areas. I find in my own district, the western part of Elgon Nyanza, and in the western division of North Nyanza, that the Africans are still having experiments on various types of coffee which they can grow. I think types of coffee which they can grow should be coffee as the main product for export should be encouraged everywhere. But also our problem is the quality. We should emphasize the aspect of quality among all farmers and not only quality among the African farmers. Hitherto it is to the African farmers that the coffee instructors have gone day and night badgering them and telling them that unless they improve their coffee they will have their coffee uprooted. Now, when all these regulations become law all the coffee growers in the country are going to be treated as one, and they will aim at better production so that we can do this much better.

I would also oppose what my friend has said about the various small associations. Small associations are having some disadvantages. Now, in a district we have one big coffee co-operative union handling the produce of that district as such. That is much better than trying to have small associations going into market or exporting their own produce to the Kenya Co-operative Planters' Union, because the expenses should be shared equally by all the farmers in the district in order to achieve better results in the industry. Many of the coffee societies in my area are already complaining to a very high degree that their expenses are too much. Now, if they can cut down to small units these expenses will be much greater. I think the produce should be handled by one organization. Now there is even the question of the Meru Co-operative Union which is going to export its own coffee and not go through the ordinary pool for Kenya coffee; that would be completely unwise.

With those few remarks, Mr. Deputy Speaker, I beg to support.

Major Day: Mr. Deputy Speaker, Sir, I rise to congratulate the Minister on the astonishing number of principles which appear to exist in his

[Major Day]

Ministry. It evidently is a very highly principled Ministry, especially in this particular Bill, and, as a member of the Coffee Board I should like to support the gist of what he said today in his speech.

Hon. Members: Speak up!

Major Day: Well, Sir, in case the Minister did not hear, I said that I considered that he had a very highly principled Ministry: this, Sir, is one of the products of it.

Now, Sir, speaking generally, I am sure that everyone in this House is well aware of the importance, and indeed the Minister stressed it, of the coffee industry to this country. It can scarcely in fact be exaggerated. Every effort has been made and is being made by the Agricultural Department and by both Boards to ensure that, in this very shifting world market with the threat which exists today of over-production of Robusta coffee, our own particular brand of Arabica coffee, which is of course a blending coffee, must be looked after and that every effort must be made, Sir, to protect this market, because a great deal of the economy of this country, as everybody in this House is aware, depends upon it.

Now, I feel, Sir, it is just possible that the Government may do more in this respect than they have done or are doing, and perhaps the Minister, when he replies, could inform us in some detail as to precisely how the Government is attempting to assist us both in this respect and in the vital question of advertising and producing propaganda to put before the world the particular intrinsic qualities of our coffee. As everybody knows, Sir, in recent years it has been the Germans who have been buying most of Kenya's coffee, and not England, which before the war was not the case. Anything that the Government can do, Sir, to assist in these coming years, is of the most vital importance.

Now, Sir, I would just like very briefly to mention what I am sure everybody would agree with, that in this growth of African coffee, which has been almost miraculous in the last few years and which everyone indeed hopes will continue to expand, a large part has been played by the Department of Agriculture and particularly by those field officers whose job it has been to go round and see that good husbandry and good coffee culture was exercised. Very often these people are forgotten and I think that even the last speaker and the speaker before last would be the first to agree that much of the success of the African coffee growing is directly to be laid at the door of the agricultural officers who are working in the reserves.

I would like to mention just one particular thing which I think was raised by the hon. Member for Central Province North. He talked about non-racial coffee and I did not quite understand whether or not he was complaining that insufficient acreages were cultivated or whether insufficient effort was being put into the development of African coffee. But I would like to say categorically, Sir, although I am speaking from this side of the House—and I always make that clear—that such an effort is being put in. I think he must realize that. Furthermore, Sir, I find it a little difficult to understand precisely what he means about the marketing of coffee—I may have misunderstood him—because what was said by the last hon. African Elected Member to sit down was sheer common sense, in my opinion. I think that everybody will agree that it must be marketed through a central marketing authority.

Now, Sir, I have just one last point which I would like to bring up and that is the, I think, semi-humorous remark about low-grade coffee on the Thika Road. Well, of course, Sir, there is a low-grade coffee everywhere, but I think, in some humility, that the hon. gentleman who made this remark should realize that the coffee trees in the African areas are all young and, as such, naturally they tend to produce a higher quality coffee. These sort of remarks may be funny but they are apt to lead to misconception and I do not really think that they do any sort of good at all because they are not exact.

Finally, Sir, I would like to say that, with the Minister, I would agree that the legislation which is being introduced to legalize the position of the African members on the boards and the Coffee Conference is most welcome to me and to the members of the Coffee Board on which I sit.

I beg to support.

BALLOT**PRIVATE MEMBERS' MOTIONS**

The Deputy Speaker (Mr. Conroy): I shall not call on any other hon. Members to speak in this debate this evening because, as we have completed the Estimates, Friday will be a Private Members' Day, and in accordance with the decision of this Council taken on 17th of last November, I propose now to hold a ballot to decide which Private Members' Motions are going to be debated the day after tomorrow.

For the convenience of hon. Members I will read out the Motions, of which notice has been given, with their number, and the Clerk will put into the ballot basket the appropriate numbers:—

No. 1 (Mr. Mboya)—Attraction of European Farmers to South Africa.

Thursday, 9th June, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS**MOTION**

APPOINTMENT TO SESSIONAL COMMITTEE

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, I beg to move:—

THAT this Council nominates Mr. R. O. Hennings to be a Member of the Sessional Committee.

Hon. Members will remember that when I was speaking to the Supplementary Estimates debate I said that the Deputy Chief Secretary had been appointed to help me in two respects, one in Legislative Council and the other in the office. I feel that if he is to be of maximum use to me in this Council he should be a member of the Sessional Committee in order to keep abreast of what is going on. I would like hon. Members to agree to this appointment to the Sessional Committee and therefore I beg to move.

The Minister for Information and Broadcasting (Mr. Harris) seconded.

Question proposed.

The question was put and carried.

BILLS**SECOND READINGS****The Coffee Bill**

(Continuation of debate interrupted on 8th June, 1960)

Mr. Khamisi: Mr. Deputy Speaker, Sir, I personally did not like to intervene in this debate on the Coffee Bill but I feel, Sir, that I should on the Coffee Bill but I feel, Sir, that I should make a few points about this particular product in the Coast Province. I do understand, Sir, that coffee is a very good cash crop and it has had a lot of success with Africans in the Highlands. But what I would like to ask the Minister is whether he has made any attempts to try and experiment with the growth of coffee in the Coastal areas which have in mind. Sir, areas like Mrimo which at one time about a couple of years back, I understand, saw an experiment there to try and see whether coffee could be grown. There are other areas also in the Coastal areas; for instance, some parts of the Malindi Subdistrict, which would, I am quite sure, be quite suitable areas where a certain type of coffee could be grown.

[The Deputy Speaker]

No. 2 (Mr. Mboya)—Placing of African Business under the Control of Commerce and Industry.

No. 3 (Mr. Odinga)—African Courts.

No. 4 (Mr. Muliro)—Deportation of—Elijah Omolo Agar.

No. 5 (Group Captain Briggs)—Further Enquiry into Mau Mau.

No. 6 (Mr. Muliro)—Swahili in Schools.

No. 7 (Mr. ole Tipis)—Communal Fines on the Masai.

The is the total number in the hat, and hon. Members will notice that I have not included two Motions. One is Sir Charles Markham's Motion on the Corfield Report which is, I understand, being accorded Government time, and the second one which is not included is the Motion, by Group Captain Briggs, on the murder of a headman which is now *sub julle*.

I will now ask the Clerk to draw out three numbers, which has been the practice in the past.

The result of the ballot is:—

No. 6 (Mr. Muliro)—Swahili in Schools.

No. 5 (Group Captain Briggs)—Further Enquiry into Mau Mau.

No. 7 (Mr. ole Tipis)—Communal Fines on the Masai.

I would also draw the attention of hon. Members of this Council to the fact that it was also decided on 17th November that such debate should be limited to two hours on each Motion.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): That brings us to the time for the interruption of business and I adjourn Council until 2.15 p.m. tomorrow, Thursday, 9th June.

The House rose at thirty-one minutes past Six o'clock.

[Mr. Khamisi]

Mr. Deputy Speaker, Sir, I do agree that we are living in the lowlands but I feel, Sir, that there are certain parts of the lowlands in the world where coffee is grown and there is no reason why something could not be done to improve or to try and see whether the Coastal Africans could not be permitted to grow suitable types of coffee in suitable areas which we have down at the Coast. Perhaps the Minister would be able to tell me whether he has made any experiments of this nature anywhere in the Coastal areas and if not why he has not made such experiments and whether he would be prepared to consider the question of making suitable experiments to see that the Coastal Africans can also grow coffee which would increase the national output and the national income of the Colony.

With those few remarks, Sir, I beg to support the Motion.

Mr. Odinga: Mr. Deputy Speaker, Sir, I arise not to support this particular Bill and in not supporting it I should not be taken as not supporting the coffee industry which, I think, I support very strongly. And again, in not supporting it, it should not be taken that I have not got confidence in the present Minister for Agriculture, I know that he is one of those people who are sincere in their jobs and who is trying his very best to improve the race relationships in this country. But I am only dealing with the policy which is involved in the whole Bill.

The present policy of the Government of taking all the things or of running the affairs of the country by statutory boards is really deplorable and it is only what I oppose very, very strongly because I feel that any organization or association of people should freely come from the people themselves. It should not be initiated by the Government. I understand that the Minister is trying to bring all the various boards, the Coffee Marketing Board and also the Coffee Board into one organization. Mr. Deputy Speaker, I still find that it is never my policy to support such policies because I believe very, very strongly that such policies of running the industries—whether it is the coffee industry or any other industry in this country—into statutory boards are detrimental to the natural progress and initiative which the ordinary man could have in these industries.

And therefore I would only say to the Minister and the Government that it is time they began to think of encouraging the coffee planters and coffee dealers in this country, to start organizations which are initiated by themselves, and which they can easily and naturally run, rather than get the Government to poke their noses into them.

Mr. Deputy Speaker, by the Kenya Government getting into these organizations, they are more or less willing the individual initiative. Recently when I mentioned that I was in Yugoslavia I was shouted down that that is a communist country.

Hon. Members: Hear, hear!

Mr. Odinga: I can say that the Kenya Government at the present moment is in the most crude manner using communist policy. Look here, they are employing communist principles. They are not actually accepting them in their purest forms which most people are using. They adulterate them, and so we would call the Kenya Government an adulterated communist Government. And that is why I am opposing them, because I do not actually accept those principles, and I am a man who believes in the democratic way of doing things. The democratic way of doing things is to leave the coffee planters and the coffee dealers to act freely and necessarily alone should dictate their action. If they need an association they should be able to initiate it, to organize it and to run it and to benefit from it, which they do not do at the present. They do not because the Government poke their noses into it.

Now, Mr. Deputy Speaker, when they poke their noses into it what they do is not actually run these boards for the benefit of the common man in this country. They only run them for the benefit of the capitalists.

Hon. Members: The communists.

Mr. Odinga: The capitalists, and not for the benefit of the common people in the country. And in doing so and trying to safeguard the benefits of those people who have already set their foot into the coffee industry, they discourage the future coffee dealers or coffee planters by actually passing legislation which restricts the planting of the African coffee and so on. And I was going to say, Mr. Deputy Speaker, that I do not support this Board and I would ask the Government to do away with the Board and let the Africans come into the field of the coffee industry to plant coffee freely and compete with other coffee planters on an equal footing without any restriction from the Government.

With these words, Mr. Deputy Speaker, I beg to oppose.

Mr. Rubla: Mr. Deputy Speaker, Sir, as a non-planter myself, I would like the Minister, when he comes to reply to indicate how the consumer will be represented in these boards. It is one of those things which come up when boards are established, but I think in this case, particularly in the marketing board, it is in the interests of the consumer that I think they should be represented.

[Mr. Rubla]

The other point, Sir, is the question of co-operative unions. I have been informed unofficially, of course, that the Fort Hall Agricultural Department has been opposed to the formation of the Fort-Hall Coffee Union or what ever they like to call it. I would like to hear the Minister make a statement on that because it is causing quite a lot of concern as they feel that if they form themselves into a union they will get loans through it and they intend ultimately to have a fund of their own and then perhaps they can assist one another and I believe the Government is aware that that will relieve some pressure on the Government funds.

Sir, I beg to support.

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Deputy Speaker, I want to be brief on this Bill, but I would like to say, Sir, that we in Kenya are at a stage at which we should be more concerned with being constructive leaders

of Kenya, than playing to the gallery. Much as I admire, respect and love my elder, the Member for Central Nyanza, I must say that what concerns us in this House is not whether one is defined as a capitalist or worker, but whether one can produce in this country who can produce the income of this country; and I do feel that, when this Bill is being termed a bad Bill to support the capitalists, implying the European coffee planters, when the Bill does not talk about European coffee planters or African coffee planters, I therefore say, Sir, that the day has come for both sides of this House to indicate the extent of their ability to build a prosperous Kenya, rather than to think only in terms of whether or not the papers shall give us headlines. I am sorry to say this, particularly to the man I love most in this House, but what we are trying to do in this Bill is important. I am aware of the many dissatisfactions among the African coffee growers. As a Member for the Central Province South, where quite a number of Africans are growing coffee, I am aware of the implications mentioned indirectly by the hon. Nominated Member Mr. Rubla, and I am sure that I could suggest to the Minister for Agriculture that he should look into them seriously, in order to reduce the element of dissatisfaction, or the element of that feeling, that there is a differential treatment between our European coffee growers and African coffee growers. We do not want to see that kind of implication believed in this country, but with that element and that suggestion being accepted by my colleague the Minister for Agriculture, Sir, what is important is to see that development of the coffee industry takes place, and let us forget whether or not this

is undiluted communism or colonialism or a democratic Government, because we do not live by doctrinaires and definitions but we live by what can be accomplished by the leaders of this country.

I call upon all the leaders of this country, among whom I am not one perhaps, to try in debates of this kind to be more constructive rather than derisive.

I support, Sir.

Mr. Mboya: Mr. Deputy Speaker, Sir, it is very rare that I speak on coffee or agriculture, but in view of the importance of the changes taking place and those envisaged in the Bill, namely to try to help the development of the coffee industry throughout the country, and the intention to help and assist also the African coffee growers, I think it is not unfair if some of us discuss this Bill or consider this Bill not only in relation to the proposals that have been made but also to past experiences and perhaps weaknesses of the past organizations.

As far as the boards are concerned, it is not unfair, I think, if we ask to be assured as to the weighting or composition of those boards, especially when we know that in the past there have also been boards, the composition of which has been unsatisfactory and which have been weighted in most cases to benefit some section of the community and not the whole of it. I hope the Minister will take the opportunity to give this assurance. It may be said that this Bill does not specify how many Africans or how many Europeans or how many other groups of coffee growers will be appointed on the Board and therefore that the boards will be non-racial and that no consideration of African, European or Asian arises. I would like to accept that position, but I think, in view of the relative differences that exist as between the African and European coffee growers and the fact that in the past the Africans have not felt that they have received as much consideration, that it is only fair that we ask to be assured that in this new arrangement the selection of members of the Board will take into account the differences that still exist and, let us face this, I entirely agree that certain changes are taking place in this country, but with the background and history that we are working from, and the differences that still prevail, I think it would be unrealistic to ask us not particularly to impress upon the Government to take into account the interests of those people we represent and who happen for the time being, at least temporarily I hope, to be in a weaker position compared to the rest. I am not opposed to boards in principle. I think boards can be useful, but a

[Mr. Mboya] let depends on how they are used and for what purpose they are meant. I think it should be clearly stated that the purpose here is that boards should be the instruments or the organs to help in the effective development of the industry in the interests of all concerned within the industry and in view of the existing conditions in this country that such boards would specifically be asked to consider the needs for perhaps greater consideration for that section of our people or communities that have not reached the same stage whereby they can effectively compete with the better and older established groups in this country. It would be unrealistic, theoretical and, in fact, useless, Sir, to assume that those who have not had the same opportunities and who in some cases in the past have suffered from handicaps either existing as a result of deliberate Government policies or existing as a result of the economic differences that exist between our people can overnight compete with the old-established growers. I therefore wish to submit, Mr. Deputy Speaker, that we need an assurance that the boards intended in this case will be so constituted as effectively to be able to take into account the interests of all sections of our people and that in this particular regard the African coffee growers will continue to receive special attention in view of the relatively weak position that they occupy today and in view of the need to expand the potential that exists in the African areas as rapidly as possible. It is a bit vague when the appointment or the constitution of the boards will merely be based on elections by delegates of producers from this or the other area. I am not myself perhaps well conversant with the figures of producers, but the Minister might in his reply tell us how far such an election by delegates of producers would be able effectively to ensure a cross section of all the interests involved.

These are some of the worries that some of us have and I think when we express them it is not because we have no confidence in the Minister or in a movement away from racial or communal considerations to a non-racial consideration. We welcome the movement away from racial and communal considerations and we would like to encourage it, but at the same time we must continuously point out that for the time being our community needs a bit more consideration than those that have established themselves in these industries.

Sir, I do not wish to enter into the argument about the producers' or workers' interests in this particular debate, but I think I must say that whereas we are all interested in an increase in productivity or production in this country we

are also and perhaps even more interested in the distribution of what is produced.

It is not just a question of how much income or how much more will be produced each year. It is absolutely essential that this productivity does not become the master of the situation, but rather the servant of the interests of this country. Therefore, in considering various aspects of either the coffee industry or any other industry for that matter, we are rightly interested in knowing how far the various proposals would be followed, will be in the interests of all—and that is the operative word—all interests in this country, including the workers and others.

I do not therefore think that when we voice, or if we should voice, the interests of those people we consider are not at the moment receiving sufficient attention, we are blind to the need of increased productivity. We are not blind to the need for increased productivity, we are not blind to the need for creating conditions which will permit that increased productivity, but we are conscious—and I think this ought to be stated—that in the past in some cases although we have participated in that productivity we have not benefited equally to the extent not only of our contribution but also of fair distribution of that production.

I do not want to say any more on this particular question, nor to be involved in the ideologies or theories that maybe the Minister for Commerce thinks they are misunderstood; well, I do not.

The last point I would like to make is to ask the Minister if he would take the opportunity of this debate—I may be wrong to introduce it in this particular debate—to say something about the African farmers' unions connected with the coffee industry. I am particularly concerned about the Kisii Farmers' Co-operative Union.

An Hon. Member: So are we!

Mr. Mboya: There have been, I think a number of problems arising in that union and I am aware that the union members are deeply concerned about the future of the union and I think it would help the situation considerably if the Minister would make a statement as to the present position regarding that union and what intentions, if any, the Government has in trying to help in the situation that has developed in Kisii.

Mr. Deputy Speaker, Sir, I beg to support.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, I do not know what the ruling is but it is unfortunate that some of the Members who spoke today were not in the House

[The Minister for Agriculture, Animal Husbandry and Water Resources] yesterday when I moved the Bill and also were not in the House yesterday during the debate. For many of the points which they have raised were also raised by hon. Members opposite and in fact were answered by other hon. Members opposite. But seeing that the afternoon is still young, Mr. Deputy Speaker, I will attempt to answer all the questions which have already been answered again.

Mr. Deputy Speaker, I am most grateful to the great number of hon. Members—with one exception perhaps—who have given warm support to this Bill and as I said in introducing this Bill yesterday, it is a measure designed to bring together two Ordinances under which the coffee industry has operated since 1934 with one Ordinance and 1946 with the other Ordinance. Since those two Ordinances came into being we have had five important amendments which have been discussed and accepted in this House. The idea now is to bring the whole of the coffee industry under one Bill and entirely on non-racial lines.

Now, Mr. Deputy Speaker, I maintain that the principles of this Bill have been accepted by the House, therefore all I intend to do now is to answer various questions which were asked mainly by hon. Members opposite.

The first one, Mr. Deputy Speaker, was a question from the hon. Member for Central Province North, who maintained that the African grower had obtained the recognition accorded to him in this Bill by his own sweat and that no question arose of any favour being bestowed on the African farmer by the Coffee Board. Now, Sir, I quite agree with him and had he listened to exactly what I said when I was introducing the Bill, he would have heard that I, in fact, gave the African coffee growers a pat on the back for the way that they have come forward over the last six, seven or eight years. But there is one exception that I would like to draw to his attention and that is that none of this would have been achieved excepting by the splendid efforts on the part of the Agricultural Department. That is for the wise planning and devoted service and the enthusiastic encouragement given not only by the Department but also by my Director for Agriculture and hon. colleague who sits in this House. In fact I will go further, Mr. Deputy Speaker, and say that it has been a partnership between the Department and the African coffee growers. I do not hope ever again to use the words "African coffee growers". I hope that all of them in future will be known as coffee planters. Now, Sir, nor is there any question of any favours

being bestowed on any of the planters by the Coffee Board and I made it clear in my speech yesterday that the Coffee Board recognized only too willingly and gladly the achievement which planters in the non-scheduled areas have done.

Another point raised by the hon. Member for Central Province North was whether representation on the Board was based on acreage and how I was going to nominate Members. I think this was the point which was also touched on by the hon. Member for Nairobi. I think that the hon. Member for Central Province North must have misunderstood me here, because I as Minister only have the power to nominate two members only to the Coffee Board and two to the Coffee Marketing Board; the rest are elected. Now it is not intended, Mr. Deputy Speaker, that the representation shall be racially based precisely on acreage, but on the general assessment of the contribution which all the planters in each area make to the industry. However, Mr. Deputy Speaker, if the hon. Member wishes to know how the representation proposed is related to acreage, I will give him the position. It is as follows: last year, as I said in my moving of the Bill yesterday, the acreage under African cultivation was 24,000 acres as against European 67,000 acres. This was very roughly a proportion of one to three and on the Coffee Board with three African elected members out of 11 the proportion will be the same, that is roughly one to three. But on the Coffee Marketing Board with three African elected members out of nine, and also and most important at the Coffee Conference itself, with 12 African delegates out of 38, the proportion will be one to two, and in fact very much more favourable to the African farmer than a proportion based on acreage. So if it was based on acreage he would have less representation than it is intended he will get under this Bill.

Now, I appreciate, Mr. Deputy Speaker, that over the next three or four years the acreages are going to alter considerably and there is going to be a great growth and expansion of the coffee industry in African areas, and I am sure that as that happens and as the time comes to what those figures alter as, in fact, they are altering now and as they will become the Boards themselves bring this to my notice as Minister.

Now the third point raised by the hon. Member for Central Province North was that the Agricultural Department was preventing African coffee production from expansion and it being unduly restrictive. Now, Sir, we had all this out in the Budget debate and I do not propose going all over it again but I do know, Sir, sitting on the Front Bench on this side and up at this end of the House that at times I do have difficulty

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

in hearing now what the hon. Member is saying. So I will walk round this way a little so that they may be able to hear exactly what I have got to say on this point.

Finally, Mr. Deputy Speaker, there has been a spectacular increase in African coffee and as I have said from just over 1,700 acres to 24,000 acres and this I would say is fast growth under the standards. But what we must take care of is that in all this rapid increase of acreage we maintain our standards. This is the second point I want to emphasize to him, that the criterion in the whole of the coffee industry is in our maintaining our quality and standard of coffee. It is not that we have to maintain an excellent standard of cultivation so it is the farmer on the ground and the farmer who actually works his coffee and his coffee acreage—it is entirely up to him that we continue to produce the standard and the quality of coffee that we do. As I said in the Budget debate, if we do not keep up these standards we will fall away down to the prices that are being obtained by the coffee growers in the other two East African territories.

Now, Sir, there is a third difficulty why we have not been able to expand as quickly as perhaps we would like to have done, and that has been the problem of raising seedlings and I know that in some areas especially the raising of seedlings has been the bottleneck and cause of the acreage not going ahead. The seedlings are raised mainly by the Co-operatives and it is a very tedious job and needs a tremendous amount of supervision and in my tours through the coffee-growing areas I have always emphasized to the Co-operatives that it is up to them to employ as manager of their Co-operative a man of great enthusiasm and a man of initiative so that he can take care of the coffee nurseries and see that the seedlings are well grown and well looked after. Because if they are not looked after, not grown well and are not produced in the numbers necessary, then no matter what you do you cannot increase the acreage as much as my hon. friend would like.

I think I have answered all his questions—no I have not. He then went on to quote particular instances of bad coffee in European areas and I am well aware that these areas do exist and in fact the area which was mentioned by the hon. Member opposite has been mentioned to the Coffee Board by my Director of Agriculture and I sincerely hope that after this Bill has become law the Coffee Board will be able to go ahead and examine not only this case but examine other cases and will deal with them now that they will be strengthened by this Bill to do so.

But I must at this stage, Mr. Deputy Speaker, point out that Kenya coffee which was planted by the European planters in this Colony is perhaps the best coffee in the world and it is the European enterprise over the years that has built up this unrivalled reputation which we have for our coffee. I appreciate now that the African planter is going to derive the full benefit from it and quite rightly so and as he should.

The hon. Member also mentioned the position of African co-operative societies and I think he was suggesting that some of the unions were far too big. I am quite prepared, Mr. Deputy Speaker, to look at these unions which he has mentioned and perhaps I will discuss them with him or with the unions concerned, but I am very doubtful whether in fact any union can be considered to be too big. I think the hon. Member, Mr. Deputy Speaker, then went on to demand autonomy for certain co-operative societies and I understood he wanted them to have direct relationship to the Kenya Planters' Co-operative Union Ltd. Now, Sir, the hon. Member for Nyanza North dealt very ably with this point and perhaps far more ably than I could deal with it myself so I will leave it at that. But I would like to add and to remind the hon. Member for Central Province (North) that there are two societies, namely Nyeri and Embu, which do deal in direct affiliation to the Kenya Planters' Co-operative Union. That notwithstanding the fact that they themselves have their own union. Perhaps at this stage I ought to emphasize the enormous value to the whole of the industry which the efficient organization of the Kenya Planters' Co-operative Union has been and especially their most up-to-date mills which they have got in Nairobi works today approximately £750,000 sterling and which perhaps are unrivalled in the service that they can give in cleaning, classification and grading.

Finally, Sir, the hon. Member asked for the comparative figures for European expansion in comparison with those for African expansion from 1951 to 1959. Now, Sir, as I have said, the African increase for those eight years was 1,700 acres to 24,000 acres, roughly an increase of 1,300 per cent for those who like statistics. The European increase was from 60,000 to 67,000 acres based over the same period—an increase of 10 per cent. I should like to point out here that during the War the European coffee acreage was just over 100,000 acres and I admit that a great amount of this coffee was being grown in unsuitable areas and in the interests of ordinary development 40,000 of the 100,000 acres were replanted to other crops other than coffee. It is only with the knowledge that we have been able to obtain over the last three or four years especially on the control of diseases such as coffee berr that we

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

at all times to all coffee growers. We are also prepared at all times to help as much as we can in our limited scope and field with advertising and propaganda. But, Sir, we maintain in my Ministry that perhaps the jobs that we ought to do, are best suited to do, are to continue to use all our influence in all the coffee-growing areas that we continue to produce a coffee of first-class quality. Now, Sir, some of the Members of the House may not know that we are at the moment in a highly competitive market which is being created by the surplus of coffee in the Latin American countries. Government has recognized the problem that we may be running into and in conjunction with Uganda and Tanganyika we have posted to Washington a very able officer of the High Commission who is very well acquainted with and has a great knowledge of our coffee difficulties in East Africa. He is in Washington and when I was in Washington with my colleague and namesake we had the opportunity of having discussions with him and with various people from other territories and the United States Government on the coffee problem.

Mr. Mboya: How about Brazil?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): At the present moment the Chairman of the Coffee Marketing Board is in Paris having conversations and discussions on the future of coffee from where he will go to London for further discussions before he comes back here. Over and above this, we are hoping to have in July a visit from certain American and South American personalities who will be visiting this country and hope when they have seen what they can see here to go on to the Congo, God willing.

Mr. Mboya: Does that include Brazil?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): That includes Brazil.

Mr. Deputy Speaker, the hon. Member for Mombasa Area asked what we were doing for the Coast in having experiments in coffee. The main type of coffee which we grow in Kenya and which is known I presume to him and to hon. Members of this House will not grow at the Coast. Sir, the other variety of coffee, Robusta, is grown at a lower altitude but we have found in experimental work at the Coast that the Coast is too dry for it. We have tried one or two other varieties along the Coast, other varieties of coffee which have not proved satisfactory. What we maintain is that the obvious cash crops for the Coast are items such as mangoes, cashew- and coco-nuts and we are at the present moment experimenting with cocoa in some of the higher rainfall areas of the Coast. Now, Mr. Deputy

Now, Sir, if I may turn to the speech by the hon. Member for Nyanza (North) which I have already said I thought was so statesmanlike and constructive and I much appreciated it coming from him. I very much supported the strong way in which he supported the principles of the Bill but there was one point in his speech which I think I would like to reply to. He referred to the necessity of experimenting with coffee in new areas and this point was raised today by the hon. Member for Mombasa. Sir, the Agricultural Department is developing Robusta along the Uganda border of Elgon and North Nyanza and we have experiments going on at the moment in possible areas of Central Nyanza, particularly the Nyanbondi Plateau and I am beginning to wonder, Mr. Deputy Speaker, if we ought to consider continuing with those experiments in Central Nyanza, especially after one or two of the interjections I heard during the debate yesterday afternoon. At the Coast, which the hon. Member also mentioned, we are going ahead in the Taita Hills and I will come to the point on the Coast itself later when I answer the questions raised by the hon. Member for Mombasa.

The hon. Member for the Aberdares began by saying that I had a very highly principled Ministry. I could not make out whether he was talking about the Minister or the Ministry.

Major Day: Both.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Thank you, but I did presume that he meant both. Sir, I must admit at that stage I presumed that perhaps there was a snag in it somewhere but I will take it, Mr. Deputy Speaker, at its face value.

The hon. Member rightly emphasized the vital importance to the economy of the Colony in keeping quality and keeping the Arabica market going. He asked what Government was doing in assisting in the way of propaganda, advertising, and he had a third point which I am afraid I have forgotten. Mr. Deputy Speaker, I would have thought that he would have known the answers to all these for the simple reason that he himself is a member of that board, but if he wants me to come out with what Government is doing over and above what the Board is doing, then I am only too willing to tell him.

Sir, we are quite prepared as Government to give general and particular advice and assistance

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

Speaker, I am quite prepared to relook at this position when we have got our new experimental station going at the Coast, but I think I must warn the hon. Member for Mombasa Area that coffee is not the answer as a cash crop for the coastal areas; that is, unless some other new variety of coffee which will grow in that dryer area can be found.

Sheikh Mackawi: What about the Tana River? **The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie):** Now, I heard someone mention about Tanganyika—

Sheikh Mackawi: No, the Tana River.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Sir, I have only been the Minister for a year and I have not had time yet to get to the Tana River to see what goes on in that area.

Mr. Khamisi: Shame!

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): But if the hon. Member maintains that coffee will grow at Tana and he is prepared to let me know about it and have a discussion with me, I am quite prepared to go with him because I know he wants to go along the road from Mombasa to Tana so that by the time we have our debate again in October he will then have more knowledge of the road which he usually discusses in this House.

Now, Sir, the hon. Member for Nyanza Central seemed to me to be absolutely dead against all boards. But I sincerely hope he will take the opportunity of reading the McGillivray Committee Report which may enlighten him on the value of boards to the agricultural industry in Kenya. He also said that in his opinion legislation ought to be initiated by the people and that the people ought to run their own industry, their own boards and organize themselves. Well, Mr. Deputy Speaker, this is exactly what is going to happen to the coffee industry under the principle of this new Bill. Therefore, I sincerely hope that when we come to the Committee stage he will support the Bill.

After he had spoken at some length, Mr. Deputy Speaker, I then appreciated what his real worry was and it is obvious to me that his real worry was the part that the coffee dealer was going to play in the future of the industry. Well, Sir, the part which the coffee dealer will play is entirely up to the coffee dealer himself. He has very wide scope in the purchasing of coffee from the Coffee Marketing Board. He can attend the auctions, he can purchase and trade and sell. But he may find

that the people themselves may initiate rules and may run their own industry in such way which the coffee dealer may not in the first instance like.

Now, Sir, if I may move to the points raised by the hon. Nominated Member, Mr. Rubia, who asked whether there was a consumer representation on this board, I would like to remind the hon. Nominated Member that approximately 60 per cent of our coffee is sold to Germany and I presume that he would not like us to have a German consumer representative on this board. Very little, Mr. Deputy Speaker, of the coffee produced in Kenya is actually sold in Kenya. The coffee that we attempt to export is our coffee of high quality and therefore I do not think that there is any necessity whatsoever in having a consumer on this board and hon. Members may like to know that the coffee industry allowed a certain amount of coffee to be retained in this country and sold at a lower price to the consumers in this country than they could get if they wished to export that coffee. He also raised the point of the Fort Hall Union, Mr. Deputy Speaker, I am quite prepared to look into this for him and to let him know what the results of my looking into it are.

I am very grateful for the remarks which were made by my colleague the Minister for Commerce and Industry and I think that he perhaps answered as ably as I could the points which were raised by my friend, the hon. Member for Nyanza Central. But I am only sorry that he, my colleague the Minister for Commerce and Industry, was not here yesterday when this Bill was moved because the other questions which he asked at the end of his short speech were answered—and he is not here now either!

Sir, the last Member to speak, the hon. Member for Nairobi-Area, asked me to give him certain assurances. I think I have already given him those assurances in the answers which I have given earlier in my reply this afternoon but I cannot give him any more assurances than I have given him because this Bill is going to operate under a democratic system. I could give him assurances if perhaps I moved to the system which my friend, the hon. Member for Central Nyanza, would perhaps like me to move to.

He also raised the point about helping the more backward people and the more backward planters. This I accept completely, Mr. Deputy Speaker, and can give him the assurance that my Ministry and the Department for Agriculture who have done a tremendous lot for the backward planters, will continue to do so, and will continue as far as is humanly possible to step up the help and information, guidance and encouragement which they are giving to coffee growers.

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

Now, Sir, he also mentioned the point about production and workers' interests. Mr. Chairman, I seem to have enough worries, not only on my shoulders, but the shoulders of my on the Ministry, without getting myself involved in the business of my colleagues and with other Ministries. I shall certainly bring these points which he has raised to the notice of my colleague concerned.

The last point which he raised, Mr. Deputy Speaker, is a most important one, concerning the Kisii African Farmers' Union. I had hoped that this House would have perhaps ended this sitting towards the end of June and I had planned to do a *safari* to Masai and South Nyanza at the end of this month to see for myself and to meet the people on the ground over this problem, but because of the obvious length of this sitting I have had to cancel that *safari* and will be doing it some time, I hope, in the middle of July, and I sincerely hope that at that time hon. Members in this House who have ties, friends and connexions in South Nyanza will perhaps be able to accompany me when I hold discussions with the Kisii African Farmers' Union. But I would like to tell the House that we have had an ex-Senior Provincial Commissioner, who is now retired, making a report for us on the activities of this African Farmers' Union, and I am afraid that his report does not make very pleasant reading, but since I have read the report I have been told by the hon. Members who represent that area that there is a changed attitude in this union towards the job of work that they should do as a co-operative union. I am quite prepared, as I have said, Mr. Deputy Speaker, to have discussions with them when I go down there, but whatever we in Government decide to do I can give the assurance that the full intention behind what we are going to do will be to help that union and most of all to help the producers in that area to the best of our ability.

Mr. Deputy Speaker, I think I have answered all the questions that have been raised. If I have missed any I am quite prepared to answer them in private discussions with the Members concerned, and I beg to move.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

The Prevention of Crime (Amendment) Bill

Mr. Webb: Mr. Deputy Speaker, I beg to move that the Prevention of Crime (Amendment) Bill be now read a Second Time.

Sir, when the Prevention of Crime Ordinance was enacted in 1958 it was at a time when there was a considerable outburst of crime, and crime effected with offensive weapons. That Ordinance was, however, limited to proscribing the carrying of offensive weapons by night. Since then the incidence of crime has continued and has become prevalent even by day, and the purpose of this Bill is simply to extend the 1958 Ordinance to enable the carrying of offensive weapons to be proscribed by day as well as by night.

Sir, the 1958 Ordinance has been applied generally to urban areas and it is the intention that the extended application made possible by this Bill should also be to urban areas.

Sir, I beg to move.

The Chief Secretary (Mr. Coutts) seconded.

Question proposed.

Mr. Sagoo: Mr. Deputy Speaker, Sir, I rise once again to seek the same assurance from the hon. Member which you, Sir, gave the House as Acting Minister for Legal Affairs in moving the principal Bill that the provisions of this amending Bill will not apply to the sacred symbol of the Sikhs, namely the *kirpan*, which they carry on their persons at all hours of day and night.

Sir, subject to that assurance, I beg to support.

Mr. Webb: Sir, I can give the assurance which my hon. friend requires, that this Bill will not affect the sacred symbol of the Sikhs in any way.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole House tomorrow.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C. in the Chair]

The Finance Bill

Clauses 2, 3, 4, 5 and 6 agreed to.

Clause 7

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I beg to move that clause 7 be amended by leaving out the words "to a tractor or use solely for agricultural or logging purposes" and by inserting in place thereof the words "to a tractor or stationary engine used on a farm or to a tractor or stationary engine used for the purposes of a current

[The Minister for Finance and Development] licence held by such persons to fell and convert timber issued under the Forestry Ordinance or any rules made thereunder, the validity of which licence is for more than one year."

So, the effect of this amendment is to extend to stationary engines used on farms or used for the purposes of logging the refund system which has been designed to assist the agricultural and forestry industries. I understand, Sir, that there has been some difficulty in deciding how to extend eligibility for these refunds to sawmills which are actually engaged in lumber operations. One possible way was to deal with the whole thing in an *ad hoc* manner, but this clearly was not a very satisfactory solution from the point of view either of an Ordinance or for rules, or indeed so far as the public was concerned. The Government has, therefore, endeavoured to find a suitable restrictive definition to cover the refund of duty to people engaged in forestry and the solution that has been devised is to restrict the refund to people who have licences issued under the Forestry Ordinance to fell and convert timber, which licences are for more than one year's validity. This, Sir, I am sure will convince the general contractor who merely obtains a licence under the Forestry Ordinance to cut trees and make fencing posts, because I am assured that such licences are never given for more than a year. It will also, Sir, include anyone who has a small sawmill in connection with his business, for instance, somebody who is engaged in carpentry in a town but is not engaged in the logging business. In this case I understand that a licence under the Forestry Ordinance is not granted but the person concerned would work under a trader's licence or a municipal licence.

So, there are two other classes of saw millers whom the Government would have liked to include but who will not come within the definition of the proposed amendment. The first is the private sawmiller who is not licensed, but I understand that probably all these people run sawmills on farms and will therefore be eligible for refund in the context of a farm. The second class, Sir, is the sawmiller engaged in forest lumber work who is nevertheless only licensed for one year because he works in an African district council forest and an African district council may be unwilling to give a licence for a longer period. I am informed, Sir, that there are only three of these and it is proposed to deal with them on an *ex gratia* basis.

Sir, I think that is the only point that I have to make about this amendment which, as I say, is intended to extend the eligibility for re-

funds to stationary engines used on farms and in the logging industry and I beg to move.

Question proposed.

Mr. TYSOKE: Mr. Chairman, Sir, I have already raised with the Minister for Finance another category which I think is entitled to exemption but which he has not dealt with, and that is in respect of engines which are used in connection with water-boring and diamond-drilling operations. I must declare my interest, but I would like the Minister to say whether he is prepared to give some assurance that type of engine which cannot be converted to the use of heavy oil will be exempted in the same way as engines which are used for timber logging and so on.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I am glad to be able to assure my hon. friend that these representations have been made and that they are being looked into by the Treasury in a sympathetic manner and I have every hope that it will be possible to deal with them, if not under the law, by a method of *ex gratia* refund. That, Sir, is being looked at and I can assure my hon. friend that it will not be lost to sight.

Question that the words to be left out be left out put and carried.

Question that the words to be inserted in place thereof put and carried.

Clauses 8, 9, 10 and 11 agreed to.

Schedule

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I beg to move that the Schedule be amended by inserting the expression "At 62 degrees Fahrenheit" immediately after the words "per imperial gallon" where they appear in the column headed "Import Duty in respect of Item No. 102 (M)". I also gave notice yesterday that I shall be moving this amendment. The reason for this is that if the temperature were not fitted in this way and the ambient temperature at Mombasa were used, the Eschequer would probably gain some £6,000 revenue on the 12,000,000 gallons of gas oil on which we hope to obtain duty in tax in 1960/61 after taking refunds into account. I am also informed that the oil companies would lose a small amount on their up-country sales. In fixing the temperature for gas oil I understand that we are following the custom in most other places where there are very similar very large variations in temperatures such as we have here and where gas oil is taxed. It is, Sir, intended to ensure that the duty operates in a way that is fair to all concerned. Sir, I beg to move.

Question proposed.

[The Minister for Finance and Development] Question that the words proposed to be inserted be inserted put and carried.

Schedule agreed to.

Title agreed to.

Clause 1 agreed to.

The Local Authorities Provident Fund Bill

The Minister for Local Government and Lands (Mr. Havelock): Mr. Chairman, a number of points were raised yesterday in the Second Reading which I think might lead to amendments, I would like further time to consider these points, Sir, if the view of the Committee would agree I would like this Bill postponed and ask leave to sit again.

Question proposed.

The question was put and carried.

Progress to be reported.

The Books and Newspapers Bill

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 agreed to.

Title agreed to.

Clause 1 agreed to.

The Central Housing Board (Vesting of Loans) Bill

Clauses 2, 3, 4 and 5, agreed to.

Schedule agreed to.

Title agreed to.

Clause 1 agreed to.

The Guarantee (High Commission Posts and Telecommunications Loan) Bill

Clauses 2, 3, 4, 5, 6 and 7 agreed to.

Preamble agreed to.

Title agreed to.

Clause 1 agreed to.

The Lake Victoria Fisheries (Reapplication of Laws) Bill

Clauses 2, 3, 4, 5 and 6 agreed to.

Title agreed to.

Clause 1 agreed to.

The Chief Secretary (Mr. Coutts): Mr. Chairman, Sir, I beg to move that the Committee do report to Council its consideration of The Books and Newspapers Bill, The Central Housing Board (Vesting of Loans) Bill, The Guarantee (High Commission Posts and Telecommunications Loan) Bill, The Lake Victoria Fisheries (Reapplication of Laws) Bill without amendment, and the Finance Bill with amendment and as far as The Local

Authorities Provident Fund Bill is concerned that the Committee do report progress and do ask leave to sit again.

Question proposed.

The question was put and carried.

The House resumed.

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

REPORTS AND THIRD READINGS

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, I beg to report that a Committee of the whole Council has gone through the Books and Newspapers Bill, the Central Housing Board (Vesting of Loans) Bill, and the Guarantee (High Commission Posts and Telecommunications Loan) Bill, the Lake Victoria Fisheries (Reapplication of Laws) Bill and has directed me to report the same without amendment.

I beg to move that the Council doth agree with the Committee in the said report.

The Deputy Speaker (Mr. Conroy): I think we had better take the Bills separately.

The Finance Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that a Committee of the whole Council has considered the Finance Bill and has approved the same with amendments.

Report ordered to be considered tomorrow.

The Local Authorities Provident Fund Bill

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I beg to report that the Committee of the whole Council has considered the Local Authorities Provident Fund Bill and begs to report progress and asks leave to sit again.

The question was put and carried.

To sit again tomorrow.

The Books and Newspapers Bill

Mr. Webb: Mr. Deputy Speaker, Sir, the Committee of the whole Council having considered the Books and Newspapers Bill has directed that the same be reported without amendment, and I accordingly beg to move that the Council doth agree with the Committee in the said report.

The Chief Secretary (Mr. Coutts) seconded.

The question was put and carried.

Mr. Webb: Mr. Deputy Speaker, I beg to move that the Books and Newspapers Bill be now read a Third Time.

The Minister for Finance and Development Mr. Mackenzie seconded.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

The Central Housing Board (Vesting of Loans) Bill

The Minister for Housing, Common Services, Production and Approved Schools Mr. Amallemar Mr. Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered the Central Housing Board (Vesting of Loans) Bill, 1960, and has approved the same without amendment.

I beg to move that the Council doth agree with the Committee on the said report.

Mr. Webb seconded.

The question was put and carried.

The Minister for Housing, Common Services, Production and Approved Schools Mr. Amallemar Mr. Deputy Speaker, I beg to move that the Central Housing Board (Vesting of Loans) Bill, 1960, be read a Third Time.

Mr. Webb seconded.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

The Guarantee (High Commission Posts and Telecommunications Loans) Bill

Mr. Bather Mr. Deputy Speaker, Sir, I beg to report that the Committee of the whole Council has considered the Guarantee (High Commission Posts and Telecommunications Loans) Bill and has approved the same without amendment.

I beg to move that the Council doth agree with the Committee on the said report.

The Chief Secretary (Mr. Coutts) seconded.

The question was put and carried.

Mr. Bather Mr. Deputy Speaker, Sir, I beg to move that the Guarantee (High Commission Posts and Telecommunications Loans) Bill be now read a Third Time.

Mr. Webb seconded.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

The Lake Victoria Fisheries (Reapplication of Laws) Bill

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill) Mr. Deputy Speaker, I beg to report that a Committee of the whole Council has considered the Lake Victoria Fisheries (Reapplication of Laws) Bill, 1960, and has approved the same without amendment.

I beg to move that the Council doth agree with the Committee on the said report.

The Chief Secretary (Mr. Coutts) seconded.

The question was put and carried.

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill) Mr. Deputy Speaker, I beg to move that the Lake Victoria Fisheries (Reapplication of Laws) Bill, 1960, be now read a Third Time.

The Minister for Local Government and Lands (Mr. Haselock) seconded.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy) That completes the business on the Order Paper and I accordingly adjourn Council until 9 o'clock tomorrow morning, Friday, 10th June.

The House rose at fifty minutes past Three o'clock.

Friday, 10th June, 1960

The House met at Nine o'clock.

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

The Report of the Working Party appointed to consider Elections under the Lancaster House Agreement.

(By the Chief Secretary (Mr. Coutts))

NOTICE OF MOTION

REPORT OF WORKING COMMITTEE ON ELECTIONS

The Chief Secretary (Mr. Coutts) Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council notes the Report of the Working Party appointed to consider elections under the Lancaster House Agreement.

MOTION

REINTRODUCTION OF SWAHILI INTO SCHOOLS.

Mr. Mulliro Mr. Deputy Speaker, Sir, I beg to move:—

THAT this Council being conscious of the importance of Swahili as the chief means of communication among the people of Kenya, calls upon the Government to reintroduce the teaching of Swahili in all African schools in the Colony and to consider its voluntary introduction in non-African schools.

This is the second time that I bring this Motion in this Council and hon. Members in this Council will definitely know that I am very much concerned with the teaching of Swahili in our schools.

Swahili is the only language in Kenya in which anyone can communicate with the greater mass of the African population. Of late it has been the practice of the Education Department to work for complete elimination of Swahili as a language taught in African schools. This has been regarded as the most serious attack on Swahili by many Africans, particularly those Africans who think nationally. There is no way in which one could go to the remote parts of Kenya, like the N.F.D., Masailand, or other areas like that, and be able to be understood unless one has got a person to understand a bit of English and to whom one might speak in English and then who would interpret into his own vernacular.

However, Sir, Swahili is a language which I regard as being one of the national languages in East Africa. Swahili can be spoken from the East Coast to the West Coast. Recently when I was in the Belgian Congo I was able to discuss matters with quite a number of people there in Swahili. Probably the Minister for Education, who is smiling rather, has never been to the Belgian Congo, simply because he himself has not taken sufficient pains to appreciate the value of Swahili in East Africa.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Only in the eastern part of the Congo.

Mr. Mulliro The eastern part of the Congo is right in the centre of Africa from east to west.

Sir Charles Markham It is going west now!

Mr. Mulliro Now, Sir, one can go to Gulu in Uganda and one can be able there to speak in Swahili and to be understood. In Tanganyika and in Zanzibar Swahili is actually the first language in those countries, and since we are looking for greater unification of, and co-operation between, the East African territories, then one language as universal as Swahili, is of the greatest importance.

Many of the Kenya children who are now getting out of school are completely perturbed when they go to towns like Mombasa or Nairobi. They cannot even carry on a conversation with any of their fellow countrymen. The only means of communication is English and then only among the literate ones; so if someone coming from Central Nyanza to Nairobi does not know Swahili he will only be able to speak to members of his own tribe and to those few Africans who are able to speak English. This is where the whole thing becomes a complete farce.

I know probably that the Minister for Education will get up and say, "We cannot accept the teaching of Swahili in all African schools at lower levels." Well, there might be some reason for that, but still I would say that even African children in primary schools might be taught a smattering of knowledge of Swahili at least. With the present bad entrance examination, whereby there is a common entrance examination, many children are debarred from further primary intermediate schools, and they will press into intermediate schools. Now, Sir, when these seek employment in the lower schools are debarred students from the lower schools are debarred from further consideration for lack of schools they will come to the towns and unless they know Swahili—they do not know any English—they will not be able to converse with others other than in their own tribal language.

(Mr. Muehri)

But a mixed language is very narrow and it limits their social associations. Also, Mr. Deputy Speaker, the very Kenya Government uses Swahili throughout all the administration. When these Ministers go out they speak to people in Swahili. When the Government goes out he tries as much as possible to see whether he can express himself in a few words of Swahili. Now, if that is the trend of Government, why does the same Government discourage the teaching of Swahili? They want to use it in the one hand and on the other hand they try to discourage it in schools. Many Government employees have to pass a Swahili test and when they pass a Swahili test they are given a few shillings as a language allowance. Now, this itself shows that Swahili has a place in the Kenya Government, but what the Kenya Government does is actually to discourage the teaching of this language. Now, what I would say is that I do not want to say very much, but I do think that although some people get up and say, "After all, why does this man want Swahili to be taught in up-country schools?" and others will get up and say, "Oh, Swahili is the language of the people on the Coast", well, probably one would say that as long as the people at the Coast do not want to be taught Swahili as one of the chief languages spoken there I would not mind but definitely the people up-country must be taught Swahili. That is why I always bring this Motion forward and I think if the Minister for Education would then come agree with me, it would be very good for the future co-operation of all people in this country at least from the lowest level to the utmost higher level. Without Swahili there is no co-operation among the lower strata and this is the main reason why I maintain the Swahili must be taught.

Even in commercial spheres you find all people speaking Swahili. You will find Mr. Rogers, the Nominated Member, speaking to his workers at the tobacco factory in Swahili. Now, you find all that going on through and through everywhere. I do not see that there is any reason why we should discourage the teaching of Swahili and I only ask the Minister for Education this time to agree with me in accepting this Motion.

Mr. Deputy Speaker, I beg to move.

Mr. Muehri: Mr. Deputy Speaker, Sir, I wish to second this Motion. As the hon. Mover very rightly said, whatever can be said against Swahili being taught in schools cannot hold very much water. For one thing, whatever there is now, I know in the past some schools taught even things like French, Latin and the like. I have no quarrel with the teaching of any language in any school, but at least let us start off with something that

is very much nearer home than bringing in languages like Latin and French, omitting Swahili. But whatever else the Minister may be saying at the time he replies to this Motion, I do not know his attitude, but I would urge him very much to consider that up to now we still have Standard IV examination in most schools. At that level they have not learnt any English, they might have learned some reading and writing and arithmetic, but probably know no other language except the language that the children speak with their mothers. I suggest if these young boys and girls are to be of any use they will have to speak another language other than the one spoken at home. They may join youth clubs or they may go in for some form of training which they will not do at home. They will have to do it sometimes somewhere outside their own homes and if they speak Swahili it will be of great assistance to them but without Swahili they are completely at sea until they have taken time to learn the language. Secondly, the Minister may argue that the cost of providing teachers of Swahili at schools at that level is prohibitive, but I do not think it is impossible because I know during my time at school there were no really good Swahili teachers but the teachers that existed then did their best and taught us the Swahili that we spoke and we did our examinations daily. I cannot see that this will bring an extra cost in the provision of special teachers but will subject a teacher or teachers to teaching Swahili at certain times of the day besides the other subjects. The request here is the teaching of Swahili and not that Swahili should be the medium; it is that Swahili be taught at schools so that these children especially up-country who speak the different languages at home should be able to speak another language which, shall we say, is commercialized; a language that can help them in a shop and ask for something and buy something.

But the idea of discouraging it, I think, is bad, and not only that, as the hon. Mover very rightly said in Government service without passing Swahili examinations at various levels, high, medium, and low, certain officers cannot be promoted or get their increments. Now there must be a very good reason for the Government to decide that this should be done, and if it is done in Government service, why should it be discouraged in the schools? And too, I suggest, as the Mover said also, that you could have two parallel languages. One would be English which we learn and speak more and more as more boys and girls go to school, and the other would be Swahili which up to the time when most people can speak English will be the only language that the Africans, at least, will be able to use to communicate amongst themselves.

1413 Motion—

(Mr. Muehri)

Mr. Deputy Speaker, Sir, I do not think there is very much to be added to this, except to make a plea to the Minister that I think he should accept this Motion for the simple reason given that these boys who leave school at Standard IV will be able to do something else, and they cannot do this something else until they have had time to learn Swahili. The teaching of any language in any school is always welcome, but let us start with the one that is nearest to us—that is Swahili.

Mr. Deputy Speaker, I beg to second.

Question proposed.

Mrs. Shaw: Mr. Deputy Speaker, I thoroughly disagree with the terms of the Motion and indeed the whole idea of reintroducing Swahili in schools. It is an absolutely retrograde step. I can remember the original debate in this Council, and although I have not got HANSARD with me, if I remember correctly, the general consensus of opinion was that if proper Swahili—Coast Swahili—was spoken throughout the length and breadth of Kenya, that might be one thing. But it is not the lingua franca of this Colony, and I beg to suggest what is spoken in most parts of Kenya is a corruption of proper Swahili known as Ki-settler, and Ki-settler as I, for one, certainly know, is a very limited language indeed. You try and talk history in Ki-settler, you try and describe Europe in Ki-settler and you are absolutely stifled, and I do suggest that when you have to teach a second language, because all the tribes have their own language, why not teach English. English has a far wider scope and will take people all over the world. Only once did I find Swahili of use with foreigners, and that was when I met a Russian on a boat, and I wanted to ask tentatively started off and stood opposite her, and she saw I wanted to say something but was completely dumb, and she said, "You speak German?", and I shook my head, and she said, "You speak the French?" and so I started off in French and after three sentences, or rather two sentences, went straight into Swahili. So she said, "Ah, K-Swahili, *mimi najua sana*", so we were well away, but she had lived in Lourenco Marques and I grant you Ki-Swahili goes as far as Lourenco Marques, but I do not think it would be of much use to you in America. It certainly may be of some use to you in Marseilles because so many settlers have been port bound in Marseilles for quite a long time and have spoken Ki-Swahili there, but I doubt if it would take you very much further.

Now to be serious, you have got to teach a second language in any case as a lingua franca. Why not teach English? To take one of the most serious

10th JUNE, 1960

—Reintroduction of Swahili into Schools 1414

drawbacks of Swahili in this Colony it is the courts. You have this business of translating from three languages. You take the native courts and you have a case where the prosecuting counsel does not understand Kipsigis. All right. He does not understand, very often, Swahili, so that the plaintiffs have to first of all speak in Kipsigis. It has to be translated into Swahili and it has to be translated again into English for the benefit of the magistrate, and what comes out in the end I dread to think. And that, I think, is one of the most serious problems in this country, and one of the biggest arguments for discontinuing the teaching of Swahili, and going straight over to English, and teaching English in all the schools, even in the primary schools. I do admit that a common language makes for common understanding, but if you have got to teach one language why not teach English which will take you, as I say, very much further in the world than Lourenco Marques, where apparently they do understand Swahili.

I remember in that original debate somebody tried to translate Shakespeare into Swahili and it was quite farcical. It was rather like playing Swahili/English consequences when something completely different comes out at the other end, and it is, for the most part, the fact that the Swahili which is spoken throughout the country is a most limited language; and Mr. Deputy Speaker, I beg to oppose.

Sheikh Mackawir: Mr. Deputy Speaker, Sir, I rise to support the Motion of the hon. Member for North Nyanza.

Sir, all the Arab boys' and girls' schools at the Mombasa and the Coastal Strip are teaching the Mombasa and girls the Swahili language first at the boys' schools. It is the first subject to learn primary schools. It is the first subject to learn Swahili before learning English or the Arabic language. The Arab boys and girls both write and speak in Swahili and they get a good knowledge of the Swahili language. Sir, all the Government schools in Kenya are not teaching Swahili. The European schools are teaching English and French. Asian schools are teaching English and Urdu or Gujarati. The African schools are teaching English, Kikuyu, Luo or the Ukamba language. Only with the Arabs is the Swahili language compulsory in the schools.

Now, Sir, the Government should make the Swahili language compulsory in all Government schools, and if not, would the Government please state their reasons for not doing so. On many occasions I have asked the Education Department in this Council previously to recruit Arab teachers from the Middle East, the Sudan or Aden to teach our boys and girls their mother language

[Sheikh Mackowi]

of Arabic, but they have a deaf ear to the Arabs' demand, and no steps so far have been taken by the Government. Will the hon. Minister for Education consider the demand for the Arabic language in Arab schools, and give us some facilities such as the other races have in their schools?

Mr. Deputy Speaker, Sir, in Zanzibar and Dar es Salaam Legislative Council, Members are speaking in the Swahili language, and I said here in this House last time that the time has come when one day the Members of this Council will speak in Swahili. Now, Sir, the time has come—or it is coming next year—and I suggest that when we get the Constitution introduced in 1961 His Excellency the Governor should consider that the Swahili language should also be spoken in this Council.

Mr. Deputy Speaker, Sir, most of the European Members in this Council could speak very good Swahili. Last Sunday at the *baraza* of the Idul-Fitr the Provincial Commissioner for the Coast, Mr. Hall, delivered his speech in fluent Swahili, and everyone who was present was surprised about his Swahili speech. Also my friend, the Specially Elected Member, Mr. Blundell, who is not here, the leader of the New Kenya Group, which I have resigned from, speaks always in meetings in very good Swahili, and when we were at Lancaster House at the round table conference we spoke in Swahili and the Colonial Secretary answered in Swahili—"Asante". Now, Sir, I hope this Motion will be accepted by the Government this time.

I beg to support.

Mr. Travadi: Mr. Deputy Speaker, I beg to strongly support the Motion moved by the hon. Member, Mr. Muliro, and I would congratulate him for his persistent efforts to introduce this language into the Kenya schools. He has been very modest in his expression when he uses in line five the words "voluntary introduction in non-African schools". If I had my say in the Education Department I would use the word "compulsory" and force the principals and the teachers to introduce Swahili into the curriculum.

Mr. Deputy Speaker, it was in the year 1942 that the Asian community with all its leaders, educationists and others gathered together in the Kenya Indian Educational Conference in Nairobi and passed a unanimous resolution. I would say here, Sir, that the hon. Nominated Member, Dr. Ismail, was the Chairman of the Reception Committee at that Conference, and there we passed a resolution recommending all Asian schools to introduce this language, 18 years ago. Fortunately or unfortunately the principals would not agree to such things, or the convenience of the Depart-

ment would not allow such language to be introduced at all. Here I would say that I entirely disagree with the hon. and gracious lady when she says that the English language should only be taught and nothing but the English language. I have no quarrel with the English language, but as the 1959 Annual Report of the Education Department shows, if you take the African population as something like 6,500,000, and if the literacy test for the English language can be taken at the Kenya Preliminary level, then of last year's candidates something like 13,655 appeared in the Kenya African Preliminary Examination, I am not talking about the passes. Then naturally if all are to be taught English it will at least take 500 years for these Africans to study out the English language. I use the word "out" deliberately.

Mr. Deputy Speaker, this is a language which everyone, particularly with the impending *uhuru*, should learn in order to enable him to communicate freely and fully with all the types of people, with all the professions and businessmen and all the races, African, Asian and European.

I have lived here for the last 44 years, Mr. Deputy Speaker, and when I started reading *Taifa*, *Zicho* or *Baraza* or something of that sort I was at a loss to understand a word of it! And since my return from England from Lancaster House I have put a Swahili book on my table and whenever I receive those African newspapers supplied by the Information Office I have tried to read the editorials, one in English and the other in Swahili, and tried to understand its meaning by comparison.

It is a shame on our part and particularly a man of my age that I have to confess that I do not know how to read and write Swahili.

Hon. Members: Shame!

Mr. Travadi: But I would also say "Shame" to you all who do not understand how to write it.

I would like to say, Mr. Deputy Speaker, that now we are permanent residents of Kenya we try to be Kenyans or Africans and would not leave this country under any circumstances. In spite of the opposition we are one with this country and it is because of this that we must have Swahili in our schools.

I beg to support.

Mr. Mboya: Mr. Deputy Speaker, Sir, I rise to support the Motion. There seems to be a number of points that continue to be misunderstood. For example, some people argue that it is impossible to teach history, arithmetic or mathematics or other subjects in Swahili. But the Motion does not ask that any teacher should go around teaching history or geometry in Swahili; the question is very simple and clear.

[Mr. Mboya]

It is that Swahili as a language should be taught in schools, so it does not raise the question as to whether in vocabulary terms Swahili is capable of being used as an instrument for teaching students scientific or other complicated subjects. That is the first point that I think is missing and an argument that is so falsely understood and an argument which is being used by those people who oppose the teaching of Swahili in schools, an argument which is totally invalid. Whether or not a person having learnt Swahili is going to use it ably in discussions on scientific matters is a different question. I submit, there are many languages in the world today which are not equally used capably, effectively, in discussing all subjects in the world, but that is no reason to deny people to learn these languages because there is an aspect of those languages that is not only important but vitally necessary in the development of the personality of a country. In our own case we concede that English is an important language and that English should not only be taught as a language, but also that it should be used as a medium of teaching. Nobody is trying to reintroduce Swahili instead of teaching English or no one is suggesting that we should replace English as a medium of teaching with Swahili. We concede—and in fact we ourselves would like to emphasize the need for teaching English as effectively as possible from the earliest possible stages of learning in our schools, but I do not think it is fair to try to make it appear that we are trying to replace English or to minimize the need for our people to learn English. English for some years to come will and must remain a foreign language. A language which for most of our people, whether or not they master it, can express themselves in it, will they master it, can express some of those always find it strange to try to express some of their own cultural or social ideas. Ideas that they can express, perhaps, better in Swahili and their own vernacular than they can ever express in English. It is this aspect of the language that is perhaps forgotten when we talk about the necessity to teach Swahili at school. The people have their own social and cultural set-up which they wish to express and a language helps in this expression. The nearest we have to an indigenous language at present that covers the largest percentage of our population is Swahili. It is the language that helps us not only to unite together, understand each other, but also to develop culturally and socially, to understand our differences in legal set-ups and to begin to appreciate each other's legal problems and I suggest very strongly those aspects of a language should be minimized or ignored in talking about the teaching of Swahili in this country. Perhaps Members are not

aware of the extent to which Swahili is used in East and Central Africa. In East Africa all the four territories have Swahili as a common language, admitted in countries like Uganda it is not as common or as popular as it is in Kenya. Tanganyika and Zanzibar, but all the same a person travelling in any part of Uganda would make himself understood by using Swahili, rarely can he make himself understood in all the places by using English. A person travelling in the Belgian Congo would make himself understood by using Swahili, although there are differences in the Swahili spoken in the Congo and in parts of Nyasaland in East Africa; particularly in parts of Swaziland and parts of Northern Rhodesia Swahili can be understood. In parts of Northern Africa the knowledge of Swahili is an asset, when one does not understand Arabic it is possible to be understood on certain little things which one wants to ask for or to speak about, so that the scope of this language already is wide enough to justify our claim that it should be held in esteem rather than ignored and left to die. It is a question here of letting the people learn this language and develop this language on a much finer and better basis than merely letting everyone speak it in his own way. I heard some Members referring to Ki-settler and Coast Swahili and so on. Now what is likely to happen unless Swahili is taught is that it is going to degenerate into the position where practically everyone will have his own inventions and use them and the language as such will begin to die.

Now I do not myself consider that there is any real justifiable reason why Swahili should be left to die when people talk of this language as something which is obsolete and should not be encouraged when you have languages like Latin which are never used by any nation or tribe or people as languages today, and yet a language which in some cases is compulsorily required in our academic studies in colleges or universities. Swahili has a place even at this level in the academic world. Swahili is an accepted second language—foreign language—for those of our students who wish to enter universities or to study through universities. It is therefore a recognized language in the context of the academic world that is accepted in the academic world and therefore the contention that Swahili has no place at all in the academic world is entirely false.

Now, Sir, even today in Kenya there is recognition of Swahili by this very Government itself, there is the requirement for Government civil servants to pass certain stages in Swahili, I understand, before they get some promotion. If this language is so necessary to justify promotion for a civil servant in our Government, surely it is not

[Mr. Mboya]

time that we gave it the due recognition of having it properly taught in our schools. If the civil servants are required to learn it, why should not our children be required to learn it as a subject at school? I emphasize this point, the question of learning Swahili as a subject, not using Swahili as a medium for teaching.

Now, Sir, we have repeated these arguments in the previous debate which we had in this House and we would like to convince the Government that as far as the Africans are concerned, we look upon the development of this language as a very important aspect of our own development. We concede that with education sooner or later most of our people will begin to speak English and understand English and perhaps it will become easier to communicate between ourselves in the English language throughout the country, but this is going to take some time. Swahili is a ready instrument that already exists even without having to go to school. What it needs is that it is not left to die and that it is helped to develop. Every language in the world is developing all the time, including English. Practically every year the English language acquires new words, words that perhaps become English out of usage and custom in various parts of the world, but words that go to enrich the English language and the continued teaching of English in the various parts of the world helps to bring about the better use of these new words that develop each year in the English language. Similarly, Swahili needs that sort of continued growth as is the case with other languages. I suggest very strongly that there is no cause here for us to feel that it is an extra burden or an extra expense to teach this language in our schools. Perhaps when the Minister speaks in this debate he might tell what in terms of cost and school hours would be involved in adding Swahili to the syllabus of each of our schools. My submission is that it would make very little, if any, difference, because in the past it has always been taught. By dropping it I do not know what gains were made in the teaching of other subjects, but I submit that if there were any gains at all they have been so small that they would not affect the results of the schools or the students in their other studies.

In our next door neighbouring territory—Tanganyika—Swahili is not only being taught at school but will be used in the Legislative Council. It is used already in the Legislative Council to the extent that the country is able to draw upon the wise men or women of the country who unfortunately for no reason of their own are unable to speak English but who it is conceded would become very useful leaders or citizens of that

Now, Sir, I think this in itself is enough manifestation of the confidence which other people have in this language and if that confidence exists in other countries, surely the least we can do ourselves to contribute towards a greater confidence in the language is to help it develop by accepting it as part of the subjects to be taught in our schools.

Mr. Deputy Speaker, I beg to support.

The Minister for Health and Welfare (Mr. Muimi): Mr. Deputy Speaker, I was waiting to hear from a teacher who is recognized on the teaching of Swahili in schools, but, so far, I have only heard lawyers speaking.

Mr. Mboya: The Mover is a teacher.

The Minister for Health and Welfare (Mr. Muimi): Mr. Deputy Speaker, I am speaking from experience as one who has taught Swahili for 16 years, and before I speak on the Motion I would just like to draw the attention of the Mover of the Motion to the precise meaning of the Motion. The Motion, Sir, calls upon the Government to reintroduce the teaching of Swahili in all African schools, and it does not say that that should be done in all schools in Kenya.

Now, when this Motion was introduced first in this House, Mr. Deputy Speaker, I recall that when the Minister for Education replied he said it was—

Mr. Mboya: You supported it.

The Minister for Health and Welfare (Mr. Muimi): I never spoke on it.

Now, the Minister said that it was at the request of the Africans that Swahili was dropped from the time-tables. Now, the reasons the Africans gave when this Motion was moved were threefold. First of all, Sir, the Africans at that time thought it was difficult for African children to have to learn three languages simultaneously; in other words, Sir, a child has first of all to learn to read and to write his or her own language, and secondly, he or she has to learn Swahili, and thirdly, he or she has to learn English. Now, when it comes to his or her final examinations, more especially the K.A.P.E. which is always taken in English, the child finds it very difficult because he or she has to answer all the questions in the English language, and because he or she has not had sufficient groundwork in the English language because of having to learn his or her own language and Swahili and English, he or she finds it so difficult to answer those questions in the English language that the result, at the time this Motion was moved, in the African schools was most deplorable; and as one who has

[The Minister for Health and Welfare]

taught both English and Swahili and my own vernacular I refrained from speaking on this Motion because it was introduced by somebody, the hon. Mover, who had only taught probably English and his own vernacular, never Swahili.

Now then, Mr. Deputy Speaker, there is one other aspect of Swahili which I must draw to the attention of the Mover, and that is the limitation of the Swahili vocabulary. If, as the hon. Member for Nairobi Area said, the reason for the introduction of Swahili into the African schools is to make everyone speak Swahili to the standard that the Tanganyika people speak in their Legislative Council, then I might tell him this, that from my experience as a teacher of Swahili, we speak in Kenya, three kinds of Swahili. First of all we speak the Mombasa Swahili, which they call the *Kimvita* Swahili, and then we speak Zanabari Swahili, and thirdly we speak Tanganyika Swahili; and then, of course, we speak the Ki-setter Swahili. Now, if you read all the books written in Swahili you find what they call standard Swahili is not the Swahili that the Mombasa man speaks, and neither is it the Swahili that the Zanabari or Tanganyika man can understand, although probably Mr. Odinga may speak a better Swahili that may be understood everywhere.

Well, as the Member for Nairobi Area said, if the purpose of the Motion is to use Swahili as a subject and not as a medium of instruction then I think—unless I am mistaken having now left the Education Department—there is provision for the introduction of Swahili at a later stage, and I believe that Swahili is introduced in all African schools at the fourth standard; but if the intention of the Mover of the Motion is to introduce Swahili right from the beginning as a medium then I cannot quite draw the distinction between him and the Member for Nairobi who is only asking for the use of Swahili as a subject and not as a medium. But I think, according to the terms of the Motion, he is calling upon the Government to reintroduce Swahili, because Swahili does not exist at all in our schools. If it has been abolished then I think the best that we can do is to call upon all the district education boards to consider whether they think the introduction of Swahili in their own respective areas would be of any use, but I am afraid that I must say that the Mover of the Motion should in the first place have consulted the other African Elected Members who were strongly opposed to the teaching of Swahili as a medium, and, as I said earlier on, Mr. Deputy Speaker, I think it would be most unfortunate if without consulting the African communities this Motion was accepted by Government, because it was at the request of the African community that Swahili was abolished from the school time-tables.

I beg to oppose.

Mr. Commodore Howard-Williams: Mr. Deputy Speaker, I rise to support the Motion so far as it refers to words like "coatic", "shirti" and "bathi", but no further. My own experience of learning Swahili is that when I came out here I took the trouble to learn Ki-Swahili and the grammar. Then, after I went on to a farm and found that no one could understand a word I said, I had to teach the farm labour to speak my own variety of Swahili, which worked very satisfactorily.

Now, Sir, why the children of Kenya should have to learn, in all, a total of four languages I fail to understand. It seems to put rather a great burden upon their minds because not only does the Motion provide for them to learn their original language but to learn English, Swahili, and, if Members of the House like to turn to the back of the Order Papers, they will see that they will have to learn also *mutatis mutandis* Latin. Sir, in order to comply with their legal obligations.

Therefore, Sir, I beg to oppose.

Mr. Tyson: Mr. Deputy Speaker, it does seem to me that far too much attention is being given to Swahili rather than the expense of English. Just recently there has been held in London a Conference to discuss the building up of local civil services in British territories in Africa by local recruitment. That recruitment must, in view of the development which we expect over the next few years, very largely come from the African people themselves; but in order to do that and in order to attain that recruitment it is imperative that facilities should be made available for Africans to develop their knowledge and experience in subjects like architecture, surveying, engineering, and so on. But how are they going to acquire that knowledge? I submit that it can only be obtained largely, anyway, by the use of textbooks on these various subjects; those textbooks are only available in English and they are unlikely to be available in Swahili for many many years. We have heard during the last few weeks during the course of debate many complaints about the African and his opportunities to get into trade. The Uganda Government recently published a series of booklets, and one of them is entitled "Business". It is written by a man well known to a good many of the African Members particularly, Mr. Carey Francis, and his book is written in this book he says: "This book had its origin in lessons which I gave at Maseno School. It is written in simple English and should be understood by those who have learned English for two years. It deals with problems which all educated

[Mr. Tyson] Africans of Kenya, Uganda and Tanganyika might meet in their everyday lives. It is written for life rather than for a classroom. I hope it may prove useful both in schools and for those who have left school behind."

I would urge, Mr. Chairman, that much more emphasis should be placed on the teaching of English in the schools rather than, as this Motion seems to indicate, that we should give preference to the learning of Swahili. It may be, as the Motion says, that Swahili is important as a means of communication among the people, but surely we want something more than that. We want to provide facilities for the advancement of the African people in order that they can take their place in the development of the country over the next few years, and I would urge, Mr. Chairman, as I did when we had a somewhat similar debate two years ago, that the African Members should pay far more attention to the encouragement of English to enable them to get knowledge from the textbooks which are available and have the same facilities as I had when I was a schoolboy.

I am opposed to the Resolution, Sir.

The Minister for Education (Mr. Mathieson): Mr. Deputy Speaker, Sir, it might be for the convenience of the House if at this stage I supplemented the remarks which have already been made by my hon. friend, the Minister for Health and Welfare in indicating the attitude of the Government to the Motion now under discussion. I am afraid that the Government cannot go all the way with the hon. Member in this Motion and I would draw attention particularly to the point which my hon. friend the Minister for Health and Welfare has already mentioned, namely the reference here to all schools. If we adopt and support the Motion we presumably take it literally in English or in Swahili and if we were to support this we would be undertaking to reintroduce the teaching of Swahili in every school. Let me point out, let me suggest, Sir, to the House, why this would be improper and unprofitable. I think there should be general agreement to the proposition that the earliest point at which English can be introduced into the curriculum of our schools should be sought. I think that point was in fact endorsed by the hon. Member for Nairobi Area when he spoke in support of the Motion. The English language is, as my hon. friend Mr. Tyson has just remarked, the tool with which further knowledge can be most easily acquired. It is also essentially the language in which secondary and higher education can be obtained in East Africa and elsewhere. Therefore, I think that the gift that we should try to give in our school system to every child in this country at the earliest possible stage is a growing command of the English

language. If we accept that as a prime requirement we have to consider what sort of a curriculum we can have in the primary school. In the first four years of education a child must be educated, given further knowledge and instruction, in a language which they already know. Therefore, the policy of the Government has been laid down since 1952; that except in townships and areas where the children are of mixed tribes and areas where Swahili can be regarded as the vernacular, the language of instruction in the primary school must be the local vernacular, with English taught as a second language in the primary schools as the qualifications of the teachers permit, and becoming the language of instruction in the intermediate schools, so that by the eighth year of schooling the preliminary examination is taken in English. Another part of that policy determination in 1952, was that vernacular instruction was to continue in the intermediate schools.

Sir, if a child whose vernacular is not Swahili is taught in that vernacular, in the first years of schooling and introduced as early as possible to English and to the other basic requirements in the primary curriculum, experience has shown, as my hon. and very experienced friend, the Minister for Health, has said, that that child is overloaded if introduced to yet a third language. That does not mean, however, Mr. Deputy Speaker, that after the first four years of schooling we cannot do a great deal to meet the thought presented in this Motion. The hon. Member of the Motion drew particular attention to the plight of children who had to leave school after Standard IV, had not enough English to command any particular position and therefore were left rather without any further avenue of advancement in life. Quite clearly, Mr. Deputy Speaker, the answer to that problem is not to try to teach them Swahili in the primary school but to give them intermediate education. That is the policy of Government and we are rapidly developing towards a situation where every child can expect to have a full elementary course. Therefore, if we can address ourselves more to this problem of Swahili as a second language in the second half of such an elementary course, I think we may be able to go much further to satisfy the hon. Member of this Motion.

As I said a little earlier, Sir, the policy determined in 1952—and we cannot in a matter of the language to be used in schools, and the language to be used in teacher training colleges, the language in which text books are to be produced, have switches and changes of policy every few years—in 1952 it was suggested that vernacular instruction should continue on in the intermediate schools. The success of such a policy would really depend on having not only an adequate supply

[The Minister for Education]

of primers in the different vernaculars other than Swahili but also supplementary readers and other books for further study at the intermediate stage. I think one must be perfectly frank and say that in this field the supply of suitable material is not adequate except in Kikuyu. Indeed, some schools, some districts, have not even yet given up the use of Swahili at the primary level because of a lack of suitable material in some of the smaller vernaculars. I am advised that particularly in the North Nyanza District the situation is somewhat of a mess with about 15 different vernaculars competing for use in the different primary schools. So we have recently addressed ourselves to this problem of what language should be used as a second language in the intermediate schools. This has been considered by the African Advisory Council and all district education boards have been circulated on the subject. We have decided on the basis of their wishes and their replies that of virtually universally as from the beginning of 1961 Swahili will be taught as a language in intermediate schools. There are a number of problems to be overcome in giving effect to this. In the first instance, in some districts, for example in the Central Province, there may be a continuing desire to use Kikuyu as a second language in the intermediate schools where good text books and materials exist. We would not attempt to interfere with a local decision of that kind. But in applying the policy broadly in all the other districts we have to overcome a number of overcoming rapidly. I trust, we will succeed in many of the existing first- is that a good many of the existing teachers in existing intermediate schools have not themselves got a teacher's command of Swahili and it will be necessary to find some way of instructing them in it. The other point is that training colleges will have to reintroduce or place greater emphasis on Swahili for those teachers who are to teach in intermediate schools, not only in the matter of teaching them the language up to that point but also teaching them how to teach it, which is a complicating factor. We will also have to switch a little on our policy in the production of books, text books, from the vernaculars to producing more material in Swahili.

I would like to reaffirm, Mr. Deputy Speaker, our determination that this policy should not interfere with the development of English as a language to be learned and as a language of instruction in schools. Indeed, we may be able, as we go along, to make it even easier for pupils to concentrate on Swahili as a second language in intermediate schools if we can start teaching in English from the outset; that is, instead of starting to introduce them to the life of school in their vernacular we start teaching them in

English from the very beginning of their school lives. These techniques we have developed very successfully in relation to the various Asian languages which are to be found in Kenya and the teachers we are now turning out for the Asian Government schools and for other schools are being trained in teaching children from the different Asian vernaculars in English from the outset. We hope to apply similar techniques in the development of teaching and teacher training in the African schools and when we can thus make faster progress with a pupil in the command of English from the early years of education we may be able to turn with even greater facility to Swahili as a second language in the last stage of the elementary course.

Another objection, Sir, which we would have to a reference to all schools is that I would not like to impose Swahili as a compulsory language for study in secondary schools. I think the hon. Member will agree—I hope indeed he will—that if a child has the opportunity of studying Swahili as a language for four years at the top of the elementary system that would serve his basic purpose of promoting a common understanding throughout the country of a common language of intercourse in addition to English. I do not think he wishes them to go so far as to become absolute Swahili scholars who are going to waste great works of literature in Swahili, but if he does not doubt they can go on to study the courses which are available at a number of universities and university colleges in different parts not only in this country but in the world. But the hon. Member for Nairobi Area suggested that one of the merits of Swahili was that it was accepted as a second language for university entry purposes. I think he should know that the Scottish universities have recently decided they will not accept Swahili as a second language for university entry purposes. That may be a form of tribal prejudice but, as with most good things coming out of Scotland, it may very well spread further south very soon. So I would not recommend that children entering school now should tackle Swahili in a big way in the hope that it will serve them as an entrance qualification to universities outside East Africa.

I hope, Sir, that I have indicated that after some rethinking which has gone on on this problem since the hon. Member last introduced his Motion, and on the basis again, as we did in the past with consultation with district education boards, we are going to give a greater importance and prominence to Swahili at an appropriate level in the educational system. But we cannot, Sir, accept the Motion in the words in which it is framed, namely that we would introduce Swahili into all schools. I therefore hope that the hon. Member may feel that the Government

[The Minister for Education]

has given him sufficient satisfaction in the objects that he wishes to promote to feel able, after this stimulating discussion we have had, to withdraw his Motion. If he feels unable to do so, I am afraid the Government will be obliged to vote against it.

Mr. Odlinga: Mr. Deputy Speaker, I rise to support the Motion and to deal with a few questions raised by the Minister for Education on this particular subject. The Minister has laid stress on the question of vernacular languages. I do not know why he is so much interested in so many vernacular languages in this country. I think, if he wanted to help this country at all to come to unity, he should discourage numerous vernacular languages rather than to encourage them, and have one vernacular language, which is Swahili which is commonly used throughout East Africa. I am sure that the discouragement of Swahili in this country is more of a political nature than anything else, because I do not see why some time back when I was just a young man going to school or just a young *mtoto* going to school at that time English was not encouraged in the schools and we were told that English was the "language of the lion" and that therefore if one tried to learn English the lion would one day jump on one. We were never taught in English and at that time even if you greeted somebody with "Good morning" he replied *Jambo* and would tell you that *Jambo* is your language.

Mr. Muliro: *Nidilo!*

Mr. Odlinga: "Do not attempt to use the language which you do not know and the language which is very far from you." It was only later on when some people who were more politically conscious realized what it meant to impose the English language in order to make people think in the English way that they introduced English and began to discourage Swahili, knowing pretty well that Swahili was trying to unite the Africans throughout East Africa and not only throughout East Africa but even places like the Belgian Congo and places like Central Africa. They were all coming up together. Therefore the reason which one of my colleagues who has just crossed the Floor should hold water, that the Africans do not at this time want Swahili or that it was removed from the curriculum at the request of the African people.

It might have been that some Anglicized Africans actually did that, but I do not think it is the opinion of the African masses in this country. I have moved from one corner to the other corner of this country, and at each meeting where I have been the question has been, "What about Swahili in the schools?", and I think he is the only man who has not had that question,

and I am very sorry and surprised. We must know that Swahili is a language which is easily understood if one only takes time, and I am sure that even some of my European friends would not support it. They do not support it simply because they do not want to learn it. They know it will put them into the difficulty of having to learn another language, and simply because you know it will be difficult for you to learn it, that should not be a barrier to allow the younger generation to start learning Swahili, which will be useful to them later on in this country and which will enable them to associate with younger generation all together in a common language in the whole of this country. When we are in Great Britain we are very proud to talk Swahili because they cannot understand us. They know that we are the only part of Africa where we have achieved to have only one language which we use and can be understood by people from Uganda, from Central Africa—Nyassaland—from the Belgian Congo and from everywhere, and that is our language and if we turn to it even people from West Africa will not understand us, and people from the West Indies will not understand us, and we are very proud of it. When somebody says that all the books are written in English, I think he is deceiving himself. They are the Government books. The French are not using English in their own land, and the Russians are not using English. Even in very, very small countries like Bulgaria, they use their own language—countries like Hungary—they go on using their own language, and are they not as clever as those people who study in English? They are all just as clever, and therefore we also should develop Swahili in this country and make Swahili the medium of instruction in our schools, and certainly Swahili will also develop on the same lines as all the other numerous languages all over the world are developing. I am sure that if somebody evil had not discouraged Swahili some years back, at the present moment Swahili would be competing with any language in the world because Swahili started in proper conditions. It is very rich in its vocabulary. It has borrowed many, many words both from Arabic and even from English and from all sorts of languages, and it was developing very quickly and very rapidly.

An Hon. Member: (Inaudible.)

Mr. Odlinga: Well, it came just as all other languages came. It was written from this, because it started in proper conditions, and started with some other words having been taken from other languages, just as English also more or less borrowed everything.

Now, Mr. Deputy Speaker, I cannot support the Minister's statement that Swahili should only be started in the intermediate schools and probably

[Mr. Odlinga]

be made compulsory in the secondary schools. I am sure that what he should do is to decide that Swahili is started immediately the boys start in the primary schools. Let them start in Swahili. He wants to discourage the vernacular languages. Leave the vernacular languages for the home. Children should learn the vernacular languages in their own homes, and let Swahili be the language immediately the children get into the schools. I would have gone even further than the Motion which tried to put it on the African schools, but I would have preferred that there should not be discrimination between other schools. All Kenya schools are Kenya schools and when they are taught they should be taught from the beginning in Swahili. I like when we meet Mr. Francis in London to say *jambo* and leave the "good-morning" and go on talking in Swahili. I am sure if we are with the Chief Secretary in London and we are talking in Swahili people will know we come from the same country and speak the same language and we are true citizens of East Africa. They are always very proud of us when we talk in Swahili, and we are proud of our Swahili, and they are also proud of us that we have our own original language and use it.

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

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

Now, Mr. Deputy Speaker, I will not go on for long, but only to request the Government, just as we requested them last time, not to be so unreasonably obstinate about this Swahili language, but to support this Motion, and let us start at once teaching Swahili, which later on will be the lingua franca of East Africa, and which will be of use in all our deliberations, even in this Council. Swahili will be the first language and English will only be the second language.

Mr. Deputy Speaker, I beg to support and support very strongly.

Mr. Usher: Mr. Deputy Speaker, Sir, I shall resist the temptation at this moment to introduce an amendment to substitute Latin for Swahili because, in point of fact, I have a great deal of sympathy with the object of the Motion, and I think the point has been very well met by my hon. friend, the Minister for Education. I shall be very happy to support what he has said.

There are just two points, Sir, that I want to make, and that is that we shall have to consider very carefully what is meant by Swahili, and what Swahili is to be taught in the schools. I have in mind, Sir, a recollection which goes back

nearly 40 years when the Government decided they would produce a paper which would tell people how to skin goats and dry the hides and look after their bodies and all those things. And I remember showing it to a very distinguished friend of mine at the Coast at the time, and what he said to me was this. He said: "*Bwana, unafika sana lakini siji kama watawafahamu.*" Now perhaps I had better translate that. Sir, this is an excellent paper and of great benefit to people, but I am afraid they will not be able to understand it, and that, of course, is the trouble and so I have some sympathy with my hon. friend who said that he could not understand *Baraza* today. Now *Baraza* is a great improvement in Swahili on the first efforts made by the Government in those days. The only trouble is, Sir, that the importations have become very corrupt. Now perhaps as an Englishman I should not complain of that because a person who can turn a word like Livorno into Leghorn is capable of anything. Nevertheless, the hideous corruptions of English words in Swahili are a matter we want to look to, and that will come out in the teaching of Swahili. Most offensive are such corruptions as this word *municipa*, which is supposed to be municipalities as far as I understand it. And it largely stems, Sir, from the fact that perhaps English itself is not very well taught in the schools. You see, if a man who likes ice-cream says "Ah lakhe nice kraeme", then you are going to get a fruitful sort of the very corruption of which I am complaining. What I have just said can be easily transiterated into Swahili with the proper English pronunciation, so I hope that whilst we all desire that there should be a great deal more use and general knowledge of workable Swahili, we shall be able to decide upon something that is not necessarily Swahili as it is spoken on the coast, but will at least be understandable by the people of the coast, and also that we shall avoid these importations incorrectly spelled and incorrectly pronounced.

Mr. Mate: Mr. Deputy Speaker, Sir, I support this Motion, but at the same time I am in great sympathy with the remarks of the Minister for Education and the Minister for Health and Welfare as a practical teacher. I never took Swahili at my school like the hon. Member for Nyanza North, although I sympathize with this Motion. I feel that from the teaching point of view, since Swahili was discouraged in schools we have become short of properly trained men to teach Swahili. In some other ways one cannot but regret it, because I feel the vernaculars too have their place in the life of the particular children and place in the life of the particular children and of the particular tribes, and what should happen, to my way of thinking, is that Swahili should be accorded its rightful place in East Africa and in

[Mr. Mate]

Kenya in particular as a language because of its cultural value and language value. For those who are worried about which is the correct Swahili I am surprised that they are not aware of such a body as the Interterritorial Language Committee. I am really surprised that any Member of this House should wonder which is the correct Swahili. This body has some very distinguished Swahili scholars and they have no other duty but to try and make sure that Swahili is kept clean in so far as the grammar of the language is concerned.

Swahili has borrowed a lot of other words from many other languages, that is not at all uncommon, there is no such language as English, that is a corruption of all the languages of European, German, Latin, Greek, and it has only been polished and made into English in due course and I do not think any English-speaking person should speak so derivatively of Swahili as a language which has been borrowed.

Speaking seriously, the trouble is that we have a large body of feeling in this House of people who are just too prejudiced or so apathetic that they cannot be bothered to find out which is the correct Swahili or when you are speaking correct Swahili they will reply in Ki-settler Swahili, or in what my hon. friend the Member for Central Area, Mr. Travadi, called—(Inaudible.)—Swahili. I am glad at least he has seen the light now and is going to take up the kind of Swahili that *Baraza* print or any other important Swahili newspaper, or even the language which the British Broadcasting Corporation from London uses to Africans here. All these people who are too apathetic and do not want to know anything about this subject I would say should revise their thinking and accord Swahili that dignity that the Interterritorial Language Committee accords it, that London University accords it and the more serious titles of fiction and other serious publications—even the Church in East Africa have translated the Bible into Swahili and I am surprised that people should talk of it as does the hon. Member the lady from Nyanza should speak of Swahili so lightly. I am speaking seriously as a teacher and as one who says, like Mr. Odinga, that it is time that we East Africans should have a language second to English in order to become a nation. It is no use pretending that we can be a nation without a language of our own. I am surprised that—(Inaudible.)—itself does not give it that ought to have. I do not see there should be competition between Swahili and Luo or Kikuyu or even—(Inaudible.). I do not see the competition between Swahili and Luganda. They can afford to employ research workers to

teach Swahili and advance Swahili and perhaps Luganda can proceed on those lines, Tanganyika has no worries on those lines, they have accepted it so the question of thinking of Swahili as dying, they are out of date. Swahili will never die, it has gone beyond that stage and that is why I was so sympathetic with the remarks that the hon. Minister made regarding the practicability of dealing with the same type of practical difficulties and I would go on to say for the other reasons to let their young people go on picking up Ki-settler Swahili every day is very unfortunate. I know that many young people pick up languages such as Kikuyu for themselves which they learn properly and many of them are experts. For these who are more serious and want to know what a language is I say "All congratulations", but the other people who take it so lightly I am afraid they are wasting their time.

Mr. Deputy Speaker, I will give an example of a country—South Africa—which has had the same trouble. In South Africa they have many African languages, English is not spoken but when the Dutch people got political influence they introduced their form of Dutch called Afrikaans, and in such a big way that today people in South Africa—non-Dutch people are obliged out of sheer political expediency to learn Afrikaans. In East Africa where Swahili is accepted, in Tanganyika, in Zanzibar, in Uganda, too, we are labouring for nothing so all I would like to say, Mr. Deputy Speaker, is this, while sympathizing with the reason behind the Motion here, I would ask my friend the Member for Nyanza North to sympathize also with the remarks of my hon. friends the Minister for Education and the Minister for Health and Welfare so that in due course we can advance Swahili in a sensible way, it is the only way of killing the Ki-settler Swahili by working against its present reputation by teaching Swahili properly and in due course we can kill it by doing something about it. That is why I feel, while I support the Motion in principle, I also in practice support both the Minister for Education and the Minister for Health and Welfare, but hope that those practical steps shall be correlated so that Swahili is taught more widely and also cause the Asians—because it is up to the Asians, whether they like it or not, it is up to them and to the Europeans—to be more serious about it. While I sympathize with the hon. Nominated Member, Mr. Tyson, and the practicability of learning some English to become an architect, I am wondering whether he himself takes the trouble to know the *Baraza* Swahili or the Swahili as advanced or advocated by scholars such as the members of the Swahili Interterritorial Language Committee. So as far as I am concerned it is a matter of time and Swahili is going to get a proper place in this country and

[Mr. Mate]

that time comes, it will be better for the use of this country that it should not be kept out of it so much that we shall have to be picking up dictionaries when it is too late.

Sir, I beg to support the Motion.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): Mr. Deputy Speaker, Sir, when a similar Motion was moved a little while ago by my hon. friend the Member for Nyanza North I supported it, but the wording was very, very different. The wording was, as pointed out by the Member for Central Nyanza, to the effect that all schools should learn Swahili, but I do not support the wording this morning because it emphasizes or discriminates the African schools from other schools. That is the only reason, and I am very surprised that this Motion has come from the Mover in this discriminatory nature.

I think, Sir, while talking of how to teach a language or how many languages to teach in schools, we have got to do it, not as a result of political expediency or to do it with full understanding of what the people want. The practical methods of doing it, I think, the Government policy which has already been summarized by the Minister for Education is as a result of experience in language teaching in the different schools which we have in the country. I very much support the idea of teaching Swahili from the intermediate school level. Now having been a teacher of Swahili myself for many years, I think that the Africans in the country generally appreciate having their children started in their own mother tongue and educationally it is necessary to have child started in his own mother tongue. It is easier to teach a child in that way, it is easier to deal with the things that concern environment or his environment if you teach in his own mother tongue and I think it is the best attitude to take, and that is why the different district education boards in Kenya have given such recommendations and that is why the Advisory Council on African Education has given this recommendation. Now in the Coast, for example, Sir, we start our children in Swahili in many areas except the Taita District and after Standard 5 we find that they have picked up sufficient Swahili—sufficient interest—and we can even afford to drop more emphasis on Swahili. But in up-country schools it might be different and people themselves appear to like their children started in their mother tongue and up to Standard 5 it is only correct that they should learn Swahili. This is the policy that has been given to the other side.

I note that the Member for Central Province North has more experience in the teaching of

Swahili and agrees with the policy of Government—or has a lot of sympathy with what the Minister for Education has stated. I think this is the wisest policy as far as the teaching of Swahili in this country is concerned. Swahili is a dying language. Now we have not suggested—or the Government has not suggested—that Swahili is a dying language. This is exactly why the Government is introducing it at the intermediate level, it is out of the realization that this is not a dying language and, as already indicated by the Minister, if students would like to go on, continue with it, there are already opportunities which could be used so that people can make themselves specialists in Swahili. It is fully realized that Swahili as a language is going to take a more and more important place in this country and particularly as independence draws near this is something which is very fully realized.

Now, I think the Minister for Education also realizes the cultural value of Swahili and this is also reflected in the emphasis of Swahili or the reintroduction of Swahili into the intermediate schools. I believe that it is at this level in the intermediate school that children are more capable of learning a third language. Now, Sir, for those who have had something to do with education, and know that there is a great danger in overloading the time-table—the curriculum—at the beginning of learning, with many languages. Some years ago I was running a school in a township which had about 50 different dialects, and after very long discussions with specialists and the staff we came to the conclusion that it was best to start with Swahili because there was that very serious danger of overloading the time-table with languages at the sacrifice of the progress of the children. Therefore introducing it at intermediate school level is the most appropriate idea and continuing with it from there so that children can pick it up better and as they go along.

Now, the question of different types of Swahili. Now as a teacher of Swahili again, this is not a problem at all to the teachers of Swahili and it is not a problem to the learners of Swahili. The East African Literature Bureau and the Interterritorial Language Committee have got the standard Swahili which is recommended in many places to the teachers of schools and managers of schools and pupils find it very easy to learn the standard Swahili. After all, all the languages in the world have got to be sorted out and probably the right expressions—the right words—be put in the text books for the teaching of people in schools. Now this is not strange and is not peculiar to Swahili only and the importance of learning Swahili so that race relations are not embarrassed through lack of communication is

[Group Capt. Briggs]

I do not intend to suggest any specific terms of reference as I did in moving the Motion in 1956 for the appointment of Mr. Corfield to conduct an enquiry, but I would suggest that the terms of reference should be such as to ensure a continuation of Mr. Corfield's Report on broadly similar lines, and I would, of course say that whoever might be appointed to carry out the enquiry should have access to all the documents and information that may be available to enable him to carry out his enquiries.

Now, Sir, in his report Mr. Corfield did suggest that if any further enquiry into later phases of the Emergency was required it should be conducted by a military historian rather than by himself. I think in saying this he was somewhat over-modest for I can myself think of no one better qualified to do this, provided of course he is available and willing to undertake the work. In this I am not trying to dictate to the Government as to who they should appoint as it is clearly a matter they would have to decide, but I felt that I must make this suggestion, Sir, for I think it would be fair to say that operations against *Mau Mau* involved not only the Security Forces but the police and Administration and also the civilian population, so that it would not really be regarded as a straightforward military operation; but I am well aware that my proposal would involve some expenditure of public funds. But I believe it would be money extremely well spent and indeed the report might very well become a best-seller and perhaps result in a financial profit to the Government as well as being a considerable contribution to knowledge on what was, I think, most people would accept as an extremely baffling and complex problem.

Mr. Deputy Speaker, I beg to move.

Major Day: Mr. Deputy Speaker, I beg to second the Motion put forward by the hon. Member for Mount Kenya.

Sir, recently in *The Times* under the caption of "What Went Wrong?" we had a very interesting and comprehensive leader on the Corfield Report. That record, Sir, as far as it went, received the publicity in England which was, I think, vitally necessary. However, Sir, it only carried out half of the job. If I may suggest it, and I feel, Sir, that no matter how vital this Corfield Report has been, it would be still more useful if we could have the second half of the apple or the other side of the coin, that is to say a record of what happened during the actual conduct of the Emergency. It is indeed a matter of great regret in my opinion that this Corfield Report was not published many months earlier than it was, and I would like to emphasize and support what has been said by the hon. Member

for Mount Kenya in so far as he has mentioned the fact that he considers it would be a best-seller. I think, Sir, that the favourable reception, the enormous number of copies of the Corfield Report in demand, surely substantiates that suggestion. I would like to add my plea to his, Sir, that if Mr. Corfield is available and willing the Government may see fit to ask him to complete this report.

Now, Sir, I feel that such a survey must be in the best interests of this country, and for these reasons I consider, Sir, that the record is necessary mainly for those, Sir, who fortunately or unfortunately did not serve in the K.E.M. reserves during the Emergency and who were not in the armed forces, either in the K.A.R. or in the British units, or in the Administration, and these people, Sir, should, I feel, have complete access to frank and unvarnished facts. It has been said, Sir, that we, and indeed most people, particularly those in democracies are very apt to forget and are very apt when an emergency descends upon them to be painfully slow in getting back into motion and dealing with such crises and, although this is not suggested, it has been attributed to no less a person than Julius Caesar when he said that he would fight only those countries controlled by—(inaudible)—and where one man and one woman have one vote, because they are always the last to prepare to start moving.

Now, Sir, an additional important reason is so that the loyal courage and endurance and self-sacrifice of the armed forces, of those members of the Administration, and, certainly least known about by the world at large but perhaps more important in some ways, the loyalty of those dedicated and brave African Royalists and loyalists who suffered so greatly, as I myself saw their suffering when I was serving in a K.A.R. unit during the Emergency, who were murdered, whose families of them, raped, pillaged, their belongings taken away from them, and, Sir, who are today once again under that black cloud of despondency and fear resulting from intimidation; and further, Sir, so that no recurrence occurs and finds us unprepared to deal with this evil I personally, Sir, devoutly pray that it will never occur again, because it is economically destructive, it is wasteful, it is senseless, and it is brutal.

Now, Sir, recently we have heard from some African leaders that civil disobedience is a permissible political weapon. I consider, Sir, that they are sometimes, indeed they must be sometimes, completely unaware as to how easily their words could trigger off such another disaster and tragedy as we have recently been through. It may well be that they man consider that it will cause their fears and ideas to become increasingly

[Major Day]

operative, but, Sir, they must realize and they should realize that it may result in a breakdown of law and order and the possibility of another Emergency bursting upon us.

I venture to suggest, Sir, that some of them may never have seen nor witnessed what happened during the Emergency, nor the horrors of the bloodshed.

The Chief Secretary (Mr. Coultts): In a point of order, Mr. Deputy Speaker, are we not anticipating the debate which the hon. Member for Ukamba has already given notice of.

The Deputy Speaker (Mr. Conroy): My difficulty on this Motion, which is now being seconded, is that we have had notice of a Motion given by Sir Charles Markham in which he asks the Council to record its appreciation of Mr. Corfield's Report, asks Government to take note of that Report and to apply the findings of that Report in order to maintain security. In other words, Sir Charles Markham's Motion deals with the Report and the advantage which Government, he suggests, should take from it. The present Motion, which is now being seconded, is that the Council should call upon the Government to appoint a suitably qualified person to conduct a further enquiry continuing from the point where Mr. Corfield left off and including an historical survey of the matter. Standing Order 55 makes it quite clear that the parliamentary procedure which applies in the House of Commons applies here, and that is that we cannot anticipate in the discussion on one Motion the discussion which is going to arise on another Motion of which notice has been given. I would therefore ask hon. Members to restrict themselves to the possibility of Vol. II of the Report and not go into the merits and demerits of Vol. I. Sir Charles Markham's Motion, which is going to be debated later, and of which notice was given first, asks Government specifically to apply the findings of Mr. Corfield to maintain security, and I do think that Major Day is beginning to overstep the boundary between the present Motion and the Motion of which Sir Charles Markham has given notice.

Major Day: Mr. Deputy Speaker, if I have overstepped the mark I do apologize to you and to the House. I was merely trying to bring out a few points on the actual situation as I saw it personally during the Emergency and I thought it might be of value. However, naturally I accept your verdict, Sir, and I do not wish to interfere with Sir Charles Markham's coming Motion.

Finally, Sir, I do feel that a factual survey of the actual Emergency part of the operations on the lines of the Corfield Report would, do much to open the eyes of people and leaders in this

country to the true value and the true duties and responsibilities of leadership. I think they would learn, Sir, that it is the duty of leaders to lead their people to a higher standard of happiness and a higher standard of living, but if an Emergency occurred, Sir, and I must say this finally, it would be their people mainly who would most profoundly suffer. I would ask that this matter should be very seriously considered by them. Not only that, Sir, but their political careers, Sir, which they are very rightly cherishing, and which is the product of their natural ambition, could indeed be jeopardized and would not find that fulfillment which they are hoping to achieve in *uhuru*. I believe and hope that they will support this Motion and I commend it to Government, who of course have all the records, but I ask them to concede that the public also should have the details made available to them, and I hope they will accept this Motion, Sir, in the best interests of the country.

I beg to second.

Question proposed.

Mr. Mate: Mr. Deputy Speaker, Sir, this Motion concerns the people of the Central Province more particularly and is very important.

There are a few questions I should like to ask of the Mover. What we are talking about now is mostly history of what happened during the Emergency. I would like to ask the hon. Mover whether the interest in this history is academic, practical, or otherwise, because we have a report already on the history of the Emergency and the *Mau Mau*. Is the hon. Mover interested in finding out other historians because you could have as many historians as one likes writing on the same subject. A Government-commissioned man would write according to his terms of reference. There are many people who could write about the Emergency and I am sure that people are going to write about the Emergency and I am going to write about the Emergency and I am sure this Government here would have their own reasons for accepting or rejecting it. So that is the first question which I would like the hon. Mover to answer as to his particular aim.

Coming to the situation in the Central Province today as it is, Sir, the citizens want to lead a normal life. They are interested in reconstruction and improving their farming, their businesses and many other things. They themselves do not want an occurrence as has happened since 1952 where a loss of life, loss of time and loss of property left them and they found themselves without belief of the good things of life. Many people are in the order for the restoration of law and order in the Central Province. Today they regret any moves by individuals or persons to bring unrest back again into the Central Province and their

[Mr. Mate:] general feeling is that they want to go ahead and improve things, including the coming back of those people who are still detained.

Sir, the reasons for what happened to me or the reasons that the Motion would anticipate do not seem to me to change as far as I am concerned. It is the practical side of what happened we should hear more of, but the basic problems that make people aggravated, social, economic, political, are the real causes, and for tomorrow they are going to be the main causes of unrest in any particular area. Sir, when I say social I mean the disturbing of a people in their way of life by outside influences which have an effect on certain people who do not like to be disturbed. When I say economic, Sir, I mean land, for example, and lack of business opportunities, and the land question is still unsolved. I repeat, the land question is still unsolved, and for many people who are without land it will remain a question even if we had another commission coming for another enquiry. Until this question is solved people are going to feel that something is wrong and must be put right. When I say political, Sir, it will be different perhaps tomorrow, next year, or even today, from what it was before regarding the African position politically in this country. The African does not like to feel that he is so ignored, not cared for by anybody.

The Deputy Speaker (Mr. Conroy): I find it rather difficult to follow the relevance of your arguments to this particular matter. I do not know whether you were here when I stopped Major Day. This particular Motion is whether we should have a history from the point where the Corfield Report stopped, and that is all. We are not concerned with the merits or demerits of the Corfield Report or on what the Corfield Report was based in relation to those merits and demerits. I would ask hon. Members to restrict themselves strictly to this Motion, otherwise we are going to have two debates on Sir Charles Markham's Motion.

Mr. Mate: Thank you, Mr. Deputy Speaker. My opinion as to whether we should have Government money spent on such further histories is this. I feel that with all the evidence the Government has through their Administration, through the Special Branch, through the police, and many other sources, it would not be justified for Government to spend more and more money on this kind of thing, unless it was found that there were some basic things following that must be exposed or which may have been omitted. I assure them that the first thing which is important, as far as the Government is concerned, is security, not only of the Europeans but of the Africans in

Kenya; and if there is any further information or knowledge that would help to inform the Government better than I feel there will be some use in that, but I feel that the information available to the Government today is enough; and I would not support any further expenditure of the country's money, when we need schools, hospitals, and many things, on something that might not be useful as far as purely security reasons are concerned. Therefore, not knowing the motive behind the hon. Mover's Motion, not even having been consulted, and I am only speaking as an individual, I do not support his Motion. I would say that it is up to the Government to make up their own minds about the security position and any more expenditure of public money should be directed into other channels and it should be left to other historians who may have the interest to write these things. Sir, to continue writing. If the hon. Member himself knows of any individuals then they could go on writing, but I would not support the expenditure of public money beyond that point where it affects security and prosperity in the Central Province.

I beg to oppose.

Mr. Blundell: Mr. Deputy Speaker, I only want to speak briefly on this Motion to say that I feel it is a Motion which we should support. There are one or two points in regard to it which I should like to put to the hon. Members opposite and to the hon. Member who has just spoken. It does seem to me that there may be some useful lessons which we can learn, and upon which the hon. Mover touched, from an examination on the lines of his Motion.

Secondly, Sir, this five or six years of the Emergency were a major interval in the life of this country, and I believe that an accurate record of the to-ing and fro-ing of thought on the matter from within the Government scene, as far as one could gather it, and from outside the Government scene, would be of value. So, Sir, I only want to say that I do hope the Government will see its way to support the thought behind this Motion.

In particular I would like to say this. I think it is important, especially in view of what has happened in SUMMITRY at the present moment, not to overburden the Government machine more than is necessary. I remember that when we discussed the development of the examination which led to the Corfield Report, Sir, one of the factors which influenced us was that, at any rate in the earlier stages when the hon. Member for Mount Kenya first raised the matter, the officers of the Administration and security forces were mainly engaged in the physical business of combating the threat with which they were faced, and I do feel

[Mr. Blundell] that in so far as this Motion is concerned we want to be careful that when the examination is made it is done at a time when the major preoccupation of officers will not be interfered with, and that is the maintenance of the administrative machine and of law and order.

I feel, Sir, that there is a value in the Report both to the country, from the point of view of the technical management of the issues which arose during the Emergency, and secondly, from a purely factual record of the march of events after the present Corfield Report, and I beg to support the Motion.

Sir Charles Markham: Mr. Deputy Speaker, in supporting this Motion I would like to refer Members back to the debate that took place in 1956, which was a very brief debate, on a Motion moved by my hon. and gallant friend the Member for Mount Kenya, when he called for the enquiry which resulted in what we now know as the Corfield Report. But in the course of that debate, Sir, the then hon. Member for Aberdare, now the Specially Elected Member, Mr. Slade, said this, Sir, and I quote an extract: "We are concerned also with the course of the Emergency and what measures were taken and to what extent they succeeded and to what extent they failed."

Sir, the hon. gentleman, the Member for Central Province North, talked about historians being available. Sir, when I was at school there were various history books which we were forced to read. What I found quite amazing was that even way back in the early days that, were writing, and Macaulay, and people like that, were writing. That no two historians ever agreed on anything. That is one of the reasons, Sir, why the world history is always very conflicting. This particular Motion, Sir, is not asking for an historian to write his own version of what happened but for a Commissioner in private enquiry to go through the facts and perhaps carry on, as you moved from the Chair a moment ago, Volume II.

This is important, Mr. Deputy Speaker, for reasons which have been so ably given by other hon. Members, but I would like to say that there is no question of an ulterior motive, as I see it, behind this Motion. It is just to continue with the events in order that what did happen during the events in order that what did happen during the those years of distress between 1952 and the end of the Emergency in 1959 can be recorded factually with special documents supporting the views of the commissioner so that the children of the hon. Member for Central Province North of the hon. Member for Central Province North of what can in years to come read the account of what happened, what went wrong, and what sometimes went right. Such a document as Vol. II of

the Corfield Report might even be of interest to the hon. gentleman's friends in Yugoslavia.

We will have a chance later on of discussing the implications of the details which are concerned in this Motion, but I do hope the Government will accept this in the spirit that it is of value to the country and that it might very well help the progress of the country if a report such as this is written whilst the memories are still fresh and whilst documents are available and whilst people who actually took part in that campaign, be they from the army, or the police, or the Administration, have the facts at their fingertips and who can remember details of operations to give to a commissioner authorized to make this enquiry.

I beg to support.

Mr. Odiga: Mr. Deputy Speaker, Sir, from the explanation of the Mover of this Motion, and from the wording of his Motion, I am afraid I find it very, very difficult for me to support the Motion. I do not support it, Sir, not because I oppose any impartial enquiries into the history of Mau Mau or any other movement of any kind of the Emergency; but if that enquiry is to be put in the hands of a Government-appointed agent or some sort to whitewash the Government from all its follies and bad motives then, I am sorry but it would be a waste of public money, and, as such, it is not worth while at all being attempted to be done.

If the enquiry which has been requested were to be a body of impartial experts who would come to hold that enquiry, inviting all those people concerned and listen to all their arguments and all their stories and take impartial stories or impartial documents or records down, then I would support such an enquiry, but when I would support this side go on to say that that expert would only come and would be given access to all the Government documents and records and to put them down, Sir, I do not think we want only to listen to what the Government did or what the records in their books are, whether they are lies or not, but we would like to know the factual ideas and the things which happened. Therefore, Mr. Deputy Speaker, I would only say that the time has come when we in this country would like to get ourselves busy with the future of this country more than with the past. I think that if somebody wanted the history of Mau Mau or the Emergency history there are so many experts who are prepared to come and make a business out of it. They would write much more beautiful and much more impartial stories about it rather than the Government taking a hand and appointing someone who is inclined, and who has already been prejudiced, and who is on the side of the Government, to write a

[Mr. Odinga] Government history and to whitewash the Government. There are so many historians and there are also many experts who have written books which the Government has not been able to accept in this country. For example there is a book which is called *The Trial of Jomo Kenyatta*. That book is not allowed to come here, but when there is somebody who has written something to whitewash the Government then they will accept it. If someone tries to put things in a more moderate way the Government will not accept it, Sir, or give the people the truth. As such, Mr. Deputy Speaker, I am sorry that I cannot agree with the hon. gentleman who moved the previous enquiry and who is still moving the same enquiry again with the same ideas and the same knowledge he has expressed here, but if, later on, there would be a move to appoint a group of impartial experts to hold public enquiries into the activities and the events which took place during the Emergency I would strongly support that, but not this one here.

Therefore, Mr. Deputy Speaker, I beg to oppose the Motion as worded.

Mr. Travadi: Mr. Deputy Speaker, I rise to oppose the Motion.

Mr. Deputy Speaker, I feel that no good purpose would be served by stirring up another trouble. It would be something like throwing a stone into peaceful waters and would serve no useful purpose at all.

It will be something like churning water from which nothing will come out, and I would invite the Government to reject this Motion entirely. But if not, and the Government is prepared to accept it, say, in a qualified form, then I have got about a couple of suggestions to make. The first thing is that this Motion asks for the appointment of a suitably qualified person, I am opposed to the word "a". I am opposed to having a single solitary member, something of the type that Mr. Corfield was who was appointed. It would be something like a white man producing a white document, defending white men and whitewashing everything for the white men.

Mr. Odinga: Hear, hear, hear!

Mr. Travadi: What I want is a sort of an impartial enquiry as has been said by the other hon. Member who has just sat down composed of not white men alone but of the three races concerned and I should have one Asian and one African also sitting on that commission of enquiry. Therefore, I should say that instead of having one white man there should be at least a minimum of three.

My other suggestion is that here the wording is "into the activities of the *Mau Mau*" but instead of that it should be something like "to conduct an enquiry into the suppression of *Mau Mau* activities". I would like to use the word "suppression" of *Mau Mau* activities, meaning who helped to suppress and what type of atrocities were committed on both sides, so that it will give a sort of an idea, an impartial idea, so that people will have a clear picture before them as to who the guilty party was.

Now, the last thing is that I do not want even to go into the historical set up and all aspects affecting this for the historical set up has already been gone into by Mr. Corfield. It would only be the period from October, 1952, almost up to the ending of the Emergency. If that is the only period concerned, then I would have no objection. Otherwise, if you are going back beyond that, beyond 1952, then I would say that those words should disappear entirely.

Mr. Deputy Speaker, I beg to oppose.

Mr. Bompas: Mr. Deputy Speaker, I think that one can safely leave it to Government to deal with the last two speakers from this side of the House. I do not think I would like to embark on attempting to do so myself because words might fail me and I might say something which I should regret.

Sir Charles Markham: Hear, hear!

Mr. Bompas: We heard a lot from those speakers, Sir, of the word "whitewash" and I am sure that Government will deal with that.

Sir, the only thing which puzzles me about this Motion which I do indeed support is that it should have been necessary to have brought it at all. I would have thought, Sir, that with the experience that we have gained Government would itself have taken the initiative in this matter and would actually have taken action on these lines long ere now and I do feel that it does constitute quite a severe lack of imagination on the part of Government that they have required to be prodded from this side of the House.

Sir, we can learn a great deal from the lessons of history and I believe it is most important that not only do we get on record precisely what happened during the campaign about *Mau Mau* but we also get on record all the psychological processes that followed and all the aspects of rehabilitation.

Sir, I beg to support.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, dealing with the Motion, I find myself in some difficulty because although I accept the latter part of the Motion, that is, the enquiry continuing from the point where Mr.

[The Chief Secretary]

Corfield left off and including a historical survey of all the aspects. I am not at all happy about the first part of the Motion. It seems to me that we want to be very clear in our own minds as to what we really want. Mr. Corfield himself, in paragraph 10 on page 4 of his Report says the following: "The remaining material collected which covers the Emergency period will be available if the Government decides that a military history of this period is worthwhile and should be undertaken." Now, is it going to be a history? As the hon. Member for Central Province North said, is it going to be an academic history? If it is going to be history, then I feel that we have got to make up our minds whether or not history is not better written after a lapse of time. Should we adopt the hon. Member for Ukamba's suggestion that if we are going to get an objective report on this period that it should be done now while it is in the minds of people or should we let a certain amount of time elapse before we decide to write history? And if it is going to be history, what sort of person should write it? Should it be an academic historian or someone, as the Motion suggests, appointed by the Government?

Another point that I think must be considered is that it might perhaps take the form of being virtually a military manual because this period was to a large extent a period of war within the country. Would the person who did it not perhaps better be someone who is acquainted with writing military history? Therefore, all these matters require very careful consideration and in the circumstances therefore although agreeing that it probably would be in the best interests of the country to have a history, if we can call it that, or a record of these particular years—although of indeed they may become eventually part of Kenya's history—are we right in saying that it should necessarily be the Government who should appoint a suitably qualified person? About that I have my doubts. I cannot therefore accept the Motion in the way in which it is worded. If the hon. Member cared to amend his Motion so as to read that Government should encourage a further enquiry into the activities of *Mau Mau*, then I think it might be more acceptable to us, because encouragement would mean encouraging somebody specifically suited for this specific purpose. But I doubt myself whether it is possible. But I do not say that they will appoint a suitably qualified person. Therefore, Sir, although agreeing with the latter part of the Motion and agreeing with the principle behind it, I am afraid I cannot accept the Motion itself.

Air Commodore Howard-Williams: Mr. Deputy Speaker, Sir, at last I have a Motion before this

House which I can fully support and at last also I can fully support what the Chief Secretary has said. As something of an historian myself, my two periods being the Arcadian and Athenian periods, 2,000 years ago, and the present current period, I would like to offer my services, Sir, to write this.

Furthermore, I am supposed to be a master of fairly crisp English and therefore I might easily be the person who could be nominated to such a role.

I beg to support, Sir.

Mr. Slade: Mr. Deputy Speaker, Sir, I support this Motion and I do not think I need add very much to what has been said by other hon. Members. It is indeed what I might say I anticipated when I spoke to the Motion by the hon. Member for Mount Kenya four years ago which called for the Corfield Report and the hon. Member for Ukamba has already referred to what I then said by way of anticipating Volume II of this Report.

Assuming, Mr. Deputy Speaker, that everybody in this country is concerned with the law and order and does realize the horror and desperate damage that emergencies of this kind can do to this country, then it will be the concern of every one, particularly those who bear the greatest burden of the Government in future, to know how to stop such things arising again and how to deal with them if they do arise again. Now, in the Corfield Report we had an account of how the thing arose which future Governments may well use to see how to stop it arising again and well use to see how to stop it arising again and well use to see how to stop it arising again. But it does not tell us how to deal with the mischief if it does arise again; how actually to handle it. So we must have this Volume II; this account of what actually happened during the Emergency, what measures Government took, how far they succeeded, how far they failed. It is just as important as that first half.

Sir, I am not sure it matters very much how this Motion is worded. I am very glad to hear that Government supports it in principle. Whether it should actually be a Government appointment or merely encouragement to independent history, or merely strong views as long as it takes place and, I must say, takes place fairly soon. There is so much in this period of the last eight years which will be lost unless it is taken not only from documents but from the mouths of people in this country now before they leave us. However that may be, Mr. Deputy Speaker, one thing is essential and that is that the historian whether appointed by Government or whether freelance is given full and free access to all official documents. Otherwise his history cannot

IN THE COMMITTEE

[D. W. Connors, Esq., C.M.G., O.B.E., T.D., Q.C.,
in the Chair]

The Coffee Bill

Clause 2

Mr. Webb: Mr. Chairman, as my hon. friend, the Minister for Agriculture, indicated yesterday or perhaps it was on Wednesday in introducing the Second Reading of this Bill there are a number of amendments to be moved, the whole tenor and purpose of which is to do away with the differential treatment of coffee planters between those in the European and those in the native lands. That consideration, I think, Sir, informs most of the amendments which have been proposed and of which notice has been given both on Wednesday's and today's Order Papers. The first amendment that I have to propose is: "That clause 2 be amended by inserting in the definition of 'inspector,' immediately after the words 'the Department of Agriculture,' the words 'of or about the rank of Technical Assistant.'"

This, Sir, is an immediate exception to the principle which I have just enunciated and is simply to limit the category of officers of the Department of Agriculture who can officiate as inspectors for the purposes of this Bill.

Sir, I beg to move.

Question proposed.

Question that the words proposed to be inserted be inserted, put and carried.

Mr. Webb: Mr. Chairman, I beg to move that clause 2 be further amended by leaving out the definition of "planter" and by inserting in place thereof a new definition as follows—

"planter" means the holder of a current planter's licence and any person who is deemed to be the holder of such a licence.

This, Sir, replaces the present dichotomy in the definition of planter between European planters and African planters by having only one class of planter.

Question proposed.

Question that the words proposed to be left out be left out, put and carried.

Question that the words proposed to be inserted be inserted, put and carried.

Mr. Webb: Mr. Chairman, I beg to move that clause 2 be further amended by leaving out the definition of "planter's licence" and by inserting in place thereof a new definition as follows: "planter's licence" means a licence issued under section 17 of this Ordinance.

Question proposed.

Question that the words to be left out be left out put and carried.

Question that the words to be inserted in place thereof be inserted put and carried.

Mr. Webb: Lastly, Sir, in connexion with clause 2, I beg to move that it be amended by adding the following new definitions:—

"co-operative society" means a co-operative society registered, or deemed to be registered, under the Co-operative Societies Ordinance; "pulping station" means any factory or place where coffee is pulped, fermented or otherwise treated for the preparation of coffee in parchment;

Sir, a number of African coffee growers are grouped together in co-operative societies, and it is therefore necessary to add this definition because, as hon. Members will have seen, there is a reference to co-operative societies in the new clause 17, which I will be proposing to the Committee in due course. Equally, Sir, pulpung stations have for many years past been licensed in the African areas, but not in the European areas, and it is now proposed that all pulpung stations should be licensed, again in accordance with the terms of a new clause which I shall be proposing in due course. The definition is therefore necessary.

Question proposed.

Question that the words proposed to be inserted be inserted put and carried.

Clause 2, as amended, agreed to.

Clauses 3, 4 and 5 agreed to.

Clause 6

Mr. Webb: I beg to move that clause 6 be amended by adding two new subsections as follows:—

"(5) The Board may authorize any member or members thereof, or any officer employed by it, to exercise on its behalf at any time when it is not meeting such of its powers as it may from time to time specify.

(6) The exercise of powers under subsection (5) of this section shall, to the extent required by the Board, be reported without unreasonable delay to a meeting of the Board."

Sir, the purpose of this amendment is, I think, self-explanatory. The Boards only meet at fairly irregular intervals, and when there is some particular reason for convening them, yet there is much day-to-day business which has to be transacted, and in particular the granting of licences has to be dealt with expeditiously. The purpose, therefore, of this clause is to enable the day-to-day administration of the Ordinance to be carried on by duly authorized officers of either

[Mr. Webb]

the Coffee Board or the Marketing Board, and it is based upon an equivalent provision which this House approved in relation, I think, to maize marketing.

Question proposed.

Mr. Tyson: Mr. Chairman, Sir, is there some provision for confirmation by the Board in addition to being reported?

Mr. Webb: I do not think, Sir, that it is necessary specifically to provide such. I think that in fact "reporting to the Board" would necessarily enforce confirmation, because the Board would have, I think, to confirm, or refuse to confirm, the actions which had been taken.

Question that the words proposed to be inserted be inserted put and carried.

Clause 6, as amended, agreed to.

Clauses 7, 8, 9, 10, 11 and 12 agreed to.

Clause 13

Mr. Webb: Mr. Chairman, clause 13 prohibits persons from amongst other things, warehousing coffee unless they have a licence. I propose, Sir, that clause 13 be amended by adding to the proviso to subsection (1) thereof a new paragraph as follows:—

"(iv) the East African Railways and Harbours Administration may warehouse coffee without such a licence."

The proviso excludes certain persons in certain circumstances from the necessity to hold a licence. Although, Sir, for the most part, coffee which is railed down to Mombasa for shipment goes on board without actually being warehoused, it does sometimes occur that it has to be kept by the East African Railways and Harbours in their warehouse for a time, and for an abundance of caution, at their request, we propose to make it quite clear that that Administration does not require a licence merely to warehouse coffee which is in transit for export.

Question proposed.

Question that the words proposed to be inserted be inserted put and carried.

Clause 13, as amended, agreed to.

Clause 14 agreed to.

Clause 15

Mr. Webb: Mr. Chairman, I beg to move that subsection (3) of clause 15 be left out of the Bill.

Sir, this subsection, as hon. Members will see, deals with the right of persons aggrieved by the refusal of the Board to issue a licence to appeal. A similar provision occurs in clause 20, and as

hon. Members will have seen, I shall propose to the Committee that that subsection also be omitted, and that the two subsections be combined in a new section to be added to the Bill, of which I have given notice, and to which I will speak in due course.

Question proposed.

Question that the words to be left out be left out put and carried.

Clause 15, as amended, agreed to.

Clause 16 agreed to.

Clause 17

Mr. Webb: Mr. Chairman, I beg to move that clause 17 be left out of the Bill, and that the following new clause be inserted in place thereof:—

17. (1) No person shall plant coffee plants or maintain any plantation except under and in accordance with the terms and conditions of a current licence issued in respect thereof by the Coffee Board after consultation with the Director.

(2) Where a planter's licence is issued to a co-operative society, then all the members of the co-operative society shall be deemed to have been issued with such a licence for the purposes of this Ordinance and any rules made thereunder.

(3) There shall be payable in respect of every licence issued under this section a fee of thirty shillings:

Provided that no such fee shall be payable in respect of any plantation not exceeding one acre in extent which has been approved by the Director in consultation with the Board as a bona fide experimental plantation.

(4) Every licence under this section shall be issued annually and shall expire on the 30th day of June next following the date on which it was issued.

(5) The Board may, after consultation with the Director, cancel or suspend for any specified period, a planter's licence.

(6) In the case of a planter's licence issued to a co-operative society, the Board may, after consultation with the Director, cancel, or suspend for any specified period, such licence in respect of a named member of such society.

(7) Any person who contravenes the provisions of subsection (1) of this section or of any term or condition of his licence shall be guilty of an offence.

[Mr. Webb]

This is really the most substantial amendment to this Bill, and it brings together the present provisions with regard to the licensing of planters in respect of European planters and of African planters. The major differences between the clause planters, and that in the Bill is, which I have proposed, and the Coffee Board will have to consult the Director, and not merely act at its discretion. That brings European planters into line with the present provisions regarding African planters.

The next new matter, Sir, is this question of co-operative societies. As I have already explained to the Committee, African planters are, for the most part, organized in co-operative societies, and their plantations are all very small, and it is therefore considered better that the co-operative society should be licensed and that the benefit of that licence should inure for all its members. At the same time it is clearly most desirable that a bad African coffee planter can be dealt with, and therefore in the provision, which is new, enabling the Board to suspend or cancel licences it is specifically provided that, in the case of a co-operative society, the cancellation or suspension can be in respect of a named member of the society, and not in respect of the licensee as a whole.

I think, Sir, that that is all that is new in this clause, and I beg to move.

Question proposed.

Mr. Mate: Mr. Chairman, Sir—(Inaudible)... in part of the amendment as far as the African planter is concerned, because it brings the European farmers and the African farmers in line, but we would like to be assured by the Minister that in accordance with the spirit of this section, the mentality of the present agricultural instructors who work for the Agricultural Department is going to change. These are really the trouble-makers in these issues. Some are very good—they are progressive. Others do not seem to absorb this idea of change in things. The African farmer would like to feel that these new changes will be brought home to the particular instructors and agricultural officers right down in the locations in the particular district, so that the rules can be applied in the same way, and I wish the Minister would assure me that he is going to do his best to re-train his instructors that are backward. Those who think that rules are made to hinder and are not there to improve should change their way of thinking so as to give the African farmer this idea of change as regards increasing his coffee and the help you get from the Coffee Board through the Director of Education, and to make sure that more nurseries and all the new things

that are required will really be received by the ordinary farmer, and even if it means sacking or dismissing some of these people, I personally, would feel it would be a good thing, because for unprogressive instructors to remain it would be most disappointing.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Chairman, I always do my best, and that is why I continue day by day to lose weight as I do. Mr. Chairman, the mentality which the hon. Member mentions about the agricultural people at the lower stages in my Department is no different to the mentality of any human being. All one can do is to do one's best in training and giving them agricultural education so that they can go out, teach and talk to the planter, and this is the reason why in the Budget debate it was mentioned both by myself and by the Director of Agriculture that we are doing our utmost to increase the services available for agricultural education, and the hon. Member may remember what we said in the debate about the agricultural college at Seriba, and I think that over the next few years he will find that personnel of far greater calibre will be coming out of these schools, and that will greatly help to rectify the position as the hon. Member sees it. I will give him the assurance, Mr. Chairman, that we will continue to see what we can do in raising the agricultural educational standard of these inspectors.

Mr. Rubia: Mr. Chairman, Sir, I think although the Minister has replied on that point, I would like to stress the importance of this because I have, with the kind permission of the Director of Agriculture, toured some areas of the Fort Hall District where there has been some conflicting opinions as to the method of growing coffee, and I did raise the question with the Director of Agriculture, but I think I should like to stress it again here—because although it will take time to turn out able coffee inspectors I think a system of shorter courses should be introduced at once. During my tour of these areas I had the company of, I think, the Adviser to the Director of Agriculture in the Central Province with me, and I remember one coffee grower asking this officer in my presence, "Now, *Bwana*, will you tell us who is right because what you have told us now about coffee pruning is contrary to what we have been led to understand here". And if someone goes against the local inspector's instructions, then usually he finds himself before a tribunal because he has contravened one thing or another, and although I appreciate it will take time, I think that refresher courses, so that we have a unified system of instruction at any rate on a type of coffee, is very important, because under these amendments I can see a few

[Mr. Rubia]

chaps losing their licenses merely because there is so much conflicting opinion about how to grow coffee and how to do this and that.

Sir, I beg to support.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Chairman, again, as I said previously and in the Budget debate, we are doing our utmost to rectify and improve the agricultural education of these people.

Sir, I do not agree that there is a conflicting opinion on how to grow coffee in my Department of Agriculture. There may be a conflicting opinion, and there often is, amongst planters, both the African planters and the European planters, but as far as the Department is concerned and the method they lay down, there is no conflict of opinion at all.

Sir, the kind of person we can turn out depends entirely upon the material that we have available, and the material that will come forward prepared to interest itself in agriculture. And again in the Budget debate I stressed very strongly that hon. Members opposite and hon. Members sitting behind me could help tremendously if they could get more of the younger people leaving school to take a far greater interest in agriculture rather than take an interest, as they normally do, with all deference to yourself, Mr. Chairman, in the legal, medical and such-like professions.

Mr. Bompas: Mr. Chairman, Sir, I am not entirely happy with subsection (2) of 17, which gives a licence automatically to all members of co-operative societies, and I am wondering, Sir, if there is not undoubtedly a big variation in the obligations of members of different co-operative societies. I am just wondering whether there should not be something in the nature of paid-up members, because you will undoubtedly find some people who in theory may still be on the books of the co-operative and perhaps they have not, in practice, been members for some years.

Mr. Webb: Mr. Chairman, I do not think it would be practicable, from a legislative point of view, to say a paid-up member of a co-operative society. It must be a matter of fact, in each particular case, whether a particular person, at a given moment of time, is or is not a member, and if his membership is challenged because he has not paid his dues, then maybe he can be struck off the books, but I do not think that the proposal which the hon. Member for Kiambu makes is really practicable.

Question that the clause to be left out be left out put and carried.

Question that the clause to be inserted in place thereof be inserted put and carried.

Clause 17, as amended, agreed to.
Clauses 18 and 19 agreed to.

Clause 20

Mr. Webb: Mr. Chairman, I beg to move that subsection (2) of clause 20 be left out of the Bill.

This, Sir, is the other provision in relation to appeals which I mentioned, and which is covered by a new clause which I shall be moving at a later stage.

Question proposed.

Question that the words to be left out be left out put and carried.

Clause 20, as amended, agreed to.

Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 agreed to.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee doth report to Council its consideration of the Coffee Bill, and begs leave to sit again.

Question proposed.

The question was put and carried.

Bill to be reported.

The House resumed.

[The Deputy Speaker (Mr. Conroy) in the Chair]

REPORT

The Coffee Bill

Mr. Webb: Mr. Deputy Speaker, the Committee of the whole Council has considered the Coffee Bill, 1960, and has reported progress and asked leave to sit again. I beg to move that the Council doth agree with the Committee in its said Report.

The Minister for Finance and Development (Mr. MacKenzie) seconded.

The question was put and carried.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I adjourn Council now until 2.15 p.m. next Tuesday afternoon, the 14th June.

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

[Mr. Webb]

This is really the most substantial amendment to this Bill, and it brings together the present provisions with regard to the licensing of planters in respect of European planters and of African planters. The major differences between the clause which I have proposed and that in the Bill is, first of all, that the Coffee Board will have to consult the Director, and not merely act at its discretion. That brings European planters into line with the present provisions regarding African planters.

The next new matter, Sir, is this question of co-operative societies. As I have already explained to the Committee, African planters are, for the most part, organized in co-operative societies, and their plantations are all very small, and it is therefore considered better that the co-operative society should be licensed and that the benefit of that licence should inure for all its members. At the same time it is clearly most desirable that a bad African coffee planter can be dealt with, and therefore in the provision, which is new, enabling the Board to suspend or cancel licences it is specifically provided that, in the case of a co-operative society, the cancellation or suspension can be in respect of a named member of the society, and not in respect of the licensee as a whole.

I think, Sir, that that is all that is new in this clause, and I beg to move.

Question proposed.

Mr. Mate: Mr. Chairman, Sir—(Inaudible)... in part of the amendment as far as the African planter is concerned, because it brings the European farmers and the African farmers in line, but we would like to be assured by the Minister that in accordance with the spirit of this section, the mentality of the present agricultural instructors who work for the Agricultural Department is going to change. These are really the trouble-makers in these issues. Some are very good—they are progressive. Others do not seem to absorb this idea of change in things. The African farmer would like to feel that these new changes will be brought home to the particular instructors and agricultural officers right down in the locations in the particular district, so that the rules can be applied in the same way, and I wish the Minister would assure me that he is going to do his best to re-train his instructors that are backward. Those who think that rules are made to hinder and are not there to improve should change their way of thinking so as to give the African farmer this idea of change as regards increasing his coffee, and the help you get from the Coffee Board through the Director of Education, and to make sure that more nurseries and all the new things

that are required will really be received by the ordinary farmer, and even if it means sacking or dismissing some of these people, I personally, would feel it would be a good thing, because for unprogressive instructors to remain it would be most disappointing.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Chairman, I always do my best, and that is why I continue day by day to lose weight as I do. Mr. Chairman, the mentality which the hon. Member mentions about the agricultural people at the lower stages in my Department is no different to the mentality of any human being. All one can do is to do one's best in training and giving them agricultural education so that they can go out, teach and talk to the planter, and this is the reason why in the Budget debate it was mentioned both by myself and by the Director of Agriculture that we are doing our utmost to increase the services available for agricultural education, and the hon. Member may remember what we said in the debate about the agricultural college at Seriba, and I think that over the next few years he will find that personnel of far greater calibre will be coming out of these schools, and that will greatly help to rectify the position as the hon. Member sees it. I will give him the assurance, Mr. Chairman, that we will continue to see what we can do in raising the agricultural educational standard of these inspectors.

Mr. Rubia: Mr. Chairman, Sir, I think although the Minister has replied on that point, I would like to stress the importance of this because I have, with the kind permission of the Director of Agriculture, toured some areas of the Fort Hall District where there has been some conflicting opinions as to the method of growing coffee, and I did raise the question with the Director of Agriculture, but I think I should like to stress it again here because although it will take time to turn out able coffee inspectors I think a system of shorter courses should be introduced at once. During my tour of these areas I had the company of, I think, the Adviser to the Director of Agriculture in the Central Province with me, and I remember one coffee grower asking this officer in my presence, "Now, *Bwana*, will you tell us who is right because what you have told us now about coffee pruning is contrary to what we have been led to understand here". And if someone goes against the local inspector's instructions, then usually he finds himself before a tribunal because he has contravened one thing or another, and although I appreciate it will take time, I think that refresher courses, so that we have a unified system of instruction at any rate on a type of coffee, is very important, because under these amendments I can see a few

[Mr. Rubia]

chaps losing their licenses merely because there is so much conflicting opinion about how to grow coffee and how to do this and that.

Sir, I beg to support.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Chairman, again, as I said previously and in the Budget debate, we are doing our utmost to rectify and improve the agricultural education of these people.

Sir, I do not agree that there is a conflicting opinion on how to grow coffee in my Department of Agriculture. There may be a conflicting opinion, and there often is, amongst planters, both the African planters and the European planters, but as far as the Department is concerned and the method they lay down, there is no conflict of opinion at all.

Sir, the kind of person we can turn out depends entirely upon the material that we have available, and the material that will come forward prepared to interest itself in agriculture. And again in the Budget debate I stressed very strongly that hon. Members opposite and hon. Members sitting behind me could help tremendously if they could get more of the younger people leaving school to take a far greater interest in agriculture rather than take an interest, as they normally do, with all deference to yourself, Mr. Chairman, in the legal, medical and such-like professions.

Mr. Bompas: Mr. Chairman, Sir, I am not entirely happy with subsection (2) of 17, which gives a licence automatically to all members of co-operative societies, and I am wondering, Sir, if there is not undoubtedly a big variation in the obligations of members of different co-operative societies. I am just wondering whether there should not be something in the nature of paid-up members, because you will undoubtedly find some people who in theory may still be on the books of the co-operative and perhaps they have not, in practice, been members for some years.

Mr. Webb: Mr. Chairman, I do not think it would be practicable, from a legislative point of view, to say a paid-up member of a co-operative society. It must be a matter of fact, in each particular case, whether a particular person, at a given moment of time, is or is not a member, and if his membership is challenged because he has not paid his dues, then maybe he can be struck off the books, but I do not think that the proposal which the hon. Member for Kiambu makes is really practicable.

Question that the clause to be left out be left out put and carried.

Question that the clause to be inserted in place thereof be inserted put and carried.

Clause 17, as amended, agreed to.

Clauses 18 and 19 agreed to.

Clause 20

Mr. Webb: Mr. Chairman, I beg to move that subsection (2) of clause 20 be left out of the Bill.

This, Sir, is the other provision in relation to appeals which I mentioned, and which is covered by a new clause which I shall be moving at a later stage.

Question proposed.

Question that the words to be left out be left out put and carried.

Clause 20, as amended, agreed to.

Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 agreed to.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee doth report to Council its consideration of the Coffee Bill, and begs leave to sit again.

Question proposed.

The question was put and carried.

Bill to be reported.

The House resumed.

[The Deputy Speaker (Mr. Conroy) in the Chair]

REPORT

The Coffee Bill

Mr. Webb: Mr. Deputy Speaker, the Committee of the whole Council has considered the Coffee Bill, 1960, and has reported progress and asked leave to sit again. I beg to move that the Council doth agree with the Committee in its said Report.

The Minister for Finance and Development (Mr. MacKenzie) seconded.

The question was put and carried.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I adjourn Council now until 2.15 p.m. next Tuesday afternoon, the 14th June.

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

Tuesday, 14th June, 1960

The House met at fifteen minutes past Two o'clock.

(Mr. Deputy Speaker (Mr. Conroy) in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

BIRTHDAY HONOURS CONGRATULATIONS

Mr. Deputy Speaker (Mr. Conroy): I am sure that all hon. Members would like me to express, on their behalf, our pleasure and our congratulations to Mr. Luyt and Mrs. Shaw, on the Honours which Her Majesty the Queen has recently bestowed upon them.

PAPERS LAID

The following Papers were laid on the Table:—
The price Control (Kitui District) Order, 1960.
(By the Minister for Finance and Development (Mr. MacKenzie))

Estimates of Revenue and Expenditure of the Road Authority for the year 1960/61.
(By the Chief Secretary) (Mr. Coutts) on behalf of the Minister for Works (Mr. Nathoo)

NOTICE OF MOTION

THE MARKETING OF AFRICAN PRODUCE ORDINANCE

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council approved the surrender by the East African Tobacco Company Ltd. of the exclusive trading licence issued to it on 29th August, 1958, by the Governor in Council of Ministers under the provisions of section 5 of the Marketing of African Produce Ordinance and the grant in its place of an exclusive trading licence for a period of seven years for the purchase of tobacco leaf in the following areas:—

- those portions of the Embu, Fort Hall and Nyeri Districts within a radius of 15 miles from Sagana Railway Station;
- that portion of the Kitui District within a radius of ten miles from Kitui Township;
- that portion of the Embu District within a radius of ten miles of the East African Tobacco Company's factory at Ena River.

ORAL ANSWER TO QUESTION

QUESTION NO. 122

Captain Hamley, on behalf of Mr. Tyson, asked the Chief Secretary whether it is possible to avoid a repetition of this year's Budget Debates, in which only four Votes were considered and the remaining 12 on the priority list were passed without any discussion, by taking a different Head each day during the Supply Days allotted?

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to reply. This would be possible and in my view advantageous, and I will arrange for the Sessional Committee to consider the hon. Member's suggestion.

—Mr. Blundell: Arising out of that answer, Mr. Deputy Speaker, will the hon. Member also consider in the Sessional Committee the possibility of taking Supply Days at other periods during the year as has been on occasions put forward in this House?

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, that particular problem has been considered by us on several occasions and we wondered whether the House had really reached that stage in its development. However, I will bear the hon. Member's suggestion in mind.

BALLOT FOR PRIVATE MEMBERS' MOTIONS

The Deputy Speaker (Mr. Conroy): In accordance with the decision of this Council on 17th November, I will now hold the Ballot for the Private Members' Motions. There are five Private Members' Motions. The first is No. 1: The Encouragement of Immigration to South Africa (Mr. Mboya). No. 2: African Business in Rural Areas and Urban Areas (Mr. Mboya). No. 3: African Courts under the Control of the Judiciary (Mr. Odinga). No. 4: The Deportation of Omolo Elijah Agar (Mr. Muliro). No. 5: Communal Fines on Masai (Mr. Tipis). I will ask the Clerk to draw three numbers.

Sir Charles Markham: Mr. Deputy Speaker, Sir, on a point of order, did you not rule, Sir, that if a Member had two Motions in he only goes into the Ballot once? Otherwise, some people give notice of more than one Motion and then they have a much better chance of coming out on the Ballot.

The Deputy Speaker (Mr. Conroy): There was no ruling on the matter; it has arisen once before and that is what we did last time. It has been the practice in the past only to draw one. I would

[The Deputy Speaker]

Therefore ask the Clerk either to take out No. 1 or No. 2 and if Mr. Mboya's name comes out of the hat he will have to select which one he wants.

Now, I will ask the Clerk to draw the numbers. No. 2: Mr. Mboya. Would he tell us which of his two Motions he would prefer to take?

Mr. Mboya: Now? No. 2.

The Deputy Speaker (Mr. Conroy): No. 4—Mr. Muliro's Motion; No. 3—Mr. Odinga's Motion.

Sir Charles Markham: Shame!

COMMITTEE OF THE WHOLE COUNCIL
Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., C.M.G., O.B.E., T.D., Q.C., in the Chair]

The Coffee Bill

(Progress reported on 10th June, 1960.)

Clause 36

Mr. Webb: Mr. Chairman, hon. Members will remember that the Committee was considering the Coffee Bill and at the expiry of time on Friday had reached clause 35 and then asked leave to report progress and sit again.

Sir, I beg to move that clause 36 be amended by adding to subsection (2) thereof the following new paragraphs—

- prescribing the areas in which coffee may be planted, and regulating and controlling the variety, the cultural conditions, the method of production and the quality of coffee, and providing for the control of pests and diseases;
- empowering the Coffee Board, the Marketing Board or the Director to give directions to any planter as to the method of sowing, planting, cultivation, harvesting, collection, movement, pulping, drying or storage of coffee, and to delegate the like powers to any person.

The purpose of adding these additional powers to the Minister to make rules, which is what this clause deals with, Sir, is to enable much more detailed rules to be made with particular regard to the African areas, but also, where necessary, for the European areas.

I beg to move.

Question proposed.

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

Clause 36, as amended, agreed to.

Clause 37 agreed to.

New Clause

Mr. Webb: Mr. Chairman, I beg to move that the following new clause be added to the Bill:—

- No person shall operate a pulping station unless he is the holder of a current licence issued in respect thereof by the Coffee Board, after consultation with the Director.
- A pulping station licence may be issued in the form of an endorsement to a planter's licence.
- Where the holder of a planter's licence operates more than one pulping station, a list giving the location of each such station shall be endorsed thereon.

(4) Pulping station licenses shall expire on the 30th day of June next following the date of issue.

(5) The Board may, after consultation with the Director, cancel or suspend a licence issued under this section in respect of any specified pulping station.

(6) Any person who contravenes the provision of subsection (1) of this section shall be guilty of an offence.

Sir, the Native Lands Coffee Rules, 1951, provide at the moment for the licensing of pulping stations in the African areas and in consonance with the principle which my hon. friend the Minister enunciated in moving the Bill the purpose of this amendment is to bring all pulping stations under licence. In order, Sir, to avoid any additional pieces of paper, hon. Members will have seen that the licence may be issued in the form of an endorsement to their planter's licence and it is also our intention to redraft the planter's licence so as to incorporate the pulping station licence.

In other respects, Sir, the provisions of this new clause are the same as those relating to a planter's licence.

Sir, I beg to move.

Question proposed.

The question that the new clause be read a Second Time was put and carried.

The question that the new clause be added to the Bill was put and carried.

New Clause

Mr. Webb: Mr. Chairman, Sir, I beg to move that the following new clause be added to the Bill:

Appeals. Any person aggrieved by the refusal of the Board, or of any person authorized by the Board in that behalf, to issue any licence under this Ordinance, or by the cancellation or suspension of any such licence, may, within thirty days after being notified of such refusal, cancellation or suspension, appeal to the Agricultural Appeals Tribunal established under Part XI of the Agricultural Ordinance, 1955, and the provisions of that Part shall *mutatis mutandis*, apply in relation to every such appeal.

Hon. Members will recall that the Committee has agreed to the deletion of two subsections in earlier clauses of the Bill relating to appeals which were as drafted to the Minister, and I said in moving the amendment of those subsections that a new clause would be added to the Bill providing for appeals. This, Sir, is that new clause and it now appears in the form in which this Council has agreed to similar provisions in both the Dairy Industry Ordinance and the Maize Marketing Ordinance. The idea, Sir, is to bring the whole procedure with regard to appeals in respect of agricultural matters within the purview of the Agricultural Appeals Tribunal.

I beg to move.

Question proposed.

The question that the new clause be read a Second Time was put and carried.

The question that the new clause be added to the Bill was put and carried.

Schedule

Mr. Webb: Mr. Chairman, I beg to move that the Schedule to the Bill be amended by inserting, immediately after the expression "rule 4" in the fourth line of paragraph 1 thereof, the expression "or rule 9". This amendment does not unfortunately appear on the Order Paper though I did give notice of it before the Sitting of the House, and it is in fact completely consequential upon the amendment which the Committee has agreed, the addition of the new clause in relation to pulping stations.

Sir, as hon. Members will see, paragraph (1) of the Schedule, which deals with the transitional provisions to come into effect when this Ordinance is enacted, preserves all the licences granted under the existing laws, and it is now necessary to add to it and to preserve the pulping station licences

already in existence under the Native Lands Coffee Rules, 1951. This amendment achieves that object.

I beg to move.

Question proposed.

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

Mr. Webb: Hon. Members, Mr. Chairman, will be glad to hear that this is the last amendment to this Bill which I have to propose, and the explanation for it not being on the Order Paper is the same as I have given before. It is also entirely consequential upon the amendments which have been approved in relation to pulping station licences.

I beg to move that the Schedule to the Bill be amended by leaving out the expression "section 13 or section 17" which appear in the eighth line of paragraph 1 thereof, and by inserting in place thereof the expression "section 13, section 17, or section—" (blank). Hon. Members may perhaps be surprised that I have to move a blank but the explanation is that the cause in relation to pulping stations, which the Committee has agreed to has no number at present. The Clerk will number that clause when he adds it to the Bill and will insert that number in the blank.

I beg to move.

Question proposed.

Question that the words proposed to be deleted, be deleted, put and carried.

Question that the words proposed to be inserted in place thereof be inserted, put and carried.

Schedule, as amended, agreed to.

Title agreed to.

Clause 1 agreed to.

The Prevention of Crime (Amendment) Bill

Clauses 2, 3 and 4 agreed to.

Title agreed to.

Clause 1 agreed to.

The Chief Secretary (Mr. Coutts): Mr. Chairman, Sir, I beg to move that it be reported that a Committee of the whole House has been through the Coffee Bill and approved the same with amendments and has been through the Prevention of Crime (Amendment) Bill and approved the same without amendment.

Question proposed.

The question was put and carried.

Bill to be reported.

The House resumed.

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

REPORT**The Coffee Bill**

Mr. Webb: Mr. Deputy Speaker, a Committee of the whole House has considered the Coffee Bill and has directed the same to be reported with amendment.

Report ordered to be considered tomorrow.

REPORT AND THIRD READING**The Prevention of Crime (Amendment) Bill**

Mr. Webb: Mr. Deputy Speaker, a Committee of the whole House has considered the Prevention of Crime (Amendment) Bill and has directed the same to be reported without amendment. Accordingly I beg to move that the Council doth agree with the Committee in the said Report.

The question was put and carried.

Mr. Webb: Mr. Deputy Speaker, I beg to move that the Prevention of Crime (Amendment) Bill be now read a Third Time.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. MacKenzie) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

CONSIDERATION OF REPORT AND THIRD READING**The Finance Bill**

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to report that a Committee of the whole Council has considered the Finance Bill and has approved the same with amendments as set out in the Order Paper. I beg to move that the Council doth agree with the Committee in the said Report.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to move that the Finance Bill be now read a Third Time.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

MOTION**REPORT OF WORKING PARTY ON ELECTIONS**

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to move that this Council notes the Report of the Working Party appointed to consider elections under the Lancaster House agreement.

This Report, which has been laid in this House, arises directly out of the Kenya Constitutional Conference, held early this year. We—my colleague and I—and I would like at this stage to pay tribute to my colleague for the amount of detailed work which has gone into this Report, based all our considerations on the Report of the Conference which was published in the *Kenya Gazette* on 23rd February. I noticed on reading my newspapers over the week-end that some people do not appear to realize that we were relating our report to this particular Report, and in case people have not been brought up to date they can obtain a copy of the same *Gazette* for Sh. 1 from the Government Printer.

We were bound by what was laid down in the Report, and I noticed in reading *The Times* of last Saturday that they managed to get three matters fundamentally wrong, and I thought that I would note these three particular points now, so that hon. Members would appreciate what we are trying to do. *The Times* said first of all that we had changed the Lancaster House agreement, which in fact is not so. I will mention later that certain representations were made to us, that indeed we should make such changes, but we felt that they were not within our terms of reference. And secondly, they said that we had gone back to recommend racial voting, and I shall try and explain that indeed our feeling was that on no account should we produce proposals which would result in racial voting, and also that in the case of primaries we had agreed that there should be a percentage for those people who go forward to the common roll elections based on the number of candidates. That, Sir, was in fact the proposal which we rejected, and I will deal with the question of primaries in a moment or two.

Now, Sir, before I go on to the Report itself, there are one or two general considerations that I want to mention to the House. This Report is not submitted to the Legislative Council. It is one which has been submitted to the Governor, and you will see from the terms of the Motion that Legislative Council are not really being asked to approve it. They are being asked to note it. The reason why it has been laid in Legislative Council is that we can obtain the expressions of views of Legislative Council. Therefore, in dealing with this matter I want all hon. Members to know that my colleague and I will take into con-

[The Chief Secretary]

sideration any matters and any reasonable arguments which are put forward in this debate, and we will inform His Excellency the Governor, so that if he considers that there are good reasons for making any alterations in the recommendations which we have made, he will be able to take note of what Members of Legislative Council have said. Ministers of the Government have already, within the Council of Ministers, been able to put forward their views to the Governor, and therefore by and large Ministers will not be taking part in this debate. But I have informed all the Nominated Members that I would be very glad to hear any views which they may have, and which they may wish to put forward to this Council because I think that in a debate of this nature views should be aired as freely as possible. In any vote on the Motion the Whip would have to be applied, but I hope that by that time all black benches—

Sir Charles Markham: Why?

The Chief Secretary (Mr. Coutts): Because you are being asked to note the Report and nothing more. But I do hope that people will put forward such views as they have got so that we can take account of them. I further realize that practically no one is going to agree with this Report. That was self-evident because I expect that each person individually would want something upon which they could go to their electors out of this Report. As it is impossible to please everyone, naturally a lot of people are going to be disappointed.

Three main difficulties which we encountered were dealing with the possibility of having multi-racial as well as multi-Member constituencies, the very difficult problem of how the primary elections should be conducted and finally, but certainly not least, the question of constituencies. It is perfectly obvious to me that in trying to divide up the constituencies amongst Members of the Legislative Council, everyone wants more than everyone else. Indeed most people will tug one's arm here in Legislative Council or speak to one outside and say "Do not forget to give me at least four seats." Four times 46 makes about 160 and 53 is not easily divisible by 160, so all I can say in defence of ourselves is that my colleague and I did the best we could within our own knowledge.

Now, dealing with the Report itself, I want to turn first to the recommendation on page 2 which concerns the pilot Order in Council. The recommendation is that in due course a new comprehensive Ordinance giving legal effect to the recommendation contained in this Report should be introduced into the Legislative Council. Normally

speaking, we would have submitted our report to the Governor, an Ordinance would have been drafted and the Ordinance would have been brought before this House for a debate on its Second Reading. If we had done this, however, there is little doubt that that Ordinance and debate on the Second Reading would not have taken place at the earliest before October or November of this year. Thereafter allowing the normal time for the sheer mechanics to bring into force an election, I felt, as indeed we all felt, that no election could have been held before July, 1961. We felt that it was necessary to get on because—

Sir Charles Markham: Why?

The Chief Secretary (Mr. Coutts): In answer to the hon Member who has just interjected, we felt that at the present moment there is considerable political instability in the country and we have felt that the sooner we can have an election before which all people can express their views to their constituents and after which they can elect their Members, from which people will be able to come to this House and, will express, stable views, the better.

For that reason, therefore, we adopted this course and what we have now tried to do is to give you the chance of having what is virtually a Second Reading at this stage so that you will be able to give us your concerted views.

You will see, therefore, that in this Recommendation it is proposed that there should be a pilot Order in Council and regulations will be made under that pending the enactment of a new and comprehensive Ordinance. This pilot Order will give us one main power and that is to be able to get on with registration. It is hoped that this pilot Order will be taken through Her Majesty's Privy Council some time next month and thereafter, given reasonable luck, we should be able to start registration some time in August. If we are able to do that and registration goes smoothly—hon. Members must realize that a very large number of people will have to be registered—if it goes smoothly then I hope that an election might be staged some time about the end of the year or the beginning of next year. So much, therefore, for that Recommendation and the reasons for it.

I now turn to the question of the constituencies. When discussing constituencies in this debate, if individual Members wish to suggest changes and I think it is incumbent upon them to say how the changes are going to be made—in other words it is not sufficient to say "My area has only got one seat, we want four." I want the hon. Member to say "We want four and you can take the three extra seats from (a), (b), (c) and possibly (d)."

[The Chief Secretary]

The report of the Conference envisaged that there would be some multi-Member constituencies and these have been provided. We considered at the same time whether because of possible difficulties of delimitation on the ground there should also be multi-Member multi-racial constituencies and we had in mind particularly the district of Mombasa where, as you will see, quite a number of seats have been provided and because of that difficulty of delimitation I thought perhaps Mombasa might be one constituency combining approximately six seats. But if we had done that we felt that almost inevitably after the primary election voting would be purely on racial lines and as we had set out with a target to have as far as possible constituencies where people of one race should stand and represent people of other races, it appeared to us advisable to try if we can to get rid of multi-racial, multi-Member constituencies. You will see therefore in the Appendix 3 to the report that where Nairobi and Mombasa are mentioned it is hoped that we will be able to delimit the actual constituencies on the ground. We have had certain recommendations in so far as Mombasa and indeed other recommendations as far as Nairobi, but we felt that those people such as the authorities in both cases such as local government and Central Government authorities would have a better idea than we have as to how these constituencies should be delimited and indeed I have no doubt that individual Members who come from these two areas will also have their views. We have put down that in these two places the constituencies would be delimited on the ground.

Now, Sir, turning to the questions which made us decide on how Appendix 3 should ultimately turn out. We had in mind particularly the view that as far as possible representations should be on a district basis. I must say that in some respects, although I believe that it was discussed at Lancaster House also, I myself was influenced by the fact that in 1955 when I toured the various African areas, the one thing that was brought home to me then was that everyone said, "What about a Member for our district?" Therefore basically we felt as far as possible we should try to get a distribution on districts and we should also have it or base it on geographical areas rather than joining two or three areas together. Hon. Members in this House have been used in the past to having overlapping constituencies which are particularly those now occupied by the hon. Members for Central Electoral Area, East Electoral Area and so on, when persons have been responsible for a stretch of country running from Kisumu to Nairobi and so forth. I want all hon. Members

to understand that in the recommendations which we have made there are no overlapping constituencies. We have, as I have said, tried to stick to the administrative districts as the boundaries of these particular constituencies, but here and there have been one or two departures. For instance, although we have thought it best to do what we could with districts, population has of course come into our considerations. It does not mean in every case that we have based the number of seats we have allocated necessarily on population, but we have had population at the back of our minds. Also we have had the question of communications, those districts which are large and which cannot be adequately covered by people by themselves have come in for rather special attention.

Also, Sir, considering the question of constituencies, I want Members to understand that the Common Roll both for the open seats and after primary elections have taken place, will be carried out on a single vote and therefore when people who have registered go to the polls they will on the Common Roll be voting for one person, even though it may be possibly a multi-Member constituency.

Now turning to page 3 of the report, I come now to the question of primary elections. In the report of Lancaster House it states under paragraph 15 (1) "that there should be communal reserved seats in order to ensure that the candidates elected commanded the effective and genuine support within their own community". Some people have argued that the word "within" should be replaced by the word "of" and that it should read "the effective and genuine support of their own community". I myself was a little doubtful of the exact difference, if Members have got strong views on that particular point no doubt they will let us know. But it was based on these actual words "effective and genuine support". It gave Mr. Griffith-Jones and myself probably the severest headache of all to try to resolve what we thought was the best method of introducing the primary elections.

The first point I want to make here is that we are not supposed to be elections. It is supposed to have been introduced as a method of pre-selection or virtually of nomination of candidates to go forward to a further election on the Common Roll.

And that has influenced our thinking throughout. For instance, as we have set out in the second paragraph of this part which deals with primary elections, certain proposals were put forward to us that we should take, for instance, 80 per cent of the voting strength and where there were two candidates allow those who got 40 per cent and over to go forward; where there

[The Chief Secretary]

were three candidates those who got 26 per cent and over to go forward; and so on, dividing the number of candidates into the base figure of 80 per cent. In the case of five candidates it appeared to us that it would be possible then for someone with 16 per cent of the total poll to go forward. We did not ourselves feel that that was effective and genuine support within their community and therefore we sought for another means of providing rules really for what—and I would like to repeat this again—is a preselection. Therefore, we came to the conclusion that we should make each voter either write Yes or No in front of the names of the candidates which they wished to go forward or alternatively to provide a printed Yes or No on the paper and ask them to score out the one that they did not want. We felt it was necessary to do this so that every person would have a chance of evaluating the particular qualities of the particular people who stand and therefore to make quite certain that they were agreed in their own minds that they were fit and proper people to go forward to election. We thereafter said that if someone receives 25 per cent of the total number of voters—remember that it is the total number of votes, i.e. those votes cast on the day, the papers returned, not the total number of those on the voters' role—that he should be allowed to go forward for election. We were influenced in this suggestion and particularly in the 25 per cent by referring to the numbers of two present constituencies. The two constituencies we chose as examples were European Nairobi South where we have 4,000 voters at the present moment and if there was an 80 per cent poll in the primary in an equivalent constituency the number of voters would be 3,200. Twenty-five per cent of that is 800 and we felt that if someone could command a vote of 800 then he would have effective and genuine support among his community. The figures, I think—

An Hon. Member: Question!

The Chief Secretary (Mr. Coutts): Someone says "Question", but this is where we must now make up our minds what in fact is effective and genuine support. If you look at the number of voters in the non-Muslim Central Area you will find that in order to go forward you would have to have 5,700 voters at 25 per cent. Does the hon. gentleman still question that as effective and genuine support? I should have thought if 5,700 people are prepared not to vote for you but preselect you that in fact you have got effective and genuine support within your own community.

One other point I wanted to comment on here was the fact that we suggested that everyone should be obliged to say Yes or No against a candidate because we felt that it would be pos-

sible for people outside the polling booth to try and put force on people to say they will vote only for one person whereas the person himself inside the polling booth might well wish to record a Yes or No against other candidates and we therefore felt that each person should be required to say Yes or No.

The next portion of the Report refers to National Members and here is where I would like to refer once again to the Report of the Lancaster House Agreement. I noticed in one paper over the week-end someone was unable to discover how anybody was going to vote for National Members and who were going to vote for National Members but we did not think it was necessary to put in our Report quotations from the original Report of the Lancaster House Agreement which reads as follows: "The National Members would be elected by the Elected Members of Legislative Council using proportional representation, a single non-transferable vote, except in contests for single seats. Seats should be reserved as follows: four Africans, four Europeans, two Asian non-Muslims, one Asian non-Muslim and an Arab." You will also see that we have recommended that persons who stand as National Members if they are going to be national they should have the support of all three races. We have recommended that any person who wishes to stand as a National Member must have two Members from each of the main racial groups to support him before he goes forward for election. Furthermore, we also said that no Constituency Member of the Legislative Council should qualify to stand as a candidate for a National seat. Now, by Constituency Member we meant people who had actually been elected, so that having been elected they could not then resign and put themselves up as National Members as happened, I think, last time. If they wish to resign first, that is before they take their seats, then presumably they could put themselves up. What we are trying to avoid are a number of what might be unnecessary by-elections. It should be quite clear to everyone that any candidate defeated at an ordinary poll on a reserved or common roll seat can put himself forward to be a National Member if he has got the necessary support.

Now, I expect a number of people wonder how voting for the National Members is going to work. With your permission, Mr. Deputy Speaker, I want to read out virtually what is a child's guide in this particular respect. When I was talking to the Backbenchers the other day, not only were they hopelessly befogged on this question of proportionate representation but so was I.

Sr Charles Markham: You will not be involved!

The Chief Secretary (Mr. Coutts): So I thought that I would try and explain as clearly as I can what would happen.

Once candidates have been duly nominated voting will be in three groups, separately: for the four African National seats; for the four European National seats; and for the four Asian and Arab National seats. There will, therefore, be, in effect three separate elections. In each of these elections each Elected Member will have one vote. This means that when the House is voting, say, for the four European National Members, each Elected Member whether occupying an open or a reserved seat, can vote for only one European candidate, and the four European candidates obtaining the largest number of votes will be elected. The effect of this arrangement will be that in each election 11 votes will be sufficient to secure the election of a candidate. Without going into any complicated mathematical calculations it should be obvious that if a candidate obtains 11 votes there are only 42 votes which can go to other candidates. However, the votes are distributed no more than three candidates can obtain 11 or more votes each and the candidate who polls 11 votes must therefore be elected. If on the other hand a candidate obtains only ten votes there can be four other candidates polling ten or more votes each. Eleven is not, however, the minimum number of votes required for the election of a candidate. If, for example, three candidates secured 13 votes each, the fourth candidate obtains eight votes and the fifth candidate obtains six votes the fourth candidate gets elected as well as the first three, even though he obtained less than 11 votes. We felt that the minimum number of votes should be required to secure the election of a candidate. It is readily conceivable that in a hotly contested election as many as 50 or even 52 out of the 53 votes may go to the three favourites. We do not think that it would be proper for a candidate to be elected if he obtains only a handful of votes. In recommending seven as the minimum number of votes required we have in mind that it is the nearest figure to the total number of votes—the minimum—which a candidate in the general election must secure in order not to forfeit his deposit. The elections for the Asian and Arab National seats will be based on the same principle except that two seats will be reserved for Asian non-Muslims and one seat each will be reserved for an Asian Muslim and for an Arab. This means that the two non-Muslims and the one Asian Muslim and the one Arab polling the highest number of votes will be elected provided that each candidate must poll the minimum of seven votes in order to be elected. The effect of the reservation will be that the third non-Muslim will not be elected even if

he polls more votes than the first Arab or the first Asian Muslim. Similarly, the second Arab or the second Asian Muslim will not be elected even if he polls more votes than the first or the second Asian non-Muslim. Now, I hope that you are all entirely clear on that.

Now, coming next to qualifications and dis-qualifications of candidates, these are based as you know once more upon the Lancaster House Report. On the question of ability to read and write in one's own language, we were asked a number of questions as to how that would be proved, and we have said that it would be largely up to the registration officer to decide whether or not the person can read and write in their own language or in English or in Swahili. We feel that if it possible—and I do not see why it should not be possible—that forms for application for registration can be prepared in a number of languages and if the person there and then can complete the form himself, or alternatively if he is over 40 and illiterate but can prove that he is over 40, then the person would be accepted by the "registering officer". We have recommended that the registration officer will have to get together a committee of local elders to advise them as to whether or not applicants are of a particular age grade and we can think of no other or better way of doing it.

As regards the range of scheduled posts, from the Lancaster House Report you will see that it is stated that there should be a wide range of scheduled posts at the time of registration. If you look at your appendix you will find that there are only three categories put in and the reason for that is that in all other categories that we examined the minimum wage for the holders of these posts was more than £75 per annum, which meant, therefore, that he could already qualify on his income qualification without therefore being an office holder in the post.

Coming now to this income qualification, we felt that we should have in addition to the income qualification a property qualification equivalent to it. In the past we have had a qualification of £120 per annum for income or £500-worth of property. In regard to property we have had in mind those people who might have either land from which they were not able to show a gross income of £75 a year or cattle of a certain value from which also they might not be able to show an income of £75 a year. We, therefore, set the property qualification at £350, being approximately the equivalent to £75 as £500 was. We then came to the question of wives voting and we felt that a wife should be able to vote on her husband's qualifications. When it came, however, to the question of plurality of wives, we

[The Chief Secretary]

examined this very carefully and decided that if numbers two, three, four, five and six wives were unable to qualify on their own, that is, by reason of qualifications which they themselves had, then it would be necessary for the husband to show that he had an income or property qualification equivalent to £75 or £350 in respect of each wife.

It is normally proper for an elector to have a residential qualification in the constituency in which they are going to vote and we have suggested that the elector should be resident in Kenya for at least 12 months immediately preceding application for registration and we have also suggested that there should be a residential qualification of not less than three months by ownership of property, residence, business or employment in the electoral area in which he registers as a voter. That means that where people who have property in places distinct from where they work, and by property we mean land or a house, it will be possible for these people to register in either place but not in both. If they do register in either place, then we have said that they must both come themselves to register and they must also go to vote personally. Now, you will find in the latter part of the Report under "Other Matters" a very strong recommendation that we should do away with the postal ballot. We have felt for a long time that the postal ballot has been subject to a number of doubtful practices in the past and also that it is in some respects an unfair method of registering votes. When it eventually comes to the rather difficult question of people on farms wishing to vote in their own areas; people in the urban areas wishing to vote in the rural areas; we will give some thought to doing what we did last time in the African elections of providing ballot boxes in the main centres for people who wish to vote for people in their own rural areas. However, some people may have to make something of a long journey in order to vote if they wish.

Coming on to the question of qualifications of candidates, I want to comment particularly on the question of the use of English. I noticed that in our debate last Friday on the Motion brought by the hon. Member for Nyanza it was stated that there was no reason why Swahili should not be used in this House. We feel very strongly, both of us and particularly my colleague who has had experience of a bi-lingual legislature that it will intolerably delay the work of this House if we did not continue as we have done in the House by insisting on English as being the one spoken language. Therefore, under (c) on page 8 we have incorporated some of the recommendations which were previously incorporated in the African

Ordinance demanding that people should possess a sufficiently good knowledge of English to be able to conduct their business effectively in this House.

Again, we have suggested that people who were ordinarily resident in Kenya for a period of at least two years immediately preceding nomination can stand as candidates, but we have not insisted on any residential qualification for the candidate in any particular area in which he wishes to stand which means that any person in any part of the country can stand for a seat, provided he has the other qualifications necessary.

Coming now to the question of qualification of candidates, hon. Members will notice that we have put in two or three recommendations regarding criminal offences, being in lawful custody, being subject to police supervision, etc., which have been taken out of the previous legislation which was applied after the Report which I submitted in 1955.

Going on now to some of the other matters, I have already said we do not propose to have voting by post again for reasons which we think are good. We have also recommended that all the provisions which I will not deal with in detail here but which have been already incorporated in the Legislative Council (Constituency Elected Members) Bill, 1959, and the Registration of Provisions on the lines of the Legislative Council (Constituency Elected Members) Bill, 1959, should be included in the regulations which we propose to promulgate.

All registered electors, we propose, should be given a voters' card. We feel very strongly on this point because it is very difficult indeed often with people of the same name to trace them quickly in the registers when they come to vote and therefore we wish to issue at the time of registration a card which will bear the person's registration number and his name. That will mean that on voting day all registration officers will be able to trace the particular person very quickly. If the person loses his card or has it stolen, then the person with that card or possibly with the other which no doubt will be issued in its place will be able to vote only, because once the person has presented the card his name will be deleted from the register and no one else will be able to vote on that card or vote again on that Member.

Finally, Sir, two points, both of which I think are rather important and which we decided to deal with in this Report, and those are the question of election disputes. We have felt for some time that perhaps the old arrangement whereby a disputed election had to be decided by the Governor in Council of Ministers has at times

[The Chief Secretary]

probably been difficult and may even have been embarrassing and we have suggested that any disputes in the future should be transferred to the courts for determination rather than to the executive. We have also dealt fairly fully with the vacation of seats after a criminal offence has been carried out because quite a number of people questioned the previous legislation on this matter.

Sir, now, I think possibly with the feeling of throwing a Christian to the lions as was done in ancient Rome, I beg to move.

The Minister for Legal Affairs (Mr. Griffith-Jones) seconded.

Question proposed.

Group Capt. Briggs: Mr. Deputy Speaker, Sir, in opposing the Motion I would like to point out first of all that the front page of the Sessional Paper carries the statement "Report of the Working Party appointed to consider elections under the Lancaster House Agreement". Now, I regard that statement as misleading for it implies that an agreement was freely entered into by the delegates present and that those delegates were authorized by their constituents to give their assent to proposals which were quite outside the mandate given to them. That this was recognized by Her Majesty's Government is, I suggest, proved by their refusal to permit the holding of a General Election prior to the Conference and is evidence of the intention of Her Majesty's Government to force through a new constitution quite regardless of the rights and feelings of the minority races and tribes which together, I would point out, represent a very large section of the population of Kenya. Had elections been held in my view the result of the Lancaster House Conference might have been very different.

Now, as the outcome of the Lancaster House Imposition, as I would prefer to call it, it is abundantly clear that the minority tribes and races have had an exceedingly raw deal and that those races and tribes who have been most law-abiding have been sacrificed in order to appease those who have been most active in creating disorder and by discontent. Now, Sir, the result was arrived at by undemocratic means without full and open discussions in plenary sessions on any matters and as far as those Europeans who agreed to the proposals are concerned, under considerable duress. If that is not so, why indeed were they summoned to the Conference? Therefore, if closing stages of the Conference? Therefore, if democratic principles mean anything at all, it is ridiculous to refer to the Lancaster House Imposition as an Agreement.

I will now, Sir, go on to the contents of the Report, but before I do so I would like to say that I have the highest regard for the ability and integrity of the hon. Members who composed the Working Party. I do not blame them in the least for the lack of consistency and realism which to my mind permeates the Report for I feel certain that they must have received clear instructions from Her Majesty's Government as to how they should interpret the terms of reference. From the third paragraph of the Report it is clear that the Report has been hurriedly prepared by Ministers already overburdened with other duties and for this the responsibility must rest on the shoulders of Her Majesty's Government who clearly wished the Report to be prepared in the same hasty and ill-considered way which marked the proceedings at Lancaster House. How much wiser the Secretary of State would have been to have accepted the proposal I made at Lancaster House that the Conference should adjourn and that a commission should be appointed to advise on a new constitution for this country! How much better he would have been advised. This would have provided time for proper consideration and full consultation on the spot by experts in African affairs and would have presented the lamentable economic repercussions which immediately followed on Lancaster House. At the same time, it could have evolved a constitution which would have been just to all races and to all tribes and thereby produced an atmosphere of confidence in the future which is sadly lacking today. It is still not too late for such a statesmanlike move on the part of Her Majesty's Government for it is clear that so far from meeting the injustices inflicted on the minorities the Report of the Working Party merely emphasizes them.

I will now go on to deal with some of the proposals of the Report, but before doing so I would like to record my protest against the very short time which hon. Members have had to study the Report, and all the implications of it; all, I may say, symptoms of the indecent haste to which I have already referred.

On the problem of the constituencies it would seem that the effect of the proposals may well be, for example, that Europeans in certain parts of the country may be deprived from voting for a European candidate, and that may also apply to other races and tribes.

The Working Party also states on page 3, and I quote: "It seems to us that the general principles enunciated at Lancaster House for the franchise were laid down with a view to eliminating purely racial voting. Having this in mind, therefore, we consider that, as far as possible, the constituencies should be geographical, and the constituencies should be appropriate, but should multi-Member where appropriate, but should

[Group Capt. Briggs]

preferably *not* be multiracial in order to avoid racial voting. It is of course implicit in any electoral system based on a common roll that persons of one race are represented by persons of another race." Now, Sir, this statement seems to me to indicate an attitude of mind which is quite unrealistic, for it must be obvious that the proposals in practice perpetuate racial voting in the vast African reserves where only a handful of Europeans will have the vote and where they will know that their influence therefore will be so slight that they will hardly bother to vote.

The same lack of reality permeates statements made in regard to primary elections for reserved seats on pages 3 and 4. It is suggested there, as has already been suggested by the hon. Mover, that it is not intended that the primaries should take the form of free elections although they were described as elections to ensure that candidates for the reserved seats enjoy the genuine and effective support of their communities. Now this quite clearly appears to conflict with the Conference report which clearly suggested without qualification that they should have genuine and effective support within their communities. Well, whether there is any difference at all between "within" or "of," as a layman, I cannot see. There may be a legal technicality but I hope that this was not a quick one put across at Lancaster House. It is also suggested that the use of the primaries for that purpose would make the common roll elections a meaningless formality. If that is accepted I would say that it must be obvious that the converse also applies in that the proposals of the Working Party will ensure that the common roll elections will be a farce; for it must be obvious that only European candidates who subscribe to the policies of African political parties are likely to be returned. Therefore to my mind it is ridiculous to suggest that they should be regarded as having the genuine and effective support of their community. In a nutshell, Sir, the implications of the proposals are that the Africans in practice will enjoy all the advantages of communal representation by reason of their numbers, whereas the Europeans will have no genuine representation whatsoever.

I do not know what purpose Her Majesty's Government had in its mind thus to humiliate and dishearten those who in the past contributed, and still contribute, so much to the welfare and progress of Kenya, and, I would add, to her economy. But if it is thought that the proposals in the report—we are debating will restore confidence I suggest that very much the reverse will be the case.

The case for a common roll could be argued were the qualifications such as to ensure reason-

able equality in education, judgment, integrity and so forth, but the qualifications suggested do no such thing, and for the return of effective communal representation for the minorities I for one would accept the African desire that those qualifications should be swept away.

Almost the only vestige of the Lennox-Boyd Constitution to be preserved is that concerning the Specially Elected seats under their new name of National seats. The method of election remains the same in most respects and that perpetuates its more undesirable features. Here again, under the new proposals, the choice will lie with the African majority and the Government. It is a pretence to make it appear that there are to be a number of persons representing the views of all races; in practice this is not so today and will not be so under the new arrangements. If these seats have to be retained, Sir, then, to my mind, the obvious method of election would be for elections to take place outside Legislative Council by responsible public bodies acting as electoral colleges.

I would urge the Government to withdraw the Paper and to press on Her Majesty's Government the need for the appointment of a Commission to reconsider the whole matter.

Finally, I hope that the Council of State has noted the proposals in the Sessional Paper and that when the times comes for the introduction of regulations and to implement them—I understand that they cannot intervene at this stage—and I would add that in the meantime they have not been amended, that the Council of State should examine the question as to whether the proposals discriminate against minorities, and in particular, Sir, the Asian and European communities.

Mr. Deputy Speaker, I beg to oppose.

Sir Charles Markham: Mr. Deputy Speaker, I understand the difficulties experienced by the Working Party, as explained by the Chief Secretary, in that the terms of reference which set up the Working Party limited their discussions to the contents of the Lancaster House Conference, and therefore any recommendations put forward by groups which went outside the scope of the White Paper would have been *ultra vires*. Nevertheless, I think I should tell the House, Mr. Deputy Speaker; that as we see in this Working Party report, Sessional Paper No. 7, various organizations gave evidence to the Working Party, amongst which was the European Elected Members' Organization. The European Elected Members appointed a subcommittee to go into the whole question of the primary elections and after a great deal of work they submitted a unanimous report which worked out a possible scheme of a

[Sir Charles Markham]

method of selection for primary elections. Having done that—I notice that the details of that scheme has not even received any mention in this Sessional Paper—the subcommittee then went on to work out in some detail how the scheme as put forward would become unworkable.

I think it is only right, Sir, to tell this House that one of the grounds which was considered by that subcommittee which would make proposals on primary elections unworkable, was the question that in many of the constituencies the Europeans would be determined to make certain that the person of their choice would be the Member elected, and that therefore what is known as Tammany Hall tactics would be adopted. This was considered by that subcommittee as being undesirable in every way as acting against the spirit of the proposals contained in the White Paper. But, as the Chief Secretary said when he introduced this Motion, his terms of reference were limited, and we were advised that should we wish to make representations we would have to make them direct to the Secretary of State. Well, Sir, the Chairman of the European Elected Members' Organization did so, and, after a very long delay, a very long delay, the Secretary of State had the courtesy to give us the reply yesterday. Consequently other detailed discussions which we would have had with the Working Party were delayed because when you normally have sent an urgent memorandum to the Secretary of State you would have thought, in view of the large staff he employs at the English taxpayer's expense, that he might have had the courtesy to give us a reply in fairly quick time. But, Sir, we understand that he is busy. He was very busy indeed, Sir; so much so, Sir, that he could not even spend five minutes considering our memorandum until, conveniently, he received the Working Party Report, because he referred to it in his reply. That was an amazing lack of courtesy in my opinion, because we had told the Chief Secretary and the Minister for Legal Affairs that we did not think it would be right to go into some of the detail of the composition of constituencies, or the distribution of them throughout the country, until we had received a reply from the Secretary of State. As it is, Sir, his reply and this Report coincide almost on the same day. Consequently there are details which we would have liked to discuss with the Working Party, particularly in so far as it affects the community which we represent in this House.

Mr. Deputy Speaker, I am not prepared today, because in a single debate such as this there are a lot of Members who wish to speak and time must be limited, but we did give the Chief Secretary

a detailed memorandum which set out the objections we had to the proposals of the Lancaster House Conference in so far as they would become unworkable. I hope that the Chief Secretary, now that his master has replied from England, can tell the House of some of those objections which in our opinion would make the whole scheme unworkable and which were listed out in detail. It is important that the House should know this because if this scheme is to be a success it does depend on it being workable, and nothing would be more disastrous today than if we adopted the American system of politics in Kenya. It is an influence which is here already but we do not want their methods of rigging elections to be brought here.

Now, Mr. Deputy Speaker, to come to some of the detail as we were requested by the Chief Secretary, I would like to refer to two things. First of all the question of the primary elections and then the constituencies; and thereafter I have some points of minor detail.

Sir, first of all I must say that I disagree profoundly with the Working Party's statement which appears on page 3, and which is repeated on page 4, with the statement which appears in the Lancaster House Conference Report, published on 25th February of this year. If I may quote first of all from the Working Party, it says, Sir, and I quote, "On the other hand, it is clear that primaries are not intended to be a pre-election whereby the members to occupy the reserved seats would be pre-selected at the primaries by the communities for whom those seats are to be reserved." If I may refer, Sir, to the Lancaster House Conference Report, it says, and I quote again, "There should be communal primary elections for the reserved seats in order to ensure that the candidates elected commanded the effective and genuine support of the community." Now, in his speech in introducing the Motion the Chief Secretary quoted the examples he has used on page 4 of the Working Party Report regarding what could be claimed as "effective and genuine support". He quoted the two examples which appear in this Working Party Report of Nairobi South and the Asian Mombasa Central Area constituency. I would like to refer him to this, Sir, that we are in some difficulty as to what the word "effective" means, but the normal common sense "effective" definitely means the majority support of the community.

I cannot see how the Chief Secretary with his colleague dared use the example which appears on page 4 of Nairobi South when he suggests that because a person receives 800 votes—I think I am right in saying 800 votes—out of 3,200 for a possible other candidate, then that person could

[Sir Charles Markham] claim to have effective and genuine support, and the remarks which appear in the Working Party, and I quote are: "We consider that this figure could not reasonably be dismissed as less than effective and genuine support for the purposes of a primary." What, Sir, I think the Chief Secretary has forgotten, and his colleague, too, I fear, is that if only 25 per cent is sufficient it is also fitting that 75 per cent are against you. In other words, what a wonderful position it would be for any candidate who goes forward knowing that he has 75 per cent of the community who he claims to represent in a reserved seat, against him. Sir, that figure is ridiculous if it is based on the idea of a selection as has been recommended by the Working Party which allows the voter to put "Yes" or "No" against as many candidates who have been nominated for the seat concerned. It should be possible if there are two or three or four candidates who do command effective and genuine support, in view of the fact that there is not a single vote on the primary selection, for all those candidates to receive a minimum of 50 per cent of the "Yesses". Then they could at least say that they have genuine and effective support, but the idea of just on a basis of multi-voting for all candidates to have 25 per cent as being effective support, I would say to you, Sir, is quite ridiculous. I am thinking now of looking through, as I did last night, the results of the General Election in England. What fun it would have been if the Member for Ebbw Vale, Mr. Aneurin Bevan, had won his election by polling 75 per cent, and then the Conservative candidate, who polled 25 per cent, had been declared elected as the Member for Ebbw Vale. I do not think, Sir, the Welsh people of Ebbw Vale would have said the Conservative had effective and genuine support.

Now, Sir, I realize that this matter affects the minority races more than anybody else because with the exception of the open seats, there are these few reserved seats for the other races, and let me say straight away, now, Sir, in case there is some misunderstanding, that I expect in this Legislative Council there will be a large African majority. In fact, Sir, I agree with my hon. friend, the hon. and gallant Member, the Member for Mount Kenya, that I can see no objection at all, in view of some of these peculiar qualifications that I shall mention in a minute, why we cannot have a simple registration for these seats for one man one vote. In fact, Sir, I cannot see why—and I will tell you in a minute why—some of these proposals are ridiculous.

Going now to constituencies, Sir, the Chief Secretary, in moving this Motion, suggested to us that if we wished to take one or add one area

to our own, then we could say to him for which area (that seat is to come, Sir, I do not believe that is possible in this Council now. We are debating, I would have thought, principles as contained in the Working Party, but there are many methods, rather like the football pools, of perming 10 from 53 or perming 35 from 40, and so on, but it does require the expert advice of individuals who, let us face it, have not got an "axe to grind". Whereas I could say to the Chief Secretary that whoever becomes the European Member for the Central Rural Area, he will require a helicopter to get round his constituency; he will require the health of somebody who is a health and beauty expert, because he will need it; and again, he will have an impossible task in trying to represent an area which produces at the moment nine-tenths of the exports of Kenya's coffee and sisal. Otherwise, Sir, he will have a very easy task. But, on top of that, he will also have to represent the many thousands of the other races in that area who, in my opinion, would much prefer to be represented by one of their own people. In fact, Sir, looking through this folder once again, I see Naivasha itself will become a European reserved seat, and I think some of the constituents of my hon. friend who represents Naivasha at the moment, as far as the African people are concerned, will be upset at losing the services of their excellent Member.

So, Sir, I have a proposal to make on constituencies which I will put to the House in a minute.

When we come, Sir, down to the question of qualifications for electors, we come to this farcical position where the registration officer will have to try and find out whether the individual who wishes to be registered can read or write in any known language, and I must admit I think it would be a very good exercise for district officers to try and get a member of the Turkana tribe to read and write for them, because I doubt if a district officer could do it. It does not matter, Sir, it would be quite good fun. And again, Sir, the position where the age of 40 or above brings instant qualification to be on the voters' roll. But never before, Sir, have I heard a remark such as was mentioned by the Chief Secretary when he was talking about the qualification for the wives, and if the individual has an income of £75 per annum, then one wife, Sir, qualifies to go on the voters' roll with him.

An Hon. Member: Interjection.

Sir Charles Markham: Not at all, Sir. I was going to suggest, Sir, that it is very invidious for the husband if he has five wives to decide which one should go on the voters' roll.

The Minister for Information and Broadcasting (Mr. Harris): They must have a primary election first.

Sir Charles Markham: The Minister for Information says they must have a primary election first. Can you see the difficult position when the man takes under his bosom a new wife and the one condition she makes is that she goes on the voters' roll and supersedes poor old Mrs. So and So who has been there before. But seriously, Sir, if one wife is good enough to go on the voters' roll, the whole lot should go on the voters' roll.

That brings me back, Sir, to this question of one man one vote. I understand the campaign of my hon. friends, the African Elected Members does include one woman one vote too. But I cannot see, looking at these proposals, what the Secretary of State, in his wisdom, has achieved, other than putting on to the voters' roll the possibility of say a million or a million and a half voters, whereas he has accepted as qualifications for the voters' roll, very low qualification ideas, such as an income of £75 per annum, and I would much rather see the Government be brave on this. I feel, Sir, the African Elected Members will support the idea too, and in order that we can have the election fairly quickly without the complicated procedure suggested in this White Paper, then there are methods of achieving it. First of all, the Government should introduce a register in the various constituencies which would allow people to vote who could prove they were over 21. And that, Sir, would be a very simple operation compared to all the qualifications which are required under this Working Party.

Secondly, Mr. Deputy Speaker, I feel that in order to make this simple, we should also think of the implications of what happens in these reserved seats—not only for Europeans, but for the Asians and Arabs. Other colleagues of mine will be talking on some of the difficulties in the towns, but I am at any rate going to suggest to the Chief Secretary, that there is this difficult position whereby because European reserved seats have been fixed on a geographical basis, there will be many thousands of the other races who, at the moment are represented by an African Elected Member, and who will have difficulty in going to vote in their own home districts. Now the Chief Secretary did suggest in his speech that this might be got round by a system of having ballot boxes in parts of the settled areas, but in other parts of the settled areas it would be almost impossible for people working on farms or estates to get back to the area in which they have land and in which they wish to vote. Consequently you may well get the position where they will register their votes in the place where they work, and then find much to their surprise on some occasions,

and horror on others, that the person representing them will be a European or an Asian. I cannot, Sir, in fact, nowhere in this document can I see any suggestion whereby the system can be streamlined in order to achieve the objects behind the constitution which as I said a moment ago, will result in a large African majority, in the simplest possible way. We could delay these proposals by creating difficulties, and that, Sir, would be undesirable from everybody's point of view, but nevertheless there are details, which must be thrashed out before this becomes a pilot Order in Council from London. As I said when I opened my speech, nothing could be more disastrous than if the European community decided to defeat the objects behind these proposals in order to ensure that the people in the future Legislative Council were of their choice. But, Sir, I have sympathy with their proposal. We have seen already in this country in the past people who have got up in this Council and alleged that they speak on behalf of the Europeans. Whether they did or did not at the time is now a matter of history, but as we will be so few in the future, then at least, Sir, we should have in people of our own choice, and I feel, Sir, that the African Members, who, as I said, Sir, will have the control, would object very strongly if a system was introduced which resulted in people who were not of their choice being returned to represent their constituencies. We might well have real genuine talk then, Sir, of frustration among the people. As it is, Sir, in this instance, we can claim a feeling of frustration, which is rather nice for a change, to be on our side.

An Hon. Member: For a change!

Sir Charles Markham: Yes, I said for a change. Sir—we are frustrated on this issue.

Now finally, Mr. Deputy Speaker, as I have said, and I apologize for keeping the House for rather a long time, there are details which we wish to discuss with the Working Party. Owing to what must have been a misunderstanding, I feel, with the Secretary of State, we have not had a chance of going through some of the matters which we would have liked to have done with the Working Party, and therefore, although this Motion calls upon the Council to note the Working Party Report, we feel that more must come than just that, and I am going to move an amendment in a minute, but before doing so I want to make it perfectly clear, Sir, to hon. Members of this House, the intention behind this amendment. It is not the intention to try and delay the elections. It is not the intention to try and delay the proposals which must eventually appear in an Order in Council. It is only one thing, and the one thing is this. That is we want to make certain,

[Sir Charles Markham]

what appears in that Order in Council is the right thing for our own people in so far as the reserved seats are concerned.

And if the Working Party—the Council having given its assent to the amendment—I hope if the Working Party can meet us then I believe that we can come back within a week having finalized all our discussions with the Working Party. It may well be that there will be differences of opinion between us on what should be achieved but I cannot see at the moment, Mr. Deputy Speaker, unless we go into such detail that this Council will be sitting for two or three weeks—which would be a ghastly thought to anybody—that we have a chance on today's Motion to go into all the minor detail which is contained in this particular Working Party report. But perhaps we, the European Members are wrong, we should not have presumed that we would have to wait a long time for the Secretary of State to reply and not have anticipated his reply but got on with discussing the details of the Working Party. In innocence, Sir, we did presume and we presumed wrongly. Therefore we are still left rather like one of the babes in the wood, a little lost at this stage, and would like the opportunity to go through it in detail with the Working Party, not in so far as the general basis is concerned, but with certain sections.

Accordingly, Mr. Deputy Speaker, I beg to move the following amendment:—

That after the word "agreement" in the Motion, the following words be added: "but refers back to the said Working Party for further consideration section III, subsections A and B".

For the benefit, Sir, of Members who have not brought their Working Party paper with them, section III is entitled "The Problems", subsection A is headed "Constituencies" and subsection B is headed "Primary Elections for Reserved Seats".

This is all I am referring back, Mr. Deputy Speaker, and I beg to move.

Mr. Comm. Howard-Williams: Mr. Deputy Speaker, Sir, in seconding this amendment I would like at the outset to make it quite clear that I endorse the observations made by the Member for Mount Kenya about the integrity of the Chief Secretary and the Minister for Legal Affairs.

Notwithstanding, Sir, I have pleasure to oppose one of the most bogus and ill-digested reports it has been the lot of man to contrive; a report by persons who know nothing whatsoever about elections or of the hustings, never having fought one, or patently even of democracy or they

would have never produced this report; a report heralded by hysteria, founded on fantasy and conceived in the sin of sublime ignorance. From which the House will gather, Sir, that I do not like the report. It is only fair for me to proclaim what I disagree with in it.

To begin with I see the report as dishonest. It permits the white and brown minority races not merely a minority say in their affairs out of proportion to their contribution to the economics and taxation of this Colony, but a minority within that minority to say it. There is no word to describe such a flagrant disregard for honour. Were it to happen in Russia or Egypt, Sir, we would point to it as an example of ways foreign to those of Britain, ways which only the Colonial Office could conjure.

There is of course a significant reason, Members could not get support for their glibly policies in any other way. This was the price of their collusion at Lancaster House; they could not otherwise get back into this House, something which they were at some pains to achieve come hell or high water.

It is dishonourable, Sir, and if this Motion looks like being passed, I give due notice that I shall walk out in protest, alone if necessary, to voice the views of the great majority of the Europeans in this Colony, both in the Civil Service, in commerce, the farmers and the settlers.

Primaries, my foot! Why this arrangement is not even tertiary.

What can but be the effects? The "yes men" with whom we are beset in this country would rule the roost as does the "yes Press", thanks to the elimination of my newspaper. Surely we need a democratic government here with Members of the House properly elected by their communities to represent them adequately rather than a bunch of quislings.

What is wrong with a little opposition anyway? Even the Chief Secretary recently admitted that a debate on a Motion brought by myself—a Motion which deplored the Lancaster House Conference—provided an occasion for an exceptionally good debate. Opposition is the very thing of good parliamentary government—my evidence, Sir Winston Churchill. Any thinking man who read Colonel Grogan's article in the *Sunday Post* this week on Sunday could not but be impressed by his argument, both as to its sense and the moderate way he stated his case.

To show how utterly futile is the report, may I refer to page 8 under (v): "We therefore recommend the following qualifications—(v) (a) ability to read and write in own language or Swahili or English or of more than 40 years of age; or (b)

[Mr. Commodore Howard-Williams]

office-holder in a wide range of scheduled posts as in Appendix IV; or (c) income of not less than £75 per annum; or (d) property valued at not less than £350." How completely impracticable this is! There are likely to be some million or two voters. How can these particulars be even reasonably assessed? It requires the function of several boards everywhere to examine in several languages, to study writing, to determine age, to assess values to look into land titles—all of which is apart from what section B will require, and even then the voters will have to go to the polls to vote for a *kuku* or a cow. This next election, Sir, can but be completely bogus on these terms, bogus because it is inspired by the Colonial Office and not by those who know what it is all about, bogus because it will be rigged and the Colonial Office knows it.

Furthermore the Registration Officer has to see every voter, *vide* page 10 at the top. Only the Colonial Office could dream of anything so farcical. By the time he has seen two million odd, he would have to see them all over again because others would reach the age limit or the income limit or would acquire land or have died. It will take him several years to do his job adequately.

Page 4—I quote, "any candidate who receives endorsement by 25 per cent or more of the persons voting should be eligible to go forward to contest the common roll election". Well, Sir, the authors of the Report quoted Nairobi South. Their supposition is completely wrong. There will not be an 80 per cent poll—their was not last time, the figure is about 60 per cent *vide* past experience if you include the dear departed who are also on the electorate rolls. Thus only about 500 or so not 800 out of a 4,000 total would be enough to get a candidate into this House out of an approximate 4,000. Can that number by any stretch of the imagination be considered an "effective and genuine" majority? It is not even an effective minority. And it will be noted that the authors of the Report took the careful trouble to quote the largest European constituency. As someone who has fought several elections, Sir, I assess the average European Electorate Roll as nearer 1,200, of whom about 600-650 vote, of which a quarter is only about 150. Small wonder that I claim that this Report is bogus.

I invite the House to think again on this issue, in that to endorse such a puerile report would lower its dignity in the eyes of all thinking men and women throughout not only Kenya but the entire world, and bring it into disrepute. There are other phoney aspects which will be mentioned by other hon. Members. I content myself with floodlighting the worst.

This is no way to produce stability in this lovely land. This is a way in which the Colonial Office breeds distrust and, godness knows, they have done enough breeding in that direction to damage our economics over the last eight years—and notably at Lancaster House—to justify them to think again.

This inept and dishonest Government, albeit run by altogether charming people, is hopelessly in the claws of the Colonial Office which is betraying Britons by such antics and which only knows chaos literally everywhere and is riding for one of the biggest falls in all history.

Mr. Deputy Speaker, Sir, I beg to support the amendment.

Question proposed.

The Minister for Legal Affairs (Mr. Griffith-Jones): Speaking to the amendment, Mr. Deputy Speaker, I feel I should perhaps first thank the hon. gentleman who has just sat down for the charming compliments which he backhandedly paid to my colleague and myself. I propose to return the compliment and to suggest to him that the position is rapidly being reached when to be seconded in a Motion by the hon. Member is to receive the kiss of death.

Sir Charles Markham: I thought it would be!

The Minister for Legal Affairs (Mr. Griffith-Jones): I should also like to comment, and I feel that this adequately disposes of the speech which he has just read, that he gets completely submerged in his own verbosity for his speech to have any meaning whatsoever. I feel he attempts to emulate that great mechanic of words—Sir Winston Churchill, but unfortunately he lacks even a percentage of the great man's facility with words. He has no effective or substantial percentage of that great man's facility with words!

Mr. Deputy Speaker, dealing with the substance of the amendment, it cannot possibly be accepted. This is a report which, as has already been explained by my hon. friend and colleague, has been submitted by himself and myself as a Working Party to the authority which appointed us—that is to say, the Governor. This House has no competence to refer the Report or any part of the Report back to us and therefore, with great respect to my hon. friend, the amendment is misconceived. But we are anxious to help Members on the other side of the House in any way we can, we have been asked to meet some of them tomorrow and we are prepared to elucidate any regard to details we will attempt to elucidate any points of doubt or difficulty which hon. Members have because, although this Report has been submitted to the Governor, and necessarily had to be submitted by about now, if we were going

[The Minister for Legal Affairs]

to make any progress in the programme which has been outlined, nevertheless the position is that the matters of detail with which we have dealt in our Report are not matters which themselves appear in the pilot Order in Council. The pilot Order in Council will convey authority to the Governor to make regulations dealing with these matters of detail and to this Council subsequently to pass a law in its own good time dealing with these matters and that law, or Ordinance, of this Council, when it is enacted, will supersede those regulations. Now the pilot Order is likely to go to Her Majesty in Council towards the end of next month and after it has been made the regulations which I have been engaged recently in preparing a first draft of will be made. So there is time for views, for matters of detail, to be represented to my hon. colleague or myself for reference, if necessary, to His Excellency the Governor for his consideration when he ultimately comes to make the regulations. We do not attempt in this Report, Sir, or in presenting this Report for the information of the House, we do not attempt to be didactic. We have from a vast collection of almost invariably conflicting views attempted to find a *via media* in every respect in which we were called upon to report. Quite clearly as my hon. friend and colleague said in opening, we shall not please everybody. Personally, I do not expect to wholly please anybody and I shall then be pretty confident that we are not far short of the mark. I beg to oppose the Amendment.

Mr. Rubla: Mr. Deputy Speaker, Sir, I would like to start with paying a tribute to the two authors of this Report because I believe it has taken a lot of their imagination, a lot of their time and thinking.

Now, Sir, I would like to say also that I feel very easy to say what I want because as the Chief Secretary said a moment ago we Back-benchers are free to express our opinion on this and we can criticize the Paper and put forward some suggestions. That now puts me in a very comfortable—

The Deputy Speaker (Mr. Conroy): I would like to point out that we are now discussing the Amendment only, at this stage, and not discussing the main Motion.

Mr. Rubla: Mr. Deputy Speaker, may I reserve my speech until we get to that?

Major Day: Mr. Deputy Speaker, Sir. As far as the Amendment is concerned I do feel that the Government could have shown a little more graciousness over this question of the Amendment. It is admittedly true to say that the hon. Member for Legal Affairs who has just sat down and stated so charmingly, that he thought

right because he had apparently pleased nobody, has stated that he can discuss these details, we can put forward details he said, we may get them discussed, but, Sir, surely this whole matter transcends just mere detail and I would have thought, Sir, that if the Government knew the feelings that existed among the European community and the other minorities, I would say in certain instances that they would not have treated this matter so lightly. I would ask, Sir, perhaps it is impossible now—but I would ask them, Sir, to reconsider this. It is all very well, Sir, steamrolling things through and hoping that this, that and the other will somehow work itself out. I would say this, Sir, that so far as this Amendment is concerned it is a sensible and reasonable suggestion and if it is possible I would ask them to reconsider it.

Captain Hamley: Mr. Deputy Speaker, Sir, I feel that perhaps the hon. Member who has just sat down did not hear what the Attorney-General said. It may well be that there is considerable merit in the Amendment, but the fact is that technically the Amendment cannot be accepted because this is a Report from the Working Party to His Excellency the Governor, as the Attorney-General said. Nothing can be done in this House about adding to it or subtracting from it and although I agree to a certain extent with the hon. Member who has just sat down, he is asking for the impossible. I oppose the Amendment.

Sir Charles Markham: Sir, in view of the explanation given, Sir, by the Minister for Legal Affairs, it would be stupid to press my Amendment because I understand now it would be impossible to have it. I did not realize this until he explained, Sir. Can I therefore have leave to withdraw my Amendment, Sir?

Amendment by Leave Withdrawn

The Deputy Speaker: We will continue with the debate on the original Motion as moved by the Chief Secretary.

Mr. Mboya: Mr. Deputy Speaker, Sir, I want to make a few observations about the Working Party's Paper. I am sure that all of us realize the task with which the Working Party was confronted. Firstly in trying to distribute 53 seats throughout Kenya and among over 6,000,000 people and secondly in trying to fit in with the terms of the Lancaster House arrangements. I assume that there is no room for the Working Party or indeed for this House to depart from the understanding at Lancaster House. It appeared to me that when some Members spoke that—at least they gave me this impression—they were trying not so much to find a solution to problems arising out of the Working Party's Report but rather to either delay the negotiations or to try and

[Mr. Mboya]

modify the Lancaster House Constitution. We do not like the Lancaster House Constitution, in fact we believe that it is already out of date, but we are going to confine ourselves to the Working Party's Report as such. We have said and still maintain that in fact the ideal thing, the proper thing, to do is to have elections on universal adult suffrage and forget about qualifications, forget about reservations and so on. We wish to go on record as still believing that that is the position which should exist in this country.

Now on the various aspects dealt with by the Working Party, there is the question of the primary election, and I personally feel that this arrangement, in fact, goes quite a long way to meet the fears of those of the immigrant or minority groups for whom these seats have been reserved. In my own opinion this arrangement is too restrictive in fact and inconsistent with the idea and principle of a common roll. There must not be any situation created in which we give the preference of a common roll election when in fact a primary election will decide which candidate is to be elected for the various reserved seats. I think that is what the Working Party has had to try to consider and to try to avoid. At Lancaster House we pointed out very, very openly the need to ensure that the common roll electors or voters would not be faced with a decisive case of one candidate being returned for any of the reserved seats, thereby the electors being faced with almost a *fait accompli*. We would like to be sure that the system which is being proposed will throw out a number of candidates and that these candidates will be brought out in such a manner that there is no prior commitment and that the voters of the common roll elections will feel that they are really free to select the best person from that particular constituency. I say this because some of the minority groups think that they are the only people interested in this question of which person will represent the reserved constituencies. But that is not entirely correct. In fact there are going to be some reserved constituencies in which there are a number of other races whose interests are going to be left entirely in the hands of these Members returned from such constituencies. We have areas in the present European Highlands where thousands of Africans—in fact more Africans than the Europeans for whom the seat is reserved—live and whose interests will be entirely for that area. We are therefore equally interested to ensure that the Member that will be elected for that area, who will have at least some sympathy with the interests of our people who live in those areas. We are not at this stage challenging the question of reservation because this is a principle that was accepted at Lancaster House, but we wish to point

out that far from the impression which the Member for Mount Kenya seems to have here, that the reserved seats are reserved entirely for a European, entirely for an Arab, entirely for an Arab, this is not the case. There are Africans in those areas, there are Asians in some of those areas, there will be Arabs in some of those areas whose interests too must be looked after just as much as the interests of the Europeans in those areas.

And therefore, the system should not aim at merely producing the type of European candidate or Member that the Member for Mount Kenya seems to have in mind, namely a truly white European. I think he will have to be a little coloured if he is going to meet the circumstances of the responsibilities which will be thrown upon him when he has to represent people of all races in the reserved constituencies. Take for example, Mr. Deputy Speaker, the case of Nyeri Township; the case of Kericho District; the case of Central Rural Machakos and so on, and the case of the Trans Nzoia, Uasin Gishu, Nanyuki, Laikipia and the case of Kisumu Township and Mombasa. Now in all these areas there are people of various races and we are not here mainly to consider which would be the best European, the best Arab or the best Asian to represent the people in those areas. We are here to consider which will be the best Member and the person capable of taking into account the interests of all races. After all this exercise is intended to be the beginning, or rather the end of communal thinking and communal elections or representation and the beginning of non-communal thinking and non-communal elections. It would be a tragedy if, therefore, the formula were to produce essentially racial and communal thought instead of beginning to produce non-racial, non-communal thought. And, therefore, I cannot support the thinking of the Member for Mount Kenya on this particular question. I think he is still fighting the Constitution but he forgets that it is a bit too late, the game is lost and perhaps the sooner he adapts himself to the change the better for everybody, including himself.

In so far as the National Members are concerned, I am myself perhaps a bit confused since I thought the Chief Secretary said he was himself confused although he is in fact the architect of confused although he is in fact the architect of the formula which is being presented to the House today. I thought that these national seats, or today, I thought that these national seats, or Specially Elected Members, would be elected by the House, in other words the Constituency of the House, on the same basis as the last Elected Members, on the same basis as the last Elected Members were elected. In other words, everybody here having one vote, casting it, and letting those 12 people with the highest votes be returned. Now, maybe when the Lancaster House Report

[Mr. Mboya] was being read to us, some of us did not perhaps fully understand the implications of, I do not know what they called it, the single non-transferable vote or something. But I am not myself very happy about the system here which will require virtually three elections. I cannot see why we should not do with one election and produce the 12 Members. Of course, I again want to go on record as reaffirming the position which we have always taken, namely that in our view in fact these national seats should not exist at all. They are, in our view, an unnecessary appendage to the parliamentary system and to a large extent, especially in the changing circumstances, they become absolutely meaningless.

The other point is about the voters. Now, on this one again we reaffirm our position that, in our view, the best system would be one man one vote, which includes one woman one vote. But, I am rather curious about the position of a woman with marital status, whether you like polygamy or not, you cannot but concede that any woman who is married is a married woman, and if the criterion for granting a vote is marriage, then a person who has five wives has five married wives and there is no logical reason why one of these wives should be considered any more married than the other four, and they enjoy the same status. They are all married, and one may have the longest marriage of the five, but they are all married. Neither does this recommendation specify that the one with the longest marriage of the five should have the right to vote. The husband, in agreement or in consultation with the other wives, may agree that the youngest should go and vote so the qualification does not seem to be in terms of the length of marriage. A man has five wives, but the qualification is one, so that any married woman automatically enjoys the right to vote. Now I would like to know why we should disqualify four married women merely because they happen to have been married in a polygamous system. Supposing they are Muslims, they have every right to marry more than one wife. Should we quarrel with that? And Africans, they have every right to marry more than one wife—are you interested in this subject?

The Chief Secretary (Mr. Coutts): On a point of information, Mr. Deputy Speaker, I am very interested in this subject. I would like to explain to the hon. Member that the criterion is not marriage, the criterion is property and as long as you have got polygamy which connotes dowry, dowry and property go together.

Mr. Mboya: Mr. Deputy Speaker, this is certainly not the case at all. If I have one wife and I have only seventy-five pounds, I am entitled to

a vote and my wife is entitled to a vote. You do not ask me to produce £150. In other words, my wife is qualified because she is married to me. The criterion is therefore marriage, unless it is suggested that a married man need not have £75, but should have only 50 per cent of £75 and that the other 50 per cent qualifies his wife; but that is not suggested in the Report at all. So there can only be one explanation and that is that because she is married to me she is automatically qualified to vote. I submit, therefore, that marriage is the criterion and, consequently, any woman married to any person should have the right to vote. We are not here, in this particular debate, to decide on the morals, or the desirability or otherwise, of marrying more than two or three wives. We are not here to judge those people who happen to believe in marrying more than one wife. That is their business. If the Government wishes to pass a law against polygamy or discuss polygamy as such, they may do so when we can go into the merits and demerits of it. But when discussing the normal citizenship rights of any individual human being in our society, we cannot afford to discriminate on this basis and I say that a married woman, whatever we may think about the type of marriage she has entered into, is a married woman and if by virtue of marriage some women in our society enjoy a certain status, then I submit that all married women in our society shall enjoy the same status. And I would therefore appeal to the Working Party, since we are being told that they are prepared to consider arguments presented during this debate, that they reconsider this matter and that they accord equal and similar status to all married women, regardless of their own personal or other views on the matter of polygamy and so on.

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

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

Now, as regards qualifications for the vote, and also the disqualifications for candidates, I want to raise the point which does not seem to appear anywhere in the Report except where reference is made to disqualification on account of criminal record. I would like to raise the question of persons who are imprisoned, or restricted, or detained on account of political offences. I would like to ask whether these persons will be put in the same category as an ordinary criminal. I would like to submit that all restricted persons, all detained persons, or political prisoners, should have the right to register, to vote and also the right to stand as candidates at the next elections.

[Mr. Mboya]

I say so because I believe that there is a big difference between ordinary crime, for instance someone who broke into another person's house and stole a few shillings or a fur coat, and a person who, in his own mind, in his own conscience, believed he was doing what was right by saying something or agitating against some position or situation, in this country especially as it is a colonial Government. Agitation in this country is something that will go on, it is a right which we have. We have a right to agitate because conditions exist here against which we must continue to agitate. If, in the course of that agitation, we come up against the present Government I do not believe that we should be put in the same category as an ordinary criminal. And, therefore, I make a special case for any restricted persons, any detained persons, or any political prisoners to enjoy the same rights of being able to vote and being able to stand for elections. I think that arrangements can be made for them to be able to do so. In fact, I submit that arrangements have been made in other countries; needless to point out, countries within the British colonial possessions, where people under those circumstances have been allowed before to register, to vote and even to stand as candidates. And I would like the Working Party to reconsider the question, and introduce measures to enable people now under restriction, under detention orders and political prisoners, to be able to register and vote and to stand as candidates.

And, perhaps, when the Chief Secretary replies to this debate, he might tell us especially of the case of those restricted persons who are restricted within areas, inhabited areas, where they are either living among their own community or living in some other constituency within easy distance of a district office and so on. I think that one argument that might be brought out is the physical difficulty of making arrangements for such people to register and to vote or to stand as candidates, and I would like to hear if there will be any difference in consideration as to the different types or categories of restriction orders, detention orders and political imprisonment.

I would also like the Chief Secretary, when he replies to this debate, to let us know whether, if it is only a question of physical difficulty, people imprisoned on political grounds would immediately on their release enjoy the same right of voting and standing as candidates as any other person, or if they will be required to await the Governor's pleasure before they may once again exercise this right of voting.

Now, Sir, on the question of scheduled posts which may be used as qualifications for the vote,

I notice that the scheduled posts in Appendix 4 are members of local authority councils, including local council, sub-chiefs and tribal chiefs. There is a note "posts bearing emoluments of £75 per annum" have been excluded. Well, I wonder, Sir, whether this was merely in consideration of those posts or positions or status in our society which have special connexions with the Government. If not, why are not some other positions in our society considered? For example, why should not the chairman of the Abaluya Association be considered a responsible man, just as responsible, if not more responsible, than a tribal policeman? Why should not some of the leading persons in their locations or clan areas who are known to be doing a lot for the development of those areas, be not considered? I submit that chiefs may be very wise men, but there are quite a few foolish ones. There are just as many unwise tribal policemen, and there are quite a few wise, intelligent, progressive leaders among the African people or any other people. Unfortunately there are no tribal policemen at the moment.

Mr. Alexander: Are you going to have some?

Mr. Mboya: The Member for Nairobi West would like to have some European tribal policemen.

Mr. Alexander: No, I asked if you were going to have some.

Mr. Mboya: The Kenya Regiment have some, but I do want to suggest that there are certain people in certain walks of life in our community who should be considered as qualifying under this particular clause.

Lastly, Sir, I come to the distribution of seats. I do not entirely agree with the Chief Secretary that the best approach is for us not only to criticize this distribution list or schedule, but to tell him where to get the other seats. I think the Chief Secretary is trying to avoid the responsibility which is theirs, and they have gone very far in trying to do it, if they come to us and say on these other things we may make our points and suggestions. I think they should also accept our points and suggestions on the distribution of seats. We may not be able to tell them on the Floor of this House from where they should get the extra seats that some of us may want for our different areas, but certainly it is possible for them to consider the weight of the arguments that are put forward and see if perhaps in their original decision they have overlooked some of the arguments that may be put forward during this debate. I therefore will not myself accept the position he has stated, but will go on to criticize the distribution.

[Mr. Mboya]

Now, Sir, the Chief Secretary rightly referred to factors that should be considered when distributing the seats, especially the open seats for the legislature. In some countries like Britain you have a Royal Commission to go into this question, and from time to time, in fact, boundaries are altered as and when conditions alter. In some countries you have the situation where this delimitation of constituencies is manipulated to ensure that certain features, or certain ideas, or certain attitudes are given greater weight in a legislature. In some countries, in fact, this is so manipulated that a minority runs the country instead of the majority. Now these are not very small, little questions. They are important questions. I am not suggesting that in this particular case there has been any attempt at manipulation in distributing the seats, but I am trying to point out the importance of giving every consideration to all the factors that we might raise in this debate because it can so happen that instead of developing or securing for ourselves a democratic, or rather an increasing democratic system, we will be leading the country towards a system which has led to a great deal of abuse in some countries, even in—I do not know whether I am free to mention some countries that I think have specially manipulated the distribution of seats. I mention South Africa.

Mr. Deputy Speaker, Sir, we lay a great deal of weight to certain factors. I thought the Chief Secretary was saying that they have laid a great deal of weight—perhaps greater weight than is necessary—to the need of each district, administrative district, to have an Elected Member. It is desirable that in the present set-up each district should be represented, but this is not because it is an administrative district. This is more because taking into account the population, communications and geographical factors, those districts today qualify for a seat in the legislature, but in so far as we are moving much further away from merely providing each district with a seat, we have got to take into account more than just the district definition. If we are completely tied down to the existing administrative district definition, then we have no alternative but to try to put in one or two Members in each district because we do not want to have half a district represented by this Member and half of another district represented by another Member. If we are tied down merely to putting Members into existing districts as such we shall have a serious problem in so far as we will not have enough seats to go round on the basis of 2/2/2 or 3/3/3 and so on. There are two things that we can do. We can either adopt an approach based on a district, and therefore give each district one seat, and for the

extra seats that we have, give them to those districts that are either more populated or vast in size or less developed in communications, but they also have to be considered together and not separately, which I think might have been considered by the Working Party. But in my view the impression given by the present distribution here does not reflect serious consideration of the differences in population, in geographical vastnesses or units and in communication as such. I am, for example, taking an area like Kiambu, where only one seat is given with a population of about 300,000 with activity perhaps unsurpassed by any other district. I do not know whether it is because Kiambu has better communications that it does not qualify for an extra seat. I do not know whether its geographical size is not big enough that it did not qualify for a second seat—but looking at the other districts, I see some with less population, with a smaller geographical size accorded more representation than Kiambu. The other place I can quote as an example in South Nyanza. It has one seat. Again taking into account activity, communications, geography and population I see that there is very little relationship between these factors considered in respect of other districts and in respect of that particular district.

Sir, it is not my intention to go through these district by district, but I do want to request the Working Party to reconsider this situation and at least let us have a distribution which resembles the situation. An area may be vast in size, but the population may be so small, or the problems or activities in the area may be so small that it could suffice with one Member in the circumstances that we cannot give more than one Member per District. The vastness or lack of a system of communication in some areas may be balanced by the small size of the population that you have in those areas.

Now lastly, commenting on this, I come to the urban areas—Nairobi and Mombasa for example. It is true that in terms of geographical size, and perhaps in terms of population, these areas may not compete with the rural areas, but it is a well understood, recognized and accepted fact that the urban areas in any country, not only in this country, have the additional consideration of urban problems—economic and social problems that do not exist in any of the rural areas—have to be taken into account. The rapidly growing nature of some of our present urban areas and their very different types of problem require to be considered, and I would refer the Working Party to the Wild Report in this connexion in Uganda. It is specifically recommended by the Wild Commission in Uganda, and indeed the Commission in Tanganyika—the Post Elections Commission—that urban areas or towns should

[Mr. Mboya]

not be looked upon merely in terms of population and size, but also in terms of their additional problems, the urban problems, that are not to be found in other areas. I suggest very strongly that there is a case to reconsider the position of Nairobi and Mombasa, as I do not believe that this has been given the necessary consideration which it deserves. I believe that there is here something that might be raised as an element in the arguments of the Working Party, and that is that whereas there is only one open seat there are three European and two Asian and one Asian Muslim seats. Now if it is looked upon in terms of the total number of people in the Legislature it might be said that there are a lot of Members in the Legislature from the Nairobi Area, but that is hardly the way to look at it. The reservations—and I will come to that in a moment—do not compensate for the fact that the open seats, the principle of the open seats, is that we are creating a Member who is going to be responsible in his outlook, in his attitude and in his work, to all communities, and not only his, and therefore a Member who must, by necessity, study, understand, appreciate and recognize the problems of all the communities. The position of the European reserved seat Member and the Asian reserved seat Member is entirely different. It is narrow, and he can afford merely to deal with a little section interest for which he is charged with responsibility.

Now, Sir, leaving that point, and I hope I have made my point, and I hope also the Working Party will reconsider the situation *vis-à-vis* the urban areas, I do not want to submit that if, in the past, it was considered that Nairobi should have one seat when some districts had none, or some vast areas had none, certainly it logically follows that when we begin to increase the number of seats and take into account those areas we originally overlooked when we said that the representation on a regional basis was fair and equitable, then it follows logically that on increasing the seats in other areas, Nairobi should have received consideration because the same weight of arguments that are used to justify changes or modifications or increases in those urban areas can, and should, have been used in the case of Nairobi.

Now, coming to the point of reserved seats, it was understood at Lancaster House, as I think my colleagues will bear me out, that if we agreed to reserved seats it would not mean that we had a block of reserved seats in one geographical area forming a racial block as it were. I see that in the case of Nairobi it is said constituencies are to be delimited. Now, in the ratio of one open seat to three Europeans to two or three Asian seats—

I do not know why they insist on being called Muslim and non-Muslim—three Asian seats. In other words, six reserved seats against one open seat, you have to be a magician to refrain from creating a block of reserved seats. This is precisely the position we were assured would be avoided i.e. creating, a sort of white area, brown area, and an open seat on the outskirts surrounded by them. I submit that in the case of Nairobi Area, this assurance, this understanding that we had at Lancaster House, has not been respected, and perhaps there could be some further reorganization. This is one reason why I do not accept the suggestion that one open seat is sufficient and suffices for Nairobi because you have six additional seats in the House. I refuse to recognize that distribution on my original argument but I also refuse to recognize it on my present argument, namely that we are not avoiding the very thing we feared at Lancaster House of creating a block of reserved seats in some one geographical area, and I suggest that the Working Party should review the distribution of reserved seats there so as to, at least ensure that there will be some section of the Europeans in Nairobi that will be represented by a non-European or an African.

What is going to happen—and let me speak plainly—the one open seat is perhaps going to be put in the Eastlands area; in other words, an African represents Africans in Nairobi and all these three reserved Nairobi European seats—two and one—three Asian reserved seats, will be placed in the European and Asian areas respectively, and what do we have? We do not have any change from the present position, but we make a farce of the whole system and this is precisely what we said must be avoided, if this system is to be the forerunner of a properly constituted common role system.

The Europeans in Nairobi South or Nairobi West should be put in the position where they come under an open seat and they are represented by somebody, I do not care who, whether it is Mr. Patel or Mr. Kamau, but somebody, but if Mr. Patel or Mr. Kamau, but somebody, but if they are now being assured by this present distribution that they will continue to have Mr. Smith and Mr. Brown, what and how can we expect that these people to move in their attitudes so that the next step, the next stage, in the constitutional development will have found them adapting, at least gradually if necessary, to being represented by an African.

I also complain against this because whereas in the rural areas in the case of Kisumu, in the case of Central Rural, Naivasha, and Thika Districts, and Kiambu, Machakos; in the case of Nakuru, in the case of Trans Nzoia, Uasin Gishu, and Laikipia, our people will be left in the hands of Europeans or Asians or Arabs. There are very

[Mr. Mhoya]

few areas on the basis of this present distribution where any real size of European population will come under a constituency represented by an African, or for that matter an Asian, and the purpose of this whole exercise is that it should help us to begin moving away from communal consideration. We have not protested at the exposure that thousands of our people will be open to being represented entirely by people who in the past have not been regarded as having anything in common with them, and I say that the Europeans should equally be exposed to the same experiment. It should not be a one-way experiment. Therefore I call on the Government to review the distribution on this ground also.

Mr. Deputy Speaker, with these remarks I beg to support.

Mrs. Shaw: Mr. Deputy Speaker, I do not intend to go into detail, and unlike the last hon. Member who said he would not go into detail and then went into the lot: but I am simply going to bring up three points. First of all I do object, Sir, very strongly, on behalf of my constituents who I saw this week-end, to rushing this Paper through, and the almost unprecedented procedure of pushing it through Privy Council by means of a pilot Bill. I fully realize what the Chief Secretary said about the need for urgency, for the longer the elections are delayed the longer the state of uncertainty, with all its attendant economic instability and loss of confidence, will persist. But—and, Sir, it is a very big “but”—I believe that the lack of Confidence will be increased if the present Paper is rushed through without giving the Elected representatives of the people of this Colony due time to consider this Report, as well as the people themselves—in other words, to take it back to their constituents for discussion.

This method of steamrolling through constitutions, decrees and white papers by asking hon. Members of this Council “to note” instead of “to adopt”, and giving them a limited time to voice their disagreements and objections, and thereafter passing the measure into law without taking any notice of opinions expressed, is becoming, in my opinion, too much the order of the day and smacks not of democracy but of dictatorship. However, perhaps—and I hope indeed to-day—this is going to prove an exception to this new adopted method because I believe that the assurances given by the Chief Secretary and his colleague on the Working Party were genuine and sincere, and I do believe that therefore he will take into consideration the deep concern felt and the objections put forward to some parts of this Paper by hon. Members of this Council, especially on this side.

There is no doubt whatever to my mind, Sir, that the majority of Europeans in the Colony, certainly in the up-country districts, see no justification whatsoever for depriving the minority communities of their direct communal representation. It is indeed, again to my mind, a warped mentality who, having granted the minorities communal representation at Lancaster House, then set about devising means that make that representation as non-effective, as possible. For there is no doubt at all to my mind that 25 per cent of the votes cast does not constitute effective and genuine support. If, Sir, 25 per cent is genuine and effective support, then, Mr. Deputy Speaker, it makes a nonsense of the whole basis of my representation of my people of Nyanza Province for the last nine years, for I have always said that were a petition to be given to me, signed by 75 per cent of my registered voters, demanding my resignation, I would resign. And now I am to believe that 25 per cent of support from my constituency would be genuine and effective support; it would mean that you would have 75 per cent of “noes” against your name of the votes cast.

Sir, that is not my idea of effective support. I realize that the primary elections were not meant to be proper elections but a pre-selection for nomination of candidates for election, and indeed, Sir, if as was made clear at Lancaster House, Her Majesty's Government refuses to allow us to have straight communal elections, then I would not object to this method of pre-selection provided that the Government would put the percentage sufficiently high to ensure that no candidate would go forward without, in the words of the Conference Report, “effective and genuine support”. And, Sir, I would prefer . . . rather than of their own community.

As to the delimitation of constituencies, I think on the whole the Working Party have done a good job, confronted as they were with a very, very difficult problem. Of course, nobody would be completely satisfied, and my one objection, Sir, is that my Europeans resident in Kisumu, even if they are property holders, are to all intents and purposes disenfranchised, for I cannot feel—now, I am talking about Central Province—for I cannot feel that unless their sole interest is in fish the Europeans living, say, in Central Nyanza, will have much confidence in the present representation. So for them it will be taxation with no representation, a most undemocratic practice.

The whole machinery of election poses a tremendous problem to Government. However, that is their headache, and all I can do is express my deep sympathy with those who will have the task of proving literacy. Moreover, Mr. Deputy Speaker, I must oppose this Paper as it stands

[Mrs. Shaw]

today most strongly, and beg of the Government that the Report of the Working Party should go back for further consideration, examination or amendment. If as the Chief Secretary has told us—and I gather that it is on this basis that my hon. friend and colleague, who made such an excellent speech, the Member for Machakos, I gather it is on this debate he has withdrawn his amendment—if indeed this pilot scheme going through the Privy Council does not commit Government to the detail, then it is not quite as disastrous as would seem in the first place, and I believe again that the Chief Secretary will carry out his word and that the Working Party will meet different sections of the community to hear their objections and I hope will do their best to adjust the details of this Paper to, in some part anyway, meet those objections and set right some of the things that we consider most unfair and unjust. Surely it is vitally important to restore the confidence in the future of Kenya, and I believe even if there should be a delay in the date of the next election of a month or two, it could not be as disastrous to the stability of this Colony as to enforce these regulations against the wishes of one of the leading communities, albeit a minority, in this Colony. Therefore I must oppose the original Motion most strongly, and if the amendment had been allowed to stand I would have supported that; however, I do feel confident that the Chief Secretary will do as he has said and allow us to put our objections and to take note of those objections and possibly some action on our recommendations.

I beg to oppose.

Mr. Mate: Mr. Deputy Speaker, Sir, I note and welcome the introduction of this Sessional Paper in this House, because the African community at large, since the Lancaster House Conference, have been waiting for the elections and for the change that will come as a result of these new arrangements. For that simple reason, because for the African community at large it gives them a feeling that something is happening, I congratulate members of the Working Party for what I feel has been very hard work that they have put into producing this Paper.

At the same time I am surprised at the European Members speaking here: they speak as if all had gone in Kenya. They speak as if the leadership they have and which they have claimed to have for the good of Kenya is no longer with them. Some Members did say earlier that they are going to do everything in their power to oppose this constitution, even at the Conference. I am not surprised: what surprised me is this. What of the other half of Kenya's population

who, because they seem to be getting an advantage in their racial representation in this House, feel that the right step has been taken in the actual representation. Are these Members telling possible? re they regretting the energy the majority in this House that Kenya can be Kenya? Are they regretting the speed that we asked of the Working Party that they should work as speedily as possible for elections as soon as possible? Are they regretting the energy of the Working Party have put in? If so, they are not with the majority of the Kenya citizens because this new arrangement has recognized all the corners of Kenya. The Masai have had a chance of getting direct representation: the Turkana and Northern Frontier District: they are taxpayers after all, they do matter. The only trouble is they have been comparatively backward in matters of education, in matters of development, but it is only a matter of time and this fundamental right as a result of this new arrangement they are going to get of being directly represented in this House. So I would like to assure the European Members that their fears may be a bit exaggerated. The so-called hurry that they see in these arrangements may be a bit exaggerated, and it is up to them to show the African leaders—much as they may feel their distance to them, may be inferior and do not know as much—it is up to them to show a measure of confidence in us, the African leaders, and see if we can work together for the good of Kenya. So while they oppose the so-called haste in this Paper I feel they do not mean it and the sooner we can get the actual voting the better, and I am sure I am speaking for the great majority of the people, the African people, in this particular case.

At the same time, Sir, I feel their fears are genuine I believe they are suffering what they consider to be genuine fears of their constituents and their community. But at the same time I have not heard any of them suggest anything constructive as to what should be done in order to allay the fears of their constituents; all they complain about is the haste in producing the report.

I am asking them to show exactly the leadership that they have claimed to have and which they will have it today here so as to make a happier Kenya. We have the new constitution coming and we do not have all agree about the constitution, the African Members never agreed to everything, but it was, we felt, workable. They should for the first time suggest a way of working this new constitution together so that we might have a happy Kenya. The more they continue to frustrate their constituents by discouraging them from liking this constitution, I feel the worse it is for Kenya.

Sir, I feel the elections as indicated by the Chief Secretary—if they could be held towards

[Mr. Mate] the end of this year or very early next year—would clear a lot of misunderstandings in Kenya. We would for the first time, I feel, since the Lancaster House Conference have candidates coming up with their policies, all candidates, and telling us what we would like to see in Kenya. Today we are all frustrated. We do not know exactly what politics to follow. We have so many political parties in Kenya today and so much disunity. I feel a general election would be a good rallying point for the future of Kenya because for my own part I have other fears that should the different political groups in Kenya fail to be able to work together we cannot have a very stable Government after the election, if all the leaders today were to support the Sessional Paper so that we can have an election and at the same time sort out our ideas towards creating a stable Kenya and a stable Government, we shall be doing more than merely criticising the efforts of the Working Party. I am appealing to leaders of all communities in Kenya to support it, even if it is only a partial support because of some principles they do feel have not been met, so that we can move to the next stage and create a happier Kenya. I feel, Sir, that the dangers of appealing to minorities every time—and I am from a minority group myself, I belong to one of the smaller tribes—but all the same, I feel that if we are to exaggerate how different we are or how separate we are from the other people, having this section of minority groups, the trouble is that the minorities might be overruled one day by the majority because of their own fear and timidity. I feel every group in Kenya should come forward and contribute what they can to the general good. But if we all think of separating ourselves as far as possible from each other because of mere fear only, we are going to do Kenya harm and the unity and the stability we want may take longer to come; so I would feel that we should think of ourselves as individuals and not encourage so much differences as similarities. We are here to live together. We happen to have different languages, different customs and different habits. But if we are to make Kenya a happy country we must pool our resources together and work for it. We may not like it, but I am afraid that must be the fate in Kenya.

Mr. Deputy Speaker, there are two points I would like to ask about regarding the qualifications for voters. On page 7 of the Paper it is said that the ability to read and write in one's own language is one qualification and under the same number, (a) there is given age as another alternative qualification. Then we have (ii) office holders in a wide range of scheduled posts at the time of registration and (iii) income. Would the Chief

Secretary tell me when he stands to reply whether there are three or four qualifications. To my way of reading it, there are four because No. (i) is whether one can read and write but the alternative is also age under the same number. This is paragraph (i) on page 7. In No. (ii) a different qualification again is given and also in No. (iii). It seems to me there are four qualifications so that when telling my constituents the system I will not talk of three when there are actually four.

The other point is this question of scheduled posts. I do not know why Government should consider that subchiefs, tribal police, members of local authorities and councils including locational councils, should be treated differently from other people like game rangers, forest rangers or court process servers, or even office boys. Why is this class of people especially in the administration given special preference? I should have thought that if we should have this kind of thing and not the one man : one vote universal suffrage we should include people in similar capacities as the subchiefs or the tribal police in this list.

Then, when we talk of age, and age groups, are we going to apply the same principles as applied in the last elections when age came in or how are Government going to decide the so-called apparent age. I should like to hear more about that age element when it comes to details.

Sir, commenting upon the constituencies in general, it seems to me that the Working Party have had a very difficult problem and they have done what I consider to be a first class piece of work. But at the same time it is important to point out especially in my case on behalf of my constituents in Nanyuki that there is a feeling that the population of Africans there compared with the population of the Europeans there so much outnumbered the other that they should have felt better to be represented directly by an African like themselves and in common with the other Members who were afraid on behalf of their constituents this was a feeling they had. It is going to be one of the great difficulties in some such areas as Nanyuki where they have always been almost not represented, where they do not have any representation. I think I should point out to the Working Party that there is this feeling in Nanyuki and they do not feel quite happy about it.

At the same time I hope that the Members who are going to represent Africans or Asians or Europeans in their respective areas are going to learn a little lesson. They will have to go and get their would-be constituents or electors to see votes. If we are going to make things so hard for each other, how are we going to campaign for these votes? Are we going to turn around and say that in an area nobody should

[Mr. Mate] go to a man of another race or a woman of another race in order to campaign for election? I feel although we have these difficulties and complaints, it is important to learn the lesson that it is because we have lived so far away from each other in our day-to-day problems that we do not very much know each other's feelings. I would appeal to all Members and people in such areas—and that includes every part of Kenya—to consider elections themselves and the canvassing for votes to see if something might come out of this new arrangement which I feel should come.

At the same time, there are other areas like Kiambu which I feel have some very special problems in common with what the Member for Nairobi Area talked about regarding urban areas. I have always felt Kiambu had some very complicated problems and maybe they need greater representation in view of the complicated nature of things in order to have what we might call effective representation. So I would mention Kiambu as one of the areas—for which I happen to have been a Member anyway myself some time ago—whose problems, I feel, should require greater attention. I realize how difficult it may be, the whole thing, and I personally feel on behalf of the African community that the Working Party have done a very good thing in introducing this Paper which will not please all but within the general agreement or arrangement at Lancaster House is going to put the majority of people in Kenya in a happy position regarding the next general election and politics in general. I should feel that it is the duty of this House here to support the endeavours, in trying to introduce this new Constitution, that the Working Party have made and I am hoping that before very long we shall be able to hold the elections and clear up a lot of other problems that we have. I would appeal particularly again to the European Members to forget their fears and show us the leadership they have claimed to have and I hope and I think they have it even today.

I beg to support.

Commander Goord: Mr. Deputy Speaker, many of the arguments which have been advanced today do seem to have been rather more on the Lancaster House agreement itself than on the Working Party's report; and some of these arguments appear to me to be based on very false premises. The hon. Member for Mount Kenya opened the ball by saying that in his opinion there was no agreement at Lancaster House. Now, Sir, this is a very widely held opinion which I think should be exploded. A Paper issued by the Secretary of State during the Conference reported pre-

cisely upon the degree of agreement which had been reached. The essential facts I beg to quote, Sir: "As you all know, I have discussed informally with the various groups the proposals that I put forward on Friday. The United Party have told me that they were entirely opposed to the proposals. The Asian and Arab Elected Members have told me that although they have reservations . . . they were prepared to accept my Paper and support it. The African Constituency Elected Members have told me that although they have reservations about my proposals . . . they were prepared to accept my Paper as the next stage in Kenya's constitutional development. The 'New Kenya Group', on certain assumptions (that is not the quotation, Sir; I am omitting some of the quotation) "have agreed with the African Elected Members and others that the constitution of Kenya in the next stage should be as outlined in the proposals." Now, Sir, there is no question that the very great majority of the delegates to that Conference did reach agreement. A minority, for their own good reasons, did not; but it is not right for that reason to say that there was no agreement.

Now, Sir, I myself have very strong reservations about the Lancaster House Constitution. It was a compromise, and as such suffers from the defects that compromises usually have. I believe it is unimaginative; I think it is unbalanced; and I believe that it is only with the greatest measure of goodwill that it will in fact work. Nevertheless, it was agreed by a majority of the delegates, and it has a good chance of working if only we can get that goodwill. It is no good trying to knock it down at this stage, and saying we are not going to get that goodwill, when many of us believe and hope very strongly indeed that we shall do so.

Sir, this report of the Working Party is undoubtedly a very complicated document, which the public, as I know already, are having great difficulty in understanding. I believe this springs from the basic fault of the Constitution in that the franchise was put much too high; and because of that it has been necessary, in adopting a common roll, to go into a most complicated procedure for electing candidates to reserved seats. Nevertheless, Sir, we have to accept the situation as it is as indeed did the Working Party, and it is my opinion, Sir, that the Working Party have made an excellent job of work of a very difficult task indeed.

The hon. Member for Ukamba, Sir, was very critical of the arrangements for these reserved seats and I believe that his argument or arguments spring from false assumptions which are very widely held by the European community; and the false assumption is that these reserved

[Commander Goord] seats are communal seats. In fact they are not communal seats, they are common roll seats. In Conference Paper No. 12 of 12th February, 1960, it clearly says that, and I quote, "there will be in Legislative Council 65 Elected Members; 53 of these would be elected on a common roll". That, Sir, is the basis from which this constitution springs. A very great measure of misunderstanding has arisen, however, from the wording of the Conference Report. That wording, Sir, is: "There should be communal primary elections for the reserved seats in order to ensure that the candidates elected commanded the effective and genuine support within their community." Now, Sir, that is one of the most ambiguous phrases that I think I have ever read, and I strongly suspect that the person who drafted it started out to say that the candidates elected "commanded the effective and genuine support of their community" and then looked up the Conference Papers and corrected himself and said "within their own community". I may say, Sir, that the difference between those two interpretations is complete. "The effective and genuine support of their own community" means undoubtedly, to me, majority support. But "effective and genuine support within their own community" means nothing of the sort. Now Sir, which was intended?

Going back again to Conference Paper No. 12 the Secretary of State writes: "Professor MacKenzie in his paper on reservation of seats has suggested various methods by which one could ensure that candidates elected commanded a certain following within their own community." Sir, that I think is unanswerable. The true interpretation must be "within their own community" and that does not mean majority support. Now, I believe that this ambiguous phrase has had a most disastrous effect, particularly with the Europeans. Nevertheless, the Working Party's solution in my humble opinion is a very good one. Having studied (as no doubt they did) the Conference Papers they had no choice in the interpretation of this ambiguous clause, and I heartily support the recommendation which they have made. I do think, Sir, that it is very important at this stage that the real position of occupants of reserved seats should be defined. I quote, Sir, now from a Sunday newspaper, "Cricky," writes the editor, "are we to take this as meaning that the European reserved seats will not therefore be representative of the European interests?" Well, Sir, what is the answer to that question? Again, it is rather a double answer and, as I see it, as individuals they will represent every person within that reserved constituency, equally and without fear or favour, without regard to race, but that collectively they must be persons competent to put forward in the

legislature the case in respect of any special interests of the community for whom the seat is reserved. I do hope, Sir, that the hon. Chief Secretary will see his way to put his own interpretation of the position of the occupants of these reserved seats.

In conclusion, Sir, I have only one more comment. The hon. Member for Nairobi Area gave us a very interesting dissertation on the position of married women when there is more than one wife, and I must say that he convinced me with his own case, but I did not entirely agree with his solution. I believe that the right solution is that every married woman should be able to produce £75, either of her own or of her husband's in order to secure a vote.

I beg to support, Sir,

Mr. Odinga: Mr. Deputy Speaker, Sir, I would say that I intend to support the Motion, but before I do so I have some observations to make.

When it comes to the constituencies, Mr. Deputy Speaker, we are told that there would be some multi-Member constituencies and some single-Member constituencies. Here I see a little bit of confusion, because later on it is said that in those multi-Member constituencies they should not at the same time be multi-racial constituencies. There I am a little bit hesitant as to what exactly is meant, because I thought that if it is a multi-racial and multi-Member constituency it means that there might be two or three Members, which means that when voters are voting they will have the option of voting for three people, three chances to select three people of his choice for that constituency. If he was doing that, supposing that there was also a Member of another race, also, to stand in that constituency, then if there were two, and one were standing for the open seat and one for the other, he will be told, "You will have to vote for one Member, probably of your race, and the other Member, may be an Indian, who is standing in your Constituency, and you will also have to consider an Indian for your choice." Therefore he will vote for the Indian of his choice and I do not actually see the fear which is behind this, saying at the same time that this should not be multi-racial. I hope that when the Minister is replying he will put me in the clear picture.

Now, Sir, again, still on the question of constituencies, I still think that with the distribution it seems as if the Ministers had in their minds very much of what probably we did not have, because, in distribution for example in my area in Central Nyanza, I find that there are two open seats and two reserved seats, and the reserved seats have got one constituency and that is Kisumu Township, which has got a population

[Mr. Odinga] of 10,000, whereas outside that we have got a population of about 500,000. If it is put that these two people are going to represent 500,000, and that two people also are going to represent the 10,000, then, Sir, I think that this is a disproportion and that that should be considered as actually not what we meant when we talked about the reserved seats. When we talked about the reserved seats I thought that we had an idea that we wanted to do away with communal representation and to get completely into a 'national way of thinking. And with the national thinking we had the fear that the minority communities might be left out altogether at the initial stages. They should also be there represented in the House, but we did not mean actually that they were going to represent only their own race. Probably they might represent a constituency where their own race is fairly represented, but that was only a coincidence. If we found that there was a place where their own race was not represented in large numbers as they would like then I thought that they would just go and represent even other races living there in that area. Therefore in dividing the country into 53 constituencies the Minister should have just considered the geographical divisions and also the population, and then later on, when they had done that they should have seen the places where the reserved seats should be put right among the African Constituencies or, let us say, the open seats, or open constituencies. With the present arrangement I am sure that later on when we come to do away with the reserved seats there will be some difficulty in representation because we do not think that reserved seats will go on indefinitely. The time is coming when we shall have to do away with them, and then you will have again to rearrange the constituencies.

Mr. Deputy Speaker, I come to the point concerning primary election for the reserved seats. Here I think that the Ministers or members of the Working Committee have made it very complicated. I should have thought that they should have used one of two methods, and that they should have considered only two ways of doing it, perhaps an electoral college of some sort where the members of that community will sit and nominate three or four of their people to stand. There should be some safeguard against that man being a man without any following of about 10 or 20 people in his community then that should suffice and make it enough for him to stand for the two common roll elections. I thought that the two methods should have been either (a) an electoral college to make it simple, or, if not an electoral college, (b) if he gets the support of about 12 or 15 members of his community, that should be

enough qualification for him to stand for the common roll elections, because when he stands we only need him to have a certain following among his community, because he is not going to represent his community, but rather he is going to represent the population in the area in which he is going to stand, and whether they are Africans, Asians or Europeans, if he stands there he will have to serve all their interests, and that was the reason for it, and only that. We should be sure that when we come to this House we should not only be the people with black faces but that we should at the same time see the white faces, the red faces or the brown faces also about that. That was the idea.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Who are the red faces?

Mr. Odinga: Now, Mr. Deputy Speaker, I want to be as brief as possible. I do not want to be very long. I will now just jump to the National Members.

Mr. Slade: Don't jump on them.

Mr. Odinga: Well, when it comes to the National Members, Sir, I see here that the members of the Committee have said "Having given this problem careful consideration and bearing in mind that it will not be possible for a candidate to draw support from Nominated Members of communities other than his own, as it was in the case of the election of Specially Elected Members' seats, we feel very strongly that the main principle should be maintained and that each candidate for the National seats should have minimum support from all three racial Groups." Here, Sir, I do not understand what we are driving at, because when we say that we should have universal adult suffrage then we are told that we shall bring again into the scene the masses who are probably ignorant and who will not be considered to judge and to choose the right type of man to represent them; but when we come to the Members again, the Members who have been elected and who are in this House again, then we still have the fear that without knowing who is people according to race without knowing who is the right man to represent the people. I think that there are doubtful as to where we are going to, and we do not know, and if we still suspect these people in this House that there is not exercise their votes responsibly then there is the possibility that it is meaningless keeping some people outside, and it is meaningless saying that some people are ignorant and do not have the choice, and if these people can only vote racially it is as well that those people whom they are keeping out are being kept out for nothing. I

[Mr. Odiga] think that when somebody here stands for the National seats there is no need to choose him, but that he must have somebody supporting him from one race and another from the other race. We are keeping ourselves far too racially minded. We are trying to say that we are getting away from this racial thinking, but I think that, on reading this Report, I could accuse the members of this Committee of having been far, far too much racially thinking. They should now start thinking more or less on a national basis rather than on racial lines. I am sure that they might have been fed or guided by the feelings which are voiced and which they hear, but it is up to them now to show the way and to lead the people saying "We now want to get out of this way of racial feeling and we now want to think nationally". I hope they will be thinking that way in future.

Now, Mr. Deputy Speaker, I will only have a few other points to raise. It is about the satisfaction of the Language Board. Here, again, I should warn that many Africans have complained that these Language Boards instead of being Language Boards always go to judge the characters of people who stand in front of them. They all the time go to judge the man as a person and then, later on, as a person, they might disqualify him from standing, and in actual fact there have been several cases like that where people have come forward with these complaints. I think that if it is a language board it should decide impartially on the language and nothing more. But, Mr. Deputy Speaker, in saying that it should not in any way be taken that I support even the Language Boards because I do feel that the English language alone should not be the criterion or the standard by which a person is judged to come to this House. Later on you will find that we have some of the most reasonable men and the people should just come into this House and express themselves, whether it is translated or not, and whether it is in Swahili or not. The time is coming when you will find that that is really essential, otherwise you will create a feeling between the English-speaking men and the non-English-speaking men. There will be a struggle, and then they will demand that they want their own legislature.

I come now, Mr. Deputy Speaker, to the question of disqualification of candidates. Here, in section (iii) we read: "We recommend that any person should be disqualified for election if . . . (iii) he has been convicted of a criminal offence and has been sentenced to death or to imprisonment for a term of or exceeding 12 months in any part of the Commonwealth." Well, Mr. Deputy Speaker, there it is not very clear. Do the members of the Committee mean to tell us that

if a person is convicted at any time he is perpetually a criminal or that he will be disqualified during the time he is serving the sentence, because it is not explained? If it is that a person has been sentenced to 12 months and has come out, then I consider that he is now quite clean. In the eyes of the law, having served his sentence, he is now quite clean, and he can now stand for anything.

The Chief Secretary (Mr. Coutts): Clean; having had a bath every day in prison.

Mr. Odiga: But many people have been in gaol, even Sir Winston Churchill has been in gaol many times. What about Nikita Khrushchev? He has been to gaol many times for criminal offences and I think that that is most unreasonable. It should have been explained very clearly that while he is serving a sentence he should not be eligible for election and not after serving the sentence and not actually to prejudice someone and to make him a perpetual criminal in any way, because I do not think that that would be correct, Sir.

Now, again, I come to this unhappy question on page 11, (i): "(i) on any member being convicted of a criminal offence and sentenced to death or to imprisonment for six months or more, he shall forthwith be automatically suspended." Now, Sir, the term is "suspended". Formerly it was that he should lose his seat at once, forthwith. Well, I think this one is quite unhappy, because I do feel that we are being unfair to the courts, before we give them a chance, Sir, to judge the case and to use their discretion, and I am sure if somebody knew or if somebody wanted to get you out of Legislative Council and he is prepared to disqualify you then easily you will find that some people are unnecessarily disqualified from the Legislature just through such an unhappy limitation, which should not be the case. I would not like this one to be included. I would have liked to leave it free. If you said that if someone is still serving his sentence then during that time he should be suspended and—

The Minister for Legal Affairs (Mr. Griffith-Jones): The hon. Member, I think, has misunderstood this passage in the Report, Mr. Deputy Speaker, because we have recommended what he has suggested.

Mr. Odiga: Mr. Deputy Speaker, yes, I understand you have recommended it but I think you have not realized what I am getting at. I think that the six months is too short a time, and I would have liked that that one should just be left free without saying that, but let the court decide. Supposing a man had gone to the court. The court would then have to give their judgment whether the man should be sentenced to 12

[Mr. Odiga] months and whether he should be suspended. Let that be decided by the court; that is not for us as legislators to decide. I think you understand now what I was driving at. I think it should be for the courts to judge and impose such a restriction on him, but I think it should be left to the discretion of the Judge himself to say.

Now, Mr. Deputy Speaker, again the same thing follows in section (iv): "if within the period of six months' suspension the Member is acquitted on appeal or has his sentence reduced as aforesaid, he shall be eligible to resume his seat, failing which, at the end of the period of six months he shall vacate his seat." I find that this is worrying the minds of so many people: they feel that it is something which this House or the Government should not get in. If the Government insists that it is certain that it is going to have repercussions with the Members here or the members of the public who are intending to come into this House.

With these few remarks, Mr. Deputy Speaker, and without labouring far too much, I would say that I support the Motion, and just before I sit, I would only say one word generally, that those Members who have fears both from this side and the other side must know that even we Africans are not happy at all about this Constitution which is called the Lancaster House Constitution; but, since it was the compromise, as somebody has said here, we are only trying very heavily to make it work, if possible, but only to work for a very, very short time.

With these few remarks, Mr. Deputy Speaker, I beg to support.

Mr. Bompas: Mr. Deputy Speaker, I, unhappily, and temporarily I hope, am affected with some loss of hearing so that if the House cannot hear me and make appropriate noises I will shout louder.

Sir, this is one of the occasions when I could have wished that the hon. Member who has just sat down had talked through the back of his neck. Unfortunately, Sir, he did not do so, so I missed many of the pearls of wisdom which I am sure he gave to the House and which I believe, from the nods of approbation from the Government Front Bench, must have sunk in.

Sir, I could have wished that the hon. authors of Sessional Paper No. 7 had been cartographers as well as academic mathematicians because how much more coherent would this Sessional Paper have been if it had been accompanied by some even quite simple map or maps. These might even quite help to expose some of the impracticable abilities of the proposed constituency boundaries such as the Central Rural (European Reserved) Constituency, which was so very properly criti-

cised by my hon. friend the Member for Ukamba, a Constituency, Sir, which I have a Franked interest in at least. Maps also, Sir, would have forced the authors to show the proposed Nairobi Constituency boundaries instead of leaving those to be delimited. Until one has at least a rough idea of what those boundaries are to be, nobody can even hazard a remotely intelligent guess as to what impact the African and Asian votes in a particular area will have upon the potential European candidate for that area; not can one guess what impact the African and European votes might have upon a potential Asian candidate for an Asian reserved seat. So until that delimiting has been carried out we are virtually being asked to endorse an incomplete Report, and that I, for one, am not prepared to do, I believe, Sir, with the hon. and gracious Member for Nyanza that if our small European minority is entitled to representation by Europeans it is entitled to feel that such representation is very substantially endorsed by the people for whom they are speaking. I personally believe, Sir, that it would have been so very much simpler and so very, very much better to have retained the reserved seats for filling on the basis of direct communal representation, but, Sir, if that cannot be conceded, and my fear is that it will not be, then we are at least entitled to demand that the qualification required by a candidate to go forward from a primary selection must be completely realistic.

Sir, I did refer before to "academic mathematicians" because it is evident that the authors of the Sessional Paper have sought to balance their books by adding their percentages together to achieve a total of 100. Sir, this, for a scheme of multiple Yes's or No's for a preselection, is a misnomer or an arithmetical misconception. The answer to the sum might very well be 150 or 200. Sir, I do submit that 25 per cent is far too low a figure to avoid the possibility of some plausible crackpot succeeding in a preselection, and I do submit that the figure should be no less than 50 per cent. For my own part, Sir, and I think for the part of any self-respecting individual, I would say that if, in a preselection I secured 27 per cent or 30 per cent of votes I would certainly not be prepared to continue to the next stage.

Sir, if I may turn now to page 10 of the Sessional Paper, the paragraph dealing with reference to the courts instead of to the Governor in Council in respect of dispute, I think, Sir, that is a good move, but I am nevertheless rather apprehensive of whether the delays which so usually attend upon court proceedings may not be a very grave disadvantage. Further, Sir, I am a little concerned as to the possible cost to litigants, or to appellants, in actions in the court.

[Mr. Bompas]

I would like the Minister perhaps to tell us—the Chief Secretary to tell us—whether that cost would be borne by the State or by the individual. Sir, I wonder whether it would not be better to have some form of judicial tribunal, or judicial arbitration board, which would be required statutorily to give a high degree of priority to hearing any particular dispute arising from an election; a tribunal before which laymen could present their own cases without necessarily, Sir, with the greatest respect to yourself, having recourse to the gentlemen of your profession.

Finally, Sir, and in perhaps somewhat lighter vein, I was a little worried about the impecunious gentleman with a plurality of wives who might not have £75 each to enable them to vote, and I wondered, Sir, whether we could also allow him one wife per 40 years, so that if you get a Methuseleh of 120 he could have three wives voting.

Sir, as I said at the outset, I do not feel disposed to support this Motion. I would certainly have supported the amendment before the House, and I think I must reserve my position.

Mr. Slade: Mr. Deputy Speaker, Sir, I think the hon. Members who produced this Report well deserve the tributes which have been paid to them, whatever we may think of their conclusions. It was a difficult task, and they have made their recommendations and their reasons perfectly clear. Also, Sir, I should say wherever the principles of the Lancaster House agreement itself are clear, they have confined themselves strictly to those principles. Where there is room for argument, it is only where there is some ambiguity as to the wording of the agreement itself.

Now, Sir, I am very glad, in spite of what the hon. Member for Mount Kenya said, that this Report is described as a Report considering elections under the Lancaster House Agreement; because I do maintain, for reasons given so very ably and clearly by the hon. Nominated Member, Commander Goord, that this was an agreement between the majority of the delegates at the Conference, as I also argued myself, Sir, in another debate not long ago. I do not intend, Sir, in this debate, to discuss the merits of that agreement, partly because it was an agreement which I intend to honour, and partly because I am sure that it is based on the right outlook for the future of this country. I only want to place on record, Mr. Deputy Speaker, why I say that. I am absolutely certain that the only prospect for peace and prosperity in this country depends on our developing, from now onwards, non-racial and later—I hope not too much later—non-tribal politics and representation.

We have got to start now, however difficult it may seem, with every Member of this Council who purports to be representing others in the country, representing people of all races in the country. There is no other way to avoid segregation and racial strife. That being so, we had to depart now from any further idea of communal representation in this Council. If the franchise had been kept high enough, as we advocated, to make reasonably sure that those who voted would already have a non-racial outlook towards their responsibility we might not have had to worry about reserved seats at all, because there would then have been a hope that people would have been elected on merit alone, and not because the majority of the voters were of a particular race and insisted on being represented by someone of that race. But it is so clear that, as we stand with the franchise as it is now proposed, there will be racial voting, that there will be a man of one race put in by a majority of his race who vote that we have to have these reserved seats for the time being, but not to procure separate racial representation of any minority community. As the hon. Nominated Member so rightly pointed out, reserved seats are not for that purpose, but they are to ensure that we shall still have some white and brown faces in this Council, with the responsibility of speaking for people of all races. And that, Sir, is our only reason for having reserved seats that I can see, and they will have to continue only so long as we fear that the majority of voters are not yet sufficiently developed to have a non-racial outlook.

Now, Sir, if that is so, then we understand more clearly, I think, what is the purpose of the primary election or preselection. It is not to produce for a particular community the representative whom that community desires most. It is simply to produce as a representative of mixed communities someone who is reasonably acceptable to his own community. Now, Mr. Deputy Speaker, we are in trouble with this phrase in the Lancaster House Conference Report "effective and genuine support within the community". I agree with the hon. Nominated Member that that does not mean the same as "effective and genuine support of the community". I agree the latter would mean the vote of the majority of the community, but what the former means, I do not quite know, frankly—"effective and genuine support within the community". Genuine seems to mean nothing at all. Effective, I suppose, could mean considerable or substantial, and that is about as long as any Chancellor's foot. Still we have got to make sense of it, and in trying to make sense of it we have got to balance two different points of view. One is that it has

[Mr. Slade]

to make something like considerable support within the community, and I must say from that point of view, to say that a man with 25 per cent saying "Yes" to him and 75 per cent saying "No" to him has considerable support in his community is rather stretching a point. On the other hand, we do not want to turn it into a kind of election; and I think, allowing for human nature, it is quite possible that, although theoretically the yes and no game will produce simply approval of individuals as candidates, in practice there will be a tendency in some constituencies for people to try to turn it into an election, and not say yes to all people that they would really accept as reasonable representatives because they are so keen on seeing one elected. There may be a tendency, which one has to guard against, of an organized campaign to say yes in favour of one man and no against all the rest, even though they are quite reasonable and acknowledged quite reasonable people. So if you begin to demand 50 per cent of "yesses" you are getting into danger in that way.

Sir, I would like to make my own contribution according to the length of my own foot. Mr. Deputy Speaker, and I would like to suggest that we make it 33 per cent instead of 25 per cent. It is a big difference that. It means that the man must not have more than two to one against him, instead of saying that he is still all right if he has got three to one against him. I think it is about as far as one can go, if we are going to avoid that other danger of the exercise being turned into an election.

Sir, I have not really got much more to say, but turning to the organization of constituencies I would also like to comment on the proposed Central Rural constituency, particularly as it concerns the place I belong to myself, namely the Naivasha District, where I live and which I have represented at one time. I do think, Sir, that for many reasons this district would be run more properly in combination with Nakuru District than in combination with Thika, Kiambu and Machakos. What I am considering, Sir, is first of all the geographical convenience. It is close up against Nakuru District, whereas although actually up against Kiambu District, it is pretty far removed from the main centres of activity in Kiambu, not to mention Thika and Machakos. But a bigger consideration, Sir, is in the question of homogeneity. I do believe, when you are devising constituencies, you ought to try to get each constituency as much consisting of one type of member of the public as possible, so that the representative has a better chance of really speaking for a fairly large percentage of his constituents as one.

For instance, I have often sympathized with the Member for Rift Valley, whose constituents are almost exactly 50 per cent townsmen and 50 per cent countrymen. It may be a good exercise in balanced judgment, but it must be extremely difficult to represent a constituency of that kind. Kiambu, I am quite sure, having seen the anguish on my hon. friend's face at times, is equally difficult. But, Sir, Naivasha and Nakuru are homogeneous both as regards the Europeans, the Asians and the Africans, who reside in those districts. They are the same type of farmer, the same type of employee and very largely the same tribe even, and there are the same type of Asians—shopkeepers and so on, whereas we have very little in common in the farming with the planters or the large ranchers in the other areas. And again, the people who live there, the employees, tend to be more diverse in tribes than those who are in Naivasha. So I do urge, Sir, a reconsideration there with a view to attaching Naivasha to Nakuru District as one district; which, in fact, was that combination we knew before in the former Rift Valley constituency before the Aberdare constituency was created.

Sir, I have only one more thing to say, but I want to press it rather hard—the extreme urgency of this matter. The Chief Secretary referred to it in moving this Motion, and I agree wholeheartedly that we cannot afford to let this matter slide longer than we absolutely have to. We must see this new Constitution in action as soon as we possibly can, not simply to please this person or that, but because, as the Chief Secretary has said, we are in a very grave state of instability at the moment, and that state is not going to be cured until we have the new Constitution in action. At present we are suffering from the fact, and it has to be faced, that the great majority of our leaders, not only of one race, but more than one race, now are busily looking over their shoulders, and think far too much of what they should say to please those whom they purport to lead rather than what a leader should say to those people. As long as they are in that frame of mind, Sir—and they will be in that frame of mind more and more pending the coming elections—they are not fit to be leaders at all, and there is no hope of getting anything constructive, only negation and a steady deterioration of our position, Sir. That being so, I do urge that if there is to be any further discussion of the details of this Report it should not be long delayed. On the other hand, Sir, it has been presented rather suddenly. The Motion only asks us to note it, and I understand from what the Chief Secretary said that it is the intention of His Excellency the Governor to use this debate for the purpose of

[Mr. Webb] the provisions regarding appeal were contained in the new clause which is now before the Committee. Unfortunately, when I drafted that new clause I overlooked the fact that the redrafted version did not take account of the fact that clause 20 does not deal with licensing in any shape or form, and I therefore have to trouble the Committee to put this matter right by moving that the new clause relating to appeals be amended by inserting, immediately after the words "or by the cancellation or suspension of any such licence", the words "or by any decision of the Marketing Board under the proviso to subsection (1) of section 20 of this Ordinance".

I beg to move.

Question that the words to be inserted, be inserted, put and carried.

New clause relating to "Appeals" as amended agreed to.

The recommitted clauses, clause 20 and the new clause relating to "appeals" to be reported with amendments.

The Local Authorities Provident Fund Bill
Clauses 2, 3 and 4 agreed to.

Clause 5

The Minister for Local Government and Lands (Mr. Havelock): Mr. Chairman, I beg to move that clause 5 be amended—

- (a) in paragraph (b) of subsection (1) thereof, by inserting next after the word "three" the words "and not more than five";
- (b) by substituting for subsection (2) thereof the following subsection—
- (2) Each member of the Board appointed under paragraph (b) of subsection (1) of this section shall hold office for the period of three years (or such shorter period as may be specified in his appointment) beginning with the date of his appointment, and shall then cease to hold office, but shall be eligible for reappointment;
- (c) by substituting for subsection (6) thereof the following subsection—
- (6) If the Board for the time being, inclusive of the Chairman, consists of—
 - (a) either four or five members, the quorum shall be three;
 - (b) six members, the quorum shall be four.

Sir, hon. Members opposite raised the question at the Second Reading—I think it was the hon. Specially Elected Member, Mr. Muchura—that they considered it should be a rather larger Board to allow for wider interests to the appointments. Having considered this question I agree that there is substance in this point, and indeed the amendment which I have proposed I believe is to meet that particular point. At the same time, Sir, the opportunity has been taken to lay down the quorum of the Board which varies according to the number of the members who have been appointed to the Board.

Sir, I beg to move.

Question proposed.

Questions that the words to be left out be left out put and carried.

Questions that the words proposed to be inserted be inserted put and carried.

Clause 5, as amended, agreed to.

Clauses 6, 7, 8, 9, 10, 11 and 12 agreed to.

Clauses 13 agreed to.

Clause 14

Mr. Slade: Mr. Chairman, with reference to this clause and also clauses 15 and 19, I raised on the Second Reading the question of making provision for maintenance of the wife or children of the contributor, with a suggestion that there should be some discretion in the Board on the advice of the local authority concerned, to divert money from the contributor himself, or from his personal representatives, to the needs of his dependants in proper cases. In reply to that suggestion the Minister did agree to give the matter favourable consideration, although he suggested that there might be some limitations to it, but since then I understand that he has felt inclined to leave the matter over for separate legislation at a later date on the grounds that this same question arises with regard to other statutory provident funds, and if anything is to be done about it, something should be done about all those funds at the same time. Sir, I am quite content, if that is the Minister's feeling to leave it like that and not to ask for any amendment now, only I would like an assurance that it will be considered soon, because it really is a matter of urgency. The difficulty of enforcement in practice of maintenance orders that are made, and contribution orders made for the benefit of wives or children, makes this badly needed: for though they are there they cannot at present be enforced. I need say no more on this subject, Sir, except to make one point clear, which I do not think I made clear on the Second Reading; that I have in mind that, in the ordinary way, the proposed discretion to divert payment should

[Mr. Slade]

be restricted to that part of the contributor's credit which represents contributions made by the local authority as employer, and I am not suggesting that in any circumstances, except possibly dismissal of the employee for serious misconduct, there should be power to divert his own contributions.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Chairman, when the point was first raised by the hon. Member it did seem as if it was a specific point which might be taken by itself, but after investigation it is quite obvious that the matters have much wider application, not only with regard to the actual type of provident funds and pension schemes that may be affected, but also with regard to the actual orders that may also be placed on a particular person with regard to his responsibilities. For instance, I am advised that alimony might also be taken into consideration, and therefore I do feel that it needs rather wider and greater study but I do give the hon. Member an assurance that we will get on to that study although it will need consultation with a number of departments of the Government and interested bodies.

Mr. Bompas: Sir, could I ask the Minister, Sir, that when he is examining this matter, and he has referred to the question of alimony, he should, at the same time, examine the whole position of creditors generally in relation to such funds, because I understand at the moment it is not competent for a creditor to claim against a provident fund, particularly against a Government provident fund and pension fund. It is indeed opening a very wide avenue, and I am myself very doubtful whether it is wise to open it at all.

The Minister for Local Government and Lands (Mr. Havelock): I am grateful to the hon. Member, Sir, for raising that point, and he, better probably than most people in this House, will realize that there may well be very considerable tax difficulties. I therefore do want to re-emphasize that it is not a simple issue and it needs particular study.

Clause 14 agreed to.

Clauses 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 agreed to.

Title agreed to.

Clause 1 agreed to.

The Chief Secretary (Mr. Coutts): Mr. Chairman, Sir, I beg to move that it be reported to Council that the recommitted Coffee Bill has been considered by a Committee of the whole House and approved the same with amendments, and that a Committee of the whole House has been

through the Local Authorities Provident Fund Bill and approved the same with amendments.

Question proposed.

The question was put and carried.

Bills to be reported with amendments.

The House resumed.

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

REPORTS

The Coffee Bill

Mr. Webb: Mr. Deputy Speaker, a Committee of the whole Council has reconsidered clause 20 and the new clause related to Appeals of the Coffee Bill on recomittal, and has directed that the same be reported with amendments.

Report ordered to be considered tomorrow.

The Local Authorities Provident Fund Bill

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, a Committee of the whole Council has been through the Local Authorities Provident Fund Bill and has recommended the adoption of the same with amendments.

Report ordered to be considered tomorrow.

MOTION

REPORT OF WORKING PARTY ON ELECTIONS

(Resumption of debate interrupted on 14th June, 1960)

Mr. Usher: Mr. Deputy Speaker, Sir, I should like to preface my observations of the Sessional Paper before the House by saying that I share fully the opinions of those who wish to see these matters disposed of with the least possible delay. Having said that much, Sir, I will deal first, if I may, with the proposals in regard to the Mombasa constituency, and I refer particularly, of course, to Schedule 3 in that respect. I may say, Sir, that I have met with my non-European colleagues, and we have been into this at some length and found the same difficulties which I believe have faced the hon. leader of the House and his hon. and learned colleague, and I think we shall still find a very great difficulty in dealing with the matter in any other way than in having an open seat and a multi-Member, multi-racial constituency for the reserved seats. What we found, Sir, was that it would be comparatively easy to carve out a European area, and it might be easy also to carve out an African area. When it came to the Asian non-Muslim and Muslim and Arab areas, the disentanglement was virtually an impossibility, and that, Sir, is as far as we

[Mr. Usher] got. But I should like to make this observation, that if we do have to delimit constituencies, it will mean not only for Europeans, with whom perhaps I am particularly concerned, but with the members of other communities entitled to reserved seats, or for whom reserved seats, I should say, are recommended, that they would be disfranchised, and that is the position which, Sir, would cause very great disquiet amongst the community which I represent. I must make the point now that we want to get in as many as possible, as I say. As far as we can see it, if there is delimitation a very considerable number will forfeit their natural rights as voters.

I do not know, Sir, whether it is possible to consider this, but I believe it would not be a disagreeable idea to some of my colleagues any how and certainly not to myself, that we should combine possibly the Mombasa district and the Protectorate in one multi-racial multi-Member constituency. It would mean, of course, adding the second Arab Member, but it would at least, Sir, have this effect that it would bring in a large number of members of my own community and of other communities who would otherwise be disfranchised except in so far as the common roll election is concerned. I hope at least that will have consideration.

A complicating factor in the whole matter, of course, is that the existing provision that a man may register in the area in which he resides or in which he does business or is employed still stands and it is therefore extremely difficult to tell where the preponderance of any particular race will lie. If I might give a simple example, Sir, let us take the Mombasa Port area. It is possible that most of the people who are employed there will not in fact have their names put on the register for the area in which the Port area is included. On the other hand it is possible that they may. May I take the largest example, the Africans, who of course live all over the place, they may register in the area where they live, in the open area or in the place where they work, in which case there will be something like 6,000 Africans registering for the area which includes the Port. These matters are of extreme difficulty and they need to be examined quickly.

May I make a remark about the National members, Sir? I foresee one difficulty in this, it may be that candidates for National memberships will not be able to secure on their own merits—I am not of course suggesting that there would be a boycott or anything of that kind—sufficient support from members of other communities. What then is the position? If that happened, Sir, now in a constituency area, I think it is still true

that if a constituency area did not put forward any member at all, the Governor would have the power to nominate and I do not know but it may be possible that the Working Party would consider that the provision should be made of a similar nature to meet this contingency.

Now, Sir, the postal ballot. I am not altogether happy with the recommendation as it stands, although I appreciate the reasons which have led the Working Party to suggest doing away with postal ballots. They have always been a matter of difficulty administratively and have in some cases been extremely unpopular. Nevertheless, Sir, I do believe that provision should be made for postal ballot in the case of a person who is sick or bedridden. I would ask for that to be taken into consideration.

May I now go on, Sir, to disputed elections? I am not quite sure from the White Paper for what reason other than a general reason, the Working Party have suggested reference to the courts. I am rather inclined to support, anyhow, the reasons which were given by my hon. friend the Member for Kiambu yesterday for some other system than going to court, I think I am right in saying at present what happens in these cases is that either the Governor in Council of Ministers deals with the question raised, or he may put it to a special commissioner with judicial experience. I remember a few of these cases but I cannot remember that the Governor in Council has in fact ever referred the matter to a special commissioner, though he may have done so. But, Sir, I should have thought that it met the point made by the Working Party if in all cases these disputes were referred to a special commissioner with judicial experience who would then be acting judicially, and that would dispose of the difficulties raised by my hon. friend.

Now, Sir, finally, but I am afraid not very shortly, might I deal with the matter which has concerned a great many Members already, that is the primary elections. I listened with great pleasure to the lucidity of my hon. friend the Specially Elected Member, Commander Goord, yesterday; he made his two points with extreme clarity and I disagreed with him on both. One of them at least was taken up also by my hon. friend the Specially Elected Member, Mr. Slade, whose speech I admired very greatly and with which I had great sympathy. Actually my sympathy was enhanced by the fact that he himself had rather challenged the 25 per cent qualification figure which has been the cause of so much controversy. But what I liked about it particularly, if he will allow me to say so, is his feeling that he should stand loyally by what—I would not call an agreement myself but an acceptance—

[Mr. Usher] was proposed in the Lancaster House Conference and he is hoping for good will and co-operation, although he may be, one might say, a modern "Scholar gypsy, still nursing the unconquerable hope, still clutching the inviolable shade".

Now, Sir, let us turn to the wording, if we may, of the Conference Report paragraph 15 (a) (1), which has been mentioned more than once. I think it is quite true, as my hon. friend said yesterday, that this report was thrown together very hastily and that there is a mistake here. What happened I imagine, Sir, is that a harassed secretary got out a draft in which he did in fact say "the effective and general support of their own community". Somebody else got hold of that and said, "No, this will not do at all", and he substituted "within their own community" and forgot to cross out the "the". Consequently "the effective and genuine support within their own community" remains, and I submit, Sir, that this is neither English, nor is it sense.

Sir, the difficulty as stated, I understand, by the Working Party and put with great lucidity by my hon. friend the Leader of the House, the Mover of the Motion, is that they had to evaluate the meaning of the words "effective and genuine support". Sir, I do not know if "genuine" means anything. I would agree with my hon. friend the Specially Elected Member, Mr. Slade, that it probably means nothing. We must all presume to be genuine support, I think.

Then we have to see what is meant by "effective" and it has been construed as meaning something which I think it should not mean, Sir. If we want to find out what the meaning is, we must find out from the context what that support is supposed to effect and I believe, Sir, that we must go straight to the beginning of the paragraph where we are clearly told. I will read it: "The position of minority communities on the common roll should be safeguarded by reservation." Safeguarded. Safeguarded from what, Sir? From the other community, from the acts of that community. Now, Sir, I would put it for the consideration of the House that if you are liable to be burgled and you seek protection by having guards round your house, you do not go to the burglars' union to help you to find the guards! Therefore, Sir, in order to satisfy an utterly illogical statement of policy in this Conference Paper, I which can only produce an illogical answer, I would suggest that a full account is taken of these operative words which I have quoted from the Conference Paper and that we have as nearly as possible what the communities concerned really want.

I pass from that, Sir, to the criticism of suggestions that were put before the Working Party.

The first one, I think, related to or was very like one I put forward myself but if it is mine, Sir, I must protest that it is misquoted. On page 3 we have these words: "For instance, it was suggested that where there were only two candidates that the percentage should be 40 per cent of the number of registered voters." etc. Well, Sir, that was not my suggestion. It may have been somebody else's in which case I must apologize, but my own proposal was this, that it should be 40 per cent of the total poll and there is a great deal of difference. My second suggestion was that where there were three members the qualifying percentage should be 27 per cent and that where there were four members it should be 20 per cent, a progression which hon. Members will readily understand. So this, Sir, is quite incorrect.

Now, Sir, may I pass to the criticisms. I think perhaps I have already dealt with the one which criticizes this proposal on the ground that it would be a form of pre-election because I believe in my argument in regard to paragraph 15 (a) (i) of the Conference Report I have justified the supposition that there should be in fact a pre-election. The second one was, I think, that they are not satisfied—the Working Party are not satisfied—that when you get to the lower percentages that the percentage would represent genuine and that effective support. I quite understand that, Sir, but I cannot see that it is consistent with something which comes later in the Sessional Paper where the Working Party considers the position where no candidate gets 25 per cent. The argument then is that all should go forward. Sir, in what way is this consistent with what has been previously said? If all are to go forward, then, Sir, they are suggesting that you are going to put forward an unspecified number of candidates none of whom is expected to have efficient or effective support. And in fact none of them will get 25 per cent and will not get the requisite 12½ per cent and would forfeit their deposits. There again, I think we are in the dark because we do not know from this Paper when the deposit is to be paid.

Sir, may I now criticize what has been said in the matter of statistics in regard to what is effective and genuine support. We are asked to say that "effective" means in fact "considerable"

[Mr. Usher] and we are asked to endorse the view that 800 is considerable and that 5,700 is considerable. Sir, in the context I would say that neither of them are considerable. We are simply arguing in a circle. They have taken 25 per cent of the poll and said that that must be considerable and justified their 25 per cent upon those grounds. That is the ground, Sir, which many of us dispute thoroughly and although in the back of our minds we may feel, some of us, that communal elections would have been better we must at least ask that this urgent question of effective, conference, support in terms of the paragraphs of the Conference Report which I have quoted should be given due consideration. I myself would like to go beyond what was suggested by my hon. friend, the Specially Elected Member Mr. Slade, who suggested, I think, 33 per cent yesterday and let us go to the 40 per cent or to an alternative suggestion which was made, I think, to the Working Party that those who should go forward to the common roll election should be the candidate who heads the polls and any candidate who gets two-thirds, or 80 per cent perhaps, of the number of votes which he polls.

Sir, I cannot, of course, oppose the Motion. I have opposed certain matters in the Report which is before us and I beg to support.

Mr. Blundell: Mr. Deputy Speaker, I would like to start by thanking the hon. Members who have prepared this Report. I do not think myself that it shows the signs of hasty consideration, nor of the minds of people who have never fought an election. I sat on the previous committee which examined constituency boundaries when the House was enlarged in 1952 and it is almost an impossible task to reconcile the conflicting interests of all those who make representations in matters of this sort. I do feel that, despite the criticisms which I shall make and others will make, both the hon. Members opposite really do need our congratulations on the Report which they put to us. It must have been prepared under tremendous strain. I accept that the hon. Members had a burden of impartiality which they have tried to discharge faithfully and I would like to say "Thank you" to them on the behalf, I think, of a number of hon. Members in this House.

Now, Mr. Deputy Speaker, there are three major points to which I would like to refer in dealing with this White Paper. I do not think that the hon. Member for Ukamba raised it yesterday, but I believe that he has it in his mind and I believe that he would endorse what I am going to say. I think that we do need to examine the balance between the urban and rural seats,

certainly in the reserved constituencies for Europeans.

Sir Charles Markham: Hear, Hear!

Mr. Blundell: The economic wealth of this country is largely produced from agriculture and it is upon that that the life of the towns is able to thrive. Under these proposals there are five urban seats and five rural seats. I am doubtful whether under this proposal agriculture which is so essential to us will have an effective voice for the reasons which I propose to give and I hope that I shall not disturb hon. Members. First of all, the whole tendency of the House is largely against the basic interests of agriculture. That is partly because many Members are members of the business community who are against, for instance, the principle of organized marketing. Many of them, although they may not be in the new House, are members of the public service who may not have quite such an interest in a stable agriculture as the country itself. Lastly, Sir, with many of the Elected Members from the newly enfranchised African areas many of these Members are more closely in tune, I think, sometimes with the trading and professional and commercial classes than they are with the more remote agricultural people. I feel, therefore, that the balance of the new Council may well be disadvantageous to the fundamental interests of the country which are agricultural. I would therefore like to ask the hon. Chief Secretary to re-examine the matter and see whether indeed a balance of five and five is correct or whether we should not go to four and six.

There is one additional factor. The wear and tear on a Constituency Member in a town is far less despite the efforts of the Minister for Works on our roads. The wear and tear, Mr. Deputy Speaker, alcoholically may be greater on a Member in the town, but the wear and tear physically undoubtedly is greater on a Member in the rural areas.

Hon. Members: Question!

Mr. Blundell: That, Sir, will be especially so in view of the provisions for primary election which are envisaged in this Report.

The second point, Sir, that I would like to deal with arising out of the rural and urban seats is that there was a suggestion at Lancaster House that we should try and avoid a clear contiguous and adjacent row of reserved constituencies so that interspersed among them there should be an open constituency which would at least allow some of the Members of a race not reserved in those areas to express their voice through a person of their own race. That certainly, Sir, and I could not

[Mr. Blundell] return of Members of certain races on a high qualified common roll and I believe that would have been much better than this cumbersome primary selection procedure with which we are now faced. Again, Sir, I want for the purposes of the record to say that such were indeed the points which we ourselves put to the Secretary of State and they were turned down.

Now having, Sir, given my view on the primary selection process I would like now to go on and deal with it as it is before us as a method which we shall have to use. I am assuming in what follows that the European community of which I am a member will honourably carry out the arrangements of primary selection and will not attempt—and I do not think that they will attempt because it would be unwise of them to do so—to use Tammany Hall tactics in regard to these elections. If they were to do that it would undoubtedly embitter the African constituencies whom the Members ultimately will also have to represent and on the basis that I am a member of a constituency which is enlightened and sensible I believe that they will honourably carry out the primary selections. Now if that is so, then I would like to support something which was said by the hon. Specially Elected Member, Mr. Slade. I do not really find myself in agreement with people who think that a 25 per cent proportion must of necessity mean collusion with extreme nationalist or extreme political wings of other racial thought. In my own late constituency 25 per cent would mean about 300 of the total votes cast and I cannot believe that it would be possible for a member of my community to secure for a member of my community to secure 300 election on such a policy and again secure 300 for the votes. But, because of the provisions for the casting of Yeses and Noes and the provision that each must be voted for, I believe the hon. Members opposite could accept some of their representations which have been made on this side of the House and it would go some way towards meeting the feelings of the European community. I myself would support what the hon. Specially Elected Member Mr. Slade said which is that we should go to a percentage of 33 per cent.

Now, Mr. Deputy Speaker, I would like to turn to the whole of the question of primary selection which has been made the object of so much criticism in this debate. Let me say here and now that I do not like this principle of primary selection. I really believe that in the major rural constituency seats it is going to be a considerable effort for a Member in a reserved area to get through the primary elections and subsequently the common roll elections. I think the burden of work is going to be considerable and I would have liked a far more simple system. It is no secret, Sir, that we asked for straight communal representation allied with a non-communal system of voting in other seats. If we could not have straight communal representation, then in many respects I would have preferred these reserved seats to have been on delineated constituencies to ensure the

return of Members of certain races on a high qualified common roll and I believe that would have been much better than this cumbersome primary selection procedure with which we are now faced. Again, Sir, I want for the purposes of the record to say that such were indeed the points which we ourselves put to the Secretary of State and they were turned down.

Now having, Sir, given my view on the primary selection process I would like now to go on and deal with it as it is before us as a method which we shall have to use. I am assuming in what follows that the European community of which I am a member will honourably carry out the arrangements of primary selection and will not attempt—and I do not think that they will attempt because it would be unwise of them to do so—to use Tammany Hall tactics in regard to these elections. If they were to do that it would undoubtedly embitter the African constituencies whom the Members ultimately will also have to represent and on the basis that I am a member of a constituency which is enlightened and sensible I believe that they will honourably carry out the primary selections. Now if that is so, then I would like to support something which was said by the hon. Specially Elected Member, Mr. Slade. I do not really find myself in agreement with people who think that a 25 per cent proportion must of necessity mean collusion with extreme nationalist or extreme political wings of other racial thought. In my own late constituency 25 per cent would mean about 300 of the total votes cast and I cannot believe that it would be possible for a member of my community to secure for a member of my community to secure 300 election on such a policy and again secure 300 for the votes. But, because of the provisions for the casting of Yeses and Noes and the provision that each must be voted for, I believe the hon. Members opposite could accept some of their representations which have been made on this side of the House and it would go some way towards meeting the feelings of the European community. I myself would support what the hon. Specially Elected Member Mr. Slade said which is that we should go to a percentage of 33 per cent.

Now, Mr. Deputy Speaker, I would like to turn to the whole of the question of primary selection which has been made the object of so much criticism in this debate. Let me say here and now that I do not like this principle of primary selection. I really believe that in the major rural constituency seats it is going to be a considerable effort for a Member in a reserved area to get through the primary elections and subsequently the common roll elections. I think the burden of work is going to be considerable and I would have liked a far more simple system. It is no secret, Sir, that we asked for straight communal representation allied with a non-communal system of voting in other seats. If we could not have straight communal representation, then in many respects I would have preferred these reserved seats to have been on delineated constituencies to ensure the

[Mr. Blundell] any rate for the moment closed, but I also believe sincerely that it would embark us upon a course of racial conflict which in the turbulent atmosphere which is going to continue in this country for some years would be most undesirable. I cannot accept, Mr. Deputy Speaker, that if I am represented by a man of another race and I am able to cast a vote that I am disenfranchised *ipso facto* because he is a member of another race. Again, Sir—I want to make this very clear—I cannot see why I, who am a European, cannot in my turn represent members of other races. I have made my home here. I have a certificate of permanent residence. With the material support of the medical profession I may, with luck, live here for another 20 years.

Sir Charles Markham: God forbid!

Mr. Blundell: Well, the hon. Member says, "God forbid!" It may be, Mr. Deputy Speaker, that the Almighty, in His wisdom, will remove him first.

Sir Charles Markham: At least I will go upstairs; you will go down!

Mr. Blundell: Well, Sir, I would have no objection to being downstairs because, at least, I could smoke hard and see the hon. Member roasted!

Sir Charles Markham: It's cool up there.

Mr. Blundell: Now, Mr. Deputy Speaker, it does seem to me that as a member of this country I ought to be able to represent the enlightened and moderate views of members of all races, and I cannot see why I should not be just as competent to see that an African is not abused, shall we say, by the petty little injustices of the administrative machine, as an African Member himself. Now, I would submit, Sir, very strongly indeed, to the Members of this House that unless we can indeed achieve something like that in the pattern of the future, then the African community of this country are going to be robbed of much valuable experience and maturity which is available to them. And I would submit to hon. Members that really honestly this primary selection and subsequent following through on a common roll is a tremendous challenge to us. I cannot see why I should not be able to speak to Africans at an election. I have done so at public meetings. I cannot see why I should not be able to put to them a different view, which may not command their universal support, but may at least command their interest and keep the adjustment of their ideas. I would say, Mr. Deputy Speaker, that the biggest single factor in our political life which is negative is the ability of all our communities to produce slogans which are largely

based on our racial and wishful thinking. Very often these slogans have no relation whatsoever to what can or cannot be done. I know the hon. African Elected Members will not take offence if I say that I have spoken at African meetings with some of my colleagues and I think it is essential that we should begin to use this period to educate the emerging electorate which is before us, and that the advantage of the primary system is that the candidate can go forward, provided there are the adjustments which we have suggested, with the confidence of his own community and then a two-way traffic starts? He puts his ideas, with a different background, to the electorate of a different race, and they put their ideas to him. And it is out of that formulation that we shall eventually begin to conquer what is really a disastrous thing in this country, it is the constant hammer upon the differences of race.

I think, Sir, there is another advantage. I think it would be wise for members of all communities if they had to understand and represent some of the views of other communities. Now, take an issue which is pertinent to myself, as a European. At the present moment, the force of racial barriers between us prevents the vividness of, for instance, insecurity in old age, the struggle with real poverty which many Africans have to undergo, becoming an immediate, a vivid, interest to myself, because I am representing a community which, although it has that struggle, has not that struggle in such a big degree.

Now, to end on this, Sir, what I would say unhesitatingly to the members of my own community is that they can decide, if they wish, to preserve and present a purely racial aspect in this country. They will then inevitably in the future become a European community on its own. I think that if they use the provisions of this document which is before us wisely and well, they can translate themselves from being purely representative of Europeans into being mature, experienced and able representatives of every member of this country and in that process they will become of value to every section of our community. And it is only when that process has happened that any minority community of capacity and intelligence can really say that it is secure. Now, Sir, because of the pressures of race, because of what I have called the sarcophagi of our racial structures, which surround us, it is difficult for us to precipitate our minds beyond the merely racial impact of our own particular community. But I would say it is absolutely essential for us to do that and also for the African Members, and I will turn and deal with some of the points which will present themselves to them in a moment. There is today, Sir, a considerable amount of disquiet and fear in this

[Mr. Blundell] especially in my own community about the safety of the waters upon which we are about to embark. I make no bones about it, we are in for a difficult period, we are in for a period when the African leaders themselves will have to learn how to control the emotions of the immature electorate which has been created and which is in this Paper, but, Sir, surely the whole system of primary selection and reserved seats for other communities, which I say with no offence to the African Members, have had more experience in the democratic machine, must help the African Members themselves in this immense task which is ahead of them.

Now what hon. Members have got to realize in this House is that unless the African Members are successful in guiding and leading and controlling this electorate, and it will be difficult for them to do so, then indeed all of us will suffer a period of disquiet and, therefore, it is in our own interest to do our utmost to help them.

And lastly, Sir, I want to touch on one or two points which were made by the hon. Member for Nairobi Area. He said that this system of voting was the beginning of what he called non-communal thinking and I would like to repeat to the House a point which we made at length at Lancaster House and which I would like the hon. Elected Members, without offence, to listen to and to digest. By reason of the preponderance of the voting and the lowness of the qualifications, of necessity the great majority of the voters will be Africans, and, as we are all trained in this racial thinking, there is going to be a tremendous struggle for the African people to emerge into non-communal thinking, because indeed the whole weight of the electorate in the open seats and the final common roll seats from the primary reserved selections, will be mainly in the hands of the African people. Now, we are all, Sir, not only the African Elected Members, the victims of the past, but the particular plea that I wanted to make to the hon. Member for Nairobi Area, who has great influence in this country, is that he should really remember what he said, that it is indeed the end of communal thinking and he should understand that when the 1961 general election comes and if he is elected, he will carry the votes of other persons than Africans and will be responsible for their confidence, for their safety, for their ideas, and for their injustices. And I would like now to ask him to begin to tune his mind into that significant and altering factor in the pattern of the future.

Now, Sir, I said that we were all the victims of the past and I would like to give the House an illustration of that. When the Secretary of

State announced his proposals to us, I was interested in the reaction in my own group.

On the whole the African Elected Members accepted the proposals because they gave substantial African advance. The Indian; or Asian, Members were thrown violently together like birds disturbed at night by a marauder because there was only one Asian Minister. The European Elected Members went into a huddle because there was no straight communal European representation. In other words, Sir, this monster, racial thinking, lies within all of us, and it is the major task ahead of us in the pattern of the future to try to conquer it.

Lastly, Sir, may I deal with two points which arise again out of the speech of the hon. Member for Nairobi Area. The first is the National Members. I would like to record, Sir, that I myself do not like the principle of National Members elected by this House. We put forward strongly that they should be elected by a system outside in the form of a rather wider electoral college than this House itself. The reason why I do not like this system of National Members elected by the Elected Members of this House is because it is an accelerative process for any dominant influence in the House, and I believe that that is wrong. I believe it is wrong that the majority should be able, as it were, to burgeon itself up upon itself within the House, and I do believe that the Members opposite are owed thanks for the proposals which they have put forward on proportional representation and a single non-transferable vote per racial block, because in effect that great danger of an accelerative and cumulative process for a party which might be in power at the moment is largely avoided. I was surprised to hear the hon. Member for Nairobi West say that he did not fully understand the implications of the proportional representation system—

Mr. Alexander: The hon. Member for the Nairobi Area!

Mr. Blundell: Yes, the hon. Member for the Nairobi Area. I beg the hon. Member's pardon. I would not like to say to the House that when both hon. Members are speaking there is a striking similarity!

However, Sir, I was certainly under the impression that the Secretary of State had discussed the proportional representation system with the African Elected Members.

Lastly, Sir, I apologize to the House if I have spoken for some time. But I want to deal with one final issue which lies before us. I do not believe, Mr. Deputy Speaker, that it is wise to say that the Lancaster House Constitution is

[Mr. Blundell] already out of date. I would prefer hon. Members to say that they are going to work it to the utmost with the good will which will make it work, and when it has been shown that it works well, when these forces between us have been reduced, we can show as a country that we can pool our resources for the common good, then let us say that it is out of date and that it is time that we fashioned a new tunic for ourselves. But, Sir, to say that it is out of date before it has started, before we have even begun to try to deal with the racial feeling amongst us in the light of what Lancaster House set out to do, is, I believe, most unwise and is not in tune with the spirit in which many of us accepted this Constitution.

I would merely like to say, Sir, to all hon. Members, surely our duty to this country now is to try to sink the embittered feelings that some of us may have on this matter and cast the whole of our energies towards making what we have in front of us work. On that basis we can secure a stable society; on the basis of attempting to destroy it we can only produce a society in which no one can have confidence.

On that basis, Mr. Deputy Speaker, I support the Paper.

Dr. Adajja: Mr. Deputy Speaker, Sir, I have just a few points to make.

First of all I would like to say a few words on the request made to the Working Party for return to communal voting. I am in full agreement with the reply that was given. As a matter of fact, Mr. Deputy Speaker, I would go further and say that even if it was possible to revert to communal voting it would have been a tragedy to have done so, because, Mr. Deputy Speaker, I sincerely and honestly believe that communal voting has been a curse of this country. It has done the country tremendous harm; it has prevented the emergence of unity of national thinking and of identity of interest, et cetera. It has, on the contrary, emphasized racial divisions and has encouraged racial thinking. Sir, it stands to the credit of the Asian community that right from the very first day of its struggle for rights and responsibilities in this country it has advocated the introduction of a common roll. It has, single-handed, all these years fought the battle and has not even shirked to accept sacrifices that might be necessary. I, Sir, therefore do say that I am happy that the communal voting is being done away with now.

The second point I would like to make, Mr. Deputy Speaker, concerns the primary elections. I must say that I am opposed to the idea. They are bad in principle, but I have a few points to

true concept of democracy: they are unnecessary because the provision of reserved seats that has been made should be sufficient to meet the special needs of the present situation. I would therefore have liked that these primary elections should not have been a feature of the agreement. I would have been happy if at least the Asian Members would have rejected the idea.

On the subject of reservation of seats for the various races I would say that I am not in love with them. There are, in my opinion, to some extent a negation of true democracy. I would, however, admit that in the present situation where the races have failed to create confidence in each other, and where there is so much racial thinking, the reservation is an unavoidable evil. From now on, Mr. Deputy Speaker, it should be the duty of every true Kenyan to work for the position where reservation becomes unnecessary.

I am a firm believer in full and true democracy where there is one man with one vote and without any reservations based on race or on special interests, but I must admit, as I have said before, that time has not come, and I do sincerely hope that it will not be long before that time does come. It all depends upon when that time comes, whether tomorrow, in a year's time, in two years' time, five years' time, or more.

I must now touch upon the division of the Asian seats into Muslim and non-Muslim. May I very humbly, Mr. Deputy Speaker, say that the word "non-Muslim" is irritating and to some extent insulting to a man of my type. But since in the past a lot has been said on that I would not say any more, Sir, but come to the divisions themselves.

Sir, when the communal seats themselves are in a dying stage it is a matter of great regret that a section of the Asian community still clings to its quota in Asian seats. I would certainly appeal to my Muslim friends to see the light and allow them to be merged in a common Asian pool. Some of us have sincerely and seriously in the past worked to avoid the split and have even made personal sacrifices. It is certainly a matter of distress that in spite of all that, even at this late stage, the division persists.

I might say now a word about the national seats. I must say that I myself do not like them; but, just like the reserved seats, I believe that they are at this stage unavoidable. I believe that under the present conditions they serve a very useful purpose, but I do hope that they will have a temporary life and that, if we are able to work together in a manner that creates complete confidence in each other, they will not remain when

[Dr. Adajja]

I may now say a word about the constituencies. I must admit, Mr. Deputy Speaker, that I am not able to understand the implications in the absence of a map. Details of the constituencies in Mombasa and Nairobi are also lacking. In spite of these handicaps I would like to make two points: Firstly, Sir, I do not know how Nyeri, with a smaller population, gets one non-Muslim seat, whereas Nakuru, which is a much bigger place and a place of greater importance, does not get any. I am told that the decision not to allow the multi-Member constituency also to become a multi-racial one is the reason, I am told, that comes in the way of Nakuru being given a seat. But I am sure, Sir, with the adjustment of boundaries here and there it should be possible for Nakuru to be given a non-Muslim seat of its own.

Now, the second observation is this: I do hope that the constituents are so demarcated that they produce a genuine common election and not become a mere rubber stamping device.

Lastly, Mr. Deputy Speaker, I would say a word about qualifications. Here I would like to touch on one matter, the vote for a person with more than one wife. Sir, it is stated that in order for a second or further wife to qualify the husband has to produce £75 per wife. I believe, Sir, that this is a premium on polygamy. I think, Sir, that it places the members of the society, where polygamy exists, to some advantage. Members of such a community can easily have further votes. I always thought, Mr. Deputy Speaker, that polygamy had no advantages. It appears to me that I was not quite right.

With these few words, Sir, I beg to support.

Mr. arap Moli: Mr. Deputy Speaker, I thank you for giving me this opportunity.

I do not want, Sir, to go into the pros and cons of what has been said about this Sessional Paper or White Paper, but I should like to point out certain things, and before I do so, Mr. Deputy Speaker, I should like to make some comments on the Specially Elected Member, Mr. Blundell's speech. He stated that part of Nakuru should be represented by a European because of certain interests. Now, Sir, I do not see the reasons for Members advocating non-racial ideas and at the same time trying to suggest that one certain community should be represented in a certain area. I am referring to the hon. Dr. Adajja who said that Nakuru should have a non-Muslim Member and at the same time that we should forget this idea of racialism.

Now, Sir, the hon. Specially Elected Member, Mr. arap Moli, has said that an African Elected

Member as a leader would not take into account the fact that this country depends on agriculture and certain things, and therefore he felt that he was not the right man to represent the European community. I for one, Sir, would like to represent all communities in any given area and I can easily deal with all their problems just and fairly.

It is quite prudent, Sir, to point out certain aspects which the hon. Members of the Working Party mentioned. I find that many hon. Members here find it very difficult to suggest which areas should lose a seat now. They are making suggestions that such areas should have Members, and so on, without making further suggestions that such an area should lose a seat and it be taken somewhere else. I find it also difficult to do it at this time.

The members of the Working Party, Sir, are of course human beings and being imperfect they could not have done what the Members expected. Nevertheless so far as the rest of the things which need to be mentioned here as regards constituencies are concerned, Sir, I would just like to point out that no matter whether a constituency is sparsely populated or thinly populated they deserve representation, and I support, Sir, that when thinking or when deciding the delimitation of constituencies one bears in mind three factors: Firstly one considers population, secondly geographical factors, and thirdly communications. Those three factors are all very important. When I was elected to this Council in 1957 I used to cover 40,000 square miles, and physically, Sir, it was impossible, but I did all I could to meet the needs of my constituents. The opposite hon. Members seem to doubt the figure. Now, Sir, at the moment I cover some 16,000 square miles, as compared with other hon. Members who cover some 100 to 600 square miles, so, Sir, although I still complain bitterly yet I do feel that the Working Party did a magnificent job in trying to fit in and adjust and accommodate certain points of view which many people presented to them.

Now, there is one very important problem here, Sir, regarding the qualification of voters. The people who I represent, Mr. Deputy Speaker, are pastoral tribes, and naturally they possess cattle. The Committee suggested that one of the qualifications should be income or the holding of estates should be income or the holding of a property worth £350. Now, Sir, how is it that a pastoral man who only has 20 head of cattle, because of Government destocking policy, can be able to vote? His cattle would not be worth Sh. 7,000 or £350.

Secondly, he may not be able to get an income of £150 as suggested in the Report, so I would like the Government to think very seriously about stockowners in African areas, not only in my

[Mr. arap Moll] own constituency, but in areas where people own cattle as their principal source of wealth.

Another aspect, Sir, is the question of appointing a local committee of elders which was never used in the previous election, and this committee, Sir, it was pointed out, was the committee which would advise the registration officers that certain persons were the right type to get votes because of their apparent age. I should like to point out that people should have freedom to express themselves, and it should not be decided by the elders, but by themselves.

Now, Sir, many people pointed out also that it is contemplated that at the next election people might decide to boycott the elections of the national seats, or whatever seats have been suggested here, but I assure you, Sir, the African Elected Members, and I, personally, say that I am prepared to see that the Lancaster House Constitution works, but I cannot commit myself as to the duration of the Constitution, and one ought to take into account the fact that a wind of change is blowing throughout Africa, and that alone will be the deciding factor of the duration of the Constitution.

Mr. Deputy Speaker, I beg to support.

Mr. Rubia: Mr. Deputy Speaker, Sir, yesterday, when I went out of order, I had just finished paying tributes to the two authors of this Report, Sir, I would like to renew those compliments this afternoon before I start.

Now, Sir, I shall confine my remarks to the proposals contained in this Paper. I shall try as much as possible to keep away from the rights or wrongs that took place during the Lancaster House Conference, because I was fortunate. I was not there.

Now, Sir, I shall start my remarks on the question of the primary elections. Now I do appreciate the purpose behind this system of the selection of a candidate by his or her community, because the word, I think, is "protection". Now up to that stage I entirely agree. I think it is important that a certain community should have a say in the Member who is going to represent them, their interests and the interests of all the other people in that area who happen to be outside that Member's community. But, Sir, I have some doubts where a Member is returned unopposed. My doubts are these. I think the purpose of the primary elections, or selection, is just the nomination of a Member, but the actual election is done on a common roll basis. Now, that being so, if a Member is returned unopposed at the primary, then it follows that no election ever took place, and it denies a member of a different community a say in the election of that candidate.

I would like to give an example of a candidate who stood alone in a constituency of a reserved nature. Now if no other candidate comes up it automatically follows that that candidate is elected to represent that reserved constituency. My question is this, Sir. What loyalty will that Member have? What loyalty will he feel is due to the members or the residents in that particular area of the other communities? It is a point that has exercised my mind since I saw this Paper, and I think it is wrong, because if I am returned in a certain constituency, I am assuming I am what I am—an African—and if I am returned by the Africans at the primary unopposed, then I surely do not feel much moral obligation whatsoever as a representative of the Asian or the European, and it is on that point that I felt I should perhaps convey my doubts to the two authors of this Report for their consideration in due course. But I have one suggestion to make, and this is to comply with the request that was made yesterday by the hon. Chief Secretary, that it is no good criticizing if you cannot come out with any proposals. Sir, in order to comply with that request I would like to suggest, Mr. Deputy Speaker, that where a Member has been returned unopposed, that is if he came up alone and there was no rival, or two of them came up and one did not score the 25 per cent mentioned in the Report which he must have to be selected, in that case I would suggest that the election should still go on and should be held, and that it should be on the basis of an ordinary candidate in an open seat, that is, he must have a proposer, a seconder and so many supporters, and in such a case I would even suggest that amongst the supporters there should be members of the other races. If, on the other hand, the candidate does not score the 25 per cent in the open election on a common roll basis, then I think that seat should still remain vacant. The main purpose is this, that the Member should feel he has a duty not only to his community, the community who put him up because of the primary election, but also he has a duty to the other races in that constituency. I am sure, Mr. Deputy Speaker, you will see my point because we are trying to get away from the question of communal representation—I believe that is the idea—and if a Member is returned unopposed at the primary stage, nobody is going to convince me that he is not communally representing the people.

My other point, Mr. Deputy Speaker, is about the qualifications. I think the qualifications are reasonably low and they are within the reach of many people in this country. There is one exception, however, that I take as regards the qualifications. I want to make this point absolutely clear, that it is not my intention to be offensive to any particular community, but I think it is

[Mr. Rubia]

wrong, Mr. Deputy Speaker, that the question of special provision in respect of the citizens of the Republic of Ireland and the citizens of India and Pakistan should still remain in our election rules. Now in case I am misunderstood I will go straight to the point, and that is this. The line that we should pursue from now on is that of trying to form a true Kenya nation, and I submit that we shall not do that by encouraging divided loyalties, which I submit would appear to be the purpose, or rather would appear to be encouraged, by the provisions that there should be special consideration for the citizens of the Republic of Ireland and India and Pakistan. I do not want to pursue this any further because I realize that it can be very provocative, and I think I should leave it at that stage.

The other qualification, Mr. Deputy Speaker, about which I feel unhappy, is the question of the length of service in certain posts, and these are scheduled in the Working Party's Report, and I would like added to that schedule the length of service of up or above three years in a commercial or industrial organization. It would appear, Mr. Deputy Speaker, from this Report that the importance of commerce and industry is in this case disregarded, and I submit that if a man has been a faithful worker continuously for five or six or ten years with a company, that man should have the right to vote, or should qualify on that basis. Mr. Deputy Speaker, Sir, I feel strongly on this because at the last elections when I went to register myself as a voter, one of the qualifications which I gave to the registration officer was my ten years' service with a certain firm, and I believe the same system should apply here. I believe offices held, as listed in the Report, are rather prohibitive, and for those who may not have the Report at present, they are members of a local authority council, including the locational councils, subchiefs and Tribal Police. If those are the only posts which qualify one as a voter, I think that is too prohibitive and too limited.

The Minister for Legal Affairs (Mr. Griffith-Jones): I thank the hon. Member for giving way, Mr. Deputy Speaker, but would he also read out the note to that schedule?

Mr. Rubia: Thank you, Mr. Deputy Speaker. The other one reads as follows: "Posts bearing emoluments in excess of £75 per annum" have been excluded. But, Sir, if a man has been with, say, Smith Mackenzie and Co. for five years and he does not earn as much as £75 is not that man or woman good enough to be a voter? That is the point I am trying to drive at. In short, Mr. Deputy Speaker, I would like to stress again that I still believe the posts as listed here are too

limited and there are people who have given loyal service to our local industry and commerce who should be considered as well.

Now, Sir, my last point, or last but one, Mr. Deputy Speaker, is about the married wives. Now this has been discussed by previous speakers and there is no point in my pursuing it much further because many speakers have given very good reasons and I would not like to repeat them, but I think for the sake of the record I should add my views on it because I think it is really very important. I believe that married women, or married wives—

Hon. Members: Ha, ha!

Mr. Rubia: Yes, there are some unmarried wives. The married wives are usually—I am now thinking in terms of an African home—a married wife is usually in the case of plural marriage a person not only tolerant, but also with a feeling of responsibility towards her community. Now think of an old Kikuyu home. It was the custom that the husband gave the wife a homestead and one or two goats to look after, and that wife in a way had a responsibility to the family, and I think the purpose of going to the election is to have the best brains going to the polls, and I submit that married wives—one man may have three, four or five wives—are in some respects—many respects—even more qualified than an unmarried woman, and I submit that it would be wrong to exclude them purely because they happen to have a husband. Mr. Deputy Speaker, Sir, I would therefore suggest that this is another case which the two very able authors should go into again, bearing in mind all the points that have been advanced by hon. Members, that married wives are, in most cases, as I have said, responsible citizens, and it would be wrong to deny them the right to go to the poll purely because they decided to marry one man.

Now my last few points are about the distribution of seats. Now, Sir, this can be very difficult—I appreciate that. But I think all the same I should advance some arguments regarding Nairobi and Kiambu, and I believe Thika District in the rural areas. Now, Sir, I believe that some of the main difficulties—I am now talking of the open seat in Nairobi—but some of the main problems of representatives—and in case anybody doubts how I know because I do not sit here as a representative, may I say right away that in another council I have represented some people, and to a certain extent I know difficulties of being a representative in an African constituency—but some of the problems are briefly as follows. When you represent an African constituency you are usually faced with problems not only political, if you are representing them on

[Mr. Rubia] the Legislature, but you have even social problems, tribal problems and business problems. For instance, somebody will come to you and say, "Would you mind filling up this form for me? I would like to apply for a transport licence to operate a passenger bus." That, I believe, is not common with the non-Africans. An Indian will go to a lawyer and a European will go to a lawyer, or probably do it himself, but an African representative is faced with all different problems, and I believe that their case should be taken up with that in mind.

It follows, therefore, that in Nairobi where there is only one open seat, and I am assuming that the open seat will go to an African, it is really under representation. I believe the Member who represents Nairobi at present has had quite a difficult time in trying to see to his constituency's problems, but the point is this, when you represent an African constituency you are faced with problems that no representative of the other communities ever face. As I have said, you can take an example of anything, even writing a letter, or even domestic problems. A wife and husband had a quarrel last night. It is not unusual for them to say, "Well, look, will you come and see to this? It is really difficult." And therefore, Mr. Deputy Speaker, I feel that Nairobi should receive consideration and, if I may so, I do not intend to attempt to suggest where to get this seat from, and I think consideration should be given on those lines, and I would say the same also about Kiambu. The Kiambu area has only one open seat—the Kiambu District—and in this case I can only add to what I have said about Nairobi, that in the Central Province—if I am preaching the converted please excuse me, but many people do not realize this—in the Central Province people at present have all sorts of problems. A man comes from detention today. The following day he thinks of going to his representative for advice on some long-outstanding matter about land consolidation, about his home, about which he cannot trust anyone else except the Member representing him in the legislature, and all these problems are unique at present in the Central Province, and I believe that not many people outside this Province realize them, and I am taking this opportunity of informing the House that that is the problem that faces people who are representing people in the Central Province, and I think for Kiambu, although they may have good communications, that the problems I have indicated above do warrant a consideration for an extra seat.

Now quite obviously, Mr. Deputy Speaker, looking at this list, in trying to justify what I have said about Nairobi, one would say this. We

have roughly—I do not think anyone knows exactly—but roughly we have a population in Nairobi of 250,000 people. What justification is there that the Asian community or the European community should have more representatives in Nairobi than the African community?

Mr. Alexander: Because we will represent other races.

Mr. Rubia: I am not suggesting that we should get one from the reserved seats. I realize we cannot do that, but the point is justifying the case for more African representation, and looking at the European and Asian representation there is every justification. Do you want to say anything? I will sit down if you do. That is the point, Mr. Deputy Speaker, and one cannot help that aspect striking your mind when you look at the list. We have about 150,000 Africans in Nairobi and the remaining 100,000 are made up of Europeans and Asians.

Mr. Alexander: We will represent you.

Mr. Rubia: Oh yes, but the point is this, I cannot go and fight for the reserved seats under the European column here, Mr. Deputy Speaker. That is the point. If that was so, and I would very strongly advise having all seats open in Nairobi, because this is where we should try to encourage the common roll first, and I cannot see anything against what I have said.

Now, Sir, having said that, Mr. Deputy Speaker, I would like to end by saying that I believe that any criticisms that will be made in this House should be made with one thing in view, and that is to have a legislature that will be truly representative of the residents of this country regardless of race, colour or religion. Now the reason for my saying this is that as a resident of Nairobi myself, if I went and lived in another area, I would like the representative of that area, be he European or Asian, to feel that I also have some interest in what he does in the legislature here, and therefore any suggestions that we might make in this House I plead should be directed towards encouraging a legislature which will try and achieve that aim of non-racial thinking.

Mr. Deputy Speaker, I beg to support.

Major Day: Mr. Deputy Speaker, Sir, before starting my main speech, I would like to comment on one point which was made by the last hon. speaker on the other side, and that is he filled me with fear and trepidation when he told me that if it should so happen by, or not by, the grace of God, I should again stand for this legislature, I might expect to be called out in the middle of the night to settle arbitration among families among that part of my constituents which were non-Europeans, which I must say, comes

[Major Day] to me rather like a douche of cold water. I did not imagine that was under the duties of an Elected Member.

However, to come down to a more serious attitude, Sir, we have listened to this debate for some considerable time, and I consider the Committee which laid this Report to hon. Members and which laid this Report to His Excellency the Governor on the franchise must be congratulated on a superb example of how it is possible for an able man to make a silk purse out of a sow's ear. Sir, since they both belong to minority groups in Great Britain, as I understand it, their treatment of minorities in so far as these reserved seats are concerned, is a performance of the most remarkable quality and, Sir, it shows a devotion to duty and versatility which I think is a credit to the service which they represent because, Sir, it could be summed up in these words: that they have done their duty, Sir—"theirs not to reason why—and they have produced a result, and I personally, would like to congratulate them on what must have been a very hard and most difficult task.

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

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

That does not mean to say that I agree with it, Sir. In point of fact, I completely and utterly disagree with the findings, as I shall now endeavour to explain.

Now, Sir, it is indeed, I think a tragedy which faces this country today that our political development is outgrowing, like a vast mushroom, the economic development which is lagging so far behind. This is not necessarily a healthy state of affairs, and never in the past has it so proved. I would say, Sir, that many speakers in this debate have stressed the need to speed up these elections. Now, Sir, under certain circumstances, I would agree with them. It has been suggested that they will restore harmony and confidence. If the findings were just, Sir, and they are reasonable and they are workable, this, indeed, could be so, but I cannot in this Paper find that these premises exist. The imposition of this Lancaster House Conference, or you can call it whatever you like, partial agreement, call it by any name you wish, has undoubtedly created a lack of confidence in this country, and it would be dishonest of us to refuse to recognize it. It is, and we all know it in our heart of hearts. Now, Sir, I consider that if you want an instance as to this lack of confidence you have merely to look at the newspaper report of the day before yesterday in which it was stated that securities have

slumped in value in this country since the Lancaster House Conference by over £13,000,000. I do not know whether this is a fact or not, but it is indicative of the position we are all in today and which nobody, no matter what race they may belong to, can afford to ignore. It is, indeed, difficult, Sir, to ask the present representatives, elected representatives of the Europeans to tramp around this country preaching confidence under these prevailing conditions, though I, indeed, have attempted to do so, but, Sir, I did this under the assumption that the British Government might have reasonable, sensible and prudent second thoughts over certain aspects of the findings of the Lancaster House Conference, and I fail to see, Sir, how I will be able to continue to attempt, as I have strenuously done in the recent past, to preach this confidence unless some, at least, of these reasonable modifications, if you like to put it that way, are implemented.

Now, Sir, I would like to deal with the recommendations in this Report or Paper No. 7 in some detail. I find it very difficult when I hear the platitudes which are exercised in this House about the beauty and which are all emerging. I find it very difficult, Sir, to find one concrete positive fact, for instance, in the first instance, why that minority, which is economically the most powerful in this country, has had to have its Elected Members reduced from 14 to 10. I can see no useful purpose being achieved by this. I can further see that if we had remained at 14, I can further see no reason, Sir, why it should be expected that we would in any way have attempted to dominate any of the other races. I consider, Sir, this initially is loose thinking. But, indeed, this is only the beginning. Even more erroneous policies are, in my opinion, advanced in this Paper. It is contended that these numerically reduced representatives of what I think I can honestly say are the milk cows of this country by way of a community, should be represented by persons, Sir, who in honesty can have nothing more or less than split political personalities. It has been suggested, inadvertently, I believe, by several Members speaking during this debate, who have emphasized the difficulties that will become incumbent upon anybody who seeks at some time to represent three differing communities who, whatever we may say publicly, we all know in our heart of hearts, have different ideas, quite rightly, of different ways of life and different approaches to the most fundamental moral problems of life.

A representative in one of these reserved seats is expected, Sir, to cherish his own community, to cherish the interests of the Asian community and to cherish the interests of the African community. In an airy fairy world of make believe

[Major Day]

it is possible to suggest this can be done but it is impossible to get up and say that this can be accomplished honourably and honestly carried out by one man.

After this pre-election the unfortunate European or Asian or Arab goes forward to a common roll and I venture to suggest, Sir, if you face realities you will admit that he will be unwanted not only by the Europeans but he will also be unwanted by the Africans and the Asians. They will be perpetually suspicious of him and of his motives. You may fool some of the people some of the time—this was said by some famous statesman of the past—but you will not be able to fool them all the time and this is an attempt to do so. Why, I ask, should an African in the settled areas not be represented by a person of his own community? How can any honest man carry out this impossible task? Because that is what it is. What sort of an impression is he to give to the three different races whom he purports to represent? Will they clash, can he be honest with them all? This is a point you should ask yourself and search your heart deeply about before you give ready lip service to an innovation such as this. I contend that anybody who undertakes this task must either be capable of the utmost heights of self-delusion or he has to be more or less a political contortionist. I pity the poor unfortunate. It is perhaps often said in this House that we have the splendid example of the Specially Elected Members. That is quite a different kettle of fish, Sir. The Specially Elected Members are here, elected by Members of this House who on the whole are, I think, in essence reasonable and are perhaps not inspired by quite the same feelings which electorates, generally speaking, are. I contend as I have said before, and at the risk of repetition I will continue to say it, that I do not believe that an Elected Member at this juncture of the development of Kenya can carry out this job.

Now, Sir, speaking briefly on this issue and as I do not wish to continue to talk about Lancaster House, nevertheless I do recognize because I was one of the people who were of that minority who represented a large majority of European opinion who did not believe in this Agreement. So perhaps it is easy for me to talk like this. It is indeed easier to talk like this for me than for others. Though we held this view at Lancaster House I think it would be fair if I said here today that we are now concerned only with the injustices which we feel were inflicted at that Conference on our community. Nothing more than that do we ask.

It has been suggested that we should embark on a re-orientation basis and our mind has been

the arithmetical juggling with percentages and the commutations which have been suggested. I consider that it is right and honest and I will continue to do so, to ask, Sir, that a communal representation providing that it is not directed at an attempt to dominate is the easiest, the simplest and the best method to be continued for those minorities in this country at this particular stage of evolution and I would like to break off here and comment on the remark which was made by the Specially Elected Member, Mr. Blundell. He said, Sir, and I must admit that I have some form of sympathy with what he said, that in the future the pattern of this country will inevitably become one of a mingling of all the communities that, I think, is inevitable. Surely no sane or reasonable man would dispute it, but, Sir, what I am in effect disputing today, what I am trying to say today is not to advocate racialism but to advocate prudence and to stop, Sir, this headlong rush, this headlong rush towards an experiment, which has been proved nowhere, Sir, in the world today. Let us be prudent, Sir, in our outlook upon this thing.

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

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

Let us not consider that the susceptibilities of ordinary people are things which can so easily be disregarded. It is easy for people in this Council to get up and say "Let us be non-racial, let us not say this, it is wrong to think of our communities". But, Sir, the majority of people do and you must educate people before you will imbue in them a differing opinion to this. And this is the reality which you must face. So although I agree with the Specially Elected Member in what he said as a long-term view, I consider, Sir, we should approach this prudently and carefully.

Mr. Blundell: I thank the hon. Member for giving a view. Would the hon. Member not agree that if we accept that, the question is that we must make a start some time on this laborious process?

Major Day: I think, Sir, we have already made a start on this laborious process and I would contend, Sir, that the enormous number of seats which are virtually now, I think you call them common seats or open seats, are in fact an immense stride forward and I am confident that any reasonable person of the majority race in this country in his heart of hearts will realize this. That is all I am asking, all I am saying is that the transition should be more gradual. In a later part of my speech perhaps I will answer a little

[Major Day]

Specially Elected Member and I think before I forget to deny or rather to correct him when he talks about the Member for Aberdare having suggested a 33 per cent. I personally do not believe in these percentages. I think they are absolute poppycock.

Sir Charles Markham: What about 25 per cent?

Major Day: Now, Sir, I would like here to ask the Government in all humility, the two able Members who wrote this Paper, these questions? How does true communal representation affect the final political issue in Kenya? Can anyone then suggest that any minority in this country is seeking to dominate anybody anywhere? It is not the suggested formula for the reserved seats nor a type or form of partial disfranchisement for all the voters whether they are Asian, African or European in the reserved seats? How can candidates elected in this manner be truly representative? This a fact you must face please I beg of all hon. Members in this House not to boggle over it. How can they be truly representative? And what do they in fact represent? I venture to suggest and I display no animosity in this, that my hon. friends the African Elected Members who at the moment have given some indication of a lukewarm support for these reserved seats will perhaps be the very first in a few months' time to turn round and cavil at the fact that their people in these reserved seats are not being truly represented. Are these reserved seats in fact not contrary to all basic democratic thinking such as we know it? If a measure such as this, Sir, were imposed in England today, no Government could survive.

Now, lastly, supposing I am wrong in all these questions I have asked, what other honest and effective means of representation exists in fact other than communal representation? I contend that it is either that or some form of nomination representation or representation by decree.

Lastly, my question is this, or rather this is my last question, does this Government realize that it will in fact lead to—(Inaudible)..... Somebody can sit up there and say it will not, I say it will. Now all "rotten borough" methods or whatever you like to call them, things that were got rid of in England in the 18th Century, does the Government believe that some things which could lead to these methods are in the best interests of this country? I contend, Sir, that the proposed franchise is a political face saver for the ill-informed and indifferent politicians in England and the "do-gooders" in England. Otherwise why are the minorities—and that is what it boils down to—being subjected to these arbitrary measures?

The reservations made at Lancaster House have been completely glossed over. I am not trying to gain any political capital out of this, what representation except two have, for instance, the Masai tribesmen? I contend, Sir, that Kenya will indeed become a land fit for heroes to live in under this sort of democracy when some are going to have democracy and others not. I consider it embodies a travesty of justice and that is my main objection. I know you consider it humorous but it is an inescapable fact. It is indeed a travesty of justice.

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

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

Now we Europeans, and possibly in the near future some of the minorities are now in the position of having our land title under dispute, we have a cynical British Government making a mockery of the pledges given us in the past and, I contend, Sir, that we are being treated like nothing but cattle. At one blow we are told that the education of our children may be tampered with in the future and they now ask us gracefully to agree to what I consider is almost truncated political representation. In spite of this we are asked to come, stay here and farm in this country so that the economy will remain viable. That is what we are told to do. If we protest we are not co-operative, or else we are reactionary or we are unreasonable or we are not moving with the times—that is a favourite one. We are at once urged to have confidence in the future of Kenya and we are stigmatized as defeatist if we ask why we should have that confidence, and time only are we in danger but I contend that the lot of others is coming, it is not so far ahead, let these facts unfold. It may be, I hope sincerely, that my prophecy is wrong. We are enjoined to practice this democracy, we are about to be denied its elementary rights. I contend that those denied its elementary rights the future of this country at who really have the future of this country at heart—this way lies ruin, ruin to any ultimate harmony and ruin economically. We are living in an atmosphere of make-believe. Now recognize it. You may not have very long to do so. If this franchise is imposed against what is the will of the vast majority of the Europeans and perhaps the other minorities, if we could read into their hearts and really know what they think, if it is imposed, Sir, history will not honour the British Government which relentlessly refuses to hear our voice. I oppose this Paper, Sir, on the grounds that it is not moral and it is unjust, it is undemocratic and, above all, Sir, it is shortsighted. I beg to oppose.

Captain Hamley: Mr. Deputy Speaker, I have not much to say but firstly I was very interested in what my colleague the hon. Nominated Member, Mr. Rubia had to say about married wives. I did not quite follow whether it was votes for goats or goats for votes, but what I will say is that I do hope that when married wives are given the vote, if I had my way those wives would be the ladies who drag loads of firewood up Banana Hill. I wish they had the vote so that they could put a little political pressure on their lords and masters to be a little more humane.

Secondly, Sir, I would comment on the various ideological speeches made this afternoon. One of the Nominated friends on my right, for instance, talked about the Muslim and the Non-Muslim vote. I do suggest that that is entirely beside the point, what this Working Party has been told to do is to frame election rules written on the framework of the Lancaster House Conference. Whether there are Muslim and Non-Muslim voters is beside the point; they cannot alter that, and I think we should not lose sight of that point.

Thirdly, Sir, and this is my main point. It concerns the primary elections. I have heard a lot about them here and from the man in the street, and I think, Sir, that we have got to get down to brass tacks on this subject for I think we have talked round and round it. What the man in the street has misgivings about over these primary elections is the plain and simple point that it looks as if the man who gets most votes in the primary election is going to be the last man in the common roll election. I feel that something has got to be done about this. If I was an astute politician instead of an honest-to-God sailor, and I was going in for these primary elections, I should get everybody to vote in the primaries for my opponent and just enough to vote for me to get me through. That, I think, would be the end of my opponent. It seems an entirely wrong principle. I do not know whether the Working Party has got any discretion in this matter, but it is a thing that the man in the street is concerned about. Something must be devised because it is a left-handed—altogether a left-handed arrangement of working an election. Surely the chances of a man should not be prejudiced because his own community favours him? I have thought about this a lot, and I throw this suggestion into the arena, it may or may not be practicable, but it seems to me that it would be a better thing. Sir, if having decided the proportion of votes that gets a man through a primary, it was just announced, for example, that A and B were through the primary and C was not. No numbers of votes in by given. I feel that that might do

something to reduce the prejudice. I do not like to be destructive; that is a constructive suggestion and it might bear examination, but I do consider myself that if a man goes to the common roll with, say, 75 per cent of the primary election votes, it is tantamount to cutting his own throat, because he is going to the common roll and saying: "I am more pro-European than my opponent."

Sir, I beg to support.

Mr. Travadi: Mr. Deputy Speaker, Sir, I rise to support the Motion and before I go into detail I would like to pay warm congratulations to the two hon. gentlemen, the architects of this Working Party report. I have several reasons for congratulating them, the first being that it brings the election really near, at least before the end of this year or just after. The second reason is that it will bring the registration of voters on a common roll for which I have been fighting, and for which my community has been fighting, for the last—since 1914 I should say, so that is another reason why I should congratulate them.

A third reason, Sir, is that it abolishes the system of postal ballots. I remember in 1952 when I lost to my opponent the Minister who is sitting here, it was mostly by postal ballots only, and there are others of my Asian colleagues who have likewise lost. So that is another reason for congratulating the two distinguished honourables for suggesting to His Excellency the Governor that a voter's pass should be issued. I know how much money it costs and how difficult it is to trace a voter and sometimes I think there are people coming out from the dead and impersonating themselves. It is also a very good thing indeed that a voter's coloured card is coming out in different colours either for primary or for general elections. There is also a fifth reason that these cards are to be handed over personally to the voter himself, because otherwise the possibility is that a man sitting in the office can forge, say, about a thousand or two, filling in these forms in somebody's name and send those registration forms to the district commissioner and then the district commissioner can send the voter's card by post and somebody can distribute them at the right time without the authorities even knowing it. I know, I was told so, this was the practice in the past and now the Government has detected that and so congratulations should also go for that purpose, too.

Now, I had the misfortune to lose the election and my appeal for recounting went to the Governor in Council, and it was dismissed. Now any dispute over an election goes to the court. And from this authority you can go to any

[Mr. Travadi]
and binding. I must congratulate the Government for putting in this recommendation and this is very acceptable to me.

The last but not the least I should say, the Government has agreed after all when a Member here is imprisoned for over six months for any criminal offence he automatically vacates his seat. I mean this took no account of acquittal or reduction of sentence on appeal. The Member for Nairobi Area proposed that question and it was supported by me and I am very grateful to the hon. Members that all these things have been embodied in the report and therefore congratulations I must shower on them.

Though no doubt I find when reading impartially the report, I find that the report is much more pro-minority than pro-majority. But I am not going to comment on that at all. Just one remark in answer to the hon. and gallant Member, Major Day's, remarks. I should say that if he was here that it is more pro-minority than pro-majority and he must make a note of it.

Now, Mr. Deputy Speaker, coming to the primaries, much has been made out of these primary elections by minorities. I think the Members who were present at Lancaster House knew very well that the majority of the delegates tried their level best to prevail upon the Secretary of State to agree to the preservation or perpetuation of the communal roll as hard as they possibly could. But there are others like myself—no doubt in a minority—who hated this communal roll business because it has divided this country for the last 40 or 50 years, torn it asunder and still persisted efforts are being made to retain it, and so forth. Well, after all, the Secretary of State was a wise man, wiser than most people seem to think and he thought out a compromise. He entirely abolished communal voting which is at the moment in operation and he worked out a *via media*, a sort of compromise line which he said should be some sort of primary, communal election, just to give the minority a number of reserved seats—a sort of genuine voice in the voice of the Government and this suggestion was more or less acceptable to the majority of the delegates there.

Professor MacKenzie, the legal adviser of the Colonial Office tried to suggest about half a dozen alternatives to give effect to the Secretary of State's suggestion and only one acceptable to the majority of the delegates, leaving aside the United Party. It was this, the primary communal election, and that was acceptable to the majority as I said before. And the percentage and not election was suggested for the selection and not election of a reserved seat is also a reasonable one, and I agree with it. At Lancaster House the suggestion

was of 20 per cent. The recommendation of the Working Party of 25 per cent is a good compromise and fair to all. So there is compromise here for selection and not for election of the minority man in a reserved seat. I think it is a very fair suggestion on indeed and I should say it was just to avoid a sort of "stoogie" whether he be a white, black or brown "stoogie" of any community that this particular compromise is sought and made acceptable to the majority of the people.

Mr. Deputy Speaker, only the day before yesterday and only yesterday there appeared in the *Laur African Standard* and other newspapers, and everybody heard on the radio that the Kenya Indian National Congress has published a resolution recommending the Muslim community to let go its right of minority three seats or four seats so that the one main obstacle in uniting Hindus and Muslims may disappear and become a sort of one Asian community and that those seats could be evenly spread over the whole of Kenya, avoiding two seats in one constituency. However, the Congress resolution has only just appeared and it would be, due to lack of time, impossible for the Muslim body to consider it, but I do not know whether it is just possible even for us here to agree to any suggestion which is not in accord with the compromise agreed at Lancaster House. But if the whole community is unanimous I think that that is a possibility as something which may be done.

Mr. Deputy Speaker, coming to one suggestion which has been made on page 4 about the primaries, we see at the last seven or eight lines, the last nine lines of paragraph 3. It is said here, "If no candidate receives as much as 25 per cent support, the position will be that there is no real consensus of opinion among the voters, the primary will have failed to fulfill the purpose for which it is intended and accordingly all candidates should be qualified to contest the common roll election. We are convinced that if a primary proves wholly inconclusive, all candidates should be allowed to go forward because the failure of a community to demonstrate effective support for any candidate should not result in the common roll electorate being deprived of elected representation."

Here I will make a suggestion, Sir, that if at one stage there are about, say, four candidates standing and if all the four do not get 25 per cent, meaning thereby of all the voters, they should have the chance to stand for the common roll. Now why make all four stand? Instead, why roll. Now why make one more so that if it is for only one seat you should allow the two highest, those one seat you should allow the two highest, those who get the largest number of votes out of the four—only two—so that two will save their

[Mr. Travadi] expenses. Otherwise, they will all have to fight the general election which will no doubt cost them a lot. That is only my humble suggestion and I feel it may appeal or it may not. I do not know, but that also will require a sort of a change in the recommendation No. (vi) on page 5.

Now, turning to appendix III there are 33 African seats or open seats; they are not actually for Africans but there are 33 open seats. Well, there are over 6,600,000 people. It comes to this, that each seat is for 200,000 people. Two hundred thousand multiplied by 33 makes 6,600,000 people.

Captain Hamley: Well done!

Mr. Travadi: That means there are 200,000 people to each seat. There are ten seats for about 200,000 Asians meaning thereby that one seat is for 20,000 persons. There are ten seats for nearly 70,000 Europeans so that 7,000 Europeans are equal to one seat. That means that 7,000 Europeans are equal to 20,000 Asians and 200,000 Africans. I am only drawing the attention of this House to the disparity between the representation that appears here in the formula.

Now, I will not go much into the details thereof, but Nyeri Township has been discussed here and I would say, Sir, that up to now geographically the whole Central Province has been overlooked, practically neglected and now the giving of even one seat to this town, Nyeri Township, is I think geographically and from the point of view of communications a very satisfactory suggestion. However, it has been suggested to me that the population of the Asians there is not much more than people thought. I thought out that problem very well and I thought if Nyeri Township and even Nanyuki Township and Karatina, if all these three towns could be combined together and consequently if these towns be deducted from the Nanyuki District—except for the township of Nanyuki—then I think the suggestion would be that the population would be something like 2,500 to 3,000; if it is at all possible or feasible as is suggested.

Mr. Deputy Speaker, I have worked out a lot of suggestions over and above what has been suggested in the Working Party's Report. Each candidate should submit his election costs or account to either the returning officer or to any officer that may be decided upon by Government. Also a certain amount should be fixed beyond which a candidate should not spend. These are the two suggestions I hope the Government will take into consideration.

Mr. Alexander: And an audit certificate.

Mr. Travadi: And I have one other suggestion still here. We are still having racial reservations,

tribal reservations, as you know; otherwise, I would urge the Government to include as one of the rules that no candidate should touch at all upon the racial side or create some sort of antagonism between the races, a sort of racial hatred of that sort.

Now, coming to the qualifications of a candidate. Mr. Deputy Speaker, on page 8 (e) it says: "As hitherto a candidate should be a registered voter and be able to read and write and speak English with reasonable proficiency in order to enable him, if elected, to perform his functions in the Legislative Council. For the purposes of proficiency in English we suggest that the qualifications should be . . ." and then there are alternatives . . . that he possesses a degree from any university." Now, we have still to establish a university in Kenya. There is no doubt that full discretion is given to the Language Board before which anybody can appear, but it is still rather a hurdle for a man to appear before a Language Board. But to make the thing very easy, I think a man having studied up to Form IV—that is, a man who has completed the Senior Cambridge or secondary course—should be allowed. That would be a very reasonable suggestion. No doubt, as we are all now aware, the Minister for Education has made the medium of instruction English from the very bottom, from Standard I, but after all it is only maybe, in two or three subjects or for the last three classes—Standards V, VI or VII—and it may not be done in all the schools. This particular secondary course, Form IV, would be a very reasonable suggestion and I would put it before the Government in all humility to consider if they think it would be in the best interests.

Now, about the qualification of National Members, I would have preferred those 12 Members to be elected directly by the public, but as it was not possible there and everybody agreed I will also join hands with them. Now I find that to prevent a prospective candidate from getting into the Ministership, he will have to think twice before he stands. If he is elected then he shall not get the chance of becoming a Minister, but if he takes a risk—and particularly if he is in the Asian community who have at the moment only one Minister—well, I think nobody would dare take a risk and then he will have to fight it out and take his chance. If he is elected, well, then, well and good, but otherwise if he is defeated then he stands a chance of standing as a candidate and be able to take it again. I think this is a very great hardship and there should be no bar against anybody standing if elected or defeated or an outsider. I would suggest, therefore, that that should be left entirely free for anybody to stand as a candidate for National Membership.

[Mr. Travadi]

Now, as regards multi-Member constituencies, where there is more than one Member provided, by implication—if I understand it—there will be only one vote cast by each voter; that is, if I have understood it well, there will be a single non-transferable vote. The system would be made applicable thereto. I understood at Lancaster House that this proportional representation taken on the non-transferable vote system was only applicable to the National Members and not to the general constituencies. That was my understanding. It may be that the Minister for Legal Affairs is nodding his head in a negative sense. He may be completely right, but my understanding was that. And there is no alternative. I tried to wade through and read the whole report and I cannot find a single word to substantiate the assertion made by the Minister for Legal Affairs. Whatever it may be, it definitely comes to this, that in our constituencies when there were two Asian seats in the past when anybody was using a single vote we were actually taking him to task and we said that he was betraying the community. Having been given two votes, he was trying to exercise only one vote and giving a sort of a tool to the Government to cut down the numbers to one, and so on. Now we find that the Government is legalizing this very position which we have hated for many years past. I think the Government will kindly give sympathetic thought to this and think it over again to see if there is anything to support the assertion of the Working Party.

Now, Mr. Deputy Speaker, much has been said here about the Lancaster House Agreement. A large amount of the agreement, no doubt, was a sort of a fair compromise. Compromise it was, and it is—as to that, there is no doubt: The hon. Nominated Member, Commander Goard, I think, made a very good point yesterday and he read out the whole of paragraph 18 of the Conference Report, which is particularly relevant to this point. But from the very start there unfortunately the United Party have been adamant, adamant to an extent that before anybody was born they began to prepare for other, they started agitating. The retort made here by the hon. Member for Nairobi Area here by the present compromise is out of date even now before being put into operation, and I think it is the right retort today. Those who go on thinking in the terms that they will go on dominating as they have been doing in the last half century I think are out of date. Let us realize that this the twentieth century and that half a century has already passed, and a decade more, and one ought not to dig over past history. This is 1960 and we will be entering 1961. The tables have been turned upside down. Every-

body knows it. Indeed some ten years or eight years before the Europeans were demanding self-government like South Africa here in Kenya. Now today that the Africans are the masters of their country—they appear to be having the Government in their control in a very short time. I think here is some food for these United Party Members to think over and even for our ex-Speaker, C.B. as he was well known. Times are gone; you cannot bully the Government now. Those days are gone; you cannot take up arms and kidnap the Governor. You cannot surround Government House. There is coming not only self-government to this country, but even the independent countries surround you. I think you had better think twice. Look here: Mr. Deputy Speaker, the beauty of the whole *shauri* is that their boat is sinking yet the European community or any part of it is not ready yet to accept the Asian community as its equal; and they have no friends left now with the exception of themselves. And they themselves turn asunder with the exception of some of the Nominated Members and Ministers who are their Members, no doubt, but otherwise there is no single African or Asian Elected Member in their camp. Not one. I think that should make them think twice.

Mr. Blundell: In spirit!

Mr. Travadi: And they are plotting and talking about who will go first, the pound that will be devaluated, but what about the Asians. They have lost millions and millions of pounds because they have been systematically deprived of the land that they ought to have shared in this country. And who has done that? Not the Africans. It was the European community who deprived the Asian community from 1906. I should say, to 1960.

Can we not claim damages for the whole community. I do not think we can. In any case we do not want to and we have never thought of doing it, but this is one of the ways of making unnecessary hurdles. Only yesterday, Mr. Deputy Speaker, I read that the securities of East Africans had been reduced by £13,500,000. Who does the responsibility for this burden of the reduction fall upon? It falls upon the United Party who go round agitating and lowering the prestige of this country.

The Chief Secretary (Mr. Cottis): On a point of order. Mr. Deputy, I do not think we have made any recommendations about land, about the United Party, or even about hurdles. Is the hon. gentleman in order?

The Deputy Speaker (Mr. Conroy): The hon. gentleman is getting away from the point and I must ask him to stick to the Report which we are debating.

Mr. Travadi: Thank you very much, Mr. Deputy Speaker, but the reference was made here on my side—

The Deputy Speaker (Mr. Contoy): Mr. Travadi, I am not going to argue about it. I have ruled that what you are discussing is out of order.

Mr. Travadi: I bow to your ruling, Mr. Deputy Speaker.

Mr. Deputy Speaker, I would like to conclude my speech by warmly supporting the Mover.

Mr. Nurmohamed: Mr. Deputy Speaker, Sir, first of all I rise to support the Working Party's Sessional Paper, and I would also join my other colleagues who have congratulated them on the hard work which they have put into this.

The Deputy Speaker (Mr. Contoy): Mr. Nurmohamed, would you speak up? Some hon. Members are having difficulty in hearing you.

Mr. Nurmohamed: Now, Sir, I come to this point about the primary elections, Sir, I understand that some of the European Members are in fear and want to have 33 per cent as the minimum, but I feel as far as the Asian seats are concerned that 25 per cent will be quite sufficient, because the number of voters is very large in the Asian community in all the electoral areas. I think that 25 per cent will give the candidates effective and genuine support from the community.

Now, the other thing which I wanted to bring up was the point which was brought up by my hon. friend the Nominated Member, Dr. Adalja, about the Muslim and non-Muslim communities, Sir, united within the Asian community. He requested that they should come together under one voters roll. I am sorry to say that I do not agree with him for the simple reason that the non-Muslim community is very largely in the majority and it is these people, instead of asking the others to come together, who should have offered their hand of generosity and come forward and given one of the seats from the seats to the Muslim community to show that they are very sincere in asking to go together on one joint common roll. I think, Sir, it was in 1947 when we were separated because the non-Muslims were so much in the spirit of domination that the Muslim Members were dependent on their mercy even in the local bodies when they stood for election, and it was also the repercussions of the partition of India and Pakistan that this thing happened, and yet I remember, Sir, as one of the Members of the Indian National Congress, I was Vice-President at that time, and we requested them to accept the reservation of seats with the joint communal roll, one roll, but they refused,

Sir, with the result that we had to get out and ask the Government to support our representation. I think the time will come when all these communal representations will go out, and there will be one common roll for all, in the near future. So that this matter does not arise, Sir, and I do hope that Dr. Adalja, who of course was very sincere when he made this suggestion, will also realize that the time will come soon when according to his ideas and according to my ideas the common roll will be coming to this country, and this question of division will be put out once and for all.

Now, on the question of National Members, I wish to speak about the proportionate votes, because when there are more than four members of one community to be elected for the national seats the proportionate representation will be one single non-transferable vote, and there will be 13 votes from one side, according to this Report, but a Member must receive a minimum of seven votes before he is elected. I do not understand this jargon because it is a type of proportionate representation which has never been introduced in this country. In many countries this system of proportionate representation has been introduced but it is for the first time to be introduced in Kenya and I hope it will be workable and at least when the time comes the people who are going to elect these Members will understand how to give their votes.

Finally, Sir, I agree with my friend the hon. Member for Central Area, Mr. Travadi, in connexion with the removal of postal ballot votes. I think that voting was really a curse on the electorate because many candidates used to play tricks and used to find out how these postal votes could be found from the surrounding area, and they used to play with and rely on these, Sir, with the result that many candidates were defeated only on account of these postal ballot votes.

Otherwise, Sir, the whole White Paper should be given a fair trial and I think the suggestions already made in this Paper should be supported.

Sir, I beg to support.

Mr. ole Tipsis: Mr. Deputy Speaker, Sir, I rise to make a few observations on the Motion before the House.

Now, I do not want to dwell much on the hard terms of the Lancaster House Conference agreement, but I think it is only fair to say a word or two since this has been mentioned by quite a number of speakers. Now, Sir, some of them would like to have it called an agreement, some of them would like it called a compromise, and some of us would like to call it something else: but, all the same, we, most of us, went to London

[Mr. ole Tipsis]

to try to bring something acceptable to the majority of this country's inhabitants. We did not try to go there, of course, to try to get something which is acceptable by any minority group, and as such I think it is only fair that we should all do our best to try to pull together and really examine ourselves, to try to find a way in which we, as citizens of Kenya, could work together with our fellow countrymen. Now, Sir, the thing is this: we on this side, especially the African Elected Members, have extended our hand of friendship to everybody. We have repeatedly said that nobody need have any fears whatsoever unless he is out to suggest that we are subhuman. We are interested in looking after their affairs, after the individual human beings, without any discrimination whatsoever. But we have some people here who want to keep on enjoying the old privileges and some people who do not want to change with the times, and some people who believe in dwelling on the glories of the past, and so on. This is where the difficulty comes in. Such people, I think I am right in saying, are the people who are causing all this trouble, and in fact unless they change their minds pretty soon they are going to be causing a great disaster to themselves and not to us.

The Deputy Speaker (Mr. Contoy): Mr. ole Tipsis, we are not discussing the Lancaster House Conference and what happened there. We are discussing the Report to try to implement the manner in which the elections are to be held under the agreement reached at that conference, which is entirely different from what you are dealing with now.

Mr. ole Tipsis: Thank you, Mr. Deputy Speaker, I will drop that subject for a change.

Now, Mr. Deputy Speaker, if I may turn to the actual Paper which is before us, I would just like to make a few comments here. I am not quite happy over this abolition of the postal ballot because you have got a number of people who are residing in an African land unit, and a big number of them move to other districts in order to seek employment. They might be registered in their own home districts as voters. Now, having got out of their home districts when the time for the actual election comes, and since we are given to understand that they are not allowed to transfer their votes to the new places of employment or resident, then what will be their position? It would sound rather unwise to have a big number of employees being compelled to leave their places of employment to go back to their home districts just to cast their votes. This, I think, is something which is worth looking into.

Now, the other thing, Mr. Deputy Speaker, that some Members seem to like to stick to the old ideas—which have, so far as I am concerned, gone, and there is no hope of getting them back—concerning communal representation.—I think we all agree, and I am sure that the authors of this Paper have even made it clear, that we have now moved on to the common roll instead of communal representation. Now, some argument has been advanced in this respect, especially with regard to the reserved seats of having people of your own choice elected to represent you. As far as I can see it, Mr. Deputy Speaker, I think the authors of the Paper before us have been confronted with an enormous amount of work and I highly doubt whether these people who shoot so much from this side of the House, if confronted with such a task, would be able to do it as ably as the authors of this White Paper.

Now, the question of having people of your own choice elected to represent you, I think, has been squarely dealt with in this Paper because you find that especially in the settled areas where we have thousands and thousands of African workers and employees, it is proposed that they are to be represented by a Member who is elected on the reserved seat. Surely we are entitled to ask as well what right these people have who do not belong to the African community, to represent Africans in the settled areas. The same thing also applies on the other side, and unless we are sincere and honest and adopt an attitude of give and take we shall never get anywhere at all in this country.

Now, if I may now turn to the question of distribution of seats, I am not very happy about the whole distribution in some respects, especially in my own constituency, because I should have thought that at least, given quite a number of reserved seats in this particular area, we should have at least broken any idea of forming a block of reserved seats in any area. What I mean is this, I think it would have been very fair and necessary in this stage of our country's constitutional development to teach at least some of these die-hard Europeans that they can be represented by a Member irrespective of the colour of his skin.

Now, Sir, the other thing was that I was quite unwell to hear a number of hon. Members, both yesterday and today, talking about the less populated areas and saying that they should have less representation. Mr. Deputy Speaker, I always try to be frank and I do not believe in trying to beat round about the bush because these Members could not tell us, and they had no courage even to mention what these less populated areas they had in mind were, although we know what

[Mr. ole Tips] they had in their minds. Now, Sir, I think that we must look at the whole affair very, very squarely. If I may give an example, take, for instance, a constituency such as Nakuru or Kisumu, or Eldoret for that matter.

Now, of course, you have a big population and there you have no difficulty with communications. There you have a more enlightened population. There of course you have a more organized population and there of course you have big brains. But if such a township is entitled to one Member then surely a very big area consisting of, say, 8,000 square miles, with, say, 50,000 or 60,000 people, is more than entitled to one. This is only logical. I would wish some of these friends of ours to represent such a vast area and see the hardship to be undergone: spending nights in the bush in the mud, at the mercy of lion and buffalo, whereas in a town they only have to walk to a club for a bottle of beer and then retire happily home. Therefore I think we should bear in mind that the seats should be conveniently distributed throughout the country so that no part of our country is left unrepresented. This is what counts most. After all, we want capable legislators and not just people coming here to represent a particular area: that is what counts. I think we should stick to that.

Now, I want to turn to the question of the National Members. I read in the White Paper a paragraph to this effect, that an intending candidate must opt whether to stand for a constituency or a National seat. If, having been elected for a constituency, he wishes to convert to a National seat he must first resign his constituency seat and then take his chance on his failure to secure a National seat. Now, I want only to seek for clarification from the Chief Secretary on this one. I would like to know what the position would be in respect of a candidate who stood and lost a constituency seat by contest. Also, is a Nominated Member of this House allowed to stand for one of these National seats. The Front Benches, of course drive most of the brains from the Back Benches and we would like to have them sitting on this side of the House as well. I do not want them debarred from standing if they so wish.

Now, Mr. Deputy Speaker, the other thing I would like to ask the Chief Secretary to consider—this is worrying me a lot—has something to do with the qualifications: an income of £75 per annum or property valued at £350. Now, I feel, Sir, that there is something wrong here. I think the property value has been put up too high. I say this because one has only to approach some of our wage earners who have an income of about £75 per annum and ask them to show

that they have at least any property worth £350. I doubt whether you will find any, and yet these people are allowed to register and vote. Why should there be such a big difference in the income and the property value? I think there is something here to be really considered, because you find some of these people with an income of £75 per annum, registered as voters, hardly have any property worth even £10.

Captain Hamley: But it is "alternative".

Mr. ole Tips: What is that?

Captain Hamley: Or.

Mr. ole Tips: Now, the other suggestion I would like to make is about this new constituency known as Central Rural, that is Naivasha and Kiambu and many other places, and Thika. I think there is something here worth considering with a view to changing it because practically, or from the point of view of convenience, it is quite impossible or impracticable because, I should have thought, you can easily have the Naivasha District and the Nakuru District together and then you might as well have Kiambu, Thika and all these other Machakos areas together. That would work conveniently for whoever the Member is.

Now, the other thing, Mr. Deputy Speaker, is—I do not want to dwell very much on it at all and I would only like to mention it—this question of married women, especially when you have many wives. Then, if you qualify on property alone, that property qualification should apply to all your wives. I mean, they are equal in status so why differentiate between them? I mean, they enjoy your property together so there should be no difference there.

Now, the other thing, Mr. Deputy Speaker, is on this list they call Schedule of Posts for Qualifications as Electors, there is one thing which is worrying me greatly here too in that amongst the posts listed here there is something lacking, because surely we have quite a large number of our working population, especially in the settled areas, who are well-respected old men who have worked faithfully for many years. I think it would be very unfair to them, simply because they do not fall within the scheduled posts they should not vote.

Major Roberts: They are over forty.

Mr. ole Tips: There are some, of course, who are not even forty for that matter. There are some who are younger than that, who have started working right from their childhood, they might be only thirty now. What are you going to do about them?

Major Roberts: They are old men!

Mr. ole Tips: They might have worked for twenty years and started working when they were only ten, with only one employer. Now, such a man surely deserves consideration. His wage or income might not come up to the £75 per annum. See? It is no good saying, you see, "He must be useless!" He is not, he is not. It depends on—all right, I do not want to talk that much, it does not come within the subject any way, but I think they ought to be considered.

Now, in conclusion, Mr. Deputy Speaker, I would like to say that it is human nature that everyone would like to have as much as possible, to make the best out of everything. That is all the argument we are having here, Sir. Some people seem to think, "Oh, if we had another seat there, there and there," and when I ask them to tell us where some of these seats would come from, well, they say, "All right that is something we might discuss outside." I do not like that business myself, Mr. Deputy Speaker. If we are to dispute and agree properly, we should thrash any differences out here and I would be very, very much surprised if I smell anything which smells like to trying to alter or trying to spoil anything which we have agreed here. I am not, of course, opposed to the wording. I mean that is all good, but when it comes to the real business, then let us turn to face it and settle it squarely here, because unless we have that courage to stand firm, then we are asking for a big political storm and disquieting position. I hope that this warning will be taken into consideration.

I beg to support, Mr. Deputy Speaker.

Mr. Pandya: Mr. Deputy Speaker, Sir, I welcome the Sessional Paper for it gives us an opportunity to make observations on a subject that many of us may be very much concerned with early next year. I would also like to join with other hon. Members in congratulating the two Members of the Working Party on producing such a Paper which is fairly easy to comprehend, particularly taking into consideration the complicated subject that it deals with.

Now, Sir, it is to me a matter of regret that some hon. Members have not spoken within the terms of the Sessional Paper but showed their opposition and objections to many of the essentials of the Lancaster House Agreement. This in itself is lamentable when such views were expressed by those who were parties to the Lancaster House Agreement and I do insist like some of the other hon. Members that it was indeed an agreement amongst the majority of the representatives present at the Lancaster House Conference. Rightly, Sir, when such matters were raised before the Working Party they were promptly referred to the Secretary of State for the Colonies.

The hon. Member for the Aberdares asked what right had anybody to reduce the European seats from 14 to 10. I would like to ask him what right they had to have the 14 seats in the first place. Sir, he also I think felt that it was wrong in principle for one race's representative to represent another race. Now, Sir, I remember that there is a precedent in this very country—and I think it was prevalent for many years—when Englishmen represented African interests for over 30 or 40 years. Now we are only extending this principle, Sir, and making it applicable to other races.

Now, Sir, some of the hon. Members have to my mind showed an amazing lack of reality and appreciation of the situation in their observations. To those, Sir, I would like to commend the speech of the hon. Specially Elected Member, Mr. Slade, when he spoke yesterday and one of the points, Sir, that I would like to emphasize, that the reserved seats are not meant for only those that represent people of the minority races, but for the many others of all races who are within that particular constituency. Sir, what it means in practice is that it only designates for one race a particular constituency and that candidate is eligible to stand in the constituency but all these people who live in that constituency are able to vote for that candidate in the reserved seat, be they Africans, Asians, Arabs or Europeans. Now we must learn to represent each other. I think that is the very essence of the common roll elections. When, say, an Asian Constituency Member next year speaks in this House he is not only speaking for his Asian constituents; he is indeed speaking, Sir, for all those people who are living in his constituency. This is an opportunity to get away from the present racial attitude in which we have been immersed for so long and I regret to see some of the hon. Members clamouring for a return to the system of communal representation.

Now, Sir, with regard to constituencies, I support the principle enunciated in the White Paper of separate constituencies for open and reserved seats and that division should as far as possible be on a geographical and district basis. But, Sir, keeping this principle in mind, I cannot see any justification—a point that has been made by several other hon. Members—for the seat of Central Rural which, Sir, covers areas which are far flung and not adjacent to each other. If such a principle were to be accepted, then I would support the proposal that was made by my hon. friend, the Member for Central Area, that instead of having only an Indian reserved seat for Nyeri Township only it should be extended to include Nakuru, Naivasha, Thompson's Falls, Nanyuki

[Mr. Pandya] and Fort Hall which, indeed, Sir, are more adjacent to each other than the proposed areas in the Central Rural Constituency.

Now, Sir, the hon. Member for Mombasa quite rightly pointed out the difficulties of delimiting constituencies particularly in towns. As he said, we have discussed this matter, but I do not agree with his observations that multi-Member, multi-racial constituencies not including the open seats are the answer. I am opposed, Sir, to the multi-Member, multi-racial constituencies, for in my opinion they would definitely tend to perpetuate racial voting. An exception, Sir, of course, I see has been made to the provision for multi-Member constituencies for open seats. Now, Sir, I welcome the fact that the Mombasa District constituencies are to be delimited. As I have said, it is going to be a headache but, Sir, with the goodwill of the members of the administration in the Coast Province I hope we will be able to work out constituencies which will be acceptable to all the races in that area. For, Sir, I feel that if the Mombasa District was only made into one constituency it would be to the disadvantage of the candidates to cover not only a large area but also to appeal to over 30,000 voters. I anticipate, Sir, that that would be just about the number and it would tend to perpetuate racial voting which we are indeed trying to avoid in the Working Party's Report.

Now, Sir, turning to the question of primary elections, much has been said in this House as to what is effective and genuine support. I, Sir, for one, support the Working Party in its conclusions. Now let us examine what is the intention of the primary elections? Sir, I think it is to indicate to the common roll voters candidates who have, as I would like to put it, the basic minimum support of their communities. They are the people the community thinks would adequately and well represent not only themselves but all those who reside, work or own property in that particular constituency. Sir, this to my mind ensures that the complete stooges of the majority community who would outnumber all the others on the common roll register would not be returned. To me, Sir, 25 per cent is quite adequate to indicate who are the candidates who should go forward in the next election. If you increase the percentage you are only trying to increase the difficulties of the candidates, and indeed trying to make this candidate fight two major elections. Sir, in my opinion a majority in a primary is not necessary when the essence is only to find out who are those candidates who have basic support within their own community. Now, if a candidate achieves the required 25 per cent I do not think it means that the other 75

are against this candidate. What it really means is that voters in primaries have preference for one candidate over the other. That is all, Sir, that it means. It does not mean that 75 per cent are against this candidate.

Now, Sir, coming to the question of National Members, I support the main principle that each candidate should have the support of all the three groups before they are considered for election for these National seats to make these elections truly national in character.

But, Sir, I would like to support the observation that was made by my hon. friend the Member for Mombasa as to the difficulties he envisages and I would like to go further and say that one group may as a matter of expediency refuse to participate in these elections. This would create a stalemate. I think the Working Party should make some provision to cover this possible development. Sir, in common with other Members, I welcome the abolition of the postal ballots, although they have been of no disadvantage to me in the past, but I think, Sir, in moving with the times, it would be as well to abolish these postal ballots.

With regard to the proposed requirement of the applicant appearing in person to register and that he would eventually be issued with a voter's card does not, in my view, eliminate the possibility of personation altogether, which I think it is intended to do, and I would like to suggest that to do away with personation altogether it is essential to require some identification to be produced at the time of registration, either a passport, an identity card or some such other document which should also be produced at the time of voting, so that it can be checked against the voter's card produced and register to identify the person voting.

Now, Sir, I did not wish to touch in this debate on the matters which were raised, strangely enough, by some of the hon. Members who sit on the opposite Benches. I refer, Sir, to the question of common roll within the Asian community. I feel that it is a matter on which agreement should be reached within the community before we come to this House. I remember the members of the Working Party asking the Asian Elected Members whether they wanted these seats together, or whether they wanted them divided into Indians and Muslims, and in view of the fact that there was a feeling that separate seats were required by the Muslims, the matter was accepted at the time. But, Sir, I was a little upset by the observations of the hon. Nominated Member, Mr. Nurmohamed, who I know has put in many years of public service in the Coast Province, and indeed, I remember, Sir, that he was

[Mr. Pandya] tried to run down today, and I would like to ask him whether he has not had many more posts when associated with the Indian community which today he says have done injustice to the minority community. For many years, Sir, he held the presidency of the Indian Association and was voted to the post by the very community whom he decides to run down today, and I would like to ask him how many posts he has held since he became a full member of the Muslim Political Group, and he should think over this matter very seriously as he was one of the last ones to go over to the group that advocated separation, and he has been their greatest antagonist today. I do not, Sir, wish to go any further on this subject, but the hon. Member referred to this matter of injustice, so let us be fair about it. We do not want to do an injustice to anyone, but I feel that we should face the facts and that is why in the best interests of the Asian community it is better to come to an agreement amongst ourselves outside this House.

With those few observations, I beg to support.

Dr. Ismail: Mr. Deputy Speaker, surely the intention was not to stir up the whole Lancaster House Conference in this House, but rather to confine ourselves to the practical details of only a part of it. After all, we must recognize the fact that it was arrived at after an agreement between about 90 per cent of the Members who were represented there, and therefore I feel it is very ungracious for only about four or five Members to try to reopen the whole Lancaster House Conference here.

It seems to me that there are four or five Members who did not agree should now accept defeat rather gracefully and as true sportsmen try to work out the new Constitution and give it a fair chance as far as possible. I would just say in the words of an Eastern poet who is rather popular amongst the Western people also that "the moving finger writes, and wit shall not move on, and all thy piety and wit shall not lure it back to cancel half a line, nor all thy tears shall wash out a word of it". Mr. Deputy Speaker, I suggest that the moving finger is writing all over Africa, and Kenya is no exception to it. It is no use ignoring the moving finger, and I think the best thing is to recognize it.

It is also unfortunate that certain Members have made certain statements in this House, and also outside, such as that this Constitution is already out of date and so on. Sir, this sort of statement does not help the country at all. At best they can be called irresponsible and unstatesmanlike and the object seems to be only to sabotage the Lancaster House Conference. Sir, I do not consider as

of date not having been given any chance at all to work. Indeed it has not even been put on a piece of paper yet. I maintain that this sort of statement is the real cause of the feeling of insecurity that is in the country at the present moment. I am afraid the debate has gone over the whole of the Lancaster House Conference, and it is not very helpful to the Working Party whose object in bringing this debate was only to find out the views on the election rules only.

Coming to this question of division amongst the Asian community which Dr. Adajia raised, and I am not certain how many other Members raised it also, there again, it is not the creation of the Lancaster House Conference. This has been in existence for some time now as a direct result of a lot of agitation on the part of the Muslims. However illogical and unrealistic the division of the Asians may be in the context of the present-day concept and of the changes that will be coming in the immediate future, I still believe that until there is a complete common roll, until even the primaries are abolished, until that time I do not think that the Muslim community are ready to give up their identity.

Mr. Alexander: You want common roll but not with Indians.

Dr. Ismail: The Asians were the first people in this country to advocate the common roll. They started passing resolutions about the common roll as far back as 25 years ago, and the Muslims have also supported it in no uncertain terms. But I am afraid that until all the minorities are ready for a complete common roll on a national basis, the Muslims will want to continue on a separate roll. Mr. Deputy Speaker, we must recognize that this is only a transitional stage, and as soon as the last vestige of the communal roll is abolished the Muslims will be the first to agree with the new situation. Meanwhile, I am afraid that the Muslims are not ready to be the only people who would like to experiment with their present status. So whatever the merits or demerits of the case, there is another side to the question, and this is that in the past elections have always been a source of friction and ill-feeling amongst the members of the Asian communities. I do not want to put any blame on the side of the community, but the fact is that at the time of the elections the candidates were able to stir up communal feelings and they were able to exploit the situation also to their advantage.

Now, Sir, it is also a fact that since the division, the two communities have been very happy in their relations, and they have never lived in a more amicable and happy relationship with one another. I think the relationship can only be described as very harmonious at the moment.

[Dr. Ismail] and I do not think this is the time to advocate any change in the present conditions.

Now, Sir, I just want to say one word about the national seats. I do not want to go into the mechanics of the actual election, but I was thinking that the qualification of the candidates should be somewhat higher than the qualification for the common roll seats because I maintain that these seats should belong to what I would like to call our elder statesmen. They should have a record of quite long service behind them; say people who have been in the Legislative Council for ten years, or worked in the local councils for a certain number of years, or they should have a higher income qualification, or even a very high academic qualification. I do not know how far this suggestion is workable, but I would like the Working Party to go into it. There should at least be a higher age limit than the ordinary elected Members.

With these few remarks, Sir, I would like to support the Motion.

Major Roberts: Mr. Deputy Speaker, Sir, I am not going to congratulate the Working Party, I am going to do much more. From my heart I sympathize with them, I sympathize with them in having undertaken what was nearly an impossible task, but Sir, I feel that they did, in spite of the difficulties, at least produce an answer. I cannot agree with that answer by a very long way, but my quarrel is not, Sir, with the Working Party, it is with the authors of the terms of reference. And now, Sir, neither I, nor my three colleagues, accepted the Lancaster House proposals. One of our reasons for not doing so was that we could not accept the proposals regarding the franchise, the very proposals which have formed the terms of reference for the Report of the Working Party. Sir, it therefore follows that I cannot agree with the Working Party in regard to the franchise. Sir, communal seats are either necessary or they are not. If they are necessary, then they must be truly communal, you cannot, Sir, take the half-way house. I feel that the report of the Lancaster House Conference makes it quite clear that communal seats are still considered necessary during this transitional period of our constitutional development. The proposals for these reserved seats—I prefer to call them communal seats—are not realistic. They try to disguise the fact that the reserved seats are communal or conversely they are disguised as communal whereas in fact they are common roll, and that, Sir, to my mind is chicanery. So if they are intended to be communal, let them be made communal and let us be quite straight about it and not beat about the bush and present it as one

thing when it is another thing. To try and adopt this middle course is impractical and must result in chaos. Why is it impractical and why will it cause chaos? I will endeavour to explain. Sir, racialism exists in Kenya whether we like it or not. We hope it will disappear, but it will take time. To try and make it disappear artificially will worsen the situation. If we can take it slowly, step by step, we shall get there in the end. But this, Sir, is not taking a step, this is taking a jump, a great big jump, Sir, over a very wide water jump and what I fear is that the jumper will not reach the other side, but will land in the water and thereby cause chaos.

Sir, elections for some extraordinary reason bring out the worst in people. They bring out emotionalism, bitterness and personalities. How much worse will that be as a result of these primary and secondary elections? Sir, elections are a strain on any candidate, but just think what the strain will be on a candidate who first of all fights a primary over a very much bigger constituency than he has experienced in the past, facing a most intelligent electorate and a critical electorate, very searching in their questions, having fought that election and qualified to go on, he has then got to fight the next election with different races. What language is he going to use? How is he going to get at the labourers on the farms in the rural areas? Has he got to go to every farm for a *baraza* to be called, is it possible for those farm workers to go to a centre, how are they going to get there? How is he going to deal with the Asians' isolated *dukas* or the artisan working about the constituency? It is going to be almost impossible task and therefore I claim will be impractical.

Sir, it is the simple machine in life that works, why try and complicate this very difficult problem facing us now? The Constitution itself is complicated enough, I for one cannot possibly understand or see how the Government side of the new Council is going to be formed. It is extremely complicated. Why therefore complicate it still further lower down the scale by making these reserved seat elections so complicated?

Sir, for once I have some sympathy with what was said by my hon. friend the Specially Elected Member, Mr. Blundell, he made it quite clear.

Mr. Blundell: Interjection.

Major Roberts: I said I agreed with you! Strange things happen. He made it clear that he did not consider that these primary and secondary elections were the real answer. He advocated a more simple method which was a highly qualified franchise on a common roll in these areas. That, Sir, at least is simple and straightforward, whereas

[**Major Roberts**] these primary and secondary elections are most complicated.

Mr. Blundell: Like me!

Major Roberts: Exactly, just like you.

Sir Charles Markham: Very simple!

Major Roberts: Sir, these proposals made it quite certain that the African does have communal representation. Is it not just and right that we minorities, the Europeans and the Asians who in fact have provided the initiative, the capital and the skill which has built up the economy of this country, is it not right that they should have proper representation? And is not the way to do it by having proper communal representation? Sir, we Europeans have given way over and over again in the last few years, Sir, but the European cannot give any more and I do not think that they are going to give way on this issue. We shall have to fight it out to the bitter end.

Sir, turning to the qualifications for the voters' roll, again why complicate the issue? The dividing line between universal adult suffrage and the qualifications to vote under these proposals are so narrow that they are quite unnecessary. Why not make it simple and give universal adult franchise? Sir, under the proposals I contend that the registration officer will have an impossible task. It will take him years to complete his register if he is going to do the job properly. Why burden him with this when it is quite unnecessary?

Now, Sir, turning to the national seats. What purpose do these national seats serve? Who will such Members represent? Each one to get in apparently will only need to get 11 votes. How can they claim to represent anybody with such small support, and with such few votes? The chances of ties seem very great and I would suggest the Clerk arms himself with a new pack of cards because that seems to me to be the most likely way of deciding who will take those seats. But why, Sir, they do not represent anyone. We are trying to move towards a House which will be representative. Why not abolish them and add their numbers to the other seats and thereby make it possible to reduce the size of some of these constituencies and therefore make it a practical proposition for the Members to do their duties in those areas?

Turning to the delimitation of the constituencies, it is quite impossible and ridiculous to try to have a system of reserved seats, communal seats, side by side with open seats. If they are to be communal they must overlap, otherwise they become quite useless and in fact might just as well be done away with. If they do not overlap,

then many members of the community will find themselves disenfranchised in certain areas regarding voting for their communal representative. Take for instance Nakuru as an example. There are many hundreds of Europeans living in Nakuru but they will not be able to vote for a reserved seat or a communal seat, they will be denied that. Once again I find myself in agreement with my old friend the Specially Elected Member, Mr. Blundell, because he maintained that Nakuru would be better divided into two constituencies, one north of Donald Avenue and one south, one with European reserved seat and one with an Asian. I think it would be very much more practical having such a seat.

Mr. Blundell: On a point of explanation I suggested that Nakuru North of Donald Avenue area should go into the Rift, which is now the hon. Member's constituency.

Major Roberts: Thank you for that explanation. However, I quite agree that it would make it much easier. I would accept that every time.

Sir, if we do not accept this question of having communal representation seats then the jump we have got to take is going to be even greater. What I am afraid of is that the jumper will land in extremely deep water. When somebody is drowning usually friends come to his help but, what is more, the man drowning is apt to struggle. I want the Government to realize that. We may struggle if we find ourselves in this position.

Sir, I have to support the motion which merely states that we have noted this Report, Sir, I do note it. I note it with horror.

Mr. Waweru: Mr. Deputy Speaker, I do not intend to keep the House long unnecessarily, but I have got a few observations which I wish to bring to the notice of the hon. Mover; when he replies he will probably be in a position to tell me what he thinks about them.

One point is about the qualifications of electors. At the end of the paragraph which states that there must be an income of £75 per annum it is laid down that in the case of the plurality of wives the husband must show an income of £75 for each wife in excess of one. The hon. Mover, Sir, who has had the interest to learn the African languages, must have learned at the same time, I believe, the African customs. As he must be well aware, Sir, if anyone wishes to start a controversy at home he should start to divide up the property in order to cause disagreements amongst the husband, the wives and the children. In order to avoid those controversies I would suggest that the qualification of the husband should be the qualification of his wife or wives, otherwise we will see the African husband who has got many wives, not wanting to

[Mr. Waweru]

reveal that this or that property will be divided or credited against this or that wife. I think, Sir, it would be a very great mistake to ask the husband to reveal that interest which, in many cases amongst the African husbands, is only revealed at the time when the husband is about to die, and in many cases after the husband has died; that is when the elders of the tribe come along and divide up the property. I think, Sir, that it will be a very bad thing for the second, third or fourth wife to be disenfranchised if she is to be told that she must get some property from her husband to the value of £75 per annum.

We were put into a very difficult position by the hon. Member when he said that any Member who would like to suggest any increase should at the same time suggest where the additional seats should come from. I will draw the attention of the hon. Member to the representation in the Central Province. In the Central Province, Sir, I see that seven seats have been earmarked, while in Nyanza Province 12 seats have been earmarked. I feel, Sir, this is very unfair to the Central Province to have nearly half the seats available in the Nyanza Province. When I speak about this, Sir, I speak about the proposed seat and also the seats for Nyeri and Embu. I think that I will not be asking the hon. Member for too much if I say that he should at least increase the Central Province by at least two more seats, one of which should be given to Kiambu and the other to Embu and Nyeri. I am sure, Sir, that the other areas which are over-represented according to this are Kitui and Machakos. They have got four seats allocated to the two districts and I am sure that if the hon. Member for Embu and Nyeri were to speak about this he would express the difficulty he has experienced in travelling into the districts, to Kitui and Machakos, and I do not believe that the people living in those districts would complain if one of their seats were to be released as being too much, and I think that the Africans in the two Ukamba districts would not complain. Maybe, I think, that the hon. Members of those areas would also not oppose such a suggestion.

I think at the same time, Sir, that we should consider the African representation of the open seats for Nairobi. Nairobi Area has got a lot of Africans, in the region of 250,000 people, as my hon. colleague, Mr. Rubia, has said. I think it is necessary to increase the Nairobi open seats by one more seat.

Mr. arap Moi: From where?

Mr. Waweru: Again I have been asked by the hon. Member, Mr. arap Moi, to say from where this would come. The Masai have got two or three seats—I think they have three—and I think

that Samburu is also a Masai area. I think that it is too much to expect 250,000 people in Nairobi to be represented by one Member.

I do not want to keep the House much longer, but I did wish to raise the point of the qualifications of the voters. One must be able to read or to write, and it goes on like that. But there would be occasions when non-Africans would not be able to read or write. In that case he or she would not be able to put a "Yes" or a "No" against the names of the candidates. I will be very grateful if I can be enlightened on this point as to how that voter would be able to put a "Yes" or a "No" against the candidate's name. With these few remarks, Mr. Deputy Speaker, I support the Motion.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I wonder whether it would be really fair to call upon another Member at this time of the evening. That being the wish of the Council, I will adjourn the Council until a quarter past two tomorrow afternoon, Thursday, 16th June.

The House rose at twenty-seven minutes past Six o'clock.

Thursday, 16th June, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

BILLS

CONSIDERATION OF REPORTS AND THIRD READINGS

The Coffee Bill

Mr. Webb: Mr. Deputy Speaker, Sir, a Committee of the whole Council has considered the Coffee Bill and directed that the same should be reported with amendment. Subsequently two clauses, clause 20 and a new clause dealing with Appeals, were recommitted and a Committee of the whole Council directed that they should also be reported with amendments. I accordingly beg to move that the Council do agree with the Committee in the said reports.

The Chief Secretary (Mr. Coultis) seconded.

The question was put and carried.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Deputy Speaker, I beg to move that the Coffee Bill be now read a Third Time.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

The Local Authorities Provident Fund Bill

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, a Committee of the whole Council has considered the Local Authorities Provident Fund Bill and reported it to the Council with amendment.

I beg to move that the Council do agree with the Committee in the said report.

The question was put and carried.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Deputy Speaker, I beg to move that the Local Authorities Provident Fund Bill be now read a Third Time.

Mr. Webb seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

MOTION

REPORT OF WORKING PARTY ON ELECTIONS
(Continuation of Debate interrupted on 15th June, 1960)

Mr. Khamid: Mr. Deputy Speaker, Sir, I also would like to congratulate the authors of this Sessional Paper and to say that I was extremely surprised to see how efficiently they have done the work they had before them because I thought first of all when they were appointed that it was going to be almost an impossible task because we ourselves, the African Elected Members, were not able to agree on the distribution of the seats and on the many points that have been dealt with veryably by this Committee.

However, Sir, I would like in the first place to say that all the speeches that have been made on this Paper from this side of the House have been very confusing and because most of the speeches were full of misunderstandings as to the exercise which was carried out at Lancaster House. The whole question of the reasons why the seats were reserved for the different races was not to my mind to try and perpetuate the communal system of voting in this country. The reason behind it was that the whole country should be put on a common roll and therefore all Members who would be elected after the next election would be Members of the Legislature representing all races in this country. Therefore, the whole question and the whole arguments that were put forward from this side to the effect that the European reserved seat Members would not command the respect of the different races are totally invalid because those Members who are coming after the next election are not supposed to be racial Members coming into this House and representing racial constituencies.

Sir Charles Markham: From Nyasaland?

Mr. Khamid: Of course, even if it is from Nyasaland, I myself am in a minority and I do not represent any tribe in this House. Therefore, you also when you come next time should come here with a mandate from all races in this country, whether they are Nyasas or Kikuyus or Luos or any tribe at all.

Mr. Usher: Who is going to safeguard the position of the minorities?

Mr. Khamid: Therefore, Sir, that is the spirit of the Lancaster House agreement and the spirit that has now been generated by Members from this side of the House is not the Lancaster House spirit. It is the communal spirit which they want to perpetuate in this country which we want to remove. It is quite clear, Sir, that the Members here do understand the reasons for this, but they are trying purposely to confuse the electorate and to confuse the country and to create

[Mr. Khamisi] unnecessary misunderstandings. I should suggest, Sir, that the sooner they change this attitude and leave the ordinary person in the street, whether he is an Asian or European who is doing his normal duty, to accept the fact that this country has to change and go in the direction in which it is now going, rather than trying to create unnecessary hurdles, the better.

Sir, in this connexion I would consider that the primary elections as recommended by this Working Party should be altered slightly. I feel, Sir, even if it is necessary, for a Member to have only the support of about 20, 30 or 50 people from his community, that would be quite adequate for him to go into the general elections and win a seat. In Tanganyika last year when they had their elections the people who wanted to stand for the elections had to obtain the support of at least 50 electors and I think that is sufficient proof that the man has the support of some of the members of his community.

With regard to the National Members, Sir, I feel that they have been created as a substitute for the Government Back Benchers, so that the party which comes into power next year should be able, through the majority vote, to elect the whole lot of the National Members who would sit as Back Benchers on the Government. Otherwise I do not understand how it would be possible to avoid the election of more Government Nominated Members, which is not the intention of the Lancaster House agreement at all, but that the National Members should be restricted and elected by the votes received proportionately from the members of the other races; and even that by itself is not democratic at all. For instance, the Arabs have got only two Members. Therefore anybody who wants to stand as a National Member has got to get the support of the two Arabs and the Asians and the Europeans before he can get the vote of the whole House. I think that is very ridiculous.

Sir, another point which I would like to touch upon and to stress is the question of the property qualification. I think really that too much is being expected of the ordinary African peasant in the reserves to qualify for a vote unless he has reached the age of 40 years. I should say, Sir, that there are very many peasants who are quite reasonable people and who should be able to get the vote. I would suggest, Sir, that £350 is too much and that perhaps the Working Party might consider recommending £150 instead.

Sir, turning to the recommendation on page 3 of the Working Party report, it reads like this: "We therefore recommend that (a) constituencies should, as far as possible, be based on district

and geographical areas, but where multi-Member constituencies are created they should not also be multiracial constituencies." I am rather confused there. I do not understand what it means. I do not know whether it means that in places like Nairobi or Mombasa, where there are multi-Member constituencies, the people would be asked to vote racially. If there should be any multiracial constituencies, does it not mean that the people will be asked to vote racially? I do not understand, and I should like some explanation. If it is that people have to vote racially, then I would not agree with that recommendation of the Working Committee, because that would be returning us to where we were.

Now, Sir, I have said that the election of National Members has been made very complicated by the recommendations of the Working Committee. It should be noted that the Working Committee perhaps had in mind the status of the Specially Elected Members of a few years back, but the National Members should not be equated to the Specially Elected Members, because in the days when that item was considered or introduced the whole country was returning to this House communal Members and Specially Elected Members were constituted so that they could act as shock absorbers, perhaps, between the communal representatives and the Government.

An Hon. Member: They did.

Mr. Khamisi: But at present that is not the case. The whole country is going to be on the common roll which means that all the Members are going to represent all races whether they are black or brown or yellow, they will represent all races in this House. Therefore the status of these National Members must be different from the status of the Specially Elected Members as we know them today, and for that reason, Sir, I think the less complicated the whole process of the election the better for us all, and I should suggest, Sir, that these qualifications which have been put should be reconsidered, and if possible anybody who can get the support of the Members of this legislature should be able to stand as National Members rather than running round looking for members of different races to support a person before he stands for election.

Sir, coming to the distribution of seats, this is very puzzling, and I do not know how the seats are arrived at, but at the same time I am afraid I am not competent to be able to make any suggestions as to how best it could be improved, and so since I have no suggestions of my own I would rather wish that the distribution be left as it is. Perhaps that is the best way it could have been done by anybody at all.

With those few remarks, I beg to support.

Mr. Hassan: Mr. Deputy Speaker, Sir, I had no intention of speaking on this debate today as I thought I should have an opportunity to speak on Tuesday, but the Chief Secretary reminded me that I am not going to be present in Nairobi on Tuesday and on thinking I found he was right.

Sir, first of all I would like to pay tribute to the Working Committee. Both members of it have stated in this Council that they never expected that they would be able to satisfy any group in this Council by their Report, so much so they were not even sure themselves that they were 100 per cent satisfied of the Report they were going to present. In view of what was decided in Lancaster House I should say that the Committee has worked in the spirit of the Lancaster House decisions, and put up a Report which will not satisfy anyone, but it will not favour anyone. The Report very clearly represents or interprets what was decided in Lancaster House. The leader of the United Party said that it was not an agreement, but it was an imposition. I would agree with him that he and his group did not agree. That is quite right, but I would not agree with him that it is an imposition, because the majority of the group agreed, with reservations on the Report of Lancaster House. Therefore, this is not an imposition, but it is a Report on the agreement, with the reservation of all the groups, and it is laying the foundations of a democratic Government. I do not say that we did not have a democratic Government. We had it. But it is an improvement on that democratic Government. A lot of people would interpret the meaning of democratic according to their individual ideas. Some Members would like to say that democracy means that the majority irrespective of whether they are ready or not should have the majority Government in the country. Others would say that democracy means that it is never possible in this world for a family, for a group, for an association, or a country ever to be 100 per cent unanimous in matters which are controversial, and it is with a view to decide those controversial matters that the foundation of democracy was laid by the United Kingdom Government, for purposes of deciding the controversial issues on the majority of votes, and when it is decided by the majority of votes, the minority must agree with the majority whatever decision has been made. Therefore, it is a democratic Government. Some Members said that it was not, but I am afraid that I do not agree with them.

The second point that was raised was why a number of Members asked—why there should be communal representation at all in this country, and why it was not decided in Lancaster House that there should be nothing but the common

roll. For the information of some of the Back Benchers, Nominated "yes" men, I would like to say that when we went to Lancaster House we did not go to make a decision on our own, but we had a mandate from our communities in Kenya, and why we decided that we must have some seats communal and some seats common was entirely due to the fact that for years we had been enjoying communal roll representation in this country, and it took years and years to educate our people to be experienced enough to know what every community need. They were thoroughly qualified to represent them, and it was with a view to seeing that the communal Members were representing and voicing the true opinion of their community in the interim period was an absolute necessity that this point was put to the Secretary of State for the Colonies.

The Deputy Speaker (Mr. Conroy): Mr. Hassan, we are debating the Report of the Working Party. We are not debating the Report of the Lancaster House Conference. That is a very different thing. What we are debating now is the Report for the machinery for the election. We are not debating the pros and cons of the communal seats.

Capt. Hamley: Mr. Deputy, Sir, on a point of order, would you ask the hon. Member who was speaking to withdraw the phrase that Nominated Members were yes men?

The Deputy Speaker (Mr. Conroy): I will rule on that. It is improper for any member to impute improper motives to any other Member, and I think to call an hon. Member who has taken an oath to act in accordance with his conscience in this Chamber a "yes man" is improper, and I would therefore ask Mr. Hassan to withdraw the remark.

Mr. Hassan: I understand I said a word which is very annoying to my friend, one of the Back Benchers. I could not find a more suitable word—

The Deputy Speaker (Mr. Conroy): Mr. Hassan, I have ruled that it is unparliamentary and I ask you to withdraw it. We do not want a speech on the subject, and it is not a question of the hon. and gallant Member being annoyed, I think it is an improper expression and I would ask you to withdraw it.

Mr. Hassan: I withdraw it, Sir. I wanted to reply to one of the Nominated Members when he said that we do not want communal representation and we should have accepted the common roll, and I wanted to inform him that we should ask for this communal representation.

Regarding the common roll, we know it has been the wish of the Asians for dozens of years

[Mr. Hassan]

that we should have the common roll in this country, and we are supporting it very strongly.

My friend also mentioned the question that the time has come, and he said it very sincerely, when there should be no division amongst the Asians of their representation in this new Constitution. It is a matter which no sensible Asian, whether he is a Muslim or not, will disagree with, and it is a matter which was entirely left to the parent political associations of the two communities to get together to talk this over. It was his community who refused to accept the Muslim as a separate entity, and it was up to them to approach the parent Muslim association. Being a member of the Legislative Council for years, I made no less than three attempts to bring together the Muslim and Indians and failed. I failed twice on this particular point, and I must say it was the Indian community who was responsible. The third time I succeeded on the question of a mandate from the Muslim League of Congress for the Lancaster House group. It was a matter which should have been left entirely to the Muslim and Indian Political Association, who had a difference of opinion amongst them, to decide between themselves, and it was not desirable to bring it as a protest to this Council. If it was to be used as a request, it should have been left to the parent Associations—

Dr. Adalja: On a point of explanation, Sir, I would like the hon. Member to go through my speech. What I said was "I appeal to the Muslim Members to voluntarily allow their quota in Asian reserved seats to merge in the Asian pool". I never protested. I never demanded.

Mr. Hassan: Mr. Deputy Speaker, I said that the Member did speak very sincerely that he wanted the unity in the Asian group. I never blamed him for that, but the mere fact to bring this matter in this House which is entirely the concern of political association of the two different communities is private, it is not a matter for the Floor of this House. Our request should have been made outside this Council.

The Member also mentioned that those people who are practising the plurality of wives will have advantages over others and he further said that it was not desirable in his opinion to have more than one wife. That was a very unfortunate statement to make. He probably does not like a lot of things but he cannot possibly say why others should like them. It is one of those necessities of life considered by those who believe in God and believe in obeying God's commands and those who do not believe it, it is good luck to them.

So far as the voting is concerned, a woman should not be deprived simply because she is a second or third wife of a gentleman. I think she is more dignified and holding an honourable position to be entitled to vote in the selection of the Member than a woman who cannot get a husband, and this matter should not have been touched upon.

I am afraid one of our Nominated Members, Mr. Abdul Hussein Nurmohamed, annoyed one of our Elected Members this side. But after investigation I found out he was annoyed by something which the hon. Nominated Member did not say. Therefore, I would like to support the Nominated Member, Mr. Abdul Hussein Nurmohamed; he expressed the views of the Muslim community on this subject. As far as I know the Muslims in this country are all very anxious that they should join their brethren and be one Asian group and if any group and anyone has ever failed to come forward it is my Indian brothers and I would draw their attention to ask the Congress to approach the parent Muslim League and I can assure them that we shall join them and become as one group one day.

With regard to the constituencies at Mombasa. The previous Member from the Coast, Mr. Pandya, spoke at great length on this subject.

Sir Charles Markham: How long?

Mr. Hassan: I would like to point out, Sir, that formerly we suffered the disability of representing a constituency which was something like 800 miles long, commencing from Somalia up to Athi River, and we thought now that there are going to be constituencies on district and town basis, we shall have not very long distance and at the same time less voters to look after. But to declare a multi-Member constituency and ask us to have no less than 100,000 people to look after of all races, it appears to be very, very unsatisfactory and if it is possible to delimit it into four or five constituencies, in Mombasa as well as Nairobi, it will help and assist the Asian community. I do not think it is going to be a very difficult business to cut Mombasa into wards as has been done already in Mombasa for the Asians—four Muslim and four non-Muslim wards. Now it has been decided that eventually we are going to have a common roll and a Member representing a particular ward will be representing all races. Therefore the division of the Town is—if the Representative is to be non-Muslim and there are not many non-Muslims there, say only one-third or one-fourth, that does not matter because the idea is that he should have his own community to give effective and genuine support to him. It was not intended that any person who gets the genuine

[Mr. Hassan]

support of his people should be representing his own community only. It was merely said that his community—a certain percentage of his people—should have the choice to select the right man who should be representing their true voice in the Legislative Council. Therefore, the number of different races in different wards should not give way for communal elections. Local government can easily arrange to have in the first instance wards cut into five so that there should be a ward where a European will stand having quite a large number of Europeans in that ward. In the same way a ward can be cut off for the Muslim and non-Muslim seats. I believe it is not possible for a layman to stand in this Council and give the true boundaries of wards in a town. The town councils with the help of their surveyors are the proper bodies who may be able to give the true answer. What the community wants for communal elections is that no one who should be a "yes" man of another community will stand to represent them.

With these few words, Sir, I support the Motion.

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, I should like first on behalf of my colleague the Chief Secretary and myself to thank hon. Members of the Council for the generous expressions of appreciation of our Report which have been made during the course of the debate—frequently from amongst our most virulent critics!

It has, Sir, I think been a useful debate. There have been criticisms of the Report, there have been alternative suggestions for the solution of various problems which are dealt with in the Report. These my friend and I have noted and we shall communicate to His Excellency for his consideration when studying our own recommendations and deciding what course to adopt in each case.

The divergence of views expressed in the debate indicates a conflict of interest and opinion not only as between groups but indeed within groups, and this picture reflects, though, even so, not to the full extent, the very wide measure of difference which we encountered in our discussions. We found, indeed, a marked tendency for individual Members to view problems very largely from their own or their tribal or their communal points of views, and indeed in some instances from the point of view of their own individual and personal prospects of being returned at the next election.

Any suggestion that we have accepted dictation or direction in the preparation of our report or in regard to recommendations which we have

made whether from Her Majesty's Government or anyone else is wrong. I do not know if that was intended, but certainly I would not wish it to be a matter of any doubt at all. We have consulted views as widely as possible, but the conclusions expressed in our report are entirely our own.

Protests have been made by one or two Members at what they regard as the inadequate time allowed for study of the report. Sir, the report was laid last Friday and the debate was opened on Tuesday. But, Sir, Members have had the period of three and half months since Lancaster House to examine and crystallize their views on all these matters and during that period they have had discussions with us and there has been ample opportunity for further discussions had those been desired. In some cases they did in fact take place.

Now, Sir, this report of ours is not a massive document, including the Schedules it is 13 pages or less, and there were four days between the laying of it and the start of the debate; and there have been suggestions, Sir, that that period was not adequate to enable Members to consult their constituents in regard to the report. Sir, I do not subscribe, myself, to the view that Members of this House should always have opportunity to consult their constituents about everything because I personally believe that Members of this House are, representatives and leaders of their constituents and that they should not regard themselves as delegates or mouth-pieces.

An Hon. Member: Stooies!

The Minister for Legal Affairs (Mr. Griffith-Jones): There have been several encouraging signs during the course of the debate of a move away from purely racial and communal thinking and of a recognition, I think, that the only successful, happy and prosperous future for this country and all its people lies in the equation of all its citizens, irrespective of race, colour and creed, and in a joint endeavour by all of them in solving the country's problems, and in equal rights for all of them to contribute to its economic, political and social life.

Sir, many of the complaints and criticisms which have been voiced have obviously been founded in a reluctance or inability to accept this non-racial concept.

An Hon. Member: (Inaudible.)

The Minister for Legal Affairs (Mr. Griffith-Jones): Well, Sir, that is certainly the impression which has been given by a number of the speeches which have been made. Sir, I recollect a sort of non-racial political plant at the last

[The Minister for Legal Affairs]

elections, at which a lot of Members of this House were returned and that there was a good deal of talk, indeed I think it was a major political platform, of non-racialism.

Now, Sir, non-racialism is, of course, an abstraction, but it has little meaning if it is left as an abstraction. I do not feel that any election which is fought on the platform of non-racialism contemplates it purely as an abstraction. In terms of the political life of a country abstractions have little meaning, and non-racialism has got to be a reality if it is going to mean anything in this country. It has got to have real and practical meaning in order to assure this country of an economic future and to assure the non-African people of this country of a place and a part to play in that future. Criticisms of our proposals have been made in some instances on the ground, for instance, that in some areas Europeans will not be able to vote for a European candidate; that they will not be able to be represented by European Members. But, Sir, the same will apply to all races. In some areas all races will have to accept representation by persons of other races. They will only have candidates of other races to vote for. And, Sir, this surely is the fundamental characteristic of a common roll, that there is common representation irrespective of race. How else but by a common roll is a start to be made in non-racial political advance? In other words, how else than by a common roll is a start to be made in giving non-racialism practical meaning in this country? The calls for retention of communal representation are, in my view, a negation of non-racialism and amount to—again in my view, and after all we are all expressing our views in this debate—a somewhat Canute-like attempt to divert the course on which this country is embarked and on which it must inevitably proceed. I believe that it is futile and illusory to imagine that communal compartmentation can survive in a developing plural society such as Kenya's. However unpalatable that fact may be to some, again in my opinion, they do themselves, their own people and the country, no service by refusing to recognize its reality.

Now, Sir, I come now to deal with some of the points raised in the debate and I shall do so on the basis on which my colleague, the Chief Secretary, and I were called upon to discharge our task; namely that the pattern of the new legislature will be as set out in the Lancaster House Conference Report.

Sir, I think the first point of importance with which I should deal is the question of the percentage to be required for a person offering him-

self at a primary for nomination, the percentage that will be required to enable him to go forward to a common roll election. As I think all hon. Members will agree—and it has been said in our Report—this issue really amounts to the determination or the interpretation of the phrase "effective and genuine support". Now, Sir, the adjectives "effective" and "genuine" when reflected in terms of percentages represent a relative phrase to be interpreted in its context and in regard to the purpose to which it is related. Sir, some Members of legislatures, perhaps here—I would not know—but certainly elsewhere, are elected in three- and four-cornered fights with less than 50 per cent of the poll. I do not think anyone would contest, however, that they have effective and genuine support from the persons voting.

Hon. Members: A single vote!

The Minister for Legal Affairs (Mr. Griffith-Jones): As another analogy, a public company is deemed to be a public company if 25 per cent of the voting shares are held by members of the public. As I say, this is a relative phrase. Now, the European community in this country is certainly an effective and genuine element of the population of this country.

Sir Charles Markham: Thank you very much!

The Minister for Legal Affairs (Mr. Griffith-Jones): It represents, however, numerically 1 per cent. Economically, of course, it represents much more. I merely make these analogies to indicate that the phrase is relative and in our judgment, having considered the matter in considerable detail, we came to the conclusion that 25 per cent of the voters at a primary represented the minimum required to satisfy the criterion of effective and genuine support for the purpose of a primary election, which is not a pre-election, which is a form of sieve, a communal sieve, through which persons wishing to stand at common roll elections have to pass. For that purpose we considered that 25 per cent was the right mark. It has been suggested that it should be at least 50 per cent. It was suggested that it must be 50 per cent to prevent crackpots going forward. Sir, if a crackpot can obtain 25 per cent support from a community, then the community deserves that he should go forward.

Sir Charles Markham: Are you standing for the next election?

The Minister for Legal Affairs (Mr. Griffith-Jones): Sir, I do not propose to take these—if I am allowed to continue—I do not propose to take these points in any logical sequence. I might perhaps mention that there was not very much logical sequence in some of them. I merely propose to take them as I have them noted.

[The Minister for Legal Affairs]

Sir, it was suggested that the procedure which we are adopting in proceeding in the first place under a "pilot" Order in Council was unprecedented and that we were rushing the thing through in an unprecedented fashion and by unprecedented procedure. Sir, that is not in the least degree so. It is necessary; it is recognized now and has been for many years that on a change of constitution one has to anticipate the operation of new constitutional provisions during the period while the old constitutional provisions remain in force. In our own context, this Legislative Council must remain in being until we are ready to establish its successor, and that is the manner in which it is done invariably these days, that is to say, through the medium of a "pilot" Order in Council anticipating the introduction of the full new constitutional provisions.

Now, Sir, one hon. Member suggested—or rather I think it was two hon. Members—or asked what a multi-racial constituency is. Sir, I would try and refer him to the part in the Report in which we explained it. It is on page 3 at the beginning of the second paragraph on that page. When referring to the phrase "multi-racial constituencies" we said: "by which we mean the combination of reserved seats for different races, or reserved and open seats, in one constituency". I do not think I can put it in simpler terms.

Some Members have suggested that there is no need to provide for minimum support among the groups for those offering themselves for election as National Members. One Member suggested that if the Constituency Members of the Legislative Council were not capable of voting responsibly and non-racially on those elections then it was—I cannot remember quite what his conclusion was, but it was something to the effect that it was—a sad and sorry consequence. Well, it may not be a sad and sorry consequence, but the point in our recommendation on this score is that there should be a minimum manifest support from all the groups for any person offering himself as a National Member. The nature of the voting and the source in terms of groups of each person casting a vote for a particular candidate is not disclosed. At the conclusion of the poll merely the numerical results are disclosed and it is only by requiring this minimum support at the nomination stage that one gets this manifest cutting across of groups, races, etc.

I think there was another point made on the subject but I cannot remember it now.

Sir Charles Markham: You should listen!

The Minister for Legal Affairs (Mr. Griffith-Jones): One hon. Member suggested that English

should not be the only language in the Legislature, I was somewhat concerned when I first heard this, because I thought he was possibly suggesting that Swahili would be an alternative language, but I was even more concerned when I ascertained that his real intention was apparently that the Legislature should become a babel; that anybody should be allowed to speak in any language, in any parliamentary language.

Sir Charles Markham: Question!

The Minister for Legal Affairs (Mr. Griffith-Jones): Sir, I do most earnestly urge upon Members of Council that a bilingual Legislature is a disaster and a multi-lingual Legislature something worse, if there is such a thing; a catastrophe of the most appalling proportions. We spend—I hesitate to use the word "waste"—but we spend in this mono-lingual Legislature many hours, some perhaps would say they are not as productive as they might be. But certainly if the Legislature became bilingual, and I speak so far as a bilingual Legislature is concerned from personal experience, and without any question it became multi-lingual, we should spend longer and even less productive hours in our task.

Another Member suggested that the disqualification of candidates by virtue of—candidates for election, not Members—conviction for criminal offences should only subsist so long as they are serving a sentence. Well, Sir, as hon. Members will recollect, we do provide or we do recommend that this particular disqualification of a candidate should arise if he has been convicted at any time of a criminal offence and sentenced to death or imprisonment for a term of or exceeding 12 months in any part of the Commonwealth. Now the purpose of that, Sir, is that there should be some standard of integrity required for candidates for membership of this House, and where a person has been sentenced for a criminal offence to 12 months or more there is every likelihood that his offence will have involved a degree of his offence will have involved a degree of moral turpitude, fraud, dishonesty or threat of violence. Perhaps that is not inevitable, but it is highly probable, and in so far as it is not inevitable there is provision, as we recommend, for such a disqualification to be removed by the Governor in his discretion—it might be, on the grounds of gravity of the offence; it might be, on the grounds of its antiquity and of an unblemished record over a long period since it was committed.

In regard to the proposals which we have made regarding the conviction or the consequences of regarding a sitting Member of the Legislature, conviction of a sitting Member of the Legislature, the same Member suggested that following his suspension it should be for the court to decide, assuming that his conviction and sentence stand,

[The Minister for Legal Affairs]

whether or not he should be expelled from the Legislature. Sir, I cannot agree with him on that score. I do not think that that is a proper function of the courts. It might be a proper function of the Legislature itself, but surely it is better that there should be uniform provision applicable in every case rather than that each case should be at the will of a division or voting exercise in the Legislature which might not always be as impartial as a certain procedure prescribed in the law. That is why we have made proposals as we have.

To digress just for a moment; unfortunately the hon. Member for Kiambu is not here, but I must say that I am extremely grateful to him for the compliment which he paid to my hon. friend and myself when he called us "academic mathematicians". That is a role in which I have never imagined myself and it has done my ego quite a lot of good to be so described, particularly when I find that I cannot even do my children's mathematical homework.

The Chief Secretary (Mr. Coutts): Were wranglers.

Sir Charles Markham: Well, you were certainly wranglers, anyhow.

The Minister for Legal Affairs (Mr. Griffith-Jones): My friend, as usual, was two or three jumps ahead of the hon. Member.

Sir Charles Markham: But not senior ones.

The Minister for Legal Affairs (Mr. Griffith-Jones): Sir, the hon. Member for Kiambu did make an observation—I am sorry he is not here—to the effect, if I recorded it correctly, that if the European minority is entitled to its own representation it should have been entitled to select its own representatives. Sir, of course, the premise is so unreal there. Taking the Lancaster House Conference Report, there is no community expressly entitled by that Report to its own representation, the principle being one of a common roll.

Hon. Members: What about safeguards?

The Minister for Legal Affairs (Mr. Griffith-Jones): Safeguards are a rather different matter.

Sir Charles Markham: It is mentioned in the same paragraph.

The Minister for Legal Affairs (Mr. Griffith-Jones): The hon. Member for Kiambu also asked whether in regard to election petitions the cost would be borne by the State. Well, Sir, the cost of the court or judicial commission or whatever it will be that decides election petitions will be borne by the State. The State will not, of course,

subsidize the parties to election petitions. He, and I think the hon. Member for Mombasa, suggested that rather than have election petitions determined by the courts, we should have them determined by commissioners of judicial quality. Well, Sir, I think both of them had in mind that there should be as little possible delay and I should entirely agree with them that there should be as little as possible delay in the determining of election petitions.

Mr. Usher: And expense.

The Minister for Legal Affairs (Mr. Griffith-Jones): And expense. But I very much doubt if there is very much difference between appointing a judge as a commissioner to decide an election petition and requiring him to decide it as a judge. The time taken is likely to be the same, but certainly we do not rule out the possibility of a judicial commissioner and we shall certainly give it consideration and if the system should have advantages over presenting them, as we had in mind, to two judges, which is usual in respect of election petitions in regard to elections to legislatures, if it has advantages over that system, we will certainly examine them and see whether a commissioner system should be preferred.

Sir, there has, I think, been some doubt as to whether or not Constituency Members and/or Nominated Members of the legislature will be able to stand for seats as National Members. We did say in our report that Constituency Elected Member would not be able to stand, as such, as candidates for National seats; that if a Constituency Member wished to stand for a National seat he would first have to resign his Constituency seat in order to be eligible to stand as a candidate for the National seat.

We did not deal expressly with Nominated Members, but I personally would suggest that Nominated Members should be in the same category. Of course, in any general election of National Members, there will in fact be no Nominated Members at the time, but there might conceivably be one or two Nominated Members if ever there should arise the necessity for a by-election for a National seat. I would suggest that no sitting Member of the Legislative Council should be qualified to stand, but that if he wishes to stand he should first resign his seat in the Council.

A question was raised, again I think by the hon. Member for Mombasa, about deposits. Sir, deposits will be dealt with by rules eventually and so far as our own tentative intentions are concerned we would imagine that they would be of the present order of £50, and that in relation to primaries they will be a fixed amount.

[The Minister for Legal Affairs]

for the primary, but that a person offering himself for nomination at a primary and failing to secure nomination would not forfeit his deposit, but that a person succeeding in securing nomination at a primary would carry forward his deposit to the subsequent common roll election, and the forfeiture of a deposit would therefore only arise in relation to, or by reason of, a failure to obtain the adequate per centage, usually 12 per cent, of the total poll at the common roll election.

Mr. Usher: Mr. Deputy Speaker, could I ask if that might be clarified? Does the hon. and learned Minister say that a man who had secured a majority at the primary could lose his deposit on the common roll election?

The Minister for Legal Affairs (Mr. Griffith-Jones): The principle of deposit must apply. I suggest, to the common roll elections throughout, and that therefore if the candidates in the common roll elections—

Hon. Members: No!

The Minister for Legal Affairs (Mr. Griffith-Jones): It is perfectly open to hon. Members, if they so wish, to express their views subsequently, but I fail to see how one can capably apply a deposit requirement, and a requirement regarding forfeiture of deposits, to an open seat and not to a reserved seat.

Air Commodore Howard-Williams: Disgraceful!

The Minister for Legal Affairs (Mr. Griffith-Jones): The same hon. Member said first of all that in his view a primary was intended to be a pre-election. Well, I do not agree with him.

An Hon. Member: Have you read the Lancaster House Report?

The Minister for Legal Affairs (Mr. Griffith-Jones): I have read the Lancaster House Report. I was there when it was produced.

In my view the primary, as I have explained before, is a form of communal sieve for the pre-selection of candidates and it is not an election.

The hon. Member also asked how it was consistent to say that all should go forward if none obtained 25 per cent or more. Well, the answer, as I thought we had explained in our report, is that, in our view, then there would be no consensus of opinion among the voters at the primary, that the primary would have failed to serve the purpose for which it was intended, and that therefore the matter would have to be left to the main election.

The hon. Member also made an alternative suggestion. He suggested that the percentage should be 40 per cent, or, alternatively, that the

candidate who headed the poll should go forward, plus any other candidate who obtained, say, two-thirds, or 80 per cent, of the vote of the candidate who headed the poll. This again, Sir, seems to me to be not consonant with the main purpose of the primaries. It also means that the percentage would become relative to the particular primary. It could mean that a candidate who in one primary obtained, say, 55 per cent, would fail, whereas in another primary a candidate who obtained 40 per cent would succeed. It seems to me that it would be an anomalous situation to have any figures which were purely relative to any figure which cannot be predetermined.

Sir, I think that there is not very much more that I have time to say in this debate. The hon. Member for the East Area, who spoke just before me, made a number of points, and the main one he referred to was that relating to the distinction between Muslims and persons other than Muslims in the Asian group. If I interpret his representations correctly, I understand him to mean that he wishes to preserve the distinction, and, as he will observe, we have ascertained that previously and have reflected that preference in our report.

Sir, there are many other points which will be dealt with in due course by my hon. colleague the Chief Secretary, and I now beg to support.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I beg to move that this debate be now adjourned.

The Sessional Committee yesterday evening felt that in accordance with a previous Resolution of this Council the next Motion on the Order Paper should be allotted the three hours which that Resolution provided and that it was better that Resolution should be taken today as one Motion rather than separated between today and Tuesday. Therefore it is proposed that the present debate on the election report should be deferred until Tuesday and that we should now continue with the next item on the agenda.

The Minister for Legal Affairs (Mr. Griffith-Jones) seconded.

Question proposed.

The question was put and carried.

MOTION

CORFIELD REPORT: SESSIONAL PAPER NO. 5 OF 1959/60

Sir Charles Markham: Mr. Deputy Speaker, I beg to move that this Council records its appreciation to Mr. F. D. Corfield for his report entitled "The Origins and Growth of Mau Mau".

[Sir Charles Markham]

It urges the Government to take note of Mr. Corfield's historical survey, applying his findings in relation to the provision of adequate measures for the maintenance of Kenya's security in the future.

Mr. Deputy Speaker, may I start off first of all by thanking the Sessional Committee and the House for the courtesy they have accorded to me in allowing this Motion to come up this afternoon. I am very grateful to them, Sir, and I hope I will not abuse the privilege they have given me.

When I gave notice of this Motion some time ago, Mr. Deputy Speaker, my action was questioned by certain Members in this House and others outside this House, and I was told that there was some deliberate move on my part to try to revive a debate on *Mau Mau*. But I would say straightaway now, Sir, that the purpose behind this Motion is not to go back into the past, nor is it to discuss or make any recriminations about any individual who is mentioned in the report. I think that should be made perfectly clear, Sir, so that the House may know now as I introduce this Motion that it is not intended to be an Emergency debate to discuss what went wrong during the Emergency, who did not do what, or what did not do which. Therefore, Sir, I do hope that when other speakers speak in the course of this debate they will realize that as far as I am concerned, anyhow, I am only trying to think of the future.

It has been said, Mr. Deputy Speaker, that every country should try to learn from the mistakes of the past. I believe Kenya is no exception, even though sometimes we may feel that we are very important, although looking at the map we are a very small country in a very large universe. But again the point I would like to ask this House is whether we are too politically immature to face the vital issue and whether we cannot profit from our own history. That again, Sir, is one of the reasons for this particular Motion.

This Report, now known as the Corfield Report, has received wide publicity in the Western world. Unfortunately, unlike other Members of this Council, I have not received the reports from the world behind the Iron Curtain, but perhaps when they speak they can tell us what was said there. However, Sir, I would like to thank Mr. Corfield for the detailed examination he made of the history of the origins and growth of *Mau Mau* mainly because, Sir, he has managed in the Report, which does cover many pages, to avoid giving his own personal conclusions in so far as what must have been most provocative evidence

on occasion. It is not easy sometimes for a civil servant from the Sudan Political Service to become the author of a best-seller, but in this Report he has managed to do so and, whether we agree or not with what he has written, I can say, so far as I am concerned, that the document is most readable. I hope that this Council will record its appreciation of the work that Mr. Corfield did.

Mr. Deputy Speaker, when the Report was published most of us had heard rumours and counter-rumours of what had appeared in the original Report before both the Colonial Office and others had got busy with their blue pencils. In fact there is still considerable speculation in the country as to what was contained in the original Report. It is a funny thing that we, the Members of this Council, should not be the people who have seen the original, whereas, I believe, it is common property in London to be able to see, if you are within the privileged circle, what was in the original document.

Naturally we speculate, and sometimes even guesstimate was what meant, and I can understand that certain subjects, particularly on the security position or security measures to be taken, must be omitted in the public interest, although rumour has it that certain individuals have been omitted from the Report in case it might hurt their dear feelings. I understand as well from comments received, or read in newspapers in Great Britain, that it would have been disgraceful if any Member of Parliament had been criticized in this Report. Sir, my heart bleeds for those Members of Parliament who might have been mentioned, although I wish the blue pencil had not come down. It may well be as well that other people had uneasy nights when they knew the Corfield Report was going to be published, but again, thanks to the tolerance and the code of morals of let us not be beastly to other people by the Colonial Office, has enabled them now to sleep the sleep, not necessarily of the wicked, but of the good.

I was interested, Mr. Deputy Speaker, when this Report was published, to hear comments by certain Members, either of this House or the public, about the Report, and to my certain knowledge at least one Member of this House gave comments in the most forceful manner about the Corfield Report when the Report had not yet been released to Members of this House. In fact, his remarks were made at twenty past five and only actually at half-past five was the Report released, and I always wonder what would have happened if the Report had not been damning to *Mau Mau*, because then his remarks would have made absolute nonsense when they were heard over the B.B.C. the following morning. And again, I wonder how many people who

[Sir Charles Markham]

commented so forcibly on this Report have bothered to read it. All we know, Mr. Deputy Speaker, is that according to certain reports there is going to be a mammoth bonfire in due course. Well, Sir, I do hope before they have this bonfire, they will pay the Kenya Government Sh. 15 for a copy of the Report, and then perhaps income tax might be reduced for us.

Now there are, in my opinion, two subjects, or two matters, which are the general theme of the Corfield Report. They are as follows. First the obvious hold that *Mau Mau* had over the Kikuyu, Embu and Meru tribes, mainly through oath-taking ceremonies and intimidation, coupled of course with the political aims of the leaders of this movement in order to ensure they did achieve by any means possible the support of the majority of the tribes I have mentioned.

The second theme which runs through the Report is the lamentable failure of the Government at that time to take action despite the numerous warnings given to them, and one cannot help but consider the amazing ineptitude of those holding the highest of positions in failing to listen to the reports of their own officers in the field, or if they did listen, choosing to ignore what was told to them. If one wished, Mr. Deputy Speaker, one could, at considerable length, discuss this latter point which I have made. In fact, many of the civil servants whose pensions we vote annually in this Council would, under any other Government, or any other Colonial Office administration but the British, have forfeited their pensions to say the least, but we being benevolent and kind and forgiving continue to pay out regularly every year so that the individual sitting in the smug security of Wimbledon can continue to watch his tennis once a year. But it does not matter, Sir, we accept that point of view, but we hope it will not happen in the future, and I cannot see the Government of the future being so benevolent towards its servants who fail, and fail miserably, to learn the lessons of what was told to them.

Now, Mr. Deputy Speaker, as I said when I introduced this Motion some ten minutes ago, this Motion does look to the future, and however much we do agree with the words of His Excellency the Governor, who has told us to forget the past, we must, at the same time, if we accept his words, forget the miseries caused by *Mau Mau*, but not the lessons. This Motion asks the Government, or urges the Government, to take note of Mr. Corfield's historical survey, applying his findings in relation to the provision of adequate measures for the maintenance of Kenya's security in the future. I think it would

be as well for the benefit of Members, some of whom obviously have not read this report, if we referred to Chapter 16 of the report in question. This, Mr. Deputy Speaker, is a long chapter, and it is headed "Deficiencies in the Government Machine". I do not propose to read the whole of that chapter, otherwise it will cause the Government to lose loss of revenue by members of the public being able to obtain copies of the report without paying for it, but there are certain aspects in those conclusions which must be brought to the attention of the House. I quote first of all, Sir, from page 284, paragraph 43, and I quote: "The main lesson to be learnt in administrative terms from this historical survey is the paramount duty and obligation of any Government to maintain law and order." An examination of HASSARD from the time when the active fighting *Mau Mau* campaign ended up to the time when I moved this Motion this afternoon will give proof to the Government that many Members on both sides of the Council are concerned as to whether the Government really intend, and are determined for that matter, to maintain law and order. I could discuss this at length, and I shall come back to it just before I finish my speech.

In that same paragraph, number 43, there is this written in the report, and I quote: "As one of the final objectives of this historical survey was, in the words of the Chief Secretary, 'to restore public confidence and to make it clear that steps have been taken to remedy deficiencies which might have existed' it will be asked, 'Has this lesson, with its complementary one covering the deficient intelligence organization, been taken to heart?' The answer is 'Yes'."

Well, Sir, it would be unwise in this Council to ask the Government to give the House information regarding any intelligence organization. All I would say on this aspect, Sir, is that I hope that the reassurance given to Mr. Corfield when he wrote his report still holds good today. And I might quote one final sentence from paragraph 43. It says: "The public can rest assured that the present machine, within the limits of that present machine, is as efficient as it can be." Now, Mr. Deputy Speaker, I remember being part of a delegation to the then Governor in 1951 and apart from his name not being "Corfield", but the reply he gave was almost word for word what I have read out, and all I pray, for word what I have read out, and I think all Sir, is that the Government today, and I think all of us from this side and the other side of Council accept they are a strong Government, and can be sure that the remarks made by Mr. Corfield when he assures the public about the efficiency of the present machine should hold good.

[Sir Charles Markham]

Sir, there are other lessons, too, and I must refer briefly to some of them. If I quote them all, as I have said, it would take the time of this Council for too long, but Mr. Corfield in paragraph 44 again, thinking of the future and not the past, says, and I quote: "But there are other lessons to be learned, which are of great importance to a continued but orderly constitutional progress in Kenya." He lists some, Sir, from (a) to (e), but the ones I wish to refer to, because they are of prime importance to this House, are (a) which says "State police must remain in the reserves". That is his remark, Sir, and I think it is an unfortunate wording—State police remind you too much of secret police—and I feel certain he does not mean that, (b) "While every encouragement should be given to self-help in the matter of education, it is essential that education be controlled, as it now is, by the Central Government," (c), and I apologize, Sir, to the gentlemen of the Press for raising this, particularly as I was told in one of the Sunday newspapers that we had failed to understand the purpose or the implications of the Press Bill, but Mr. Corfield says this, and so you can blame him and not me: "Though so much emphasis in the world Press is on the material advancement of the African, the immense power of witchcraft must not be underrated. The feeling of terror inspired by *Mau Mau* sprang as much from superstition as from physical fear. The African, through no fault of his own, still has recourse to live dangerously near his primitive past." I will not comment on that paragraph, Sir, which must be obvious to all of us. And the last paragraph I am going to comment on is this, paragraph (d), which reads as follows: "Intimidation, both mental and physical, was and still is a weapon of great potency in the hands of unscrupulous aspirants to political power. It is used both against the wavering mass of the people and against those Africans who realize that the greatest contribution they can make to their own nationalistic aspirations is by co-operation with the Government. The stigma attached to the appellation of 'stooge' or traitor is very hard to bear, and moral courage of a high order is required of those prepared to bear it." Mr. Deputy Speaker, I feel certain that that paragraph is most pertinent to the situation we have today. I could, at some length, produce in this House facts and figures to prove to hon. Members how widespread in the Central Province particularly* and in Nairobi is this weapon of intimidation. In the days when we were young the bully at school would say, "Do you agree or I will bash you?" We always hoped that—

The Minister for Information and Broadcasting (Mr. Harris): Interjection.

Sir Charles Markham: I am talking about a proper school not the school of the hon. Minister for Information. We always hoped that the time would be reached when we were old enough to be in the position of bashers as opposed to being recipients of being bullied, but after a time when we reached the age when we thought we were men, but still only boys, we realized that that was out of date. But unfortunately in the political world, not only of Kenya, not only of Africa, but of the so-called civilized world, intimidation, political intimidation, is now rife in order to make quite certain the other man's point of view is not heard. Of course, that is democracy. Behind the Iron Curtain it is a very different kettle of fish, and those who dare express a contrary view are not heard of again, and I would not like to recommend that course to any hon. Member in this House.

I do not believe, Mr. Deputy Speaker, that we can learn the lessons of *Mau Mau* unless we do tackle this problem of political intimidation. I therefore appeal to the African leaders in this House to do all they can to prevent the continuation of intimidation, both physical and mental, and I know, Sir, that most of them, if not all of them, have said so in their speeches, but I would warn them that there are others, not in this House, who are determined to break down the good government of this country, who are determined that the words used by hon. Members in this House from the Benches on my left, will not be heeded, and who are equally determined too to try and make the lives of those people who believe in genuine democracy almost impossible. In fact, Mr. Deputy Speaker, we know for a fact there are people abroad today who would welcome a revival of *Mau Mau*, not only of the passive wing of *Mau Mau* but also the violent wing, because, as we can remember from the past reading this history of Mr. Corfield, there are certain "perks" attached to men of violence in so far as their weaker brethren are concerned.

Mr. Deputy Speaker, I wish today, not for sensationalism, not for any remark which might get headlines overseas, but I must in fairness to my own conscience and to my own community, point out that there is evidence, despite the historical survey of Mr. Corfield and despite the bloody misery of *Mau Mau*, despite everything that happened during those years of bloodshed, that other people still are trying to revive *Mau Mau*. I cannot believe, Sir, that any hon. Member in this House would do anything more than condemn those people for trying it, and I pray that they will have the leadership to persuade their less understanding brothers that the course

[Sir Charles Markham]

now being adopted by certain of them will do nothing more than retard progress, and will result in misery for many thousands of innocent people. I could have avoided raising this issue, but I am not suggesting, as I said at the beginning of my speech, Mr. Deputy Speaker, any personality or any individual who can be blamed for what is going on now, for what happened in the past. All I want to do is to try and hope that the Kenya Government will take note of this Report, will learn the valuable lessons contained in this Report, and that such lessons can give us progress rather than put the clock back. Hon. Members of this House have learned to their horror of deeds and actions which have taken place during the *Mau Mau* Emergency, and I feel certain, Sir, that all of us, of all races, colours and religions, would accept that never again must we go through the misery from 1952 to 1959 with the many thousands of people being killed and the racial bitterness resulting from it. The Corfield Report closes a tragic chapter in Kenya's history. Let us, Mr. Deputy Speaker, be big enough, be strong enough, be brave enough, to learn the lessons of that Report, so that Kenya can go forward thinking back to what was an unhappy chapter but knowing that the future is secure.

I beg to move.

Question proposed.

Mr. Alexander seconded.

The Minister for Information and Broadcasting (Mr. Harris): Mr. Deputy Speaker, Sir, may I first congratulate the Mover of this Motion on the temperate way in which he put forward his case. May I say, Sir, on behalf of the Government, that in the Motion as worded there is nothing unexceptional, and we could accept the Motion. That is our present intention, except, Sir, that we must watch the debate as it proceeds, to see whether some Members are reading into this Motion more than actually is contained in it. The hon. Member for Ukamba, Sir, in moving the Motion, did appeal for us to look to the future rather than have recriminations on the past, and in that spirit, Sir, and if that spirit is maintained in this debate, then the Government will be able to accept the Motion. May I say, Sir, in this regard, that it would be better, perhaps, if Government left its main reply until later in the debate until the various points that the other side wish to make have been made, with the condition, Sir, that providing the debate does not get out of hand and looks more to the future than the past, the Government will accept the Motion.

Group Captain Briggs: Mr. Deputy Speaker, Sir, in supporting the Motion there are one or two points I would like to raise. When speaking

to the Motion I moved in this Council in 1956 which led to the appointment of Mr. Corfield to carry out this enquiry, I stressed that one of my main reasons for the enquiry was the desire to prevent the same thing happening again as has already been referred to by the hon. Mover, I hope, therefore, that, like him, that the Government will give the House an assurance that the lessons to be learnt from that report have not only been studied but that they will be applied, and applied firmly.

Now my reason for saying this is that I think today there are very great similarities between perhaps the 1949/50 phase which is included in the report and the existing security position in this country today. There has been the same build-up of anti-Europeanism as a result of mass public meetings, the same signs of intimidation and the present crop of oath-taking ceremonies.

Now the next point I would like to move on to—the hon. Mover has already dealt with the similarities of the situation—is that I would very much welcome an explanation from the Government concerning the very long delay between the completion of the report and its publication. I understand that the report was in the hands of the Government by about last August. In the following November I asked a question in this House regarding the date of publication, and I was informed that the report had been received by Government and that it would be published after it had been studied. I would, therefore, like to ask Government to explain the reason for such a very long delay. In other words, from August, 1959, until the end of May, 1960, it has also been stated that some long delay was due to an endeavour to make the report less voluminous. If that is so I would like to know whether to achieve this the period covered by the report was curtailed in any way. I am particularly interested in this because it will be remembered by many people that after Operation Jock Scott was entered into a period during which for a long time *Mau Mau* was allowed to build up virtually without interference and to organize themselves in the forest and so on.

I have always been puzzled by the apparent complacency on the part of Government at that time which marked that particular phase of the Emergency and which, in my opinion, unduly prolonged it. Sir, if in fact that period was covered by Mr. Corfield, I very much regret it is not in the publication because I believe there might have been some very valuable lessons to be learned from that particular initial phase of the Emergency.

I also have an uncomfortable feeling that the delay in publication may have been due also to

[Group Capt. Briggs]

the decision to hold the Lancaster House Conference. It may have been felt that the publication of the report might make the implementation of the policy decided on by Her Majesty's Government rather more difficult. I would, therefore, like to ask the Government a straight question as to whether this was a factor which contributed to the very long delay.

To conclude I would like to express my appreciation of the immense amount of work done by Mr. Corfield in his very wide field of research and the very objective and impartial way in which he presented both the evidence and his conclusions.

Mr. Deputy Speaker, Sir, I beg to support.

Mr. Cooke: Mr. Deputy Speaker, Sir, I rise early in the debate because I had a lengthy interview with Mr. Corfield and also because my name is mentioned two or three times in this report, not in a derogatory sense! But I feel that Mr. Corfield, to my own certain knowledge of facts which I know to be facts, has omitted facts and committed a good many errors.

Now, I will give you a few instances just to bring them to the attention of the House. In 1948 at the request of Mr. Eliud Mathu and Mr. Ohanga—then Members of this House—I brought a Motion in this Council and the Motion was that Government should take cognizance of the serious unrest that existed in the country and I gave several instances of that unrest. Now Mr. Corfield—although I drew his particular attention to this—omitted to mention in the report that I brought this Motion on the advice and at the request of the two African Members who were then on this side of the House, because they felt very strongly that they had warned Government time after time that trouble was brewing and that no action had been taken. Now in one instance Mr. Eliud Mathu had written a memorandum in which he said—amongst other things—that the Kikuyu were meeting in the banana groves and the caves cursing the Government and the chiefs and he submitted this long memorandum to the Chief Native Commissioner. This, Mr. Corfield omits to mention and the Chief Native Commissioner at that time did not hand on the report to the Attorney General until three months had elapsed. Now that is a very important point because it shows that the African Members had brought to the notice of the Chief Native Commissioner the serious state of matters and he had not reported this for three months to the Attorney-General. That is a fact which has been mentioned once or twice before in this House and has never been contradicted.

Now, in 1951—and Mr. Corfield struck me, if I may say so as being an impartial and fair-minded man, and if I criticize him that must be borne in mind, but I think he does omit many cases which were in favour of Jomo Kenyatta and he puts emphasis on any others which were against Jomo Kenyatta. Now this is a very important matter. In 1951 Mr. Jomo Kenyatta and Mr. Peter Koinange came to several of us, myself, Sir Charles Mortimer, also repeating that there was a grave danger of unrest, and of serious unrest, and we formed then what was called "The Kenya Citizens' Association" and what I want to emphasize is this, that this association was formed on the initiative of those two men, not on our initiative as one would be rather inclined to infer from this report.

Now those who attended the meetings that we had of the Kenya Citizens' Association were of the opinion—Mr. Vasey, for instance, who was a Minister on the other side was a member, Sir Charles Mortimer and Chief Waruhiu and Mr. Ofafa—both of whom were subsequently murdered—and the blame was put down, naturally, to the *Mau Mau*—were at that time members of this Association, and with Mr. Jomo Kenyatta and Mr. Peter Koinange. Now that is a matter which must be known that they were, or struck us at that time, as being sincerely anxious to warn Government that unless some action was taken there would be great trouble in this country, and I think it would be grossly unfair not to reveal that to the House.

Now we told Mr. Jomo Kenyatta that we had noticed that he had not so far denounced *Mau Mau*. Of course he always said—I think the word "*Mau Mau*" was not known to everybody—he knew there was serious sedition, but he did not call it *Mau Mau*; he did not know what *Mau Mau* was. Well, you must give the man the benefit of the doubt. I must say I had not heard of the actual expression *Mau Mau* until about 1950, and I was then on the Executive Council, but I did hear a lot about sedition in this country. Now Jomo Kenyatta went to Kaloleni Hall and—I was not present at the meeting—he denounced *Mau Mau* in a way which satisfied all the Europeans who were present at the meeting. He denounced it very vigorously and later on that afternoon I saw several Africans—educated Africans—who had been at Kaloleni and they said that they were perfectly satisfied with his denunciation of sedition in this country.

Now Mr. Corfield right throughout wants us to believe that Kenyatta was speaking with two tongues. That may or may not be so; my impression was that he did quite openly denounce this sedition and he denounced it in various other

[Mr. Cooke]

places as well. Right throughout, whenever Mr. Corfield refers to this denunciation, he says, or in words to the effect, that, of course, he was speaking with two tongues and we had hints about his taking snuff and all that sort of thing.

Now the third point, which is a small one, except that it shows the tendency on the part of Mr. Corfield always to see the worst side of this man. He said that on the African Land Utilization Board that Jomo Kenyatta was useless because he never talked anything but politics. Well, I was on the Board at the same time with Mr. Eliud Mathu and we both resigned as well because we thought that Kenyatta was never given a fair hearing when he made his protests about certain ways of carrying on agriculture in the reserves and so on. And Mr. Frank Joyce, who was afterwards so very helpful on the Board, threatened to resign, so that Kenyatta was not the only person who was dissatisfied with the working of this Board. I mention that fact because it is unfair, I think, to have singled him out as being obstructive and unprepared to help Government.

There are one or two points which I would just like to mention. I do not like the attack, veiled or whatever it is, that has been made in this report on Sir Philip Mitchell. I was on the Executive Council at that time for four years and it is my impression that Sir Philip Mitchell was very aware indeed and took every effort he could to stop any kind of trouble in this country. But he said, and I think rightly said, that the trouble was due to agrarian and social matters and those should be put right before anything else. I think that history has shown that he was right in that respect.

However, I would like to dissociate myself personally from any criticism of Sir Philip Mitchell.

Now, just to give one small instance—another instance of the unfairness—Mr. Corfield said, with regard to the Teacher Training College, that "without a shadow of doubt"—without a shadow of doubt Jomo Kenyatta expropriated the funds. Well, Sir, if there was not a shadow of doubt why was he not prosecuted? If there was not a shadow of doubt I must say the then Attorney-General showed a dereliction of duty if there was not a shadow of doubt as to Jomo having misappropriated the funds. I think myself there must have been very great doubt. But it is an unfair remark in my opinion to make and I am mentioning these facts because it must make us approach this whole report with a certain amount of hesitation and doubt. It can be shown in these few instances when I know what the facts were that Mr. Corfield was at fault and

it must be possible in other instances that he may also have been at fault.

It seems to me right throughout he depends on hearsay—it is always the district commissioner "thinks" or "is of the opinion", and then again "we cannot get evidence" of this, that and the other thing. If you cannot get evidence—I suppose in a history it is all right to rely on hearsay, but people must be warned not to give too much credence to some of the conclusions. As a matter of fact in 1952, 1951/52, the police and the Administration had completely different ideas about the gravity or not of the situation. At one place the Commissioner for Police and the assistant in Nyeri said there was very little trouble and it was all more or less over. We have also a matter which was referred to by Mr. Corfield—I think in a critical manner—in which he says that pages of the Chief Native Commissioner's report which referred to *Mau Mau* were excised. Well, I think, that was an extraordinarily naughty thing of Government to have done, to have hidden from this Council various remarks about the dangerous situation and it was misleading to this Council not to have reported them. I think that Mr. Corfield says something like 18 pages altogether were omitted.

Now just one final matter before I sit down. The Attorney-General, the Minister for Legal Affairs, said that he was very puzzled that I should say that Mr. Corfield was *punctus officio* and that he had no right to alter his report. Well, now, if Mr. Corfield did in effect sign it and then alter it—allowed it to be altered—then I say that it was beyond his power to have done so and this vitiates the whole report.

Now the hon. Chief Secretary may ask me what I have to go on and I will tell him, that in respect of another report of which I was a member called the "Post-war Employment of Africans Report" Mr. Rennie, as he then was, the Chief Secretary, took exception to one of the paragraphs in the report and he approached the chairman and asked that this should be excised from the report. Sir Charles Mortimer summoned all the members, of whom I was one, and I said that I thought the matter was *punctus officio* and that we could not alter it even if we wished to do so. Anybody who knows, Sir, how obstinate (not in a derogatory sense) Sir Gilbert Rennie was, would, I think, admit that in a matter like that he would have consulted the Attorney-General before giving his way to our demurring against altering the paragraph. Well, if he did, obviously the Attorney-General ruled in our favour because the paragraph was published in the report, so it does look to me as if the law officers of those days,

[Mr. Cooke] at any rate, felt that if a matter was finally disposed of and signed and sealed—I do not say that Mr. Corfield did so, I have not got the information, but if he did alter it after he had signed it then I think he made a mistake and that deprives the report of its importance. But my hon. friend may say that the report was not signed when it was edited. In that case I am surprised that Mr. Corfield, who I regarded as rather a strong-minded man, would have consented to show the report to anyone. I should have thought he would have had the courage of his own convictions and that he would have written the report, signed it and allowed Government the responsibility, if they wanted to do so, to make any changes in the report.

Sir, I naturally support the Motion so ably moved by my hon. friend and I, too, am very grateful to Government for holding this enquiry, which is of great historical value if not of great value as to how we should weigh the situation in those days.

Sir, I beg to support.

Mr. Odinga: Mr. Deputy Speaker, Sir, I wish in the first instance to thank the last speaker for his most considerate and very fair comments on this report. But before I make some comments, Mr. Deputy Speaker, I would like to describe this report not in the way in which the Mover would like the Government and this country to describe it, but to say that there has never been a more unfair, a more partial and unbalanced report than this one is, which is called the Corfield Report. If Mr. Corfield is somewhere in this country, it is only history which will later on teach him or make him understand that what he made was not his actual genuine and true opinion, but he was trying to play or to please someone.

Sir Charles Markham: Oh, No!

Mr. Odinga: Mr. Deputy Speaker, if I have to comment generally and to put it to Mr. Corfield that his report is futile, the report itself is trying to whitewash Lord Howick's Government—Sir Evelyn Baring's Government, and is trying to throw the dust on the Government of Sir Philip Mitchell and also on Jomo Kenyatta, mainly which I think is most unhappy and most untrue. I am sure that any historian who is going to write a proper and balanced history of the movement which took place in this country which I describe as the only thing which was the last thing which the people in this country as frustrated people could have done and that is the violence which broke out in this country. That was the only alternative which remained to them and nothing more and

they did it just to save themselves from entire extinction.

Mr. Deputy Speaker, I would describe it and I would also try to express the African views on Sir Philip Mitchell's Government in this country because I feel that had it not been because of Sir Philip Mitchell's Government and his understanding of the African people and his wealth of knowledge of this country, I am sure that there would have been much more confusion and the violence which broke out in this country would have not been confined to one place, but would have been generally throughout the country. But because of his wise leadership and because of his outspoken and his fair treatment of everyone, both Africans and Europeans, he could temper his mind when he meant it. He did tell anybody his mind. Just as he told the Africans his mind, he told the Europeans equally, he told the Asians equally his mind and because of his fair treatment to the people—I think the Africans got a little bit of consolation and it was also during his time that the Africans got a little bit of progress in the Government. It was the time when the African representation was more increased and a better form of the return of the Africans to this Council was made. It was during his time that I felt the Africans got a breathing space both in social life and in the economic field, and if I find that this report is just trying to blacken that Government, I am sorry but that report is not what it should be.

Mr. Deputy Speaker, any report or any historical event which faces the fact will not leave it without charging the Government of Sir Evelyn Baring and the settler of this country with the condition of what is called *Mau Mau* in this country and if you would allow me to say so, I would say that immediately at the time Sir Evelyn Baring came to this country he did not bother as Sir Philip Mitchell used to do to call Jomo Kenyatta to his Government House, discuss with Jomo Kenyatta freely and try to get the solution to the problems which were present, which later on led Sir Philip Mitchell himself to try to warn the British Government in his despatch about the agrarian problems and the social problems of this country, which I do not think anybody has ever done and if this report does not recognize that then it is not worth its salt.

When Sir Evelyn Baring arrived in this country he did not bother to see Jomo Kenyatta, but he went somewhere in the Rift Valley, met with the settlers' community and closed himself with them in a closed door, closed window, closed everything, and when it comes, it is only history which will tell us later. It was only after that, without bothering to hear the African point of

[Mr. Odinga]

view or to hear the African opinion, he declared an Emergency and arrested Jomo Kenyatta and that was the beginning of the struggle which happened in this country and who could actually tell anything about that? It was only after taking that drastic measure of taking Jomo Kenyatta and leaving people without somebody to guide them or without somebody to show them what to do that people immediately went into confusion if some people were here I am sure that even among the settlers' community and even among the Members in this House there is some of them who would be charged with getting *Mau Mau* in this country like Jomo Kenyatta and it is only history which will tell and it is only when the African people will come to power, when they themselves will have to recount everything and expose everything. I know so many speeches were made in this House charging the Africans when the African mouth was shut completely, they could not answer for themselves completely, and which later on so such wild charges were made against the Africans both in this House and outside this House, and charging them with subversive activity and so on without they themselves having any opportunity or any trouble at all to answer for themselves. The Africans had been arrested and they were all leaders who were taken and locked up and those who remained were shut up not to say anything, and some people were still going on speaking wildly and charging the African wildly with nonsense and nothing more.

I am sure that if Mr. Corfield wanted to write a balanced report he should have taken this report and also studied the speeches which were made during that time rather than think that it was Jomo Kenyatta and go on trying to justify that it is because of Jomo Kenyatta's meeting and immediately after that that someone had written an intelligence report suggesting that that meeting was subversive and was suggesting something of violence. What else could if somebody attended those meetings and if somebody cared he could not have found Jomo Kenyatta to be such a man. And I am sure that you must understand that a man—

Sir Charles Markham: Don't shout.

Mr. Odinga: —who is so much trusted by millions in this country and who is in the hearts of millions of people in this country could not easily be taken lightly and charged so lightly against some people who make wild statements against him without yourself endangering things. You will not be living in this country at all.

Mr. Deputy Speaker, I see that the Mover of this Motion is a little bit uneasy, but I am asking him—

Sir Charles Markham: Not on your life, Not a bit.

Mr. Odinga: —to be patient and to listen intently because I feel that he moved this Motion with good motives and I think with good intentions.

Sir Charles Markham: Thank you!

Mr. Odinga: And it is better that we should speak our minds and speak the truth.

Mr. Deputy Speaker, let me just make one small reference to the report. On page 7 it is said in the last paragraph: "Many, if not most, rebellions have some degree of justification. There were psychological factors and sociological grievances amongst the Kikuyu which favoured the growth of a rebellious revolutionary movement, but there was in my opinion no justification for *Mau Mau* which was wholly evil in its conception. It was the deliberate exploitation of these grievances by its organizers for their own ends that led to the outbreak of *Mau Mau*." Here he is trying to treat *Mau Mau* as a very queer animal which is not usual at all. I should say that anybody may take it as he may; anybody may describe it as a queer animal. Let anybody consider it to be a special kind of revolution. Still it was just a revolution as any revolution which could happen when the people have reached such a stage as was reached in this country. I am sure, that if there is anybody who should be taken as doing a lot to warn the Government to take heed, to try to rectify the grievances of the African people in order to avoid bloodshed, I think Jomo Kenyatta should be number one. He was the man who did all that he could. He suffered, left this country, went to Great Britain, stayed there for 18 years trying to plead with the British Government but no one listened. He came back to this country but he did not go to violence. He did not go to violence, but he came to form a constitutional organization which later on sent a delegation again to Great Britain and to send a delegation to plead for the African development. Yet no one really listened to him. All these things have never actually been considered.

He later on came back and tried his best when he knew that the people had reached more strain than they could actually bear to warn even the Government and he denounced any form of violence. But people still say that he did not denounce it very well! Are there two ways of denouncing something? Are there special ways of denouncing something? Those people never showed the way to denounce this. He said, "I have denounced it", and they said, "No, you have not denounced it very well!" How, then, do

[Mr. Odinga]

you want him to denounce it? He was doing that. Furthermore, when the violence was over, if Jomo Kenyatta was the leader and the organizer of *Mau Mau*, then when he was arrested, if he was their general, then the people would have immediately been disorganized. They would not have been organized. There were so many people who organized the war and who actually commanded the war, but immediately the leader or the general was arrested then everything would have been finished and everything would have ended immediately. *Mau Mau* would have just ended immediately.

The Deputy Speaker (Mr. Conroy): Order, order! Mr. Odinga, your fifteen minutes are up.

Mr. Odinga: I see. My fifteen minutes. . . Well, Mr. Deputy Speaker, I should have liked to go on—

The Deputy Speaker (Mr. Conroy): I fear I must ask you to stop because you are intruding on someone else's time.

Mr. Odinga: All right.

Mr. Blundell: Mr. Deputy Speaker, I shall be brief in intervening in this debate. I should like to congratulate the hon. Member on the way in which he moved this Motion. I want particularly to deal with that aspect of his words where he indicated that he felt in some respects the situation in the country today was similar to that before the build-up of the *Mau Mau* movement.

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

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

In particular I want to take one or two aspects of it and ask the hon. Member, the Leader of the House, to deal with them.

I think we want to remember that behind the *Mau Mau* movement there are really three things: political unrest in the form of an emergent nationalism; secondly, unease at a changing world from the tight rules and regulations of tribalism into the freer world which we had brought here; and, thirdly, the social and economic pressures which fell on the Kikuyu people. In so far as the political unrest is concerned, the African political leaders today have very much greater freedom than they had then. They are elected—and the great responsibility falls upon them to try to deal with the issues. In so far as uneasiness at the changes around them are concerned, firm Government with a clear cut political plan is, I believe, the best answer. It is particularly to the social and economic ills that I want to refer.

Sir, I am sure that one of the reasons for the unrest at the moment and the increase in crime which we are having is due to our inability to deal really with unemployment. We on this side of the House have mentioned it to hon. Members opposite and I would again impress upon Government the necessity of trying to deal with it.

The second, Sir, applies to the hon. European Elected Members and to men such as myself. I believe we simply must begin to move in the matter of land reform. If we do not do so, then I would give this warning: the pressures which built up in 1948 will begin to build again and, therefore, I hope that we will get a more imaginative outlook on the whole of the land problem and land reform.

And the third matter to which I wish to refer and particularly would like the Chief Secretary to answer me on is that I would urge Government to look again at the whole problem of security in old age. I had a Motion down in the Council, but after Lancaster House I withdrew it to speed the business of the House. But with the emergence of land consolidation and the creation of a permanently landless class, together with the rise of a large urban industrial population, we cannot afford to shirk this issue of security in old age. If we do shirk it, then again we shall add to the pressure which we have already seen can do us great damage in 1948.

I would like, Sir, again to draw the attention of the hon. Minister opposite to the danger of the spread of what I would call "the *Mau Mau* type of mind" into tribes other than Kikuyu, and I would like him when replying to give us an assurance that this has the particular attention of Government.

On the purely executive side, I would like him to give us an assurance that there is a really intimate relationship between the executive head of the Government, which is the Governor, and the Minister for Defence and the Ministers responsible for advising him on security matters. I think it is essential, especially, that advice which comes from security sources to the Governor does not come on an independent line from that of the Ministers also responsible for advising the Governor. Now, there was a tendency in the late Governor's time for independent sources of advice to arrive on his desk and I believe it is essential for the Minister for Defence and any other Minister connected with security to be in the channel of such information, so that they all are receiving the same information.

[Mr. Blundell]

Sir, penultimately, I would like to ask the hon. Minister what were the alterations to the Corfield Report? The hon. Member for the Coast raised it and he does not mind my repeating the request. He spoke rather at length on the matter. What he sought to get was: "What actually was altered or omitted?" I ask this because I saw Mr. Corfield in London and I asked him on this and certainly the impression he gave me was definitely, and I have a close relationship from when I was on the War Council, was that the alterations were of small substance indeed, and if that is so I think it would be much better if the hon. Leader of the House were to say so with an authoritative voice.

Lastly, Sir, I want to say this: some criticisms have been made by the speaker who spoke last of the attitude and outlook of Sir Evelyn Baring, Lord Hovick. I think that in moments of crisis, as we were in for seven years, it is easy to make criticisms. One thing I would like to record in this House is that from the very earliest days Sir Evelyn Baring, as he then was, saw clearly that the situation which *Mau Mau* had created could only be dealt with firstly, by the forces of law and order and, secondly, by the social and economic adjustments to meet the problems which were feeding the pressures behind *Mau Mau*. And it is distasteful to me to have to sit in this House and hear the negative remarks that have just been made on a man who, whatever criticisms may be made of his period of office, had the wisdom and the imagination to see that what he called a "two-pronged attack" upon the menace before us was necessary if it was to be removed.

Sir, I wanted to end, Mr. Deputy Speaker, by urging upon the Government a full realization that if there is, indeed, a build-up today similar to that in 1952 or pre-1952, one of the most essential things that we have got to do is to begin the economic reforms which will strike at any rate at some of the foundations of the trouble.

Major Day: Mr. Deputy Speaker, Sir, with reference to the Motion and the discussion of this report of Mr. Corfield's. I would like to put a very few points in a very brief speech. They are general points, Sir, and I hope they will be a contribution to this debate and they will take the form of questions.

The first question I would like to ask the Government, Sir, is this: does the Government not agree that for an emergency such as this last Emergency, up to which the report has given us such a comprehensive, detailed and excellent study, that it had, Sir, a sufficiency of facts to

take preventative measures which would, in fact, have made it impossible for this holocaust to have ever occurred?

Now, Sir, I feel that what is past is past and I would merely urge that the lesson, this particularly important lesson, Sir, should remain in the minds of Government. Now, Sir, to be in possession of certain facts which lead you to suppose that an emergency may occur is one thing, but it is little use having these facts at your finger tips, Sir, unless you act in such a manner as to prevent it occurring. I feel, Sir, that the Government must indeed have this in mind and I would urge that they act with resolution should they at any time now or in the future come upon facts which may lead them to suppose that there could possibly be another emergency of this nature in this country. Sir, the British people are completely disillusioned about emergencies—and I mean the British people. They have now seen emergencies in Malaya, in Cyprus and indeed in this country and it has cost them, Sir, an enormous amount of money and it has cost them also the lives, in some cases, of their sons in the service. Now, Sir, what has, in fact, been the final result? As a rule, it would appear that these emergencies or their combating with all this treasure and loss of life have achieved no very positive final result and they are feeling this, Sir, perhaps not very coherently but this is the tenor of opinion today. I feel, among the ordinary men when it is put to them that an emergency may occur in some part of the remaining Empire or Colonies—whatever you like to call them—I consider, Sir, they would be most reluctant to endorse any Government in England who was prepared to once again resort to arms, which is virtually what it is in quelling an emergency or a rebellion. Sir, they now do not clearly see the all actual use of this. The endless suffering for all concerned, Sir, they see quite vividly, but the final results they think, I feel, are not often satisfactorily achieved.

Now, this is a new attitude and it has become really developed and is continuing to develop during this particular century, particularly since the last world war and, Sir, I consider that situations, pre-emergency situations, should be met by a new technique to meet this new attitude, because we will invariably have to call on the support of the Home Government in an Emergency such as the last. I feel, Sir, that the lesson is basically, therefore this, that we must be prepared, the Government in this country, to pounce by seizing the head of the snake, Sir, when it starts spreading from its hole and preventing the poison spreading. In other words, acting resolutely and quickly when knowledge is obtained that any body,

[Major Day]

general central body, is actuated by motives which may be calculated to produce the breakdown of law and order.

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

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

I feel sure, Sir, that Government do realize this, but I would like, and would indeed welcome, an indication that this is so.

I beg to support.

Mr. Ngome: Mr. Deputy Speaker, Sir, I would first congratulate the Mover of this Motion on the way in which he expressed his views to this Council and with regard to the Report of Mr. Corfield, as it is circulated all over the country—all over the world. But, at the same time, Mr. Deputy Speaker, I think I should not go on repeating what other speakers have already said. It is a pity that the people made some reports to the authorities of Government in this country and no action was taken. I would only or finally say that in future if the Government of this country is not going to handle the matters, they should allow the military authorities to take charge and I am sure every creature in this country would come to their senses, rather than allow the country's people to be killed when the Government is there, and no action is taken. Well this is a matter, as the Mover of this Motion has said, we are very concerned with, the security and future of this country.

I support, Mr. Deputy Speaker.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, I would like to begin by thanking the hon. Member, in moving this Motion, for the very moderate and constructive way in which he put it to this House. I must admit myself that I was a little afraid that when this Motion was taken today in this House we would have terrible recrimination, a lot of digging up of old facts and a lot of digging up of old figures and what went on in the grim and terrible years between 1952 and 1958. And, therefore, I must say I welcomed enormously the fact that the hon. Member said that he was looking to and trying to think about the future and, indeed, stuck to that from the word "go".

I would like to deal with the points *seriatim*, if I can, that have been brought up by hon. Members, and I would like to get out of the way first the question of deletions which were made to the Report or omissions. The hon. Mover talked about Members in London having seen it

and wanted to know what was omitted. The hon. Specially Elected Member, Mr. Blundell, also referred to this particular point. Now, Sir, I can give the full history of this because I dealt with it myself. When Mr. Corfield left the country in September, he gave to the then Governor, Lord Howick, and myself a cyclostyled copy which he regarded really as his first draft, not his first draft but his final draft, but still a draft, to be looked at by the Governor and myself. There was one important omission in that draft and it now appears in the printed Report as Chapter 16, the conclusions which he drew. In other words, in September last year the Report was incomplete. I had hoped that Mr. Corfield himself would have been able to return to the country some time before the end of 1959 and be able to inform us what he was going to do about Chapter 16 and also to consult with us as to the various amendments, if there were going to be any amendments, at that time. Unfortunately, because of his own family reasons, he was not in the end able to return to the country until the end of February or the beginning of March. At that time, he was then ensconced in the Cabinet Office and he then made certain emendations, if I can put it that way, to the Report, which concerned Chapters 7, 8 and 9 and 11 and 12. Now, he made these emendations himself for a specific reason. The chapters had been written very fully indeed by him for the purpose of informing the Government on the specific matters with which these Chapters dealt, but he felt that for the general public a lot of the material in these Chapters would be largely academic and he therefore himself condensed the Report at that stage. Thereafter we discussed the question of references to certain people in the Report and at one time we did consider deleting practically all the names. In the end we did not and we only deleted one or two names where we thought that there would be a definite danger to the people concerned.

Now, in regard to the statement, I think it was by the hon. Mover, about the appearance of M.P.s, or Members of Parliament, in the Report. I think if you will look in the index at the end you will find that names of Members of Parliament appear five times in the Report. Therefore, there was no question at all about removing any references to Members of Parliament. And, if just at this stage I might deal with the point which the hon. Member for the Coast made when he said that he was challenged by the Attorney-General, about Mr. Corfield being *functus officio*, he said that if he signed the Report and then there were emendations made, it vitiated the whole Report. If he looks at the front page, or nearly the front page, of his Report, he will see that Mr. Corfield signed that

[The Chief Secretary]

Report on the 5th May of this year. Most of the discussions on what we were going to do about the publication of it occurred long before the 5th May. Also there were one or two other points which we took up with him after he had gone back to London, but it was, just as the hon. Member himself said, it was the Government suggesting that we might make possible alterations and they were on the lines which I have already suggested and also we did so entirely with his agreement, as we said in the debate which was raised by the hon. Member for Nairobi West. We would do nothing to the Report without his consent. Therefore, that meets, I think, the point which the hon. Member made completely.

Mr. Cooke: Did he sign the draft Report?

The Chief Secretary (Mr. Coutts): No, he did not sign the draft report.

And then I would like to make one further point on this matter, on this question of emendations and so forth, mainly because there seemed to be at the time a great flurry and scurry about whether or not large portions were being cut out of the report for particular reasons, and that is I would like to draw Members' attention to a statement made by my hon. friend, the Member for Mount Kenya, in the 1956 debate when he said this: "Now, I fully accept what the hon. Chief Secretary said in regard to the report, and it may of course be necessary that certain parts must be omitted from that report, that are related to secret matters and I fully appreciate that and I am sure everybody on this side of the Council accepts that too." So, therefore, I was not, at the time that the hon. Member for Nairobi West raised the point, ready to deal with this in detail. It was embarrassing to the Government at the time because we were at the time in consultation with Mr. Corfield about his actual text and I was not prepared at that time to tell the hon. Member, or any other hon. Members, exactly what we were either deciding or about to decide. I felt that it was necessary for me to wait until an opportunity like this when I could explain to the House exactly what was going on.

Mr. Blundell: Mr. Deputy Speaker, I think this is one of those occasions when, if the hon. Member would allow us to ask him to give way, we would welcome it. Would the hon. Member not inform the House that alterations in the report were made in order to save specific Members of Parliament embarrassment, or was that not the case?

The Chief Secretary (Mr. Coutts): My impression, Sir, and I must admit I perhaps will have

to admit to a faulty memory, my impression was that that was considered, but finally rejected. It was considered at one time that perhaps there might be embarrassment to a certain Member of Parliament but if you look at your report—I am not going to tell you which one it was, but out of the five—his name is still there.

Sir Charles Markham: I think this is important and I think the hon. Chief Secretary for giving way. Would the Chief Secretary tell the House whether words have been changed rather than omitted; changed to spare embarrassment to anybody? I think this is important.

The Chief Secretary (Mr. Coutts): No, Sir; that is quite definitely not so.

Mr. Blundell: I think the hon. Chief Secretary for giving way—

The Deputy Speaker (Mr. Conroy): Order, order! We cannot have Question and Answer like this. We have a debate; hon. Members make speeches; and Members can rise either on point of order or points of explanation. As Members have felt keenly about this I did not stop it before, but we cannot have an hon. Member put through a catechism in the middle of his speech.

Mr. Blundell: Mr. Deputy Speaker, on a point of order, I would like to raise this matter if I may and ask you to refresh your memory with the procedure in the House of Commons in the quietude of your own room. The late Speaker, Mr. Deputy Speaker, ruled as you have ruled, but, Mr. Deputy Speaker, if you will consult the records of the House of Commons' procedure in HANSARD you will see that on moments such as this Ministers who are responsible for matters of considerable State interest do give way to questioning or points put to them by hon. Members from the Opposition side of the House on a number of occasions.

I would ask you, Mr. Deputy Speaker, to examine the records of debates on such matters as Blue Streak, Summit Conferences, when you will see the Minister who is replying does give way for hon. Members opposite, legitimately. I do to expand the theme which he is developing. I do not question your ruling today and do not wish to do so. I would merely like to suggest, Mr. Deputy Speaker, that you might consider this matter and advise the House again as to whether we could not have more latitude in this matter.

The Deputy Speaker (Mr. Conroy): There is no need for me to consider this matter because I, too, have noticed wide divergencies between procedure in the House of Commons and procedure in this House.

[The Chief Secretary]

thing which was said in the Report, and for the sake of my argument let us disregard the Report. But does he still say, in the face of a trial with all the witnesses which the Crown could possibly muster, with an appeal which went all the way to the Privy Council, that the person was not guilty of managing an unlawful society which was called *Mau Mau*? It seems to me that the hon. Member takes upon himself such out of the evidence as he wishes and disregards the rest.

The hon. Specially Elected Member Mr. Blundell criticized the Government at the present stage of inability to deal with unemployment and suggested that we should look again at the whole problem of security in old age. Sir, I do not want to go into the whole question of unemployment at this stage. We have argued this across the Floor of this House and I think that everyone knows that the Government realizes how important and how difficult the problem is. But, as regards the problem of security in old age I do want to assure the hon. Member that when in this most recent caretaker Government when we created a new portfolio of Labour and Social Security and Adult Education we were not doing so for the sake of appearances. We also agree with the hon. Member that the whole question of social security for the future and of old age generally is very important indeed. I must warn the hon. Member, however, that if we are going to bring in any positive proposals for looking after social security it is bound to cost money and we must make up our minds whether the money is going to come from some other service or whether it is possible to raise it in some other way, taxation or otherwise.

An Hon. Member: It is cheaper than having an Emergency.

The Chief Secretary (Mr. Coutts): I agree with the hon. Member that it is much cheaper than an Emergency and I am sure that my hon. colleague who is here this afternoon will bend every energy that he has towards looking at this problem.

Now, he also talked about the spread of *Mau Mau* to other tribes. I cannot accept that in respect of the chapter in the book, but I do not think that that was what he referred to because I think he was referring to *Mau Mau* practices at the present time spreading to other tribes. I have no knowledge of that at the moment, but if the hon. Member himself has any knowledge I would be most grateful if he would let me know.

He also went on to talk about the intimate relationship which must exist between the head of the State, that is the Governor, and others who have responsibility for security. I agree with him

entirely. He knows that there is a Security Council in existence which meets fairly regularly but in addition to that I would like to tell him that the Governor does consult not only with the Minister for Defence but all other persons, including myself, who are concerned with the security of the country, not less than once a week, and very often more frequently.

The hon. Member for the Aberdares asked if we had the facts to take preventative measures. I think I have already replied to that question. He also said that we must act with resolution. Indeed, Sir, I think I have given the House an assurance on that matter. I also tried to explain the provisions in the Public Security Ordinance which we have at the present time.

That deals, Sir, with all the speakers who have taken part in the debate so far. In finishing I would just like to say this, and that is that whatever history may think about Corfield himself or of the Report, whatever people may say about the findings which he has made, I feel that he, in the best possible way, according to his own lights—and, as far as I can see by the manner in which he has written this, they were very able lights—has presented as factually as possible, not only to us but to the world, what he believed to be the origins and growth of *Mau Mau*. The Government, therefore, through his agency, and I join with other Members who have thanked him for doing it, have been warned of what may happen and the Government, I hope, always will take note of the lessons which he has asked us to take note of.

I beg to support.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Deputy Speaker, Sir, I must say that in my personal opinion I did not even think a debate on this Motion was necessary. I say that because Kenya has had an unhappy history and the more we keep on arguing among ourselves about the past of this country the more we endanger the good relationship that is expected to develop in Kenya from now onwards. I therefore believe that when you have an issue of this type in which you bring in a lot of understanding and misunderstanding as to what happened in the past everybody has a different opinion of what happened. I am not going to say that I appreciate myself a debate as to whether or not the Corfield Report is accurate. Like every other question there are many people who do feel, as the Member for the Coast felt, that the Report itself has left out a number of important facts, and I have heard many other people say that there is something wrong in some of the statements which have been made. However, I can only say this, that when the Mover was speaking he gave some

[**The Minister for Commerce and Industry**]

advice to the people who he called "the Members to my left". I believe he meant the Africans leaders. He gave some advice, implying that they should realize that there is restlessness in the country, intimidation in the country, and that it is important for them to be aware that such aspects are actually against the welfare of the country. All I can tell him is this. It certainly is not necessary to remind the African leaders, whether to the Mover's left, or the Mover's opposite, about intimidation or violence. I have said in the past and I shall say again that they believe what they say when they say they do not want intimidation and violence, and not only that but that they will do all they can to stop it, and any statement with regard to them, which might imply that they are not aware of this fact, is not correct, Sir, at all.

Sir Charles Markham: You should have listened to what I said.

The Minister for Commerce and Industry (Dr. Kiako): You gave the advice and you accused them, did you not, the Member for Ukamba?

Sir Charles Markham: Sir, on a point of explanation, if the Minister wishes to make remarks like that he should have listened to my speech. I said, "I know that the hon. Members on this side have condemned it", and before he makes remarks like that I do suggest that he listens to what people say.

The Minister for Commerce and Industry (Dr. Kiako): I also remember the statement when he said that, but I also believe that he did advise them.

The second opinion which hon. Members seem to have in this House, Sir, is that there seems to be a point that must be clarified now, and this point is this. On both sides of the House, and I am sure that the Government are aware of this, there seems to be a feeling among some people that if the African Elected Members support, or speak in praise of, a person such as Jomo Kenyatta, they want it understood that they do not at the same time support violence. I say this because I have listened to the speeches by many of the African Elected Members, both in Nairobi and in the rural areas, and I have looked at their records, and I am convinced that it would be wrong to mistake them for people who support violence if at the same time they speak on behalf or in respect towards Jomo Kenyatta. It is important that this should be said because I do not feel that it is good for Kenya to have a mistaken understanding of what the African Elected Members stand for.

Now, lastly, I would like to say this, that as a person who represents the Central Province and also a Minister in the Kenya Govern-

ment, and also a person interested in the economic development of this country, and a person who wants to see stability which is a necessary condition for further economic development, I am particularly happy to say that the majority of the people in this country, Africans, Europeans and others, are against the return of any conditions which would necessitate the reintroduction of the Emergency in Kenya. Nobody wants the Emergency in this country. The majority of the people in this country are not only against violence but they are also aware that any actions which might risk the return of the Emergency would be an action against their own self-interest as well as the interests of the country as a whole, and in the Central Province, where my colleague the Minister for Defence has said that some oaths are taking place, and he was quite correct in saying so and is taking immediate measures to see that this does not go on, but nevertheless it is a fact that even in the Central Province the majority of the people are against oath-taking. I say this not as a guess but as evidence that can be demonstrated by meetings that we have held in Meru, Fort Hall, two meetings in Kiambu, and I am hoping that some meetings will be held in Nyeri very soon. This will indicate that it is a small and not influential group that is doing the things that have necessitated the worries of some people. I therefore do not think it would be correct for the world to go with the impression that Kenya is just about to be in another Emergency, because it is not, and whatever negative aspects today there may be in Kenya which do raise the worries of many people, including ourselves, we shall do all that we can not only as a Government but also as the leaders of this country to see that there will be a reduction or a complete abolition of these types of activities which are unlawful because we know that they go against the welfare of the country, against the security of the country, and, if I may say so, they are also against the aims and objects of African nationalist leaders. From that point of view I think the House can take encouragement that those factors which have appeared in 1960 which have brought about some concern on the part of the Government as well as on the part of everybody else who wants the peacefulness and security of this country. We can take good heart that these things will not grow, but rather will be obliterated by both the Government and the African leaders and all other people who want to see that peace is secure in Kenya and that violence or secret societies or subversion or oaths are not positive contributions to the attainment of what a country wants but rather are a hindrance and also that they do jeopardize the peace of the country, and

[Mr. Mate]

Now I feel he had an axe to grind. He was not impartial, so that I cannot take Mr. Corfield's Report as the kind of history of other historians, such as Professor Toynebe or any of the professors in my college. I think they write as scholars, but he writes as an interested party, and so I do not give very much credit, as far as history goes, to whatever he has written.

The other thing I feel is that he has treated all African political efforts black. The K.C.A. and Kenya African Unions have all been painted black whereas the political objectives of political associations in this country all the time have been one, and as a political historian he was wrong. I was a member of the K.A.V. myself and I do not see anything racial in it. Had it not been for those political convictions I would never be a Member of this House, and I have no regrets—I feel happy. Mr. Deputy Speaker, what I feel is unfortunate is that we cover the important basic facts as to what happened in the way of violence and intimidation, and I do not myself condone all that the Home Guard did, I see, but I regret the kind of treatment the security forces give to the citizens.

I saw something of that kind. I saw people in the Home Guard who were not what you might call proper fighting people. They were just people who enjoy giving pain for its own sake and I would wish Government today to see that it is the wearer of the shoe who is hurt. There are many hon. Members in this House as well as the ordinary men and women in the country and in the Central Province who are bent on living peacefully and working together, forgetting loyalties, terrorists, detainees and all these. In the Central Province people lost their families, whether by the African Home Guard or by the terrorists, they lost their families. If you were to look at these particular people who are bent on being peaceful today and working properly, that is where we can get the proper answer to the so-called violence and intimidation. There are many European Members in this House—not all of them—who seem to cheer when Africans get into trouble, and the idea is if there be such people they are not fit for this country. They can go.

An Hon. Member: Shame!

Mr. Mate: And I feel if we were to look for justice and happiness in this country for everybody we should learn how to forget and to forgive.

An Hon. Member: Hear, hear, hear, hear, hear!

Mr. Mate: And not think that what happens in Europe and what happens in Asia is different from Africa. Sir, our agitation, our endeavours for the release of Jomo Kenyatta are not in any

way equitable or to be equated with condoning violence. There are many people who have been but they are back in the Central Province today. Why should he not be back? Makarios is back.

An hon. Member: Hear, hear, hear, hear, hear!

Mr. Mate: I do not see why we should treat Kenyatta's case in historical isolation and blame him at the exclusion of any other party and confuse his politics with things he never did. I would say very emphatically to this Government and the House, we want Kenyatta released as an individual like other individuals, and we have plenty of historical examples to show. There is the example of Makarios, a white man released by white men. Why should not a black man be released by a white Government. And I hope that when the Africans have got a greater say in this country that the first thing they are going to do is that they are going to do everything for Jomo Kenyatta and his colleagues to be released. If there is violence, we certainly do not want violence, but I cannot believe that the people who are at Lodwar and elsewhere are just trouble-makers.

On the other hand if there are Europeans in this country who want to create trouble by insinuations or making things difficult I am not with them. They might as well leave, and let those people who want to make Kenya a happy country remain here.

Mr. Deputy Speaker, Sir, we are living in the era of the Lancaster House Constitution. We are not in 1952. We are not in 1906 or 1923, but we should all show that we can work well together. It is time we forgot even the Emergency and those detained should be released to go back home. There are those who have become violent newsmongers—everything they see is in terms of violence. Every proper agitation, every proper expression of feeling is supposed to be violent, and it is up to them to change their hearts and cool down and learn by the behaviour of the people, and the majority of the people in the Central Province, the Kikuyu, Embu and Meru, who have come back from detention, some were terrorists, others were Home Guards, and they are living together happily in that village. Never mind about the incidents you hear of in Nyeri. One was an Asian having bribed someone to kill—not an African. This particular one we are told is something quite different, so for us who live in the Central Province we hear all sorts of things from all sorts of places and people who are not in accord with facts. I can assure this House from all that I have heard for myself, the Member for Nyeri and Embu, the Member for the Central Province South, and they are the Members from Central Province, the people are all bent on prosperity. They are forgetting.

[Mr. Mate]

They have forgotten. Why should not some of these European Members forget?

Sir, I would finish by adding this, that our long-standing genuine grievances—if you do not like the word I do not mind—are the land question, the detainees should come back, there should be equal human dignity in Kenya, equal opportunity in everything. These things we shall continue to work for. They are not anti-European, they are not anti-anybody, they are genuine human desires, and I would, ask the Mover of this Motion to see that and hope that he does not imply anything at all to make things difficult for us in the Central Province and any other part of Kenya. I have myself to work with him to bring that confidence and not interpret Mr. Corfield's ideas to suit what we refuse to face. Like the Member for Nyeri and Embu we want a second volume. We want an outside expert to give us an uninterested, unbiased historical sketch.

I beg to oppose this Motion.

Sir Charles Markham: Mr. Deputy Speaker, it is rather amazing when you make a Motion in this Council and you make a plea for moderation and ask Members to speak to the point of the Motion, that the debate starts off where every Member obeys, and then later on a Member comes in who has not heard any of the debate at all, reads out a set emotional paper, and from there on the debate ends up completely off the point—

An Hon. Member: Shame!

Sir Charles Markham: And when, Sir, the hon. Member says "Shame!" from the back I will tell him why indeed he should have shame.

Now, Sir, I am not going to answer every point because some of them are too farcical to answer, but the hon. Member for Nyanza Central in a speech, Sir, which was as certain to win as generally a French horse to win the Derby, except this year, he gave the old, old story, Sir, of living up to his reputation. He made one or two fantastic remarks, Sir, which I must quote. He first of all said that *Mau Mau* had no alternative but violence. He also accused the Governor and the settlers of Kenya of creating *Mau Mau*, and again the hon. Member for Nairobi Area comes in and hon. "Yes", not having heard what I said a moment ago. But never mind, Sir, he is paid for doing it. He also went on to imply that frustration is justification for violence.

An Hon. Member: Symptoms.

Sir Charles Markham: No, Sir, he did not say symptoms. I am talking about not the hon. Member for Nairobi Area, but his colleague and

leader, the Member for Central Nyanza. Now, Sir, when the settlers and the Governor are accused of creating *Mau Mau* you must from that deduce the fact that the Governor and the settlers are also responsible for the *Mau Mau* outbreaks, which if you read them, on pages 166 and 167, make the logic of the hon. gentleman so impossible, Sir, that it is not worth continuing. We all know, and even Mr. Corfield admitted, that there were reasons, background reasons, which may have had a very big part in *Mau Mau*, but, Sir, when the hon. gentleman overstates his case as much as he did then some of us are bound to doubt the wisdom of any of his remarks.

He also, Sir, made the most peculiar imputation against Mr. Corfield. He said that Mr. Corfield had written this report to please somebody and not to be impartial. Who then, Sir, does the hon. gentleman suggest should have written the report—a *Mau Mau* supporter? Who else was better to write this report than somebody who had had long service in the administration of the Sudan, and then accepted a temporary appointment in the War Cabinet in Nairobi?

Mr. Mboya: Most unsuitable.

Sir Charles Markham: Sir, the hon. Member for Nairobi Area says "Most unsuitable". Perhaps, Sir, he would have liked to have written the report in view of his great knowledge and great part in the fight against *Mau Mau*. The report, Sir, was written as a result of a Motion in this House, accepted by the Government, and I could not find any record in HANSARD of any African Member opposing that the Government should have a report on the origin of *Mau Mau*.

Mr. Mboya: Mr. Corfield's name was not there.

Sir Charles Markham: Sir, the hon. gentleman says that Mr. Corfield's name was not there, and I must admit as well, neither was the hon. gentleman's.

Now, Sir, I am glad that the Chief Secretary in his speech did give the House some explanation on the question of deletions. All I can say, Sir, is that we will leave it at that, and I naturally accept that any argument the Chief Secretary's without any argument the Chief Secretary's assurance that any deletions made were not made as we, on this side, did suggest.

I also, Sir, accept with gratitude his remarks on the subject of oath-taking, and I do hope, Sir, that he will keep the House informed if there is anything further to report on this particular subject.

Now, Sir, the Minister for Commerce and Industry—and I am sorry I brushed with him—I see he has gone out, too—said it was not necessary for this Motion to have been brought.

[Sir Charles Markham]

Equally, I would have said, Sir, it was not necessary for him to have spoken, but he did say that it was not necessary to remind the African leaders that they did not want violence. I accept that, Sir, but when you are told by the Member for Central Nyanza that frustration is a justification for violence and that *Mau Mau* had no alternative but violence, one wonders, Sir, whether the hon. gentleman, the Minister for Commerce and Industry, can persuade his colleagues on this side of the Council that his, the Minister's views are the right ones. I was referring to the Member for Central Province South, Sir, but do you wish to speak on that?

Mr. Odinga: I did not actually say frustration is a justification for violence.

Sir Charles Markham: Yes you did.

Mr. Odinga: It is a justification as a last resort.

Hon. Members: No, no!

Sir Charles Markham: Well, Sir, I do hope that there will be no intimidation of the HANSARD reporters this evening, and if by chance Sir, the hon. Member's correction is right, then I will apologize tomorrow in so far as he said this evening.

An Hon. Member: (Inaudible.)

Sir Charles Markham: Sir, I do not think I will. I said I will if he is right, but we will leave it like that.

Now, Sir, the hon. Member for Nairobi Area, who came in and told the House with great bravado, and I thought the matter should now come to the Minister for Agriculture. He came into the House and apologized that he had not been here before, and said he had been busy so we could have some meat. Well, we are very grateful for that, Sir. Perhaps, he is on the wrong side of the Council, and he should be taking the job of the Minister for Agriculture. But he then came in, Sir, and made a speech which quite frankly I did not understand. It had no relation to the debate, and why he did not put his speech in writing, then lay it on the Table, I do not know, but he never answered any point made by any Member, or listened to any argument by any Member, except the tail-end of the Chief Secretary's speech and the Minister for Commerce and Industry, and therefore it is rather amazing to hear him say that he opposed the Motion, not having heard the terms in which it was moved, or the reasons for moving it. It does not matter, he enjoys doing it. But what I do not understand is this, and it is very important that this House should know it. I deliberately, in my speech, made no mention at all of the question

of any report at present restricted. I said in my speech that this was the time to look forward to the future and not to discuss in any way at all recriminations about individuals as to who was responsible and who was not responsible. Therefore I could, and the Chief Secretary acknowledged it when he spoke, have made a speech which might have done a lot of harm, and until the hon. Member spoke, I must say that this debate was going extremely well, and then he suddenly decided to go into his usual brilliant oratory and managed to confuse the issue completely. But, if he is going to challenge, and he did in his speech, the whole legal system of Kenya, including the appellate system, which allows the convicted person to go to the highest court in the Commonwealth, the Privy Council, then, Sir, indeed we are in a sorry mess. All I can say is, Sir, that I would trust the wisdom and the judgment of people learned in the law more than I would the judgment of the hon. gentleman for Nairobi Area. And Sir, the hon. Member for Central Nyanza is not in his place—but sometimes we have found the hon. Member is prejudiced in his views. What is so amazing is that the Member for Nairobi Area is so sceptical about the legal system which we have in this country, including the rights of appeal, that I am surprised, Sir, that when he was convicted in a court he bothered to appeal and got acquitted. I would have thought, Sir, he had such low confidence in the Judges that he would not have wasted his time.

Mr. Mboya: Interjection.

Sir Charles Markham: Ah, I have got that one ready. If I am wrong I will apologize unreservedly, but I was under the impression, and perhaps, Sir, the Attorney-General opposite can support me that certain African Members were convicted of a certain charge, and on an appeal the magistrate's ruling was overruled. If I am wrong I apologize unreservedly.

Mr. Mboya: I call on the Attorney-General to say when I was convicted.

Sir Charles Markham: Well, I will tell one occasion when he was convicted anyhow and that was when he was convicted of—what was that crime—he got fined £75 too. I will let the hon. Member know tomorrow. But meanwhile, I will withdraw that allegation, but if I can find my facts by tomorrow I will put it back again. But seriously, we are getting a bit light-hearted at this stage, the last ten minutes, I do wish the hon. Member and other hon. Members who have doubted it, would look at the legal implications, and the dangers to their own people of doubting the fact that the courts are not impartial. We have always found the judiciary, Sir, within the

[Sir Charles Markham]

Commonwealth, forgetting about politics, forgetting about the colour of a man's skin, or anything else, and the courts have been absolutely free from any influence of politics and retained complete impartiality in cases brought before them.

Sir, I see little point in answering the speech made by the hon. Member for the Central Area. Quite frankly, he, the Member for Nyeri and Embu and the hon. Member for Central Province North, all of them, were quite inconsistent in their arguments. On Friday of last week all of them, at least certainly two of them, the hon. Member for the Central Area and Central Province North opposed—I do not know whether the hon. Member for Nyeri and Embu was back from England then, opposed a Motion calling upon this Government for volume II of the *Mau Mau* Report. That is three of them. Today all of them asked for volume II. I do not understand their logic. Sir, On Friday it is wrong to have another Report. Today, Thursday, which is six days later it is all necessary.

An Hon. Member: Interjection.

Sir Charles Markham: No, Sir, they did not, if you look at the speeches made in this Council, although some of them—(Inaudible.)

..... they opposed the Motion, and if you read the terms of the Motion, which is all finished now, it did not specify who it should be.

Finally, and I could go on answering various points, but I am not going to waste the time of the House, I think it is important, Sir, that those hon. Members who have announced that they oppose the Motion should read once again the Motion, and should understand that the Corfield Report, which is mentioned in this particular Motion is not a report made from the outbreak, but was a report made from the outbreak, or the known outbreak of *Mau Mau* up to the time of the declaration of the Emergency. That is all it is, and therefore, Sir, when the hon. Members who have spoken and said they oppose this Motion, I would urge upon them to read this Motion, I would urge upon them the Resolution, once again the second part of the Resolution, because if they oppose that they must be opposing the whole Government of the country. It is very dangerous indeed, and I will read the whole Motion, Sir, to make sure there is no misunderstanding: "That this Council records its appreciation to Mr. F. D. Corfield for his Report entitled 'The Origins and Growth of *Mau Mau*'."

An Hon. Member: It does not.

Sir Charles Markham: It is no good the hon. Member saying he does not, we do not care if he

does or he does not. If the hon. Member opens a door for me, Sir, I would say "thank you", even though I do not really think so. It is common courtesy, and the same with Mr. Corfield on this Report. Whether or not you agree with him I have not asked in this Motion, but I have asked you to record your appreciation to Mr. Corfield for the work he did in preparing it.

An Hon. Member: No, no.

Sir Charles Markham: It is no good saying you do not, because it is common courtesy even though you disagree afterwards.

Mr. Odinga: It is a waste of money.

Sir Charles Markham: As, Sir, the hon. Member for Central Nyanza says it is a waste of money, perhaps, Sir, we might well say his presence here is exactly the same.

The second part of the Motion, which is the important part, is "urging the Government to take note of Mr. Corfield's historical survey, applying his findings in relation to the provisions of adequate measures for the maintenance of Kenya's security in the future". Now I know, in all seriousness at the moment, Mr. Deputy Speaker, there are Members in this Council who have very strong views on the Jomo Kenyatta issue. I have not raised it deliberately because I have expressed my views forcibly in this Council on so many occasions that are recorded in HANSARD, but this debate was not to go back to the past with recriminations; it was to look forward to the future in order to avoid the very miseries which have happened, and which we all accept have happened, over the tragic years before *Mau Mau* caused the Emergency to be declared and after the *Mau Mau* campaign until the end of the Emergency. All I wanted to do, Sir, was to try and ensure from the Government that measures are being taken today, and tomorrow for that matter, which would ensure that the Queen's peace is maintained in Kenya.

Mr. Mboya: Interjection.

Sir Charles Markham: Sir, it is awfully difficult to try and answer besides from an hon. Member who has not been present in the debate. If he had heard the Chief Secretary's speech, and I do not wish to patronize when I say how grateful we were to him from this side of the Council, the very things he is now questioning would have been answered, and I hope therefore, as he was absent, he will not vote against this Motion because if he does the implication must be that he is against the Government at the moment, and therefore if I do hear when, Mr. Deputy Speaker, you put this question, people shouting "no", then I must ask for a division on this issue, so that we can know exactly where we are—

An Hon. Member: Hear, hear!

Sir Charles Markham: And I am glad the hon. Member says "hear, hear," and as a division takes five minutes, Sir, I beg to move.

DIVISION

The question was put and Council divided.

Mr. Odinga: On a point of order, can this be a free vote?

The Deputy Speaker (Mr. Conroy): That is not a point of order.

The question was carried by 41 votes to 8.

AYES: Dr. Adajia, Messrs. Alexander, Amalamba, Bechgaard, Bompas, Butter, Cooke, Coutis, Crosskill, Major Day, Comdr. Goord, Capt. Hamley, Messrs. Harris, Harrison, Havelock, Hennings, Air Commodore Howard-Williams, Mr. Hunter, Dr. Ismail, Col. Jackman, Messrs. Jones, Kebaso, King, Luyt, Kenneth MacKenzie, Madan, Sir Charles Markham, Mr. Mathieson, Sheikh Muhashaym, Messrs. Ngome, Rubia, Sagoo, Salim, Shikely, Mrs. Shaw, Messrs. Slade, Smith, Tyson, Usher, Waweru, Webb.

NOES: Messrs. Hassan, Kiamba, Mate, Mboya, arap Moi, Nyagah, Odinga, Travadi.

ADJOURNMENT MOTION

ATHI RIVER STRIKE AND OTHER RECENT STRIKES

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to move that this House do now adjourn.

Mr. Alexander: Mr. Deputy Speaker, under Standing Rule No. 10 I wish to raise the matter of the recent strike at the Kenya Meat Commission Factory at Athi River and other labour disputes in recent months and to urge upon Government the need for an official enquiry immediately into the origin of such strikes and disputes and the conduct of all parties concerned therein with a view to making recommendations for the improvement and development of better labour, and industrial relations throughout the Colony.

Mr. Deputy Speaker, the enquiry I am seeking must not be confused with the announcement today of a board of enquiry under the Trade Disputes Arbitration and Enquiry Ordinance concerning the labour at the Athi River meat factory. That enquiry, Sir, is specific; it is to establish the facts as to what precisely is in dispute between the two parties and it is part only of the stages towards attempts at conciliation. That enquiry, Sir—the enquiry announced today—is part of the conciliation machine. Here, Sir, it is appropriate that I should say and I

am sure all hon. Members join me in this, in saying how delighted we all are and how delighted the whole country is to have learnt that the workers at the Athi River factory have returned to work today. This, Sir, is due to the efforts of those responsible on both sides. It is heartening to us in this House that hon. Members of this House have played a very great part in this success. I refer, of course, most particularly to the Chairman of the Meat Commission, my hon. friend opposite, for the way in which he has handled this matter and on this side to the Member for Nairobi Area, who is the Secretary for the Kenya Federation of Labour. And most particularly, Sir, to the staff of the Meat Commission and particularly the secretary and the public relations officer. In the secretary of the Meat Commission I am sure this Colony has a very fine servant.

My purpose, Sir, is to turn the focus on all labour troubles in recent months, to find out what has gone wrong, why it has gone wrong and to tell us what can be done to improve the situation in the future. The public, Sir, of Kenya today, they are tired, they are puzzled and they are irritated at this continuous spate of what seems to be, to the public and to the man in the street and to many hon. Members of this House, utterly irresponsible. We have had, the Colony and the public, Sir, a stomach full of this type of irresponsibility which is difficult to follow and difficult to understand, and what we want now, Sir, is a proper enquiry into the events of the trade disputes of the past few months to find out precisely what is the cause. The examples that I bring to the notice of hon. Members are, of course, strikes like the Bag and Cordage-factory in Thika, the railway strike some months earlier that irritated the public very greatly, the strike of coffee pickers and more recently we have heard of a strike of post office workers and culminating all these, Sir, of course, is the strike at Athi River a few days ago, that being similar to the pattern set in these other labour disputes.

Here, Sir, it is appropriate that I should quote what the hon. Nominated Member, Mr. Rogers, said fairly recently, and he I accept as a gentleman who knows a considerable amount about this problem, and I quote: "What so frequently happens is that employers receive a demand, it is never a request but it is always known as a demand. The reply is required within three days, sometimes sooner than that. I am afraid that I must say, Sir, that the trade unions do not always follow the rules of procedure which have been produced by the employers and agreed and signed by the employees." Here, Sir, it is right that I should say that the fact that it is quite

[Mr. Alexander]

clear that the fault does not lie with the Kenya Federation of Labour and I am very pleased to report a conversation I had only this morning with the President of the Federation of Kenya Employers who was telling me that the agreements entered into between the Federation of Labour and the Federation of Kenya Employers in 1957 and 1958 have been completely honoured and in this, Sir, I am sure that great credit must go for this to the Member for Nairobi Area, who, of course, is very largely responsible for the affairs of the Kenya Federation of Labour. Therefore, Sir, it seems clear that much of the blame or all of the blame must lie with individual trade unions or individual employers. Here I might appropriately quote a few words of the Permanent Secretary to the Ministry of Labour on the attitude of trade unions, and he said this: "I would underline the fact that it is frequently where an employer is least receptive to representations made by labour that conciliation can be paid the greatest dividend, and if employees do feel frustrated and if trade unions feel that way then I can only commend to them that the answer is to make use of conciliation and not take action entirely into their own hands." Those, Sir, were the words of wisdom from the Permanent Secretary, who also has done a tremendous amount in this Colony for labour relations, and I know that he has been very largely responsible for what success there has been with the strike at Athi River owing to his attitude throughout the proceedings.

May I just say, Sir, in connexion with the Athi River factory strike, because it is symptomatic of so much else that has gone on, that in that case the Kenya Distributive and Commercial Workers' Union was only legally registered yesterday to cover labour at this particular factory. Yet they were attempting to act on behalf of the labour at the factory. They have, I imagine, been recruiting over the months gone by and they have, I imagine, been collecting fees; and the whole question arises, Sir, as to the legality of this. What status had these people got until they were legally registered? These are the sort of questions that we want answered in an Enquiry. This is the sort of thing that is going wrong in labour relations in this country. Meanwhile in this particular case, Sir, the Works Council at Athi River factory accepted as recently as March this year, only three months ago, revised terms and conditions of employment, and they themselves, as I understand the facts, have stated that they were not in sympathy with the proposed strike. All of this, Sir, is very confusing, very bewildering, and we in this House, and the public of Kenya, Sir, are entitled now to an enquiry into the whole of this question of

labour relationships, and I do urge upon the Government to accept the spirit of this debate.

Mr. Mboya: Mr. Deputy Speaker, Sir, in an Adjournment debate such as this it is not possible to discuss certain very important questions that may arise, but I will confine myself to saying one thing in the first place: that the trade union movement is not afraid of such an enquiry and for that reason I support the move that there should be a public enquiry. We ourselves are convinced that such a public enquiry will bring out a number of issues that have hitherto been completely crowded by very irrelevant and sometimes emotional questions that are not in fact related to the dispute, sometimes of course with of political slogans and clichés, so that I join my hon. friend the Member for Nairobi West, perhaps for the first time, in agreeing that the Government should call or should establish a Commission for a public enquiry. I think that it may be the case that in the growth of our industrial relations in the last few years we have not on both sides of industry have not perhaps kept pace with that growth, and the failure to keep pace with that growth may be resulting in a lot of the problems that are today confronting us today in industry.

May I say this, however, that it is necessary for a record to say that the trade union movement does not agree with some of the suggestions that have been made regarding recent strikes. I would not like to go into the cases now nor do I want to deal with the Kenya Meat Commission because there is an enquiry already agreed upon and whatever comments or arguments we have will reserve for that enquiry. But I do want to say this, that the country and the Government must agree that the recent spate of strikes is a symptom of something that is definitely wrong in industrial relations. It is not enough to dismiss it merely as a lot of political agitation, intimidation or nonsense. I think that something is wrong and that that something has got to be discovered. I therefore reserve my position on such remarks as have been made by, for example, Mr. Rogers, the Nominated Member, when he spoke, which have been quoted in the Council today and with which I do not entirely agree. I will not myself make any comments on the remarks made by the Member for Nairobi West with regard to the conduct of the Kenya Distributive and Commercial Workers' Union because, as I say, these are issues which will come before the Commission and at the moment I do not think it is proper or right to assume that either the Kenya Meat Commission or the Distributive and Commercial Workers' Union was the only party to be blamed.

But I would like to make just one last remark on the Member for Nairobi West's remarks on

[Mr. Mboya] the status of the Kenya Distributive and Commercial Workers' Union. I only make this point because he made a point which will perhaps be published or go on record. On behalf of that Union I say this. It is true that technically the Union was not registered until yesterday or, I think, two days ago. But it is equally true that the Commission have dealt with the Union before, giving it *de facto* recognition, and that if there was any question of their sitting together and talking they could have done as much as they have done before, and personally, this wrangle over technicalities is merely being raised perhaps as a defence but which, I think, is a very poor one at this particular time. I do not want, however, to develop the question here, but during the Commission we will definitely be bringing out the facts of that situation.

The Minister for Labour, Social Security and Adult Education (Mr. Ngala): Mr. Deputy Speaker, Sir, first I would like to join the hon. Member for Nairobi West in expressing Government's appreciation over the settlement of the dispute in the Kenya Meat Commission. Now, I would like to record Government's appreciation over the very satisfactory and voluntary agreement reached by both sides in the settlement. Members will agree, and the whole country will agree, I hope, that the Kenya Federation of Labour, and the employers, and my officers have shown remarkable patience and skill in handling this dispute.

Now, the Motion, Sir, is calling for a public or an official enquiry. Members will remember that when I was introducing my Estimates this year, I said: "1960 has started badly in regard to stoppages of work and heavy responsibilities rest on all concerned with industrial relations to strive for improvement." The Motion is calling and asking as to what has gone wrong and what can be done to effect improvement in the future. At that time I also added: "My Ministry has an important part to play in achieving peace and stability in industry. Increasingly my officers are involved in industrial relations, advising on the establishment of joint consultative and negotiating machinery." It is very clear from what I have said that the objectives of my Ministry are quite in line with what has been suggested by the Motion.

Now, this Motion is calling for a formal public enquiry into industrial relations. I sympathize with some of the views expressed and with the short time that I have it is very difficult to give lengthy comments on detailed points. As has already been pointed out by the hon. Member for Nairobi, a board of enquiry is already set up,

although it is specific as indicated, some facts will be thrown out which will be very useful to point out exactly what the position is as far as the individual trade unions and employers are concerned. It would not be right for one Minister to commit the Government firmly to any particular line of action or type of enquiry without consultation with ministerial colleagues. But I will, in the light of the industrial relations situation, and in the light of the remarks made by hon. Members opposite in the debate, put the matter in hand promptly, over the possibility, of setting up this, after proper consideration with my colleagues. I agree that there has been a worrying deterioration in industrial relations during 1960 as shown by the following figures. The number of strikes in 1960 up to 14th June was 115, whereas the average annual number of strikes during the previous five years was only 61. The number of man days lost through strikes in 1960, up to 14th June, was 175,000. The average number of man days lost annually over the previous five years was only 125,000. Now, this reflects the deterioration that I am referring to, this year, up to the date I have mentioned. As already referred to, I have set up a board of enquiry into the Kenya Meat Commission strike, and I am sure that the findings and recommendations will not only be helpful in respect of the Kenya Meat Commission dispute, but will perhaps be of value in the wider field of industrial relations.

While expressing sympathy with the concern of hon. Members over the recent deterioration in industrial relations, I urge that any action that is to be taken in respect of it must be constructive and of a type that contains reasonable prospect of being realistic, practical and helpful. It, therefore, needs most careful consideration, and I therefore undertake to provide this in consultation with advisers and ministerial colleagues.

My unwillingness to commit myself immediately to an enquiry of the type called for by Mr. Alexander does not imply complacent disregard of a worrying situation. It implies merely that the nature of remedial action needs careful consideration.

With these few words, Sir, I undertake to take up the matter with my ministerial colleagues, and to find out the possibilities of this.

The Chief Secretary (Mr. Coutts): I do not want to take up the time of the House, Mr. Deputy Speaker, but as nobody else wishes to speak I thought that I would like to add a word or two to those people who have so skilfully, I think, during this week brought the two parties involved in the K.M.C. strike together, and I would like to thank all the people who have done so, in

[The Chief Secretary]

exactly the same way as the hon. Member for Nairobi West has done. I have always had the greatest admiration for the way in which the hon. Member for the Nairobi Area can always bend all his energies to these particular matters when they concern labour difficulties.

As regards this particular enquiry, I think my hon. colleague has made it quite clear that we are not at all happy about the state of affairs but what we are seeking to do in answer to this debate is to ask for a little time just to consider all the matters which are wrapped up in it before we definitely say "Yes, we are going to appoint an enquiry", or, for that matter, publish its terms of reference. After all, we do want to know first what we wish to seek to achieve and we want to know, perhaps, even in the light of what this present board of enquiry might throw up, whether there are certain lines which we ought to pursue, and so forth. Therefore, the Government's stand is, while being sympathetic, to wait for a little and, perhaps, give the House rather more detailed information on this in the not too distant future.

The question was put and carried.

BUSINESS OF COUNCIL

The Deputy Speaker (Mr. Conroy): Before the Council does adjourn I think it might be convenient to mention tomorrow's business. As hon. Members are aware, tomorrow being Friday, is Private Members' Day. Two of the three Notices of Motion have, I understand, been withdrawn, and I understand that it is the Government's intention to put on the Order Paper, after the one Private Member's Motion, the Motion on the Elections Working Party Report. I thought it would be for the convenience of hon. Members to tell them that now.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): I adjourn the Council accordingly until nine o'clock tomorrow, Friday, 17th June.

The House rose at
Seven o'clock.

Friday, 17th June, 1960

The House met at Nine o'clock.

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

PRAYERS

PERSONAL STATEMENT

Sir Charles Markham: Mr. Deputy Speaker, may I with your permission make a personal statement?

During the debate yesterday evening I alleged that the hon. Member for Nairobi Area had been convicted and then later acquitted on appeal to a higher court. I regret that my facts were wrong, in that the hon. Member was convicted on a charge of criminal libel, but did not appeal. In another case, however, he was only bound over, but this decision was overruled on appeal. I wish, therefore, to apologize to the hon. Member, and I would like to withdraw the allegation and I hope that I have not caused him any embarrassment.

MOTION DROPPED

DEPORTATION OF E. O. AGAR TO LAMU

The Deputy Speaker (Mr. Conroy): As this is Mr. Muliro's Motion and as he is not here, I might draw the attention of hon. Members to Standing Order No. 30 which seems to me to be relevant: "Where no Member moves a Motion at the time prescribed therefor by or under these Standing Orders such Motion shall not again be published in the Order Paper during the same Session except with leave of Mr. Speaker."

MOTION

REPORT OF WORKING PARTY ON ELECTIONS

Continuation of debate interrupted on 16th June, 1960.

Mr. Alexander: Mr. Deputy Speaker, Sir, may I first deal with the criticisms that have been levelled against the urban representation proposed in the Sessional Paper. It was heartening to see that the Sessional Paper has at last acknowledged the numbers in the urban areas and the contribution made to the economic activities of Kenya by the urban areas. I do believe, Sir, that the provision of, for example, four European reserved seats in the Nairobi area is truly realistic. It is a reflection of the contribution of this area to the whole of the affairs of Kenya, I believe, Sir, that those who argue against this do not deny the force of the position of the numbers involved in the European community throughout Kenya. The total population—European population—is now estimated at some 64,000 or 65,000

[Mr. Alexander]

and of this some 32,000 approximately are in the Nairobi area. Therefore on numbers, Sir, the disposition proposed in this Sessional Paper is correct.

There is one diversion, though, that I must deal with and I know it is raised, Sir, and I believe it has been raised in this debate and must be answered; and that is that those in the urban areas or many of those in the urban areas do not really have their stake in Kenya. That today, Sir, again is somewhat out of date and I am afraid it is all part of the cult of trying to breed again this town and country feud in Kenya. There is no doubt whatsoever that today in the urban areas there is a vast majority who have their homes in Kenya just as much and in many cases more than those in the rural areas. And, Sir, if we hear very much more of the gossip about people who are intending to leave Kenya, we will certainly begin to wonder whether in fact it is not in the urban areas that the true soul of Kenya may lie. It is unfortunate that this argument should have been used; having been used, it must be answered.

On the economic side, Sir, just let us look at some of the facts, for it is perhaps timely that these should be brought out, I am reading, Sir, from the quarterly *Economical and Statistical Bulletin*, No. 47, for March, 1960.

The gross domestic product is £215, estimated in 1959. Of this, Sir, agriculture, livestock, forestry and fishing contribute £89,000,000, less than half. The remainder is made up in mining, manufacturing, construction, electricity, transport, and all these other economic activities. In percentages it means that the agricultural contribution is 41.5 per cent and the contribution by the other activities is 58.5 per cent. Relating this, Sir, to the gross domestic product by type of factor income, it is interesting to find that of the £215,000,000 gross domestic product some £88,000,000 goes in paid employment, in other words, Sir, 41 per cent of the factor income. I believe that these figures do help to give the answer to this argument of the differing economic contributions in Kenya as between rural and urban, and, finally, just on this economic argument, may I deal with the point put forward that 80 per cent or 85 per cent of the exports of Kenya come from the agricultural areas. That is true, Sir. But what we are never told at the same time—and to get a final appraisal we must be told it—what is the cost to the Colony, what is the cost to the other factors in our economy, of that 85 per cent of exports from the agricultural areas. I would not wish to carry this argument any further, Sir, except to say that if we get down to a realistic analysis of this I believe that we may come to the conclusion that

we are all the same part, and an equal part, of Kenya. We are all part of the overall contribution to this country of ours. I hope, Sir, that we can kill once and for all this argument that goes on as to what is contributed between the rural and the urban areas.

Sir, may I ask the Chief Secretary, when he replies, to tell us whether the European reserved constituency outside Nairobi is intended to cover all the homogeneous aspects of that area, that is, to cover the residential areas, because, if it is, it should go out of course beyond Ruaraka to the Kahawa military camp.

Secondly, on a point of detail, I too, Sir, would agree with those who have put forward the point that the European reserved seats up-country for Naivasha and Nakuru should be combined. That does seem to me a happier combination and an easier one for the Member to manage. I would urge the Chief Secretary, with others, to take note of this particular point of view.

Now, Sir, if I may just turn to the general question of reserved seats and the primaries, firstly may I say that I think much of the thinking about these has been confused—I think we have perhaps confused ourselves—because the reserved seats were surely not designed to preserve racial representation. What they were designed, on the contrary, to do, was to safeguard against the common roll developing into purely racial representation. As we saw it, Sir, at this stage of Kenya's development it was expecting too much for the common roll vote to be entirely non-racial. We have accepted it that at this stage that vote will be loaded predominantly towards the African, but I think if we get this thinking clear, Sir, then a whole lot of other thoughts fit into the pattern, namely that the reserved seats were not designed to preserve racial representation, and I was disappointed, Sir, to find that on the opposite side of the House two of my friends at least fell into this error. I refer to my good friend the hon. Mr. Rubia and the hon. Dr. Ismail. I am glad Mr. Rubia was able to refer to his contribution in public life. I myself would like to acknowledge it. I worked with him in local government and I know exactly what his contribution has meant, and it has been a very fine one. But, Sir, to have fallen into the error of suggesting that because Nairobi has 125,000 Africans it should have very many more African seats, is surprising, because the fact of the matter is that Nairobi will have seven seats for a population of 250,000. If you look at the spread of these seats around the various proposed constituencies you will find, Sir, that seven seats for the whole of Nairobi, the whole population of Nairobi, is fair. But of course it does mean this, and this is what Mr. Rubia was objecting to and was trying to avoid,

[Mr. Alexander]

that he has now got to expect Europeans and Asians to represent his interests. Referring to Dr. Ismail, what disappointed me, Sir, and I was sorry to hear it from him in this House, because he too has made a fine contribution to progressive thinking, was that he virtually said, "I believe in the common roll, but I am not prepared to have a common roll of Muslims with Indians. We do not mind it with anybody else, with everybody, but not with Indians". Now, Sir, that is the sort of thinking that has got to begin to go, and I would have hoped that in the Asian community itself, who have a fine record of progressive thinking in this respect, they would have been the first to see that it goes. I hope that we will not have to listen to further utterances such as that from the other side of the House.

Now, Sir, I welcomed the reference by the Minister for Legal Affairs to the fact that at the last General Election there was the first development of the doctrine of non-racialism and several Members were returned to this House on that very political doctrine. That was four years ago, Sir, and it was a bold decision. It was a bold conception at that time. Of course, as we move closer to its full implications so it becomes bolder and even more imaginative, but it is understandable, Sir—and the two hon. Members opposite whom I have referred to come into this category—that as we face the full implications of non-racialism there must be those who will fall by the wayside. There must be those who find that it is not possible to go right through with all that it means. It is perhaps appropriate here, Sir, just to distinguish between what we understand as being the difference between multi-racialism and non-racialism. Multi-racialism, as I understand it, is in the context of Kenya the indiscriminate mixing of heterogeneous people without regard to any considerations; whereas the concept of non-racialism is the natural and evolutionary moving together of peoples of different races. What of course has happened is that this evolution and this non-racialism has not been allowed to develop as naturally as many of us would have liked.

I believe, Sir, that the way in which it was originally conceived to proceed with evolutionary processes would have upheld it far better than the present arrangements and we would have found that it would have emerged in a far surer and more stable conditions. Nevertheless the situation is that we have moved now further into a truly non-racial situation, and that, Sir, is what we have to deal with.

I believe that the position of the Europeans will now divide itself, Sir, between those who

believe that the best contribution by the Europeans can be made inside the game and those on the other side who will remain outside the game either to cheer or to jeer with what is going on inside. I believe, Sir, that we still have much to contribute to this country in thinking, in moral values, and that we can best do that by being inside the arena. If we believe that our contribution is mostly or only economic then I believe, Sir, we will deprive Kenya of much of the quality and the characteristics that it needs from us, and this is what is really meant by the full implications of non-racialism. We, Sir, have got to get inside and make our contribution, and the best way we will do that in the new Constitution next year will be in the hope that we can join with African and Asian countrymen of Kenya to help form the Government of this country and to direct, and to help direct, and guide, this country.

There has been much said, Sir, about this percentage in connexion with the primary elections. I, too, agree, Sir, and doubt whether 25 per cent is a realistic figure, but I do appreciate, Sir, that whenever this similar situation has had to be faced in other activities it has never been possible to devise a percentage that truly reflects this and I genuine and effective voice of the people, and I would like to illustrate the problem of the trade unions in this respect. I think there is a good analogy there, and British trade unionism throughout the world has had to face this problem in registering trade unions so to what is the effective voice of the workers. May I quote perhaps one of the greatest trade unionists in the world, and in the perhaps one of the greatest Englishmen in the world, the great Ernest Bevin. At one time he admitted that a figure of 17 per cent in certain circumstances could mean that the union was the effective and genuine voice of the workers. In other countries and in America I know they have other percentages, but in tried to lay down the specific percentage, but the British labour movement this flexibility has been accepted and therefore, Sir, it is no surprise to me that the two servants of Government, who have done an excellent job on this, have run into this very same difficulty. I would merely just urge upon them, Sir, to look once again at this figure of 25 per cent and see whether they might have another think.

There was some reference, Sir, I think by two speakers, to proposals that have been put forward by the European Elected Members' Organization to the Working Party, looking at the problem of the course purely as Europeans concerned with the primaries. All I would like to say, Sir, to add to what has been said, is that in putting forward the ideas as to the unworkability of the primaries we did amongst ourselves clearly accept that our

[Mr. Alexander] arguments were bound to be hypothetical. One of these arguments, Sir, and it has been referred to in this House, is that the Europeans would be driven to Tammany Hall tactics. Now, Sir, I frankly do not believe that our community, which has contributed so much and which has still got so much left to contribute, will resort to those sort of practices. I believe, Sir, that I have sufficient faith and trust in my own community, trust in their independence, their spirit of independence, and their intelligence, Sir, to believe that when the time comes they are prepared to try to destroy this system in the way that has been suggested. I believe that when the time comes we will find our community showing its vigour and its spirit of independence in the way in which it tackled this particular problem of the primaries.

May I just deal with the Member for Mombasa, my friend Mr. Usher, when he advocated—

Mr. Usher: I am the Member for Mombasa.

Mr. Alexander: I am sorry, Sir. Yes, the hon. Member for Mombasa, when he referred to the suggestion that Mombasa might be a multi-racial, or that the Coast area might be a multi-racial and multi-Member constituency. Would that not defeat or play into the hands of the very thing we are trying to avoid, and that is racialism, because surely the voters at our present stage in Kenya would be inclined to vote for the person of their own race.

May I end, Sir, in the words of the Members of this Commission and thank them for the work they have done and the many patient hours they have put in it by saying that I, too, have the honour to be Your Excellency's most obedient servant, and that I hope Your Excellency will take note of what I have said.

Mr. Harrison: Mr. Deputy Speaker, Sir. I also would like to pay tribute to the members of the Working Party. They have done a commendable job of work under difficult circumstances, and they surely deserve praise. It is virtually impossible to please everybody in this wretched world, as it were. The Coast Province, however, has not come off badly in the distribution of seats. In fact, we on the coast must count our blessings on this score. Nevertheless, I would like to touch on one or two points in this report.

Constituencies. Personally, I have no quarrel about the constituencies as drawn out, although there are bound to be difficulties with the multi-Member, multi-racial constituencies as far as the reserved seats are concerned. These difficulties have already been amply expressed by the previous speakers, and I shall not repeat them here.

The primary elections. I think what my hon. friend the Nominated Member, Mr. Rubia, has said in respect of the candidates being returned unopposed, and thereby having no mandate other than that from the electors of his own community has some merit and ought to be considered.

National Members. I have no quarrel here either, Sir, except I think it would be wise for people in industry, the professions, religion, et cetera, to be included in the electoral college, the college of electors. Again, I have no quarrel here, Sir, except in so far as the plurality of wives is concerned. I feel that every wife should qualify to vote on the right of her husband without the extras, because if the husband only earns £75 this amount belongs to them all.

Mr. Deputy Speaker, I beg to support.

Mr. Shikely: Mr. Deputy Speaker, I would, like other previous speakers, like to give my thanks to the Working Party for the excellent work which they have done in producing this Sessional Paper. Their task has been dictated by the results of the Lancaster House Conference, and in view of the conflicting views which took place both in London and here I am sure that nobody—no combination of persons—could have done better. I also have my own misgivings in regard to the primary elections. This is brought about by the difficulty in trying to compromise between the purely communal and common roll idea. It has been said that the election should not be predetermined at the primary level. It is also true, or at least it should be true, that they should also not be predetermined by the results of the communal roll. If, in the light of what has gone on in this debate it seems impossible to avoid this, I am sure that it will have come out of the debate in this House, and we might as well tell the Secretary of State to do away with one or other of the election procedures.

In regard to deposits, I was surprised to hear the hon. the Attorney-General yesterday say that a candidate is likely to lose his deposit at the common roll level. A case could come up where a man in the primary election could obtain 75 per cent of the votes and his opponent obtain 25 per cent. At the communal roll level if the results are reversed, surely it is unfair for the man who obtained 75 per cent in the primary election to lose his deposit. This must be looked into.

As regards the National seats, Mr. Deputy Speaker, their very purpose demands an electoral college to be created, and accordingly I advocate that there should be a different method of

[Mr. Shikely]

nomination. This probably could be done in conjunction with the municipal city councils of the African advisory councils. Speaking generally on the report, I am happy to see that there has been a limitation in the Arab constituency. So far I think the Arab community have had the widest constituency. They have had to cover the whole of the Colony and the Protectorate, and I am sorry to say that in most cases they have been almost unavoidably reduced.

Certain arguments were made in the debate in regard to the disenfranchisement of certain people. I think the time has come when we should start thinking in terms of national. I agree there are difficulties at the moment. We should make a start. The whole purpose of the proposals is to do away with communal and racial seats. I think unconsciously we all, at times, fall into this trap, as many speakers have shown.

My hon. friend, the Member for Nairobi West, has already referred to certain remarks made by certain hon. Members on the opposite side. Some hon. Members—African Members—have voiced the fear that, for instance, in Nairobi City a single open seat is far too little for them. In this respect I think they have fallen into the trap of thinking on racial lines. There are six other Members who will look after the interests of Nairobi. If the majority community are going to express fears in the proposals now put forward, what will they expect the minority communities to do? I feel sure, Mr. Deputy Speaker, that in order to drum in the ideas of the Lancaster House Conference, that perhaps a little exercise in this House would not be out of place. I would suggest that after the opening of the House, immediately after prayers there should be a recital of the points of the Lancaster House Conference, for at least ten times, until the whole idea has been ingrained into our minds.

Also, an argument has been made, Mr. Deputy Speaker, that it is not possible for one Member to represent three communities. I can find no difficulty in this if the will is there. The European community have all along prided themselves in their leadership in this country. Surely in the course of that leadership they must have represented three communities at once. This idea is not new at all because in the past the African community was represented by Europeans, and new community was represented by Africans was justified for a long time that state of affairs was justified. I can therefore see no basis for this idea.

But there is one thing, Mr. Deputy Speaker, I would like to be informed on when the hon. Member replies, and this is in regard to the overlapping of constituencies. I do not know whether

I understood this or not. At the moment there is one Arab seat in the Protectorate. There is also a seat for Lamu and Tana. I should like to know whether these seats overlap, and whether the people of Lamu will be allowed to vote for two Members.

In regard to the qualification for Members, I would like the Working Party to bear in mind the exemption of the Members at present serving, or those who have served in the past, or those who will serve in the future, on the municipal boards and municipal councils. They also have to qualify in English before they can be allowed to sit in the polls. I do not see why they should be asked to sit before a language board.

The hon. Member who has just sat down spoke on plural wives. I am sorry he did not declare his interest at first. Plural wives is an institution amongst several communities in Kenya, possibly mostly African, and I do not think it is fair to take this thing lightly. A married woman should qualify for a vote whether she is married or whether she shares her husband's favours with another spouse, Mr. Deputy Speaker, I would like to suggest to the authors of the Report that they should be more sympathetic to the cause of people who have many wives.

There is one other thing in regard to property qualifications. I think the amount quoted is a little bit too high, and it should be lowered a bit. I think at least one Member wondered whether stock could be regarded as property in this case. I would also like to ask whether it is possible in view of certain communities accepting dowries for their daughters, whether if a man has say three daughters, valued at say £50 each, he would qualify for a vote because the price for brides is still going to go up in spite of the instability in this country.

Mr. Deputy Speaker, I support.

Mr. Smith: Mr. Deputy Speaker, unlike the last speaker I am not proposing to speak on this question of plural wives, so that I do not have to declare an interest in that particular matter, but there is one little point that I would like to raise, and that is that the interpretation of the Lancaster House Agreement is no easy matter, and that is, of course, putting it very mildly, and I do think the authors of this Report have very obviously put a great deal of careful thought into it. But the point I would like to raise, Sir, is one—or is really rather to stress one—which I think was made on the opposite side of the House in the previous portion of the debate, and it is really a plain, simple question, and I would just like to quote from the Lancaster

[Mr. Smith] House Conference Report, 15A (f), where it says, "In order to ensure that the position of minorities should be safeguarded . . . Well, of course, Sir, you can safeguard minorities—that is indeed being done—but I think the point here is where it says the "position of minorities", Sir, and all I would like to ask the hon. Mover is just this. How is the position of minorities to be safeguarded if the representatives are elected by the will of the majority?"

Sir, if I could just put that thought to the hon. Mover, I beg to support.

Mr. Maxwell: Mr. Deputy Speaker, Sir, before proceeding with my speech, I would like to ask the hon. Member for Nairobi West for clarification on one particular point he made. I gather from what he said that those of us who do not support the Lancaster House proposals remain without the arena to either jeer or cheer, and if by that he means, or implies, that we are serving no useful purpose, then I take the strongest objection.

Mr. Alexander: Mr. Deputy Speaker, I do not think in my speech I ever mentioned people, or referred to people who did not accept the Lancaster House Agreement.

Mr. Maxwell: Thank you. It was the implication, Mr. Deputy Speaker, Sir, naturally I fully support and endorse the remarks which were made by my gallant colleague, the hon. Member for Mount Kenya. I too hold in high regard and high esteem the hon. the Chief Secretary and the hon. Minister for Legal Affairs, and in my opinion they have genuinely endeavoured to make the best of a bad job, with their interpretation of the proposals resulting from the Lancaster House proposals, calamitous proposals in so far as the Europeans and other minority groups are concerned.

I find myself in disagreement with the hon. Nominated Member, Commander Goord, in his interpretation of the Lancaster House Conference. Make no mistake, it is an imposed Constitution despite the fact that the majority of delegates, many of whom under duress, brain washing and strain, outwardly gave the impression of acceptance—acceptance with reluctance and reservation. We must not blind ourselves, Sir, to the fact that the outcome of the Lancaster House Conference has done more to destroy confidence in this Colony since the turn of the century, and I trust that the Rt. Hon. the Secretary of State fully realizes his great responsibility in this matter. I am convinced that I am voicing the opinion of the majority of the Europeans of this Colony in saying that they

are strongly opposed to the proposed method of election to the reserved communal seats.

The number of European seats has been drastically reduced, a matter which is causing grave concern and great disquiet, and in the circumstances not only Europeans but the Asians and the Arabs can justly demand that they should have true and direct communal elections. Apart from other factors, the system proposed is complicated and I beg to suggest will prove unworkable. In studying Appendix III of Paper No. 7 under the heading of "Proposed distribution of seats by Constituencies" it is abundantly clear that too much emphasis has been placed on density or numbers of population, and not sufficient consideration given to the areas of the constituencies. For instance, the City of Nairobi, I believe covers an area of approximately 32 square miles and is allotted three seats, whereas the proposed Central Rural Area, which on a rough calculation probably covers over 2,000 square miles, is given one seat. Again, in regard to many of the African land units—and possibly one could quote Masai land as an example, it covers a vast area—although admittedly sparse in population they are given representation by two Members only. I do suggest to the hon. Chief Secretary that adjustments should be made in the proposed distribution of seats. Furthermore, the Europeans of the towns or townships—and I shall quote the towns: "Kiambu, Nyeri, Kisumu, Kericho and Nakuru"—are virtually disenfranchised to the extent that they are not able to exercise their vote in favour of a member of their own community. Mr. Deputy Speaker, Sir, in my opinion this is a grave insult to the European community, a community that opened up this country some 60 or 70 years ago, brought order out of chaos and is responsible for a great deal of development that we see around us. As an example or an illustration I would suggest to hon. Members of this Council that they climb to the top of the tower of this Legislative Council building and glance around. They would see what I mean in regard to development on their doorstep. And, Sir, we the Europeans of this Colony are prepared to continue to do our utmost for the advancement of this Colony and for all the peoples of this Colony provided we get a fair deal.

Mr. Deputy Speaker, Sir, in the circumstances I beg to oppose—if it is possible, I do not know whether I am right in doing so—Sessional Paper No. 7 of 1959/60.

Mrs. Geega: Mr. Deputy Speaker, the Report of the Working Party appointed to consider elections under the Lancaster House Agreement is commendable in many respects, not least for the clear expression of subject matter in simple readable language—

Mrs. Shaw: Could the hon. Member speak up a little more?

Mrs. Geega: All right, I will try. This clear expression in simple language is so characteristic of its joint authors. Nevertheless, one or two aspects of the Report would appear to give cause for anxiety. The distribution of seats might have been more equitable. Many will regret that Kiambu, for example, which is a very large and important district has been allocated only one open seat, although of course the deficiency is compensated to a certain extent by the one European seat which is given to Central Rural. It is far from enough, Mr. Deputy Speaker.

With regard to the qualifications of electors, it is gratifying to know that a wife who does not otherwise qualify in her own right will be able to do so on her husband's income. However, the requirement that a husband who has more than one wife will have to show an income of £75 for each extra wife, Mr. Deputy Speaker, may cause some domestic crises in the event of a husband being able to show the required income in respect of some wives but not others. But as men are not easily given to disappearing, I have no doubt that a friendly solution within the family will be found.

Mr. Deputy Speaker, I beg to support.

Mrs. Hughes: Mr. Deputy Speaker, I am glad that at last I have been placed in this marionette race to speak in this debate and possibly it has some advantages about it because so many of the points that I was going to bring up have been covered already. But I would like to say how much I agree with the very excellent speech of the Specially Elected Member, Mr. Slade, I agree. I think, with most that he said in this debate. Mr. Deputy Speaker, I do appreciate the desire of the Chief Secretary to hasten the elections. I not only before our silly season starts—and I do not know whether Members who have not lived up-country realize the full implication of the silly season which is usually the dry season up-country when all the suicides, the divorces and so on take place—but, Sir, by hastening the election I do believe that we will get in a responsible legislature and by that time we might get political and economic stability, because until we do get a legislature in which is responsible to the electorate I do not think that we can continue to develop our natural resources in the atmosphere that is going on at the moment. I believe the country is really torn with uncertainty and doubt and would welcome an early election.

Now, Sir, I am one of those who want to see this agreement work and will make every effort to see that it does. I believe that there are going to be enormous difficulties coming our way in

the future but they can be overcome if we use a constructive attitude in order to make the position work. However, I would like to give a word of warning regarding undue haste and the necessity to study the practical application of this report. I will refer to this again later. Unlike some of my colleagues I feel we must move away, however gradually, from purely direct communal or racial thinking. If Kenya is to progress for the benefit of all its people, we must consider all points of view and obtain a balanced judgment for what is best for the country as a whole. No problem can be solved satisfactorily if we look at it from one point of view only. It has been mentioned in this House that it is impossible for a person to represent different races; that he would have to deal with all the domestic problems. Well, I can tell you, Sir, that as an Elected Member I do have to deal with a lot of domestic problems amongst people of my own community which vary very much indeed. I have lived all my life in Kenya and with my experience of living with people of different races, different religions, different cultural backgrounds, I believe, Sir, that basically whatever our race or tribe we do all desire the same thing. What do we really want? We want food, we want housing, protection for our property and an atmosphere in which we can bring up our families in happiness and prosperity. That is the basis of all our lives. Now, Sir, I believe this way of thinking is being started in the present form of elections and although we classify certain seats as reserved European seats or reserved Asian seats, that Member in actual fact will be representing all races and will be European or Asian in name only. Now, that is a responsibility which we have to face and we can face it if we are leaders in the true sense of the word. I believe it is really right in principle because we can only achieve leadership in the world today by our own individual effort. It must be on merit and our ability to qualify for that leadership.

I am not satisfied, however, that the very complicated methods of election to reserved seats will produce necessarily the right candidate. Now, Sir, there have been many arguments in this debate regarding effective and genuine support, but I feel it is necessary for the candidate to have the confidence not only of his own community but of the others that he is to represent and I do not believe that this can be achieved on the basis of suspicion that extremists either to the right or the left being returned or if the methods of selection and election are so complicated as to prevent people from participating effectively in those elections. I am one of those who believe that the 25 per cent proportion is not high enough for the reason that when we select candidates we will have to put a "Yes" or "No" against every

[Mrs. Hughes] I believe by doing that—which was a very wise move—we will get a very much higher percentage for those going forward. For that reason, Sir, I would like to suggest to the Working Party that they raise that percentage in order to safeguard the interests of that community. I would like to go further and to say that in order to prevent suspicion and the fact that a racist might be put forward that those percentages should not be published after the pre-election. Sir, if the Member going forward has not got the general confidence of his electorate as a whole, I believe it places him in a most invidious position and indeed it makes it almost impossible for him to act genuinely in their interests. I really would suggest very sincerely to the Working Party that they consider some other method of selection which would overcome these fears and make it quite clear to the voters that it is indeed nomination only. That is what it is.

Now, Sir, what also worries me is the practical application and how to overcome the natural apathy of people. Sir, let us take a rural constituency such as my own, I do not know whether Members of the Working Party have ever attended an election in a rural area, but, Sir, yesterday the hon. Member for Central Rift, Mr. ole Tipis, described some of the terrors of having to sleep out in the *hundu* and face lions and buffaloes. Sir, I believe he should have added to those terrors the names of the Nandi bear and the Kipkabus killers. Those are the people that we have to face.

An hon. Member: (Inaudible.)

Mrs. Hughes: Yes, and the Tigon tigers too. I have had no experience of those!

Sir, when you have to go forward to these elections first of all you have to go very long distances to register, but I presume that that will take place over a certain period of time and I hope incidentally, Sir, that numbers will be placed on these cards given to the voters. I know in my area not only have many people got the same surname but they have also got the same Christian name although they do not even belong to the same family. Now, Sir, after you have registered, then you have to go forward to the primary elections or, shall we call them, selections, and as at present suggested presumably this will be done on one day. But, Sir, if you have got to go long distances—and I know in the last election the polls were some ten miles away or with a ten-mile radius—it does mean that all members of the family have to come in and they have to bring their children in the preselection—that is, if you want to encourage the majority

of people to vote. Well, Sir, then we have to go on the elections. This time not only the whole family will have to come in but they will also have to bring their tractor driver with his wife or wives as the case may be and all the other staff in order to vote. But can you imagine all this if it is in the middle of the planting season or harvesting or the rainy season?

Sir, these are really practical difficulties and although it might sound amusing, these are the sort of things that actually happen in an election—and I do think that very seriously you should consider simplifying the system enough to encourage the voters to take part and thus get the really effective voice of the people. I think it is not only enough to deter voters, but certainly enough to deter candidates for election. It is hard enough, I think, to fight one election, but when you have to fight what is virtually two I think it will only limit to those who are really tough. I do not know if we women are going to be tough enough to fight two elections.

Sir, there is one final point and that is regarding the National seats. I do not believe even with all the goodwill in the world that anybody can really think non-racially except through a basis of common interest, such as a profession or a trade. This is, I presume, the idea behind the National seats, that you should get candidates who do think non-racially. Sir, could we not therefore base the nomination of these seats on a panel made up from various communities of interest. We have seen it here in the House with our Corporate Members, and I believe it has worked very well indeed. I believe we would get responsible, qualified people who would not only think for the country as a whole but from a particular very important aspect of the economy of the country. This, I believe, would lead to a balanced development and it also, I think, would provide the National Member with a very much wider electorate than just the Legislature to which he would be responsible.

With those points, Mr. Deputy Speaker, I beg to support.

Sir Alfred Vincent: Mr. Deputy Speaker, I realize like a great many other Members that the task of the Working Party was a very formidable one and whilst it is open to criticism as everything is when it does not quite suit one individually I would like to pay tribute to the care which was taken and also the fact that it does not lend itself to any misinterpretation which, for a Government document, is extremely nice. Quite a change!

Now, Sir, if I may—as I have not spoken in the other debates and because I have listened to so many words of wisdom over the last week or

[Sir Alfred Vincent]

so—I would like to just dwell for a moment on the Report and the consequences of the Report, if you will allow me to do so. I am very unhappy that the Report gives the impression that it is the sole work of the Working Party because I believe that in these days when both major parties in the House of Commons are determined on this course of action and are also determined in some way or other to deny the minorities communal representation as such, that this is the policy of the British Government. I do not blame—and I think blame is to be attached to the 25 per cent—I do not blame the Members who made this Report but I blame the policy of the British Government and those professors who do not have to live with the result of their wisdom in their recommendations. This, I believe, is a Cabinet policy and a Cabinet decision and I will not say anything more about that, Sir. It is a stage in history, of evolution, which was bound to come but to me there is very unfair discrimination in the way that it has been done.

Sir, following this Report one has to consider the future and the very grave responsibilities that it places on the African Members and, as a matter of fact, the African community. I did not speak on the Corfield Report, but if I may, Sir, I would like to say this, that I am afraid that there will be another volume and perhaps two. We are now in the grave testing time of the wisdom or otherwise of the Secretary of State's policy of releasing so many of those who have been detained so long in the belief that he would—or the country or the Government would—get their support because of this, what might be called, very gracious action. Whether it is or was wise, history alone can tell us. Some of us doubt it very much. We believe that the insidious intimidation amongst their own people and others that is going on today may be caused to an extent by those released and also by those who were very near to them before they were released.

Now, Sir, the African is faced with a tremendous responsibility. He talks today very wisely and very justly about unemployment and he seems only to have one solution for it. But in my opinion, Sir, we must look to industry and my opinion, Sir, we must look to industry and the encouragement of industry to handle this the situation adequately and I am very glad the Minister for Finance has graced us with his presence this morning, Sir, because there is only one way, provided one can carry out adequate research into industry, to keep the peace in his land and that is to encourage industry as has been done elsewhere by making the first five years of a new industry free of taxation. That is the only way in which we are going to do it, but it must be accompanied—must be accompanied—

by the rational and wise confidence which should be created by the African Members themselves. Surely, all of them now have said enough to warrant a very good chance for the next election. I am afraid that this country is faced with quite a peculiar position today, and although the financial experts of this country appear very satisfied with the position I know, only too well, that there is great trepidation as a result of what has been said by many African Members in the recent past and money is leaving this country and the whole of the Colony is in a very perilous condition. Now, we must not disregard that. There is a great lack of confidence and the position curiously enough is that everybody seems to believe what African Members have said in their pre-election speeches in this House, Sir, but when the Government make a statement they do not believe a word of it and they have no confidence in it, unfortunately. I think that the statement which was made in reply to a question raised by my friend, the hon. Member for Nairobi West, and answered adequately by the Minister for Finance recently, should have given everybody great confidence in our currency. But I am afraid that even that has been held in very great suspicion and that suspicion is nothing unusual because they have had so much before which has turned out (not necessarily from the Minister for Finance, but others) not to be exactly in the spirit in which those statements have been made.

An hon. Member: Hear, hear!

Sir Alfred Vincent: The point which is so important, Sir, is the great expense which is going to face this country over the next ten years, from the African point of view. The African population between January, 1960, and December, 1970, of this territory will increase by 1,500,000. That is on conservative figures, and I was interested to hear the statement made by Mr. Nyerere in Addis Ababa about the link-up of these territories. If you take the territories together, by 1970 the increase in the African population will be 5,500,000 and that is on very conservative figures. The Africans, therefore, have a tremendous responsibility because they will be looked to to provide all the services which they have demanded for so long and I am afraid unless we get huge industries here that they are going to find it very, very difficult to finance their welfare services.

Now, Sir, apparently on the West Coast of Africa they are now trying an experiment which I rather puzzled me because I had never thought of it. In an American magazine I read that the manufacturer of ink was very surprised at the very large orders he was getting for one gallon flagons of black ink in these days of Biro pens.

Vincent] manufacturer sent to the local representative wanted to know why there was this enormous consumption of ink. On it was found that they were trying quite new in the way of cheap social the mothers-to-be were being advised the ink in the belief that when the pro- thought of that and I doubt whether nbers in this House have, but it does the thought that as our cost of educa- great that we might try something else, make *chippatis* out of a portion of the *Standard* and let the mothers-to-be the hope that their children can read be born; or have a combined a little bit of *East African Standard* of the vernacular Press which would them a greater sense of vision. The sion that I can come to, Sir, is that or the ink on the West Coast must be color.

ly demonstrates the immature thinking who have been in touch with civil- so many more years than the African.

point, Sir, is an appeal to the Africans. that there is a grave danger of blood- future, not against the Europeans but the Africans themselves, unless the leaders disabuse the idea which many have in the reserves that when *uhuru* will get everything without paying for my servants told me recently that he back to his reserve and a gentleman *mbi* had gone into the reserve and told of a *buxom bibi*. "She is going to be The father said, "Yes, that is very but what about the price?" The man am going to wait until *uhuru* comes rry her and then I will not pay you according to my advisers in Nairobi." may seem a bit humorous, Sir, but it rry dangerous aspect of the propaganda one round. Promises have been made, I know by whom because I have not vernacular Press and speeches that have by politicians, or by somebody, which men this idea. I am very glad to hear each the other day one of the district ers went to considerable lengths to his matter right, because unless we get of the African right there is a very anger not only to the other races but can leaders themselves. I can only em to give this very serious thought s one of the great problems of the masses.

I beg to support, Sir.

Mr. Nyagah: Mr. Deputy Speaker, Sir, I rise to take note of the Report of the Working Party. I do not think there is any question of supporting or opposing it for anyone. I have a great deal of sympathy with those people who have already recorded their disapproval, or lack of support of the Motion, because we are only asked to take note.

When moving the Motion the hon. Chief Secretary put some of us, particularly myself, into a great difficulty in that I would have liked to have spoken about the distribution of seats, but, when he said if anyone was against the distribution of seats he must be constructive. I should however like to support the hon. Mr. Wanyutu Waweru in his plea for more seats in Central Province but feel shy to do so because of the two seats he asked for. He asked that one should go to the Kiambu and the other one to be divided equally he did not say how it was to be divided, between Nyeri and Embu. For that reason I find it difficult to support him. However, I would like to make a few observations on the whole Report and a few comments.

As regards qualifications I would like to make a very strong plea for the native law and custom. Let it not be said that it was the Working Party or this House that challenged the legality of the several wives that a man may have. I have no interest to declare, but for the sake of those people whom I represent, particularly the women that will be deprived of their chance to select or to cast a vote for a man of their choice, I make this strong plea that they should qualify under the husband's qualification.

The Chief Secretary (Mr. Coultis): Or a woman of their choice?

Mr. Nyagah: Yes, or a woman of their choice, for that matter. I would also like to point out that the property qualification is a bit too high. I would say that twice £75 should be the qualification or that the maximum should be three times that.

Now, Sir, I come to the reserved seats. I have a great deal of sympathy for the man or woman who is going to represent the Naivasha and Thika Districts, Kiambu and the Machakos settled areas. This arrangement spells of some racialism. I would like to make a suggestion here to the Working Party. Why do not the Working Party adopt an idea like this: give the Nakuru Member a little more outside of the Nakuru town and let the Nakuru rural seat include Naivasha, thereby consolidating the Thika, Kiambu and Machakos settled areas under one. Or, alternatively, perhaps

[Mr. Nyagah] Nairobi could be deprived of one of the reserved seats for Europeans and give it to one of those people in that area. I have also a great deal of sympathy for my people who I represent in Nyeri for excluding Nyeri Township from Nyeri District. For a long time they have claimed that it should be part of Nyeri District. However, it is a reserved seat for the Asian and I think it will help the man who is going to represent Nanyuki and Laikipia, you give the representative of Nyeri Town a bit of the Kiganjo area. It will help him to have a little more work to do and also to relieve the man who has a very large district like Laikipia and Nanyuki to cover.

One more point I would like the Working Party to note is that Isiolo is a part of the Meru District and there is a danger of overlapping. When you come to delimit the seats for the Northern Frontier Province you should take note and care that that area is represented by the second seat in Meru.

When we come to the qualification of the candidates, I see that provision is made for a man with a degree of a university or a diploma of Makerere. I think that a diploma of Makerere should not be the only qualification: it should be the Diploma of any other university as well of any accredited college rather than specify Makerere by itself. With this list could be expanded. It speaks of the Tribal Police but there are other categories like prison warders, perhaps, forest rangers working in the forests, who are also in the same category and not paid highly enough. We still regard them as *ushakis* who should also be included in that list.

Now, Sir, the African Elected Members right from the start in this country and at Lancaster House were very much opposed to the idea of National seats, but we did realize and we do realize that this country of ours, and say "ours" cannot go on and cannot progress unless we ourselves embark very realistically on this experiment. It is all right for those people who say "We hope" but hope alone, without plunging into the experiment, will never get us anywhere.

It has been said by some people in the course of the debate that the Africans particularly, be going backward politically, have frightened or are frightening away the investments. I would like to assure the House that the African leaders are very much aware of the necessity of investment in this country. Those of us who have had the opportunity of addressing meetings in our constituencies have stressed the point of trying to respect each other, particularly members of the other races. We have not told our constituents that when *uhuru* comes they will take away the

wives belonging to members of the other races, or property for that matter. However, Sir, this has been voiced and I would like to say it is just a rumour that is unfounded, but which is believed by people who are very misguided. It is true that skill, capital and labour for the last 60 years have brought Kenya to where it is today. But I believe that the three are inseparable. If we had skill and capital without labour all would be in vain.

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

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

People who came to this country with skill and capital had to depend, and still depend, largely on the African labour. Ten or twenty years ago mechanization, as it is today, was not available. The farms and the firms that have developed in this country had to take the African labour, and so I think that all of us who have the skill and the capital should respect those who provide the labour; and for a long time to come that combination will be inseparable.

Mr. Deputy Speaker, the greatest enemy and fifth columnist of this country is the person who tends to regard any community as being not part of this country. They have spread rumours and they have painted the picture of this country very black. I have come across some people who believe that even today the African is preparing in the bush to massacre everybody and that they are preparing to confiscate and appropriate the white man's and the Asian's property. That is not true. There are people who do not like this country. They are frightening the capital away and preventing it from coming to this country, not the Africans. We must face the future with resolution and with faith, and we must plan, as I have said before, to carry out this Lancaster House realistic experiment with faith and not just with hopes that it will not work. It has been suggested by some people—and I am glad that they have at last done so—that it would have been better to have had the principle of one man with one vote and to have acknowledged that large areas would face difficulties in representation. I am very grateful that they have accepted that point which for many years the Africans have put forward. I am very sorry for those people who think that they cannot represent the interests of the other communities, Sir, because all that they are saying is this, that up to 1944 this country had been working on a wrong basis when the Africans were represented by people like Dr. Arthur Canon Leakey, Dr. Wilson, Bishop Beecher and others. To them I would only interpret their attitude as meaning that they did not regard those as knowledgeable representatives of the Africans. They did

[Mr. Nyagah] represent the African interests, and I have no doubt at all that the Africans will represent the Europeans, the Arabs and the Asians and their interests in their own areas when they become elected. I have no doubt—and this is a great challenge to the Europeans and Asians in their reserved seats—that they will represent the interests of the many Africans who reside in their areas. Suppose, for instance, that one of the European reserved seats happens to be in Nairobi West. Let us not forget that there are thousands of Africans working there in the houses, in the *shambas* or otherwise, and it will be a pity if a European Member forgets to represent those Africans properly. They are his voters and he has got to look after them. Anybody who feels that he cannot look after the interests of races other than his own should, in all justice, serve the country by not standing as a candidate.

Mr. Deputy Speaker, I feel that the time has come for all of us to plunge into this very interesting and realistic experiment and let us make a move towards a better Kenya for the next 50 or 100 years.

I beg to take note of, and support, the report.

Mr. Nazareth: Mr. Deputy Speaker, I should like to join with those who have expressed warm appreciation of the work done by the Working Party. In fact I was so impressed by the careful thinking and preparation that the Working Party had given to its task before it met the Asian Elected Members that at the conclusion of our interview I felt obliged to congratulate them on the excellence of their preparation. I think they have performed a difficult and delicate task with great skill and judgment.

The report has, in my view, been very rightly headed, "Report of the Working Party appointed to Consider Elections under the Lancaster House Agreement". I think the fact of the agreement was the main achievement of the Conference, not the excellence of the Constitution that was agreed, but the fact of agreement. It is true that the agreement was accepted with reluctance and that there was pressure which operated on those who accepted, or agreed to, the arrangements. But when all that is taken into account nevertheless it can fairly be said that there was agreement between the representatives of the African community, the Asian community, and the majority of the representatives of the European community. It is, I think, therefore, not open to those who were parties to that agreement to go back on it, and I therefore find it strange that hon. African Members outside this Council and inside this Council should say that the agreement, or the Constitution, is out of date. It may

perhaps be out of date in the sense that it may be said by some that it is ahead of its time, but it seems strange to have people talking of a Constitution being out of date when there has not been sufficient time to bring it into force. Talk of that kind is bound to have permanent ill-effects on stability in this country and I sincerely hope that those who have been from time to time saying that the Constitution is out of date will cease talking in those terms. Persons who are parties to an agreement and who have accepted something are expected to adhere to it for a reasonable length of time and it is a very bad example that is being set to the country by and large. It tends to lower public standards to have persons going back on what has been agreed so soon after the date of that agreement.

The Working Party therefore was entirely right to keep within that agreement and at the same time in a spirit of reasonableness, good sense and practicability, to carry out the task that was entrusted to it. The Working Party has not been able to do anything to remove what I regarded as the major defect of the Lancaster House Constitution, and that was the failure to give minority communities and moderate forces some influence over majority candidates and extremist forces. That was, I thought, the major casualty of the Lancaster House Conference, but it was not within the Working Party's powers to put that right. They were bound to a common roll which was one of the major principles of the Lancaster House Constitution and at the same time they had to operate or make recommendations in regard to communal primaries. That was distinctly set out in the Lancaster House Agreement. Accordingly in regard to reserved seats they had to make their recommendations within the confines of communal primaries, and I think they have done well, while keeping within the principle of the common roll, to give minorities representation in as significant a manner as could legitimately and properly be done.

It has been contended by some that the proportion of 25 per cent of the vote is too low a proportion. In today's paper I see that the Kenya Freedom Party claims that it is too high a proportion. Now, I would be quite content to follow those who have desired that there should be a proportion of as high as 30-35 per cent, and in fact I think the Asian Elected Members accepted that as the proper percentage. I am unable to accept the argument of those who claim that it is too high a percentage. It has to be remembered that each voter has as many votes as there are candidates. He can put "Yes" against the name of every candidate. The result is that if a candidate commands a certain measure of support within his own community he will have no diffi-

[Mr. Nazareth] per cent of the vote. It would be different if he had only one vote to allot to one of several candidates. But that is not the position. He is in a position to put "Yes" against every candidate he finds acceptable, and therefore when you have a situation of that kind a percentage even as high as 30 per cent or 33 per cent or 35 per cent would not be too high a percentage. On the other hand, 50 per cent would be a very high percentage and might in an indirect form bring something like communal electorates. I therefore do not think that the percentage recommended by the Working Party of 25 per cent is too high a percentage and I would be quite prepared to accept 30-35 per cent, but I would be equally prepared, since I do not attach very great importance to the percentage, to accept the percentage recommended by the Working Party of 25 per cent. I do not propose to make a major issue of the percentage.

The question of the division of the Asian seats between Muslims and Indians has excited a considerable amount of discussion which I regard as somewhat unfortunate. This matter was considered by the Asian Elected Members when they met the Working Party and we were not in a position to insist on a fusion of the seats in view of the attitude taken by the Muslim Elected Members that they wished to have separate representation for the Muslims. It takes two parties to make an agreement. At present there is a division and if the Muslims are not prepared to come together I do not think it would be in the interests of the community to insist that there should be a junction or fusion of the seats and that there should be just eight Asian seats without dividing them between Muslims and non-Muslims since the Muslims wish to make an issue on that particular point. But it has to be remembered that there was no obligation on the Working Party to divide the seats between Muslims and non-Muslims because the Lancaster House Agreement allotted eight seats to the Asians without dividing them up, but in view of the Muslim attitude that they must have separate seats allotted to themselves I think that there was really no alternative for the Asian Elected Members as a whole except to accept what the Muslim Elected Members desired. However, I would suggest to them that that attitude of theirs, in the light of the decisions taken at the Lancaster House Conference, is entirely out of date and that it is time to adopt and to come to some new thinking on the subject.

Coming to the question of reserved seats, the Working Party has very rightly concentrated the seats allotted to the minority communities in the areas where minority communities are concentrated. I therefore think it is right that Kisumu should be given an Indian seat and I note also

that it has been given a Muslim seat. That was entirely in accordance with the desires of the Asian Elected Members. But I find it strange that Nyeri has been given an Indian seat in preference to Nakuru. Nakuru has no Indian seat. To my recollection—and I have very little doubt on this point—the Asian Elected Members recommended that there should be an Indian seat at Nakuru. Now, I have no personal interest in pressing the case of Nakuru. The hon. Chief Secretary when moving the Motion suggested that every Member would be inclined to claim extra seats in his own constituency. Now, even if I thought of standing for the next election I would not claim Nakuru as the centre to stand for, and I am therefore very clear in my mind that I have no personal interest in advocating the case of Nakuru. I have with me a letter from the President of the Indian Association, Nakuru, addressed to the Chief Secretary and to the Attorney-General, the members of the Working Party, in which he expresses his surprise that "while all centres such as Nairobi, Mombasa and Kisumu get their share of the reserved Asian seats, Nakuru, the fourth largest town in Kenya, gets no such seat, which unfortunately goes to the eighth town, Nyeri, which has a very small non-Muslim Asian population".

I have been quoting from the letter written by the President of the Indian Association, and I continue quoting: "The argument of not having open as well as reserved seats is not clear to me, although Nairobi as well as Mombasa have been given open as well as reserved seats. If it comes to enforced delimitation in Nakuru for open as well as reserved seats it can be done." Now, as I said, I believe the Asian Elected Members did recommend that one of the Indian seats should be given to Nakuru, and I think there can be no doubt that Nakuru has from all points of view a larger Indian population than Nyeri, and I do not know of any valid reason why the seats should not have been given to Nakuru. I am aware that the hon. Member for the Central Electoral Area, Mr. Travadi, supported the case of Nyeri for a seat, but I do not think he stated any reason for that preference. I noticed that during the course of his speech he enumerated six points for which he had to thank the Working Party but he did not state what the sixth point was. I am rather wondering whether it was the Working Party's recommendation of a seat for Nyeri and not following the recommendation of the Asian Elected Members that a seat should be given to Nakuru. I am happy of on this particular claim I have the support of the hon. Specially Elected Member, Mr. Blundell, the hon. Member for the Aberdares and I think the hon. Member for a seat at Nakuru, also supported the case for a seat at Nakuru, although they put the matter rather differently. The hon. Specially Elected Member, Mr. Blundell,

[Mr. Nazareth] desired that there should be a European seat north of Donald Avenue and an Indian seat south of Donald Avenue.

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

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

However, I think they were in agreement with the claims which I have made that Nakuru should be given a seat, and I am prepared to take up the challenge of the Chief Secretary when he asked us to say where the seats should be taken from. I would suggest that the seat should be taken away from Nyeri, and in that I have the support of the speaker who spoke last who suggested that Nyeri Town should form part of Nyeri District so that Nyeri Town would not be left without representation.

There are certain aspects about which I would like to make some observations. One is the contention of the hon. Member for Nairobi Area, who said that the report is restrictive of the common roll because the communal primaries will decide who will be elected. That is also the objection made by the Kenya Freedom Party in the statement they have issued on the Working Party's report. I do not see how it can be claimed that the communal primaries will decide who will be elected. The communal primaries will merely decide who are to go forward and since in the communal primary a man has as many votes as there are candidates all that will happen is that those who are acceptable to that community will be allowed to go forward, and if the percentage is not put so high that it becomes too difficult a task to go through the primaries, and unless Tammany Hall tactics or practices are resorted to, those candidates who are acceptable to the community will go forward and then the voters on the common roll will decide who is to represent that particular area. It was essential and it was an obligation of the Working Party to recommend and to work out some practical form of communal primary. It was not within their powers to avoid a system of communal primaries because that was part of the Lancaster House agreement, and the way they thought of that, to give each voter as many votes as there are candidates, was, I think, a very happy inspiration on their part. If, on the other hand they had said that the voters should only have one vote then you might have had a very difficult situation created. But the way they devised was I think a way in which, on the one hand, the minority races would have a significant voice in the selection of those who had a kind of

special responsibility towards them and, on the other hand, the system of the common roll was preserved and I think they carried out that particular part of their work with very great skill and judgment. I do not think there is anything in the argument that the communal primaries will decide who will be elected unless, as I say, there is a resort to Tammany Hall tactics and people combine in a particular area to deny their votes or, rather, to put a "No" against every candidate except one particular candidate. If that is done then, of course, the communal primary would decide who would be elected because no other candidate would be able to get more than 25 per cent. Except in that particular case the communal primary will not decide who will be elected.

On the matter of reserved seats the hon. Member for the Nairobi Area said that those who are elected to these reserved seats should have sympathy with the Africans, and I fully agree with that. After all, he will be representing all the voters of that particular area and a large proportion of them in many cases, or in some cases at least the major portion, will be Africans. Well, in that case it would be a singularly unfortunate situation and a bad situation altogether if that candidate who was elected a Member of this Council did not consider himself to be representative of all the voters in that area, and therefore he ought to have sympathy not only with the voters of his own community but with all the voters, including the Africans. I do not think there is any other situation which is likely to arise because every candidate who stands for election in a reserved seat will be conscious of the fact that when he comes to the common roll voting, the actual voting, the African electors may quite possibly decide the issue, and therefore I cannot concede that a Member will come along with an antipathy towards the African voters unless it happens that only one candidate, or two candidates, go through the communal primaries, in which case you might have a person out of sympathy with the African voters representing them as well as the voters of his own community. But I would also suggest that the converse applies and that the Africans should have sympathy with the non-Africans. That is by no means certain, because with the Africans in such large numbers on the roll they will realize that power resides in their hands and they may not feel the necessity of having a sympathetic approach to the non-African. Therefore, it is much more important to stress the converse of the proposition than the proposition which the hon. Member for Nairobi Area put forward. That is the reason why I think the Working Party's report has performed such valuable service in providing some base for sympathy by giving non-Africans some little significance when

[Mr. Nazareth] the Lancaster House agreement had almost left them without significance or a base for sympathy inasmuch as by placing the reserved seats in areas where minority populations are concentrated they have enabled the minority races to be represented by candidates who are not entirely chosen by Africans. They have worked out, as well as could be done within the confines in which they were placed, the arrangements that had been agreed upon so as to enable the minority races to have some significance in the elections.

The hon. Member for Central Nyanza wanted to do away with communal thinking, and I warmly support that desire of his, but I think it is very important to support these desires by practical deeds. I have found considerable discouragement, in a recent statement which has been reported in the newspapers, in a neighbouring territory, in Tanganyika, in respect of which it is stated that not one single non-African has been adopted by the Tanganyika African National Union for any of the open seats. Now knowing that the Tanganyika African National Union is well entrenched, and has yet not found it possible to adopt a single non-African for an open seat, that is, I think, very discouraging because here the associations are weaker, and may find it much more difficult to adopt non-Africans for open seats. These are open seats, and I would have been very happy if we could have got the encouragement in this territory of non-communal thinking by non-Africans having been adopted through by non-Africans having been adopted for two out of what I believe are 53 open seats in Tanganyika, so that when appeals are made to minority communities to give up racial thinking, to give up communal thinking, they might remember what is happening when it is in the power of large groups with large majorities to give it up, and yet they do not do so. I am wondering whether it would be possible for Kenya to beat Tanganyika in liberality of performance as compared with liberality of expression.

In conclusion, I would like to say that the Working Party has done valuable service—its most valuable service by furnishing no excuse to any of those who were parties to the Lancaster House Agreement to go back on it. They have done that by getting the best out of the agreement that was reached, by keeping fully within the terms of reference, but at the same time carrying it out in as practicable and as fair a manner as could be done, and in a way which I think will be well calculated to serve the interests of the country. Their work, I think, ought to commend itself to all sections of the community, of course, the United Party who have their particular views on the subject, which they have

entertained for a long time, and to which they have consistently kept, and in respect of whom no strictures can be made since those views are held by them and they expressed them very clearly at the Lancaster House Conference, and they have never changed them. But bar those particular Members, I think every other Member who was present at that Conference, who agreed to those arrangements, or who accepted them, none of these, I think, is in a position to go back on those arrangements, and the Working Party has done good service by not furnishing them with an excuse to say that the recommendations are outside their terms of reference, and therefore they are entitled to go back on what was agreed.

We are called upon only to note the Report of the Working Party, but I would be prepared, if the Working Party could do something in regard to this unhappy and frustrated town of Nakuru, not only to thank the Working Party for their work, but to give broad approval to the main principles which have governed their Report.

Mr. Deputy Speaker, Sir, I beg to support.

Mr. Jamidar: Mr. Deputy Speaker, Sir, it is in the terms in which this Motion has been put forward which makes it practically impossible to oppose it; but that is not the only reason why I do not oppose this Motion because I find in the Report of the Working Party proposals which could not have been better, and truly there are very few things on which very strong criticism could be made.

Sir, the question of the division on religious lines of the Asian seats has been brought out during the debate here, and I must state at the outset that I was rather disappointed at the style and the manner in which that particular part of the debate has been conducted in the Council, for I feel, Sir, that is an internal matter of the Asian community, and to air it in the terms in which it was done in this Council has not done any real good. Everybody understands and appreciates that after the move towards the common roll, as suggested at the Lancaster House Conference, there is really no justification for any continued division between Indians and Muslims or Muslims and non-Muslims, if you like it that way, just as there is certainly no justification for the division of the Africans on religious lines as Roman Catholics and Protestants or even Muslims and non-Muslims, and again, in the case of Europeans non-Muslims, and again, in the case of Europeans it is not proper really to suggest that there should be a division on religious lines such as Catholics and non-Catholics. That, of course, is basically true, but the whole difficulty of minority representation which we have discussed at Lancaster House and which ultimately ended in the reservation of a few seats for the minorities, is that

[Mr. Muehura] and so the point is that the Report emphasizes support—genuine support—not just support, and also to ensure that the candidate elected commands the effective and genuine support, so the fears expressed by my friend were not just because he is African, he was thinking of implications working up to the time when the candidates come up for election from the primaries. I think it is irrelevant, as my hon. friend, Mr. Shikely, did say, because for a long time the Africans have been represented by Europeans. I think to try to draw an analogy between that time and this time is begging the question, because now we are trying to think in terms of the nation, if we can do it, and our ideas should be towards that, but at that particular time it was thought, probably rightly so, by the then Government that there was not, or there were no capable Africans to sit in the Legislature and take part in the discussions, and so to draw an analogy between the two periods from 1920 to 1944 and then from 1944 to 1960 I think was unthinkable because the Africans would very much doubt whether they were represented during the former period; and there is a world of difference between the two.

Now, on the other point. Supposing my friend, Mr. Rubia's suggestion is not accepted, if the arguments used by the hon. Member for Nairobi West are accurate and we were also to have that genuine support of the Member to be elected, and also make sure that he was the likely candidate who was coming up, one would like to suggest one or two things. The Report should be altered to such an extent to allow places like Kisumu township, Nairobi City Council area, Mombasa and Nyeri to adopt the proposals suggested for the National seats, which, of course, I do not agree with entirely, but if you were to get the support of the other people who were not of the community, as the case would be in the townships of Kisumu and Nyeri for example. The candidates would have to have the support of a cross-section of all the races, and then you would have genuine support. Without that it will be more or less, shall we say, having to accept whatever is offered, but not where one has the genuine support. And therefore, I think, Mr. Deputy Speaker, my friend was not thinking racially, but was thinking of the practical application and the practical effect on a voter. How can his vote influence the elections, if the community present him with only one candidate and who may not have the genuine support from them?

Then too, talking about this distribution of seats, Mr. Deputy Speaker, Nairobi to me has got four European, one open seat, two non-Muslim and one Asian Muslim. By this I mean

that the boundaries between the Nairobi Extra-Provincial District and the City is such a very small margin, except on the Kisumu side, there is more or less just a matter of yards between the City and Nairobi Extra-Provincial District boundaries. And unless there are some different administrative ideas, but according to the signposts one sees going outside Nairobi it is very much more or less almost along the City boundary. Unless it is implied in this Report that there is a much bigger administrative area than what I have seen on the signposts going out of Nairobi, to my mind, whether rightly or wrongly, I think Nairobi could be evenly represented by three Europeans and at least up to this time they are so represented. Therefore the suburban Member should be Kiambu to help the congestion and the difficulties of the Member who is supposed to do the Central Rural. If that were done, for example, Kiambu, which has a Member and will probably be getting larger and bigger, could probably be combined with Machakos. And I think Nakuru and Naivasha should go together.

Now talking further about Nyeri I agree with my hon. friend who has just spoken, Mr. Jamidar, that Nyeri is of course a provincial headquarters, and its own population and area are such that if it was put as part of Nyeri District there would be no serious harm to anybody. Now I am not quite sure of the figures of the population and so forth, but I do not see the idea of putting Kisumu town outside Central Nyanza. For one thing it could have been possible, as it has been in the case of Nairobi, to have multi-Members to delimit these seats, and as I see it, if that were done, it would, instead of just being two constituencies—Central and Town—one for Muslim and one for non-Muslim within the town would help. For instance, if half the Kisumu location, or a bit of Sondu Division round the area, were given to one Member for example, the other sections of the district could be delimited in the exercise in order to cater for the other three seats, but so far my understanding is, if the people down there were not very satisfied with the distribution as such. Going a bit further, having dealt with the Nairobi seats, where they have four Europeans which I think is unnecessary, what I want to suggest is that Kiambu, Thika and Machakos settled areas should have the one Member—N.E.P.D. suburban to receive the unwholly mixture of Central Rural, including Naivasha. Nakuru settled area and Naivasha be combined, so that this long distance from Naivasha down to Kibwezi could be overcome by taking one European Member from Nairobi suburban. As I said, if Kisumu town with Central Nyanza could be put into one multi-racial constituency and be delimited, in time it would

[Mr. Muehura]

probably give a greater feeling of satisfaction than what we have at the moment.

I agree with my hon. friend Mr. Jamidar when he mentioned this question of plural wives. For one thing, I think that the definition should be "wife", and that would be according to the various customs and habits of the tribes and religions. A wife is a wife and they should have a vote, all of them, and if not no married women should have votes at all.

Mr. Deputy Speaker, I beg to support.

Mr. Zafrud Deem: Mr. Deputy Speaker, Sir, I would also like to join in paying the customary tribute to the Working Party for the excellent job of work they have done. I had my doubts as to their ability to catch the meaning of the Lancaster House agreement, but I must say that it is a matter of great admiration to see that they have done this very well indeed.

Sir, there is one important thing which has been debated in this House and I would like to say a word or two about it. It is most distressing to see that in this debate the age-old controversy between the Muslims and non-Muslims was introduced. Sir, I would not say much except that I, together with many other Asian Members, have striven hard for so many years to bring the two communities together and I would like to say here and now that we have succeeded to a great extent in doing so. However, unfortunately some of the remarks which have been made here must be refuted.

Sir, I do not believe that as has been argued on so many occasions that this is merely a religious division. This is an actual logical division and I cannot see that what is common between the Muslims and the non-Muslims which is not common with the Muslims and the other communities in this country. This matter has been settled and I think it was very wrong on the part of some of the Members on the other side of this House to reopen this very controversial and, I think, inflammable subject. Sir, I am very glad that the Asian Elected Members on this side of the House have not harped on this question because if they had done that it would have been a breach of faith. At Lancaster House when originally it was suggested that there should be seven seats for the community and the question was put to the Secretary of State as to how there was going to be break-down of the seven seats. In the original memorandum submitted by the Asian Elected Members a break-down of 5:3 was suggested and I believe that it was on that presumption that the Working Party worked.

Sir, the question of a plurality of wives has been discussed in detail here and I would like

to add a word to it, that as some of the Members have already said it is very wrong to deprive the second or third or the fourth wife from the right to vote when she is a lawfully wedded wife. If a person decides to take more than one wife, then the law of the country gives him permission to do so and if that is the case then it is very wrong to leave it to the husband to select who should be the wife to vote and exercise this right. I am sure that the Working Party will give serious consideration to this question. Although in the first instance I thought that it was a very ingenious solution to a very difficult problem, now I think that it might be an encroachment on the religious beliefs and tribal customs of many communities in this country. I do not think it is a laughing matter because, as I said, there are, religious beliefs behind it as well as tribal customs which sanction plural marriages and depriving one or the other wives from exercising her right to vote is something which is very serious.

Sir, I must also say that I appreciate the fatherly advice which has been given to the Asian community by certain Members, but, as I tried to explain at the beginning, we have found in our experience that it is a very dangerous thing to bring the two communities to the same polling booths. It is, for this reason we thought that the two communities should not mix up because we have seen the results of the two communities coming to the same polling booth with very dangerous results.

Sir, the idea behind the primaries is, as far as I can see, to ascertain whether a person has got the true effective and genuine support of his community. Once that idea has been ascertained, which will be done through the primaries—and I think that 25 per cent of the votes obtained by any candidate is a sufficient number to nominate a person who will effectively represent his community—it does not matter after that whether a candidate stands for any particular constituency. I think, Sir, we have got to get further away from the idea of communal representation. Here I would like to say that in the case of Nairobi where multi-Member constituencies probably mean that there will be one constituency for two or three or four Members there is something which does not do justice to the constituents. The constituents must know who is their Member because I have this feeling that in a bureaucratic Government such as we have in this country the Members' main duty is to comply the demands, the grievances and the complaints of their constituents. In case there are three or four or more Members representing one particular constituency, the constituents will never know who is the man whom they have got to call upon to represent their case. Sir, this is a

[Mr. Zafud Deen]

very important feature and I believe that the Working Party in its final proposals will consult as they did on a previous occasion with the Asian community and if it is possible they will divide up Nairobi into geographical divisions and will not have one constituency for four Members.

Sir, lastly, as I said, it was a matter of great pleasure that the Working Party truly captured the meaning of the Lancaster House agreement and in doing that I think they have done a very great service to this country. I would like to say that the suggestion made by my hon. friend the Member for Central Electoral Area in agreeing to a constituency to the Asian community supports the basic idea that on a common roll election any Member belonging to any community should be regarded as representing all the candidates.

Sir, I beg to support.

Colonel Jackman: Mr. Deputy Speaker, Sir, the Motion before the House calls on us to note the report of the Working Party on certain electoral proposals. During this very long debate, Sir, a great deal has been said which as far as I can see bears very little relation to the matter of the report and a great deal has also been said which is just pure criticism of the arrangements made at Lancaster House. I, Sir, do not propose to add any more fuel to this particular fire, even if you would permit me to do so, Sir, but I would like to say this. In any walk of life, whether commercial, professional or even political, where faulty decisions are taken on the highest possible level, then those, Sir, turning down the line who are charged with turning those decisions into action almost inevitably find themselves in difficulties. Sir, I believe to a great extent this was the position of the Working Party, and I say so, Sir, because it is my view that many of the decisions taken at Lancaster House were in fact faulty. But for all that, Sir, those decisions were taken and my own opinion is that at this stage it would be difficult, if not impossible, to get them altered. It is, therefore, up to us, Sir, to do the very best we can to make them work in the best possible manner for the good of all people of this country. I think, Sir, that in presenting their report the Working Party have given us a very good start towards this end and I would like to join with other Members in congratulating them on their thoroughness and ingenuity.

A great deal, Sir, has been said regarding suggestions for the alteration of various things in the report, particularly with regard to the distribution of seats. Well now, Sir, these seats are, of course, limited by the total numbers which are

allowed for under the constitutional proposals and, therefore, any alterations which take place by the addition of a seat here can only be done by the removal of a seat from somewhere else. I am sure that all these proposals will be very carefully considered by the Working Party, but I very much doubt if any alterations will make the position appreciably better.

Sir, just before I sit down I would say one word on the subject of plurality of wives. Again, Sir, I do not have to declare an interest. Sir, it is quite obvious that the proposals in the report are not supported by a great number of Members who are interested in this matter and I would only suggest this, Sir, that perhaps the Working Party would be able to consider some form of compromise in this matter and deal with it rather as is done by insurance companies in respect of owners of more than one motor-car; in other words, Sir, have some form of fleet discount!

I beg to support.

Mr. Kirpal Singh Sagoo: Mr. Deputy Speaker, Sir, the Motion calls upon us to note the report of the Working Party. And, Sir, I note with regret that whereas Appendix III starts off with the communal columns of European, Asian non-Muslim, Asian Muslim and Arabs, there is no reference to my community, Sir, that is perhaps understandable because no member of my community was represented at Lancaster House. But, Sir, I take it that the onus lay upon those of the Asian Members at Lancaster House, the Muslim Members as well as the non-Muslim Members, to safeguard the interests of the smaller sections of the Asian communities who were not represented. And, Sir, although they made a very good job of sharing the spoils between themselves, even though they lost a Ministry in the process, I must say from what I have heard of the mudslinging that has gone between the two groups in this House that I am so glad I was not present there.

Now, Sir, be it as it may, I appeal to the good sense of both the non-Muslims in the primaries and the Muslims in the secondaries that in the forthcoming elections they will show their sincerity of heart, that liberalism of mind that is expected from the Asians as a whole, by carrying a member of my community with them. Sir, the Working Party has made a good job of a bad business and I congratulate them upon their report.

Sir, I beg to support.

The Chief Secretary (Mr. Coultis): Mr. Deputy Speaker, Sir, in rising to reply to this debate, I would just crave a minute or two to sort out my papers. I have received so many love letters

[The Chief Secretary]

from Members in the Chamber this morning that I have not been able to put them all in proper order.

Mr. Deputy Speaker, I want to thank Members first of all for taking this debate extremely seriously and also for contributing to the debate in so many ways their full and frank thoughts on the problem which we have in front of us. As, Sir, so many people have said, certain principles were laid down during the Lancaster House Conference and it was for us as a Working Party to base our recommendations on these principles. Before I come to dealing with individual Members' speeches and what individual Members have either said or asked, I want first of all to deal with one or two general considerations which arise both out of the report and out of the debate which we have had.

The first principle is this difficult question of racialism. Now, Sir, going back to the Lancaster House Agreement just for a second, it seemed to us perfectly clear that one of the main principles which came out of the Agreement was that we should aim as far as possible at non-racialism in Kenya for the future. The hon. Member who has just said "Hear, hear!" himself made a notable contribution to this debate in his own speech.

Now, it would have been quite possible for the Working Party in interpreting that principle to have gone—if I can put it this way—more wholeheartedly for non-racialism than indeed we did in the report.

For instance, we might have scattered the constituencies around the country in such a way that you had an alternate open seat with a reserved seat. Furthermore, we could have decided that there should be no non-Muslims against Muslim seats. We could have so framed our recommendations that racialism would virtually have disappeared overnight. It was noticeable, I think, in the debate that although people felt that this was the end of their main aims and said so, usually at the end of their speech they made what was virtually a racial suggestion. Now, this is not surprising because we have had communal elections in this country up until now and we cannot expect people, however much they feel that this is the right course—and let me make it quite clear, Mr. Deputy Speaker, that I feel this is the right course—however much we may feel that this is the right course inevitably people do have within them a strong racial feeling at the present time. We cannot therefore, or could not therefore, go the whole distance at one jump and that is what we felt very strongly in trying to frame our recommendations. What we have done is to try and produce for everyone what was virtually a

compromise as a middle step before disappearing from racialism wholeheartedly.

Now, as everyone realizes, compromises are very often the worst of two worlds and that is perhaps why there has been a great deal of opposition to the Report. In fact, I almost began by saying that I wanted to thank everyone for their 100 per cent warmest opposition to this Report. In saying so, however, Mr. Deputy Speaker, I also want to thank very sincerely all of those Members who in the course of their speech gave a great deal of thanks and appreciation to my colleague for the work which we did on this Report. I was also very grateful to them for acknowledging the difficulty of the task. I can assure everyone that it was no easy task, but we did try in the end to do the best we could.

Reverting once again however to the theme with which I started, namely the racial difficulties with which we are confronted, it appeared to me that some Members of the House anyway had decided in their own minds that the only answer to this problem as far as they were concerned was to have communal voting, and not to get involved in the difficulties of primary voting for a specific community followed by a common roll. Sir, that question was not within our terms of reference and we made it quite clear in the Report as indeed I do now that it was not possible for us to recommend that there should be a return to communal voting. Having said that, then let me make it quite clear that there was no intention that any part of this Report should try and lead to communal voting. The hon. Member for the Aberdares said that the interests of each race were antipathetic. Sir, I do not necessarily accept that at all. As I said in my opening words, what we are trying to do now is to get people to realize that in the future they are going to be represented by people of a different race in the Legislative Council. I want to underline that. I want people all over the country of Kenya to realize if they have not already realized it that when and if—but I should imagine when—these proposals are put into law, people of one race are going to represent people of another race and people of one race will be represented by people of another race. That is the point which underlines the whole of our Report and which will underline the whole of the legislation which follows it. Now, one or two Members—I think it was the hon. Member for Trans Nzoia and the hon. Member for Mombasa—referred to people being disenfranchised. Now, Sir, that is entirely untrue. People will not be disenfranchised by these proposals. If you have the qualifications—and they are not very high—the qualifications—and they are laid down in the Report which you will be enfranchised. You will be put on the voters' roll. What the hon. Members were trying

[The Chief Secretary]

to say, I think, was that people would be disfranchised because they would not be able to vote for people of their own race. Well, let us face it now, there are going to be quite a number of people who will not be able to vote for people of their own race and as I have tried to say earlier that is part and parcel of the proposals which not only came out of Lancaster House but which are also included in the Report which we have submitted.

Sir, I think I have said enough really to cover this point of racialism but I would like to ask hon. Members to realize that we are entering into a new era and the proposals which have been put before them now have been put with this objective in view, that they are going to have to realize that they are living with other people in this country and they will not only have to live with them but also to vote with them.

Now, Sir, the next major consideration which I want to come to was the problem of the primaries. My hon. and gusty Nominated friend from the Back Benches, Capt. Hamley, referred to this as a left-handed arrangement. I presume if we translate it into his own language what he really meant was a port-sided arrangement. And if it is the port side, presumably he was showing us the red light. Now, Sir, a number of Members said that first of all they did not want primaries—and there is no point in my repeating what I have already said on this matter. Primaries were part and parcel of the Lancaster House Agreement and we had to devise some means of making these primaries work. There was a great deal of criticism of the way in which we had suggested that they should work and particularly centring round the percentage which we have recommended. Taking the whole system which we have recommended I am reminded that just after or during the First World War when I was a very small child there was a certain Mr. Bruce Bairns' father who used to produce some excellent cartoons normally depicting the unfortunate soldier in the trenches in France. I remember one in particular with a chap sitting in mud up to his ears and grousing like mad and underneath was written, "Well, if you knows of a better 'ole—go to it!"

Well, Sir, in this debate my whole reaction to the criticism of the primaries was, "Well, if you know of a better way of doing this, let us know". We have had these recommendations from various people and indeed we considered them but we did not think that it was possible to devise a method of people having effective and genuine

is a great deal to be argued about the question of percentage and indeed the hon. Minister for Legal Affairs and I literally scratched our heads for a very long time before we came to the conclusion that we thought that 25 per cent was fair. A number of Members in the House now have said that they thought it ought to be higher. I think only one or two Members have suggested that it might be lower. I will towards the end of my speech in summing up, Mr. Deputy Speaker, give the House some idea of those points which we as a Working Party are prepared to reconsider. The question of the percentage is one which I would describe as marginal. I am not certain in my own mind whether it is one that we should reconsider or not, but when we reconsider the whole Report in the light of this debate we will certainly give some thought anyway to this question of percentages.

Mrs. Hughes applauded.

The Chief Secretary (Mr. Coutts): That sounds rather to me like anticipation! I would hate the hon. and gracious lady to be disappointed later.

Now, a further point arising out of this particular question was raised, I think I am right in saying, by the hon. Member for Mombasa and also my hon. Nominated friend, Mr. Smith, about safeguarding the position of minorities. Now, all I can do in this matter is to look at the actual wording of the Report as it emanated from Lancaster House in paragraph 15 (a) (i) where it says the position of minority communities on the common roll should be safeguarded by reservation of 20 of the 53 seats allocated as to ten Europeans, eight Asians and two Arabs. I note in my copy that there is no full stop there but I think there should be one—

Sir Charles Markham—Why?

The Chief Secretary (Mr. Coutts):—because it goes on to a new sentence. Now, Sir, my interpretation of that word "safeguarded" is that it should be taken with the words "on the common roll" and not in connexion with the following sentence which refers to primary elections. The safeguarding is that on a common roll—and realizing that the European, Asian and Arab communities are outnumbered very, very considerably by another race—the safeguarding is in the reservation of 20 seats. It must be, because in the common roll if there were no reservation there would be no European, no Asian and no Arab Members of this House unless one or possibly two people had or were able to convince the vast majority of the electors that they were the right person to come back into this House. Therefore,

[The Chief Secretary]

we were not considering that these particular communities or individual members of the communities had to be safeguarded in the primaries. The safeguarding had already been done by reserving 20 seats out of 53. I think that is the only answer that I can give to the hon. Members who have asked this particular question.

Mrs. Shaw: Mr. Deputy Speaker, on a point of explanation, as far as I was concerned the safeguarding that I meant was ensuring genuine and effective support, "effective" being the operative work, in the primaries.

The Chief Secretary (Mr. Coutts): Well, as I have tried to point out to the hon. and gracious lady, I realize that that is what not only she but the other two Members who I have mentioned were getting at. But as I interpreted it safeguarding really refers to reservation and not to the primaries. However, as I have already tried to indicate to the House, everyone in this debate have had their own views on how particular words, how particular questions, should be interpreted and all I would like to say at this point is that we have one interpretation and I regret to say that if you have another there is very little that we can do about it.

Now, Sir, I want to go on to the question of the constituencies. I know I was very naughty indeed in introducing the debate and saying that if anyone had any views on constituencies that they should tell me where they were going to find the particular seats that they wanted. I threw it out as a challenge and I congratulate the hon. Member for Western Electoral Area on being the only one who took up my challenge and actually told me what adjustments should be made if we were going to take the Asian seat away from Nyeri. I did so, Sir, because I realized fully well that people would be unwilling publicly to say that somebody must lose if they were going to win, but I did so also in the hope that perhaps some people might give us some constructive ideas about any obvious mistakes that we might have made in the allocation of the constituencies. I thank the Specially Elected Member, Mr. Slade, and others who have suggested that perhaps we should put the Naivasha District in with Nakuru and I can assure the hon. Member that that will be one of the proposals that we will definitely reconsider. As regards the question of the Nyeri constituency, I would like to suggest that Asian constituency, I would like to suggest that perhaps the hon. Asian Elected Members might meet me at a convenient time in the near future and make recommendations as to what should be done. I am sure they will feel that there should be

Now, Sir, turning to Mombasa and Nairobi, the hon. Member for Mombasa said that he did not see that it would be possible to delimit individual constituencies in the Mombasa District and that there should be a multi-Member, multi-racial constituency. I would like to tell hon. Members that when we first considered the report we felt, as he did, that it would be difficult to delimit Mombasa and therefore that there should be a multi-Member, multi-racial constituency, but for the reasons which I have given earlier, and for the reasons which are set out in the report, we decided to try to get away from this particular combination for one reason and one reason only, which I repeat, and that is that you would have straight communal voting. I have given to the hon. Member during the course of this debate my ideas on how Mombasa District might be delimited and I have suggested to him that there might be one European reserved seat to cover a certain proportion of the district, one Asian seat, one multi-Member seat, which includes an Asian and an Arab, and one open seat which will also be part of the district. Therefore I do think that it is possible to delimit it and, if we do delimit it in that way, we will get away from the purely racial voting about which I have been talking. Similarly in Nairobi I think it will be possible to delimit all of Nairobi in such a way that there should be within the urban areas a multi-Member constituency of two European reserved seats with one other European reserved seat, one suburban area, two Asian non-Muslim, one Asian Muslim and one open seat.

As regards the question which the hon. Member for Nairobi West raised regarding that part of the heavily populated area which lies outside the town I am certainly open to suggestions by him or other people as to where the actual boundary should be drawn. It was for that reason that we left in our report the words "to be delimited" and we did realize that we would want advice as to how it should be delimited and where the actual line should be drawn.

Now, I thought perhaps that I might just take this particular moment, when talking about Nairobi and population, to explain some of the reasons which were behind our thinking in giving Nairobi the weighting in the seats which it has got as amongst the European population. I support the hon. Member for Nairobi West when he talked about the fact that Nairobi has approximately half of the European population in the country, and therefore that that was one good reason why Nairobi should be weighted. Also, reason why has spoken, I have some figures here. I think he himself has quoted financial figures, I may say so, I always am amazed at

[The Chief Secretary]

the way the hon. Member takes a chance in any debate, it does not matter what it is, to remind us of the hard and good and solid economic facts of the country. He told us, for instance, that there were something like 88 per cent of the payments for wages coming out of industry and commerce. He also explained that something like 89 per cent of our total national income came from these particular areas.

Mr. Alexander: Would the Chief Secretary give way, Sir? In order to get the record quite straight it is not payment for employment in commerce and industry, but it is that employment throughout the Colony absorbs £88,000,000, the inference being that most of that is in the urban areas.

The Chief Secretary (Mr. Coutts): I have got the figures here for employment and wages in private industry and commerce. Out of the total wages paid £38,000,000 comes from private industry and commerce as against only £10,000,000 for agriculture and forestry. Sir, I support the hon. Member in his case. I would also like to add one further point that I would like to make myself, and that is that even in agriculture one must realize that those crops which give the Colony its greatest income, that is coffee and sisal, mainly lie round Nairobi and in those areas near to Nairobi. That was one of the reasons why we created this reserved European suburban seat which would take in all or most of the coffee and sisal areas.

Sir Charles Markham: Rural seat.

The Chief Secretary (Mr. Coutts): Rural seat—I apologize.

Then, coming to the question of whether or not Kiambu should have another seat, I must say that I felt quite strongly myself that Kiambu, for a number of reasons, should have had a second seat for reasons of population which I think is about 300,000. I would like to tell hon. Members that in trying to allocate the open seats we took a figure of 350,000 as qualifying for a multi-Member constituency of two seats in the open areas; and therefore on that basis Kiambu did not qualify. But as they will realize, Sir, elsewhere in the country there are further areas which have many fewer than that in population but which have been given extra seats. That of course is to take care of the large distances, another matter which was brought up. But of course our whole difficulty was that we did not know where the seat was to come from, any more, if I may say so, than the hon. Members who have suggested that there should be two seats. If they can tell me where we can expeditiously get another seat for Kiambu then I would be

delighted to consider it. But the fact was that we were unable to find another seat and therefore were unable, regretfully, to give Kiambu its second seat.

Now, Sir, turning to qualifications, about which quite a lot was said in this debate, I want to apologize to hon. Members for a printed mistake on page 8 of the Sessional Paper which does make a tremendous difference to the qualifications as set out there. It is in (iii) on page 8 where we begin, "We therefore recommend the following qualifications—(iii) British subject or British-protected person or registered as a voter at present; or . . .". It should not be "or" but it should be "and", which means, therefore, that everyone has to have five qualifications. There seemed to be some misunderstanding about the qualifications people were to have. If I could just mention it I would like to tell the hon. Members who criticized the qualification of the ability to read and write, being office holders, and having an income, that these particular qualifications were laid down in the Report of the Lancaster House agreement. It was not possible for us to depart from them. We therefore had to fit these particular alternate qualifications into our proposals. Now, the qualifications which are required are five in number. You have got to be resident in Kenya for 12 months preceding application for registration. That is one. You have got to be in the country for 12 months. You have got to be over 21. You have got to be a British subject or a British-protected person. You have got to have a residential qualification in the area in which you want to vote. You have got to have all these first before you can start to become a voter. After that you have a choice of four separate qualifications. They really add up to five because as an alternative to being able to read or write you can vote if you are over 40 years of age, so in addition to the initial qualifications you can then have one out of the four others; that is, an ability to read or write, or being over 40, or being an office holder in one of the scheduled posts which we put in the appendix, having an income of not less than £75, or property valued at not less than £350.

Now, Sir, there are one or two matters which arise out of this question of qualifications. I might as well deal straight away with the question of married women, which seemed to take up quite a lot of the debate. My thinking was conditioned by the fact that in African areas, perhaps not so much in the case of Muslims who have a plurality of wives, but in African areas, in order to have more than one wife it is necessary for you to have more than a certain amount of property and in order to obtain more than one wife you have to

[The Chief Secretary]

part with a certain amount of property before you can get married, and therefore it seemed to us that dowry and property, not marriage, as I tried to explain to the hon. Member for Nairobi Area, but dowry and property were the two things which were connected intimately with plurality of wives. Well, I have been told that it is entirely wrong, and every wife has the same legal status as the other wife. I see the hon. Member for Nyeri and Embu smiling at me, but he knows jolly well that Nyakambi will take precedence over the others whatever he feels about it. And we felt that it would be necessary because plurality of wives connotes property and that the person should be able to show that each wife has a qualification of £75 from her husband's income or property, and also, of course, we felt that many wives would be able to qualify on their own account. There will be many who have got their own qualifications and they will be able to do so, but, Mr. Deputy Speaker, quoting the words of the hon. Nominated Member, Mr. Jackman, I am quite prepared to consider giving a fleet discount and allowing all wives to vote on their husband's property or income.

Now the hon. Member, for Upper Rift talked about a local committee of elders which has not been used in previous elections. I would like to point out to him that in the elections for the African people set out under the recommendations of my own Report, it was necessary for registration officers to consult with local elders about ages of people, and also about the other barriers, and fairly complicated qualifications which were recommended in that Report, and I would like at this point to answer, if I may, although I will come to his speech later, the hon. Member for Nairobi North, who said, how can one registration officer register all these people, it will take years and years and years. I would like to point out to him that there will be a Supervisor of Elections, who will have under him many registration officers, all of whom will have assistant registration officers, and they will deal virtually down to the level of the divisions in a district and register the people when they come in. Also, if I may say so, I think the registering officers will have a much easier task than they had last time because the number of qualifications are very much less than they were and yet they managed to do it last time—no doubt with difficulty—but at least they did it, and so I do not see why the Member for Nairobi North should have real fears on that score.

Now, Sir, I want to deal with the postal ballot. A number of people, I think, have welcomed the abolition of the postal ballot, but the Member for Mombasa, I think it was, suggested that we

should introduce the postal ballot for the sick and infirm. Sir, I have great sympathy with what the hon. Member has said, but I do not think if we are going to say that there is going to be no postal ballot we can really make exceptions in any case. If you are going to make an exception in one, then I think you will have to make an exception in a larger number of cases. I can think, for instance, of the possibility of serving soldiers saying they cannot leave the colours and we must have a postal ballot and so forth. Sir, regretfully, perhaps, but nevertheless firmly, I must reject this suggestion that we must have a postal ballot for certain classes of people. He also, I think it was, who raised the question of the judicial commission, and the hon. Minister for Legal Affairs, I think, dealt with this matter when he replied yesterday to various points raised in the debate. I think his particular point, which is cogent, is that if you are going to have a commission you probably will still have to have the same number of judges who would otherwise have to hear the election complaints in a court, or if not the same number of judges, at least one judge, so therefore it might be better if the matter went through the courts in the normal way rather than setting up a commission, but once again, it is a matter which we can give consideration to.

Now, Sir, I was at this stage about to embark on criticizing—I apologize, Sir—not criticizing—but commenting on individual Members' speeches, but as there are a number of Members absent, perhaps this might be a convenient time to adjourn and allow me to comment on the individual speeches on Tuesday when many more of the Members will be present, and therefore, Sir, with your permission, I beg at this point to adjourn this debate until Tuesday.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): If it is the wish of the Council, as it manifestly is, that we should adjourn now, I will adjourn Council until 2.15 p.m. next Tuesday, 21st June, 1960.

The House rose at twenty-three minutes past twelve o'clock.

Tuesday, 21st June, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Cereals Finance Corporation, Nairobi, Balance Sheet and Accounts, 30th June, 1959.

(By the Minister for Finance and Development (Mr. MacKenzie))

NOTICE OF MOTION

UNITED KENYA CLUB LOAN GUARANTEE

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to give notice of the following Motion:—

THAT this Council notes that the Government proposes to guarantee loans and debentures, not exceeding £23,000, to be made to the United Kenya Club for the purpose of providing residential accommodation.

MOTION

REPORT OF WORKING PARTY ON ELECTIONS

Continuation of debate interrupted on 17th June, 1960.

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, Sir, when I finished speaking on Friday morning I had covered what I considered to be the main points which had arisen during the debate on this particular Motion and had broken them down into the whole question of racialism in relation to voting, primary elections, constituencies, qualifications, the postal ballot and the judicial commission. Now, I said at that point that I would now like to turn and deal with certain matters which had arisen out of individual Members' speeches. I may have to repeat some of the things which I said last Friday and I hope, Mr. Deputy Speaker, you will grant me the indulgence of a certain amount of repetition in dealing with particular points.

Coming first to the Member for Mount Kenya who opened the debate, it seemed to me that he dealt almost entirely with the Lancaster House Constitution rather than with the Report itself and it seemed to me also that certain other Members like the hon. Member for Aberdares, the hon. Member for Rift Valley and the hon. Member for Trans Nzoia were inclined also to deal rather with the Lancaster House Constitution

rather than with the Report itself. I have tried to point out in what I said on Friday morning that indeed the Lancaster House Constitution came out of the Report which was published after the meetings in London and it was not within our terms of reference to deal with matters in that Report. What we had to deal with was our specific terms of reference arising out of that Report and the Lancaster House Constitution, it seems to me, now will come into being as the result of the Report which is now laid before the House. The hon. Member protested at the shortness of the time but he and other Members have had exactly the same amount of time that we have had to consider this whole problem and indeed, as he himself has said, put forward to us questions which we should consider. I might say, Mr. Deputy Speaker, that I noticed that he had had time to make up a very good speech which he appeared to read very well.

He stated that Europeans in certain parts of the country would be barred from voting. Sir, this seems to me the issue which everyone now has got to face and it is the issue which I tried to put fairly and squarely before the House on Friday; and that is, that there will be Members of all races represented by people of other races and indeed there will be people who will have to vote for people of another race. He went on to say that the primaries would ensure that the common roll elections would be a farce. Well, Sir, I cannot really accept that. I know that there have been very considerable discussions on the question of how the primaries should be conducted. There has been a good deal of criticism of the proposals which we have put forward, and I will deal in more detail when I come to the speech of the Member for Kiambu with this particular point. But, Sir, we have had a job to do and we believe that we have made the best recommendation possible. We have also noticed what he had to say about universal adult franchise. Indeed it seemed to me that he and the same Members whom I mentioned earlier were asking virtually that voting on communal rolls should be reintroduced in exchange for the abolition of National Members and the introduction of universal adult franchise. Once again, Sir, I can only say that that was not within our terms of reference and we could not deal with these particular points.

Again also the Member for Ukamba seemed to spend most of his time on the question of the Lancaster House Report rather than what we ourselves had recommended.

Sir Charles Markham: Never!

The Chief Secretary (Mr. Coutts): And I had noted what he said about Tammany Hall tactics.

[The Chief Secretary]

He said that he had put in a detailed memorandum which set out objections which made the Lancaster House Agreement unworkable.

Sir Charles Markham: No.

The Chief Secretary (Mr. Coutts): Do you wish to correct me on that point?

Sir Charles Markham: Yes, Sir; first of all, Mr. Deputy Speaker, I thank the hon. Chief Secretary for giving way.

I did not put in a memorandum. The European Elected Members did. Secondly, the objections were not to the Lancaster House agreement, they were to the franchise proposals.

The Chief Secretary (Mr. Coutts): I thank the hon. Member for correcting me. I have in front of me the European Elected Members' Organization Franchise Subcommittee proposals, and the proposals were that there should be a national register divided into ten regions, and all Europeans eligible to vote should be included in this register. As we ourselves have said in the report, we did not want to have overlapping constituencies, and therefore such a proposal, in our view, would not be workable, as indeed the memorandum itself goes on, because it says: "The above system would be most costly and very nearly unworkable for many reasons", and they go on to give some of the objections. They also said that rather than have a direct election the method of selection should be adopted on a referendum basis, and the voter should be able to use votes for as many candidates as he or she wishes, which is very much the sort of proposal that we have put forward when I said that "Yes" or "No" can be put forward for as many candidates as people wish to put. Where we come to disagreement was the further suggestion that in order to qualify for the next election any candidate must receive a minimum of 50 per cent of votes cast, and then there was the suggestion which was raised in this debate about the person over 50 per cent going forward and anyone who had polled 80 per cent of the votes cast of the leading candidate should also go forward. But they themselves gave, as I have already said, reasons why this might not work: the first one being that low qualification common roll means that such roll would be dominated on a communal basis. That is perfectly true, Sir. In the common roll it means that anyone who can qualify will be allowed to vote and, of course, eventually the whole roll will be dominated by the majority, and that is one of the points that I have been trying to make clear. And various other points—for instance, they have pointed out that in many areas a party machine will control the results of the election.

Well, Sir, I would like to suggest that I am quite certain that in the United Kingdom it is the party machine which dominates the result of an election. I am certain also that in whatever form of election we have, whether it be by primaries, or primary selection, or on a common roll, a party machine, if properly organized, will dominate the election.

As regards primaries, he quoted the question of Ebbw Vale—a person having 25 per cent might be elected to the House of Commons. Well, I took him up on that, I think, in another place, when I said that if there was an election, not a pre-selection of candidates, and in the election, of course, the person with 25 per cent would not be elected as the person who would have 75 per cent would be.

He also mentioned the question of qualifications, with which I think I dealt very fully on Friday, and I do not propose to go into the question of qualifications again, except to repeat that there will be registration officers available, probably down in the districts at divisional level, and certainly as many as is absolutely necessary to deal with registration, both in the urban areas and in the rural areas. In a previous African election it was possible for registration officers to find out the qualifications which Africans must have and they were a far more difficult set of qualifications than this time, and I do not see why they should not be able to register all the people who qualify and come forward for registration.

Now turning to the hon. Member for Nairobi North, who said that the report was bogus and the most ill-contrived report that man had ever conceived, and it was bogus because it would be rigged. I would like to ask him what else he expected from that old crook firm of lawyers, Riddle and Riggery. But when he said that the report was dishonest, I wondered whether by mischance he had been reading a copy of *New Comment*. The hon. Member surely cannot say that the report was dishonest when we have done our very best all the way through to try, as I said on Friday, to reconcile all sorts of conflicting views and come out as far as we could with the best compromise that we could make.

He also said, along with many others, that we were wholly in the hands of the Colonial Office.

Hon. Members: Hear, hear!

The Chief Secretary (Mr. Coutts): Hon. Members may say "Hear, Hear!", but I would like to inform them that we were not wholly in the hands of the Colonial Office, that we accepted direction from nobody, that we did our best in what everyone has admitted to be a difficult situation, and we have put forward our recommendations under no duress whatsoever.

[The Chief Secretary]

The Member for Nairobi Area said that the Lancaster House Constitution was already out of date. I think one other hon. Member has commented on this point, and I would like to say with all the strength that I can say it in this House that these sort of remarks help no one at all. The Lancaster House Constitution has not yet even come into being, and I know that it is the firm intention, not only of this Government, but also of Her Majesty's Government to bring the Lancaster House Constitution into being, and it will bring it into being on the basis of the agreement which was made in London, and there is no point in people standing up either in this House, or anywhere else in the country, and saying that it is already out of date, because it has not yet even begun.

On the question of National Members he said that we were the architects of the formula. I should like to point out that we were not, that National Members were recommended, as many other things, by the Report of the Lancaster House Conference, and when I said that in explaining how voting for National Members would work I was confused; I meant that I had got into difficulties in explaining the matter to the Back Benchers, but I was not in the least bit confused about what National Members meant or how they were going to be elected in this House when the time comes.

As regards disqualification on criminal record for a person imprisoned, if you will examine the qualifications and disqualifications very carefully you will notice that people who are in lawful custody can vote if they are physically qualified to do so, but it is not, and never has been the intention of the Government, and never is usually the practice of a Government, to register people who are actually in goal, but in any case they cannot stand for election because they are disqualified under the rules applicable to candidates.

He, along with another Member—I think it was the Member for Central Province North—raised the question of the schedule of posts. I wanted to explain to both Members that we excluded all posts which had an income of more than £75 a year. It is perfectly obvious that a person, if he has an income of £75 a year, will qualify anyway, and therefore there was no point in including such people in the list. For instance, forest rangers were mentioned, and forest rangers at the lowest scale earn £104 a year, and therefore will qualify anyway. There were one or two other people that were suggested, such as office boys, but we did feel that these posts were supposed to be posts carrying rather more than ordinary responsibility. Therefore we did not consider that

office boys, or, for that matter, game scouts, should be included in those.

I noted the remarks which he made about allocation of seats to Kiambu and South Nyanza and I dealt with this matter on Friday morning. He was unable to tell me where we might find extra seats and therefore I cannot really see how we can juggle about with the final distribution any further.

Now, turning for a moment to the hon. Member for Central Province North, having, like many others, argued that we must adopt a wholly non-racial viewpoint, he then said that Nanyuki Africans wanted to be represented by Africans "like ourselves". Well, this is typical, if I may say so, of many of the speakers throughout this debate who argued very strongly that we should get away from racial voting and then promptly made a suggestion which was wholly racial.

I would like to congratulate my hon. Nominated friend, Commander Goord for the very common sense speech which he made and to underline the point which he, I think, made in answer to some of the hon. Members opposite that in fact all the seats in the coming election are common roll seats and none of them are communal seats; and that, once again, if I may underline it, is a point which we must get into our heads.

The Member for Central Nyanza appeared to be confused about multi-Member multi-racial constituencies. He talked about voting for three people. That is not so because there is a multi-Member constituency in part of the area which he represents and another multi-Member reserved constituency in another part. For the second part there are the two Asian seats at Kisumu: they will represent approximately 10,000. If he studies the proposals properly he will realize that the Kisumu constituency is entirely separate from the rest of Central Nyanza.

He also commented on how to satisfy a language board. The reason why we have put in this recommendation for a language board is, as I have already said, because we must try and avoid a bi-lingual legislature as much as we possibly can. We do not believe, ourselves, that it will help the business of this House if we have a second language and we feel very strongly that people who come to this House must be able to talk sufficiently well in English in order to make themselves understood. We agree that the language board should be impartial and we will certainly do our best to see that when it is set up it is impartial.

The hon. Member for Kiambu referred to the question of maps and asked whether we could not be cartographers as well as mathematicians. I agree with the hon. Member for Ukamba when

[The Chief Secretary]

he says that we are only wranglers and not senior wranglers. I am sorry that we did not produce any maps but I hope perhaps that we will be able to show the hon. Member, if he perhaps would care to come to the office, what our views are on the actual delimitation once we have done this.

Now, Sir, he has written me a letter which I think is important and which I ought perhaps to comment on in view of the many remarks which have been made not only about the Report and our interpretation of the Lancaster House Agreement but also because of our recommendations on the primaries. He finished up his letter by saying, if I may quote, Sir, "I cannot exercise an equal tolerance should the conclusions . . . that is of the Lancaster House Agreement . . . whether written or inferred be breached by Government itself. I consider a disregard of the representations made does constitute just such a breach". Well, Sir, I think I tried to deal with the point which he was making throughout his letter by quoting from the Report itself on Friday. For instance, he has drawn my attention to the opinions given by various groups in paragraph 18 of the Report where it is stated, "The New Kenya Group on the assumption of the wide measure of agreement at the Conference would be reflected in general support in Kenya for stable government and true co-operation of all races in all spheres and that there would be an early agreement on the principles of all necessary safeguards agreed with the African Elected Members and others on the constitution of Kenya and the next stage should be as outlined in the proposals," but he was really talking about the principles of all the necessary safeguards. Well now, Sir, the safeguards, as I understand them, are the safeguards which are to be written into the Bill of Rights and the whole paragraph on safeguards is contained in paragraph 20 of the same Report. When I pointed out that the sentence in respect of primaries reads, "The position of minority communities on the common roll should be safeguarded by reservation", and therefore the safeguard is in reservation and not necessarily in the way in which the primary elections are conducted. What we have got to decide in our own minds, having realized that there will be safeguards by reservation, is how effective and genuine support within the community is to be interpreted; and, as I have already said, the interpretation of which expression is open to any interpretation which anyone wishes to make. You may get up and say that effective and genuine support is one man. I may get up and say that it is 10,000 men. Therefore at some stage or another we must make a

decision on it and our decision was that a quarter of the people voting was effective and genuine support. The hon. Member disagrees with me, and so have several other Members disagreed with me, but I still think that that was all that we had to do and that we did not in fact depart from the agreement or the conclusions made at Lancaster House when we made this recommendation.

Now, I would like to thank the hon. Specially Elected Member, Mr. Stade, for his speech on non-racial and non-tribal politics. He pointed out that the majority of voters were not sufficiently developed to have a non-racial outlook and I agreed with him, and I dealt with that particular point when I came to speak the other morning. I will consider his suggestion of putting the Naivasha District into Nakuru but at the same time, not having given it full consideration yet, it might mean other slight changes in that particular part of the world in so far as constituencies are concerned.

The hon. Member for Mombasa is unfortunately not here but I wanted to inform him, and the hon. Member for Nairobi West, that since Friday I have asked the Provincial Commissioner, Mombasa, and the officer in charge of the Nairobi Extra-Provincial District to consider, with a committee mainly consisting of Elected Members, in these two areas, Mombasa and Nairobi, how to delimit the constituencies in these two places. I know that the hon. Member argued very strongly that it would be impossible to do so and it might be necessary to have a multi-Member multi-racial constituency. Well, Sir, he will be able to make his views known, as indeed will other Members from Mombasa, and I will await their recommendations.

I have dealt with the question of his expression of people being disfranchised and I have also dealt with his complaint about postal ballot.

As regards deposits, which he raised, and which I think other Members raised, our original proposals seemed to have raised something of a storm. What I would now propose is that an average percentage should be taken over the primary and the common roll elections of deposits. As you know, the normal percentage of deposits is one-eighth, or 12½ per cent. If you have an average over both elections then if you have 25 per cent to go forward then even though you get no vote on the common roll elections you will still have got 12½ per cent and therefore you will not lose your deposit. If you do not get 25 per cent in the primary elections then I think you should lose your deposit.

The Specially Elected Member, Mr. Blundell, raised the question of a balance between rural and urban seats. I have dealt with this matter

[The Chief Secretary]

fairly fully when answering the hon. Member for Nairobi West on Friday and I still think that we—if I may say so—are right in producing a heavier weight for the urban areas both on population and for economic reasons. The hon. Member also suggested that north of Donald Avenue should be included in Nakuru and should be taken out of the open seat. I have considered the matter, Mr. Deputy Speaker, but I think that if we are going to have an open seat for that area it should be for the Nakuru Town.

Now the Member for North Rift raised the question of property qualifications and the local committee of elders not having been used in previous elections. I do not know whether the hon. Member was here on Friday, but I would like to tell him that I believe that elders were used in previous elections. They may not have been in the particular place he himself lives or the constituency which he represents. But at some stage or another the registration officer must make up his mind whether or not the person concerned has got the qualifications which he says he has got. In many respects it will probably be necessary for him to consult local people as to whether a person is over 40 or under 40 and even if it is necessary to find out whether or not he has the necessary income or property qualification.

Now, the hon. Member for Central Electoral Area, Mr. Travadi, talked a lot to begin with about being non-racial and then made the most racial speech it has been my privilege to hear for a long time. He raised the question of the Nyeri seat and suggested that Nanyuki and Karatina be included in it. I have asked—as I said on Friday—for the hon. Asian Elected Members to meet me this week and to discuss the question of the Nyeri seat, but I cannot agree to the inclusion of Nanyuki and Karatina as that would mean virtually either overlapping of constituencies or three areas all of which are fairly far apart.

He also mentioned the question of election expenses. Election expenses will be dealt with entirely separately under an entirely new piece of legislation which will be brought in some time before the elections and on that the hon. Member will have his say. He suggested for the purposes of determining whether people would have good English, that people who had been to school up to Form IV should qualify. Well, I do not want to be wholly repetitive over this, but I do not think that necessarily having been in school up to Form IV gives you sufficiently good English to be a Member of this House and I would suggest that our proposals are rather better.

The hon. Member for Central Rift raised the question of people going to their home districts to cast votes. I agree, and I think the hon. and gracious lady for Nyanza also raised this particular point, that there are going to be difficulties about this. But we will in our administrative machine do our best to try to meet as many people as we possibly can, certainly by arranging for ballot boxes to be in certain places for people who cannot go all the way back to their home districts and also possibly staggering voting days, although I am not certain in my own mind whether that, either, will be agreed or will be necessarily a good thing. But we will certainly do our best administratively to meet these particular points.

The Member for the Eastern Electoral Area raised the question of the limitation in Mombasa, and I have already dealt with that. He also raised the question of people using identity cards at the time of voting. I would like to remind the hon. Member that women do not have identity cards and therefore that is not a practical proposition and we will hope to be able to give everyone a voter's card which he can produce in place of such an identity card.

The Member for Rift Valley suggested—as I have already mentioned earlier—abolishing National Members and introducing universal adult franchise in exchange for communal voting. As I have already said, that was not within our terms of reference and we could not deal with it.

The Member for Eastern Electoral Area raised the question of Muslims *versus* Hindus. I am sorry that this particular controversy should have arisen during this debate and all I can say is that we felt that at this time we should preserve this division for this election, although we sincerely hoped that by the next election such division will have disappeared. I notice, I may say, that it is mainly non-Muslims who have raised the question of getting rid of this division and not Muslims.

I do not think there is much that I can add to the remarks of the Member for Nairobi West. I agreed with his main arguments and do doubt he has taken note of the fact that there will be a committee under the Officer-in-Charge, Nairobi, to go into the question of delimitation.

The hon. Arab Member, Sheikh Ali Abdulla, raised the question of losing deposits, which I have dealt with. Over the question of the remainder of Tana and Lamu Districts overlapping there will be no overlap. The Protectorate, that is the ten-mile strip, will be within the Arab reserved seat and the rest of the two districts will be looked after by someone elected on an open seat.

[The Chief Secretary]

I think the Member for Trans Nzoia also joined other United Party Members in asking for communal representation and I have nothing further to add to that. The Member for Uasin Gishu raised the question to practical difficulties in elections and I have also dealt with that this afternoon.

I am also grateful to the Member for Nyeri and Embu for pointing out that Isiolo was part of Meru and I will look into that particular question when it comes to the delimitation of constituencies.

Now Mr. Deputy Speaker, I have nothing more really to say on this except to commend this child to you in the hope that it will not be torn to pieces too readily and will give something of a basis for this country on which to vote at the next election.

I beg to support.

The question was put and carried.

MOTION**DEVELOPMENT PROGRAMME 1960-1963**

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, I beg to move that this Council approves the contents of Sessional Paper No. 4 of 1959/60 (the Development Programme 1960-63).

Council will appreciate that in bringing forward this Motion I am assuming that any approval given will be subject to such modifications expressed in Estimates as may be agreed from time to time by this Council and to the finance for implementing it being provided out of moneys voted or to be voted. I say "provided or to be provided" because Council has already approved the Development Estimates for the year 1960/61. The net provision in those Estimates amounted to £10,127,610 which amounts to considerably more than one-third of the whole Programme. As was explained in the 1960/61 Development Estimates, one important reason for this is that the Government has a number of commitments which have to be met during the coming year, such as £300,000 for Embakasi village and £270,000, completing the Ministry of Works Headquarters. Apart from this, the Programme is on the whole fairly well balanced as between the first year and the remaining two.

The total net allocation of £27,440,000 for the three-year period is the largest in per annum terms which has ever been contemplated at the beginning of a planning period. Thus the original 1946-55 Development Programme for the years 1946-55 total £38,800,000 or £3,880,000 per

annum. In fact, that Programme ran for eight years from 1946 to 1953. Actual expenditure was £27,400,000 or £3,820,000 per annum. The next Programme covered the next three and a half years from January, 1954, to June, 1957. The original allocation totalled £23,680,000 or £6,760,000 per annum. Actual expenditure on the plan was £21,800,000 or £6,200,000 per annum. That period was, however, one of most rapid economic advance. There were some £14,000,000 on public expenditure on capital works outside the plan, bringing the Government's total capital expenditure per annum to rather more than £10,000,000. This rate was almost maintained during the three-year period which will end on 30th June. Total allocations at the beginning of this period were a little under £23,300,000 or rather less than £8,000,000 per annum. The revised allocation amounts to a little over £28,000,000 or rather more than £9,000,000 per annum. Actual expenditure may be a little less but there has been expenditure outside the plan on such projects as the contractor-finance road programme and Embakasi village, some of which will have to be paid off in the next period, bringing the total actual Government capital development expenditure to something approaching £10,000,000.

The Programme now before the House contemplates expenditure of £27,440,000 during the next three years and, if it is approved, it will be a record amount to pass the starting point. For one reason or another, plans tend to have bits and pieces added on to them during their currency and I should be surprised if in one year to prove an exception to the rule. In any case, the £4,000,000 contractor-finance road scheme will be continuing outside the Programme and that alone is likely to bring the total public development expenditure during the period up to about £10,000,000 per annum. As the House knows, the Government has also plans for large-scale agricultural settlement schemes to be financed partly by Her Majesty's Government and partly from international financial sources. If, as I hope, those proposals reach fruition, the grand total will come to considerably more.

Hon. Members, Sir, have had copies of the Sessional Paper since the middle of April. I am sure that they have all studied it with the closest care. It is not, therefore, necessary for me to go into great detail. The form of the Sessional Paper follows the lines which have become traditional with a brief introduction, then a chapter on the expanding economy, two short chapters covering the funds available and summarizing the Programme, a lengthy chapter taking up well over half the Paper giving the details and a final chapter on the recurrent implications.

[The Minister for Finance and Development] education, and although health is not getting quite as much as in the previous period, it is being by no means neglected. This is because we believe that economic progress depends, among other things, on a healthier and better educated population. In some ways in these matters, of course, we are up against the eternal problem of the chicken and the egg.

I know that many Members will say that we are not, in fact, providing enough for the social services. Quite apart, however, from the need to devote most of our loan funds to projects which will pay the capital and interest charges on those funds, we have to look at the recurrent picture. This increases annually, quite apart from the development programme, and we can only meet the demands through the provision of increased wealth. That is why we must put so much stress on the economic side of the programme. The plan itself will add something of the order of £2,000,000 to our recurrent expenditure by the end of the financial year 1962/63, that is, within three years from now. Nearly £1,000,000 of this will be in respect of new loan charges, while the rest will take the form of personal emoluments and other charges arising from new works. Education alone will account for nearly £600,000 of this, and Health for £123,500. These are very big figures and I am sure that hon. Members will see that when account is also taken of the normal growth of these services, we could not possibly afford a faster rate of increase. We shall, indeed, be faced with a formidable enough task in financing the increases for which provision is being made. The task would be impossible if the bulk of our development expenditure were not directed into channels which should lead to increased wealth.

The plan will directly increase productivity in certain ways. Clear examples of this are provided by certain aspects of the agricultural programme and by the forestry programme. These will also provide a considerable amount of employment. Not only will many people be employed by the Government. Others will find private employment as a direct result of the plan. For example, the loans to African farmers and traders will enable these farmers and traders to employ other people. Those ventures, in which the Industrial Development Corporation participates, will provide people with employment. The road programme will assist both directly and also indirectly through increasing the purchasing power, not only of the people who are employed in road works, but also of those whose produce will move along the new roads.

Our chief intention is, however, to try to provide conditions in which people can help themselves. Even in special circumstances, it is not the object of the Government to finance industrial and agricultural projects. Nor is it the direct object of the Government to provide people with employment. Personally, I believe that the less the Government has to do with direct commercial enterprises the better both for the taxpayer and the enterprises. On business matters, I think that we would all do well to rely on the judgment of hundreds and thousands of individual businessmen than on that of any Government. Under our system, and I believe that it is the right one, the function of the Government is to build a framework of services, communications and administration in which these private individuals will be encouraged to increase their own wealth to the maximum and thus increase the wealth of the whole community which is only made up of its private citizens. It is the private investor who has in the past put in the greatest share of our capital formation. During the 1954/57 period he put in £21,000,000 of new money each year. From 1957/60 it was £24,000,000 per annum. As these figures show he has always done more to promote new investment than the Government can, or will, ever be able to do in a free society. Equally important, however, has been the extent of ploughing back. This is borne out by the figures given in Chapter 6 of the Economic Survey. It is not easy to calculate at present exactly how much of our capital formation represents the inflow of capital and how much is provided out of profits earned locally. It is vital, if everybody's dreams of a better Kenya are to come true, that both these sources should be maintained and that we should continue to enjoy the benefits of gross capital formation, not merely at the rate of £40,000,000 a year, as in the past two years, but at an even higher level.

It is here, Sir, that we come to the vexed question of confidence. A great deal has been said about this during the Budget debate and since. There is no need for me to stress its importance.

I had hoped to be able to give a full account in this speech of the extent to which capital may have left the country during the earlier months of this year. I have now received certain figures which suggest that the net outflow during February, March and April—that is over a three-month period—may have been of the order of £3,400,000, though there are indications that some of it may not have gone for good. There has also been a fall in the net position of bank balances held abroad, though these do tend to fluctuate very considerably from year to year and from season to season. But the position is not

[The Minister for Finance and Development] entirely adverse. Total deposit with the commercial banks at the end of March totalled £57,294,000 as compared with £57,687,000 at the same time in 1959 and £56,914,000 on 31st December, 1959. Thus the overall position hardly varied during the year ended 31st March, 1960. As a matter of interest, I am also informed that if the Government share of the deposits is excluded, the position on private account was that private deposits at 31st March were slightly up as compared with March, 1959, and slightly down as compared with December, 1959. This picture does not indicate that there has been any great deterioration in the situation. Another point of considerable interest is that bank loans and advances and bills discounted stood at a total of £41,750,000 at 31st March, 1960. This is over £5,000,000 higher than at the same period last year, and is indeed a higher figure than at any other period, the nearest approach being in December, 1955, when the figure stood at £41,250,000.

These figures, Sir, show that the picture is by no means one of unrelieved gloom. Another favourable indication is that our net imports for the first three months of this calendar year were £23,200,000 or some 22 per cent higher than for the corresponding period of last year. Domestic exports have also shown a slight rise. Finally, the value of building plans approved in Nairobi during the four months February to May, 1960, compares favourably with the value of plans approved for the same period of 1958 and 1959.

These are all good signs. We must reinforce them by consciously setting out to retain capital and to induce additional capital to come in. The effort required is the same in both cases since obviously new investors will be more ready to come in if those who are already here are seen to have confidence.

I lay such stress on this matter of confidence because without it progress will dry up and all the efforts of the Government in this plan and elsewhere will be frustrated. If we do not have confidence, we may have roads, forests, schools and hospitals, but we shall have insufficient funds to support them and inadequate staffs to keep them going. The same applies to our major public utilities, both those which are in public ownership, such as the Railways, and those which are private owned. It applies to employment. If we have confidence and plenty of investment, there will be more employment for all our people. Without confidence there will be less. That, Sir, is why all our efforts must be directed to increasing the confidence of private investors, both those who are established here at present and those whom we hope will follow in their steps. It is for

this reason that I am glad that Members from all quarters of the House have in recent weeks shown their appreciation of the importance of this matter.

We must, however, go a little further than that. Unless it is seen that we give investors a fair deal, they will not come here. They will watch our attitude to those who are already established and who have ploughed back their earnings to increase the wealth of this country. If they realize that we are prepared to respect the titles of existing property owners, they will come to Kenya. If not, they will go elsewhere. It is, therefore, vitally important that threats of expropriation of property must stop. It is easy and popular to make other people's flesh creep by talking of redistribution of property. But the task of leaders, Sir, is to face the hard facts or economic life, however unwelcome those facts may be to their own emotions, or to those of their followers. Let me say here and now that if our leaders fall in this, they and their people will reap a bitter harvest of poverty, ignorance and sorrow. I hope, therefore, that all Members will take this opportunity to show that this is a country where an investor can hope to get a fair return on his investment and where a property owner can feel secure. Let us send out an unequivocal message to the world that, so far as all of us here are concerned, there will be no arbitrary interference with the past, future or existing title of any man to that which is legally his own. If we do this, but only if we do this, I am sure that nothing can stop our further rapid progress.

It is hardly necessary for me to go into this matter much further. It may, however, be of some value to quote a statement in a recent issue of *The Times* by the chairman of a City of London finance company dealing with developing in Africa. He said, and I quote: "It should not be forgotten that it is the savings of the people of the capital exporting countries which provide the capital for the underdeveloped areas of the world and that demands already exceed the supply." Accordingly, he went on, "The people who supply the money should feel satisfied that the countries in which their money is invested will give them a fair deal." Let us make quite sure that the whole world knows that everyone in this House believes in giving investors both inside and outside the country that fair deal.

The question of confidence, Sir, affects not only private investment, but that of the Government, and it is vital, amongst other things, to the success of our current plan. The Government has cess of our current plan. The Government has only four sources from which it can obtain money for development. The first is taxation, the second is internal loans, the third is external loans, and

[The Minister for Finance and Development] the fourth is grants. Revenue from taxes and support for internal loans rise and fall in accordance with the strength of the private sector of the economy. If this is flourishing, tax receipts and loan proceeds increase with it. If anything is done to retard the activity of the private sector, receipts from taxes and internal loans fall.

External loans again come from either private or public sources. External private loans depend on the same factors as any other type of private investment. If investors in other countries are sure that they will get a fair deal, they are prepared to subscribe to our loans. If not, we shall have difficulty in raising money abroad. It is an unfortunate fact that in present circumstances private lenders in the United Kingdom and elsewhere do not appear to be very much attracted by investment in Africa. It is for that reason that the British Government has had to provide the Exchequer loans not only for us but for most of their African dependencies. That action has been a matter of the greatest relief since without it we should have been unable to continue with our development at anything like the rate now envisaged. We should not, however, forget that even Government loans from external public sources are ultimately affected by the same criteria as are private loans. Overseas governments can only relend to territories like ours from the savings of their own people. These people expect to be repaid, and if there were any risk that repayment would not be made, a country would soon find that even governmental sources of lending would quickly dry up. This, of course, even more so in the case of other external public lenders such as the International Bank, which will only lend to territories like ours on the strength of a United Kingdom guarantee. This is also true of institutions such as the Colonial Development Corporation.

Hon. Members will remember that in the quotation which I made a short time ago it was stated that demands for capital already exceed the supply. We must never forget that the developed countries of the world have their own needs and that however much richer they may be than us, those needs are, in the view of their own taxpayers, just as important as ours. They are also very much more costly. Investments in the developed countries of the world are in so many ways safer than they are here. The money to finance them has to be raised from the general public which, like publics throughout the world, is much more interested in its own welfare than in that of other people. Unless we can change human nature, which I can assure hon. Members is most unlikely, we can only expect the crumbs that are left over.

I come finally to grants. These, again, can only be derived from funds raised either by loans or taxes in the more developed countries of the world.

The taxable capacity of the people of those countries is not unlimited and we shall decline ourselves if we believe that we shall get anything more than the crumbs that are left over. Grants from foreign countries are often made largely to cover marginal schemes with a certain amount of emotional or political appeal. In our case, we are fortunate in having the United Kingdom which has been prepared to foot the bill for our necessities in our hour of need. The position here will, however, change as we move from a condition of dependence into one of independence. Quite apart from that, however, reliance on charity can have a debilitating effect and charity is never likely to do more than to keep the engine ticking over. It is never really likely to get us moving ahead. In short, it is no good thinking that Government borrowing or lending will cover even a fraction of our needs. For that again we need to look to the private investor with his urge for profits and his desire to get on with the job.

I now turn to the specific problem of financing the programme set out in the Sessional Paper. The details are given in Table 9 and are discussed briefly in Chapter III of the Sessional Paper. The important point is the financing of the loan programme. The chances of raising any substantial sums on the London money market are at present practically nil so, without guarantees by Her Majesty's Government, are the chances of raising public loans in other countries. There is little hope, rightly or wrongly, of Her Majesty's Government giving such guarantees except in the specific case of loans from the International Bank. They have, however, put up the system of Exchequer loans as an alternative and one advantage of that is that we get our money at rates related to Her Majesty's Government credit and not to our own. The amount available will be rationed, but it will still be quite enough to set up all the services which we can afford.

The bulk of the loan programme is likely to be financed from Exchequer loans. There will, however, still be a matter of some £2,000,000 to be raised from other sources each year. For practical purposes, these other sources mean the local market. We have done very well in raising local loans during recent years, the total amount since 1954 being over £15,000,000. The vast bulk of this money has come from institutional investors and, here once again, we come back to the question of confidence. The institutions have shown very great confidence so far and I am sure that they will continue to do so. They can, however, only invest with us to the extent that funds

[The Minister for Finance and Development] are available and their funds are, in turn, derived from the savings of private individuals. This is another reason for reassuring all potential investors, and particularly our own citizens, that their investments will be respected and that they will get a fair deal.

Overall, I feel reasonably confident that we shall raise the £16,500,000 required by our loan programme. It will be a close-run thing but that is nothing new to us. When my predecessor introduced the last Development Programme he said, and I quote here, "Some £6,000,000 must be raised annually from local and external sources. External sources mean, of course, primarily the London Market." In the event, we raised nothing on the London market during the period 1957 to 1960. Despite this, a Development Programme of some £27,000,000 will have been financed. The sources are of interest. £3,000,000 has been obtained from the Exchequer during this financial year. The rest has been spread over the three years. The largest single item has been £7,750,000 raised on the local market, including £127,385 in savings bonds. Nearly £1,250,000 has been financed by transfers from revenue and a similar sum has been found from the Emergency Fund, which means, in fact, an interest free loan or grant from Her Majesty's Government. Her Majesty's Government put up nearly £3,500,000 in Colonial Development and Welfare Funds, whilst £5,500,000 came from various other sources including fees, sale of stores, the transfer of unspent balances and the running down of special funds. We shall carry forward some £4,000,000 as a deficit into the coming period. That will be financed from the Government's cash balances.

Against the background of our successes in financing the 1957 Programme, in spite of our failure to tap the external sources to which we looked in 1957, I think that the Government is not being over-optimistic in planning for a Programme of some £27,000,000 during the coming period. We have the firm backing of the Exchequer loans where before we had the doubtful, and as it turned out, unwarranted prospect of the London market. We have the encouragement of past successes on the local market. As the House knows, the £2,000,000 loan sought from the International Bank, which was merely a hope at the time the Programme was formulated, is now reality. The provision for Colonial Development and Welfare grants amounting to over £4,500,000 represents a firm prospect as do the proposals for transferring £450,000 from the Mombasa Water Funds and £100,000 from the Uganda Loan for Supply Renewals Fund. The Uganda Loan for

Secondary Education is a firm specific contribution towards a particular project. It is unlikely that we shall find large sums to transfer from the recurrent Budget to Capital Account, but we have already transferred more than enough to cover the £750,000 from Public Works Non-Recurrent. Finally, there is our target of £620,000 for mortgage finance projects. £220,000 of this is already in place which leaves £400,000 to be raised. Provided once again, that we can send out the assurance—that we intend to meet our commitments in the future as we have done in the past, I have every hope that we should be able to obtain this £400,000 from one source or another.

To sum up, Sir, I think that the Programme is both practical and appropriate. It will not, of course, cover all our needs. We could well spend two, three, four or more times as much if we could get it and had the human and recurrent resources to spend it. In human terms, need in these countries of East Africa is unlimited. We might as well, however, accept the fact that, for the reasons which I have already given, we shall do well to finance a £27,000,000 Programme and that even if more money were offered we could not afford to take it, since loan charges on the existing Programme together with the recurrent expenditure foreshadowed in the final chapter of the Report and the ordinary increase in our normal expenditure, which results from past development and from population growth are likely to take up the whole of any increase in revenue which comes our way.

Given these facts the problem before the Development Committee was largely one of dividing the cake, or, perhaps, as it is a staple diet, I should call it the loaf. It is the biggest loaf which we have so far presented at the start of a Development Programme and the coming year's slice represents more than an average year's ration. There two facts illustrate the Government's confidence in the future of the Colony and its determination to push ahead with development as fast as possible. In doing so we hope to provide more employment and greater wealth for all our people. We hope to provide the wherewithal for a better life both for this generation and for that which is coming along. The record of the past shows what can be done. It is up to us now to show that we have confidence in ourselves and that we are people in whom the rest of the world can have equal confidence. Given those two conditions which will, I hope, be the message from this debate, we can and will succeed again.

Mr. Deputy Speaker, Sir, I beg to move.

Mr. Bechgard seconded.

Question proposed.

[Mr. Bompas] obstacles. To drive along it at a busy time is reminiscent of driving one of those special machines seen at English fairgrounds. It is no exaggeration to say that the Thika Road has nearly as many nightmare hazards and it is dangerous at all times to go at speed, but particularly so at night. The hazards include four level crossings, which are unguarded, 12 river valleys and 75 junctions. Nowhere does it allow three lanes of traffic. In some places it is highly dangerous in wet weather for vehicles to pass at all. Getting on to a third of its traffic consists of commercial vehicles and their speed is lower than that of private cars and the different rates of travel result in dangerous overtaking, often at points where accidents can very easily occur." So, Sir, I could continue with appropriate extracts from this article, all of which I know from personal experience to be absolutely true.

The article, Sir, gives statistics of density and of accidents and it continues: "We hear from the Road Authority that the development of new roads and the improvement of old ones depends upon density figures of the traffic that is carried. The density of traffic has been demonstrated on the Thika Road, but if the Road Authority on this occasion do not take the figures of traffic, they should show some humanity and take notice of the accident rate. On all counts, the Thika Road should have high priority in road development so that the name 'Killer Road' could be wiped out."

Sir, in the Development Estimates it does say in reference to the Road Authority: "It is emphasized that the Authority can apply to vary the schemes listed in the table." Sir, I do ask with all sincerity that they will make such an application, that they will vary their scheme, and that they will attempt to do something at least about the Nairobi/Thika road.

Sir, I beg to support.

Mr. Travadi: Mr. Deputy Speaker, Sir, I rise to support the Motion moved by the hon. Minister for Finance and associate myself with the previous speaker who has just now sat down in congratulating him.

Mr. Deputy Speaker, the Minister has said that the capital provided for this Development Programme is the largest ever submitted to this House. I entirely agree. But so far as the Asian side of education is concerned, I would say that I am very much disappointed and I would like to produce facts and figures to convince this House that my statement which I have just now made is a correct one. I have also a couple of other suggestions to make no doubt—to comment upon. I should say—but that will be at a later stage.

Mr. Deputy Speaker, I would draw the attention of the House to Table 3 on page 7, where the totals of the student population figures are given. It starts with Asians, Arabs and Goans, so here the integration of races has already begun. The total in 1946 in column 1 comes to 17,705 which was for 1946. Now thereafter in 1953 it rose to 34,718, that is nearly double; and in 1955 it was 38,755. Now, at the end of 1959 it has come to 54,400. Now, from this year until 1963 the estimated population of the Asian, Goan and Arab students is given at 79,650.

The Chief Secretary (Mr. Coutts): Which table is it that you are quoting from?

Mr. Travadi: Table 3 of the Sessional Paper No. 4 of 1959/60. So at the moment the provisions made for about £616,500 as capital provision for 1960/63 is meant for 25,000 children for three years. Now, Mr. Deputy Speaker, everybody is aware that from 1946 to 1953 the Minister—or the Government, I should say—did not spend nearly £1,000,000. That is a well-known fact and that money went back to the Treasury. Now, in the 1954 to 1957 Development Programme £260,000 or £263,248 were not spent of this Development Programme. Now, from 1957 to 1960 £402,985 were provided and the backlog of the previous 1954/57 Programme—of the money unspent, i.e. £263,248—was added thereto. That made a total of £666,233 which was to be spent up until and within the 1957/60 Programme, i.e. up to 30th June. Now we are still to have the figures of how much has been spent.

Now the money provided here is hardly sufficient to cater for—taking the maximum of 40 children per class, and that includes also the grant-in-aid capital grant provided also—hardly provides for 9,900 children; roughly, say, 10,000. Now the estimated population for these three years is 25,000. Now, if somebody works out the mathematics—the Minister is a better person to work it out—will this money, £616,500, provided for this 1960/63 Development Programme be sufficient simply to provide accommodation places for these 25,000? I am surprised. It was also mentioned in the Estimates, Mr. Deputy Speaker, that by and by as the days go by the double sessions, meaning thereby the morning and the afternoon sittings which have been prevalent, would also disappear; that it is also expected that the overcrowding in the Asian schools particularly will also disappear. It will also provide playing fields, assembly halls and also compulsory education and many other things that the Asian community wants. But the money provided here is hardly sufficient even to provide sufficient places for the coming generation to even sit inside and learn a little of their alphabet or arithmetic. I therefore say, Sir, that the money is not sufficient at

[Mr. Travadi] and the Asian community's grievance will continue to be brought before this House constantly as the years roll by.

I feel, therefore, Mr. Deputy Speaker, this provision for over £600,000 was, if I remember rightly, when we went to Lancaster House in London and even before that in the Asian Advisory Council, shown to us. And they remained those figures thereafter, in spite of all the appeals. I appealed to the Secretary of State and I even spoke to Sir Christopher Cox and he promised me to look into this matter very well. I think something may come from him, too. But I feel that the time has now come to have some sort of an impartial survey of at least, if not of European education, Asian and African education, to provide by stages—I do not say now, but by stages—for free and compulsory education in a few years' time. The proper party or person to look into this impartially, I should say, would be U.N.E.S.C.O. They are the persons conversant with educational matters and also there is an international bank which can provide money, too. Mr. Deputy Speaker, I therefore suggest that instead of spending millions and millions of pounds on *Mau Mau* and the Emergency would it not be better for this House and this country and the Government to look to the education so that public opinion will be cultivated and the people become more educated and these extreme views may be suppressed and stability and confidence may be created so that peace and tranquility may reign in this country?

There is also, Mr. Deputy Speaker, provision which has been made as a result of or even prior to the Woodhead/Harper Report, provision for modern secondary courses. At the moment the course is only for two years and it has got to be extended to four years. That will also naturally require more money and from what source is that money to come, whereby the children who pass this Kenya Preliminary Examination will be catered for? From what side? Mr. Deputy Speaker, I feel that the money provided is hardly sufficient and forms not even 40 per cent of the money required just to provide places for the Asian children.

Mr. Deputy Speaker, there is another thing which is very derogatory to the self-respect and honour of the Asian community and which has been repeated and repeated every now and then; this occurs on page 5 of this very Sessional Paper No. 4 under "Population and Employment". I would like to read out the whole thing so that the attention of the House may be drawn to which the portion I make reference, paragraph 11. "The General Census of 1948 gave a population total

of 5,399,000. A new census is planned for 1961, and the best estimates of the population for the year 1958 show a growth to 6,351,000, distributed as follows:—

African	6,800,000
Asian, Arab and other	206,000
European	65,000

(Now comes the real thing.) "It is estimated that the African population is increasing at the rate of about 11 per cent *per annum*. The natural increase of the Asian population has been of the order of 21 per cent *per annum*." I object to this statement which is based on no basis whatsoever. . . . immigration has accounted for a further 21 per cent *per annum* over the last ten years. The rate of growth of the European population has been about 1 per cent natural increase, and some 6 per cent to 7 per cent increase from immigration". Naturally 6 per cent to 7 per cent for immigration definitely shows the discriminatory nature of the legislation which is in force here.

Well, without touching on that point, Mr. Deputy Speaker, I would refer this House to the statement I made on the Woodhead/Harper Sessional Paper which reads as follows. It is in HANSARD, volume 80, part II, column 1920. Speaking on the Woodhead/Harper recommendations, I said: "When talking on the 'too much breeding by Asians', I quoted Dr. Huxley's figures wherein he said that in the last 500 years the European population had gone up by 700 per cent while that of the Asians only by 300 per cent." Now, Mr. Deputy Speaker, I would like to quote one hon. Member, Mr. H. N. Mukerjee, who is a Member of the Parliament of India and who attended the Canberra Conference in Australia only last year of the Commonwealth Parliamentary Association held in Canberra there, which Conference our hon. Minister for Information Mr. Harris also attended as a delegate from the Commonwealth Parliamentary Association (Kenya Branch). On page 83 of the report, Mr. Mukerjee said: "Since I have been in Australia I have sometimes gained an impression that people here are in similarly situated are not doing their bit in advancing by their own strength, and that our stupendous population problem is due to the fact that we are proliferating profusely and the rate of ing as we should. As a matter of fact, the rate of increase of the Indian population is only 1.3 per cent. The rate in Australia, Canada and the United States is higher." It is 1.3 per cent. Yet here in the report it comes year after year and this is brought to the notice of the whole world that it is 21 per cent.

Mr. Alexander: You should be proud of that!

Mr. Travadi: He further says in the same paragraph: "At any rate, we can claim—and this has been conceded by observers from the West—that India is the first modern country to enunciate a national policy of limiting population and reducing its rate of increase." And this was said by whom? "This was said by Professor Julian Huxley who went to India and found out what we are trying to do in this regard. Therefore, I say, Sir, that we are trying to do whatever we can but our position is difficult and our potentials are limited." (I quote.)

Mr. Deputy Speaker, this is a quotation from that particular report and I would like to challenge—I would just utter the word "challenge" definitely—that next time when any other development programme comes or any other report is submitted to this House I would like to see that exact percentage is brought before this House and not just 21 per cent to belittle the Asian community all over the world day in and day out. Here is the regular figure of India which has been going for the last ten years being this 1.3 per cent, while in the report 2.5 per cent is always repeated. I should therefore once again draw the attention of the Minister or the party or the Government concerned who deals with these statistics to see that the proper figure or percentage is given.

I therefore—with just these few observations—beg to support the Motion.

Mr. Tyson: Mr. Deputy Speaker, although the Minister for Broadcasting and Information is not present I hope he will take note of some of the remarks which have been made by the Minister for Finance because I do feel that there has been far too much depressing talk over the last few months, particularly in connexion with investment in this country. We have reached the position today where it is a wonderful opportunity for the investor—the man who has got money and the man who has got courage in the future of the country, as most of us have. A good deal has been said about the fall in capital values of securities but very little has been said about the fact that the annual return—the net return on these securities—is as good, if not better, than it has been for a considerable time. I do submit, Sir, that we should make a good deal out of this by way of broadcasting and by way of information services to encourage investors, even small investors to take advantage of the present very attractive opportunities.

There are just one or two points I want to make in connexion with Sessional Paper No. 4. On page 40 under the heading of "Ministry of Education" it refers to the fact that "the allocation of development funds to education is limited

as much by the ability of the Colony to bear the recurrent costs which are generated by the building of new schools as by the general shortage of capital". I do want to emphasize—and I have done it on several occasions before—that far from having to spend capital on new buildings I think far better use should be made of the buildings we have already got. I particularly refer to the Nairobi area where—as I have previously mentioned—by the use of broadcasting facilities I think the erection of new buildings and the better use of those we have got would get us to the same end.

The next point I wanted to make which is on page 43 dealing with the question of "Technical and Trade Education" is that we hear a good this country and start new industries but unless we can at the same time provide trained personnel for those industries we are not going to get anywhere and I would suggest, Sir, that further consideration should be given to the question of extending our technical training facilities in order that more encouragement can be given to industrialists to come here.

Subject to that, Sir, I support the Motion.

Mr. Alexander: Mr. Deputy Speaker, Sir the Minister can take the absence of Members on this side of the House as a reflection of their confidence in the way in which he has produced this Programme and presented it. Quite obviously they are content—we are all content—to leave it to him to get on with.

Mr. Deputy Speaker, this Programme is already out-of-date.

An Hon. Minister: Popular!

Mr. Alexander: The Minister is quite right, Sir, I have got the bug. It is popular to be out-of-date and this Programme is in the same category and I wish to refer particularly to page 17. The Member who has just spoken was quite right to remind us that we should not indulge in unjustified depressing talk. Neither must we indulge in irresponsible talk, particularly irresponsible talk about the finances of our country. That has done us great harm, as for instance people who talk about £1,000,000 a week leaving Kenya. Those are the sort of remarks that do us harm. They have today been most competently answered by the Minister and I am grateful to him that he has answered this particular question at last. But, Sir, what we must not overlook are any of the realities around us regarding our economic and monetary position. I wish to refer particularly to the damage that will be done, is being done at the moment, to the investment programme of the independent institutions in this country. That is why I regard this Development Programme

[Mr. Alexander]

already as out-of-date because it does not take account of this very serious matter. This is not depressing talk; these are the sheer realities that we have got to face. It does not take account of the very serious situation created—and the Member for Kiambu referred to this briefly today—by the transfer of pension schemes that are linked with insurance and life assurance itself to the sterling area.

Sir, I did raise this matter during the Budget debate some three weeks ago, and the Secretary to the Treasury who was speaking the next day had very little opportunity to check on what I said at the time. He did say then that he had spoken to one of the leading institutions, and that they had only reported one substantial scheme that was being transferred. Since then I imagine that the Government, having taken note of what was said, will, in line with their usual efficiency, have looked at this question most seriously, and I am sure that they will have found, if they have talked to the life assurance institutions, they will have found that there is a substantial move to transfer these schemes to London. Now what this means, Sir, is that premium money, or pension contribution money, that is being collected by the institutions in Kenya, will in the future be collected in Britain, in the United Kingdom, and invested in the sterling area. Now the seriousness, Sir, is not as the Secretary to the Treasury said when this matter was last raised, that there had not been any definite moves, that seriousness is that all the schemes that are at present being negotiated and that are contemplated, and it is from these schemes that most of the money comes, most of the money is derived for investment in Heading 1 on page 7—that is the £16,500,000. And the Minister himself, when he spoke, did talk about £15,000,000 in four years from private institutions, and then I think he went on to say, and most of it from the type of life insurance institutions. This factor type of life insurance institutions. This factor must now be substantial. The Government must now be aware of the extent of it, and it is now clear that in this House we should be told the right that in this House we should be told, so that we can seriousness or otherwise of it, so that we can face the financial realities, and we should be told, Sir, in addition why this is happening. The answer, I believe, is quite simple. It is happening, of course, because contributors to pension schemes, or to life insurance schemes, are paid concerned that when their benefits are to be paid there may be some doubts created by a future out of Government of this country. It is quite as simple as that.

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

[The Deputy Speaker (Mr. Bechgaard) took the Chair]

And it is as well that we should know that that is the reason if, in fact, it is.

This brings me, Sir, to the main note of the Minister's statement; the underlying note in all that he said was this word "confidence". And I was particularly pleased with the way in which in several parts of his speech he did emphasize this and draw our attention to the need to quite simply state in this Colony what the future holds in store for investors. As I see it, Sir, we are now entered into a vicious circle on this question. The African leaders—or some African leaders, particularly the more extreme African leaders—are saying, virtually: "Give us independence, and we will tell you what the security will be." The investor is saying, Sir: "Tell us now what the security is to be in the future and we will invest."

Here, Sir, there is clearly stalemate, except, Sir, that we might assess which of these two factors, which of these two approaches, is the more important. And surely if we analyse impartially and objectively we must come to the conclusion that in this backward, underdeveloped country, the approach of the investor must be the right one if we are ever to get independence, because surely one of the main prerequisites of independence is that we shall have a viable economy, and that we shall be solvent, and if we are to go on as we are now, with investors shy and we in no position to reassure investors, surely we are heading, the quickest way, to destroy our solvency, we have created, and to destroy our solvency and no responsible British Government will hand over this territory in bankruptcy, and therefore over this territory in bankruptcy. This is the issue, Sir, that has got to be faced and faced immediately. Are the investors to be given answers now that will encourage them to bring their money here and that those who are already here should continue investing? And this does lead me, Sir, to ask a particular question in relation to this. When this subject was being discussed some few weeks ago, there was being discussed some few weeks ago, there was a news item in the *East African Standard* to say that some African Elected Members had called upon the Governor, or been invited to speak to his Excellency on this particular subject. I imagine, Sir, and it is elementary, that His Excellency perhaps has realized the significance and the importance of this issue, and was attempting to draw the attention of hon. African Elected Members to it, and to find out from them whether it was possible for them to come out with a clear statement that would clear the air on this once and for all. Now, Sir, this is in the confidence that the Minister referred to in his speech, and it would be enlightening for us in this House to hear what has come out of these talks with hon. African Elected Members.

[Mr. Alexander]

And this leads me on, Sir, to another question that is linked to this whole issue of confidence and the need to stress it, and that is the whole question, of course, of title and security of title, and I would suggest, Sir, that the Government should send a message to the Minister for Lands to say that it is not the slightest bit of use him trying to go on with his Paper on land, that is, the reform of land policy in the European land areas, it is not the slightest bit of use him going on with this policy until we are able to clear out of the way this whole question of confidence and future security.

May I just briefly, Sir, refer to one technical item, financially technical, and this relates particularly to contractor-finance projects, which are not included in this programme. I believe that in order for us to get a full picture of the Development Programme that these should be specifically referred to here, but there is a more important matter, Sir, and it was raised by the Public Accounts Committee, and in that case it related to the Embakasi Village housing, and it is on page XV of the Public Accounts Report on the Accounts at 30th June, 1959, and I quote: "If finance is initially provided by an outside organization, the Government has eventually to meet the charges, the effect is the same as if a loan had been raised in the first instance, and I therefore consider that similar legislative authority is required." That was the Auditor-General. The Committee recommendation was this, and I quote: "The Committee doubts the wisdom of committing Government to the expenditure of very large sums of money without legislation in circumstances such as are mentioned above, and recommends that in future similar cases should be covered by legislation." Now, Sir, whilst we are dealing with development and finance for development, I do believe it is appropriate, Sir, that the Minister should deal with this particular financial technicality. I do, Sir, express my appreciation of the way in which the Minister has prepared and his staff have prepared this report, and most particularly, Sir, for the clear and confident manner in which he has presented it to us, and I beg to support.

Commander Goord: Mr. Deputy Speaker, from time to time the Members on the Benches opposite have a dig at hon. Members on this side, and I cannot resist saying that I find it very difficult to accept the explanation of the hon. Member for Nairobi West for the absence of hon. Members during this very important debate.

Mr. Alexander: I did not say they were present.

Commander Goord: I would like to congratulate the hon. Members who are present.

Mr. Deputy Speaker, I would like at first to deal with a number of small items of detail before

saying a few words on this matter of confidence. The first item is page 29—Irrigation—the Perkerra Irrigation Scheme. This scheme has been going for some time, and I see here that it is proposed to continue it on a restrictive acreage and a trial basis for a term of three years. I would be extremely grateful if the Director of Agriculture could make a brief report on the progress of this scheme and give some idea as to why it has not been, apparently, quite so successful as had been hoped.

Turning now, Sir, to page 31—Veterinary Services, there is a considerable sum of money set aside for Artificial Insemination, which I heartily support. I would put this point though, Sir, that unless records are kept, and fairly extensive records of milk production, the effect of this will be very difficult to gauge, and I would like to say a word of encouragement to Government, to ask them to give what encouragement they can to the Milk Recording Scheme, which for some time has been in a rather difficult position because the cost of this scheme is very high to the individual farmer. And I do believe that with the entering of African farmers into the milk business, and the use of artificial insemination that there is a very good case for extending this service with some subsidy.

Page 32—Stock Marketing Non-Scheduled Areas. This is in regard to the African Livestock Marketing Organization. I find it rather difficult to understand, Sir, why an organization of this description is not self supporting, and I would be interested to hear the reason from the Director of Agriculture.

Turning now to page 43—Education—Subhead G—Technical and Trade Education. I note there is to be a new Rift Valley school, primarily for courses in carpentry, building and farm mechanics. In this regard, Sir, I have noticed in the last year there seems to be a fairly considerable surplus of carpenters, and to a lesser extent, builders. I do not know whether that applies to the trade, but it certainly does apply to the rural areas, and I would think it advisable before these schools are set up that there should be very close investigation in regard to the vacancies which are likely to arise in the various trades, and that tuition should be in accordance with the requirements.

Page 46—Forest Development Scheme. There is a very considerable amount of money to go on the development of forests, but we have not had an opportunity of hearing what the prospects are at the present time for the timber industry. We have an enormous amount of soft woods growing, and markets, I understand, are at present extremely difficult. The long-term prospect—a forecast of that long-term prospect—would therefore be of great interest. From time to time suggestions

[Commander Goord]

have been made, or efforts, I believe, have been made, to attract paper mills to this country, and I would like to know if anything has developed on those lines. One further suggestion, and that is, with all this cheap timber—a lot of these thinnings are now being virtually wasted—is it not possible that we might do something for our housing with timber? There are, of course, disadvantages. But many new countries, in fact, most new countries, have always developed their housing with timber, and it is a little difficult to see why we are not able to do the same thing.

And a final question, Sir, for the Minister for Works. Page 50, with regard to the main trunk roads. For many years past it has been a stated aim of policy to hand over certain trunk roads passing through county areas to the county councils. I would like to know, Sir, if that is still the policy, and if so, when it is likely to be implemented?

Sir, having dealt with detail, I would like to turn to this question of the confidence of the investing public. It is the fashion today to lay the blame for the present rather unhappy state of our economy on the Colonial Secretary and the Lancaster House agreement.

I would suggest, Sir, that that is really quite fallacious. Stock Exchange values started falling long before Lancaster House, and while the rate of fall was admittedly not quite so quick, the overall amount of fall was probably greater. What Lancaster House really did, I suggest, Sir, is to make the community, and the European community in particular, aware of the realities of the situation—that is, that we are facing a period of change in Africa. Well, Sir, the future is still uncertain, and it rests very largely with the African leaders; and it is very pleasing, I think, African leaders; and it is very pleasing, I think, to say, although many people would not perhaps believe it, but I think it is true to say that there is a very discernible growth of sense of responsibility among the African leaders in recent weeks, and this, I am sure, is one, and perhaps the African real benefit arising from the Lancaster House Agreement. If this is so, I am sure it is the task of all of us to help and encourage these African leaders and to try to understand their problems, because of their courage and common sense the future of Kenya undoubtedly depends.

[The Deputy Speaker (Mr. Bechgaard) left the Chair]

[The Deputy Speaker (Mr. Conroy) resumed the Chair]

At the same time, Sir, I do feel that possibly Her Majesty's Government, despite the many reassuring statements from time to time, has still not been able to make it entirely clear to the

people of this country that the fully accepts her responsibilities of maintaining a viable economy and a just and peaceful transition from a Colony to a nation.

Sir, I do feel that if these things become clear, and in particular in regard to those matters touched upon by the Minister for Finance, that by this time next year we may well be in a very much happier economic position than we are today.

I beg to support, Sir.

Mr. Butcher: Mr. Deputy Speaker, Sir, I hoped to have a little time this evening to look up some of the more obtruse points which have been asked by the hon. Member for Kiambu, but it appears that there are not many more speakers on the other side, and that I should therefore intervene at this stage and do my best with the various queries.

He began by asking whether we were not optimistic in referring to the possibility, or even the probability, of a 5 per cent rate of growth in the economy over the period of the plan. Well, possibly we were. In fact we have admitted it. We have said in the last paragraph of the Economic Survey that as far as 1960 is concerned an increase of 4 per cent is the most that we think could be expected in present political circumstances or in present conditions. We went on to state that we thought that if the political climate was satisfactory a higher rate of growth could be achieved, and in fact our rate of growth depends, it is fully recognized, on the issue of confidence, to which reference was made very fully by my hon. friend the Minister. He went on to ask to whether we would succeed in raising as much as £2,000,000 a year on the local market, and I think at this stage I might also deal with a similar point raised by the hon. Member for Nairobi West. The hon. Member for Nairobi West—and I am sorry to see he is not here—seems to have slightly misunderstood what was said both in the Sessional Paper and in the introductory speech because he seems to have taken the Minister's reference to the institutional investment as implying that we depend on institutional investment for the greater part of the £16.5 million. The hon. Member for Kiambu was nearer the mark because he said that out of that we were expecting to raise £2,000,000 a year on the local market, but he, I am afraid, is not quite correct either, because the £2,000,000 a year which we hope to raise on the local market includes £500,000 which we hope the Nairobi City Council will be able to raise directly itself, so that out of the £16.5 million the amount which we are hoping to raise on the local market is £4,500,000, leaving £12,000,000 to be raised by Exchequer loans or in other ways from overseas. I see no reason why

[Mr. Butler]

the hon. Member for Nairobi West should regard the programme as out of date although there is admittedly likely to be some difficulty in our raising that £4,500,000 on the local market plus, of course, the amount that the Nairobi City Council requires. I am sorry the hon. Member missed that.

Mr. Alexander: We cannot be on duty all the time.

Mr. Butler: No, no, I admit that. For the £4,500,000 which the Government hopes to raise locally, plus £1,500,000 by the Nairobi City Council, we will have to rely quite largely on institutions, but we do have other sources of local borrowing, and one source that still can provide us with some of that money is the East African Currency Board. We have not yet taken up our quota of money which the Currency Board is permitted to invest in East Africa and I do not therefore think that we need at the moment regard this programme in any way as out of date or beyond our probable capacity to raise finance for.

To continue with the points raised by the hon. Member for Kiambu, he suggested that the Ministry of Works was inefficient and my hon. friend the Minister for Works will deny that but I think he was slightly misled by Table 13 on page 24. That table shows the programme of works to be carried out by or under the supervision of the Ministry of Works. The first two columns which add up to £5,846,000—that is the work to be carried out either by the Ministry of Works or under the supervision of the Ministry of Works. It does not mean that all that will be carried out by the Ministry of Works, in fact the greater part of it will be carried out by private contractors and that is the normal method which the Ministry of Works employs wherever contractors can easily be obtained to carry out the particular jobs, and all the large buildings we see going up around this one are being built on contract. Some of them are being supervised by the Ministry of Works' own architects and some by architects employed as consultants by the Ministry, so that although possibly individual police stations in fairly remote areas may be built by direct labour, the great majority of this programme will be carried out on contract.

He asked what the terms of the Sceptre Trust Mortgage were. The money we are obtaining from the Sceptre Trust is at 6½ per cent interest and is repayable over 20 years. It is money from this source that constitutes the £220,000 which is already committed to mortgage finance out of the amount shown on page 17, of £620,000 which we hope to obtain from this source during the period.

He went on to say that the Government should consider buying houses instead of building them. It is only recently that that course of action might possibly have been economic. The Government has on occasion and will in the future, where it is suitable, buy houses as well as build them. On the other hand any decision by the Government to go over in a big way to house purchase would certainly have a damaging effect on unemployment and in the building and construction industry generally.

The next speaker was the hon. Member for Central Area who spoke mainly about education and the hon. Minister will, I am sure, reply to him. He raised one or two questions about population but I do not know whether he was objecting to one of the economic facts of life or whether he thought that the facts had been collated in an unfair way and I can assure him that all statisticians and the doctors take all kinds of oaths to produce figures in the most accurate way possible, to use all available sources and to be accurate in their work and all I can say, I think, is that in 1961, if as I hope we have our census then, we will be able to prove whether or not the estimated rate of increase of the Asian population is correct or not.

The hon. Member for Nairobi West in addition to suggesting that the programme is out of date because we would not be able to finance it, and I hope we have reassured him to some extent on that score, he also suggested that the loss of insurance premia from this country would have a serious effect on the programme of investment locally. He did however go on to say that if people decided or pensions schemes decided to change from East African shillings to sterling, the companies that received that money invest it in the Sterling Area. That is perfectly correct. I think that although it is true that the transfer of policies into sterling is not likely to assist investment in this country, the very close links that there are through the Currency Board system between East African shillings and the pound sterling mean in effect that as we can see from the buildings that have gone up in this town, that there are many insurance companies that have invested in this country far more money than they have received locally in insurance premia. What I do however admit is that the financing of this programme will be more expensive than we have forecast under the table at the end of recurrent implications. With War Loan yielding nearly 6 per cent, it is obvious that Colonial loans will have to be fixed at a rather higher level than those at which we have obtained them in the recent past. We may have to pay more for our money but provided confidence is not destroyed I see no reason to

[Mr. Botter]

believe that we should not be able to finance this programme.

I am also informed that although there have been many enquiries from individuals about the terms on which they could transfer their policies from East African shillings to sterling, many of those who have enquired have been deterred by discovering that you can acquire an East African life insurance policy for a lower premium than you can a sterling policy. This is another factor that operates in favour of the East African policy. That I am told is because the East African taxation provisions are more generous to these funds than those in the United Kingdom.

The hon. Member went on to refer to the desirability of mentioning in the programme any contractor-finance projects. Well, the only contractor-finance project which will be carried out directly by the Government is the road project and details of that are given on page 49 of the Sessional Paper. It is stated there that the total programme is one for £4,000,000 and that during the three-year period the Government will have to find £500,000 in payments to the contractors. The only other contractor-finance project was, I think, referred to in the Budget Speech of the hon. Minister and is the Nairobi African housing project. The Government recognizes the desirability of covering projects of this nature by legislation and legislation which will deal with Government loans in general is now being drafted and will I hope be presented to this Council before very long. The intention is that the interest and repayments of principal on our loans should be made a charge on the Consolidated Fund.

Finally, Sir, I come to the speech of the hon. Nominated Member, Mr. Tyson, who said he thought that now was the time to invest on the local market. All I can say, Sir, is that I agree with him and for the first time in my ten years in Kenya I recently applied for permission to buy some local shares. I have not bought them yet.

The last speaker, Sir, was Comdr. Goord and the majority of his points will be answered by the hon. Director of Agriculture, but he did bring raise a query on which I might end my brief speech about whether or not a paper mill was going to be established in Kenya. That is a typical project in the economic progress of a country and illustrates extremely well that the rate of investment depends on the growth in the local market for the particular products that the investor concerned has in mind. There will be a paper mill in Kenya when Kenya uses sufficient paper to justify that investment, provided always that the rate of taxation is such that reasonable profits on the investment can be made. It is often

argued that there is an intimate connexion—in fact an inevitable connexion between investment and increase in income and in spite of what the economists say, I do not entirely agree with that. It is possible to spend many millions of pounds on the groundnuts scheme without increasing at all the income of the territory concerned and it would be possible, for instance to invest a million pounds in a radiator factory in Kenya but so long as the sun shines as warmly as it does now in this part of the world, the factory would not be able to sell the radiators it produced and the investment would therefore not add in any way to the wealth of the country. So I come back to the point that is stressed very much in Chapter 4 of the Sessional Paper, which does point out that the stimulus to further production and further investment in this country will come from the success of the Government's effort in the agricultural sphere which by adding to the income—in particular of the African farmers—will generate a demand for all kinds of goods including paper, which in turn will lead to investment and the use of some of the assets of this country in that particular form.

Mr. Deputy Speaker, I beg to support.

Mrs. Shaw: Mr. Deputy Speaker, I did not intend to speak today because I thought the debate would go on for at least three days and therefore I thought I would have time to write a well thought out speech which I have not been able to do over the week-end because I have been politically busy. However, as obviously the debate is going to pack up tonight, I think I cannot let it close without paying very sincere tribute to my hon. friend the Minister who produced this Motion for a most constructive speech and a speech that was full of wisdom and I also fell on empty Benches, Opposition Benches. I think it is the greatest pity because so much of what he said was so vitally important to every single one of us who has the good of Kenya at heart. It was tragic that those people who should have benefited by that speech—as indeed all the Members of the Opposition could—were not in this House to hear the Minister make his—as I say—extremely able and forthright speech—

An Hon. Member: You were not here!

Mrs. Shaw: A speech that I most certainly was here for and I certainly heard the hon. Member call out "Question" when the hon. Minister spoke of lack of confidence. And I should like to say, Mr. Speaker, while it was interesting—his figure about £24,000,000 last year increase, the really interesting thing will be what will be the increase, if any, this year. Possibly, as the last Member will intend to invest in East African stocks, that will have a very good effect on our market. I am sure

[Mrs. Shaw]

and may send it up, but at the moment the prospect of investment in Kenya may be good for the investor but it is not encouraging for our stock market to be as low as it is today. It is not encouraging, reflecting as it does the lack of confidence in this Colony and I only hope that the encouraging signs and portents of which the Minister spoke will develop and that confidence will return to this Colony, because it is absolutely essential and I think, as I said nine years ago in my maiden speech, that security must be the corner stone of our development in this Colony for without this security there can be no development in this Colony and no progress for any of Kenya's people.

I beg to support.

Mr. Cooke: Mr. Deputy Speaker, the hon. Minister will probably be surprised to hear—I hope it will not be much of a shock to him—that I am almost as fully in agreement with his policy as I was in disagreement with the policy of his hon. predecessor. I think my hon. friend is taking a most more realistic point of view than was taken in previous years and I think he recognizes that social services must accompany economies, rather than the other way, other way round. I think, too, he recognizes the value of the old saying that "Money makes money"; for instance, in one place he told us that if it were not for the Mzima Springs water supply there would not have been any development by the Shell Company, in Mombasa. When that scheme was put into force about ten years ago and some of us who backed it were criticized for the large expenditure of money; we were in the long run proved to be correct.

It is interesting to notice my hon. friend's ratio of expenditure to the national income—14 per cent—which I think is very small. We are always saying we are overtaxed. I think the distribution of taxation should be looked into in this country, but we can hardly say if the ratio of expenditure to national income is only 14 per cent that we are really being overtaxed. I believe in Great Britain, certainly at the end of war, taxation was something like 42 per cent and in Rhodesia it went up to something like 25 per cent to 30 per cent. I am not—naturally—advocating an increase of taxation, the rate of taxation, but I think there should be a fairer distribution of taxation.

One of the hon. Elected Members—Nominated Members—referred to forests. I think if I understood him correctly I agree with what he said. I think we have got to revise our views about forests being a very great investment in this country just at the moment because steel and other things are taking the place of wood in modern construction; and it might be better, as

I tried to say in this House a few weeks ago, that we opened up more forest land to tea growing and coffee and so on; so long as we protect our catchment areas, it might be certainly a good short-term policy to go in more for cash crops. We may be investing our money in something which will not, possibly, with the competition of other things like steel, bear the fruit that we expected it would bear.

We hear a lot about depressing talk in this country and I feel that the people who talk about depression and so on and then try to take the line that they do not feel a bit depressed are rather damning with faint praise. I think the less we say about it the better at the moment and as far as I can see there is nothing to be depressed about and I think the more we speak about it, the more people are inclined to say, "Me thinks the lady doth protest too much", so let us have little talk about depression and so on or non-depression.

The question of stabilization of farm prices—I think I may be allowed to mention this in conjunction with the proposal for loans in order to permit Africans to purchase their own land. I think the Government should give consideration—and serious consideration—to having talks with Lord Delamere and the other members of the Kenya National Farmers' Union, as to why they should not work together with the Africans in this idea of stabilization of prices, because as I foresee it Sir, there would not be any chance of implementing the idea of Africans purchasing their own land unless they can get loans on a long-term basis and I think that the Europeans and Africans have a common interest in this matter and the sooner the Africans realize that they should work with the Kenya National Farmers' Union in this matter the happier they will be in the long run. I do suggest that Government should be a bit more forthcoming in this matter and not say that everything will be all right because it will be necessary to give security to the farmers now not later on if we want to avoid anything like a panic. I do not think personally that a very large percentage will want to sell and I think, Sir, as I have said before, some provision should be made, the money should be there in case people for any purpose not connected with the present political set up at all, but if they should be allowed to leave for certain family reasons, they should be able to get a fair price for their land.

I have nothing further to say, Sir, except to support the Motion.

Lord Portsmouth: Mr. Speaker, Sir, I am rather like the hon. and gracious lady who has just sat down, I had hoped that this debate would last some days and so allow me to look up my

[Lord Portsmouth]

homework. I am not going to rise to make a speech of any length, but to answer my hon. friend from the Front Bench on this question of forestry. Ever since I can remember I have heard that timber was out because everything else was coming in instead of it, but the fact remains that there are always new uses being found for timber every day and also it is more than likely—in building at least—that laminated timber can be successfully used to replace steel principles and therefore I think it is quite wrong for us to reduce our forest and alter our climatic ecology. I am not against coffee or tea being planted where suitable, but I think it is entirely wrong to suggest that you should give up growing timber for crops, because it is for the moment in the doldrums. It is the one crop that can be stored for 20 years on the ground without incurring any extra storage expenses.

Sir Alfred Vincent: Mr. Deputy Speaker, I should like to be very brief. I would like to congratulate the Mover of this Motion on his very fine speech, very forceful speech. But all speeches like that are brought to naught until the British Government makes our position clear. That is to say they guarantee titles and they guarantee a revolving fund so that people who under the altered circumstances must leave the country do not lose too heavily. Now the position is a little bit illogical because—there is no doubt about it—the Secretary of State is prepared rightly to take care of the officials in all these territories and yet he shows the greatest hesitation in making any pronouncement whatsoever in favour of the people who have actually earned the money to pay these officials while they have been in this country and have developed it. I believe that if the British Government made a statement, the whole of this position would be altered overnight. And it is absolutely essential that if this country is going to work on development schemes such as those which have been put before us today, we must have stability and we must have the backing of the British Government. What Ministers say here, or what unofficial Members say on this side of Council is completely useless without a definite statement being made by the British Government.

I beg to support.

The Minister for Works (Mr. Nathoo): Mr. Deputy Speaker, Sir, the hon. Member for Kiambu raised two points which refer to my Ministry. The first one, Sir, he raised was the question of the money which he has thought was spent by us in direct labour as against the money that we do spend by private contract. I would like to tell him, Sir, that he is under a slight misapprehension. On page 24 the first column refers, Sir,

to the total work which is being done under the Development Programme of £5,846,750 out of which £594,600 is being spent for the work which concerns the Ministry of Works. But, Sir, that does not mean that either that amount or any of the other amounts which are referred to in this first column, that that particular work is done directly by the Ministry of Works. As he is aware, Sir, it has been the policy of the Ministry that wherever possible we go out to contract, we go out to tender by private contractors to do our work and even, Sir, regarding the consultants, wherever we find that it is better to get these things done by consultants we do so. It has been a gradually increasing policy, Sir, of this Ministry to go to private enterprise wherever possible. The only cases, Sir, where we cannot do work by private enterprise are the remote areas in the Colony where the contractors are not sufficiently interested to go out and do the work. Otherwise, Sir, all the work I can assure him and the House, is being done by private contract. Where the third column shows that £15,000 is spent by other agencies, it is the amount, Sir, which is being spent by the City Council on our behalf in the roads and gardens round about the new offices in City Square.

The second point, Sir, he made was regarding the Thika Road which he stated was a "killer" road and something ought to be done by us. Now, Sir, I would like to mention this, that the Road Authority consists of members who come from all parts of the Colony and they look at the overall picture with a view to seeing what roads would benefit this Colony most by being tarred. Now, Sir, they have looked at this road and they find that whilst it is a dangerous road, it would be wrong for them to spend the available money which is a very limited amount, Sir, on this particular road for the reason that it is already tarred and any improvement in that road, Sir, will not be of any use unless they completely scrap the particular road and build a new one. That is the problem, Sir. If they spend any money in widening the road or spend the money on that particular road, in five years time they will come back to the same problem that the road again will be a dangerous one.

The obvious answer, Sir, is to have a dual carriageway from Nairobi to Kahawa and thereafter a road which will avoid most of the high-crossings which he has mentioned from the high literature which is within the knowledge of the Road Authority. What I would like to say, Sir, is this, that the Road Authority is fully cognizant of the fact that this road requires attention and in conjunction with my Ministry we are looking at the position to see whether we can find some additional finance for this specific

[The Minister for Works] purpose. I would like to mention for his information that one of the hon. Members opposite has brought to my notice that there are certain parties who are interested in helping us out on this scheme and I can assure the House, Sir, that if the Government can arrange greater finance, having been assured by the Treasury that it is within our capacity to repay the money when the time comes for it, we shall certainly do so.

Another point referring to my Ministry was raised by the hon. Nominated Member, Commander Goord. He asked me, Sir, whether it is still our policy to hand over the maintenance of trunk roads to local authorities. I would like to say, Sir, that when this problem was discussed at the time of the Manzoni Report, I had stated in the House that it is Government's policy and the Road Authority's policy that wherever it was possible to hand over roads to local authorities for maintenance, we should certainly do so. But, Sir, at that time we made a proviso that still stands, that it is a fact that all the local authorities in the country are not of the same standard as some of the more efficient and the advanced ones and unless that standard is reached by all the local authorities it would not be possible to hand over certain roads to the county councils or the municipal councils and have some of the maintenance to be left to the Ministry of Works to be maintained by the Road Authority. What would happen is this, Sir, that if we did that we would find that the Ministry of Works and the Road Authority would have an organization which would be busy with maintenance of roads, for instance, from Malindi to Garsen or from Kitale to Lodwar. That would not be in the best interests of the Colony, Sir. And another point I would like to emphasize is that until that time is reached when local authorities can completely take over the maintenance of bituminized roads, it is the policy of the Road Authority and the Government that all the trunk roads will continue to be maintained by the Road Authority.

Sir, I beg to support.

The Minister for Tourism, Game, Forests and Fisheries (Mr. Crosskill): Mr. Deputy Speaker, the hon. Nominated Member, Commander Goord, asked whether I could give him some information with regard to the marketing prospects of the exotic softwoods of which we are growing a very large acreage in Kenya at the present time. I am afraid I cannot give him a definite reply today, but I can assure him that it is a problem which is receiving urgent attention at the present time. It is a problem which requires assessing as a matter of urgency and we have already

initiated enquiries with regard to the world position through such organizations as the Commonwealth Economic Bureau and from other sources wherever I feel we can usefully obtain some information.

The problem is quite a considerable one because, as hon. Members know, we started planting exotic softwoods in 1927 which means that those acreages—they were comparatively small at that time—are now coming to maturity and we shall in the next decade have very large acreages which could be cut, and should be cut and sold. We are working on a programme which was suggested to us and accepted by Dr. Craib to plant up as soon as possible some 300,000 acres and up to the end of last year we had planted approximately 163,000 acres of those 300,000—just over half way.

In addition, of course, to the very great potential economic asset which we are building up, it is, of course, of benefit to us in the employment of African people, and as hon. Members know it is proposed this year to increase that employment and we shall therefore be planting more acres. We planted some 6,000 acres a year for—I think—the ten years from 1946 to 1956 when we increased to 12,000 acres, and last year we planted some 16,000 acres which is a very considerable acreage and that has enabled us to employ more African people. We are at present employing some 10,000 African casual and resident labourers and that number will be increased by approximately another 1,000 this year, which means that we are providing a living for some five times that number or 55,000 African men, women and children. So the only advantage is not from the economic value of the timber, but naturally that cannot be ignored, and what I am anxious to find out is whether we are in a slump at the present time—a temporary slump—or whether we have, as one hon. Member suggested, come to an era in the development, or shall I say in the manner of construction, wherein metal alloys, plastics and so forth are going to be used increasingly to the disadvantage of suppliers of timber. But as the hon. and noble Corporate Member said a few minutes ago, I do believe that there is an increasing use for laminated board, particle boards and for pulps and we must make a very careful examination about the potential use of these for our local timber.

My hon. friend the Secretary to the Treasury said that the initiation of a pulp industry in this country is dependent on the use of paper and if only we can use enough then an industry will come here and make it for us. I do not know whether he was suggesting that we should start making paper houses, paper hats and paper clothing. I do not think I would recommend that, but

[The Minister for Tourism, Game, Forests and Fisheries]

there are many ways in which we could stimulate the local use of timber. The hon. Nominated Member, Commander Goord, suggested that, and I would like hon. Members to consider that in many parts of the world and in parts of the world where the climate is less equable than it is here in Kenya, the majority of the houses are what they call "frame houses" and are made of wood. Here we have very large quantities of wood, but nearly all our houses are made of bricks, stone or concrete, and I do feel if we could encourage the construction of these frame houses wherever possible throughout the country we should be getting something which would cost less and which would be to the greater advantage of the country's timber industry. The *dudus* we can cope with quite easily at a cost, I think, of about two shillings per cubic foot, it can be conditioned to be completely resistant to insects. The position is causing me some concern because the exports of timber—not the *dudus*—the marketing position is causing me some concern because the exports have fallen in the last year or two and what is even more worrying is that the imports have increased to the extent that our imports of timber into this country are double our exports. I think I am right in saying that our imports of timber are over £400,000 in 1959 and our exports are only just over £200,000. Now that is a peculiar situation for a timber-producing country, but it is not quite so simple as it sounds because the majority of the imports are in the form of manufactured timber such as the laminated wood, particle board, hardboard and other types such as that which are not made in this country, but which I believe should be made here. I can tell Members, for example, that in 1959 we imported just over £144,000 worth of plyboard. It does seem ridiculous that we cannot make ourselves self-sufficient in that and I am energetically taking steps to see what can be done about it.

I think, Mr. Deputy Speaker, that has answered all the questions and I beg to support.

Mr. Nyanjah: Mr. Deputy Speaker, Sir, I would like to say a few words on the Development Programme in Sessional Paper No. 4 and I would like particularly to put these to the two Ministers on the opposite side for Education and for Health.

The other day, Sir, I was worried by a number of my home constituents doing a most useful job in this city and the way that they are housed. Looking at the development programme here under the heading of Health I do not think they are well provided for. Anybody who drives or walks through the main gate of King George VI will be shocked by the way this particular group

of people is housed. I think the Minister in his staff housing programme should consider particularly this group of citizens.

Also in connexion with housing or buildings I would like to urge the Minister to do something for the visitors when they get to King George VI at about 4 a.m. or 5 a.m. by providing some shelter. That does not seem to appear in this Development Programme but it is very important. I have been there and I have seen people coming at the time when they are supposed or are allowed to come into the hospital for visiting and I have seen rain falling on the visitors. There should also be safe provision for women to leave their bags and other belongings at the entrance of the hospital.

With regard to health centres, I see that provision has been made but I would like to point out that a health centre should really be a health centre and not a place that would shame anybody because it is ill-equipped both in manpower and equipment. I know examples of places which are like that, especially Siakago.

In the Development Programme I also see that my old request for a hospital—a proper hospital—at Karatina has not been met. Two years ago in 1958 when I raised this question I was told that something was going to be done to enlarge on that hospital and also to have a doctor. However, Item 2 under the Ministry of Health does not seem to deal with that.

Mr. Deputy Speaker, turning to education I would like to point out to the Minister that it is a fact—and I could provide names if he likes—that people have tried to get into teacher training, young men of ability, and not found it possible to do so because of inadequate places. In the provision here I notice that East Central Region under the Item for Teacher Training does not do as well as some of the other regions. It is something that ought to be considered. I have seen young Kikuyu, Embu and Meru boys trying to get into training without any success. The old question of the K.T.I., of course, remains still unvisited and has got to be considered.

I welcome the news about education for the Africans in the settled areas. The only point I would like to make here is that in the African areas a lot of self-help has been done and I would like to suggest to my friends, the farmers, that there too we have to call upon them. They have provided the capital and the skill on the farms and the other community has provided the labour. It would be good for them to try and labour. It would be good for them to help the help the Africans to put up schools or to try to help the Africans that are set up to be of a really good schools that are set up to be of a really good in standard. I know some farmers have done that in the past but many more could follow their

[Mr. Njagah]

example: At the beginning of the Emergency some of the K.E.M. people that came from the farms were really surprised to find how much the Africans in the reserves had got on in education and yet they who were living nearest to the people with the highest kind of Western civilization were very backward. It is high time we tried to remedy that deficiency.

As regards the African secondary schools, Sir, I would say that the time has come for the Government not to regard the African secondary schools as army barracks where you provide a three-board piece bed for a chap and expect him to stay there for four years. The conditions have been very difficult in the secondary schools—African secondary schools. I know they are being improved but they should be improved as a matter of great urgency. Places like the Alliance High School which have been super-secondary schools should be considered under the Higher School Certificate Scheme as the top priority as they are the show pieces of this country.

Turning to the Minister for Forests, unfortunately I was not here to speak before him, but I would like to tell him that the time has come for him to change some of the provisions or requirements in the contracts that he makes with the squatters that are used in the forest settlements. I know of cases where people have had a clash with the forest officers who have not been very careful in trying to understand that these people who go there need to be treated more carefully than in the past. I think the terms of contract are out of date.

I would like to support the idea of the road between Nairobi and Thika. I have heard and listened with great care to what the Minister has said but I see no point in the Ministry of Works trying to get the Fort Hall/Thika Road tarmaced because it is going to carry more traffic from the developing African reserves while at Thika you find that the road gets bottle-necked. It should be a priority to think of widening the road so that the produce for which we are making provision from Nyeri or Fort Hall by having a good tarmac road can get through quickly. I would also like to appeal to the Ministry of Works, particularly with regard to schools. In this case I am thinking of a place like Kagumo School at Kiganjo. It is a fairly busy road, fairly dusty road, and if the Ministry of Works could make sure that about a mile or two were tarmaced it would be a great help to the school and also to those people who are studying there.

Now, as regards agriculture, I would like to make a very strong plea for the areas of low productivity. I do realize that you want to invest

the loans that we get or the grants in areas where the return will be quickest. But at the same time, the areas of low productivity need to have research and something more than research done to help the people in such areas to have at least one or two cash crops and also to find a good market for what they produce. If the loans are going to be given out to areas of high productivity only, I can see a danger in the next five or ten years of such areas being forgotten—those which are not of high productivity today.

Mr. Deputy Speaker, I have great misgivings on the Vote for the Ministry of Commerce and Industry. The amount of money provided there as a revolving loan is very small. As representative Members or constituency Members we find it very difficult to convince our constituents who come to us constantly asking for loans. We have been able to tell the farmers who come asking for loans that something is being done, but I do not think in all fairness the amount provided under the Ministry of Commerce and Industry will meet the need of trying to develop that side of African trade.

With these remarks, Mr. Deputy Speaker, I beg to support.

Mr. Swynnerton: Mr. Deputy Speaker, Sir, I would like to congratulate the Minister on his very forward-looking Development Budget. I think he is charting seas which are possibly darker than they have been for any previous development budget. In past development budgets the Minister for Finance has been able to look forward with some considerable financial certainty and I think that the Minister is taking his courage in his hands in planning to spend as much as he is doing in the next three years on the development of this country over and above the Colony's own development budget.

I am very glad to see that he has continued faith in agriculture and has continued to invest a major portion of his development budget for the next three years in the agricultural development of this country. I believe, Sir, that that investment over the years will be very well repaid. Many of our agricultural developments are not such as give a quick return or give a return in one or two or three years. Many of these developments take five or ten years to come to fruition. As an example, money invested in tea development may well give very little return in the first five years, but after that, Sir, it gives a very good return and a return which will last into a long period ahead.

The development programmes of the past years have thrown up a number of problems. As land consolidation has gone on, as farm planning has gone on, so have the need for rural credit, the

[Mr. Swynnerton]

need for agricultural education, the need for improved livestock, been thrown up. Some of these have been tackled in recent debates. We have had our debate on the World Bank loan for £2,000,000 and that appears in the Development Programme. In the Development Programme, too, Sir, there is substantial provision for agricultural education, for the development of farmers' training centres and in particular with the assistance of the Rockefeller Foundation and the Hindocha Trust for the development of a diploma college, a college for the training for a diploma in agriculture, at Siriba. We hope to be able to take in the first people for the final year of the diploma course in 1961. In other words, Sir, in 1962 we hope, by drawing on people who have been through the instructor training course in the past, to turn out people with a Kenya diploma in agriculture from this college in 1962. That I think is a great contribution towards the localization of the service. I draw attention to that fact, Sir, because I think something over £300,000 is included in the budget here for agricultural education.

A major need in the African areas at the present time, Sir, is for livestock improvement. We have many planned holdings now, we have got about 15,000 at the present time and we hope in the next ten years that number will go up to about 100,000. Planned holdings, holdings with farm layouts where the pastures are improving to the extent that they will carry cattle that will produce two to three gallons of milk a day. Those animals cannot be got from the indigenous cattle of this country. Schemes for artificial insemination, for the sale of heifers, have been going on for some time, but the supply of productive cattle is still far below the needs of these developing African pastures. For that reason, I am very glad to see the provision in this budget for an expansion in the artificial insemination services which will help improve the livestock in these areas. My hon. friend, Commander Goord, raised this point and he referred to the milk recording scheme. In that respect I can only assure him that we are in pursuing every means to try to keep it on its feet and to get the Dairy Board also to participate in financing it.

Another of the big needs which has been thrown up by our development plans is the need for water supplies. Money has been included in all the development plans and there has been a tremendous expansion in the water supplies in the wet both the dry areas of the country and in the wet both the dry areas of the country and in the wet areas of the country. Even so, with farm planning and farm layouts, individual farmers now expect to have water brought close to their farms, either to groups of farmers or to individual farms. Take

for instance Nandi District—there has been a tremendous surge forward in what is known as skeletal planning; that is, the layout of the land on a conservation basis, enclosure and where possible the introducing of water to holdings or groups of holdings. But a lot of this work is dependent on a carrot and that is the provision of water. We are short of funds for water, particularly on the ground side, and hope as time goes on we shall be able to find sources of getting more money for that purpose. Naturally, the money made available from the World Bank loan will be available as loans for the water development schemes for the farmers, but in many cases it is a grant element which is needed, particularly where African district councils put up a proportion of money. It is on that side that we are short and shall be short in time to come.

On the cash crop side, in the Economic Survey for 1960 there is a very interesting table on page 27 which shows the increase in cash crop production from African farms between 1957 and 1959 where it grows by something over £2,000,000. The more spectacular rise was that of the plantation crops such as coffee, tea, pyrethrum and so on, and in that case the increase was double, from £1,700,000 in 1957 to £3,500,000 in 1959. Now, Sir, with this continued investment in our development programme I would expect that figure, particularly of plantation cash crops, to increase—and I had better qualify this in a moment—to increase by £1,000,000 a year or possibly more. The rate of planting of coffee is about 6,000 acres a year and we are planning to expand that. Under our plans for the Tea Authority assisted by the Colonial Development Corporation we hope to plant about 2,000 acres of tea a year. If the pyrethrum market continues to expand as rapidly as it promises at this moment we might expand the production, again in the African areas, by about 800 tons of flowers a year. Now, those added up come to about £1,200,000 a year on those three crops when those acreages are in full production. And, Sir, I would hope that particularly on this one of cash crops as opposed to the more general crop and livestock products to see the production by 1963 double the production shown in this table. That, I believe, would be a very great contribution to the economy of this country and I believe it would fully justify the big investment which the Minister for Finance has undertaken in the African land units.

The qualification I wanted to make on cash crops I had better make here and it is, of course, that we hope that world prices will continue at least at a reasonable level. Some of our crops, particularly coffee, have been running at a price higher than we could reasonably have expected for several years and sooner or later we are

[Mr. Swynnerton]

bound to run into some recession. But if we do maintain our standards I hope that we shall be able to skim the cream off the market and get not unreasonable prices for it.

Now, the hon. Member for Kiambu raised the question of the unit for testing agricultural machinery. I am glad he supported the research programme because I believe that without agricultural research we shall not be able to progress soundly on our other agricultural developments and I will come back to that again when I deal with the Perkerra Irrigation Scheme.

The unit for testing agricultural machinery was set up in 1956 and at that time it was fully financed by the Colonial Development and Welfare Fund. Its main purpose was to carry out the procedure of the National Institute of Agricultural Engineering in Britain and that was to test out the tractors and implements produced commercially for commercial firms to see how they operated under our own conditions. It is of tremendous value both to the farming industry and commercial firms to know the defects of their machines and implements. Many tractors were put in for the tests and very large numbers were withdrawn before the tests were halfway through because of the defects which were shown up. The sort of things that were shown up were faulty fuel injection systems used in the high altitudes in this country and in the dusty conditions, and so on. But those tractors, having been withdrawn, were improved and resubmitted for test again. There was comparative testing undertaken of the performance of tractors at different altitudes in this country. All of this is of benefit to this country and to the East African territories and to the manufacturers and importers. In some cases comparative tests have been carried out, for instance, with bush clearing machinery. There are many types of bush breakers. Many of those types break up under the type of bush that we have in this country. Therefore comparative tests of these machines were of great value to find out the flaws which were detected in the machines and to find out which were best for our conditions here. Last year the three East African territories each agreed to take over one-quarter share of the cost of this unit, the Colonial Development and Welfare Fund continuing to contribute 25 per cent to the operation of the unit for a period of a further three years. In these Estimates here we do see an appropriation-in-aid which is the funds which are coming from those other sources, and the actual amount that Kenya will spend over those three years is between £12,000 and £16,000. The tests which were done on behalf of importers of machinery and tractors were charged for. There is a fee

which may run up as high as £350 for a test and very often the people submitting machines to the test will provide the fuel for that test, and so on, so quite a lot of the additional costs are carried by the people themselves. Two years ago I did approach the Association of Agricultural Machinery Importers to see whether in fact they would make an overall grant to this project but they did not feel that they could do so at that time. As I say, they do pay a certain amount in fees, but these fees, at the moment, only cover a proportion of the cost of this unit.

There is one other complication, Mr. Deputy Speaker, and that is that Tanganyika in particular feels that the unit should be working on small implements and small tractors and small hand implements, small threshing machines and that sort of thing, rather than on big machinery. I know that Tanganyika has quite definitely said that they will not continue their contribution to this unit beyond, I think it is, mid-1962 unless a programme is devised for bringing in small machinery. Well, the unit itself at the moment is trying out small garden-type tractors and that sort of thing to see whether they would be suitable for operating on smallholdings. So it has gone some way towards that, but we have got to carry out discussions with Tanganyika and Uganda to see what modifications may be needed in the operation of the unit. I may say that each territory itself has its own agricultural engineer, or engineers, to undertake the development projects, such things as the development of machinery for sisal, reducing the cost of sisal cutting, sisal drying and that sort of thing; so that in addition to this testing unit development work is being undertaken by the territories themselves. I am sure that the K.N.F.U. will take note of the hon. Member's suggestion that they might contribute to the financing of the unit, and the Coffee Board, too.

Now, the hon. Nominated Member, Commander Goord, raised the question of the Perkerra Irrigation Scheme and asked for a report on progress. The Perkerra Irrigation Scheme was started in a hurry some five or six years ago at a time when it was necessary to find employment for large numbers of detainees. It was a scheme that had been investigated previously by the hydraulic engineers and put up as a possibility, but normally to go ahead with a scheme like that it is desirable to start a small research station first of all in order to work out the water use and the types of cash crops which can be grown. Sir, in an area such as Baringo. Unfortunately there was not time for that and the irrigators ran into quite a bit of difficulty from the start. It was thought that tomatoes would do as a cash crop, but unfor-

[Mr. Swynnerton]

tunately there were cutworm in the soil and the tomatoes did not flourish. Subsequently other crops have been tried and have not succeeded. There are other reasons for the lack of success. The tenants themselves, who are not experienced irrigators, have not always paid the charges which have been made for the water; the combination of poor crops and inexperienced irrigators has resulted in the low yields on this scheme. However, this year we have reorganized the programme for the scheme bringing in a new cash crop, onions, which we hope may succeed there, because they certainly succeeded on trial plots, getting livestock on to the holdings, and getting the farmers to grow their own food crops as well. There has been another cause when a big herd of Grant's gazelle have eaten the crops of the tenants; also there have been other vermin such as pig and porcupine. We hope, however, that they either will be, or may, at this moment, have been eradicated, particularly the herd of Grant's gazelle.

The Minister for Agriculture visited this scheme recently and he intends to go there again in October, after the present crop, to see whether it is best left under the present tenants, whether, if there are vacancies, other tenants should be brought in to have a go, tenants who are more experienced or keener to make money out of the scheme, or, and this is the last resort, whether in fact it should be wound up. I myself consider that it would be a great pity if it were to be wound up, in spite of the great sum of money put in, because we will have a population problem in this country for the next 100 years and whilst we may develop intensive farming in the existing farming areas we shall need a lot of land and if we can develop our dry lands by irrigation and by bringing in water then, even though the costs may have to be subsidized to a very substantial extent by the Government, I believe it will be necessary to do so in order to carry the population.

My hon. friend the Nominated Member, Commander Goord, raised the question of A.L.M.O. and why it was not self-supporting. The sale of livestock from the heavily overstocked areas to a market such as the K.M.C., or the consuming areas, is practically not subsidized. The trading side balances, but a former Minister for Agriculture decided that in order to alleviate the great overstocking in the pastoral areas of this country it was necessary for the Government to set up an organization to move the stock out of those areas. The overheads of that, who buy the sheep who supervise it, who buy the stock, who move the stock and so on, are carried at Government expense, and that is the element

of subsidy, Mr. Deputy Speaker. The actual purchase and sale of stock balances itself.

The overstocking in these areas is a tremendous problem, as is the disposal of stock from those areas. The stockowners are generally only willing to sell them when they are emaciated and about to die. Field abattoirs have been set up which will deal with the worst of these cattle, but there still remain large numbers which have to be moved. The K.M.C. is able to take quite a proportion of the animals offered, but it is not able to take by any means all of them, and therefore it is necessary to find alternative outlets, and an officer has been put on specially at the present time to do this very thing, and to see how the consumers in such areas as the Central Province can be married up with the producers of the surplus stock in the semi-arid pastoral lands.

The hon. Member for the Coast raised the question of opening up forest areas for both tea and coffee. I am sure he must be aware of the fact that there is a catchment area at Kericho at the present time where 1,500 acres of forest are being taken out and replaced by tea in one valley, the corresponding valley being under forest, and the effect on the water supplies in these two valleys is being measured very carefully by the East Africa High Commission. Were fully by the East Africa High Commission. Because that to be successful—and I shall be very much surprised if it is not successful—then, of course, it would indicate that land could be much more profitably used under tea than under forest. But we must await the conclusions of those experiments before we attempt to attack the forest estates.

I note his remarks about tying up Government, African farmers and the K.N.F.U. on land and loans, and I will bring that to the attention of the Minister for Agriculture, and I have no doubt that it will be brought to the attention of the Minister for Lands as well.

—Finally, Sir, I would just like to deal with one point raised by the hon. Member for Embu and Nyeri, but before doing so I would just like to comment on what he said about secondary schools being as bad as barracks. I have two schools being as bad as barracks. A soldier once sent at public schools in England, a soldier once went round this particular school and he told the headmaster, after he had been round, that the modern soldier would not tolerate the conditions under which schoolboys lived at the present time at such schools.

Now the hon. Member also put in a plea for the areas of low productivity. I will give him this very strong assurance that Government is doing all it can for these dry lands of Kenya, the areas where the rainfall is less than 25 in. or 20 in. and which lie below the 4,000 ft. level. We have

[Mr. arap Moi]

two or three months, which was being preserved for the next season. I will be seeing some Samburu elders on the first of next month and I will have to tell them that the Government is not prepared to control wild game properly. I understood, Sir, that the Government was going to shoot some of the zebras in the area and give the proceeds to those who wanted compensation. Every year, Sir, 30 people lose their lives—30 people lose their lives—and Government do not pay attention to those people.

Another matter, Sir, is that I should like to tell the Government about the attitude of the West Suk tribe. In these areas in the past the Government have been producing oppressive measures and at one time the General Service Unit was sent to this area to try and make the Suk tribe agree to an extension of an area to be a forest reserve. Now, Sir, what we want in this country is a stable, just and competent Government. If a just Government wants to establish justice in this country it should consult the people in general and not merely procure what they want by dictating to the people in an area by using a police force or any other force in order that their policy might be put through.

Regarding the *Dini ya Msambwa*, Sir, I am going to say this—

The Minister for Finance and Development (Mr. MacKenzie): I thank the hon. Member for giving way, but on a point of order are the *Dini ya Msambwa* relevant to this particular debate?

The Deputy Speaker (Mr. Conroy): I must say that I found it a little surprising to hear this subject mentioned on the Development debate because my reading of Sessional Paper No. 4 is that the *Dini ya Msambwa* does not come into it.

Mr. arap Moi: Mr. Deputy Speaker, Sir, the money is allocated to the Minister for Defence for prisons, and I believe that this money is meant to be used for prisons and I do not see the reason why this should be excluded.

The Deputy Speaker (Mr. Conroy): This is not a general cross country debate. This is a debate on the specific proposals in the development programme. I do not think the *Dini ya Msambwa* really comes into it, Mr. arap Moi.

The Chief Secretary (Mr. Coutts): On a point of information, Sir, if the hon. Member had listened to the Minister for Finance's introductory speech he would have heard that the money for defence is largely for police and prison housing.

Mr. arap Moi: I do not want to overrule or to ignore the Deputy Speaker's ruling—

The Deputy Speaker (Mr. Conroy): I assure you you will not. Mr. arap Moi, I think there must

be some limit set to the relevance of debate. Here we have money provided for the housing of prison officers, not for housing prisoners, and so I must rule that *Dini ya Msambwa* is irrelevant to this present Motion. You can always put down a Motion about it if you want to.

Mr. arap Moi: I think I will put it in a Motion one of these days, but I think prison officers carry out these—

The Deputy Speaker (Mr. Conroy): Mr. arap Moi, I have ruled that *Dini ya Msambwa* is irrelevant, and I must ask you to stop speaking about it.

Mr. arap Moi: Now, Sir, before I end on West Suk matters, I should like to point out that the extension of the forest is regarded by the West Suk people as not final, and I shall be visiting that area soon and Government should take note of this, and I hope they will not carry out their policy and excise areas that the Suk people do not want to be excised.

Now as regards abattoirs, Sir, I want to make a few observations. When the Government established the abattoirs they intended to slaughter cattle which are not fit for sale so as to absorb many cattle in African areas. The African district councils have asked the African Livestock Marketing Organization to pay cess to their respective councils, but the Government says they have incurred losses in the abattoirs, but Sir, if the Government thinks they have incurred losses, what about the traders who pay cesses to the African district councils? Do they not incur losses, and if they do, what I want to say is that the people in these areas have indicated that if Government do not pay a cess to the African district councils, then they are not prepared to sell cattle to these abattoirs.

Mr. Swynnerton: On a point of order, Mr. Deputy Speaker, I wonder if the hon. Member is speaking about the same type of cattle. Are the traders prepared to buy what are known as "Go! Go!" cattle?

Mr. arap Moi: They can easily slaughter that type of cattle at home and sell at a higher price than what the African Livestock Marketing Organization pays, and so that is what the people have decided to do, and I am going to support them if the African Livestock Marketing Organization is not going to pay any cess at all to the African district councils.

Since there are no more points I want to cover, I would like to say at last to the Minister for Labour and Adult Education that literacy is one of the most important points that should be tackled now. Our people should be educated politically; our people should be educated to

[Mr. arap Moi]

know what is happening in this country, and therefore it is vitally important that mass education or literacy should be spread throughout the country, and I do not see in this development programme Government's intention in this matter.

Secondly, Sir, regarding the Labour Department, I want to make this observation. The Labour Department in the Rift Valley, Sir, in the past has been selling or asking squatters to send cattle to auction sales, and this has created unemployment. I thought that the Labour Department was trying to create employment, but they have now created unemployment. Labour squatters who have been living in Uasin Gishu or Trans Nzoia have sold their cattle, and they have gone to the reserves and been unemployed because they have no land and so on, and I should like the Labour Department not to create unemployment but rather to help people to be employed and where necessary not to insist or stick to the Squatters' Ordinance.

Mr. Deputy Speaker, with these very few observations, I support the Motion.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, like my hon. friend, the Secretary to the Treasury, I did not expect to find myself speaking again quite as soon as this, and hon. Members will have to forgive me if my remarks are a little disjointed at this stage. However, Sir, I will do my best to give answers to the various points which have been made, although I would, at this stage, particularly like to thank those hon. Members sitting on this side of the House for the contributions which they have made to the debate because, Sir, indeed, they have very largely answered the bulk of the points which have been made by hon. Members sitting opposite. There are, however, still a few points which I would like to deal with and with your permission, Sir, as it will take me some few minutes to answer them, and perhaps as the time is now getting rather late, with your permission, you will permit me to give my reply tomorrow afternoon.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): It is not necessary to have my permission. Standing Orders now require me to adjourn the Council, which I do until 2.15 p.m. tomorrow afternoon. Wednesday, 22nd June, 1960.

The House rose at thirty minutes past Six o'clock.

Wednesday, 22nd June, 1960

The House met at fifteen minutes past Two o'clock.

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

PRAYERS

NOTICE OF MOTIONS

KENYA MEAT COMMISSION LOAN GUARANTEE

The Minister for Finance and Development (Mr. MacKenzie): On behalf of the Minister for Agriculture, Animal Husbandry and Water Resources, Mr. Deputy Speaker, I beg to give notice of the following Motion:—

THAT this Council notes that Government proposes to guarantee a loan of £125,000 to be made by the Guardian Assurance Co. Ltd. to the Kenya Meat Commission.

REVIEW OF IMMIGRATION POLICY

Mr. Nazareth: Mr. Deputy Speaker, I beg to give notice of the following Motion:—

THAT this Council urges Government to review immigration policy with a view to promoting economic flexibility in the interests of the country and to ensure impartiality in its administration and due regard for human relations.

RELEASE OF *Dini ya Msambwa* DETAINÉES

Mr. arap Moi: Mr. Deputy Speaker, I beg to give notice of the following Motion:—

THAT this Council while appreciating the release of a few *Dini ya Msambwa* adherents and deploring Government delay in the matter and urges Government to release all the *Dini ya Msambwa* detainees forthwith.

COMMUNAL FINES IMPOSED ON STOCK THEFTS

Mr. ole Tipis: Mr. Deputy Speaker, I beg to give notice of the following Motion:—

THAT this Council, being aware that communal fines are unjust, calls upon the Government to stop all forms of communal fines imposed upon the people of the Masai tribe as a result of stock thefts, and urges the Government to work out an appropriate method of ascertaining and punishing the culprits of any stock theft.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 86

Mr. Alexander asked the Minister for Finance and Development is the Government prepared to consider inducement measures similar to those in Northern Ireland to attract industry to Kenya and thereby relieve unemployment?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to reply. Yes, Sir, but I cannot pretend that anything which would reduce the present yield from taxation or would impose further demands on the purse of the taxpayer would commend itself to the Government.

Mr. Alexander: Mr. Deputy Speaker, are we to presume as the Minister for Finance has replied that the measures that he refers to are purely financial measures? Is he aware that in fact the measures extend beyond purely financial measures, and if so will he draw the attention of the Minister for Commerce and Industry and the attention of the Minister for Lands to these facts?

The Minister for Finance and Development (Mr. MacKenzie): I am aware of these facts, Sir, but I thought it important that I should draw attention to this particular aspect of the matter since, as the hon. Member is, I am sure, aware, amongst some of the most important attractions are various measures of fiscal assistance.

Mr. Alexander: Mr. Deputy Speaker, yes, Sir. But is it not a fact that there are concessions in relation to the erection of factories, the provision of land, concessions regarding municipal rates? Are these not also all important and should they not be co-ordinated through the Minister for Commerce and Industry?

The Minister for Finance and Development (Mr. MacKenzie): That is a fact, Sir, in actual practice the various types of concessions attract various Ministries and they will, of course, be looked at by all the various parts of the Ministries of the Government who have an interest.

Sir Charles Markham: Mr. Deputy Speaker, is the Minister aware that similar inducement has been given by other Governments but an economical survey with statistics is required such as the Puerto Rican Government has initiated to attract industry?

The Minister for Finance and Development (Mr. MacKenzie): The Government is aware of that fact, Sir, and it is a point that will be borne very much in mind.

Mr. Cooke: Is the Minister aware that in Northern Ireland and Scotland too, that American factories are being encouraged to establish themselves in particular areas, and are being given every opportunity in the way of cheap land and so on?

The Minister for Finance and Development (Mr. MacKenzie): The Government, Sir, is only too anxious that factories should establish themselves in this Colony and subject to the points

which I have made in my written reply are prepared to do anything within reason in order to attract them.

Mr. arap Moi: Mr. Deputy Speaker, on behalf of my colleague the Member for Nairobi Area I would like to ask Question No. 113.

The Deputy Speaker (Mr. Conroy): That will have to go to the bottom of the list, I am afraid. Mrs. Shaw is the next one.

QUESTION No. 121

Mrs. Shaw asked the Minister for Internal Security and Defence: Is the Government aware that film censorship has been discontinued in the Colony?

The Minister for Internal Security and Defence (Mr. Swann): Mr. Deputy Speaker, Sir, I beg to reply. No, it would appear that the hon. and gracious lady has been misinformed.

Mrs. Shaw: Mr. Deputy Speaker, arising out of that answer, would the hon. Minister state whether he really considers that the film censorship is doing its job efficiently and serving its purpose when in Nairobi a short time ago, a few weeks ago, the film fare offered in one week was: *Jack the Ripper*, *The Beatnik Generation* and *Summer Place* which was a really virile American picture portraying drink, drug addicts and juvenile delinquency.

The Minister for Internal Security and Defence (Mr. Swann): Mr. Deputy Speaker, Sir, individual views on the merits or demerits of individual films will, I am afraid, always differ.

Mrs. Shaw: Arising out of that very unsatisfactory reply, Mr. Deputy Speaker, is the Minister aware that there has been a great deal of criticism and especially that many of these films are produced during holiday times when the films are labelled "For Adults Only" yet you see the cinemas simply stuffed with young children because their parents have no where to leave them.

The Minister for Internal Security and Defence (Mr. Swann): Mr. Deputy Speaker, Sir, the Film Censorship Board is composed of Colonel O'Rourke as chairman, Mr. Durlacher, as deputy chairman, the Chief Commissioner or officer deputed by him, and the Director of Education or officer of the Education Department deputed by him. It is also assisted, Sir, by a voluntary panel consisting of persons representing all races, both sexes and most generations over the age of 21.

Mrs. Shaw: Would the Minister help those on the Board, the rather elderly gentlemen, by appointing a member of the East African Women's League?

The Minister for Internal Security and Defence (Mr. Swann): I will certainly bear the suggestion in mind.

QUESTION No. 113

Mr. arap Moi (on behalf of Mr. Mboya) asked the Minister for Commerce and Industry what types of credit and loan facilities exist for African traders in this country, especially in the Nairobi area?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Deputy Speaker, Sir, I beg to reply.

Loans to provide working capital may be obtained by suitably qualified industrialists, artisans and businessmen in 26 local authority areas where loan authorities have been established. These authorities administer revolving funds established from grants made by the International Corporation Administration and the Kenya Government on the one hand and by matching contributions from local authorities on the other. The Loan Authorities normally comprise three members appointed by the Minister and three members of the African district council or other local authority under the chairmanship of the district commissioner. A Special Committee to administer a loans scheme in the Nairobi Area is now in the process of being appointed.

A separate colony-wide scheme using I.C.A. funds will be started shortly to provide loans for larger African industrial enterprises. Loans are being made available for African and Arab fishermen at the Coast.

Mr. Nyagah: Mr. Deputy Speaker, Sir, arising out of the reply, is the Minister aware that these so called loans are nothing but a mockery to the African traders?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Deputy Speaker, I would like an explanation of what a mockery is.

Mr. Nyagah: Mr. Deputy Speaker, what I mean by mockery is that these loans—

The Deputy Speaker (Mr. Conroy): I am afraid Mr. Nyagah, questions should not be framed in a way to suggest an answer, or contain controversial or ironical expressions.

Mr. Alexander: Mr. Deputy Speaker, Sir, this question refers to all loan facilities. Is it not a fact that credit worthy persons can obtain loans from banks. They can obtain credit from manufacturers and it is not best really for those sources to be used rather than to rely on the Government all the time.

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Deputy Speaker, Sir, the Government does not run banks, but the Government is also aware that a number of banks have actually been giving loans to Africans. I was speaking mainly of those loans which are under the administration of my Ministry.

Mr. Alexander: Mr. Deputy Speaker, I think the Minister has missed the whole point of my question. I referred to credit worthy peoples, and it is not up to all peoples who want loans to show themselves credit worthy, and it is that not the first task of the African people?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Deputy Speaker, Sir, I must point out that the purpose of these loans that are spoken about under the Ministry of Commerce and Industry are loans issued to persons who are competent but who otherwise might find it difficult to get a loan from the commercial enterprises.

Mr. Tyson: Arising out of the Minister's reply, what steps are being taken to make these traders competent in order that they can qualify for these loans?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Deputy Speaker, Sir, the policy of my Ministry how to make these business men more credit worthy is not a part of this question.

QUESTION No. 120

Mr. arap Moi (on behalf of Mr. Mboya) asked the Chief Secretary:—

(a) To state if it is true that Africans in the Northern Province of Kenya still have a pass to travel as from one district to another and also to travel from the Province to other parts of Kenya and back?

(b) If the answer is in the affirmative—

(i) would the Government state the reasons for this restriction on freedom of movement and state further whether they are aware of the dissatisfaction expressed by the people of the Province in this regard; and

(ii) what steps Government intends to take to secure removal of this discriminatory and restrictive measure?

The Chief Secretary (Mr. Coutts): Mr. Deputy Speaker, I beg to reply.

(a) Persons domiciled in the Northern Province of Kenya do not require a pass or permit to travel to and from that Province. They do, in certain cases, require a permit to travel between districts within the Northern Province.

(b) (i) The reason for imposing restrictions on the movement between districts is to control the

[The Chief Secretary]

nomadic tribes occupying vast tracts of arid country where the possession of a water-hole or a grazing area often leads to blood feuds. The Government is not aware that the people of the Northern Province have expressed dissatisfaction with restrictions on movement; on the contrary, grazing controls imposed by the Provincial Commissioner from time to time are usually made at the express request of chiefs and elders in order to prevent intertribal fights.

(ii) None, Sir.

Mr. arap Moi: Mr. Deputy Speaker, arising out of the Minister's reply, is he aware that the Turkana people are dissatisfied with the way the Government restricts the police constables who go back after finishing their service, or when they go on leave that the district commissioners in the past have been disallowing them to wear their uniforms?

The Chief Secretary (Mr. Coutts): I doubt, Sir, if that arises from the question, but I did say that the Government is not aware that the people of the Northern Province, and the Turkana are part of the Northern Province, have expressed dissatisfaction with the restrictions on movement.

Mr. Nyagah: Is the Minister aware that there are some Somalis who are not necessarily people affected by the grazing occupation and who are restricted from moving from what they call Kenya and the Northern Frontier District?

The Chief Secretary (Mr. Coutts): The hon. Member has answered his own question because people in that area refer to this part of the world as Kenya, and they themselves live, apparently according to themselves, in an entirely different part of the world. That is why there are the restrictions.

Mr. Nyagah: Mr. Deputy Speaker, is it not because the Government restricts them that they are encouraged to think like that, and to regard this part of Kenya as being a foreign country?

The Chief Secretary (Mr. Coutts): No, Sir.

MOTION**UNITED KENYA CLUB LOAN GUARANTEE**

The Minister for Finance and Development (Mr. MacKenzie): Mr. Deputy Speaker, Sir, I beg to move that this Council notes that the Government proposes to guarantee loans and debentures, not exceeding £23,000, to be made to the United Kenya Club for the purpose of providing residential accommodation.

Sir, as a background to this Motion I should inform the House that the United Kenya Club was founded in 1946 to provide a centre for

social gatherings between people of different races. It was also intended at that time, I am informed, that the club would eventually become residential. This, Sir, would meet the difficulty of finding suitable accommodation in Nairobi for visitors, and, of course, at that time it was particularly thought difficult for African visitors. It would also help the club to make a more useful contribution to the development of Kenya and East Africa by offering reciprocating facilities to similar clubs in Uganda and Tanganyika, particularly such clubs as the Uganda Club in Kampala.

At first the club received an annual subsidy of £250 from the Government, but I am informed that it has been self-supporting since 1957, when the recurrent subsidy was withdrawn. Some time ago, Sir, the management committee decided that the time had come to provide the residential accommodation which had always been in view. The Government were approached for financial assistance, and they suggested that it would be unwise if they were to assist directly since it was desirable that as far as possible the club should be independent of Government grants or loans or control of any kind.

Nonetheless, the Government was sympathetic and I am informed that the late Governor, Sir Evelyn Baring, as he then was, wrote a letter to the trustees of the club recommending that firms and individuals in Nairobi should support the venture. The present position is, Sir, that the sponsors of the appeal for the funds have already raised over £3,000 in donations and have firm promises of subscriptions to debentures totalling £9,000. In addition to this I understand that the Rockefeller Institute has promised a donation of \$10,000. The sponsors have had a firm tender of £26,200 for buildings and furnishings comprising 27 single bedrooms, six double bedrooms, a resident secretary's flat, and an expansion of general facilities such as the lounge, dining-room, and kitchen. Taking into account, Sir, the figure of approximately £15,500 which is already available to the sponsors, a further sum of £10,700 will be needed to complete the work. The sponsors hope, Sir, to raise by loan this amount or a smaller amount, which would enable them to complete the shell of the building but which would provide only 18 single bedrooms and four double bedrooms, leaving the ground floor to be used as garage space for the time being. The Government has, however, been informed by the sponsors that in present conditions this further finance will only be obtainable if the Government is prepared to provide a guarantee against any final shortfall. This I understand is also considered to be necessary as regards the money that has been promised on the debentures. The

[The Minister for Finance and Development]

guarantee would therefore cover the £9,000 to be subscribed by debenture holders and the further amount to be raised by loan. As a condition of such guarantee, if the House approves it, I should say that the Government would propose to ask the United Kenya Club to reserve some accommodation for Members of Legislative Council when the Council is sitting. I think that this would be of very considerable help to Members.

There is one final point, Sir, on which the House might like to have information, and that is that the total contingent liabilities in respect of Government guaranteed bank overdrafts and loans on 20th June, 1960, was approximately £6,544,000 as compared with a figure of £5,861,500 which appears in the published accounts for the year 1958/9. The proposed guarantee with which I am now dealing would add slightly an amount not exceeding £23,000 to that total. In comparison, Sir, I do not think that it would be an unduly heavy burden and I would therefore ask the House to give support to the proposal now being put forward which, as I say, will, I think, be of considerable benefit to all races in the Colony and in particular it should be of benefit to Members of this House.

Sir, I beg to move.

The Chief Secretary (Mr. Coutts) seconded.

Question proposed.

Mr. Cooke: Mr. Deputy Speaker, Sir, while not opposing this Motion, I would, as a founder member of this club when it first started 14 years ago, and as one who donated a considerable sum of money to the club, I would say that I raised this matter three or four years ago in this House when the Chief Secretary, Mr. Turnbull, gave us an assurance, or which I regarded as an assurance, that this club would remain a completely social club and, indeed, the Member in his speech just now said that it was a social club. There is a lot now said that it was a social club, and there is a danger, Sir, to which I drew attention two or three years ago, of politics impinging on the discussions of the club. In fact, I think that they have luncheon where politics, of quite an extreme nature are sometimes indulged in. As a founder member, Sir, I know perfectly well, because I originally drafted the rules of this club, that we were determined in the first place not to have politics in the club, and I think it would be bad for Government to encourage anything of a political nature: otherwise you may have a danger of some caucus later on getting complete control of the club and turning it into a political club such as the Liberal Club in England, or other political clubs. Therefore, I do ask the hon. gentleman to give us an assurance that it will remain a social club and that any attempt

to bring politics into it will be resisted. Anyone knows that politics are taboo in the clubs of that nature because it only leads to undesirable discussions which you do not want in a social club. Therefore, I am raising this point again, and I hope that the hon. gentleman can give us the assurance which Mr. Turnbull gave that Government would see that it remained purely a social club. It has done a lot of good as a social club and it will be a great pity if anything upsets that arrangement.

Mrs. Shaw: Mr. Deputy Speaker, I would like to support this Motion.

I cannot see that politics are any more likely to impinge just because you have bedrooms in a club than they are if you just have social rooms. I would like to support this very strongly because I feel that a great many Members are put into a difficult position as to where to live when they come down to Nairobi, especially when there is intimidation—and there is a great deal of intimidation going on—and I feel particularly that when a Member is taking a very courageous line in this Council, perhaps, it is very good for he should stay in some such club, like the United Kenya Club, where he can be free from that sort of thing. Apart from intimidation I know that I have spent a most unhappy two years during my first two years as a Member sitting from back yard to back yard in all sort of curious districts in Nairobi, such as Caledonian Road, where the only thing about that was that there was not a single Caledonian in residence.

I support this very strongly.

Mr. Muchura: Mr. Deputy Speaker, Sir, I must declare my interest in this as I am a founder member of the United Kenya Club and am still a member up to this day. I do not think there need be any fear as to what part the United Kenya Club has played and intends to play and will continue to play. For one thing it was very adventurous of the founder members to have held their first meeting in Pumwani, and from there onwards they laboured and worked and they went from place to place and did everything they could to find a home for themselves. These efforts came to fruition in the building which is situated on the Hospital Hill Road. I would say that the club which may be expressed are completely unfeared which may be expressed are completely unfounded. I say this because I have been a member of that club from the very beginning and have been chairman of that club for a good three years.

The need for this building was felt many years ago but the financial difficulties could not be met until up to this particular time. It is true it is a social club and with the addition of these bedrooms it will make it more useful in the sense that there will be people living there the whole

[Mr. Muchura] time. Members will be able to drop in any time and be able to meet all sorts of friends for a game, for food or drink or for anything. And I as a member—and as I have said, I have declared my interest—I would very much urge all the other members who may have any fears on it not to entertain those fears. I think this is a Motion which this House must wholeheartedly support.

I beg to support.

Mr. Tyson: Mr. Deputy Speaker, there is only one point I would like to raise and that is in connexion with the Motion as it stands, and that is in connexion with the terms on which these loans or debentures are being made. What provision is there for liquidation over a comparatively short period. As it is a residential club—and from our experience with the Young Men's Christian Association—I can see no reason why there should not be a life to these loans during which they should be redeemed completely. No doubt when the Minister replies he will be able to enlighten me.

Mr. Travadi: Mr. Deputy Speaker, I rise to support the Motion and I would say that this is a body which really does a real work of integration of the various races. I have been a life member of the United Kenya Club since its inception and I know that no particular party politics are followed there with the exception of the politicians, no doubt, of various groups, who are invited to address meetings, but that is only just for the information of members and those who are interested. Otherwise, there is no particular party policy followed at all and I would assure my old friend, Mr. Cook, and I am sure he would agree with me, that there is nothing particularly of the sort that would offend him or of which he should be afraid of.

I would strongly support this Motion and I beg to support.

Major Roberts: Mr. Deputy Speaker, Sir, I cannot help feeling that this might cause rather a dangerous precedent. I would like to make it perfectly clear that I am in no way against the United Kenya Club. I am sure its objects are most admirable and I think it fulfils a very great need in this country. But, Sir, it is a private concern and I feel it is wrong on the part of Government to want to guarantee loans and debentures for a purely private concern. It opens up the way for other private enterprise to ask Government for loans. I noted, Sir, that the hon. Minister when moving the Motion stated that the people who subscribed to these debentures under present conditions in Kenya felt that they needed Government guaranteeing. Well, Sir, there are many investors who would be willing to put

money into all manner of things in this country if Government were to guarantee it. Would, Sir, for instance, the Government be prepared to guarantee similar loans to other clubs? I believe Mombasa Club recently changed over from a proprietary club to a members' club and they have offered debentures. In fact, I think that I have taken some but Government have not guaranteed them! I do not know about the Rift Valley Club, Sir; they might need a loan. I do not know whether they need the money, but I notice sitting opposite me an hon. Member who is on the board of directors. Perhaps he can tell us?

But, Sir, I see that again we are asked to "note" a certain matter. We are not asked to agree to it. It is becoming rather popular in this House to "note" these various things. It is very difficult to oppose it, because I think you cannot help but note it! But, Sir, I feel that to note anything really implies that you agree to it, I am sorry but on a matter of principle I must oppose it.

Major Day: Mr. Deputy Speaker, Sir, I think the whole idea is in essence an excellent one and it is with the greatest regret that on an issue which is not particularly important I may find myself disagreeing with my colleague who has just sat down. But, Sir, I would say this, that if the Government are so benevolent and are so intent upon creating a club which, of course, will be admirable in that it will allow people to mix together and it will give accommodation which is at the moment difficult to get, I think they should go the whole hog. Sir, I think they have gone too short on it. I feel that the Minister for Finance should provide a non-racial *cabaret* every Saturday night as just one inducement to people to come there. And I further feel, Sir, that all sorts of similar stimulating performances should be introduced if you are really going to make this club a financial success because I do not feel that it would be right for Government to continue financially supporting it in the way of guarantees.

I beg to support.

Colonel Jackman: Mr. Deputy Speaker, Sir, I am most grateful to my gallant and hon. friend the Member for the Rift Valley for this suggestion which he has made in regard to the Rift Valley Club. I think the cap he produced seems to fit me so I had better wear it. Sir, I am most pleased to have to tell him and others here that at the moment we do not feel that we really require any financial assistance of this sort, even, Sir, with the very, very slender strings which have been attached to the suggestion, by the Mover of this Motion. Slender as they are, Sir, we do not require them at the moment, but I will certainly note what he said possibly for future reference, Sir.

I beg to support.

Mr. Rogers: Mr. Deputy Speaker, as I suppose the prime sponsor for this little project, perhaps I could give a brief explanation on the background and our plans and perhaps I could reply to certain hon. Members' comments on it.

... Although the club is filling a highly useful purpose, it was felt by the directors and others that it had some limitations. First of all, the amenities and particularly the public rooms are perhaps in some way insufficient. Secondly, unless the club's amenities are always and efficiently available it can never be a real success and really financially popular. To achieve this His Excellency the then Governor, Sir Evelyn Baring, and Sir Ernest Vasey, as he is now, asked me to gather round me a team to launch this appeal on the basis that we would enlarge the club giving, first of all, the additional accommodation given by the Minister for Finance and also accommodation for a competent and experienced residential combined sort of secretary and house-keeper. It was also felt that if the club became residential it would contribute in a large way to its success. As regards the club itself I am quite certain, Sir, that this House will wholly favour the idea of a club for all races. Indeed, it has been welcomed already from all sides. I think it is essential in Kenya and perhaps particularly in Nairobi as our capital. We want a club to operate on the easy and friendly atmosphere which so happily operates in all the rooms of this building.

Sir Charles Markham: I hope they pay their bills!

Mr. Rogers: Perhaps possibly not in one or two of the committee rooms on certain occasions.

Our membership is reasonable, but perhaps not as large as we would wish and I would urge Members not only to agree to this Motion which will assist the club and, I think, the country on the lines which have been set out, but try on the lines which have been set out and bring I would also urge them to come in and bring their friends in and assist us to build this club the proper place in the community; furthermore, not to come in just on the "do good" more, not to come in just as that, but to come on a basis, if I can describe it as that, to come in and make the club a proper club for what it will bring them as individuals and all of us.

The question of residential facilities is, I think, the most important because the whole success of the venture will lie on that angle. We all feel that there is a need for suitable accommodation which combines a central position, pleasant surroundings and a reasonable charge. I think that the United Kenya Club provides all these as no other institution can. We all feel that it should be welcomed and it will be a success on this basis from an individual point of view and then there are also, say, the large companies

and other institutions as has been mentioned by hon. Members of this House. As regards the large companies and other bodies of that nature the directors are considering a kind of corporate membership to cover that particular angle. Perhaps I could add that the Young Men's Christian Association which operates a residential club of this nature has proved itself to be the greatest success indeed. The directors are closely consulting Mr. Tom Kay, the secretary of the Young Men's Christian Association, as regards the method we will operate and I would like to record our appreciation for the help he has given us already.

That is the sort of background of the idea, and the basis on which we confidently launched this appeal. I am glad to say, as the Minister has said, we met with ready response and there were few of the business concerns and a number of private individuals who did not support it financially and support it well. The directors are also themselves actively engaged in seeing if they can raise additional funds; they have already had some success from their own body and from the members generally.

From this, Sir, it will be seen that this club and the sponsors of it and the directors are not coming along to Legislative Council and the Council of Ministers, hat in hand, and saying, "Please come and help us" without having done anything for themselves. The generous public has assisted us. We have helped ourselves and what we really want now is moral support because for a venture like this it is impossible to obtain a loan or to get a guarantee for debentures from normal commercial sources without some form of Government guarantee.

We have now reached the stage that we can proceed to our detailed planning and indeed the commencement of the building. This, of course, is primarily the responsibility of the directors, but to assist them and to provide a liaison with the sponsors and the people who have provided the financial support we have appointed a committee which consists of the chairman, vice-chairman and certain of the officers of the club chairman and certain of the Standard Bank, Mr. Whit and Mr. Ridley of the Standard Bank, Mr. Jones, who is sitting comb of Barclays Bank, Mr. Gecaga, Mr. right behind me, I hope—yes—Mr. Gecaga, Mr. Thetford, and I think that the House will agree that this is a good mixture of business, banking and the law, and provides in fact a down-to-earth, sensible committee. By your courtesy, Sir, and for the convenience of our proposals in the House, I placed a plan showing our proposals in the House. Of course, that is a general scheme and has yet to be finalized as regards details.

The cost has been given by the hon. Minister but I would just mention that it is possible that

[The Minister for Finance and Development] land. In course of time, with the recovery of the land and of the grass cover, this action will increase the carrying capacity of the land, enabling more animals and higher grade stock to be kept. The whole aim of the Government's policy is in this way directed towards improving the lot and the income of the pastoral tribes. I would like the hon. gentleman—and indeed all hon. Members—to realize that the Government's policy is not intended to, and does not, overlook the interests of the pastoral tribes in favour of the agriculturalists. The position is, Sir, that the Government's whole programme, as I said yesterday, is aimed at increasing the wealth of the country as quickly as we possibly can. It is, Sir, only by doing that that we can have a surplus. Even in putting money into the high potential lands we do not entirely neglect the other areas, by putting our main investment into the high potential lands we do thus increase the Colony's total wealth much more rapidly, and therefore there is likely to be more and more available to put into the other areas, thus to bring them along more rapidly, too. I must ask hon. Members to believe me when I say this, that this is very much better than it would be if a much greater share of the money were to be put into the less productive areas, leaving the productive areas to look after themselves. It is a well known fact that money begets money and for that reason it always pays to put investments where they will bring the biggest return. That helps all parts of the country.

Sir, the last but one of the points raised by the hon. Member was that he enquired why the African Livestock Marketing Organization does not pay African district council cesses while the stock traders have to pay for cesses. The position there, Sir, is that ALMO buys poor and emaciated stock in the Baringo and Elgeyo Districts and processes them at the Marakwet abattoir. These animals, Sir, are so poor, I am informed, that no trader would in fact buy them, and ALMO takes them as part of a rescue operation. At the abattoir they make meat and bone meal and they salvage the skins. If ALMO did not intervene the owners of these animals would be unable to obtain anything for them and the animals would only over-populate the available grazing lands. On the other hand, Sir, as regards traders, they are only prepared to buy sound animals which are in a good enough condition to reach the market and which can be sold at a profit, and it is quite fair, as far as I can see, that they should pay cesses. But, Sir, it would not be reasonable to add African district council cesses to the very considerable subsidy already provided in the form of the free ALMO services for which no overheads are charged. I would like to empha-

size that the object of ALMO in disposing of this poor stock is not to finance the African district councils but to clear the land of useless stock.

Sir, the last of the detailed points which I have to answer—and I must say that I am rather enjoying this appearance as Temporary Minister for Agriculture—concerns the suggestion that a police General Service Unit had been used in the West Suk area for the excision of the forest area. Sir, I must say that the Forest Department—and I have had enquiries made—are not aware that the police have ever been called out in connexion with the forest boundaries in West Suk. These boundaries, in fact, have all been agreed with the African district council concerned. That, Sir, is the answer to that particular point.

Now, Sir, to sum up, I should like to say how glad I was yesterday that all hon. Members who spoke showed a real appreciation of what I had to say on this important question of confidence. I am sure, Sir, that they all recognized, as indeed everybody in the country recognizes, that this is by far the most important matter that we have to deal with at the present time. Sir, if we are going to develop our country and to find employment for our people we must give every encouragement we can to investors, to industrialists, to entrepreneurs of all kinds to come here and to stay here. On the question of unemployment, for example, the Government itself can only directly touch the very fringe of the problem, and however much we tried to do we should only make a very small proportion of the people employed or unemployed. If we want to deal with this problem and if we want to raise the wealth of the country, and if we want to provide more amenities, more schools, more health centres, more hospitals, and all that kind of thing, then we must reassure future investors, and, above all, we must reassure the existing employers who are now living in this country, both in the towns and in the rural areas. We must reassure both the industrial entrepreneurs and the farmers. That, Sir, was why I was so glad that all Members who spoke appreciated the importance of this matter, and I think that provided that that spirit can be maintained we should be able to look forward to the future with a very much greater degree of confidence.

As I said yesterday, the position is not by any means disastrous at the moment. There will be capital formation during this year, and in fact it is taking place already. One can see it going on around us. As I said the other day, our imports have been high so far this year, and our revenue from import duty is coming in well; but there is this fact that we are in a position of balance. It is so very important that we should see that the balance is so tilted that our economy goes up and that it is not

[The Minister for Finance and Development] tilted in such a way that it might go down. I think that if only the spirit that was shown yesterday afternoon continues to be shown the chances are—in fact I am quite sure—that it will go up. The fact is, Sir, that in order to succeed we have to show confidence in ourselves. All the various groups in this Colony have to show confidence in one another and to show some realization that all our efforts are complementary to one another. There is no need in this country, as is so often suggested, to have antagonisms between the various groups. We can all help one another, and indeed we have done so throughout the history of this Colony; and looking back over the 60-year period of history of this Colony, and looking at what is happening today, at the progress that is taking place all about us, and not only purely physical progress or material progress, but also the progress that has been shown in the social condition of the people, education, health services, and all the rest of it, that has been a co-operative effort which could not have been achieved without the assistance of all the people who have lived in this Colony during that period. Sir, if we are going to achieve a better future we must continue in that strain. As I say, Sir, we must con-

tinue to show confidence in one another. If only we can do that the rest of the world will. I am quite sure, show confidence in us, and not only will this Development Programme prove to be a success but in three years' time it will be possible to come forward with a larger and a better Development Programme to go one step further, not to satisfy all our needs, but to satisfy more of them. We shall never satisfy all our needs, Sir, but if we go plugging along and if, as I say, we do show this confidence, we can hope, gradually, to provide a better life for all the people of the country. That, Sir, is the aim of the Government, and I am quite sure that it is the aim of all Members of this House.

Sir, I beg to move.

The question was put and carried.

ADJOURNMENT

The Deputy Speaker (Mr. Conroy): That completes the business on the Order Paper, indeed I am informed that it completes all available business, and I accordingly adjourn Council until 2.15 p.m. on Tuesday, 19th July.

The House rose at forty-five minutes past Three o'clock.

WRITTEN ANSWER TO QUESTION

No. 72

Sir Charles Markham (Ukamba) to ask the Minister for Internal Security and Defence:—

Whether he will make a statement on the present security position, particularly that in Central Province.

REPLY

Yes, Sir.

While the overall security situation does not at present give cause for serious alarm, in certain areas there has been an increase in lawlessness since the end of the Emergency which has given, and in some areas continues to give, cause for concern. This increased lawlessness has been accompanied by a contempt for lawful authority which has manifested itself in the singing of *Mau Mau* songs, the shouting of provocative slogans and, in some instances, in actual attacks upon Government servants and their property.

The areas of greatest concern are Nairobi, the three Kikuyu districts of the Central Province, and the towns and settled areas.

Following the ending of the Emergency, and the revocation of those Emergency Regulations which controlled the movement of certain tribes, there was a considerable movement out of the Kikuyu districts of the Central Province into the towns and settled areas, in particular into Nairobi. Employment was not available for all and many took to crime. Thus, for example, in Nairobi there has been a marked increase in crime in the first quarter of the year, compared with the corresponding quarter in 1959. While to an extent this increase is in respect of petty crime, the ranks of the habitual criminal, who does not hesitate to use violence, have been swelled in some cases by ex-detainees, and freedom of movement has given an impetus to the activities of this class of criminal. There have been assaults on persons of all races. Some of these assaults were motivated by personal spite and there is no evidence that any of them was politically inspired; but the increasing tendency of the criminal to use violence in the pursuit of crime, remains a disturbing trend in the present situation.

While in the Central Province there has been what may be termed a recrudescence of the spirit of *Mau Mau*, there is so far no evidence to show that any act or crime has been specifically committed in furtherance of *Mau Mau*. Except in

two cases in the Meru District, reports of oathings have not been substantiated. On the other hand, *Mau Mau* songs have been sung (particularly after passions have been roused at political meetings), and the glorification of certain *Mau Mau* leaders continues. This breeds an atmosphere which is prejudicial to the proper functioning of lawful authority and which is inimical to security.

There is no evidence to suggest that the different manifestations of lawlessness, an increase in crime, the erosion of authority, etc., are centrally directed or inspired. Moreover, there have recently been signs of some slight improvement in the general situation. The movement into the towns and settled areas has eased, and the flow is now beginning to move the other way. Action taken by the police under the vagrancy laws, particularly in Nairobi, has had some effect in reducing the number of persons who have come into the towns and who have failed to find work or proper accommodation. In the majority of cases of serious assault, the perpetrators have been apprehended by the police and brought before the courts, and the upsurge of feeling which followed the end of the Emergency, which in some cases took the form of a contempt for authority and a throwing off of all restraint, has begun to settle down.

In conclusion I would assure the hon. Member that the Government is by no means complacent about the overall situation. It is under control, but still remains capable of improvement in those directions which I have indicated in this statement.

No. 110

Mr. Mbuva (Nairobi Area) to ask the Minister for Education:—

How many nursery, primary, intermediate and secondary schools exist for each race in Nairobi, and how many pupils have passed through these schools in the last five years?

Written Statement for Publication in the Official Report as undertaken by the Minister for Education when he Replied Orally to the Question on 2nd June, 1960 (See folio 1193)

1. Nursery school education does not form part of the grant-aided system of public education and my Ministry does not keep any statistical records of infants attending such institutions.

2. In the following sections the numbers of pupils indicated are those who completed the

course, i.e. "passed through" the schools concerned at the end of the year in question:—

(a) African

	PRIMARY		INTERMEDIATE	
	Schools	Pupils	Schools	Pupils
1955	12	360	3	120
1956	15	600	3	120
1957	17	692	3	120
1958	22	925	4	154
1959	27	1,237	5	190

During the years in question all secondary education was provided outside Nairobi.

(b) Asian

	PRIMARY		SECONDARY	
	Schools	Pupils	Schools	Pupils
1955	15	1,840	7	418
1956	19	2,329	7	516
1957	23	2,302	10	618
1958	24	2,160	14	765
1959	25	2,228	16	955

(c) European

	PRIMARY		SECONDARY	
	Schools	Pupils	Schools	Pupils
1955	14	440	7	324
1956	15	440	7	315
1957	16	480	7	371
1958	17	540	7	381
1959	17	630	8	438

With the exception of two up-country schools, all European secondary education is provided in Nairobi.

No. 124

Mr. Oginga Odinga (Central Nyanza) to ask the Minister for Internal Security and Defence:—

Will the Government enquire into allegations that the General Service Unit stationed in the Central Nyanza District are beating Africans in the areas they are visiting thereby causing bodily harm?

REPLY

No allegations have been received to the effect that the General Service Unit stationed in the Central Nyanza District are illegally assaulting Africans. If such allegations are received, they will be investigated.

No. 126

Mr. Odinga (Central Nyanza) to ask the Chief Secretary:—

Would Government state why the African District Association of Central Nyanza has been refused permission to hold public meetings?

REPLY

Certainly, Sir.

A number of applications by the African District Association of Central Nyanza to hold public meetings have recently been refused because the security situation in parts of Central Nyanza District has deteriorated.

Index to the Legislative Council Debates

OFFICIAL REPORT

11th Council—Fourth Session

VOLUME LXXXV

12th April, 1960, to 22nd June, 1960

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.

Acting Chief Secretary, The—

(Mr. E. N. Griffith-Jones, C.M.G., Q.C.)
Budget Debate, 139, 178, 179
Business of Council, 300-301
Extended Sittings of Council, NoM 126, 180-181, 185, 187, 191
Ministerial Statement—Royal Wedding, 301

Adalja, Dr. K. V., M.B.E., M.B., B.S.—

(Nominated Member)
Budget Debate, 169-172
Report of Working Party on Elections, 1547-1549, 1595
Supply, Committee of—
Vote 20—Education, 760-761

Adjournment—

Daily, 12, 37, 77, 125, 179, 237, 299, 353, 419, 486, 561, 617, 689, 755, 815, 871, 935, 993, 1047, 1115, 1183, 1248, 1268, 1319, 1385, 1408, 1462, 1527, 1588, 1661, 1710, 1801

Adjournment Motions—

Athi River Factory Strike and other recent strikes, 1527, 1655-1661.
Press Telegram on the Corfield Report, 73-77
Proposed strike on Good Friday, 5-9
Woman detained illegally at Mathari, 419, 553-561

Alexander, Mr. R. S.—

(Member for Nairobi West)
Adjournment claimed under Standing Order 12, 72
Adjournment Motions—
Athi River Strike and other recent strikes, 1655-1658
Press Telegram on the Corfield Report, 73-74
Proposed strike on Good Friday, 5-6
African Traders Credit and Loan Facilities (Qn), 1781, 1782
Alternative Employment for Civil Servants (Qn), 1051
Anti-Dumping Legislation in Uganda and Tanganyika (Qn), 38
Appropriation Bill, 1261-1263, 1267
Attracting Industry to Kenya (Qn), 1778-1779
Budget Debate, 168, 178-179, 230, 231, 244, 315, 351-353, 363-379
Civil Servants—Minimum Leave Overseas (Qn), 358

Civil Servants Pensions, Security (Qn), 620
Collective Responsibility and Criticism (Qn), 357
Corfield Report on Origins of Mau Mau (Qn), 2
Corfield Report: Sessional Paper No. 5 of 1959/60, 1644
Devaluation of East African Currency Rumours (Qn), 1321
Development Programme, 1960-1963, 1742, 1744-1747, 1751
Economic Interdependence to an Interterritorial Basis (Qn), 936, 937
Extended Sittings of Council, 185-186
Guarantee (High Commission Posts and Telecommunications Loan) Bill, 1332-1333, 1335
Local Authorities Provident Fund Bill, 1332-1333, 1335
Local Government Officers Security of Service (Qn), 1195
Married Women Officers' Salaries, 44, 51-55, 56
Mau Mau and Emergency Activities Enquiry, 1452-1453
Nairobi Tenant-Purchasing Scheme (Qn), 1051
Protection of Civil Servants' Interests (Qn), 1194, 1195
Report on Working Party on Elections, 1502, 1546, 1556, 1567, 1582, 1662-1667, 1671, 1707
Specific Loan (International Bank for Reconstruction and Development), 493-495, 565-566
Study Group on Terms of Service (Qn), 1049-1050
Supplementary Estimate (No. 1), 1959/60—
Vote 7—Chief Secretary, 1279, 1281, 1282
Vote 8—Information, 1279
Vote 9—Broadcasting, 1288-1289, 1291, 1294
Vote 22—Internal Security and Defence, 1298
Vote 35—Commerce and Industry, 1299-1300
Vote 36—Works, 1301
Vote 37—Mombasa Water Supply, 1301, 1302
Vote 41—Supplies and Transport, 1303, 1304, 1309-1310
Supply, Committee of—
Vote 15—Internal Security and Defence, 1210
Vote 20—Education, 753-755, 757-760, 832, 838-839, 840, 841
Vote 21—Agriculture, 458, 459, 520-525, 663-664, 669-670, 672-673
Vote 23—Commerce and Industry, 872-878, 922-923, 926-927, 1083, 1094-1095, 1109-1110, 1113
Vote 29—Labour, 990-993, 1008-1011, 1016
Traffic (Amendment) Bill, 945-946, 956, 994, 996, 1055-1056, 1062

Amalamba, Mr. M. S.—

See Minister for Housing, Common Services, Probation and Approved Schools, The

Assistant Minister for Agriculture, Animal Husbandry and Water Resources—

(Mr. T. Towett)
Supply, Committee of—
Vote 20—Education, 814-815

Assistant Minister for Education, The—

(Mr. Wanyutu Waweru, M.B.E.)
Report of Working Party on Elections, 1516-1588
Specific Loan (International Bank for Reconstruction and Development), 504-505
Supply, Committee of—
Vote 21—Agriculture, 543-544
Vote 20—Education, 789-793

Ayodo, Mr. S. O.—

(Member for Nyanza South)
Legislative Council Ordinance, section 17 (c), 70

Ballot—

Private Members' Motions, 1384-1385, 1464-1465

Bills—

Appropriation, 1960, IR, 1260, 2R, 1260-1267, IC, 1267, R and 3R 1268
Books and Newspapers, IR 1273, 2R 1337-1364, R and 3R 1406-1407
Central Housing Board (Vesting of Loans), IR, 1273, 2R 1364-1365, IC 1405, R and 3R 1407
Coffee, IR 1274, 2R 1375-1384, 1386-1401, IC 1455-1462, 1465-1468, R 1469, R and 3R 1469, Re.C. 1529-1531, 1534, R and 3R 1559
Consolidated Fund (No. 2), IR 1317, 2R 1317-1318, IC 1318-1319, R and 3R 1319
Customs Tariff (Dumping and Subsidies), IR 1067, 2R 1117-1119, IC 1246-1247, R 1247, Cons.R and 3R 1268
Debts (Summary Recovery) (Amendment), IR 872, 2R 1068-1070, IC 1120, R and 3R 1121
Finance Bill, IR 1273, 2R 1321-1323, IC 1402-1405, R 1406, Cons.R 1469, R and 3R 1469
Guarantee (High Commission Posts and Telecommunications Loan), IR 1273, 2R 1365-1369, IC 1405, R and 3R 1407
King's African Rifles (Reserve of Officers), IR 872, 2R 1070, IC 1120, R and 3R 1121
Lake Victoria Fisheries (Reappportion of Laws), IR 1274, 2R 1369-1375, IC 1405-1406, R and 3R 1408
Law Reform (Miscellaneous Provisions) (Amendment) Bill, IR 872, 2R 1067-1068, IC 1120, R and 3R 1120-1121
Local Authorities Provident Fund, IR 1273, 2R 1323-1327, IC 1405, R 1406, 1531-1534, R and 3R 1589
Prevention of Crime (Amendment), IR 1274, 2R 1401-1402, IC 1468, R and 3R 1469
Specific Loan (International Bank for Reconstruction and Development), IR 420, 2R 490-514, IC 562-571, R 571, R and 3R 621-622
Traffic (Amendment), IR 872, 2R 942-961, 994-993, R 993, IC 1055-1066, R 1066-1067, 3R 1116-1117

Birthday Honours—

Mrs. Shaw, Mr. Luyt, 1463

Blundell, Mr. M., M.B.E.—

(Specially Elected Member)
Additional Days for Supply, 1002-1003, 1007
Books and Newspapers Bill, 1343-1344, 1347
Corfield Report: Sessional Paper No. 5 of 1959/60, 1623-1625, 1629, 1630

Deaths of Asians: Reporting of (Qn), 1194
Development Supplementary Estimate (No. 2), 1959/60, Part I—
Vote D13 (C)—Roads, 1314
Development Supplementary Estimate (No. 2), 1959/59, Part II—
Vote D1 (6)—Agricultural Services (Swayamberton), 1314-1315
Mau Mau and Emergency Activities Enquiry, 1444-1445
Mwea-Tebere Irrigation Scheme (Qn), 940
Report of Working Party on Elections, 1539-1547, 1560, 1570, 1586
Supplementary Estimate (No. 1), 1959/60—
Vote 41—Supplies and Transport, 1307, 1308
Supply, Committee of—
Vote 20—Education, 722-724
Vote 21—Agriculture, 648-648, 653-656, 671
Vote 23—Commerce and Industry, 878-881, 928, 929
Vote 29—Labour, 1012-1014, 1162, 1103-1104, 1107, 1114-1115
Supply Days on Annual Estimates (Qn), 1464
Suspension of Standing Orders, 999
Traffic (Amendment) Bill, 945, 1062-1063, 1064, 1065

Blunt, Mr. D. L., C.M.G.—

(Nominated Member)
Supply, Committee of—
Vote 21—Agriculture, 611-614

Bompas, Mr. F. W. G., E.D.—

(Member for Kiambu)
Budget Debate, 172-178
Coffee Bill, 1461
Cruelty to Animals Ordinance (Qn), 357
Development Programme, 1960-1963, 1735-1739
Local Authorities Provident Fund Bill, 1533
Mau Mau and Emergency Activities Enquiry, 1444
Report of Working Party on Elections, 1521-1523
Supply, Committee of—
Vote 20—Education, 838
Vote 23—Commerce and Industry, 881-886
Vote 29—Labour, 1021-1024, 1059
Vote 30—Local Government, 1148-1149

Briggs, Group Capt. L. R.—

(Member for Mount Kenya)
Corfield Report: Sessional Paper No. 5 of 1959/60, 1618-1619
Mau Mau and Emergency Activities Enquiry, 1520, 1438-1439, 1453-1454
Murder of Headman William Wambugu Kimaii, 1269
Report of Working Party on Elections, 1491-1494
Supply, Committee of—
Vote 15—Internal Security and Defence, 1210-1212, 1220
Vote 21—Agriculture, 461-464
Traffic (Amendment) Bill, 947, 960

Business of Council—

3, 300-301, 490, 1116, 1578-1529, 1661

Butler, Mr. J. H., M.B.E.—

(Secretary to the Treasury)
Budget Debate, 231-236
Development Programme, 1960/1963, 1750-1754
Guarantee (High Commission Posts and Telecommunications Loan) Bill, 1365, 1368-1369, 1407
Supplementary Estimate (No. 1), 1959/60—
Vote 35—Commerce and Industry, 930-1301
Supply, Committee of—
Vote 23—Commerce and Industry, 926
Vote 29—Labour, 1035-1018, 1021
Traffic (Amendment) Bill, 1062

Chairman of Committees, The

Mr. D. Conroy, C.M.G., O.B.E., T.D., Q.C.)

Rulings and Procedure—

Accounties and Audibility in Chamber, 934-935

Amendments to the principle of a Bill should be put forward at the Second or Third Reading—not at Committee Stage, 1063, 1064

Bills in Committee: Amendments to—

Consideration of resumed after progress reported, 1055

In order when handed to clerk before commencement of sitting, 994-5

May be made on recommitment of Bill at Report Stage, 1064

Not in order if notice not given, 1064

Opposing principle of Bill—out of order in Committee, 1063

Out of Order to oppose that amendment stand part of the Bill in its entirety, 1063

Committee of Supply—

Matter raised relevant under another Head, 830, 831, 1204, 1205

Motion to reduce total sum in Vote—withdrawn, 1277, 1285

Policy can be dealt with under Head on Minister's Salary, personal emoluments, 923, 924, 1204

Time for "Guillotine", 1240

Irrelevancy of arguments, 1056, 1062, 1122

Limitation of Debate: expiration of time allotted, 1094, 1211, 1213

Members—

asked to speak up, 835

can speak more than twice if following rules precisely, 1065

can be responsible for accuracy of facts and may be called upon to substantiate or withdraw, 1105, 1106

wishing to oppose amendment should vote against it, 1063

Not in order to raise point of order after putting of question has begun, 1064, 1065

Not a point of order to ask Government to refrain from opposing Motion to recommit Bill, 1065

Time to report progress, 1115

Chief Secretary, The—

Mr. W. F. Couits, C.M.G., M.B.E.)

Additional Days for Supply, 1001-1002

Adjournment Motions—

Aithi River Strike and other recent strikes, 1660-1661

Press Telegram on the Corfield Report, 74-75

Proposed strike on Good Friday, 8-9

A.D.C. Rates, Taxes and Payments (Qn), 1052, 1053, 1054

Africans and Passes in the Northern Province (Qn), 1782-1783

Alternative Employment for Civil Servants (Qn), 1052

Appointment to Sessional Committee, 1320

Appropriation Bill, 1264, 1267

Books and Newspapers Bill, 1352-1353

Budget Debate, 410-419

Business of Council, 3, 490, 1116

Civil Servants—Minimum Overseas Leave (Qn), 358-359

Increase of Budget, 833-834

Collective Responsibility and Criticism (Qn), 358

Corfield Report: Sessional Paper No. 5 of 1959/60, 1627-1630, 1631-1636, 1639

Double Sitings on Thursdays, 1116, 1249

Development Programme, 1960-1963, 1740, 1775

Failure of Lancaster House Conference, 120-122

Increase of Meru D.A.s and D.O.s (Qn), 489

Lake Victoria Fisheries (Reapplication of Laws) Bill, 1403-1406

Limitation of Budget Debate, 38, 78-79

Limitation of Debate on Annual Estimates, 38, 79

Limitation of Debate—Development Estimate, 1116, 1249-1250

Local Authorities Provident Fund Bill, 1533-1534

Married Women Officers Salaries, 44-51

Mau Mau and Emergency Activities Enquiry, 1441, 1443-1449

Ministerial Statement—

Corfield Report, 3

Public Holiday—24th May, 815

Sessional Committee Appointment, 489-490

Papers Laid, 1, 13, 562, 1048, 1409, 1463

Private Members' Day, 1116

Protection of Civil Servants Interests (Qn), 1194, 1195

Public Meetings of African District Association—Central Nyanza (WR), 1806

Reduction of Period for Introduction of Bill, 690, 756-757

Reintroduction of Swahili into Schools, 1435-1436

Report of Working Committee on Elections, 1409, 1470, 1481, 1499, 1520, 1606, 1680, 1700-1710, 1711-1721

Study Group on Terms of Service (Qn), 1050

Supplementary Estimate (No. 1), 1959/60—

Vote 1—The Governor, 1276

Vote 2—Chief Secretary, 1277-1282, 1284, 1285

Vote 9—Broadcasting, 1294-1295

Vote 19—African Affairs, 1297

Vote 41—Supplies and Transport, 1303-1304

Supply, Committee of—

Vote 21—Agriculture, 533, 540-541, 648-650, 666-667

Vote 29—Labour, 1011-1012

Supply Days on Annual Estimates (Qn), 1464

Suspension of Standing Orders, 3, 78, 993-999

Traffic (Amendment) Bill, 942-943, 959-961, 994, 997, 998, 1056, 1061, 1062, 1065, 1066, 1067, 1116-1117

Valuedicty: Mr. A. Hope-Jones and Mr. D. L. Blunt, 9-11

Communication from the Chair—

562, 1463

Conroy, Mr. D. W. C.M.G., O.B.E., T.D., Q.C.—

Seny Deputy Speaker, The, and Chairman of Committees, The

Cooke, Mr. S. V.—

(Member for Coast)

A.D.C. Rates, Taxes and Payments (Qn), 1053

Additional Days for Supply, 999-1001, 1007-1008

Adjournment Motion: Press Telegram on the Corfield Report, 76

Appropriation Bill, 1265

Attracting Industry to Kenya (Qn), 1779

Books and Newspapers Bill, 1353-1354

Chuka Claim for Forest Reserve (Qn), 488

Corfield Report: Sessional Paper No. 5 of 1959/60, 1615-1619, 1629, 1633, 1634

Development Programme, 1755-1756

Increase of Meru D.A.s and D.O.s (Qn), 489

Local Government Officers' Service of Service' (Qn), 1195

Nairobi African Estates, Roads and Water (Qn), 1187

Nairobi City Hawkers (Qn), 1165

Railway Extension to Meru (Qn), 938

Supplementary Estimate (No. 1), 1959/60—

Vote 1—The Governor, 1276

Supply, Committee of—

Vote 21—Agriculture, 577-579, 586-587

Vote 22—Commerce and Industry, 923, 926

Vote 29—Labour, 1009, 1014-1015, 1025, 1089-1090, 1106, 1108

Vote 34—Tourism, 1240

Traffic (Amendment) Bill, 1056

United Kenya Club Loan Guarantee, 1785-1786

Coutts, Mr. W. F., C.M.G., M.B.E.—

See Chief Secretary, The

Cowie, Col. M. H., C.B.E., E.D.—

(Director of the Royal National Parks)

Supply, Committee of—

Vote 20—Education, 837

Vote 34—Tourism, 1237, 1238

Traffic (Amendment) Bill, 955

Crosskill, Mr. W. E.—

See Minister for Tourism, Game, Forests and Fisheries, The

Day, Major F. W. J.—

(Member for Aberdeen)

Books and Newspapers Bill, 1349-1350

Budget Debate, 278-282

Coffee Bill, 1382-1384

Corfield Report: Sessional Paper No. 5 of 1959/60, 1625-1627

Failure of Lancaster House Conference, 118-120

Local Authorities Provident Fund Bill, 1334

Mau Mau and Emergency Activities Enquiry, 1439-1442

Refund of Tax on Light Amber Mineral Fuel Oil, 1255

Report of Working Party on Elections, 1495-1496, 1556-1562

Supply, Committee of—

Vote 15—Internal Security and Defence, 1219-1220, 1224

Vote 20—Education, 705-707

Vote 21—Agriculture, 514-520

Vote 29—Labour, 1024

Vote 30—Local Government, 1135-1136, 1139

Vote 34—Tourism, 1237

United Kenya Club Loan Guarantee, 1788

Deen Zafrud, Mr.—

(Member for West Electoral Area)

Budget Debate, 321-326

Failure of Lancaster House Conference, 101-104

Report of Working Party on Elections, 1697-1699

Supply, Committee of—

Vote 20—Education, 769-772, 837-838

Divisions—

Corfield Report: Sessional Paper No. 5 of 1959/60, 1635

Extended Sitings of Council, 190-192

Traffic (Amendment) Bill, 961

Farah, Mr. A. B.E.M.—

(Nominated Member)

Budget Debate, 387-384

Gecaga, Mrs. J. T.—

(Nominated Member)

Report of Working Party on Elections, 1672-1673

Report of Working Party on Elections, 1674-1675

Goord, Comdr. A. B., D.S.C., R.I.N. (Ret.)—

(Nominated Member)

Budget Debate, 217-221

Development Programme, 1960-1963, 1747-1750

Local Authorities Provident Fund Bill, 1333

Nairobi City Council and Library Report (Qn), 1119

Report of Working Party on Elections, 1511-1516

Supply, Committee of—

Vote 15—Internal Security and Defence, 1217

Vote 20—Education, 737-738

Vote 21—Agriculture, 468-469

Vote 30—Local Government, 1159-1161

Traffic (Amendment) Bill, 951-952, 997, 1064, 1065

Griffith-Jones, Mr. E. N., C.M.G., Q.C.—

See Minister for Legal Affairs, The

Hamley, Capt. C. W. A. G.B.E., R.N.—

(Nominated Member)

Additional Days for Supply, 1005

Books and Newspapers Bill, 1360

Budget Debate, 236-237

Extended Sitings of Council, 183-184

Report of Working Party on Elections, 1496, 1563-1564, 1587, 1576, 1595

Supplementary Estimate (No. 1), 1959/60—

Vote 7—Chief Secretary, 1285

Supply, Committee of—

Vote 22—Commerce and Industry, 931

Vote 30—Local Government, 1159-1162

Supply Days on Annual Estimates (Qn), 1464

Harris, Mr. N. F.—

See Minister for Information and Broadcasting, The

Harrison, Mr. H. C. S., M.B.E.—

(Nominated Member)

Local Authorities' Provident Fund Bill, 1332

Report of Working Party on Elections, 1667-1668

Hassan, Mr. S. G., M.B.E.—

(Member for East Electoral Area)

Budget Debate, 135-142, 237

Extended Sitings of Council, 183

Report of Working Party on Elections, 1591-1597

Supply, Committee of—

Vote 20—Education, 786-789, 833, 835

Vote 21—Agriculture, 551-585

Vote 22—Commerce and Industry, 899-900

Vote 30—Local Government, 1174-1175

Vote 34—Tourism, 1236-1237, 1240

Traffic (Amendment) Bill, 946

Havelock, Mr. W. B.—

See Minister for Local Government and Lands, The

Howard-Williams, Air Comm. E. L., M.C.—

(Member for Nairobi North)

Adjournment Motion: Press Telegram on the Corfield Report, 76-77

Books and Newspapers Bill, 1346-1347

Budget Debate, 167, 169

Death of Asians: Reporting of (Qn), 1193

Failure of Lancaster House Conference, 93-99, 122-124

Lawlessness, etc., Disturbing the Public (Qn), 618, 619

Mixed Plan for Kenya, 150

Mau Mau and Emergency Activities Enquiry, 1449-1450

Report of Working Party on Elections, 1491-1494, 1605

Reintroduction of Swahili into Schools, 1622

Solving of Constitutional Problem, No. 12

Supply, Committee of—

Vote 20—Education, 750-751, 786

Vote 21—Agriculture, 479-581

Vote 22—Commerce and Industry, 997

Traffic (Amendment) Bill, 997

Hughes, Mrs. E. D., M.B.E.—

(Member for Uasin Gishu)

- Budget Debate, 221-224, 250
 Reintroduction of Swahili into Schools, 1436-1437
 Report of Working Party on Elections, 1673-1676
 Supply, Committee of—
 Vote 15—Internal Security and Defence, 1222-1223, 1233
 Vote 20—Education, 780-785
 Vote 22—Commerce and Industry, 898
 Vote 30—Local Government, 1164

Hunter, Mr. A. W.—

(Nominated Member)

- Supply, Committee of—
 Vote 21—Agriculture, 537-539

Ismail, Dr. A. H., M.R.C.S.—

(Nominated Member)

- Report of Working Party on Elections, 1581-1583

Jackman, Col. H. R.—

(Nominated Member)

- Refund of Tax on Light Amber Mineral Fuel Oil, 1257
 Report of Working Party on Elections, 1699-1700
 Supply, Committee of—
 Vote 21—Agriculture, 590-595
 Vote 34—Tourism, 1236
 United Kenya Club Loan Guarantee, 1788

Jamidar, Mr. A. B.—

(Member for Central Electoral Area)

- Report of Working Party on Elections, 1690-1694

Jones, Mr. E. T.—

(Nominated Member)

- A.D.C. Rates, Taxes and Payments (Qn), 1054
 Budget Debate, 198-200
 Supply, Committee of—
 Vote 22—Commerce and Industry, 864-866

Kebaso, Mr. J. K.—

(Nominated Member)

- Supply, Committee of—
 Vote 20—Education, 793-795
 Vote 21—Agriculture, 483-486

Khamisi, Mr. F. J.—

(Member for Mombasa Area)

- Additional Days for Supply, 1003-1004
 Budget Debate, 225-230
 Coffee Bill, 1386-1387
 Extended Sittings of Council, 186
 Progress on New Embu-Meru Road (Qn), 127
 Report of Working Party on Elections, 1590-1592
 Specific Loan (International Bank for Reconstruction and Development), 495-496
 Supply, Committee of—
 Vote 40—Education, 806-810
 Vote 21—Agriculture, 469-471
 Vote 22—Commerce and Industry, 902
 Vote 29—Labour, 1033-1036
 Vote 30—Local Government, 1161-1164
 Trial by Jury: Right of Everyone, 82-83

Kiamba, Mr. D. I.—

(Member for Machakos)

- Specific Loan (International Bank for Reconstruction and Development), 505
 Supply, Committee of—
 Vote 21—Agriculture, 482-483
 Vote 29—Labour, 1041-1042
 Vote 30—Local Government, 1179-1180

Kiara, Dr. J. G., Ph.D.—

See Minister for Commerce and Industry, The

King, Mr. J. A. R., A.F.C.—

(Nominated Member)

- Supply, Committee of—
 Vote 22—Commerce and Industry, 933-934

Legal Notices—

- L.N. 137, The African Courts (Fees and Fines) Rules, 1960, 1
 L.N. 149, The Scrap Metal (Exemption of Public Authorities) Order, 1960, 2
 L.N. 185, The African Courts (Affiliation) Rules, 1960, 562
 L.N. 197, The Apprenticeship (Revocation) Rules, 1960, 816
 L.N. 201, The Guaranteed Minimum Return Advances (Interest) Rules, 1960, 562
 L.N. 202, The Crop Production and Livestock (Livestock and Controlled Areas) Rules, 1958, 562
 L.N. 206, The Royal National Parks of Kenya (Photography) (Amendment) Regulations, 1960, 1048
 L.N. 235, The Marketing of African Produce (Central Province Marketing Board) (Movement of Regulated Produce) (Amendment) Rules, 1960, 1269
 L.N. 242, The Price Control (Kitui District) Order, 1960, 1463

Luseno, Mr. J. A.—

(Nominated Member)

- Budget Debate, 282-286
 Supply, Committee of—
 Vote 21—Agriculture, 471-472

Luyt, Mr. R. E., C.M.G., D.C.M.—

(Nominated Member)

- See Temporary Minister for Labour, Social Security and Adult Education, The
 Supplementary Estimate (No. 1), 1959/60—Vote 43—Office of the Minister for Labour, Social Security and Adult Education, 1311-1312
 Supply, Committee of—Vote 29—Labour, 1042-1047, 1070-1073, 1095-1097, 1102, 1103, 1104

Mackawi, Sheikh, M. S.—

(Arab Elected Member)

- Budget Debate, 142-144
 Coffee Bill, 1399
 Reintroduction of Swahili into Schools, 1414-1415
 Supply, Committee of—
 Vote 20—Education, 773-774
 Vote 22—Commerce and Industry, 895, 916

MacKenzie, Mr. K. W. S., C.M.G.—

See Minister for Finance and Development, The

Madan, Mr. C. B., Q.C.—

See Minister without Portfolio, The

Markham, Sir Charles (B.L.—

(Member for Ukamba)

- A.D.C. Rates, Taxes and Payments (Qn), 1053, 1054
 Additional Days for Supply, 1002
 Attracting Industry to Kenya (Qn), 1779
 Appropriation Bill, 1263-1264, 1267
 Books and Newspapers Bill, 1347, 1350-1352, 1362
 Budget Debate, 128-135, 149, 151, 263, 369, 380
 Consolidated Fund (No. 2) Bill, 1318
 Deaths of Asians, Reporting of (Qn), 1193, 1194
 Disbanding of Kenya Regiment, 238-239
 Excise Duty, 1251
 Failure of Lancaster House Conference, 108, 109, 113-115, 125
 Local Authorities Provident Fund Bill, 1335
 Mau Mau and Emergency Activities Enquiry, 1445-1446
 Personal Statement, 1662
 Refund of Tax on Light Amber Mineral Fuel Oil, 1254-1255
 Reintroduction of Swahili into Schools, 1410
 Report of Working Party on Elections, 1471, 1472, 1476, 1484-1491, 1496, 1540, 1543, 1561, 1585, 1590, 1596, 1600, 1601, 1602, 1603, 1704, 1707, 1712, 1713
 Statement on Present Security Position (W.R.), 1803
 Supplementary Estimate (No. 1), 1959/60—
 Vote 1—The Governor, 1274-1275, 1276
 Vote 7—Chief Secretary, 1276-1277, 1283, 1285
 Vote 9—Broadcasting, 1286-1287, 1292
 Vote 13—Miscellaneous, 1296
 Vote 28—Health and Welfare, 1298
 Vote 32—Lands, 1299
 Vote 41—Supplies and Transport, 1302-1303, 1304, 1305-1306, 1308
 Vote 43—Office of the Minister for Labour, Social Security and Adult Education, 1311
 Supply, Committee of—
 Vote 15—Internal Security and Defence, 1215-1217
 Vote 20—Education, 774-780, 833-835, 837
 Vote 23—Agriculture, 525-537, 609, 617
 Vote 22—Commerce and Industry, 924, 928-929, 930, 931-933, 934, 935
 Vote 24—Tourism, 1235, 1236
 Traffic (Amendment) Bill, 1057-1058, 1061-1062, 1063, 1064, 1065, 1066
 United Kenya Club Loan Guarantee, 1789

Mate, Mr. B.—

(Member for Central Province North)

- A.D.C. Rates, Taxes and Payments (Qn), 1053
 Adjournment Motion: Proposed Strike on Good Friday, 6-8
 Adult Education and Mural Work (Qn), 1192, 1193
 African Hospital Staff Shortage, Meru (Qn), 619, 620
 African Hospital Staff Bill, 1354-1356
 Books and Newspapers Bill, 1347-1356
 Chuka Claim to Forest Reserve (Qn), 487, 488
 Civil Servants' Pensions Scheme (Qn), 621
 Coffee Bill, 1379-1381, 1459-1460
 Corfield Report: Sessional Paper No. 5 of 1959/60, 1646-1649
 Failure of Lancaster House Conference, 107-111
 Increase of Meru D.A.s and D.O.s (Qn), 489
 Kibura Mau and Emergency Activities Enquiry, 1442-1444
 Mau Mau and Emergency Activities (Qn), 939, 940, 941
 Mwea-Tebere Irrigation Scheme (Qn), 1051
 Nairobi Tenant-Purchasing Scheme (Qn), 937-938
 Railway Extension to Meru (Qn), 1430-1433
 Reintroduction of Swahili into Schools, 1509-1513
 Report of Working Party on Elections, 1509-1513
 Supply, Committee of—
 Vote 15—Internal Security and Defence, 1228-1230
 Vote 20—Education, 745-752
 Vote 21—Agriculture, 464-468, 661-663

Vote 22—Commerce and Industry, 861-864

Vote 29—Labour, 1038-1040

Vote 30—Local Government, 1150-1159

Vote 34—Tourism, 1236

Traffic (Amendment) Bill, 948-950

Trial by Jury: Right of Everyone, 79-82, 90-93

Unified Service for Kenya (Qn), 941

Mathleson, Mr. W. A. C., C.M.G., M.B.E.—

See Minister for Education, The

Maxwell, Mr. J. R., C.M.G.—

(Member for Trans Nzoia)

- Budget Debate, 311-312
 Failure of Lancaster House Conference, 99-100
 Reintroduction of Swahili into Schools, 1436
 Report of Working Party on Elections, 1671-1672
 Supply, Committee of—
 Vote 21—Agriculture, 521, 544-546, 611
 Traffic (Amendment) Bill, 948, 1061

Mboya, Mr. T. J.—

(Member for Nairobi Area)

- A.D.C. Rates, Taxes and Payments (Qn), 1052-1053, 1054
 Adjournment Motion—
 Athi River Strikes and other recent strikes, 1658-1659
 Press Telegram on the Corfield Report, 77
 Adult Education and Mural Work (Qn), 1192-1193
 Africans and Pastors in the Northern Province (Qn), 1782 (asked by Mr. arap Moi)
 African Business—Ministerial Reorganization, 1049
 African Traders' Credit and Loan Facilities (Qn), 1781 (asked by Mr. arap Moi)
 Books and Newspapers Bill, 1341-1343
 Civil Servants' Pensions Scheme (Qn), 621
 Budget Debate, 144-167, 237
 Coffee Bill, 1390-1392
 Corfield Report: Sessional Paper No. 5 of 1959/60, 1639-1643, 1645-1646
 Disbanding of Kenya Regiment, 238
 Doonholm Road Stadium and Sanitary Disposal (Qn), 1187
 Economic Interdependence to an Interterritorial Basis (Qn), 937
 Extended Sittings of Council, 189-190
 Increase of Meru D.A.s and D.O.s (Qn), 489
 Legislative Council Ordinance: Revision Section 17 (E), 61-63, 70-72
 Mwea-Tebere Irrigation Scheme (Qn), 940, 941
 Nairobi African Estates' Roads and Water (Qn), 1186
 Nairobi City Council Clinics in African Estates (Qn), 1187
 Nairobi City Council and Library Report (Qn), 1183, 1189, 1190
 Nairobi City Councils and Library Report (Qn), 1183, 1189
 Nairobi City Hawkers (Qn), 1184-1185
 Nairobi and Malnutrition (Qn), 1191, 1192
 Nairobi Municipal Education for Children (Qn), 1270
 Nairobi Muslim Education Scheme (Qn), 1050, 1051
 Nairobi Tenant-Purchasing Scheme (Qn), 1270-1272, 1273
 Number of Homes in Nairobi (Qn), 1184
 Pumwani Location, Nairobi (Qn), 939, 940
 Railway Extension to Meru (Qn), 1436-1420
 Reintroduction of Swahili into Schools, 1416-1420
 Report of Working Party on Elections, 1416-1420
 Schools for Kibera Area (Qn), 1052
 Schools of Each Race in Nairobi (Qn), 1191 and (W.R.), 1804
 South African Office in Nairobi, 238
 Supply, Committee of—
 Vote 15—Internal Security and Defence, 1208-1210
 Vote 20—Education, 713-722, 775, 777, 778, 780

Vote 21—Agriculture, 650-653, 656-659, 664-666
Vote 22—Commerce and Industry, 866-871
Vote 29—Labour, 978-986, 993, 1083, 1091-1094,
1100-1102, 1111-1113, 1114
Vote 30—Local Government, 1141-1148
T.B. Survey under World Health Organization (Qn).
1190
Traffic (Amendment) Bill, 946-947

McKenzie, Mr. B. R. D.S.O., D.F.C.—
See Minister for Agriculture, Animal Husbandry and
Water Resources, The

Miller, Mr. D. S., C.B.E.—
(Director of Education)

Supply, Committee of—
Vote 20—Education, 796-804, 833, 834, 835, 838

**Minister for Agriculture, Animal Husbandry and
Water Resources, The—**

(Mr. B. R. McKenzie, D.S.O., D.F.C.)
Asian and African Millers Registered in Baringo District
(Qn), 360
Budget Debate, 403-410
Coffee Bill, 1275-1379, 1381, 1392-1401, 1460, 1461, 1589
Cruelty to Animals Ordinance (Qn), 357
Extended Sittings of Council, 186
Mwea-Tebera Irrigation Scheme (Qn), 930-940, 940-941
Number of Districts Outside of Maize Controller (Qn),
360
Operation of Maize Marketing Board in Baringo
District (Qn), 359
Papers Laid, 1269
Prosecutions under Defence (Control of Maize), 361
Reintroduction of Swahili into Schools, 1410
Report of Working Party on Elections, 1518
Specific Loan (International Bank for Reconstruction
and Development), 500-501
Supplementary Estimate (No. 1), 1959/60—
Vote 37—Mombasa Water Supply, 1301-1302
Supply, Committee of—
Vote 21—Agriculture, 441-460, 467, 483, 517, 518,
523, 532, 533, 577, 586, 614-617, 622-645, 666, 670-
671, 674

Minister for Commerce and Industry, The—
(Dr. J. G. Kiano, Ph.D.)

African Traders' Credit and Loan Facilities (Qn), 1781-
1782
Budget Debate, 379-383
Coffee Bill, 1389-1390
Confidential Report: Sessional Paper No. 5 of 1959/60,
1636-1639
Economic Interdependence to an Interterritorial Basis
(Qn), 936-937
Failure of Lancaster House Conference, 104-107
Papers Laid, 2, 1269
Railway Extension to Meru (Qn), 938, 939
Supply, Committee of—
Vote 22—Commerce and Industry, 843-853, 904-921,
924-926, 927-928, 929, 930, 932, 933, 934

Minister for Education, The—

(Mr. W. A. C. Mathison, C.M.G., M.B.E.)
Adult Education and Mural Work (Qn), 1192-1193
Assistant Director (Asian), Arrangements for Finding
Post (Qn), 39
Budget Debate, 326-331
Development Programme, 1960/1963, 1771-1773
Development Supplementary Estimate (No. 2), 1959/60,
Part 1—
Vote D8 (2)—Asian Education, 1313-1314

Nairobi Muslim Education for Children (Qn), 1270
Papers Laid, 126, 1048
Reintroduction of Swahili into Schools, 1423-1427
Schools for Each Race in Nairobi (Qn), 1193 and (WR)
184-1805
Schools for Kibera Area (Qn), 1032
Supplementary Estimate (No. 1), 1959/60—
Vote 30—Education, 1299
Supply, Committee of—
Vote 20—Education, 675-689, 690-699, 715, 765, 816-
829, 831, 832, 836, 837, 838
Vote 29—Labour, 1075-1076
Unified Services for Kenya (Qn), 941

Minister for Finance and Development, The—
(Mr. K. W. S. MacKenzie, C.M.G.)

Additional Days for Supply, 1004-1005
Adornment Motion—
Athi River Strike and other recent strikes, 1655
Woman Detained Illegally at Mathari, 533
Anti-dumping Legislation in Uganda and Tanganyika
(Qn), 38
Appropriation Bill, 1260-1261, 1265-1267, 1268
Attracting Industry to Kenya (Qn), 1779-1780
Budget Debate, 140-141, 420-440
Budget Speech, 13-37, 1711
Civil Servants' Pensions Security (Qn), 620, 621
Coffee Bill, 1462, 1469
Consolidated Fund (No. 2) Bill, 1317-1319
Customs Duties, 1250, 1258
Customs Tariff (Dumping and Subsidies) Bill, 1117-1119,
1247
Dangerous Petroleum Tax, 1252, 1259
Devaluation of East African Currency Rumours (Qn),
1321
Development Programme, 1960/1963, 1721-1734, 1775,
1777, 1794-1801
Development Supplementary Estimate (No. 2), 1959/60,
Part 1, 1049, 1312, 1316-1317
Development Supplementary Estimate (No. 2), 1958/59,
Part II, 1314, 1317
Diesel Oil Tax Refund, 1252, 1259
East African Currency Board, 362
Excise Duty, 1250-1252, 1258-1259
Finance Bill, 1321-1323, 1402-1403, 1406
Guarantee (High Commission Posts and Telecommuni-
cations Loan) Bill, 1367-1368
Kenya Meat Commission Loan Guarantee, 1778
Married Women Officers' Salaries, 35-60
Papers Laid, 13, 1048, 1463
Refund of Tax on Light Amber Mineral Fuel Oil,
1253-1254, 1255-1257, 1259
Reports—Approval of Motions—Committee of Supply:
1245
Sessional Paper No. 4 of 1959/60, NoM, 126
Specific Loan (International Bank for Reconstruction
and Development), 490-493, 510-514, 564, 570, 571,
622
Statement of Excess, 1958/59, 1049, 1316, 1317
Supplementary Estimate (No. 1), 1959/60, 1048-1049,
1274, 1275-1276
Vote 28—Health and Welfare, 1298-1299
Vote 41—Supplies and Transport, 1306, 1307
Supply, Committee of—
Vote 15—Internal Security and Defence, 1204, 1205,
1234, 1235
Vote 20—Education, 830, 831, 839-843
Vote 21—Agriculture, 646, 659-660, 668-669, 674, 675
Vote 22—Commerce and Industry, 922, 931, 933, 935
Vote 29—Labour, 1024, 1089, 1108-1109, 1115, 1122
Vote 30—Local Government, 1202, 1203
Vote 34—Tourism, 1235
Traffic (Amendment) Bill, 952-958, 995-997, 1067

United Kenya Club Loan Guarantees, 1711, 1783-1785,
1793-1794

Ways and Means—Committee of—
Refund Tax on Vehicle Licence Fees, 1258, 1260
Vehicle Licence Fees Refunds, 1237, 1260

Minister for Health and Welfare, The—
(Mr. J. N. Muimi)

African Hospital Staff Shortage, Meru (Qn), 619-620
Budget Debate, 347-351
Financial Aid to Mission Hospitals (Qn), 359
Nairobi and Malnutrition (Qn), 1191-1192
Nairobi City Council Clinics in African Estates (Qn),
1189-1190
Reintroduction of Swahili into Schools, 1420-1422
Supply, Committee of—
Vote 15—Internal Security and Defence, 1223-1224
Vote 30—Local Government, 1178-1179
T.B. Survey under World Health Organization (Qn),
1191

**Minister for Housing, Common Services, Probation
and Approved Schools, The—**

(Mr. M. S. Amalamba)
Budget Debate, 245-253
Central House Board (Vesting of Loans) Bill, 1364-1365,
1407
Nairobi Tenant-Purchasing Scheme (Qn), 1050-1051
Number of Homeless in Nairobi (Qn), 1271, 1272, 1273
Papers Laid, 13
Supply, Committee of—
Vote 30—Local Government, 1170-1174

Minister for Information and Broadcasting, The—
(Mr. N. F. Harris)

Additional Days for Supply, 1007
Books and Newspapers Bill, 1344-1345
Budget Debate, 401-402
Confidential Report: Sessional Paper No. 5 of 1959/60,
1613, 1639
Extended Sittings of Council, 183
Railway Extension to Meru (Qn), 938
Report of Working Party on Elections, 1489
Specific Loan (International Bank for Reconstruction
and Development), 499-500
Supplementary Estimate (No. 1), 1959/60—
Vote 8—Information, 1285-1286
Vote 9—Broadcasting, 1287-1294, 1295-1296
Supply, Committee of—
Vote 21—Agriculture, 529, 655
Vote 22—Commerce and Industry, 904
Vote 30—Local Government, 1136-1137

Minister for Internal Security and Defence—
(Mr. A. C. C. Swann, C.M.G., O.B.E.)

Allegations Against G.S.U. in Central Nyanza (WR),
1806
Budget Debate, 266-271, 323
Discrimination of Film Censorship (Qn), 1780, 1781
King's African Rifles (Retiree of Officers) Bill, 1070,
1123
Lawlessness, etc., Disturbing the Public (Qn), 618, 619
Mau Mau and Emergency Activities Enquiry, 1452
Mau Mau and Emergency Position (WR), 1803-1804
Statement on Present Security and Defence, 1298
Supplementary Estimate (No. 2), 1959/60—
Vote 15—Internal Security and Defence, 1298
Supply, Committee of—
Vote 15—Internal Security and Defence, 1206-1208,
1212-1215, 1220-1222, 1226-1228, 1233, 1234

**Minister for Labour, Social Security and Adult
Education, The—**
(Mr. R. G. Nyala)

Adjournment Motion: Athi River Strike and other
recent strikes, 1659-1660
Reintroduction of Swahili into Schools, 1433-1435
Supply, Committee of—
Vote 20—Education, 742-745, 766
Vote 29—Labour, 691-978, 1038, 1077-1089, 1091,
1097-1098, 1099, 1104-1103, 1107-1108

Minister for Legal Affairs, The—
(Mr. E. N. Griffith-Jones, C.M.G., Q.C.)

Adjournment Motion: Press Telegram on the Corbett
Report, 76
Budget Debate, 389, 390
Death of Asians, Reporting of (Qn), 1191, 1194
Failure of Lancaster House Conference, 97, 98
Legislative Council Ordinance, section 17 (c), 65-70, 72
Papers Laid, 1
Report of Working Party on Elections, 1494-1495, 1520,
1533, 1597-1606
Supply, Committee of—
Vote 21—Agriculture, 505-553
Transfer of Powers (Variation) Order, 1960, 2, 4
Trial by Jury: Return of Everyone, 84-89
Woman Detained Illegally at Mathari (Qn), 354-356,
357-361

Minister for Local Government and Lands, The—
(Mr. W. B. Harlock)

Additional Days for Supply, 1003-1006
Adjournment Motion: Proposed Strike on Good
Friday, 5
Budget Debate, 150, 151, 157, 338-347
Doonholm Road Stadium and Sanitary Disposal (Qn),
1181-1182
Extended Sittings of Council, 184-185
Failure of Lancaster House Conference, 111-113
Local Authorities Provisional Fund Bill, 1322-1327, 1334
1337, 1405, 1406, 1531-1532, 1533, 1534, 1539
Local Government Officers' Security of Service (Qn),
1193
Ministerial Statement: Motion on Seasonal Papers,
1528
Nairobi African Estates, Roads and Water (Qn), 1186,
1187
Nairobi City Council and Library Report (Qn), 1184,
1189
Nairobi City Hawkers (Qn), 1185, 1186
Papers Laid, 2, 1048, 1528
Purwani Location, Nairobi (Qn), 1184
Sessional Papers on Land Tenure, 1528
Specific Loan (International Bank for Reconstruction
and Development), 496-497, 566-567
Supplementary Estimate (No. 1), 1959/60—
Vote 7—Chief Secretary, 1282, 1283, 1284
Vote 32—Lands, 1299
Supply, Committee of—
Vote 21—Agriculture, 571-573
Vote 22—Commerce and Industry, 900-902, 925, 929,
930
Vote 30—Local Government, 1123-1122, 1135, 1140,
1152, 1158, 1169, 1180-1183, 1196-1202, 1203

**Minister for Tourism, Game, Forests and
Fishes, The—**
(Mr. W. E. Crossland)

Budget Debate, 313-320
Chuka Claim for Forest Reserve (Qn), 487, 488
Development Programme, 1960/1963, 1759-1761
Failure of Lancaster House Conference, 117-118

Lake Victoria Fisheries (Reapplication of Laws) Bill, 1369-1370, 1373-1375, 1408
Supplementary Estimate (No. 1), 1959/60—
Vote 41—Supplies and Transport, 1308-1309
Supply, Committee of—
Vote 34—Tourism, 1235-1236, 1238-1240

Minister for Works, The—

(Mr. I. E. Nathoo)
Budget Debate, 290-293
Development Programme, 1960/1963, 1757-1759
Development Supplementary Estimate (No. 2), 1959/60—
Vote D13 (2)—Roads, 1314
Progress on New Embu-Meru Road (Qn), 127
Supplementary Estimate (No. 1), 1959/60—
Vote 41—Supplies and Transport, 1304-1305, 1307-1308

Minister without Portfolio, The—

(Mr. C. B. Madan, Q.C.)
Budget Debate, 392-395

Ministerial Statement—

Corfield Report, 3
East African Currency Board, 362
Motion on Seasonal Papers, 1528
Royal Wedding, 301
Sessional Committee Appointment, 489-490
Valedictory—Mr. A. Hope-Jones and Mr. D. L. Blunt, 9-11

Mohindra, Mr. B. S., O.B.E.—

(Nominated Member)
Supply, Committee of—
Vote 22—Commerce and Industry, 695-697

Moi, Mr. arap D. T.—

(Member for North Rift)
Africans and Passes in the Northern Province (Qn), 1782, 1783
African Traders' Credit and Loan Facilities (Qn), 1781, 1782
Attracting Industry to Kenya (Qn), 1780
Development Programme, 1960/1963, 1772, 1773-1777
Release of *Dini ya Msambwa* Detainees, 1778
Report of Working Party on Elections, 1549-1551, 1587

Motions—

Additional Days for Supply, 999-1008
African Business—Ministerial Reorganization, NoM 1043
Appointment to Sessional Committee, NoM 1320, 1386
Budget Debate, 128-179
Budget Speech, 13-37
Communal Fines Imposed on Stock Thefts, NoM 1778
Corfield Report on *Mau Mau*, NoM 1116, 1606-1655
Customs Duties, 1250, 1258
Dangerous Petroleum Tax, 1252, 1259
Deportation of Elijah Omolo Agar to Lamu, NoM 1320
Development Programme, 1960/63, 1721-1777
Development Supplementary Estimate (No. 2), 1959/60, Part I, NoM 1049, 1312, 1316-1317
Development Supplementary Estimate (No. 2), 1958/59, Part II, NoM 1049, 1314, 1317
Diesel Oil Tax Refund, 1252, 1259
Disbanding of Kenya Regiment, NoM 238-239
Double Sitings on Thursdays, NoM 1116, 1249
Extended Sitings of Council, 126, 180-192

Faith of Lancaster House Conference, 93-125
Justice in African Courts, NoM 1269
Kenya Meat Commission Loan Guarantee, NoM 1778
Legislative Council Ordinance: Revision of Section 17 (e), NoM 61-72
Limitation of Budget Debate, NoM 38, 78-79
Limitation of Debate on Annual Estimates, NoM 38, 79
Limitation of Debate—Development Estimates, NoM 1116, 1249-1250
Macleod Plan for Kenya, NoM 180
Marketing of African Produce Ordinance, NoM 1463
Married Women Officers' Salaries, 39-61
Mau Mau and Emergency Activities Enquiry, NoM 1320, 1438-1454
Murder of Headman William Wambugu Kimathi, NoM 1269
Private Members' Day, NoM 1116
Reduction of Period for Introduction of Bill, NoM 690, 756-757
Refund of Tax on Light Amber Mineral Fuel Oil, 1253-1257, 1259
Release of *Dini ya Msambwa* Detainees, NoM 1778
Review of Immigration Policy, NoM 1778
Reintroduction of Swahili into Schools, NoM 1320, 1409-1438
Report of Working Party on Elections, NoM 1409, 1470, 1534-1538, 1590-1606, 1662-1710, 1711-1721
Sessional Papers on Land Tenure, NoM 1528
Sessional Paper No. 4 of 1959/60, 126
Solving of Constitutional Problems, NoM 125
South African Office in Nairobi, NoM 238
Statement of Excess, 1958/59, NoM 1049, 1316, 1317
Stop Communal Fines on Masai, NoM 1320-1321
Supplementary Estimate (No. 1), 1959/60, NoM 1048, 1274-1312, 1316
Suspension of Standing Orders, 3, 78, 998-999
Transfer of Powers (Variation) Order, 1960, NoM 2, 4
Trial by Jury: Right of Everyone, 79-93
United Kenya Club Loan Guarantee, NoM 1711, 1783-1794
Ways and Means, Committee of—
Excise Duty, 1250-1252, 1258-1259
Refund on Vehicle Licence Fees, NoM 1258, 1260
Vehicle Licence Fees Refunds, NoM 1257, 1260

Motion Dropped—

1662

Muchura, Mr. J. M.—

(Specially Elected Member)
Budget Debate, 331-338
Local Authorities Provident Fund Bill, 1330-1332
Nairobi City Council Clinics in African Estates (Qn), 1390
Nairobi Tenant-purchasing Scheme (Qn), 1051
Number of Homeless in Nairobi (Qn), 1272
Reintroduction of Swahili into Schools, 1411-1413
Report of Working Party on Elections, 1694-1697
Supply, Committee of—
Vote 20—Education, 731-737
Vote 21—Agriculture, 585-586, 587-588
Vote 29—Labour, 1024-1028
Vote 30—Local Government, 1167-1169
United Kenya Club Loan Guarantee, 1786-1787

Muhoya, Mr. B. M.—

(Temporary Member of Nyeri and Embu)
Budget Debate, 216-217
Oath, Administration of, 13
Specific Loan (International Bank for Reconstruction and Development), 503-504

Mulmi, Mr. J. N.—

See Minister for Health and Welfare, The

Muliro, Mr. M.—

(Member for Nyanza North)
Books and Newspapers Bill, 1356-1357
Budget Debate, 395-401
Coffee Bill, 1381-1382
Deportation of Elijah Omolo Agar to Lamu, 1320
Reintroduction of Swahili into Schools, 1320, 1409-1411, 1437-1438
Supply, Committee of—
Vote 15—Internal Security and Defence, 1218-1219
Vote 20—Education, 699-705
Vote 21—Agriculture, 574-576
Vote 29—Labour, 1073-1075

Nathoo, Mr. I. E.—

See Minister for Works, The

Nazareth, Mr. J. C. M., Q.C.—

(Member for Western Electoral Area)
Report of Working Party on Elections, 1683-1690
Review of Immigration Policy, 1778

Ngala, Mr. R. G.—

See Minister for Labour, Social Security and Adult Education, The

Ngomo, Mr. N. G.—

(Specially Elected Member)
Adjournment Motion: Press Telegram on the Corfield Report, 77
Books and Newspapers Bill, 1359-1360
Budget Debate, 295-296
Corfield Report: Sessional Paper No. 5 of 1959/60, 1627
Supplementary Estimate (No. 2), 1959/60—
Vote 9—Broadcasting, 1295, 1296
Supply, Committee of—
Vote 15—Defence, 1234
Vote 29—Labour, 1098-1099
Traffic (Amendment) Bill, 952

Nyagah, Mr. J. J. M.—

(Member for Nyeri and Embu)
Africans and Passes in the Northern Province (Qn), 1783
African Traders Credit and Loan Facilities (Qn), 1781
Corfield Report: Sessional Paper No. 5 of 1959/60, 1643-1645
Development Programme, 1960/63, 1761-1764
Report of Working Party on Elections, 1680-1683
United Kenya Club Loan Guarantee, 1792-1793

Njũmama, Mr. ole W.—

(Nominated Member)
Specific Loan (International Bank for Reconstruction and Development), 483-492

Nurmohamed, Mr. A. H.—

(Nominated Member)
Budget Debate, 297-299
Report of Working Party on Elections, 1571-1572

Oath—

Administration of Oath, 13

Odinga Odinga, Mr. A.—

(Member for Nyanza Central)

Allegations Against G.S.U. in Central Nyanza (WR), 1806
Asian and African Millers Registered in Baringo District (Qn), 360
Books and Newspapers Bill, 1345-1346
Budget Debate, 199, 384-392
Coffee Bill, 1387-1388
Corfield Report: Sessional Paper No. 5 of 1959/60, 1619-1623, 1651, 1654
Justice in African Courts, 1269
Lake Victoria Fisheries (Reapplication of Laws) Bill, 1370-1373
Local Authorities Provident Fund Bill, 1328-1329
Mau Mau and Emergency Activities Enquiry, 1446-1447
Number of Districts Outside of Maire Controller (Qn), 360
Number of Homeless in Nairobi (Qn), 1272
Operation of Maize Marketing Board in Baringo District (Qn), 359
Prosecutions under Defence (Control of Maize), 360-361
Public Meetings of African District Association, Central Nyanza (WR), 1808
Reintroduction of Swahili into Schools, 1427-1429
Report of Working Party on Elections, 1516-1521
Specific Loan (International Bank for Reconstruction and Development), 497-498
Supply, Committee of—
Vote 20—Education, 761-769
Vote 21—Agriculture, 654-655, 667-668
Vote 22—Commerce and Industry, 836-839, 912
Vote 29—Labour, 1099-1100
Vote 30—Local Government, 1138-1141
Traffic (Amendment) Bill, 958-959

Pandya, Mr. A. J.—

(Member for Eastern Electoral Area)
Budget Debate, 200-207
Extended Sitings of Council, 189
Report of Working Party on Elections, 1577-1581
Supply, Committee of—
Vote 15—Internal Security and Defence, 1204-1206, 1217-1218, 1221
Vote 20—Education, 738-742, 837
Vote 21—Agriculture, 588-590
Vote 22—Commerce and Industry, 891-892
Trial by Jury: Right of Everyone, 90
United Kenya Club Loan Guarantee, 1793

Papers Laid—

Report on the Working of the Civil Service Commission for the year 1959, 1
Annual Report of the East African Agricultural and Fisheries Research Council, 1959, 1
East African Railways and Harbours Annual Report, 1959, 1
The African Courts (Fees and Fines) Rules, 1960, 1
East African Statistical Department Annual Report, 1958/59, 13
Report of the Working Party appointed to consider elections under the Lancaster House Agreement, 1409
Sessional Paper No. 5 of 1959/60: The History and Origins of *Mau Mau*—An Historical Survey, 1044
Annual Report of the Revenue and Expenditure of the Road Estimates of Revenue and Expenditure, 1960/61, 1463
Authority for the year 1960/61, W. P. Cousins
(By the Chief Secretary (Mr. W. P. Cousins) on behalf of the Minister for Works (Mr. Nathoo))

Control Management, Produce Control, Rice Control, Maize Control Balance Sheets and Accounts as at 31st July, 1959, 126

Nyanza Province Marketing Board: Third Annual Report, Balance Sheet and Accounts for Financial Year ended 31st July, 1959, 126

Report of the Committee on the Organization of Agriculture, 1269

Department of Agriculture Annual Report, 1959, Vol. I, 1269

(BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. McKenzie))

The Scrap Metal (Exemption of Public Authorities) Order, 1960, 2

Nairobi Airport Annual Report, 1959, 1269

(BY THE MINISTER FOR COMMERCE AND INDUSTRY (Dr. J. G. Kiano))

African Teachers' Pensions Fund Account for the period 1st April, 1957, to 31st December, 1957, and Report thereon by the Controller and Auditor-General, 126

The African Teachers' Pensions Fund Account for the year ended 31st December, 1958, and Report thereon by the Controller and Auditor-General, 1048

(BY THE MINISTER FOR EDUCATION (Mr. Mathison))

Transfer of Powers (Variation) Draft Order, 1960 (relating to powers originally vested in the Governor in Council of Ministers), 1

Transfer of Powers (Variation) Draft Order, 1960 (relating to powers originally vested in the Governor), 1

(BY THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones))

Financial Statement for Year of Account, 1960/61, 13
1960/61 Estimates of Revenue of the Colony and Protectorate of Kenya for the year ended 30th June, 1961, 13

1958/59 Statement of Expenditure, 1048
1959/60 Supplementary Estimate (No. 1), 1048
1959/60 Development Supplementary Estimate (No. 2), 1048

Cereals Finance Corporation, Nairobi, Balance Sheet and Accounts, 30th June, 1959, 1711

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. K. W. S. MacKenzie))

Central Housing Board, Annual Report, 1959, 13

(BY THE MINISTER FOR HOUSING, PROBATION AND APPROVED SCHOOLS (Mr. Amalamba))

Local Government Loans Authority, Annual Report, 1956, 1957 and 1958, 1048

Sessional Paper No. 6, 1959/60, Land Tenure and Control Outside Native Lands, 1523

(BY THE MINISTER FOR LOCAL GOVERNMENT AND LANDS (Mr. W. B. Havelock))

Department of Agriculture Annual Report, 1958, 2
Volume II, Record of Investigations, 2

(BY THE MINISTER FOR LOCAL GOVERNMENT AND LANDS (Mr. W. B. Havelock) on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources (Lt.-Col. B. R. McKenzie))

Report of the Public Accounts Committee and the Colony's Accounts for the year ended 30th June, 1959, 126

(BY THE HON. R. S. ALEXANDER (Chairman of the Public Accounts Committee))

1960/61 Estimates of Expenditure of the Colony and Protectorate of Kenya for the year ending 30th June, 1961, 1

Development Estimates, 1960/61, 1

Sessional Paper No. 4 of 1959/60: the Development Plan, 1960/61, 1

Economic Survey, 1960, 1

(BY THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. J. H. Butler))

Personal Statement—

1862

Portsmouth, The Earl of—

(Nominated—Non-Government)

Budget Debate, 192-198

Development Programme, 1960/63, 1756-1757

Supply, Committee of—

Vote 29—Labour, 988-990, 1106-1107

Vote 34—Internal Security and Defence, 1237

Questions, Oral—

No.

73—Woman Detained Illegally at Mathari, 354

74—Cruelty to Animals Ordinance, 357

75—Lawlessness et cetera Disturbing the Public, 618-619

76—Operation of Maize Marketing Board in Baringo District, 359

77—Asian and African Millers Registered in Baringo District, 360

78—Number of Districts Outside of Maize Controller, 360

79—Prosecutions under Defence (Control of Maize), 360-361

80—Anti-dumping Legislation in Uganda and Tanganyika, 38

81—Economic Interdependence to an Interterritorial Basis, 936

82—Corfield Report on Origins of *Mau Mau*, 2-3

84—Assistant Director (Asian), Arrangements for Filling Post, 38-39

85—Collective Responsibility and Criticism, 357-358

86—Attracting Industry to Kenya, 1778-1780

87—Railway Extension to Meru, 937-939

88—Progress on New Embu-Meru Road, 127

89—Financial Aid to Mission Hospitals, 359

90—African Hospital Staff Shortage, Meru, 619-620

91—Chuka Claim to Forest Reserve, 487-488

92—Increase of Meru D.A.s and D.O.s, 489

94—Civil Servants' Pensions Security, 620-621

95—Civil Servants—Minimum Overseas Leave, 358-359

96—Mwea-Tsavo Irrigation Scheme, 939-941

97—Unified Service for Kenya, 941

98—Study Group on Terms of Service, 1049-1050

99—Pumwani Location, Nairobi, 1184

100—Nairobi City Hawkers, 1184-1186

101—Nairobi African Estates, Roads and Water, 1186-1187

102—Doonholm Road Stadium and Sanitary Disposal, 1187-1188

103—Nairobi City Council and Lidbury Report, 1188-1189

104—Nairobi City Council Clinics in African Estates, 1189-1190

105—T.B. Survey under World Health Organization, 1190-1191

No.
106—Nairobi and Malnutrition, 1191-1192

107—Number of Homeless in Nairobi, 1270-1273

108—Nairobi Tenant-purchasing Scheme, 1050-1051

109—Adult Education and Moral Work, 1192-1193

110—Schools of Each Race in Nairobi, 1193

111—Nairobi Muslim Education for Children, 1270

112—Schools for Kibera Area, 1052

113—African Traders' Credit and Loan Facilities, 1781-1782

114—A.D.C. Rates, Taxes and Payments, 1052-1054

115—Alternative Employment for Civil Servants, 1051-1052

116—Deaths of Asians, Reporting of, 1193-1194

117—Protection of Civil Servants' Interests, 1194-1195

119—Local Government Officers' Security of Service, 1195

120—Africans and Passes in the Northern Province, 1782-1783

121—Discrimination of Film Censorship, 1780-1781

122—Supply Days on Annual Estimates, 1464

123—Devaluation of East African Currency Rumours, 1321

Questions, Written—

No.

72—Security Position in Central Province, 1803-1804

73—Woman Detained Illegally at Mathari, 354-356

110—Schools of Each Race in Nairobi, 1804-1806

124—Allegations Against General Service Unit in Central Nyanza, 1806

126—Public Meetings of African District Association—Central Nyanza, 1806

Roberts, Major B. P.—

(Member for Rift Valley)

Budget Debate, 239-245

Civil Servants—Minimum Overseas Leave (Qn), 358

Extended Sitings of Council, 190

Report of Working Party on Elections, 1576, 1583-1586

Supply, Committee of—

Vote 20—Education, 810-811

Vote 21—Agriculture, 546-550

Traffic (Amendment) Bill, 914-945

United Kenya Club Loan Guarantee, 1787-1788

Rogers, Mr. P. J., C.B.E.—

(Nominated Member)

Extended Sitings of Council, 188-189

Supplementary Estimate (No. 1), 1959/60—

Vote 41—Supplies and Transport, 1310-1311

Supply, Committee of—

Vote 20—Education, 752-753, 837

Vote 22—Commerce and Industry, 853-856

Vote 29—Labour, 1018-1020, 1110-1111

United Kenya Club Loan Guarantee, 1789-1791

Rubia, Mr. C. W.—

(Nominated Member)

Additional Days for Supply, 1004

Budget Debate, 207-211

Office Bill, 1388-1389, 1460-1461

Report of Working Party on Elections, 1495, 1531-1536

Supply, Committee of—

Vote 22—Commerce and Industry, 859-861

Vote 30—Local Government, 1164-1167, 1172

Vote 30—Local Government, 1164-1167, 1172

Sagoo, Mr. K. S.—

(Nominated Member)

Assistant Director (Asian): Arrangements for Filling Post (Qn), 38

Prevention of Crime (Amendment) Bill, 1402

Report of Working Party on Elections, 1700

Supply, Committee of—

Vote 20—Education, 728-730

Shaw, Mrs. A. R. O.B.E.—

(Member for Nyanza)

Additional Days for Supply, 1005

Dialge Debate, 211-213

Corfield Report: Sessional Paper No. 5 of 1959/60, 1640

Development Programme, 1960/63, 1754-1755

Development Supplementary Estimate (No. 2), 1959/60—

Vote 'D' (2)—Roads, 1314

Discrimination of Film Censorship (Qn), 1780

Extended Sitings of Council, 184, 191

Failure of Lancaster House Conference, 96

Local Authorities Provident Fund Bill, 1328, 1333

Married Women Officers' Salaries, 39-44, 60-61

New Mau and Emergency Activities Enquiry, 1451-1452

Report of Working Party on Elections, 1507-1509, 1703

Refund of Tax on Light Amber Mineral Fuel Oil, 1235

Reintroduction of Swahili into Schools, 1413-1414

Supplementary Estimate (No. 1), 1959/60—

Vote 7—Chief Secretary, 1322-1323, 1284

Vote 9—Broadcasting, 1293-1294

Supply, Committee of—

Vote 15—Internal Security and Defence, 1219

Vote 20—Education, 811, 833, 834, 833

Vote 21—Agriculture, 541-543, 552, 672, 674

Vote 22—Commerce and Industry, 856-891

Vote 29—Labour, 990, 1105, 1113-1114

Vote 30—Local Government, 1203

Vote 34—Tourism, 1236, 1239

Trial by Jury: Right of Erroneous, 96

United Kenya Club Loan Guarantee, 1786

Shikely, Mr. A. A.—

(Temporary Arab Elected)

Books and Newspapers Bill, 1360-1361

Report of Working Party on Elections, 1664-1670

Supply, Committee of—

Vote 20—Education, 812-814

Vote 22—Commerce and Industry, 897-898

Vote 30—Local Government, 1176-1178

Slade, Mr. H.—

(Specially Elected Member)

Adult Education and Moral Work (Qn), 1193

Additional Days for Supply, 1002

Adjourning Motion: Press Telegram on Corfield

Report, 75-76

Civil Servants—Minimum Overseas Leave (Qn), 359

Cruelty to Animals Ordinance (Qn), 357

Equality to Animals Ordinance (Qn), 1191-1192

Debits (Summary Recovery) (Amendment) Bill, 1069-1070

Extended Sitings of Council, 181-182

Failure of Lancaster House Conference, 100-103

Local Authorities Provident Fund Bill, 1327-1328, 1332-1333

1533

New Mau and Emergency Activities Enquiry, 1450-1451

Report of Working Party on Elections, 1518, 1523-1527

Supply, Committee of—

Vote 15—Internal Security and Defence, 1224-1226

Vote 15—Agriculture, 577-612, 653-654

Traffic (Amendment) Bill, 911, 1063, 1066-1067

United Kenya Club Loan Guarantee, 1791-1792

Woman Detained Illegally at Mathari (Qn), 354, 353-357

Smith, Mr. P. H.—
(Nominated Member)

Report of Working Party on Elections, 1670-1671
Supply, Committee of—
Vote 21—Agriculture, 525-528
Vote 22—Commerce and Industry, 929-930
Vote 29—Labour, 1032-1033

Speaker, The Deputy—

(Mr. D. W. Conroy, C.M.G., O.B.E., T.D., Q.C.)

Communications from the Chair—
Assent to Bills, 562
Birthday Honours, 1463
Government Business to be Dealt with on Private Members' Day Consequent upon Withdrawal of Private Members' Motions, 1661

Rulings and Procedure—

Adjournment—
For Convenience of Council, 37, 486, 993, 1710, 1588, 1777
Adjournment, Motion for the, under S.O. 10—
Another Minister Called to Move, 4-5
Minister to Move, 553
Notice of and Allocation of Day, 419, 1527
Adjournment, Motion for: On Definite Matter of Urgent Public Importance (S.O. 12)—
Explanation of Procedure, 72-73
Prima Facie Case and Ten Other Members Rise, 72
Time Limitation, 73

Bills—

Motion to Recommit to be Handed into Table in Writing, 1066
To be Reported Separately, 1406
Under Report when Reported from Committee, 1066

Committee of Supply—

Motion "That Mr. Speaker do now leave the Chair" on Policy Debate before going into Committee on last Supply Day is at the discretion of the Minister concerned, 1006

Debate—

Continual interruption of Member holding the Floor of the House; wide divergencies between procedure of House of Commons and that of this Council, 1630-1

Continuation of: undesirable when we have completed one debate it should drag over into another, 1143, 1144

Days of Meetings of Council—

Double Day Sitting: Not to be Proceeded with, 1529

No Sitting on Public Holiday, 815, 871

Divisions—

Awarded when Speaker Considers there is Reasonable Doubt, 191-2
If Five or More Further Members Rise Speaker has no Discretion in the Matter, 125
No Tellers for One Side: Speaker Declares, 125
Request for Free Vote after Division Called for: Not a Point of Order, 1655
Improper Motives—
Not Generally in Order to Impute, 993
Limitation of Debate—

Committee of Supply—Policy Debate, Member's Request for Extended Time During Speech, 601, 608-9

Financial Statement—

Member's Request for Extended Time During Speech, 261
Not Provided that Anyone Allowed More than Half an Hour Should Take Two Hours, 261
Expiration of Time Allotted, 230, 278, 392, 722, 986

Private Members' Motions: Mover Called Upon to Reply, 122

Private Members' Motions of National Importance—
Expiration of Time Allotted, 1623, 1643

Members—

Not Allowed to Make a Speech when Rising on Matter of Personal Explanation, 916
To Address the Chair, 352
To Restrict His Remarks to the Subject we are Debating, 904
To Speak Up, 573-4, 1360, 1571

Motions—

Amendment to be Signed and Handed to Clerk Before Moving, 186-7, 1436
Amendment by Leave Withdrawn, 1496
Amendment: When Disposed of in Negative: Original Question Again to be Proposed, 191
Amendment to be Disposed of First, 1495
Amended Motion before Council, 1007
Amendment: Matter of, Can be Conveniently Discussed with Motion, 1002
Debate Interrupted when Member Speaking and Adjournment Moved at Time for Interruption, 617

Difficult to Follow Relevancy of Argument, 1443
Member Cannot Withdraw Motion Unless it is Will of Council, 125

Matter Anticipates Discussion on Another Motion of which Notice Given, 1441

Matter Not *Sub Judice*: Member Not Alleging a Specific Fact but Developing an Allegory, 1137
Member Not Present When Order Called, 1662
Mover Called Upon to Reply, 178

Not to be Moved on Grounds of Anticipation, 238-9, 361-2

Only Any New Matter May be Discussed when Debate on Amendment and Original Motion Consolidated, 1006

Out of Order to Debate Matter on which Decision Already Taken, 238-9, 361-2, 464, 587

"That the Debate Do Now Adjourn", 178, 617
"That the Mover be Called Upon to Reply", Not an Abuse, 191

"That the Question be Now Put", Not in Order, 186

Withdrawal by Mover before Question Proposed, 125

Order in the Council—

Certain Rules of Conduct, 1054-5
Reading of Books, etc., 1025, 1054-5

Order, Order—

Interruption, 811, 1149

Papers Laid—

Embargo Time for Distribution, 1048

Personal Explanations—

Not Allowed to Make a Speech, 916

Private Members' Motions—

Ballot for, 1384-4, 1464-5

Out of Order: Matter *Sub Judice*, 1385

Time Limitation: Mover Called Upon to Reply, 122

Questions—

In Absence of Member and Asked by Another to Go to Bottom of List, 1780
Not to Suggest Own Answer or Contain Contrivertial or Ironical Explanations, 1781
Referred to Speaker and Member Advised How to Put in Proper Form, 619
Technically Out of Order and Disallowed, but Minister Permitted to Make Statement in Lieu of Reply, 2-3

Questions: Supplementary—

Explaining Things—Out of Order, 1053

Quorum—

Attention Drawn to Lack of, 586-7, 786, 1024-5
"Tu Quoque" Remarks Beneath Dignity of this Council, 1024-5

Relevancy—

Arguments Seem to be Relevant and Not Tendentious or, Tedious, 1640

Dini ja Afamba Not Relevant to Debate on Development Programme, 1775-6

General Question in Supply Debate Out of Order, but in Order if Specific Question on the Specific Vote Under Discussion, 1158

of Arrangement Not Always at Once Apparent, 503
of Argument Conceded, 1009

of Argument: Irrelevant to Enlarge Your Argument upon Matters which do Not Come Under this Portfolio, 1038, 1140

of Argument: Difficult to Follow, 1443
of Argument: Irrelevant and Out of Order, 1570, 1571, 1573, 1594

Responsibility for Statements—
Member Can be Called Upon to Substantiate, 1347

Sittings of Council—

"Double Day Sitting Not Proceeded With, 1529
Not to Sit on Public Holiday, 815

Suspension of Standing Orders—
For Purpose of Debating and Moving Amendment on Motion for Additional Supply Days, 998-999

Unparliamentary Words and Phrases—
"Yes Men" (referring to Nominated Members), 1594

Unworthy of the Dignity of this House to—
Refer to a Friendly Government in the Terms the Member has Used, 97

To Make "Tu Quoque" Remarks About Nominated Members, 1025

Supply, Committee of—

13-37, 128-179, 192-237, 239-299, 302-353, 363-419, 420-440, 441-486, 514-533, 571-611, 622-659, 690-755, 757-815, 816-871, 872-935, 961-993, 1008-1047, 1070-1115, 1122-1183, 1196-1201, 1203-1215, 1235-1246

Vote 1—The Governor, 1242, 1246

Vote 2—Judicial, 1242, 1246

Vote 3—Legislative Council, 1242, 1246

Vote 4—Council of State, 1242, 1246

Vote 5—Exchequer and Audit, 1241, 1245

Vote 6—Civil Service Commission, 1241, 1245

Vote 7—Office of the Chief Secretary, 1241, 1245

Vote 8—Legal Affairs, 1242, 1246

Vote 9—Treasury, 1242-1243, 1246

Vote 10—Miscellaneous, 1243, 1246

Vote 11—Annuity to H.H. The Sultan of Zanibar, 1243, 1246

Vote 12—Public Debt, 1243, 1246

Vote 13—Contributions to the Cost of High Commission Services, 1241, 1245

Vote 14—Pensions and Gratitudes, 1243, 1246

Vote 15—Internal Security and Defence, 1203-1235

Vote 16—Military, 1243, 1246

Vote 17—Police, 1243, 1246

Vote 18—Prisons, 1243, 1246

Vote 19—Immigration, 1244, 1246

Vote 20—Education, 673-689, 696-735, 757-815, 816-843

Vote 21—Agriculture, 441-486, 514-533, 571-611, 622-673

Vote 22—Commerce and Industry, 843-871, 872-935

Vote 23—Health and Welfare, 1241, 1245

Vote 24—Housing, Common Services, Probation and Approved Schools, 1241, 1245

Vote 25—Printing and Stationery, 1244, 1246
Vote 26—Government Coast Agency, 1244, 1246
Vote 27—Information and Broadcasting, 1242, 1245
Vote 28—Broadcasting, 1244, 1246
Vote 29—Labour, Social Security and Adult Education, 961-993, 1008-1047, 1070-1115, 1122
Vote 30—Local Government and Lands, 1123-1183, 1196-1203
Vote 31—Local Government Contributions, 1244, 1246
Vote 32—Land, 1245
Vote 33—Surveys, 1243, 1246
Vote 34—Tourism, 1235-1241, 1245
Vote 35—Works, 1245, 1246
Vote 36—Supplies and Transport Department, 1241, 1245
Vote 37—Mombasa Water Supply, 1241, 1246
Development Estimates, 1920/1961, 1243

Swann, Mr. A. C. C., C.M.G., O. B. E.—
See Minister for Internal Security and Defence, The

Swynerton, Mr. R. J. M., O.B.E., M.C.—

(Director of Agriculture)

Development Programme, 1960/1963, 1764-1771, 1778

Development Supplementary Estimate (No. 2), 1958/59, Part II—

Vote D4 (6)—Agricultural Services (Swynerton), 1315-1316

Specific Loan (International Bank for Reconstruction and Development), 505-510

Supply, Committee of—
Vote 21—Agriculture, 574, 586, 595-611

Temporary Minister for Finance and Development, The

(Mr. J. H. Butter, M.B.E.)

Papers Laid, 1

Temporary Minister for Labour, Social Security and Adult Education, The—

(Mr. R. E. Luyt, D.C.M.)

Adjournment Motion: Proposed Strike on Good Friday, 8

Budget Debate, 302-311

Tips, Mr. ole J. K.—

(Member for Central Rift)

Books and Newspapers Bill, 1347-1349

Budget Debate, 271-278

Communal Services of Council, 182-183

Extended Sittings of House Conference, 115-116

Failure of Lancaster House Conference, 115-116

Financial Aid to Mission Hospitals (Qn), 359

Increase of Meru D.A.s and D.G.s (Qn), 487

Report of Working Party on Elections, 1372-1377

Stop Communal Fines on Masai, 1320-1321

Supply, Committee of—
Vote 15—Internal Security and Defence, 1232-1233

Vote 20—Education, 724-728, 815

Vote 21—Agriculture, 472-477

Vote 22—Commerce and Industry, 872-895

Vote 29—Labour, 1029-1032, 1104

Vote 29—Labour, 1029-1032, 1104

Vote 29—Labour, 1029-1032, 1104

Trial by Jury: Right of Everyone, 67-90

Towell, Mr. T.—

See Assistant Minister for Agriculture, Animal Husbandry and Water Resources, The

Travadi, Mr. K. D.—

(Member for Central Electoral Area)
 Additional-Days for Supply, 1001, 1066-1007
 Adjournment Motion: Press Telegram on the Corfield Report, 77
 Books and Newspapers Bill, 1357-1359
 Budget Debate, 253-266
 Corfield Report: Sessional Paper No. 5 of 1959/60, 1645-1646
 Development Programme, 1960/63, 1739-1742
 Development Supplementary Estimate (No. 2), 1959/60, Part I—
 Vote D8 (2)—Asian Education, 1312-1313
 Estimates Committee and Budget, No. 127
 Legislative Council Ordinance, section 17 (a), 65
 Local Authorities Provident Fund Bill, 1329-1330
 Mau Mau and Emergency Activities Enquiry, 1447-1448
 Reintroduction of Swahili into Schools, 1415-1416
 Report of Working Party on Elections, 1564-1571, 1693
 Supplementary Estimate (No. 1), 1959/60—
 Vote 30—Education, 1299
 Supply, Committee of—
 Vote 15—Internal Security and Defence, 1223
 Vote 20—Education, 707-713, 830
 Vote 22—Commerce and Industry, 933
 Vote 30—Local Government, 1132-1135
 Trial by Jury: Right of Everyone, 83-84
 United Kenya Club Loan Guarantee, 1787

Tyson, Mr. G. A., C.M.G.—

(Nominated Member)
 African Trader Credit and Loan Facilities (Qn), 1782
 Budget Debate, 149, 312-313, 367
 Coffee Bill, 1457
 Customs Tariff (Dumping and Subsidies) Bill, 1119
 Development Programme, 1960/63, 1743-1744
 Economic Interdependence to an Interterritorial Basis (Qn), 937
 Finance Bill, 1404
 Reintroduction of Swahili into Schools, 1422-1423
 Supplementary Estimate (No. 1), 1959/60—
 Vote 9—Broadcasting, 1291
 Vote 43—Office of the Minister for Labour, Social Security and Adult Education, 1312
 Supply, Committee of—
 Vote 20—Education, 804-806, 832-833
 Vote 29—Labour, 987-988
 United Kenya Club Loan Guarantee, 1787

Usher, Mr. C. G., M.C.—

(Member for Mombasa)
 Budget Debate, 286-290

Excise Duty, 1251
 Reintroduction of Swahili into Schools, 1429-1430
 Report of Working Party on Elections, 1534-1539, 1590, 1601, 1605, 1667
 Supplementary Estimate (No. 1), 1959/60—
 Vote 37—Mombasa Water Supply, 1302
 Supply, Committee of—
 Vote 21—Agriculture, 673
 Vote 29—Labour, 1076-1077
 United Kenya Club Loan Guarantee, 1792

Valedictory—

Mr. A. Hope-Jones and Mr. D. L. Blunt, 9-11

Vincent, Sir A.—

(Nominated (Non-Government))
 Development Programme, 1960/63, 1757
 Extended Sitings of Council, 187-188
 Report of Working Party on Elections, 1676-1680
 Traffic (Amendment) Bill, 996

Walker, Dr. A. J., M.D., M.R.C.P.—

(Director of Medical Services)
 Nairobi City Hawkers (Qn), 1186
 Supply, Committee of—
 Vote 30—Local Government, 1175-1176

Wanyutu, Mr. Waweru, M.B.E.—

See Assistant Minister for Education, The

Ways and Means, Committee of—

1250-1260

Webb, Mr. A. M. F.—

(Nominated Member)
 Appropriation Bill, 1265
 Books and Newspapers Bill, 1337-1341, 1361-1364, 1406
 Coffee Bill, 1455-1459, 1461-1462, 1465-1468, 1469, 1529-1531, 1534, 1589
 Customs Tariff (Dumping and Subsidies) Bill, 1246-1247
 Debts (Summary Recovery) (Amendment) Bill, 1068-1069, 1121
 Law Reform (Miscellaneous Provisions) (Amendment) Bill, 1067-1068, 1120-1121
 Prevention of Crime (Amendment) Bill, 1401-1402, 1469
 Specific Loan (International Bank for Reconstruction and Development), 563-565, 567-571, 621-622
 Traffic (Amendment) Bill, 950-951, 1060-1061, 1066

KENYA NATIONAL ARCHIVES

PHOTOGRAPHIC SERVICE

Description of Document LEGISLATIVE COUNCIL DEBATES. VOL. LXXXV.

12th April to 22nd June, 1960.

Reference No. FROM CENTRAL GOVERNMENT LIBRARY.

END

KENYA NATIONAL ARCHIVES
PHOTOGRAPHIC SERVICE

Description of Document LEGISLATIVE COUNCIL DEBATES VOL. LXXXVI.

Covering Dates 21st July, to 22nd December, 1960.

Reference No. FROM CENTRAL GOVERNMENT LIBRARY.

The following reproduction(s) of document(s), the property of KENYA GOVERNMENT.
have been made by the Photographic Service of the Kenya National Archives solely for the purposes of research, and must not be quoted or otherwise reproduced by any means, either in whole or in part, without the express permission of the Chief Archivist, Office of the Vice-President, P.O. Box 30520, Nairobi, Kenya, to whom all communications respecting this film should be addressed.

Date of Reproduction 4th February, 1966.