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[The Minister for Finance and Development] — example, and various community services. Raisman has dealt with this question, but he has dealt with it in a very rough and ready way. He has recognized that in his report. When we come to a question of federation we have to go very much more deeply into the question of how to distribute the revenue; that has been done in this little blue book, the Raisman Commission Report. That, for instance, was the main reason why it took so long to bring about a federation in Nigeria.

There are various other matters. One hon. Member mentioned the question of the army. He said that before we have a federation we must first of all become independent and have our own independent armies. I would say, Sir, that that strikes me in some ways as being a quicker way to have wars between the territories than to have a federation. I would believe myself that we should be getting down to the questions now, as the Government suggests, to the solid, hard questions of the distribution of power, the distribution of revenue, and all those matters, and that we can be doing that at the present time.

The suggestion that has been made by the Government of forming a select committee is a very practical one because it will help the people of this country to make up their minds on what they think should be done on these practical questions of federation which, in fact, are much more important than just the general principles. It is very easy to agree to a general principle. We are all against sin, Sir, if I may coin a saying, but we are all in favour of federation. However, that is not the end of it by a long way. That is where the difference is between the Government's approach and the Opposition's. The Government are realists. To give another example of the difficulties that arise; during the last few years, up to about three or four years ago, the army was administered by the War Office. Then it was decided to set up a local organization so that the army could be run locally. Sir, the unscrambling of the War Office egg and the handing over of the army to the East African territories, which was only one single operation affecting one service, that took a very long time, certainly far more than any six months, more than a year, and that was a relatively simple part of the exercise.

An hon. Member: We can do it faster!

The Minister for Finance and Development (Mr. MacKenzie): Sir, the hon. Member says that he can do it faster. I can assure him, Sir, that if he had ever had any experience at all of the prac-

tical business of administration he would not make remarks like that which can only come, I suggest, from the extreme arrogance of ignorance of these matters.

It was decided that the army should revert to the War Office. If it had not reverted, Sir, I can assure all hon. Members opposite that instead of expanding our educational services today they would have had to be cut, not only this year, but last year, because it was only because Her Majesty's Government last year took over the expense of running our internal security forces that this, our expansion of the civil services, was possible. I would suggest, Sir, that that kind of problem is another that has got to be thought of before hon. Members begin to say, "We can easily do this". Can they easily face the matter of having possibly to reduce social services in order to build up this large army that hon. Members opposite talk about in order to defend themselves? That, Sir, is a practical question which the Government prefers to think about seriously and does not just get up and say, "Oh, yes, we can do that; we can do it quite easily".

There are many other questions which will arise in dealing with this. They are questions which have arisen during the working out of federal institutions which are probably the most difficult in the world to operate, far more difficult than those of a unitary State, and we all know that the working out of unitary constitutions is not a matter that can be dealt with overnight. They are very difficult institutions to operate, as witness the long discussions in forming the American Federation, which is probably the most famous, but also we have the cases of Canada and Australia, and in recent times of Nigeria, which I have just quoted.

Sir, I think we should approach this question with the greatest humility; that we should realize that federation is a question of practical politics of finance, of administration. The Government regards this in that way and if the House considers this matter seriously I am quite sure that they will vote with the Government and that they will not vote in favour of a Motion which is only based on the impatience of irresponsibility.

Sir, I beg to support the amendment.

ADJOURNMENT

The Speaker (Mr. Slade): There is only one minute before the ordinary time for the resumption of business; I do not think it is reasonable to ask anybody to start speaking now. Council is, therefore, adjourned until tomorrow, Friday, 16th June, at 9 a.m. *At 10.15 a.m. The House rose at twenty-five minutes past 11 o'clock.*

[Mr. Shab]

our energy. We will not be able to exploit the resources of the country and create wealth and also increase the standard of living of the people of East Africa. For that reason we must have federation, and the other big danger is that if we fall to achieve federation the big powers of the world might try to play each other and involve us in cold war. It is quite possible that one of the territories may become a tool in the hands of one of these eastern or western powers and then they can bring ruin to the economy and political stability of East Africa. We do not want this sort of affair in East Africa which will ultimately keep us the poorest of the lot in the world.

For these reasons, and for the reasons of trade, healthy trade generally, in which you can have the same sort of import and export policy, the same sort of distribution of agricultural goods, policy, and the same policies as far as industrial development is concerned, it is absolutely necessary that we should have federation. Now the question is how best you can get federation in the terms of the amendment put forward by the hon. Minister for Commerce and Industry. According to his own Ministry, he must, I think quite quite sure—be in favour of increasing trade interterritorially. Still, I do not understand why there was a need to put this amendment in because this amendment itself is against the creation of a federation in its proper form. According to the amendment, it is a delaying tactic because it is quite clear that with an independent Tanganyika, an independent Kenya and Uganda, you could not create a federation. It is suggested that next week a delegation from this House from both sides is going to London to discuss the subject of federation. I must remind you, Mr. Speaker, that one of the Members on the Government benches, the hon. Mr. arap Moi made a suggestion, and I must remind the House that the discussions next week in London are not on the subject of federation. They are on the subject of the High Commission, how to keep that institution going so that an independent Tanganyika can participate with a dependent Kenya and Uganda. That is not the matter of federation and when we go on to federation I have a fear—when you want a proper type of federation—that you cannot expect a sovereign state to participate in a federation with dependent colonies. For that reason, for the reason of raising the standard of living of our people, and since we are committed to having independence, it is only a matter of time. If we can have our independence

at the same time as Tanganyika is having it, we all—all the peoples of Kenya, Uganda, Tanganyika and Zambia will benefit. So even if there are some other differences, even if there are some opinions on the Government benches that independence should be delayed for some time, I say for this reason you should reconsider your stand. Mr. Speaker, they should support this Motion and they should withdraw their amendment.

With these words, Mr. Speaker, Sir, I beg to support the Motion and to oppose the amendment put forward by the Government.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, there is no difference of opinion as far as the House is concerned on the merits of having an East African federation. On its merits, Sir, we are all agreed. The difference of opinion arises about the way of achieving this. Sir, I must say listening to speeches made on the other side that one or two things that have been said rather surprised me. For instance, there was one hon. Member who opposed the amendment on the grounds that we should not have discussion on federation now; we should have it apparently at some future time; and yet, Sir, at the same time he suggested that whilst he was strongly in favour of federation we had a defence problem and we should all have our separate armies before we got together to begin to discuss federation. Yet, Sir, other hon. Members on the other side have been pointing out the difficulties that will arise if you get different countries becoming independent at different times and that in those circumstances when they have their ambassadors and their Ministries abroad they will never want to federate. Sir, I must say that I think hon. Members opposite ought to try to sort out their ideas a little on this matter.

Now, Sir, the hon. Member who has just spoken spoke of the dangers that would arise if interterritorial customs barriers grew up and if anything happened which would break up the common market. I entirely agree with him, Sir, because it would be unfortunate if those things happened. However, he seems to have overlooked the fact that the Tanganyika Government has already accepted the principles of the Rainsman Report and that by doing so they have agreed to the maintenance of the common market during the next four years. Sir, during that time there will be plenty of opportunity to discuss this important question of closer federation between the territories.

[The Minister for Finance and Development]

Now, Sir, I think the chief difference between the Government and the gentlemen on the other side is that the Government is responsible for seeing that when we enter into any kind of negotiation we do so in a thoroughly responsible way and not just say, "Well, this is a good idea, let us have it," and think that everything has then been done. Government realizes, Sir, that before there could be any question of a federation it is essential to have discussions and there will be long and complicated discussions between the time at which agreement in principle to have a federation has been reached and the time at which federation would actually be brought into being. This, Sir, is a question which the history of other countries which have federated shows very clearly. First of all, you have to have a general will to federate and, I think, Sir, generally speaking we can say that that will is present all over East Africa today. But then, Sir, it is a very different thing from thinking that in a period, a brief period, of six months it will be possible physically or in any other way to bring federal institutions into being or even to reach complete agreement on how the federation will work.

Sir, I think I must draw attention to a number of points that must obviously be decided before we can reach decision on this matter. To begin with there is the question of the powers and the functions of the three or four territories which would make up the federation. Some hon. Members opposite seem to think that within this very short time you could think even federate six territories. Sir, this will take a very considerable time. It will mean a lot of discussion to decide time. It will mean a lot of discussion to decide, for example, the apparently simple question of where the residual powers of the federation will lie. Will they lie with the federal government? Or will they lie with the individual states? That, Sir, will not be easy. Then you have to decide what the provisions will be for changing these basic constitutional questions. They are very practical constitutional questions. They are very practical questions which in the other federations of the world have taken certainly a very long time to bring into being. For instance, the Nigerian Federation which had the very great advantages of starting as a unitary state took several years to work out the administrative arrangements, the division of powers, the division of revenues and all those matters. And they will, Sir, lead to extremely hard bargaining. There is a wide scope for argument and dispute and I believe that there will have to be many months of solid, really hard and solid, discussion and bargaining before full agreement can be reached on these matters. For example, I give you the point that at the

present moment the per capita income of Kenya is about £30, a head—rather more than £30 a head; that of Uganda is a little less; and that of Tanganyika is only £17 a head.

Given those circumstances, Sir, it is quite clear that when you come to the question of the federal government, the decision how the revenues are going to be distributed, you are going to have a pretty good deal of hard bargaining to decide how much of the surplus that Kenya has above what the people of Tanganyika have, should go to Tanganyika. Are we, for example, and are the Members of this House, are the people of Kenya, prepared to say "Yes, we will forego any expansion of our educational system; we will forego any new schools in Kenya; in fact we are prepared to close some down, in order to make some of our surplus revenue—surplus, that is, per capita—go to the same standards as ours?" I imagine, Sir, that the answer will be "No, we cannot do that immediately. We can go some way, as in the case of Rainsman we are prepared to do, but we cannot go the whole way at once." Obviously you are going to have to have a good deal of hard bargaining with the Government of Tanganyika on exactly how far you will go. I am quite sure that in the end, agreement will be reached, but, Sir, it is not going to be easy to reach that agreement.

There will be similar questions over, for example, defence. I know that defence sounds quite easy. Defence is a federal subject; we shall quite rightly get the question of internal security, which means that if a position arises in one part of the territory that is not a part of the territory, the police, the gendarmerie cannot be sent with by the police, the gendarmerie arises of bringing in the troops. Will, Sir, who is going to decide whether to bring in the troops from one of the territories? Is that going to be from one of the territories? or the Federal Government? I can see that that again is a question on which you will have to have a great deal of discussion.

The same applies to roads; communications. Communications will presumably be a federal subject, but you get a good deal of argument over whether this road, that road, or the other road, is federal, local, or whether it is something that should be dealt with by the local parish council.

Sir, you will come to questions of taxation. I think that these will be found to be the most difficult of the lot. I have indicated the case of the difficulty of deciding when we make the spread of social services equal throughout the territories. There will be a number of other questions of a similar kind, the health services, for

[The Parliamentary Secretary for Education] they take certain views, do they think that by merely offering an excuse of ignorance that will carry us anywhere? We must build or create strong bases on which our future economic development could rest.

Now, Sir, I do not think I have a lot to say on this matter. It is only a question which the Colonial Secretary has said should not be imposed on the masses, from the people, and we are now suggesting that a select committee should look into this and discuss with the people of Uganda and Tanganyika how we should go about this. The Members of the Opposition suggested that we are not in a position to discuss this. In actual fact, some of them will be leaving tomorrow and they will discuss these things with friends in London if they wish to raise those matters. Why raise such trivial matters here when they are in a position to discuss such matters? Therefore, Mr. Speaker, without labouring so much on this matter, on which we all agree, allow me to agree upon the approach to it. Many of our friends in Uganda feel that they should be very cautious. Here, in Kenya, we feel that we are almost ready, and that is why we say the time is ripe for us to think of those things.

I sincerely believe, Sir, that we should work for economic expansion in a wider field. We have the Royal College here, we have got the University College of East Africa at Makerere, we have got the newly built university college in Tanganyika which is bound to take students from Kenya, and so these things are common to the four territories. Therefore, no one disagrees that we should begin negotiating on these matters. But the terms of the Motion, Mr. Speaker, make one think that the man who moved the Motion was in a different mood and, therefore, he did not think of the basic matters which require greater thinking.

Mr. Speaker, Sir, I beg to support the amendment.

Mr. Abwao: Mr. Speaker, I feel that we, in this House, are just trying to show this country how irresponsible we are. I am quite sure in this Motion we have gone too far and perhaps we have not even considered the condition we are in and what is to be done first and where we are going. One thing we are forgetting is that whatever we do now in this House, we are planning for the future of our generation. Are we really sure that what we are talking about, or what we are trying to do now is going to suit our children?

Mr. Aringwa-Kodhek: I can tell you.

Mr. Abwao: I know you can tell me about it, Mr. Speaker, and I am quite sure I can too. One

most important thing at the moment is that this Motion is being debated in Kenya, and I do agree with the hon. Member for Embu when he says that we should ask Tanganyika, Uganda, Zanzibar and find out what they think and what their reaction would be on this Motion. We have all been told by the hon. Member for Fort Hall that there were representatives from these Territories in a meeting where they all agreed. "Yes," we can refuse that, but are we sure that the people of this territory do understand and know what the federation means. We cannot say in this House, we who are here, that we know exactly what other people in their territories are thinking of federation, and when I say this, I am not refusing the federation. I know it is the best thing to do, but what we should do first is to find a way how we will get it and which way and which methods we are going to use. We should not just jump at it and say, "Oh, there is no need to plan for federation," or "We are ready for it," when we know that many people do not understand it, or perhaps people in Tanganyika may be thinking in other terms now because they have got their internal self-government. They may be thinking, "Oh, Kenya with their political situation now, they are not going to co-operate," and when you go to them they will say, "Unless you change your views, and perhaps think twice on what you are doing in your own country, then we will accept your advice." We have to think of those things first, before we can say for certain that federation will be the best thing to tackle our problems.

I feel that we cannot refuse to plan or to think of what we are doing in this country and just take for granted that it is only federation that will solve all these problems. I do not think that would be true. We are not comparing with a mother who is expecting to make her child a very important person before the child is ready for it. That child will have to be trained to accept the responsibility the parents are planning for it, and it is just the same in this country. We must work and make our people understand the value of federation before we can say that we are going to do it. I think the only way of doing it is first to discuss, agree to our discussions in Kenya, and then go further and approach other territories in a friendly way to begin with, find out their feelings, let them express their views about this, and perhaps they may ask just the same, to go out and find out the feelings of their people. Then we shall again come together and discuss it and plan how we are going to get it.

I know hon. Members think that the Government at present are just trying to oppose this

[Mr. Abwao] because the Motion or the impression has been put forward by the Opposition, but when I think myself, I do not think the Government is doing it purposely, but is doing it considering the people in this country, because we cannot say things for ourselves. We have to think of the people we are representing. I think it will be the best thing to go back to them, explain first what federation means and why we want it, and then we will come here and debate it. At the moment I know, Mr. Speaker, that the hon. Member said that they know, but I do not think they know.

Mr. Aringwa-Kodhek: I do.

Mr. Abwao: Yes, you know, Mr. Speaker, but they do not know. I do not think even in your own constituency there are many who understand the meaning of federation and it will be your duty, Mr. Speaker, to go and explain to them before you can debate it in this House.

Now, Mr. Speaker, I know that in this House hon. Members have always said that we are saying this and we know our people like it or they want it, and they have always said that we are saying this because we represent the majority, but I just wonder, who are we representing on this side? Where did we come from, Mr. Speaker? I think any Nominated Members who are considered as reasonable people in this country and who whoever might have nominated him, even if it is the Governor, has the recommendation from the people of this country. We are here, leaders of the people in this country, whether we are Europeans or Africans or Asians. We are working for the good of the people of Kenya, and if we should be our duty to go back every time to ask them what they want, what they think and then we will be able to come here and debate it with full confidence from our own people.

Therefore, in this, Mr. Speaker, I for one have a belief that the best way to get federation will be to plan and as the amendment has stated we will have to plan, get our friends in Tanganyika, Uganda, talk to them, discuss this matter with them and find out their views. Then we can come here and debate it, knowing well that they will support the idea.

I do not think we need to fear now that when Tanganyika or Uganda gets independence we shall not be able to put this thing together. I do not think there will be any difficulty in getting them to agree to what we say here if we first go to them now and discuss this federation on friendly terms. But if we try to be hard on it and stand and say that this federation on that and once Tanganyika gets independence, we will not discuss this matter, I do not think it is true at

all. Mr. Speaker, if we are really speaking the truth and speaking for the people, there will be nothing difficult when it comes to the time for federation. The best thing to do now without wasting any more time is to say that we accept the amendment and get this matter discussed properly, then we shall federate with free minds and be happy. We do not want to irritate our friends, Tanganyika, Uganda and Zanzibar, to a dirty house. We want to invite them to a clean house where we can entertain them and feel that we are doing or serving the people in a proper way. For that, Mr. Speaker, I beg to support the amendment.

Mr. Shah: Mr. Speaker, Sir, I really cannot understand why the Government side today must oppose the Opposition. Many times they say that the Opposition are opposing for the sake of opposing; today everybody can see that for the sake of opposing they are just opposing the principle which they themselves in this speech are supporting. The Motion, if you study the words, says that the intention of this Council is that you can have a proper form of having federation, and if those who are in favour of having federation, it must be of the proper form, and if you want to have a proper form of federation you can only have it by synchronization of the date of independence of all these territories. It is quite true, and every know, that you cannot have a proper form of federation unless you get all these territories independent almost altogether.

The value of federation to me, as a business man, is quite big, because I know that in a federation with a population of over 20 million people you can have quite a big market, in which the investors of this country as well as elsewhere will with full confidence be able to establish industries because they will be quite sure of having a market of 20 million people. But if we fail to federate, then there will always be the danger of customs barriers, and anybody thinking of putting up an industry in any part of East Africa will have to think twice, whether any of the territories will put a customs barrier in the country or imports of the articles from neighbouring territories. Because of that danger we will be stopping East Africa in developing as far as industrial development is concerned.

The most important next item is the common market. Through the agency of the High Commission we have been able to create some sort of common market in East Africa, but as the hon. Member for Fort Hall has said it is not complete. Unless we have a proper common market we will not be able to make full use of

[Mr. Masi] then the coastal strip would not be such a problem since the coastal strip would be part of the federation and we could avoid trouble that way.

The only difficulty I see and the only argument which might be advanced against federation is perhaps one of international representation. I do not know whether it would be an advantage for East Africa to have more representatives with the separate states remaining apart or whether it would be better to have one representative for the whole area. But that disadvantage I think is not a serious one. It would not be so serious as long as we kept neutral and did not commit ourselves either to the west or to the east, therefore representation on a federal basis would be quite as effective as if we had more representatives but representing small bits.

But, Mr. Speaker, we have various handicaps. I have already mentioned that we are at different constitutional stages and this is a serious handicap because we cannot negotiate as equals as things stand today and we feel that we must be able to meet as equals if we are to discuss federation. Then we have some selfish elements which have already been mentioned, we have noticed that in Zanzibar there are people who are against federation. In Uganda there are people who are talking against it, but we can only explain this as being based on purely personal and selfish motives on the part of those who are working against federation because they are afraid that if their countries join the federations perhaps they will not appear as important as they now appear. But I think this is a difficulty which, given time, we might be able to get over.

Now our other difficulty is our present Government. Mr. Speaker, Sir, I do not intend to move back on matters which have already been discussed in this House but it is important to remember that this Government is not representative of the majority of the people in this country.

The Speaker (Mr. Slade): Mr. Masi we will not go back on that.

Mr. Masi: Thank you, Mr. Speaker, Mr. Speaker, Sir, a Government which is not representative of the majority of the—

The Speaker (Mr. Slade): Mr. Masi, leave that subject alone. It has been discussed fully in other debates.

Mr. Masi: Thank you, Mr. Speaker, we feel that in order to be able to play a proper part in the building up of a federation we should be fully

represented in those discussions and this can only be done if we have a set-up which is truly representative of the people.

The hon. Minister for Commerce and Industry said we were all committed to federation. We agree, we are committed to federation but why delay the goal—why delay our reaching this goal if we are truly committed to it? Why does not the opposite Side agree with us that we should try to see to it that within this year we reach the stage when we could be, the equals of the other territories in East Africa so that we can achieve our goal at once? They cannot say, Mr. Speaker, that we are committed to federation and at the same time say that we must wait; we must go slowly, we must not rush it. We are not rushing, we are just stating things as they are. Kenya is ready for independence; if the hon. Members opposite do not agree with that, then they should tell the country so. If we are ready why do we not get our independence at once and go on to form this federation which we feel, will be to our own benefit?

Mr. Speaker, Sir, I cannot see the point in the Government Side amending our Motion. They should not be afraid of federation because it is obvious that that is what they are afraid of. They perhaps are thinking in similar terms as the people in Zanzibar and Uganda who are afraid of it, they are afraid of it but they do not want to admit it, therefore, instead of stating it clearly to the country that they are afraid of federation, they go on amending our Motion in order to side-step the issue.

Mr. Speaker, Sir, we on this Side cannot possibly agree to this amendment and we still stand by our Motion as moved by the hon. Member who moved it first. I beg to support the original Motion.

The Speaker (Mr. Slade): Mr. Chokwe has a point of order to raise.

Mr. Chokwe: Mr. Speaker, Sir, I beg to move that the question of the amendment be now put.

The question was put and negatived.

Mr. Nyagah: Mr. Speaker, Sir, I want to be very brief and put one or two points across in this House.

For nearly three hours, Sir, we have been talking about a subject that we are almost agreed upon. If the Government had read carefully the original Motion they would have noticed that they have been very wisely advised by the hon. Member. The first part of the Motion is almost the same, with the exception of one word changed by the Government with the word in the original Motion. It is the second part where the Kenya

[Mr. Nyagah] Government has misunderstood. They are only advised—and very wise advice too—that the proper form of federation can be achieved—can be achieved—by synchronization of the date for independence. This is much ado about nothing. If the Government agrees that this country alone cannot discuss and bring to effect the federation of East Africa, I see no difficulty at all in this country agreeing that this is a desirable move and then suggesting the Motion and perhaps asking the Government to approach the other two or three territories referred to for their comments and discussion.

It is true, Sir, that Kenya alone without effective steps being taken by Uganda, Tanganyika and Zanzibar cannot bring about the federation of East Africa, much all the Government and the Opposition may agree, but still we could have shortened the time, saved the taxpayers' money by saying "Yes, we agree" and then move on to the next order.

Mr. Speaker, Sir, there is nobody who is trying to impose their will on any other. The Motion and the amendment, the first part which says that federation is desirable for economic and political reasons is unanimously accepted. It would be a pity, Sir, if we form a habit in this House of never accepting a Motion in its original form just because it comes from this side of the House or that side of the House. This is one Motion which I think the Government ought to consider giving second thought to, and without the amendment and let us get on by moving to the next order.

Hon. Members: Hear, hear.

Mr. Nyagah: If we take the amendment, all it seems to me is that the economic side of it is being disturbed, perhaps it is going to be inconsequential. If Tanganyika becomes independent at the end of this year and Uganda will probably become independent before Kenya does, we shall have three different customs with custom-generals in each of the territories. To cross from Lolokitok to Arusha one will need a passport or pass, whatever the independent countries require. Whatever the independent countries require, shall have very inconvenient boundary regulations. We shall need a passport for a student from Tanganyika to go to Makerere and for a student from Uganda to come to the Royal College, Nairobi. We shall probably find that we will be set up our own educational department and for our own services, all the research departments which today seem to

go on very well on a common basis. What guarantee have we, Sir, that an independent Tanganyika will not impose its special independent regulations which will be very inconvenient to us here, to this country or to our neighbours in Uganda and Zanzibar. We are going to find it very difficult to define the territorial waters of Lake Tanganyika and Lake Victoria, because an independent Tanganyika would not like to have a three-mile strip and to consider that their own territorial water. It is going to be very difficult to run the Post Office, the Railway system and what has already been said before, the currency, the flag and the national anthem, etc.; these are going to be very difficult indeed to change after any of these states become independent.

I would like, Sir, to urge the Government to change their mind and withdraw their amendment and seeing that we alone cannot bring about the federation of East Africa, pass the Motion as it is and then ask the Government to recommend it to the other territories who are not debating this Motion today.

With these words, Mr. Speaker, I would like to support the Motion.

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Speaker, Sir, I shall be very brief indeed on this subject which has very briefly been spoken of. As the Minister has said already been in an imprecise position and in the case of all this, in my view, it is impossible to impose our own point of view on countries like Uganda, Tanganyika or Zanzibar. The hon. Member who has just sat down said that we should, as a Government, accept it and then impose our own people to accept our view. The Government would like to take this matter very cautiously, of course, knowing full well—

Mr. Nyagah: Mr. Speaker, Sir, I did not see the word "impose", but I said "to suggest" to the other Governments.

The Parliamentary Secretary for Education (Mr. arap Moi): Well, Mr. Speaker, I understand the meaning of the hon. Member and, therefore, the meaning of the hon. Member who has just sat down is to say that I am quite happy the way the Government has handled this Motion, because we feel that the matter should not be rushed. The matter should be given very serious thought. Of course, I know very clearly that independence is merely a formal declaration and, of course, must be followed by a concerted effort aiming at the utmost possible economic and social development, which constitutes the basic substance of real independence.

Mr. Speaker, some of the points raised by the Members of the Opposition were quite valid. Others were based on wishful thinking, because

[Mr. Matsano] bring-about federation of East Africa. I do not agree that that follows. It is true that we must go forward. We cannot delay much longer, and it is true that we are moving forward; we are not standing still. Yesterday's debate showed clearly that we are moving forward. There is movement in our political life here. You may say what you like, but we have made a statement. We have made up our minds and we are moving. Our friends there have already reached this destination. Let us wait and see. When we reach there our friends will have reached there already, and then we will get there. I do not see any difficulty at all. We are going to discuss this problem together to see the advantages and the disadvantages. It has been pointed out that the leaders of Tanganyika and Uganda, and other places, favour this idea. I do not see any difficulty whether we get independence now or in a few months' time. If Tanganyika gets independence at the end of this year, Sir, it does not stop us from meeting at some future date in order to discuss these things and come to an agreement. Therefore, gentlemen, I think the only factor on which we do not agree is the factor of time. I have said, and I would like to repeat again, that it is no use rushing because once you rush you may not get the results that you think you are going to get. Instead of achieving what you are trying to get you may later on be disappointed. Now, if we make a mess, if we make a mistake, Sir, over the question of federation, then it will be the biggest mistake that we can afford to make. We cannot afford to make that mistake. Federation must be made to succeed and it will succeed. It can only succeed if we take this step after thinking, with patience, and that is the only way which will enable us to reach this destination.

My hon. friends are very very impatient. They tend to think everything can be done just like that. Well, I do not know. I disagree with them. I think that everything big and everything important needs planning. By shouting, by crying, by using wonderful slogans such as "Independence this year", all these things, they must know very well do not work. They do not help anybody. We are now beginning to talk of independence as soon as possible, to get federation simultaneously with other territories. It is a good saying and it will attract a lot of people. A lot of people will think you are talking a lot of good things. But can it work? Have we paused to think?

An hon. Member: Yes!

Mr. Matsano: You may say, "Yes". But have you tried to go deeper into it in order to see the

pros and cons of it. That is where we differ from the Opposition. Our friends too think everything can be done in a night or in a day. These things do not come easily. They need sitting down and thinking out and planning for and deliberately going to it with open minds, and not shouting.

Now, Mr. Speaker, Sir, I have said how I feel about this. Before I stop, however, I would very much like to repeat what I said when I started. If we are going to think of federation then we must think of the country as a whole, East Africa as a whole, as a bloc; and we should all try to think of the geographical area of East Africa as one economic unit. We shall join politically very soon I know, but when we consider it let us consider it as a whole. I would like to say that federation will not come only when the Coastal Strip is divided from Kenya, because that cannot be done. We cannot allow our people to be divided into three independent territories. We are a small tribe. If we are going to be divided between Kenya and Tanganyika it will not work. We want to feel that we are one. Now, if a part of the tribe is to be in the Coastal Strip then we are not going to start it. We should work for the whole lot of people, and it can be done, but I do not believe that it can be done in the way the Opposition are doing it.

Therefore, Mr. Speaker, I would not like to repeat myself too much. I have said enough, and now I would like to support the amendment to the Motion. Thank you, Sir.

Mr. Mati: Mr. Speaker, Sir, the hon. Member who has just spoken is an old classmate of mine and I have great admiration for him! But I think that I do not agree with him when he seems to be ashamed of the word "African". I thought he would be one of those people who would try to make people in this country accept the word "African". I do not see why anybody who claims that Africa is his home should be ashamed of the word "African". I do agree with him on a number of points, and one of those points is that federation, if it is to come at all, must come in such a way that shall avoid any further divisions. The whole idea of federating, I thought, was to try to bring the various East African territories together. But one hon. Member sitting on this side certainly is thinking differently from the majority of the Members on this side. He said that he was in favour of seeing eight or nine States federating, which meant, in fact, that he was suggesting that we should split up the present territories into smaller units, and in fact be hated

[Mr. Mati] that he was thinking of splitting up these territories into tribal groups, and, of course, into racial groups as well. He went on to tell us that in 1954 he chaired a committee which went into the matter of a federation of East African States. But he mentioned some names without giving any names of Africans or Asians. I would like the hon. Member to let us know at some time how many Africans and how many Asians were in that committee, because if it was only composed of Europeans then it was only representative of some section interests and not the interests of East Africa.

He also went on to talk about adjustment of boundaries, which of course he had to do, because that is what he meant was that he should have the Masai separated from the Akamba, the Kikuyu separated from the other tribes, and so on, so that we have eight or nine tribal or racial groups, which should exist, and that we should then try to split up Tanganyika in the same way and Uganda in the same way. But we, the people of this country, do not want that, and on that I am quite in agreement with the hon. Member who has just spoken.

There was another hon. Member on the other side who, instead of telling us about federation gave us a long history of the Uganda Railway. In fact, most of the Members here—I think there are many of them in any case—were teachers and they are quite familiar with the history of the East African Railway; and that was most uncalculated for. But she said that what she was thinking of was "true federation" which would bring economic benefits. Well, of course, that is exactly why we want a federation. I thought that is why there was the High Commission. It was why there was the High Commission then there would be no need for federating at all. We are all well aware of the contribution of what the hon. Member graciously called the Pax Britannica. We agree that our legal system here, the way we run our affairs here, have been influenced by British law. But I do not see why that should come into this at all. What we want is a federation of East African States which will do the benefit to us. We are not saying that we are anything but the Pax Britannica. We agree and we acknowledge that we want federation. But we differ from most of the hon. Members opposite in the question of timing. They are prepared to wait endlessly. We are not prepared to do that. We do not see why we should go on waiting to wait endlessly. We are not prepared to have it in as soon as possible and in order to reach a constitutional state in which the world

the official of Uganda and Tanganyika and that we are equal federation as equals. We do not want to be a small brother in this federation. We want to be equals, we do not want to be the smaller than others or they, then ourselves. But we do not know where does Kenya stand? Should Kenya be constitutionally dead, who are members for this, I think the Members opposite are members for this because, as everybody now demands, they refused to endorse our demand that we should have independence in 1961, sometime before the end of the year, to say the least by the end of the year we are at the same stage with Tanganyika.

There are many advantages, Mr. Speaker, in the federation of the East African States and I do not wish to dwell on these because many of them have been mentioned. There are, of course, economic advantages. We have a common port, which is vital to all the territories as a whole. There are other things we have the advantages of having a common customs arrangement, rail-roads, which have been mentioned, airways, and so on, and we have various common services. It has already been mentioned that research work could be done on a federal basis. We have things like water control and so on. Then there is also, of course, the question of defence. One hon. Member thinks it was the Member of the Opposition pointed out that there might come a time when we might have to defend ourselves against external enemies and that meant, of course, that if we are a larger state we stand a better chance of survival than if we are divided into small states like Kenya, Uganda and Tanganyika and of course, Zanzibar, the smallest. We could organise our defence better in a federal way. We could have a common federal army, we could have a common federal navy, and this would be to our benefit. This means then that anybody who suggests that we should balkanise East African states is really suggesting that we should commit suicide.

There are some political advantages, many of which have already been referred to. We want to take our place among the nations of the world and we do not see how we can do that as a united group unless we have a federation which will solve the problems of the problems which face us, problems of boundaries which has already been mentioned, we have tribes, who are cut into two, some in Tanganyika, some in Kenya, some in Tanganyika and some in Kenya. Now if we have a federation and some one has no question of people of the same tribe belonging to two separate and independent states, they were being to one nation. Then again there is in of course the vexed problem of the coastal strip. If Zanzibar were in the federa-

[Mr. Mathenge] ... and control these three or four territories and possibly enlarge into Central Africa as the main government of these territories. We will, of course, leave a measure of autonomy to the individual territories, but I think the major matters of these territories, defence, legislation, of our vital matters and financial matters and the economy will be in the hands of this federal parliament or federal house. In fact, I think the word "federation" does not seem to suit very well the idea that is in the minds of the people here, and I am sure in the minds of TANU in Tanganyika. I have wanted to use the word "union", but this is a word which always gets confused and it might suggest various things, so I use "federation". But I think the idea we have got is a firm political union.

Now, we want to discount or to reduce the disadvantages or the difficulties which would bring this about, to the minimum, and we want to encourage all those other things which would make this federation, this union, possible.

Now, there are various disadvantages, Mr. Speaker, and the reason for the word "synchronization" is that today we can talk about a select committee of this House, but the decision which will be made by the select committee even if a report back and even if this House votes on the recommendations, possibly using the Government Whip to get that decision passed by this House, would that decision be respected by future Governments in Kenya? Would that decision be respected by the Kenya people? The chances are it would not. That is why we agree entirely with the Prime Minister of Tanganyika that before you can take firm decisions on the question of federation, before you can go into substantial discussion of the various relationships that you have in the constituent territories, you have got to have a government that is not only responsible to the wishes of the people in the territories but has got the full confidence of those people and, therefore, the decisions which that government takes can be reasonably assumed to have the full support of the people.

Mr. Speaker, once a territory is free, that territory embarks straight away into the problems of independence. The territory becomes sovereign politically, and that territory establishes itself as an independent state and sets up all the accessories of independence and of sovereignty. That territory sets up embassies, in various countries in the world, it opens up other diplomatic offices in its own territory, it sets up its own standards of international relations, the relations between

itself and the other states. It has assumed sovereignty in, shall I say, the little things that we always forget, but the sort of things that the people think and feel to justify the sovereignty of that territory, they have a flag, they have a national anthem, they have this and that. Once a people like the people we have in Kenya and in Tanganyika see these things, it would be very difficult after that to get them to accept, to surrender part of that sovereignty, these symbols, in a larger set-up. The politicians, the leaders and so on may speak for federation, but it will be difficult for them to convince these people that they should surrender part of their sovereignty in order to have a larger sovereignty. That is why we feel that the period which is the best period when the federation should be discussed will not be now, will not be after independence, but will be at the stage when all these territories have got to internal self-government when they can claim to have a government which does possess the full mandate of the people, and when they can negotiate without fear, but not after full independence because after that you get all these things as I have mentioned and it would make it very difficult. Mr. Speaker, we feel that the best stage is the stage when there would be the best results for federation. That is why, Mr. Speaker, we want this word "synchronization" for independence. The main point was not the argument about 28th December, but at least give these territories the chance of a constitutional period in the progress of their development whereby they can get together and discuss these things and finalize them.

Now it looks as if, Mr. Speaker, Tanganyika will be free on 28th December, and Kenya might still be as it is. I do not know, maybe got a little further. Uganda may have internal self-government, we are not sure; it is very likely; Zanzibar may, it is also very likely. When we sit together next year and try to thrash out these problems they will be very much more difficult. We could save ourselves the trouble now, if only we change the constitutions. The hon. Member, Mr. Salter, mentioned that we should sort out our own problems here first, before we try to get an interterritorial organization of this form to be the scapegoat for the troubles we have. I agree with him, but I do believe that we can sort out our problems; I do believe we can solve them and in time we will be able to negotiate for this federation.

Mr. Speaker, there was another mention made by the hon. Minister for Commerce and Industry that there were hurdles to jump. I have heard now several times from the same hon. Member

[Mr. Mathenge] ... about these hurdles, hurdles. I have heard of hurdles everywhere. Even when you walk, you walk over hurdles. It is for the people here, it is our duty, and that is why we are here, to try either to break down those hurdles or jump them. I do not see why we should make them an excuse for us not to take positive steps to do what is right for this country or for the federation of East Africa. Therefore, I would not like to hide behind the word hurdles. There are hurdles, problems here, I would like to face them boldly; are we being cowardly in facing these problems? The day of federation, the day of our own constitutional problems. Can we not face them? I am sure we can face them, and I am sure it is not time that will be the main factor that will produce the solution. It is not time; you could have ten years and you would still have those problems. I am sure it is the attitude, the attitude that we all take that will solve the problems. It is not time; we could solve those problems within even a shorter time than we now think. If only we had the right attitude towards these problems. Therefore, Mr. Speaker, I disagree entirely with that attitude of trying to cover up some of our weaknesses under the imagination of the weightiness or the largeness of these problems and hurdles, and so on, I am sure we can face them, we are capable of facing them; we can solve them.

Mr. Speaker, I do not want to speak very much. I would only like to emphasize the fact that if this party that is going to London tomorrow is solving to discuss the question of federation fully, I think it would be making a mistake. As I mentioned yesterday, Mr. Speaker, I do not think they are qualified, even though they include Members from the Government side and from the Opposition. I do not think they are fully qualified to discuss any substantial matters on federation, other than the High Commission aspects. But anything that touches on political union should only be explored, but cannot be decided, because, Mr. Speaker, I fear that possibly tomorrow we might blow down those pillars we are trying to build today, imagining that we have the security and stability to build them and that they can last like the pillars of Rome. They will not, because we do not have the foundations that are right for us to take these decisions. Therefore, Mr. Speaker, I hope that they will explore these problems but that they will take no firm decisions on them. Those decisions can only be taken by a government in Kenya that will be fully representative of the people, and not by a group, a delegation from the Government and the Opposition. After all

the Opposition is not the Government, and even though the Opposition has some Members, in a way they will not be as responsible as the Government in the decisions that are being taken.

Now, Mr. Speaker, we still would want to retain our original Motion. As I mentioned, the Government agrees with everything up to the point "synchronization". I mentioned the reason why we want to synchronize these dates; I even do not use the word "date", synchronize the movements, the changes in legislation in these territories so we can get it soon before Tanganyika becomes independent. In period whereby we will have a government that will be fully representative, Mr. Speaker, the reason why we reject the last half of this Motion is because we feel that this Select Committee would be very much like the committee which the hon. Member, Mr. Salter, mentioned, a committee that went into discussions and made a recommendation that is now in a bookshelf somewhere. I think if we have a Select Committee tomorrow, it would do the same sort of job; we would get another report to put in the bookshelf. What we require now is not a Select Committee; what we require now is a government to decide on this matter, and I hope, Mr. Speaker, that soon we shall have such a government.

Last, Mr. Speaker, when we talk of federation we do hope that there will be a consideration of the defence problem. We understand that today the defence of East Africa is in the hands of Her Majesty's Government. Whenever federation is discussed this should not be made a condition, the present *status quo* should not be made a condition over all the four territories. They should accede to this decision that defence must be in the hands either of Her Majesty's Government or of the federation. I think that every territory must feel that they can do this right should have their own defence. Then they can negotiate from that position; I think, Mr. Speaker, it is responsible for its own defence arrangements, should not have itself and to the Minister, who is responsible for itself and to the Minister, that here, I think it is regrettable, Mr. Speaker, that the former Minister for Defence and Internal Security should be termed today as the Minister for Internal Affairs. I would rather he was the Minister for Defence for Kenya. We know the practical problems, and as he mentioned yesterday, we understand that this ties up with a Commonwealth defence, but I think that Kenya is itself in itself and therefore each Minister who is fully responsible for these matters should be fully responsible for them and should only be answerable to the Colonial Office, but not to an East African set up.

[The Parliamentary Secretary for Health and Social Affairs]

Amid all the ephemeral issues of political debate, let us remember that the Federation of East Africa and of the three East African territories would not be a constitutional, political, contrivance but a marriage of economic convenience which completes a long period of courtship followed by a happy engagement of three young countries in the High Commission.

An hon. Member: Polygamy!

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Fair enough—polygamy!

Always remembering, Sir, that in order that a marriage should be happy it is not essential that the contracting parties should be of the same status, age, or educational ability—in fact, the marriage of opposites often has the greater chance of success.

Therefore, Sir, I could not have supported the Motion in its original form but I do so most strongly in the amended form put forward by the hon. Member, on the Government side, for Commerce and Industry.

Sir, I beg to support the amendment.

Mr. Salter: Mr. Speaker, Sir, the original Motion would appear to raise two distinct matters. The first, the desirability of forming a federation politically and economically, and the second, the method, indeed the only method according to the wording, whereby that result can be achieved.

Sir, may I first of all refer to what we mean by federation? If I may quote a definition, Sir, it is the formation of a political unity out of a number of separate States, provinces or colonies so that each retains the management of its internal affairs. Well, I would suggest, Sir, that the emphasis is on political unity. It is no new idea, of course, with regard to the territories in East Africa, and to some extent we have gone a little bit of the way because I believe that in our present High Commission we have got not a federation but the embryo of a confederation, and there is, I submit, a very material difference, because the confederation stresses the economic side as being a number or body of States united for certain common purposes.

Now, Sir, if one approaches the debate from that point we are first of all faced with the undoubted differences that now exist between the various territories and the internal differences also within these territories. We have heard mentioned today Zanzibar; we know of differ-

ences in Uganda; and I believe, that there are even differences here in Kenya. And so, Sir, it would, I suggest, be quite inappropriate and premature at this stage to go forward to any political unity as being the one foremost in a federation. What I may suggest, Sir, is that if this matter is given further scrutiny, as no doubt it will be, one might consider at a later stage adjusting the boundaries of the competent States of East Africa, so that you could give autonomy to, instead of three or possibly four if one includes Zanzibar, say eight or nine States in the territorial area. That would, I submit, Sir, relieve tensions, and it would give effect to the aspirations of many of the people who live in the various areas. One need not say very much about that because it is obvious I would submit, first of all you have the Kenya Masai and the Tanganyika Masai; you have Zanzibar; you have a Coastal Strip; you have the Kingdom of Buganda; you have other territories like Toru in Uganda, who are all waiting their own autonomy amongst their own people. But I would submit that if one did away with those boundaries of Tanganyika, Uganda, and Kenya, there might be a hope eventually—and I am speaking politically at the moment—of getting a federation of eight or nine States and not three or four. Now, Sir, that, I would submit, of course, would have to come at a later date because of the difficulties at present experienced of Tanganyika being ahead in her independence. And I must say, of course, that it would require the greatest possible scrutiny with regard to the economic effect of any such subdivision, as it were, of the territories. But I would like to mention, Sir, that this matter did come before a committee which, leaving out myself as chairman, contained some distinguished people, some of whom are in this House. It was a constitutional committee held in 1954, some of the members were the Earl of Portsmouth, the present hon. Minister for Agriculture, Animal Husbandry and Water Resources, former Members in this House, I see one in the House, Col. Gherrie, Mr. Harris, Mr. Shirley Victor Cooke, and the hon. Member, Mr. Havelock, they were all members of that committee. That was in 1954 and it is rather significant that the third stage of moving to what I have suggested for consideration was 1960—last year. It was then only an interim report, Sir, it has been printed and it was put forward with the idea of giving further consideration to this matter.

Well, Sir, we believed in that respect that the federation should in fact move from and develop naturally from the foundations which are already

[Mr. Salter] ...
by the East-Africa High Commission, by the Central Legislative Assembly and by the common services which those bodies carry out and administer. Indeed that is still possible and I do stress, Sir, that the economic side of that would have to be examined with great care, and as it is, I would suggest, therefore, an extension of the present confederation and then a gradual move towards federation.

Sir, with regard to the second part of the original Motion, it is, I submit, putting the cart before the horse. You cannot, I suggest, use external political unity to achieve internal autonomy. What I believe we would have to do for the present would be, first, to show our undoubted ability to manage our internal affairs and then—and then only—move to greater interterritorial unity, but of course the position of Tanganyika at the moment does cause a difficulty and those difficulties, as I understand it, are being discussed and I have no doubt they will be resolved in London during the next few days or weeks at the conference which is about to take place. I therefore cannot touch upon that because one does not know what the arguments are going to be, but I would suggest that the mere fact that Tanganyika is getting its independence before some of the other territories is not a stumbling block to interfere with the work of administration carried out by the East Africa High Commission.

Sir, the only contribution I want to make to this debate, therefore, is first, to throw out an idea for examination, that we should not confine our ideas to merely four States but possibly to eight or nine States. Secondly, that we ought to stress the extension of the confederation for a little while, moving gradually and in the fullness of time to the greater federation and political unity. For those reasons, Sir, I would be unable to support the original Motion worded as it is, and I would support the amendment and I was glad to hear the hon. Minister say that it would be an all-party—was it a non-party—select committee which goes beyond suggested. This is a matter which goes beyond parties and I would submit that it requires the best brains that the territories can put forward to come to a proper resolution of it.

Sir, I beg to support the amendment.

Mr. Mathenge: Mr. Speaker, before I go on with two or three points that I want to put forward, I would like to remind the hon. Member for Kisumu that as Christians we have marriages between two parties and on this we are calling

for a marriage of four, therefore it cannot be a normal marriage unless we legalize it politically!

But, Mr. Speaker, the first point I would like to make is that the Opposition cannot accept the Motion as amended. We would accept the amendment up to the point where it refers to the non-party delegation going to London, to discuss this matter, but we would like to reject the latter half of the amendment because it provides that you have a selection committee of this House to consider the aspects of achieving this wide objective. The main reason, Mr. Speaker, and I do not want to repeat what we discussed yesterday, is the fundamental point that we made yesterday that the present House, as constituted, is not capable of negotiating this sort of matter in detail or finally, either with Tanganyika, Uganda or Zanzibar.

Mr. Speaker, I think the main objective of the first Motion was to get the House to agree that it is necessary to synchronize the dates for the independence of these territories. I think we all agree that federation is desirable for economic and political reasons, but I think the operative part of this Motion was the synchronization of the dates and if I might repeat Mr. Nyere's, the Prime Minister of Tanganyika, there are many reasons why we put this word "synchronization"

The last speaker, the hon. Member, Mr. Salter, mentioned confederation. In our minds we do not have the idea of a confederation of East Africa. We do not have the idea that Kasavubu Africa. We do not have any trying to bring to the and the other people are trying to get to the Congo now and that does not seem to be succeeding. And that had in mind was a union of the territories in East Africa, a political union. The first and primary objective of the federation would be political union. The economic advantages which we draw even today from the High Commission would still be retained, but the main objective now would be to get these territories into a union that had in mind we have had united politically. To get that we have had various experiments in Africa which do not seem to have succeeded very well. We have had some in the Middle East, and they all seem to suggest that if you try to federate territories which are independent and which have very little other common aspect, you always end up with a loose organization. As an example, the Ghana/Guinea Union, now I understand the Ghana/Guinea/Mali Union. I was in Ghana, Guinea and Mali the other day and I did not see much of a federation in these territories.

Now I think in East Africa we are not looking forward to get into this sort of position. What we want is a political union that will establish our

[The Minister for Commerce, Industry and Communications] this House should have a select committee, in consultation with our colleagues in Tanganyika, Uganda, and Zanzibar possibly, to see what practical steps we could take to realize the long desired objective of our country and our people.

Mr. Speaker, I beg to move.

Mr. Gutirrie seconded.

The Speaker (Mr. Slade): This amendment involves two questions, leaving out certain words and inserting certain other words. Therefore, in accordance with Standing Order 1, I will first pose the question, that the words proposed to be left out—that is, all the words after "That this Council"—be left out of the Motion.

Question proposed.

The Speaker (Mr. Slade): It is quite clear that the subject matter of that amendment is not severable from the subject matter of the Motion, so Standing Order 62 will apply. Hon. Members can speak both to the original Motion and to this amendment, but hon. Members who have already spoken cannot speak again.

The Parliamentary Secretary for Health and Social Affairs (Mr. Shaw): Mr. Speaker, Sir, I differ in my outlook on federation from my hon. friend who has just sat down, because I look at it rather from the economic angle than the political. I have always supported federation provided that it is what I call a true federation; and by that I mean one that has grown out of the economic benefits derived from several countries which have joined together in closer co-operation on the economic side.

Expressed simply, federation is an arrangement whereby a large number of people can be coordinated towards building a common prosperity. It is the recognition of the elementary fact that the combined efforts of several men are more effective than the efforts of those men working separately.

Mr. De Souza: Mr. Speaker, on a point of order, are hon. Members allowed to read their speeches?

The Speaker (Mr. Slade): The hon. Member must be aware that speeches should not be read in the Council.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Here in East Africa we already have, as several Members have stated, a Federation in embryo, for our common services are combined in the High Commission. The High Commission, as some people think, was not

set up as an effort of Government to build a palace only, but was born of the need of all three territories for closer co-operation in the economic field. In our case there have been no rigid divisions of boundaries dividing one country from the other on the European pattern, as all these territories have one thing in common, and that is, namely, that they were all opened up by the railway as that railway moved further and further in and from the coast. Mr. Speaker, to illustrate my contention I should like to give a very short synopsis of the history of that rail development, for the economic story of these territories could well be said to be the history of our railway, just as at one stage of Canada's history it was the history of the Canadian-Pacific Railway as it pushed ever westwards.

The first railway line to be built in East Africa was that started by the Germans from Tanga in 1893, a line which had only reached Moshi by 1914. This line was intended to thrust to the shores of the great lake of Victoria Nyanza. The British started building their line from Mombasa in 1896, three years later, with the same objective; but they were much more successful for they reached Kisumu, Port Florence as it was then called, on 20th December, 1901, a very remarkable feat in just under six years. In the face of the British success the Germans abandoned their attempt to reach the Lake, for after 11 years of construction the Tanga line had only reached a small place called Mombo, 80 miles inland from Tanga. However, in fairness to the Germans I must add that in 1905 they started a second line from Dar es Salaam, and by 1914 they had reached Kilgoma on the shores of Lake Tanganyika.

Mr. De Souza: Mr. Speaker, on a point of order, is the building of these railways really relevant to the question of federation?

The Speaker (Mr. Slade): I was about to ask the hon. Member to tell us why it is relevant.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): I was just going to tell you, Sir. The interesting fact which is relevant to this Motion—

(Mr. Chokwe rose.)

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Does the hon. Member wish me to give way, because I will sit down.

Mr. Chokwe: No.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): The interesting fact which is relevant to this Motion is that the first

[The Parliamentary Secretary for Health and Social Affairs] The railway link was created within Kenya, Tanganyika and Uganda, by the British through the completion of the Tabora-Mwanza Line in 1928. The railway brought thus benefits, apart from serving the growing agricultural and mining developments; it brought English as the administrative language to the area it served; it brought the same commercial and common law; and it enabled labour to move freely in any part of the developing areas to find employment. The whole area, in my submission, Mr. Speaker, was characterized by one large pioneering progress, and again, Sir, it is my submission that from the start these territories have been mutually dependent on one another. Thus the birth of the High Commission in 1948 was not a daring or foolish experiment but a formal recognition of a link that has been forged during the early development of these three territories.

It is fashionable today, Sir, when the air outside is disturbed by atomic noises and often within this Council by demands for crash programmes, to write off history; but I would remind the hon. Members of this Council that they owe much to *Pax Britannica* and the British endeavour and enterprise. For I can state, without fear of contradiction in this House, Mr. Speaker, that had not it been for the benefits of *Pax Britannica* in East Africa not one of these territories would be in the position of being able to take their place in the world as independent nations, which they soon will do.

But *Pax Britannica* too has brought its problems: for where there is peace and stability, and where these have been secured, there always is a rise in population. The urgent problem facing East Africa today is how are we going to absorb the increase in population into our economy? For we all know, and know only too well, Mr. Speaker, that that increase has outstripped our expansion, great as that economic expansion has been, and outstripped the resources of these territories; and the old tribal system has not been able to meet the impact of these changes. In other ages, disease or wars would have provided relief from these pressures. But today, Sir, there can only be one satisfactory way of combating poverty in remote areas and that is by the better and more extensive use of the resources that are available for the development of these three territories as a whole.

The second part of the original resolution states, roughly in these words, that in order to achieve federation the programmes for independence for the three territories must be synchro-

nized. But, Sir, I do not agree. In the very nature of things it would be surprising if the benefits derived in the three territories were evenly distributed. Some parts are already more advanced, educationally, economically, politically, than others, due to various factors. For with different circumstances in each territory it would be extraordinary if there had been a uniform rate of progress. But, Mr. Speaker, just as this was no bar to sitting up the High Commission, this, in my opinion, is no bar either to the larger concept of Federation. For surely, Sir, the important point is not how much better any one territory has fared, but to what extent each single territory would benefit from the economic advantages deriving from their mutual dependence and economic association as a result of federation. Federation is not a means of sharing wealth. It is a means by which greater wealth can be created, wealth which could not be created without some such scheme of collaboration; essentially, Sir, in my opinion, an economic union. Federation should go as a natural development in the spread of a money economy. Its purpose is to reinforce and accelerate that spread so as to bring within its scope more and more of the inhabitants of these territories who otherwise would have little hope of improving their standard of living.

Some form of control is accepted by most European countries as a necessary factor or feature of modern Government, especially for economic purposes. But to the African, Sir, centralized control may appear as an instrument of domination or discrimination. For quite apart from the political aspects of African nationalism, Sir, it must be remembered that the money economy does impose a strain on people who are still in the process of adjusting themselves to its discipline, but, necessarily, discipline. If, for example, we sit to learn anything at all from the Congo debacle our attention must be firmly fixed on the economic collapse which has followed in that unhappy country. We in East Africa are fortunate, as I and many other Members before me have said, in that we already benefit in that our common services are coordinated under the High Commission. Indeed, Sir, our High Commission might well serve as the foundation on which a federation could be built. In my opinion, Mr. Speaker, all three territories would stand to benefit from such federation; I do not believe that either Kenya, Tanganyika, or Uganda, as my hon. friend the Parliamentary Secretary for Commerce and Industry said, late Minister for Commerce and Industry said, could stand alone in the world today, apart from the fact of their economic internal interdependence.

[Dr. Kiiano] ... because we cannot continue to be insulted by being tied down to agreement with a colony." It is a very real danger, and if this synchronization as called for by the Mover is not taken seriously we are then wasting Her Majesty's Government's money and the Kenya Government's money in going to London this weekend to discuss federation between an independent Tanganyika and the High Commission. It simply will not work. I have been a nationalist for some time, Mr. Speaker, and I know the nationalist spirit which is that we hate to be tied down by colonial governments. I think that by the time Tanganyika is independent Kenya should be independent also. There should be some very close liaison between the dates; if it is not exactly the same date it should be very close, within two or three days of a week. However, if you are going to have months between the independence of Tanganyika and the independence of Kenya we can jolly well stop going to London. I am one of the people who are going to London, but we can jolly well not go to London because we shall be paying the taxpayers' money on something that will not take place. After all, you can consider this, Mr. Speaker. Suppose Tanganyika becomes independent and we are not, Tanganyika finds it necessary to become a member of the United Nations so that they get their own seat as Tanganyika in the United Nations. Then, they have a little money and they send their ambassadors all over the world wherever they want them as ambassadors for Tanganyika. Then we become independent and we go to them and say, "Julius Nyerere, my friend, shall we now federate?" It is going to be a human problem also, to kick out all those ambassadors and have federal ambassadors for the three territories. These things must be looked at from a human point of view also.

We have had a very ridiculous situation, Mr. Speaker, if I may say so, as far as the federation of Rhodesia and Nyasaland is concerned. Kenya sent a trade representative there; so did Tanganyika. We talk of having a common market in this country, in East Africa. But there was a Tanganyika representative in Rhodesia and there was a Kenya representative in Rhodesia. And what can you expect from the two fellows? Each had to make some sort of report to their bosses who competed. Here we were talking about having a common market and there they were competing. That is the kind of situation the present arrangements have got us into and, therefore, Mr. Speaker, I believe that we must have the independence of Kenya about the same time as that of Tanganyika, about the same time as that of Uganda and about the same time as Zanzibar.

If I may say so, Sir, as soon as the federation of the Rhodesias and Nyasaland is broken up—and we are trying our best to break it up—Nyasaland, through Dr. Banda, have already indicated their interest in joining us, and Kenneth Kaunda has already indicated interest in joining us as soon as they can break up their own federation because it is no good at all. It is not a democratic one, and even Joshua Nkomo, of Southern Rhodesia, has shown interest. I do hope that the Arab world—I have nothing against the Arab, but I do, hope the Arab world—will stop misleading Zanzibar and trying to make them a part of the Arab League area, or whatever it is, when they have been part and parcel of this East African group and they have been endorsing our stand. Somebody, somewhere, has poisoned the politics of Zanzibar, and I heard of late that they are not thinking of federation. They are even running out of the Commonwealth. What are they going to be: a part of Saudi-Arabia or something like that; or a part of the Persian Gulf? I wish we could stop this business of interfering with other peoples' politics. Zanzibar is a part of East Africa just as the Coastal Strip is, and we are going to acquire Zanzibar whether they like it or not in the federation of East Africa.

Mr. Speaker, Sir, I do hope that the House will approve this Motion of having the independence of Kenya, Uganda and Tanganyika about the same time so that we can have the federation of East Africa under the leadership of Kenyatta and Julius Nyerere and other great men of Africa.

Question proposed.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, Sir, I have listened with very great eagerness to my two colleagues, the hon. Mover and the hon. Secondor of this Motion. On the issue of federation, Mr. Speaker, no hon. Member in this House, no Kenyan in this country, would say, "We do not want federation at all." We are all committed to federation. The very nature of the East Africa High Commission is the embryo of that federation and the talks that are going to be held in London early next week, Mr. Speaker, are just to promote that very spirit.

The hon. Mover emphasized and very rightly so that if various countries are independent at different or varying stages with varying gaps between independence it will be difficult to achieve federation, at least political federation. Also his Secondor emphasized this point. This point, Mr. Speaker, I have emphasized to the Colonial Secretary from time to time and recently we had long discussions here in Kenya and I also

[The Minister for Commerce, Industry and Communications]: The Minister for Commerce, Industry and Communications emphasized that to Mr. Hugh Fraser. It is very true that if people want federation we must do something in order to get that federation. It is also true, Mr. Speaker, that economic federation itself can never do much unless that federation is accompanied or directed by a political federation. The point is unfortunately that there are dozens of economic set-ups in almost every country. So if we do not attain political federation it will be very difficult to get even that economic federation that we want. The reasons are that every country has got a duty towards its citizens. The Government will do everything to promote the welfare and the interests, the standards of living, the education and the health of its people. Different countries are under different political systems and, however much they might try to say that they will be working for an economic unity like the European economic unity they are trying to work for, no country is sincere with another because each one primarily has a duty towards its own citizens. Therefore, there is bound to be economic competition amongst the parties concerned.

However, I find it difficult—and the Government finds it difficult—to leave this Motion in the form in which it stands now. The hon. Members have used the words "synchronization of the date for independence." The hon. Members also know very well that we have some sore thumbs in East Africa at present. Just now as the hon. Member for Fort Hall has just said Zanzibar appears to be an unwilling partner in this move towards East Africa federation. Uganda has her hurdles also to overcome, as has Kenya. This is a practical difficulty, Mr. Speaker. A federation should be a federation consciously entered into by the citizens of East Africa, willingly at the time they want it. If it is unduly delayed, it might never materialize but given the goodwill of our people in Kenya, Uganda, Tanganyika and Zanzibar we shall get federation, both political and economic.

But on the word "synchronization," Mr. Speaker, I want to say this. Because of the present difficulties, we cannot synchronize the dates of independence. That is very clear. If we were, Mr. Speaker, to be honest, a Motion like this in this House should have been moved in the Uganda legislature, the Zanzibar legislature and the Tanganyika legislature to have been a real East African Motion for synchronization. This has been moved in this House. The people of Uganda know nothing about it; the people of Zanzibar know nothing about it and even Tan-

ganyika knows nothing about it. That is why I say those who are interested in federation—and the Government if very much interested in federation—cannot accept this Motion in the form in which it stands now. The word "synchronization" is only the word now on this particular day of this House and the Motion has been moved in this House, in this legislature, and moved in this legislature only in East Africa and not everywhere. We should have moved this same Motion after discussions with our people in Tanganyika, in Uganda and Zanzibar, in all the three territories, possibly to achieve what the hon. Mover wanted to achieve.

Mr. Odéde: They will read it in the Press.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, we always have to be dragged into certain positions and we also say whatever federation comes it should be a federation of the people. Now if we want synchronization now, Africa and Tanganyika, Zanzibar or Uganda do not want synchronization now, then we are actually the enemies of that federation. We do not, Mr. Speaker, in this House want to take any steps that would prejudice the federation we want to attain. This is why, Mr. Speaker, I say that the Government is going to move an amendment to this particular Motion.

The economic benefits have already been enumerated by my colleagues and they have done so very well. So I do not want to waste the time of the House; I only want to move the following amendment, Mr. Speaker, and I will give sufficient copies for the House, and I have got my hon. colleagues one copy. It is very clear.

Now, I would move the following amendment, and I beg to move, Mr. Speaker, that the Motion be amended by deleting all the words after the words "That this Council" and by inserting in place thereof the following: "That this Council" place thereof the opinion that a federation of Kenya, Tanganyika, Uganda, and Zanzibar, is both economically and politically desirable, welcomes the Government's intention to take a non-party delegation to the London discussions later this month, and resolves to establish following these discussions a Select Committee of this House to consider the practical aspects of achieving this wider objective."

Mr. Speaker, the Government is moving this amendment with every sincerity and for the reasons I have already advanced. Mr. Speaker, when that we actually want the federation. When our delegates will be in London they will pursue this course. When they come back here, Mr. Speaker,

[Dr. Kioko]

say it will be a government in which the Africans have the predominant voice, in fact, they will have the decisive voice.

As far as Uganda is concerned, it is true that some time this year constitutional changes will take place to put the Africans entirely and firmly on top as far as the Government of Uganda is concerned, and as far as Kenya is concerned, despite the fact that we lost the Motion, Mr. Speaker, yesterday because the Government would not agree with us, but the facts are clear, the writing is on the wall, that again the Africans will be running this country by the end of this year.

Now, with this situation being clear without doubts or guesses, there is no place for the old fear that we had before. We want to make sure, therefore, that we shall have a federation in which the Africans of Tanganyika, the Africans of Uganda and the Africans of Kenya will sit down together and work out the provisions of that constitution. They are no longer going to be running away from it. This is not going to be a federation like the one they had in Rhodesia and Nyasaland, for which I must confess we have worked as hard as we can to break up, and I hope we shall succeed in breaking up. We want a federation of the people by the people, and we can get that federation of the people and by the people.

Now, Mr. Speaker, we are reminded of the time when the Labour Party came to power, just before I left this beautiful country to go for further studies in the United States—I think it was in 1946 or 1947—when the East African Central Legislative Assembly was formed, and at that time there had been proposed a paper known as Paper 191 which appeared to give some degree of equal representation for the various communities we have in the various territories in that Assembly. And because the White people could not even stand the idea of their being equalized with us they rejected it so hard that it was withdrawn and another one was imposed known as Paper 210. Members of the House know that, and Members have been afraid that perhaps a new constitution might reflect the provisions of Paper 210. We shall not allow that; it will be a democratic federal constitution. We say this not because of the politics of the situation alone, but because of the economics. When I was unfortunate enough to be a Minister for Commerce and Industry I came to realize some of the difficulties involved in the present arrangements of co-operation between Tanganyika, Uganda and Kenya. My

former Ministry had something to do with things like civil aviation, Customs Union indirectly, and so on, and every time we wanted to take a decision, a firm decision in the field of economics, we had to get the approval, directly or indirectly, from our neighbours, and if they did not believe in the way we did it, well that just had to be put on the shelf, because we had three separate governments with three separate policies and three separate aspirations. I have known days and days of frustration, either experienced by the Kenya Government or else by the Uganda Government or experienced by the Tanganyika Government because of this so-called gentlemen's agreement which sometimes becomes a gentleman's disagreement and there was this gentleman's disagreement for too long, until the present High Commission agreed on. Any Minister of Kenya or Uganda or Tanganyika will verify this. It is actually for that reason, Mr. Speaker, that we had the Raisman Commission, the Raisman Fiscal Commission, because of the complaint that we have a common market and having a common market industries tend to prefer the Kenya climate and the Kenya communications and the Kenya railways and they come and invest in Kenya and we get income tax from these companies, and the other territories are not gaining. It is this kind of complaint that induced the Government to call the Raisman Commission to come and find out how we can correct this conflict. Well, as you know, Mr. Speaker, this has been corrected in a way that means Kenya is going to lose a little more money to the other territories, as the Minister for Finance very well knows. We are going to have to agree to it but it will take place because we are three separate territories with three separate budgets and three separate income taxes. Federation is a thing that will cure that. In fact, I do hope that the Raisman recommendations will last up to the time when we are independent and then we can have federation. You can consider, Mr. Speaker, Sir, things like the Customs Union also. We have worked together with the three territories but there are always arguments arising. If this thing is manufactured in Kenya, we in Uganda or the Tanganyika do not want to import it from London or France or Germany; we can get it therefore from Kenya and we shall lose money because the import tax that we would have gained when it was imported from outside countries will not now be charged. These are the sort of arguments that go around when you have discussions about the economic relationships of the territories. Instead of being glad that in one part of East Africa you have a new industry manufacturing the items that were being imported

[Dr. Kioko]

before, somebody stands up and says, "No, if we keep on importing we get a little more money for our Government; we get a little more revenue in terms of customs duty. When it is manufactured in East Africa we do not get anything and when we buy from Kenya it is the Kenya Government that gets the income tax on those profits." These are the sort of arguments that go on. I do not agree with them necessarily but I know these are arguments that appear to make a lot of sense to those who actually do not appear to be as favoured as we are or, I should say, as we have been—we are not at present.

But you can also take the problem of having different regulations in Kenya, in Uganda and in Tanganyika which encourage smuggling in the three territories. In Kenya, for example, we are rather tough—at least, the Minister for Agriculture is rather tough—about the marketing of food from the agricultural provinces. I am thinking of maize marketing, for example. In Uganda they have no control and therefore if a bag of maize in Uganda sells for Sh. 12 and in Kenya for Sh. 27 somebody here is just going to go across the border and buy it from Uganda. We cannot afford policemen along the whole of the boundaries between Kenya and Uganda. So smuggling goes on all the time. As one of the Ministers I prohibited the importation of—what was it?—shoe polish by 50 per cent, I think it was. If the other two Governments do not agree, why can the importers not send their shoe polish into Tanganyika and then smuggle it into Kenya? In the present situation we are encouraging smuggling also and the only solution is not the Raisman recommendations; it is not the financial compensation of Uganda or Tanganyika; it is the unification of Kenya, Uganda and Tanganyika into one political union, one federal state, whereby it does not matter whether the factory is in Kenya, Uganda or Tanganyika because it will be in the federal state of East Africa. It will no longer matter about one Minister in one territory making a regulation but not in the other part of the federation. It would be federal state which I remember one time when I was in my contemplative mood I called the *Uhuru* State of East Africa, of Kenya, Uganda and Tanganyika.

I would hope, Mr. Speaker, that when the *Hassid* is published we can send a copy of the discussion to today to my friend, the Leader of the Nationalist party in Zanzibar, Mr. Ali Mubinyi, who seems to have changed his mind of late and does not seem as happy about the federation of East Africa including Tanganyika as he was in 1958, when we were together at Mwanza in Tanganyika and we founded together the Pan

African Freedom movement of East and Central Africa, the idea of which was to promote the federation of the East African territories including Tanganyika—I mean, including Zanzibar.

I am reminded, Mr. Speaker, before I sit down—because I know there are many people who want to say a few words on this—there was another meeting held not very long ago which was attended by the representative of Southern Rhodesia, Mr. Joshua Nkomo; the representative of Northern Rhodesia, Mr. Kenneth Kaunda; a representative of the Afro-Shirazi, Mr. Azizi, from Zanzibar. Tanganyika was represented by Julius Nyerere; Uganda was represented, I am glad to say, by the present Leader of Government Business, Mr. Benedicto Kiwanuka; and Kenya, of course, was represented by quite a number of us. This conference passed the resolution that they wanted to see federation of East Africa. The Leader of Government Business in Uganda has committed himself. I know also that even Members on the Government side are committed to the federation of East Africa. I have been with them, Mr. Speaker. I am not interested in going back into history and saying "You said it so and so at such and such a time"; I think it is a silly game that people should be forgetting themselves in this House and going back to try and find the personal histories and failures of other people. The facts are that the people in the countryside and on my side have said directly or indirectly that they are for it. If they reject this Motion I am not going to say it was because of other reasons; but I do know that my friends here have also supported the idea of federation.

Now then, Mr. Speaker, why then have we moved this Motion? We have moved this Motion because it is not conceivable for a Prime Minister of a free and independent state to be negotiating a day after day, day after day, under conditions imposed by a Governor of a Colony or a Protectorate such as Uganda or Kenya. I am sure, if I know Mr. Nyerere well—and I do know Mr. Nyerere very well—that he will find it difficult to keep on having to go and request a colonial government or a colonial governor, as we have in Kenya, for permission to issue a licence under the East African Industrial Licensing Council. He would rather do it with his equals and a colonial governor would with his equals and a colonial governor would never be equal to a free prime minister. The two are incompatible. It is because of that we feel that the distance between the independence of Tanganyika and the independence of Kenya is a distance in terms of time which, if too long, Tanganyika will find it necessary to say "It does not matter what economic benefits we get from this federation, we shall jolly well go on alone

[Mr. Odede] Africans who will be responsible for running East African federation. Therefore today there is no fear of federation of these countries.

Here, Sir, I would call upon African leaders of these territories, together with all those they are responsible to, to understand that in the world of today small states of 2,000,000-5,000,000 people as we have in the East African territories have no influence in world affairs and their security is at the tender mercy of more powerful nations. They may feel that they are free and independent whereas in fact they are doing so, because they are under protection of world organizations such as the United Nations Organization and the North Atlantic Treaty Organization.

Now, Sir, once we achieve independence I would like to feel that we are free that even without the United Nations Organization we cannot be threatened by any external force because if it were to do so, it would have to think twice of our strength. This sense of security, Sir, for any external force or any enemy can only be complete in us when we are united together—our East African territories of Kenya, Tanganyika, Uganda and Zanzibar under an East African Federation composed of over 22,000,000 people. It is only when this happens that we can have men for our land, sea and air forces that can make other nations recognize our strength. Here at our doorstep in the South we have a potential enemy, the Union of South Africa, who have recently quit the Commonwealth of Nations because it cannot give up its apartheid policy of keeping African people down for ever.

Now, Sir, should we not be ready in case the Government of the Union decides to dominate Africa south of the Sahara and in the event of the United Nations Organization failing to help us? The first way of getting ready is by federation of our territories when emerging to independence.

Now, Sir, what I have said so far in favour of federation is strategic. Now, the economic benefit that we can derive from federation is tremendous and well known to most of our people here. Now by federation of our territories our traders will be able to move to any part of East Africa and do their business as they like. On the other hand, Sir, restrictions on trade can easily be relaxed by the federal government. The federal government would be able to employ research and scientific workers who can deal with research work in our territories and this would be a great help to the smaller component territories because they will have no need to employ scientific workers. If they do they would only employ a few.

Now, Sir, I come to our East Africa High Commission. The East Africa High Commission has really prepared the way to federation. Now what we should do is to federate our countries so that the East Africa High Commission goes. When doing so we shall do it through our three or four prime ministers. And again, in East Africa we have an East African Legislative Council assembly. That means that we already have an embryo parliament for East Africa. Now if we federate, the Prime Minister of the East African Federation will, of course, be the Chairman of the Cabinet of East Africa, which will run the services at the moment run by the High Commission. Now such services as we know them are several. First of all we have the East African Railways and Harbours and we have East African Posts and Telecommunications. Then we have small groups of scientific departments such as agriculture, veterinary, forestry, and other small groups and services. These will go under the Cabinet of East Africa. At the same time the East African Federation will be responsible for external affairs and defence of East Africa as a whole. Therefore it is very important that we should have at this stage an East African Federation which will look after the smaller states.

Now, Sir, East Africa consists of so many tribes and these tribes have been divided by the boundaries of these territories. It would be a great benefit after federation that these tribes are joined together. First of all when we take the Masai, the Masai are divided into two groups, those living in Tanganyika and those living in Kenya. When we federate, although Kenya will still be Kenya and Tanganyika will still be Tanganyika, still the Masai will be joined together as a group of one tribe in the federal state. Therefore we can see that federation of East African territories would actually bring benefit to some of our tribes. We know that these boundaries were created by colonial powers when they were scrambling for Africa and later on for administrative convenience. They cut across different tribes so that today we find these tribes are living in different territories.

Again, take the Luo. We find Luo in Kenya, Tanganyika and Uganda. When we federate although the territories will still be there, they will feel that they are living in one country, and the fact that we are now nearing independence makes it necessary that we should get together so that when a country like Tanganyika, having its independence, the tribes and all Africans living in a country like Kenya will not be frustrated that their neighbours in the other territories are enjoying independence which they are not enjoying.

[Mr. Odede]

Sir, I feel that if other territories are left behind when one is getting its independence there will be frustration and the Africans of the other countries, particularly of Kenya, will feel that it is the British Government and the Kenya settlers who are responsible for keeping them backward. I think we can only stop this by giving all these territories their independence together.

Now, Sir, when we are going to federate these territories we have to have political organization because when we form a parliament those who are going to represent us will have to be elected by political parties. Now, at the moment we have political parties in these territories, and I suggest to the House that we should expand those political parties to embrace all the other territories. For example, we have KANU in Kenya and TANU in Tanganyika. Now, these two political parties can easily join together and form the East African National Union, which may be called EANU, and KADU and the Uganda Democratic Party might decide to join and form what they may call the East African Democratic Union, EADU, or the East African Democratic Party. A third new party might spring up so that those people who like to have an East African Federal Party might do so and those who like to call themselves republicans might call themselves the Republic Party of East Africa.

Now, Sir, I feel that if we go this way, by the time we come to federation we shall already have established parties which can put up candidates for the Federal Parliament. It is important to realize that East Africa is actually one country. As I have mentioned, the tribes are only divided by the boundaries created by the colonial powers, and if we can now federate together it means that these tribes will enjoy their unity, they will come together again. Mr. Speaker, Sir, unity is strength.

I beg to move.

Dr. Kiasso: Mr. Speaker, Sir, I rise to second my hon. friend, the National Member, Mr. Odede. The idea of federation is nothing new to us on both sides of the House. As early as the twenties, Her Majesty's Government was interested in what they called at that time the Closer Union of East African territories. They set up a commission which was known as the Hilton-Young Commission which unfortunately could not come to a unanimous decision. The chairman would not agree with the other members of the Commission, and therefore the Hilton-Young Commission Report did not bring about the closer union.

It was about 1931, Sir, that the temporary of short-lived government of the Labour Party also considered this matter, but again it did not take place because of various difficulties, some of which were that at that time, while people might have been interested in some economic co-operation between the three territories, there was a lot of political suspicion about federation of East Africa. As a matter of fact, Mr. Speaker, I am sure the House knows that Kenya was at that time one of the most undesirable neighbours as far as the political side of the federation was concerned. The other territories, particularly Uganda, would not risk at that time a political union including Kenya and Uganda and Tanganyika with Kenya's politics being the kind it was at that time. I hope it was worse than it is now. The position was at that time the fear of the Kenyan politics being dominated primarily by the European settlers' community, and it made our territory a most undesirable candidate for the federation. This suspicion against our country has gone on, even as late as 1958, the person I defeated for a seat in this House, my former teacher and friend, Mr. Mathu, when he spoke in favour of a federation as late as 1958, Mr. Speaker, and declared himself the minority of one in support of an East African federation, he received very, very bad reaction from the people. The reasons were that we wanted a federation at that time, but a federation that the majority of the people could use their instruments, could be the maker of it. We wanted a federation which was a democratic federation, which was supported by the local people; and under circumstances in which the majority of the people could actually write down the various conditions of that federal constitution. We are very sickened, and we will be, by the situation now very far from us towards the south, where a federal constitution was created, but one in which the Africans who are the majority of their territory have a very, very minor role to play. The European settlers in this country, Mr. Speaker, as a matter of fact it started as a federal parliament of 33 members, out of whom 29 were to be European and the remaining six were Africans, but not elected on a popular vote. The situation in Rhodesia again made the countries of East Africa against the idea of political union.

However, Mr. Speaker, I think we have reached the stage now whereby these things are not being that so seriously, because the facts are that as far as Tanganyika is concerned, she is going to be independent in December, 1961, and if anybody has any doubts as to the kind of government they will have, I can

[The Parliamentary Secretary for Education] the first part is referring to adult education. Except in the field of teacher training, it is a feature of the present system that all facilities for post-school education—through continuation classes, literary classes, evening institute and polytechnic courses, the new College of Social Studies and the Royal College—opportunities are available regardless of race, sex or religion. It follows, therefore, that African Muslim women have equal facilities with any other women to enrol in any of these courses which are appropriate for women.

As regards children, separate statistics of each religious denomination are not maintained by my Ministry. I cannot therefore say how many of the total African school age population in Nairobi—estimated at about 13,000—are Muslims.

Since there are sufficient places in Nairobi African primary and intermediate schools to accommodate all resident African children of the proper age, it follows that there is no lack of places for all African Muslim children of school age. The majority of African Muslim children attend the Pumwani, Kibera, Ismailia and Muslim schools of the Nairobi District Education Board. At the primary and intermediate level there are 1,100 places for Muslim children in these schools, but the number actually attending is approximately 750. There are also 66 African Muslim children attending the primary classes at the Muslim Girls School and the Aga Khan Primary School, both of which are aided-Asian schools.

The number of African Muslim children expected to take the Kenya Preliminary Examination this year in the Nairobi region is 23, but with the greatly increased provision of Standard V classes, this number will rise sharply in the next few years. It is clear, however, that over the past few years African Muslim children have not come forward to claim school places in the same proportion as have children of other African groups.

The number of African Muslim children attending the secondary schools in the Nairobi region is 13 (six of whom are in the Muslim Girls School and the Aga Khan School). Selection for secondary schools is, of course, competitive and as the increased number of Muslim children now attending the lower primary classes work their way through the schools, the number entering secondary school should rise proportionately each year.

There are no African-Muslim children of the Nairobi region attending Higher Certificate classes as yet.

Dr. Kiama: Mr. Speaker, Sir, the reply applies to a particular part of the question. But there was another part which concerned the facilities which exist for the education of African Muslim women. Is the Parliamentary Secretary for Education implying that that statement will cover all these parts?

The Parliamentary Secretary for Education (Mr. Macleod): Yes, Sir.

MOTION

EAST AFRICAN FEDERATION

Mr. Odede: Mr. Speaker, Sir, I beg to move

THAT this Council is of the opinion that the federation of Kenya, Tanganyika and Uganda and Zanzibar is both economically and politically desirable and can only be achieved in proper form by synchronization of the date for independence of all those territories.

Mr. Salter: Mr. Speaker, Sir, on a point of order, may I ask, Sir, whether it is in order that the last part of the Motion, as worded, should be open to debate, i.e. the words following the word "desirable", reading "and can only be achieved in proper form by synchronization of the date for independence of all those territories". I would suggest, Sir, that, since the date for independence of one of the territories has been fixed for the end of this year, that part of the Motion, Sir, is an attempt to reopen the debate which was concluded, yesterday and that, therefore, the words after "desirable" should be deleted.

The Speaker (Mr. Slade): I have already considered this point, which is a very proper one to raise, and I think that I must allow the Motion in its present form because if it is argued that federation is desirable, and that certain things are necessary to achieve that, it must be permissible to mention those things. Nevertheless, it is true that we have already had a long debate on the question of the time for independence of this country; so I must ask hon. Members speaking to this Motion to make their references to that aspect of it as brief as possible.

Mr. Odede: Mr. Speaker, Sir, I think that one of the Motions which the House should not divide on, and I hope that the whole House will support the Motion.

First of all, Sir, I believe that hon. Members will realize that the Motion consists of two

[Mr. Odede] important parts. These are federation and synchronization of the date for independence of these East African territories.

Now, Sir, to begin with I think I should deal with synchronization of the date for independence of these territories, because if I start with federation I would be putting the cart before the horse. Synchronization of the date for independence of our East African territories is important because we do not want a spirit of isolationism and parochialism to gain too much strength in these territories after independence before federation is complete.

Mr. Speaker, we should be aware that agreement on federation may be difficult if these territories achieve their independence separately with wide gaps in between.

We know that this can easily happen if one of these territories happen to have a prime minister who does not like anybody to be above him and finds that he has no chance of being the prime minister of the federal state. He would do his level best to persuade the people of his country not to agree to federation.

Now, Sir, we cannot go very far to find an instance of this sort from this country for we have seen this sort of thing happening in Uganda recently, when the British Government proposal for unitary independence for the protectorate was resented by hereditary rulers, and I have heard that in West Africa some prime ministers have not liked the idea of federation just because they are suspicious that they may not be the prime minister of the union of West Africa as a whole. Therefore, we people here should be aware of what we are doing.

Tanganyika has recently been promised to achieve independence on 28th December this year. I believe that the other three territories should also gain their independence on that date so that we can move together to the federation of East Africa as a whole. Therefore, Sir, I take this opportunity to appeal to the Secretary of State for the Colonies and the Governors of the East African Territories together with Mr. Nyereere that during their discussion at the conference on the future of the East Africa High Commission they should announce or they should declare 28th December this year as a date for independence of all the East African territories. If this is done, Sir, I believe that the whole of East Africa will celebrate next Christmas festival in jubilation which no part of the world has ever seen.

—There is no reason, Sir, why either Kenya or Uganda should remain behind Tanganyika in achieving independence.

The Speaker (Mr. Slade): Mr. Odede, for the reason I have given you must make the burden of your speech the desirability of federation and your talk about the synchronization of independence only incidental.

Mr. Odede: That's right, Sir; here, Sir, I must call upon members of the British Conservative Party, particularly Lord Salisbury, who are interfering with the Colonial Secretary in matters concerning independence of this country this year, to stop doing so for they must be held responsible for chaos which may result in this country on account of the refusal of to grant independence. We know that only the release of Jomo Kenyatta and independence this year can bring about stability and confidence which this country needs.

The Speaker (Mr. Slade): Mr. Odede, the release of Mr. Kenyatta is not relevant, as I see, in the substance of your Motion. We have already debated it in full. I do not want this debate to be the opportunity for going over other debated again. Please refer mainly to the question of the desirability of federation.

Mr. Odede: All right, Sir, thank you. Mr. Speaker, Sir, now I come to Federation.

Hon. Members: Hear, hear, hear.

Mr. Odede: Now, Sir, I would draw the attention of hon. Members to the conference for closer Union of East African territories which was held in London as long ago as 1928. The African members of the delegation opposed the idea of federation for two obvious reasons. Firstly, that Africans had not reached a standard of education that could lead them to play a greater part in the development of the federal government. Secondly that it was only European settlers of Kenya who were interested in the Union of East African territories because they intended to run the country as their kith and kin in South Africa were doing.

The Parliamentary Secretary for Health and Social Affairs (Mr. Shaw): Question.

Mr. Odede: There is no question about that.

Hon. Members: Hear, hear.

Mr. Odede: Now, Sir, today things are different, 33 years after this conference. Africans have now reached a sufficient standard and they can now play a great part in the economic development of their country and already in these countries we are talking of independence so it will be the

[Mr. Welwood] exceedingly difficult process in view of the varying types of agriculture in the Colony and would in fact result in very increased unemployment?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, as a lawyer I would think that was probably so.

Mr. Nyagah: Mr. Speaker, Sir, arising out of the Minister's reply, would this minimum wage in agriculture apply to the whole country or will it be in the scheduled areas?

The Acting Chief Secretary (Mr. Griffith-Jones): I am informed only in certain areas, Mr. Speaker.

Dr. Kioko: Mr. Speaker, Sir, arising from that reply, I should like to know what the certain areas are and whether this minimum wage will be in terms of cash or whether they will include the provision of housing and food and such other amenities.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, I am sure my hon. colleague who is not here unfortunately, will supply the information to the hon. Member and I will bring his attention to the HANSARD of these proceedings. I cannot remember the second part of the question precisely.

Dr. Kioko: Mr. Speaker, Sir, the second part of the question was this: When the minimum wage for agricultural areas is determined, would that be in terms of cash as such or in terms of so much cash, so much housing and so much food?

The Acting Chief Secretary (Mr. Griffith-Jones): I imagine, Sir, that housing would be an element taken into account and although I cannot speak with authority on this matter I would assume that if housing is not provided there will be a cash element in lieu.

Mr. De Souza: Mr. Speaker, Sir, would the Minister tell us why the Minister for Labour is conveniently absent when this question is brought up?

The Acting Chief Secretary (Mr. Griffith-Jones): That, Sir, is a matter I think I can reply to. He is absent for the same reason that there are so many gaps on the other side.

Mr. Nyagah: Mr. Speaker, Sir, in view of the very inadequate answers to this question, would the Minister care to ask the Minister for Labour to give us detailed information on this later?

The Acting Chief Secretary (Mr. Griffith-Jones): I am answering a question on behalf of the

Minister. I appreciate my inadequacy in acting on his behalf but if any of the hon. gentlemen will either let me have or the Minister have the points on which they wish information I am sure he will supply it.

Dr. Kioko: On a point of order, Sir, due to the fact that the Minister for Legal Affairs has publicly indicated that he is not very much informed on this matter, would it be possible to have this Question replied to again another day? How can we get the proper replies from the Minister?

The Speaker (Mr. Slade): Hon. Members must always accept whatever replies they can extract from Ministers or even those acting on behalf of Ministers. I should have thought anyhow in this case, where the reply indicates that proposals are forthcoming shortly they would be content to wait and see what those proposals are. We shall go on to the next Question. Mr. Chokwe, you have the authority of Mr. Mboya to ask this Question?

Mr. Chokwe: Yes, Sir.

QUESTION No. 70

Mr. Chokwe on behalf of Mr. Mboya asked asked the Minister for Defence why curfew orders are applied on a racial basis.

The Minister for Defence (Mr. Swann): Mr. Speaker, Sir, I beg to reply:

I am aware that a recent curfew order applied to Africans only. Future orders, however, will apply to all persons within the curfew area, and this was in fact done in the Meru Curfew Order recently imposed by the Provincial Commissioner, Central Province.

Mr. Njiru: Mr. Speaker, Sir, would the Minister tell us why the curfew has been applied to African persons and not to others?

The Minister for Defence (Mr. Swann): I have already answered that, Sir. It was done in the past and it has now been rectified.

Dr. Kioko: The question of my colleague, the Member for Fort Hall, Mr. Njiru was this: Why was it applied to the Africans previously? That is the question. We know it was done but we want to know why it was done.

The Minister for Defence (Mr. Swann): In general cases the curfew was imposed in areas where particular people of particular races have produced particular conditions. However, Sir, it was drawn to our attention by the Chairman of

[The Minister for Defence] of the Council of State that this was racial and discriminatory and accordingly we have rectified the position.

Mr. Maiti: Mr. Speaker, Sir, arising out of that answer, are we to understand that the other races have now learned how to break the law?

The Minister for Defence (Mr. Swann): I would point out that the other races have not engaged in illegal oath-taking ceremonies or killing.

Mr. Machonoché Welwood: Arising out of that reply, Mr. Speaker, do I understand that in the areas where curfews are now imposed they will now be imposed on all races? If that be the case, Sir, is it not a ludicrous situation that one—

The Speaker (Mr. Slade): You cannot put a proposition in the form of a question.

The Minister for Defence (Mr. Swann): I think the answer is—and all hon. Members can rest easy on this—that exemption certificates, as in the past, are issued to all law-abiding citizens in the area.

Mr. Nyagah: Mr. Speaker, Sir, arising out of the Minister's reply, does he imply that curfews are only applied where lootings and killings take place?

The Minister for Defence (Mr. Swann): Yes, Sir. Curfews are only applied where there is a serious deterioration in law and order. I want to make this quite clear, Sir. It is not a punitive measure; it is a measure to enable the authorities to deal with a dangerous situation.

Dr. Kioko: Mr. Speaker, I just want to get this in short, clear language. Arising from the reply, we understand now that curfews will be placed on persons, if they are so placed, without any regard to race, but to all persons in the area concerned. Is that what the Minister is actually saying?

The Minister for Defence (Mr. Swann): That is quite correct, Sir.

Mr. De Souza: Mr. Speaker, arising out of two questions answered by the learned Minister about exemptions, is the real effect of what is going to happen now, that although the curfew will apply to all races the exemption will be given to particular races?

The Minister for Defence (Mr. Swann): Certainly not, Sir. Any law-abiding citizen who makes a case out, why he wishes to be out in curfew hours will be given the pass as he has been given in the past.

Mr. Shah: Mr. Speaker, arising out of one of the answers, does the Minister maintain that there have been no murders among Asians and Europeans in this country in the past?

The Minister for Defence (Mr. Swann): Mr. Speaker, I have already made it clear that it is not a case of an isolated murder or incident. It is a widespread deterioration in law and order involving a number of incidents.

Mr. Nyagah: Mr. Speaker, Sir, can we get it fully from the Minister that curfews are not punitive and that they will not be punitive in any way?

The Minister for Defence (Mr. Swann): That is entirely correct, Sir.

Dr. Kioko: Mr. Speaker, Sir, with regard to curfews, I would like to know, when he says that they are not punitive, does he authorize curfews for crimes that may be, in his opinion, politically inspired, or not?

The Minister for Defence (Mr. Swann): Certainly not, Sir. As I have already explained about three times, it is when there is a series of incidents in an area which leads to a serious deterioration in law and order.

QUESTION No. 90

The Speaker (Mr. Slade): Mr. Maiti, do you have Mr. Mboya's authority to ask this question?

Mr. Maiti: Yes, Sir.

Mr. Maiti (on behalf of Mr. Mboya) asked the Minister for Education: If the Minister will make a statement on the position of Muslim education in the Nairobi area, point out what, if any, facilities exist for the education of African Muslim women and to give figures of the total number of African Muslim children of school-going age; stating how many of these were attending school at various levels—Intermediate, K.A.P.E., Secondary and High School Certificate?

The Parliamentary Secretary for Education (Mr. Macleod): Mr. Speaker, with your permission to reply, I beg to reply as follows.

The reply is, yes, Sir. I have prepared a statement, and with your permission, Mr. Speaker, will arrange to have it included in the Official Report.

The statement is:—

As the hon. Member distinguishes between "women" in the first part of the question and "children" in the second part, I assuming that in

[Mr. Mudi]

whom they quite often give lip service praise to. They are the people, they are the fathers, the mothers, the sisters, brothers, the sons and daughters of the people who it is often said supply the greater part of the armed forces in this country. In fact, if that is the gratitude we are to expect from this Government, I wish to stress that the Akamba cannot be satisfied with just feeling that they are there to be made use of as required but to be treated like dirt, because that is what is happening. Here are people suffering acutely. They have got an area they have been occupying and have been making a living.

ADJOURNMENT

The Speaker (Mr. Slade) Order: Order. The time allowed for discussion has now expired. Council is adjourned until tomorrow, 15th June 1961, at 2.30 p.m.

The House rose at seven o'clock

Thursday, 15th June, 1961

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

[Mr. Speaker (Mr. Slade) in the Chair]

PRAYERS

ADMINISTRATION OF OATH

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

Robert Isles Guthrie.
Richard Donald Croft Wilcock.

ORAL ANSWERS TO QUESTIONS

QUESTION NO. 88

Dr. Kiama asked the Minister for Finance and Development what the number of Africans and Asians is with a basic salary of over £1,000 per year employed by the High Commission in the Income Tax Department.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to reply. None, Sir. They are, however, 16 African and Asian officers on scales that will eventually carry them beyond a basic salary of £1,000 per annum and 16 African and Asian trainees who will proceed to these scales in due course.

Dr. Kiama: Mr. Speaker, Sir, arising from the reply, could the Minister explain to us why this has not been possible to achieve by now and is it an implication that the Africans who are living in the country cannot at present perform the duties which would receive this salary?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, the Commissioner of Income Tax reports that there is an apparent lack of interest by suitably qualified persons in posts advertised for senior grades in the Income Tax Department.

Dr. Kiama: Mr. Speaker, Sir, could the Minister tell us what efforts have been taken now to train persons or to recruit persons who could have done that work before this date.

The Minister for Finance and Development (Mr. MacKenzie): Considerable efforts have been made, Sir, and as I said there are 16 African and Asian officers on scales that will eventually carry them, when they have been trained, beyond the salary scale of £1,000 basic and there are 16 Africans and Asians training who will proceed to these scales in due course. I should add, Sir, that quite recently Makerere graduates who had

[The Minister for Finance and Development] expressed a desire to join the Income Tax Department and to whom offers of appointment had recently been made withdraw their applications. This is the reason why in the higher grades there are none at the moment.

Mr. Argwings-Kodhek: Mr. Speaker, could the Minister tell us how soon the Africans mentioned—these 16 Africans—will be able to get on this scale of £1,000 a year?

The Minister for Finance and Development (Mr. MacKenzie): Sir, they will reach the point on the scale when they have passed the various incremental points which they have to reach to get to this particular level. I am afraid I cannot give the hon. Member the actual number of years but if he would care for me to do so I can obtain the information and I shall be only too glad to let him have it.

Mr. Argwings-Kodhek: Thank you very much. I have another question, Mr. Speaker. Which are the posts normally advertised in the Income Tax Department from which the Makerere graduates withdrew their applications?

The Minister for Finance and Development (Mr. MacKenzie): Sir, they would have been senior posts in the Department.

Dr. Kiama: Mr. Speaker, Sir, arising from the original reply, the Minister told us that some Makerere Africans withdrew. Is the Minister aware that there are a number of Makerere graduates now seeking recruitment in the Civil Service and that that has not as yet been done?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I can only say that in these particular cases they withdrew. I am quite sure that if the people concerned put in their applications and they have the proper qualifications their applications will receive proper consideration in the appropriate places.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Mr. Speaker, Sir, is it not a fact that income tax procedure is very complicated and could I ask the Minister if it was not for this reason that the Government is trying to simplify the income tax procedure with a view to localization being carried out more carefully?

The Minister for Finance and Development (Mr. MacKenzie): That is quite correct, Sir.

Mr. De Souza: Mr. Speaker, Sir, arising out of that question which was in fact a suggested answer, does the Minister suggest there are no

Asians or Africans in this country who can understand income tax procedure?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I can only say that so far it has not been possible to recruit them into the Department.

Mr. Chanan Singh: Sir, is the Minister aware that until recently no Asians or Africans were taken into those grades?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I think that is possibly another question.

The Speaker (Mr. Slade): We shall now go to the next question. Mr. Mwendwa, I understand that Mr. Mudi is unavoidably absent and has asked you to ask it for him. He has asked you to ask this question for him?

Mr. Mwendwa: Yes, Sir.

QUESTION NO. 44

Mr. Mwendwa on behalf of Mr. Mudi asked the Minister for Labour and Housing when Government intends to have a general minimum wage in agriculture.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, in the absence of the Minister and speaking on his behalf, I beg to reply.

Speaking as I say on his behalf, I—(that is, the Minister)—hope before long to submit to this Council proposals for the amending of the Regulation of Wages and Conditions of Employment Ordinance, 1951, so as to facilitate minimum wage regulation in agriculture. These proposals have been framed in consultation with the Federation of Kenya Employers and the Kenya Federation of Labour.

Dr. Kiama: Mr. Speaker, Sir, would the Minister explain on behalf of his colleague why it has been difficult to establish minimum wages for agricultural people before?

The Acting Chief Secretary (Mr. Griffith-Jones): I do not think I am really competent to answer that supplementary, Mr. Speaker. There are a number of factors involved.

The Speaker (Mr. Slade): I do not think it arises out of the reply.

The Acting Chief Secretary (Mr. Griffith-Jones): I am delighted!

Mr. Webwood: Mr. Speaker, arising out of that same reply, is it not a fact that the establishment of minimum wages in agriculture would be an

[Mr. Nthege]

having to write overseas to ask for food for the people, it would be very easy if these people are told, "You go and plant food there", and when they at last feel they cannot go on suffering some of them go there and start producing food, and the Government just goes and tell them to come out. This is ridiculous, Mr. Speaker. Instead of being allowed to grow such—I think almost everybody has gone to Mombasa. Just by Makindu you see some hills on the right and along the road is where the Akamba now live against their will. Where the road is you can hardly produce anything; it is just good for grazing, and people are evicted from the high-potential area and sent to the low-potential area. The high-potential area is just left to remain idle, and then when the Government finds really it has made a mistake, instead of correcting the mistake, they just beg for food to be given to the people. Mr. Speaker, Sir, I would like to mention that food which is being distributed to people for famine relief will not satisfy them. What would easily satisfy them is to grow their own food.

Ten miles from these hills the people living there produced completely nothing for a number of years and this area is still producing food, and they are not allowed to live there. Of course it used to be the Wakamba, both pastoral and agricultural; they do keep cattle and they used to have a tradition of living on the hills and have their cattle in the plains. In this case they used to have their cattle in the lower area and they used to get their food on top of the hills. Now, they were evicted, but somehow some of them managed to go back and they are quite happy there, they are producing their food and the Government would like to go and tell them, "Come out, and go to this low potential area and get famine relief food".

I cannot understand it, Mr. Speaker, and I hope the Government will consider this case very seriously because it affects a number of people and many of these people who were evicted there, except for the mere fact that they want to keep law and order, would have shot these people who tried to tell them to come out. It is just like telling a human being, please, come out of the dry land and jump into the ocean. It is just telling him to go to the sharks and the other dangers of the sea, leaving the place in which he is safe.

Now, there is in that area everything that a human being would like. There is water, the climate is very good, and schools can be built there, hospitals can be built there, and in actual fact the Government is getting completely nothing

out of the hills where they keep these people. If these people are left to stay there, first of all they will be paying higher taxes than at the moment the Kikumbulyu people can do at the moment because they have such a low income that they are quite often exempted from paying taxes. Therefore, even the Government will lose something by evicting these people, and to make the matter worse even when the people at Kikumbulyu try to go and water their cattle nearer the hills they are again arrested and they are fined. Until recently they had to get a lawyer and square up the matter, and the Government was then found to be wrong because they had broken no law, yet their cattle had been taken by the Government and kept in a pound for too long for nothing because they took their cattle to water near the Kyulu Hills. What is wrong with the Kyulu Hills? That water was being wasted.

The Speaker (Mr. Slade): Order, order. Mr. Nthege, there is not very much time left for Government to reply. I hope you will conclude your speech within a minute or two.

Mr. Nthege: Exactly. I will finish in a minute.

I would say that the Government in the reply to the Motion should take into consideration what the Government as a Government would get out of Kyulu if the people lived there and what the Government as a Government would get on the contrary.

Mr. Speaker, Sir, as my time is over I will sit down, but I hope the Government will take this matter very seriously because it is a very serious matter.

Mr. Hennings: Mr. Speaker, Sir, I can assure the hon. Member that the Government does take this matter very seriously, and the Government has a great deal of sympathy with the people of Machakos District, particularly at the south end which we all know is a very hard country and they have suffered from a very hard season. We do know that. At the same time the hon. Member for Machakos who speaks first made a number of statements which I must immediately challenge. He said, firstly, that the people have been evicted. My information is that they have not been evicted. They have been warned that they are occupying this area illegally and that they will have to move—

Mr. Mboya: What illegality.

Mr. Hennings: —but they are not yet evicted according to my information.

Secondly, the hon. Member said something about brutality, and that I think is completely

[Mr. Hennings]

beyond the pale. There has been no brutality whatever in this case.

The hon. Member started off by claiming that the Kyulu Hills were occupied by the Wakamba up to 1925—that is 35 years ago—and that they moved out then.

Mr. Mulla: I did not say in 1925, I said in fact 1935.

Mr. Hennings: 1935. I beg your pardon, I thought it was 1925. Well, that is 25 years ago yet they have in fact been unoccupied for 25 years. This range of hills running between the Wakamba of Machakos on the one side and the Masai of Kajjado on the other side, and certainly the Government would not admit that this is historically Kamba country. It has been empty for 25 years.

Lastly there was a suggestion that the people were evicted to supply labour to the sisal estates that is a complete fabrication. Sir, and I am sure the hon. Member knows it.

What has happened in that area, Sir, is that about 100 families, although the matter is not yet fully investigated, but the information we have so far is that about 100 families have come from top of the Kyulu Hills. Some are Kamba from Machakos, some are Kamba who came from Loitokitok—that is correct—some of them appear to be Chagga from Tanganyika and there are a few Masai.

Now this area, Sir, is Crown land. It is not part of the Kamba land unit, nor, so far as we know, part of the Masai land unit. It is Crown land.

Mr. Mulla: Since when?

Mr. Hennings: For 25 years or more. The people who went there were there knowing it was Crown land in order to try and get a crop. Now to date these people have been told that they are illegally occupying Crown land and that they will have to move, but the Government fully realizes that the people in that area have had a very hard year and if there are crops in the ground coming up now, arrangements will be made for them to have the benefit of those crops and that is, I think, the immediate purpose of the Member's Motion.

The legal position is absolutely clear, it is not Kamba land and it has not been Kamba land for very many years indeed.

Now I have said that if there, in fact, crops coming up in these illegal *shambas* in the hills,

the authorities concerned will sympathetically consider this matter and will make arrangements to enable the people concerned to benefit from the crops now in the ground and I think that that should be a help to the hon. Member and to the people concerned.

As regards the long-term issues, I repeat that this is quite definitely Crown land and not part of either the Kamba or the Masai land unit.

An hon. Member: Interjection.

Mr. Hennings: The question of the long-term use of this area which has always been treated as a conservation area, which is important for water purposes, also the question of finding some place to resettle these people. These long-term issues will be dealt with by my hon. colleague the Parliamentary Secretary to the Ministry of Agriculture.

Mr. Mulla: Thank you, Mr. Speaker, I have only a few minutes. I want to stress one point and that is that eviction has become too common and here we are discussing another one, a particular case of eviction. We have already seen that these people have been moved to an area where their future is in jeopardy and I want to stress that this Government must remember that the Akamba have often been the victims of evictions; it has happened to many times.

Hon. Members: Hear, hear!

Mr. Mulla: It has happened in various parts of Ukamba, it happened at Mitalaho; in the Mul location of Ktulu, and at Mulla and at Endau, at Nuu, and at Mumeni.

It is not that the Akamba like to live on mountains, it is because of the nature of the country is such that that is the only place where they could live and exist reasonably. The country is cold live on no fault of ours and we discovered that living on or near mountains we could be sure of a better rainfall and soil. We occupied those areas long before the British came here and what happened? They came and kicked us out and told us that those were Crown lands, those were forests. We say it is time these boundaries were reviewed. It is time these areas of forest and Crown lands were reviewed because unless that happens we can only understand it to mean that the aim of the Government is to drive the Akamba to the dry parts so that they die a slow death as my hon. friend put it.

Mr. Hennings: No no.

Mr. Mulla: And may I remind the Government that these people who suffer are the same people

ADJOURNMENT MOTION

KAMBA ASKED TO QUIT

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to move that this Council do now adjourn.

The Speaker (Mr. Slade): Contrary to past practice I think that on these occasions I should propose the question of the Adjournment.

Question proposed.

Mr. Mulla: Mr. Speaker, Sir, within the last two or three weeks I have received an angry delegation of people who have been evicted from a place called Kyulu, and I personally went to this place and saw for myself the state of affairs existing in that place. I also collected evidence of this history of the place, and afterwards I felt that something should be done for these people and I therefore felt that it was an urgent matter which needed to be raised in this House.

First of all, Mr. Speaker, I intend to give a very brief background of the place in question. Mr. Speaker, Sir, the Kyulu Hills are situated on the south-western side of Kibwezi Railway Station. For many years before the Europeans came to this country the Akamba lived on those hills in comparative safety and contentment. They lived in such places as Ndiani, Nzukini, Makenieni and Woya Mwaki, all these being true or traditional Kamba names. About 1935 the then District Commissioner of Machakos approached the people living in Kyulu and persuaded them to leave the area, offering them instead land at Kipoko and at another place called Mukuyuni. The reasons given to them concerning this mass movement were that there was no water available in that area; and, secondly, that they were far away from the railway stations, hospitals, and schools; and, thirdly, that they would be settled on much better land elsewhere. A few people agreed to move to the said places but many more refused. Some of those who refused went to places like Lotlotlot, and a few crossed the border into Tanganyika. Recently, Mr. Speaker, as we all know, all the Akamba in Lotlotlot and in Tanganyika were asked to go back to their original homelands. Naturally, Mr. Speaker, some of these people returned and settled at Kyulu because that was their original home. A few other families from Kikumbuluyu Location, being driven away by famine, drought, etc., went to Kyulu and settled there in the hope that they would be able to grow some food. That, Mr. Speaker, is the short background of the matter that I wish to raise on the Adjournment.

Now, Mr. Speaker, I fully maintain that Kyulu Hills belong to the Akamba. The reasons that were given at the time of eviction were, and still are, unconvincing. The Government maintained that there was no water; that is totally false. If you compare Kyulu Hills with Kikumbuluyu Location, as a whole, there is more water at Kyulu than there is in Kikumbuluyu Location, which therefore means that people were moved from a wetter place to a desolate place, a drier place altogether. To say that the people were to be brought near the railway, schools and hospitals is equally unconvincing. The railway is almost of no use to them as they hardly ever travel or produce goods for export, because the land in which they live today is unproductive. As for being near schools and hospitals it should be remembered, Mr. Speaker, that there is only one health centre and very, very few schools in Kikumbuluyu itself. There is absolutely no reason why those services could not have been provided in Kyulu itself.

Now, Mr. Speaker, I submit that the reasons why these people were evicted lies elsewhere and not in the reasons given then. I believe, Mr. Speaker, that it is the old idea of a Government wishing either to alienate land or to declare it a Special Area, or Game Reserve, without the consent of the people who actually own it. In this particular area the eviction of my people was almost equivalent to sentencing them to a slow death. Kikumbuluyu Location is a very, very dry place. There is hardly anything that ever grows in that area, particularly during the last four years, and, even more, Mr. Speaker, there has been no rain and therefore no harvests whatsoever. But the few people who went to Kyulu and cleared *shambar* have had an excellent crop of maize and beans and potatoes. As I said before, I visited this particular place myself and I was shown specimens of beans, potatoes, and maize, and I take this opportunity to show them to this House as an example of what people in Kyulu can actually grow. These are samples, Mr. Speaker, of maize and beans which I would like the Government to examine and to tell me whether they are of any use at all. These are the potatoes, also, Mr. Speaker. (Demonstrates.)

In the whole of Kikumbuluyu Location where these people have been forced to go to live you find absolutely nothing growing on the *shambar* which these people have been told by the Government to cultivate. What else can you call this, Sir, than sending these people to an area where they would simply die slowly? It is high time, Mr. Speaker, that this Government thought of the welfare of the people rather than the welfare of animals and particular individuals.

(Mr. Mulla)

I am told, Mr. Speaker, that another reason why these people were evicted from Kyulu is in order to supply labour to these vital farms in Kikumbuluyu. It is all right for them to be able to work on these farms, but this does not warrant the Government reducing them to a state of servitude and mere slavery. I would have thought that any good Government would have been more interested in making its subjects economically independent rather than slaves to their masters, hunger and disease.

I maintain, Mr. Speaker, that these people who have been evicted from Kyulu should be returned to this particular area as soon as possible. Today the *shambar* which have been left behind contain good crops to be harvested. There is plenty of game in that area which is today destroying the crops. We talk of producing more food but fail to show our people where to grow it.

Here, then, Mr. Speaker are people who have fairly good land and who want to produce food, but the Government tells them to leave the area, and their crops, simply so that they can be destroyed by the animals, while the people themselves remain hungry and helpless.

Mr. Speaker we speak of the Land Resettlement Board; we speak of getting loans from the British Government to buy land to resettle Africans. Here is some land which, Mr. Speaker, need not be bought and need not involve this Government in more expense, and I feel that something should be done and that these people should be allowed to go back and live in that area.

This, Mr. Speaker, is a very very urgent matter which I ask the Government to look into now. When I see how the Kyulu people are suffering I am left with almost no respect for this Government nor its laws, and, Mr. Speaker, I feel inclined sometimes when I see such brutalities imposed on people unnecessarily to ask my people to walk there *en masse* and settle there and then see what happens.

I might as well at this juncture mention the unsatisfactory method being used to distribute famine relief food in Machakos, and more so in particular in Kikumbuluyu itself. There are 4,900 people in Kikumbuluyu itself who are hungry and who genuinely deserve famine relief food. Out of this total only 600 people are receiving this food. The rest are literally down but nobody cares for them. This Government should order its field officers to look into the needs of the people more sympathetically. The American Government

would be surprised to hear that people are dying when they have donated food to our people.

Mr. Hemmings: Mr. Speaker on a point of order, the hon. Member is introducing quite a different subject, in his submission, Sir, which is the distribution of famine relief in his district. I fail to see what has got to do with the Motion and with the matter which he originally raised.

The Speaker (Mr. Slade): In all discussions, particularly adjournment discussions, hon. Members must stick very closely to the subject matter they wish to raise.

Mr. Mulla: Thank you, Mr. Speaker.

There is very much more, Mr. Speaker, that I would like to say on this particular Motion, but I would feel inclined to stop at that juncture and allow other Members to speak on the same Motion. But before I conclude, Mr. Speaker, there are these two things which I am asking: firstly, that the people should be allowed to go back to this place immediately; and, secondly, that the Government should, as soon as possible, make arrangements for people to settle in that area. I know, of course, there are reasons which are at the back of the minds of the Government which prompted them to evict these people, such as Hills or area, and they would argue that if people are allowed to settle there then, automatically, it would affect the springs and the sources of rivers down below. Well, that might be true; but, Mr. Speaker, I would not at all time agree with that. I feel that if people are resettled in that area and follow agricultural methods of cultivation, etc.; there would be no reason why springs and sources of rivers down below would dry up. After all, for many years before they were living there, and those springs never dry up.

Mr. Speaker, I beg to move.

Mr. Ndirango: Mr. Speaker, Sir, as the time is very short, I think I will just make my point in very briefest way possible. First, we have great famine in Utambani now, and particularly in that area near Kyulu itself. I went there some time before the famine relief; I saw people eating things, monkeys, people eating other smelly things, because they could not produce food on the plains in the area called Kikumbuluyu, which is just next to the Kyulu Hills. The place these people are being evicted from is a very large area which is hilly and which is a high potential area, and instead of a Minister

[The Leader of Government Business and Minister for Education]

this way? Surely the Opposition must be mature, particularly the main KANU Parliamentary Opposition. They must be mature. I strongly feel, Sir, that when our people want independence we have got to show them the way to get independence as quickly as possible, and this is what this Motion is doing.

It is no use when you have your children in a house and they cry and scream for food and you join your children, crying for food as well. You would be a very bad mother if you did that. A good mother, a responsible mother, would look for ways and means of getting food for her children instead of joining in and crying for it. The Opposition is crying with the people for independence without showing the people how to get independence. This Government is showing the people how to get independence in the shortest way possible. To oppose this is to be an enemy of independence. To oppose this is to be an enemy of the very ideas that Kenya has suffered for. I think the Opposition must learn a lesson.

The Opposition goes on saying they have no confidence in my hon. friend Mr. Blundell. Now, Sir, the hon. Mr. Blundell is helping this country to achieve independence as quickly as possible. Mr. Blundell is staying at the back to help us. The Opposition has taken on its back a gentleman, the hon. Ernest McKenzie, whose work is to make the hon. Ernest McKenzie and cause hatred, accusing political leaders of this country. This does not help, and the worst of it is that this body, Member has no political party in this country today. He does not speak for any party. The sooner this gentleman knows that we have no confidence in him and the other hon. Member, the hon. Derek Erskine, the better for this country. If they continue doing this I would advise them to catch the earliest plane or train back to South Africa, their home.

Mr. Speaker, Sir, the Opposition is calling the Government the agent of colonialism, or that we are singing the voice of our masters. This Motion, Mr. Speaker, has been brought to this House for the first time. I was waiting for the Opposition to assist in this idea so that we could move it in the Council of Ministers in this country and then move it or take it up with Her Majesty's Government. Now this is our own initiative, it is the initiative of this Government, it is the initiative of the political parties within the Government, with the full intention of bringing independence to this country, and for this reason

we are very far from being gramophones, or records. We intend to go ahead; whether the Opposition likes it or not, we are going ahead to give Kenya independence.

Mr. Speaker, Sir, I am never deceived by the Opposition. I know it so well; I have been working with them for eight years now. When they try for independence here, and, even referring back to the British Government for further conferences, last year, Mr. Speaker, I was talking on independence terms in Lancaster House. The hon. Member for Nairobi East, Mr. Mboya, pulled my trousers. He said, "Ronald, don't go too far." The hon. Member for Fort Hall, Dr. Kiako, pulled my coat, and said, "If you go so far, we shall be separating." They now say that we should go back to the same place where they pulled my trousers and my coat. I think they just intend to waste the time of this House and the country, and also waste the money of this country. We cannot go back until we have attained what this Government intends to attain. It should be quite clear to the people in the country that we want independence and we are going to work for it and we intend to get independence for our people. The hon. Member for Nairobi East is alleging that we dislike, we reject independence, for our people and for ourselves. This is far from it. The Motion does not say that or imply that. If he wants to imply that, he is free, he is at liberty to use his wishful dreams as he chooses. We want to work for independence, Mr. Speaker. We want to work for independence because this is our goal, this is our aim, and we want to achieve it as quickly as possible. It is true that the present constitution has a few things that must be adjusted. I already said this yesterday, that in talks and discussions these few things that are remaining will be adjusted, and it is the opinion of this Government to adjust them, but you cannot refuse the country independence or full internal self-government just because there are a few things to be adjusted.

Mr. Speaker, Sir, in my car there are a few nuts that are loose. But if I want to go to my house I can go to my house in that same car and adjust the nuts at home. This is what we want to do. We shall adjust all these things which the Opposition would like, and we intend to do so, but it must be quite clear to the Opposition and to the country that it will not help us to adopt this negative attitude, an attitude that denies independence or internal self-government to our people.

The idea of wrecking the Government is so much in the minds of the Opposition that they

[The Leader of Government Business and Minister for Education]

have lost their heads. All the time they think of wrecking the Government and they do not even think of whether the methods are appropriate or approved or childish or mature, they do not think of these things. For this reason I think the Motion should go ahead, and the Motion has the full support of this House, and the country as well. I would like to make it quite clear that my speech, as quoted at Cairo, was repeated here by me two weeks ago in the same form as I made it in Cairo; and it is quite false to say that I rejected it here back in this country. Some people feel that we fear Kenya. We do not fear Mr. Kenyatta in this Government. In fact, Mr. Kenyatta is coming to join this responsible Government on this side. I cannot believe that Mr. Kenyatta can join this cowardly Opposition. It is, Sir, my sincere opinion that this country will only be led to independence by a responsible group like the present Government. It is my sincere hope that this present Government will go ahead and do the business for the country. The Opposition is watching us until we release Kenya. We shall invite them to the ceremony after we have done that. The Opposition is waiting until we give them independence. We shall also invite them to the independence celebrations. The Opposition is waiting until everything is done. They can never appreciate anything because of tribalism.

Mr. Speaker, Sir, to the country I make it quite clear that our intention is to appoint a Chief Minister. I have not said who is going to be a Chief Minister. Some people say that the Leader of Government Business wants to be a Prime Minister or a Chief Minister. My speech yesterday was quite different. I quoted how the progress had been made in many other places. In some places I reported how many leaders of government business have been replaced, and so on. I was very sincere. The people of this country know that I am sincere, that I mean good for the country as a whole. I was sincere enough to make the picture very clear to the people of Kenya, that all that I wanted was the good of the country, and the progress of the country here, for everybody.

I know that the Opposition have gone out to reproduce pamphlets to spread further lies in Nairobi and the countryside. These contents will perhaps be that some people do not want independence. I want those who the Government wants Council tonight to see how our programme for getting independence and to see our programme for getting independence as quickly as possible, so that

they may be impervious to any deceitful methods that the Opposition may use in the country.

Mr. Speaker, I think that most of the points have already been touched on by the Deputy Leader of my party and other hon. Members. Therefore, I will not be long in finishing. However, I would like to touch on two last points. When we came back from the Lancaster House constitutional talks, I made it clear to the people in the country that the Lancaster House Constitution was just a beginning and that we would move on to further changes towards independence; I have not changed, Sir. The idea of this Motion is to move on and to give this country the further changes towards full independence for our country. Therefore, the intention of KADU and the Government has not changed at all. Some of these people who have been blaming the Lancaster House Constitution stood on that same Constitution to be returned to this House. The country would have wished them to continue and to achieve something further than playing to the gallery when they come to this House. The sooner they go back to their places and be replaced, the better.

Mr. Speaker, Sir, with these few words, I would like to appeal to the people in the country to see our sincerity and our intention for progress in this country and our intention of giving proper leadership, sensible and responsible leadership, so that this country is not in a state of chaos, misery, hatred, or divided by some few people who are being used for the purpose of dividing the Africans like the two hon. gentlemen I have mentioned. If we follow this path, I am sure that independence will be around the corner. If we do not follow this path then I am sure that this country will regret afterwards, as the Opposition is regretting now, that we did not follow it, and use our brains. The time for using our brains is now, and the opportunity is available. We must use our brains; and we must even forget many things that we said during the business now and deliver the goods to our people, and solve the problems of this country.

With these few words, Sir, I would like to move the Motion.

The question was put and carried.

The Speaker (Mr. Slade): That concludes the business of the Order Paper. There is a matter to be discussed by Mr. Mull on the Adjournment and I will call on a Minister to move that this Council do now adjourn.

[Mr. Njirli] power—and later to become the Prime Minister—without "information" from the Leader of Government Business on whether he has the power I doubt very much how far he will be able to go. We fear, Mr. Speaker, that last time this Government was known as the "Ndio, Bwana" Government. Now, we have reached the stage where we say the leaders are gramophone records. Mr. Speaker, we do regret that the people have been ignored for the advancement of the country we are supposed to take over. Also we are further confused by the hon. Members saying "Uhuru sasa", even on their van, deceiving the ordinary people on the street. I wonder, Mr. Speaker, whether we will be in a position to have some people to translate the Swahili words of *uhuru sasa* to them. We have been deceived with the few words of "As soon as possible" or "In the near future", or something of that nature.

Mr. Speaker, if the Leader of Government Business is going to give us some answers and tell us how we will be able to do it he must tell the people whether he has the authority to govern Kenya, not begging ideas from the settlers and from the Government civil servants—colonial civil servants.

The Speaker (Mr. Slade), Mr. Njirli, you are coming back on to the wide field which I told you not to talk on. Please keep your speech to the terms of the amendment or I shall have to require you to discontinue your speech.

Mr. Njirli: Thank you very much, Mr. Speaker. Before I finish I would like to say this: The Government must be the opposition side, if you follow me—have decided on the decisions they are going to make. We know it. But if you are going to make a decision on so-called advance in the country without the people knowing, we wonder what the country will be like when our honourable leader, Jomo Kenyatta, has been ignored. I wonder how long the Governor and the Colonial Secretary will be in a position to control our so-called leaders.

An hon. Member: Who are the people?

Mr. Njirli: Mr. Speaker, I support the addition of this amendment.

The Acting Chief Secretary (Mr. Griffith-Jones): I beg to move, Mr. Speaker, that the question of the amendment be now put.

The Speaker (Mr. Slade): I will put the question which is that the question be now put, hon. Members remembering that it is a question of

whether we go on debating the amendment any more or decide it now. That is all.

Question proposed.

The question was put and carried.

DIVISION

The Speaker (Mr. Slade): I shall therefore now put the question of the amendment.

Question proposed.

The question was put and Council divided.

The question was negatived by 43 votes to 27.
Ayes: Messrs. Angaine, Anjarwalla, Arcman, Argwings-Kodhek, Ayodo, Basadzi, Chikwe, De Souza, Erskine, Gichuru, Dr. Kiama, Messrs. Mathenge, Muti, Mboya, McKenzie, Mohamed, Muti, Mwanjumba, Mwendwa, Njiri, Nthenge, Nyagah, Odede, Odinga, Sagini, Shah, Chanan Singh.

Noes: Mrs. Abwao, Sheikh Alamoody, Messrs. Alexander, Amalembi, Baron, Blundell, Bridger, Cleasby, Griffith-Jones, Hennings, Jamidar, Jasho, Jenety, Khasakhala, Killeu, Köhli, Kathurima, Lord, MacKenzie, Macleod, Mason, Marrian, Masano, Mate, arap Moi, Sheikh Mubashamy, Messrs. Murgor, Muliro, Ngala, Okondo, Pandya, Patel, Porter, Sir Philip Rogers, Messrs. Rurumban, Sagoo, Seroney, Mr. Shaw, Messrs. Swann, ole Tipis, Tawett, Wabuge, Webb.

The Speaker (Mr. Slade): That means that the amendment is lost and I should propose again the question of the original Motion. As it is on the Order Paper, I think I will leave it but I propose the question as it stands on the Order Paper and the debate continues on that.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, I beg to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): In view of the time that remains today and the fact that we have had nearly two full afternoons on this, I think it is in order to put that question.

Question proposed.

The question was put and carried.

[Hon. Members of the Opposition Benches left the Chamber]

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, I am very glad to see the cowardly Opposition walking out. I am also very glad, Sir, that the Government opposed this idea of a further conference. This has been brought forward by the Opposition as a clear confession of defeat.

[The Leader of Government Business and Minister for Education]

I think the Opposition has missed the bus and they are crying over spilt milk. They have no one, Sir, to blame for this but themselves. I should like to ask the Opposition, Sir, who is the leader of the Opposition because here we have the Member for Nairobi East, Mr. Mboya, saying we want independence now; the hon. Member for Fort Hall, Dr. Kiama, saying we want independence in 1961; and another speaker standing up and saying he would like independence as soon as possible. These three things are not the same, but they come from the same Opposition. Sir, I think it is very important that the Opposition should have a leader and should speak with one voice.

Mr. Speaker, Sir, the Motion is very clear. There is nothing vague about it. The Motion has set out the steps very clearly. First, we are pressing for a Chief Minister at the next sitting after the recess this year. That could not have been understood by any person. We are also pressing for an increase of elected Ministers. Again, that could not have been understood by the hon. Members on the Opposition. Further, the Motion is asking for full self-internal government in 1961. These things are very clear. Therefore, when the hon. Member, Mr. Mboya, talks of vagueness in the Motion, this is quite false, untrue and very misleading to the House and to the country. We have put in no uncertain terms the next phase that we want in this country. We have put in no uncertain terms internal government in 1961 for Kenya. Therefore there is no sense in suggesting vagueness in the Motion in the House today.

Some hon. Members have said, "Why have you not mentioned Mr. Kenyatta?" I would like to make it clear to the country, Sir, that the terms of this Motion did not include any personalities. I made it quite clear that I was moving the Motion on constitutional principles and amendments, and there was no question of mentioning certain individuals. It is for this reason, Sir, that I left out the name of Mr. Kenyatta or the name of the hon. Member, Muliro or the name of the hon. Odinga Odinga, because I thought it was irrelevant and I thought it had nothing to do with this Motion which is mainly on constitutional principle and on constitutional amendments. It is not and it is very far from expressing lack of respect for any personality. It is because I did not think that such a thing would be in order in a Motion of this kind.

Mr. Speaker, Sir, the Opposition is very fond of repeating like parrots campaign speeches here

In fact, they speak to the gallery and they do not get down to the difficulties and problems of this country. I think the time has come when we should get down to the business of this country, solve the problems of our people and give them constitutional progress. This very Government is giving the country constitutional progress. What is wrong with that? What is wrong with giving Kenya internal government this year? The Opposition has not put up any case to be replied to by the Government. They have not shown us anything except a negative attitude. I think, Mr. Speaker, Sir, something must be done to the Opposition. They must be taken with a sense of responsibility. They forget that, in any democratic country, the Opposition is just as important as the Government. When the Opposition rejects or shirks their responsibilities like this, I think it is high time they got back to the country and the country returned better people. What have they ever done? They have gone on shouting about Kenyatta. What have they done about Kenyatta? It is KADU—and I want to make this clear—that is going something at the moment for the release of Kenyatta. Immediately after the elections, Mr. Speaker, we moved on our advice, Mr. Kenyatta to Maralal from Lodwar. From Maralal, we are moving him now to his own home in Kilambu. We have already got a plot and the house is now going up. Mr. Speaker, this is the second week the House has been going up. The Opposition has even refused to supervise the building of Mr. Kenyatta's house.

Hon. Members: Shame, shame.

The Leader of Government Business and Minister for Education (Mr. Ngala): It is no use shouting in the House and outside in the country while being ready to do some business. This is a very irresponsible attitude, a lazy attitude, and for this reason I think the country should decide on the Opposition.

What have they done about independence? When this Government is trying to give the country independence, internal government, the Opposition is saying, "No, no, we don't want it." What do they want? We are releasing Kenyatta, we are giving the country independence, and yet the Opposition goes on irresponsibly opposing these necessary steps that the ordinary man wants in the country.

For these reasons, Sir, I am not prepared to accept the empty promises that our people have been given since 1959, 1960, March 1961, and the fact that the Member for Nairobi East the other day, said he would walk to Government House and pull down the Union flag. He has never done it. How long are we going to be deceived in

Mr. Njiriri: Thank you, Mr. Speaker.

Now, Mr. Speaker, since I wanted to bring up some few points to be answered to the people instead of the answers given by the politicians here, I would like to mention why it would be very, very important to have the conference. We have now been deceived with the Lancaster House Constitution. We have National Members and others. I wonder whether we can go forward to internal self-government without cleaning the House or without going straight to deal with the independence.

Mr. Speaker, our hon friends on the other side are talking about the Chief Minister, the Prime Minister, and so forth. I think now we have reached the place and the stage where we have to perform some actions instead of deceiving the people outside.

I have heard the hon Member, Mr. Muliro, talking about the methods. I wonder when the British came here whether we had our own methods of governing ourselves. I heard him saying also that an opportunity was going on here. I am very happy to see that they have been well received by the colonial regime.

Mr. Speaker, this is the day to be or not to be. It is the time for setting the date for conferences to discuss our independence. I mention the date is more important than merely repeating to the people, "Uhuru unao." I think the people outside are tired.

Second, Mr. Speaker, is the question of the person who said that if we do not accept this Motion it will be indefinite. Mr. Speaker, I would rather be indefinite than be in slavery. We have been kept there for a long time. We have been treated as slaves.

An hon. Member: We are not!

Mr. Njiriri: Mr. Speaker, I heard someone on the other side say, "We are not." We are! He had better think clearly in order to know that he has been deceived and now he is trapped at the slavery level. We are in a stage of uncertainty today. I heard some people talking about the civil service, the people who are now suffering without knowing exactly what will be happening tomorrow. There are three types of people now who are, we know expatriate officers. First, there are Europeans here who do not like to be controlled by the African leadership and they are saying (these are some people who are thinking what they should do), "We shall wait until independence and then we shall go."

The Speaker (Mr. Slade): Order, order! It is now time for Mr. Chanan Singh to move the adjournment of the Council.

ADJOURNMENT MOTION

LOCAL GOVERNMENT SERVANTS AND CIVIL SERVICE STATUS

Mr. Chanan Singh: Mr. Speaker, Sir, I obtained permission this morning to mention a very important matter which concerns the future of the service in the Colony of a large number of officers. The news that has prompted this Motion on the Adjournment, Sir, appeared in the *East African Standard* yesterday. This is how the paragraph in the *Standard* reads: "Agreement is expected within the next two days on a scheme to safeguard Kenya local government servants, the Minister for Local Government, Mr. Havelock, said yesterday after 'a most useful hour with Lord Perth.'" Mr. Macleod was unable to keep the original appointment and was to see Mr. Havelock last night instead. Mr. Havelock wants to warn him that unless something is done quickly local services will collapse because of the increasing number of resignations. Mr. Havelock declined to reveal the cost of the guarantees but said they involve only 300 key men who could easily find jobs elsewhere unless their future was secured in Kenya.

Mr. Speaker, when we link up this paragraph with the Question I put to the Minister the other day, Sir, the fears that I had in mind seem justified. There has been a rumour in the country for some time that the Government was thinking of applying the compensation scheme and other retirement schemes to the local government officials who are not really civil servants. The proposal is that a fiction should be created whereby officers in the service of the local government bodies will be regarded as civil servants and seconded for duty to the respective bodies.

Now, Sir, the schemes of compensation and schemes that affect the benefits to be payable to civil servants on retirement have aroused a great deal of controversy and discontent amongst civil servants. Associations have been broken up and a number of very senior members of certain associations have resigned. A very important association has withdrawn from the Central Whiteley Council. I think if that scheme or a similar scheme is applied to local government service similar results will follow. The result will be discontentment and inefficiency in the service. Now, if the idea is that the hon. Minister for Local Government is to conclude an agreement without consulting this Council, then I think he should be stopped from doing that because the matter is an important matter and should be referred to this Council for decision before an agreement is concluded. Now, Sir, a similar

[Mr. Chanan Singh]

agreement was concluded without reference to this Council some time ago in regard to the civil service proper. We already have a Bill before us which asks us to ratify that agreement. My own view is that that sort of thing should not be allowed to happen again. If an agreement is now concluded and signed on behalf of the Kenya Government, then this Council will be presented with a *fait accompli* which, I feel, would be a wrong thing to do.

Now, Sir, it is possible that an agreement will be concluded while this Council is in recess. My own view is that the Government should not sign that agreement without reference to this Council. It may be necessary to call this Council for a day or two for this special reason but I certainly feel that this Council should be called together because local government servants are certainly not civil servants. There is a lot of discontent amongst the civil servants themselves and it is not desirable that that discontent should spread to local government service.

Finally, Sir, the complaint is that the arrangements that have been made in the civil service are to all intents and purposes racial in character. If this same sort of arrangements are to be applied to the local government service they will also be to all intents and purposes racial in character. That is why I suggest that this Council be given an opportunity to have a look at those arrangements before they are concluded for us to make a decision.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, with a view to finding out the position authentically in regard to the matter which I know my hon. and learned friend was wishing to raise, I spoke on the telephone at lunch time today with the Minister for Local Government in London. I can, on his behalf, give the hon. Member and the House an assurance that no agreement is being concluded in London either now or in the next few days, nor at all. The Minister is discussing alternative methods of meetings the problem which faces the country of constant attrition by way of wastage of technical and experienced and professional staff in local government which this country very badly needs and he assures me that this has not been reached and, indeed, no final decision has been made. He has returned and presented those proposals—possibly alternative proposals for discussion here with the Government and with local authorities. He also had set in motion before he left the laying of a Sessional Paper on local government—which will be done, Mr. Speaker, in the near future—on the Table of this House

and that will be debated before we rise for the summer recess. It will be the Minister's intention to acquaint the House of the position in regard to this particular problem and any proposals then crystallized for possibly solving them. So I can assure the hon. Member that nothing is being entered into by way of commitment whilst the Minister is in England.

I do question the hon. gentleman's reference to the fact that, as he said, an agreement was entered into regarding the Civil Service without the authority of this House. I would just remind the House that owing to the hazard of timing the Government had to obtain from the last Council anticipatory authority to enter into this agreement because it was a fact that the Council was not going to be in session. In fact, there was not going to be a Council at the time when the agreement had to be entered into. That was an unfortunate hazard of timing. I would hope that there would not be a similar hazard of timing on this occasion and I can assure the hon. Member that every possible opportunity to consult the opinion of this House will be taken.

The Speaker (Mr. Slade): In view of that assurance, the matter ceases to be urgent and it appears in any event no hon. Member wishes to speak further on this subject. We shall, therefore, now resume the debate on the Order of the Day.

MOTION

CONSTITUTIONAL ADVANCE

(Resumption of debate on the amendment interrupted at 5.30 p.m.)

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, I beg to move that the question of the amendment be now put.

The Speaker (Mr. Slade): I do not think that is an abuse of the proceeding to do that, nor that an infringement of anybody's rights, except those of Mr. Njiriri who was in the course of his speech. I think he should be allowed a little longer to conclude his speech before the question is put.

Mr. Njiriri: Thank you, Mr. Speaker. I wish I could have gone through these things. Mr. Speaker, Sir, it is a pity that the Government will not accept a constitutional conference over the various now feel such a conference over the various aspects of the constitutional progress is necessary and that the Government has neglected the people. The Leader of Government Business does not seem to think at all deeply on this matter. He does not say that he will be in a position to start internal self-government. If he has been authorized by the Governor to have complete

[The Minister for Health and Social Affairs] here, because it is the first step in the right direction as far as having a full-scale conference is concerned. If the Opposition are going to oppose the Motion outright and say they will have nothing to do with it, no goodwill, nothing at all, are we to sit back and wait for some miracle to happen so that arrangements can be made for the conference to be held? I maintain, Sir, we should start with the acceptance of this Motion here today and then, from there, when the whole House has supported the Motion, we can think of what further steps to take. All that the Motion is asking for, Mr. Speaker, is that we should make a start and that we should be more serious. We should not just talk for the sake of talking. Therefore, if the Opposition feel that we should jump from this particular stage to the next stage of having a conference, then I would like to know what arrangements the Opposition propose, to make it possible for this conference to be held and also to bring about the desired effect that Kenya wants I maintain that what Kenya wants today is not quarrelling and Members saying nasty things to each other here, but trying to get together in order to find a common ground and from there, holding a conference to deal with these things. Therefore, I feel, Sir, that if the Opposition would support the Motion before the House, it would be a step in the right direction. So, Sir, I feel that the Opposition should start where they ought to start. We should start by being serious so that we can face Kenya's problems together. The idea of a conference, while running away from the facts of today is what I might call illogical, or so it seems to me. All that the Opposition are doing is to oppose the issue, even independence. They are talking of independence today and they do not even support the Motion which is initiating the first step. We are not there yet, yet the Opposition says "Let us wait for another conference." Why not start now? We shall have the same people in this House and we shall have them here, so I feel that the idea of procrastination, when we have got so many problems facing Kenya, is the wrong thing. I would ask the Opposition to support the Motion as it was and from there we shall move forward together properly.

Mr. Speaker, I beg to oppose the amendment.

Mr. Seroney: Mr. Speaker, I wish to congratulate the hon. Member for Nairobi East on the very fine job he has done by way of masterly misrepresentation. He has depicted us as being against independence. He reminds me of somebody who says that he wants to get to Eldoret, passing through Nakuru. When I suggest that we

will have to go through Nakuru before we get to Nakuru, he says that he does not want to go to Eldoret. Mr. Speaker, what exactly does the Opposition expect, as they do? Members opposite say "Uhuru sasa!" and yet we all stood during the elections on the pledge of *uhuru sasa*. We are not opposing that, but the Opposition are sabotaging it.

Mr. Speaker, a lot has been said about the Lancaster House Conference. I pointed out in another speech that in my view the implementation of that constitution was long delayed. What happened after the election? We wasted valuable time because the party which claimed to be the majority party was unwilling to take its responsibility, either in forming the Government by themselves or in co-operation with us, as we were perfectly willing to do.

The Speaker (Mr. Slade): Mr. Seroney, you must remember to confine your present speech to the matter of this amendment.

Mr. Seroney: Now, Mr. Speaker, the hon. Member for Nairobi East has detailed the history of what the African Elected Members have done since 1957. I have followed those moves very carefully. I agreed with many of them, but I had my criticisms as well, about which all hon. Members on both sides of the House know. We all welcome criticism, Mr. Speaker, as long as it is constructive.

Now, Mr. Speaker, let us look at the question of tactics. In 1957, the African Elected Members declared the Lyttelton Constitution null and void; they refused to co-operate with it, and it is true that they brought it down. How long did it take? It took from April to November. Then Mr. Lennox Boyd came to Nairobi and imposed another constitution which they found they could not accept, which again they rejected, and then that lasted them until the end of 1959. We had the results of the elections on 1st March, but the formalisation of the Government was not achieved until May. Hon. Members opposite said that we should not have formed the Government, that we should have let the Governor rule by decree. How long can we do so? All right, it would have meant two or three more months. Again, further delays, also the possibility of an imposed constitution. Now we have suggested a concrete step to something which is likely to be achieved, bearing in mind, Mr. Speaker, that it is only certain if hon. Members opposite co-operate and do not sabotage it.

Mr. Speaker, Sir, the question facing us today is the question of whether we just want an empty gesture, whether we want independence now.

[Mr. Seroney] whether we want just an exercise of defining our aspirations, which are the aim of both sides of the House, or whether we want to put down something which, bearing in mind the current state of affairs in Great Britain, bearing in mind that no British Government is going to put itself in the position of being accused, like the Belgian Government, of jumping straight from a state of no Government at all to a state of independence.

Mr. Speaker, Sir, challenges have been issued about constituencies. I welcome any Member opposite to come and stand against me in my own constituency either on the question of Mr. Kenyatta or on the question of participation in the Government.

The Speaker (Mr. Slade): You must confine your remarks to the question of the amendment.

Mr. Seroney: Mr. Speaker, Sir, I find myself in a difficulty. Hon. Members opposite should not be impatient. My difficulty, Mr. Speaker, is that

The Speaker (Mr. Slade): I quite understand your difficulty. Before moving this amendment Mr. Mboya said a lot of things that you would like to answer. But he was speaking to the main Motion before he moved the amendment. Having moved the amendment you are now confined to the subject matter of the amendment. But when that amendment has been disposed of by you or another Member can then deal with the rest of what Mr. Mboya said on the substantive Motion.

Mr. Seroney: On the question of this conference, Mr. Speaker, I would end by saying that we are fed up with conferences; they delay us. Whatever we can put through this House, and if we can put the maximum through, then let us do so, and let us not delay the country by endless conference after conference.

Mr. Njiriri: Mr. Speaker, the Leader of Government Business has brought a Motion before the House, and I would like to ask what authority he had, and whether he got approval from the people of the country and whether he got the approval from the Governor to bring the Motion.

The Speaker (Mr. Slade): Now, Mr. Njiriri, you will also have to limit this speech to the subject matter of this amendment.

Mr. Njiriri: Thank you, Mr. Speaker.

Mr. Speaker, I want to mention that he has not had any authority to bring this Motion, which is very, very important, without getting in touch with the people outside this House.

Mr. Speaker (Mr. Slade): I do not think that that is relevant to the amendment.

Mr. Njiriri: Mr. Speaker, if that is the case then the question is the authority to make the announcement of the internal self-government. That is the question, Mr. Speaker, which I would like him to answer.

The Speaker (Mr. Slade): You are asking it at the wrong time.

Hon. Members must get this clear. Unless I apply Standing Order 62, when the question before the Council is an amendment, hon. Members are required to speak only to the subject matter of that amendment. The amendment now before the Council is this proposal that the resolution should contain the words, "Calls on the British Government to call a constitutional conference before the next session to work out a new constitution for Kenya's full independence." It is to that question of adding those words that hon. Members must speak until the amendment is resolved.

Mr. Njiriri: Thank you, Mr. Speaker.

I wanted to bring some questions, and I felt that this question of the conference would be most important today to decide when and how we should be able to go ahead with the Government.

Now, Mr. Speaker, I will not go to what the hon. Members have already stated because I feel that in addition to that the remarks which have been made by the hon. Member, Mr. Tom Mboya, are the perfect ones today. We have been told that we are now going towards internal self-government. I would like to say to hon. Members that we are internally educated creatures. We are internal and economically growing. And we expect the external colonialism to be with us if we are not for a conference to make a decision for independence?

We heard some hon. Members, particularly the Member speak, and here I have something to say about the Motion. He does not say anything about what we may call internal self-government. According to the Motion, no, Mr. Speaker, I think he is deceiving the people. True, Sir, I see in the Motion that he is not saying anything about the Motion that he is not increasing in the Council of 14 Ministers to be increased. I think we are here being Ministers, Mr. Speaker. I think we are here being deceived. We have been deceived in the Motion without anything which is called internal self-government, without mention of the Ministers, and this Motion, Mr. Speaker, is very, very confusing indeed.

The Speaker (Mr. Slade): But we are not speaking about the Motion now, Mr. Njiriri.

[Mr. Mathenge]

[The Deputy Speaker (Mr. Nyagah) left the Chair]

[The Speaker (Mr. Slade) in the Chair]

Mr. Speaker, why is it that in every Colony that Britain has, it is assumed that that country must have a Westminster type of parliamentary democracy? America found that that did not work and today she has developed much better than many other territories.

When first does he say we must have that sort of constitution? That is why, Mr. Speaker, we support this amendment. The time has come when we must ask ourselves do we have a constitution which can provide the springboard whereby you can go on amending and changing to the time when you get independence? This is the thing we do not have, we do not have such a constitution or such a government, we have got to have a constitution and a government as you have in Uganda or Zanzibar or that you have in Tanganyika before you get to the next stage, and the only way to get that, is first, to change your constitution, have a general election and then form a popular government of elected people.

Mr. Speaker, I would like to end up by mentioning that I hope, especially because of those two reasons, the Government have talked of internal self-government and they have not included it in their Motion, that makes a question of their sincerity. And also for this particular reason that we do not have a constitution today that would help us negotiate the other stages to independence, I hope they will see the light and support this amendment.

Question proposed.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, the Government is unable to accept the amendment as proposed by the Opposition.

An Hon. Member: Absurd.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, the future of Kenya lies not in our stars but in ourselves. Here we are in this House with Members speaking as if they want to bury their heads and run away from the truth. First of all, Mr. Speaker, I would like to know from the Member for Nairobi East, who is not here, whether when he is attacking my friend, the National Member, Mr. Peter Okondo, he believes that the same should follow about his friends, the hon. Members Mr. Odele, Mr. De Souza and Mr. Bruce McKenzie,

who are National Members of this House after the Lancaster House Constitution. So I feel it is illogical to try and pretend that they do not know what they know. This Government, Sir, was formed after the elections which followed the Lancaster House Constitution. That includes Members on the Government side and Members on the Opposition side. The Member for Nairobi East challenged the Members on the Government side to go and ask for an election. I would like to know whether he is sincere about it and whether it is the general opinion of the Opposition, including the other groups in the Opposition, the Cross-Bench and even the other Members of other races. Mr. Speaker, I feel the Motion before the House is a very clear Motion. It is asking this House and the country of Kenya to face the long-standing issue of independence more realistically and the Motion asks that we should have good will and co-operation on both sides. My hon. friend, the Member for Nairobi East, after speaking and saying all sorts of things about the Government Members here, has thought perhaps he ought to offer the Government a hand of friendship. He gave a suggestion. He suggests that the stage from here should be holding a conference some time later this year before the House meets again so that we can talk and do business. The Member for Fort Hall, Dr. Kioko, said he did not believe in races or does he agree with his friend, the Member for Central Nyanza, Mr. Odiga, who wants independence today? Well, this contradiction, Mr. Speaker, in the Opposition is very embarrassing to them and to the whole country. At the same time, the hon. Member for Central Nyanza, Mr. Odiga, was one of those who said *uhuru* in March, 1961. This is June, 1961. I wonder, Mr. Speaker, whether the Opposition would like us to continue electioneering in this House here and everybody in this House here they should trade as electioneers. We are here to do a job; we are not looking for votes.

The Speaker (Mr. Slade): I should have explained to hon. Members perhaps that I have not applied Standing Order No. 62 to this particular amendment because I think it does raise new additional matter, that is to say the question of a conference as a next step. That being so, hon. Members are free to speak on this amendment even if they have spoken before, but anyone speaking to this amendment while this question is before the Council is limited to the subject matter of this amendment and cannot speak on the merits of the original Motion. Hon. Members who speak to this amendment now will be free to speak to the original Motion after it has been amended or left as it is.

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Speaker, may I ask for information? I think you did say just now—I think it was a slip—that the amendment referred to a conference regarding as “the next step”. I believe I am right—I was not here when the amendment was moved—but when the amendment was proposed I rather thought it proposed a conference to prepare a constitution for “full independence”. I am not, of course, challenging your ruling but the purpose of the conference as depicted in the amendment, I think, is to draw up a constitution for independence, not “the next step”, so to speak.

The Speaker (Mr. Slade): That is quite correct. That is the wording of the amendment. What I meant was that the hon. Member regarded it as the next step.

The Minister for Health and Social Affairs (Mr. Mate): Thank you, Mr. Speaker. I feel that the question of another conference is a denial of what the hon. Member, the Leader of Government Business said yesterday. He made it very clear that now and in this country we could hold discussions on the next steps that should be taken for Kenya to be independent and he invited Members of this House on the Opposition and the Government side to think on those lines. Mr. Speaker, Sir, I maintain that even before a conference can be held there are many important problems that face Kenya today. We have got problems of land; we have got problems of the Coastal Strip; we have got problems of the Masai Treaty; problems of the Northern Frontier Provinces; and other problems that hon. Members in this House have mentioned. Sir, I do not see why Members of this House cannot even get together informally, and as the hon. Member wanted or asked in this House, with goodwill, make an advance or advances towards independence for this country. Mr. Speaker, I feel, Sir, that when my hon. friend, the Member for Central Nyanza was speaking yesterday about the Lancaster House Constitution, there is one mistake that he made. That was he chose to overlook certain aspects of the Lancaster House Constitution; he said that after Lancaster House the African voice in this House had become prominent but, Sir, in this House had become prominent but, how can it be that there is so much diversity of purpose and intention as far as the important issues of this country are concerned. I dare suggest, Sir, that he is one of the contributory factors to this kind of thing. So I do not feel it is fair to refer to having a predominant voice in this country when the Opposition chooses to oppose a Motion—in the terms we have in this House today when all we are asking is to have this

common goal between us, to sit down together and face our problems practically. Mr. Speaker, Sir, the hon. Member for Central Nyanza talks about splinter groups; I do not know who he means by splinter groups.

An hon. Opposition Member: You.

The Minister for Health and Social Affairs (Mr. Mate): Sir, we in the Government are not splinter groups. They are the splinter groups; they are not united. They do not know what they want. But one thing they know is that they can oppose and have no responsibility. Mr. Speaker, Sir, I feel that the “problems that have been raised in the Motion here of racial differences in Kenya are real problems and, if it is all, there are any problems that could make the races tend to separate or go away from having this common goal, it is the business of the leaders in this House to try and find out why and work practically towards harmony in Kenya. I do not believe, Sir, that the mere making of statements in this House to the effect that one is responsible for this or the other problem will help this country at all. I believe, Sir, that what Kenya has today in the way of development, in the way of common good, has come about as the result of working together of these people in Kenya today and that the Kenya of today is not to be looked upon as in the past. I would like to ask hon. Members of this House whether they sincerely mean that they have no place for Europeans, for Asians or even for Africans, for that matter, in this country.

The Speaker (Mr. Slade): Mr. Mate, I must ask you to stop very closely to the matter of the amendment which is this proposal for a conference.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, as far as Kenya is concerned, I am in favour of a conference, before we can initiate any discussion among ourselves in this House now, I feel, a contradiction. We say it should start now; we should begin now and the hon. Member for Nairobi East says we should wait and hold a conference before we can happen. Mr. Speaker, why should we have to wait? Our Kenya problems, according to the Minister for Nairobi East, are so unimportant that we cannot even sit down and talk about them until a conference is held.

Mr. Mboya: I never said that.

The Minister for Health and Social Affairs (Mr. Mate): Well, Sir, the Member for Nairobi East says he did not say it, but I maintain that the first step we should take is to accept this Motion

[Mr. Mboya] of the way by his unconditional release and return to public life.

Hon. Members: Hear, hear.

Mr. Mboya: The second question, Mr. Deputy Speaker, is independence. How do we get there? Are we going to get there by this shouting across this dispatch box? No. Are we going to get there—

I see that the hon. gentleman is back.

An Hon. Member: Are you afraid of him?

Mr. Mboya: I could not be afraid of him because he knows not what his policy is.

Mr. Deputy Speaker, in Sierra Leone we have seen this kind of thing where development was stifled and forced, what is the result? The Opposition languishes in prison so that the Government may govern in that what Kenya wants?

An Hon. Member: Hear, hear.

Mr. Mboya: I hear a Member shout "Hear, hear." If that is what we truly want, can we govern with the Opposition in jail? They will govern out of fear with guns and bullets but they will never govern.

Mr. Deputy Speaker, in the absence of any logic I suggest that if we look at this situation, the Lancaster House has landed us into further confusion the country cannot go on, there will be no economic development whether this Government says they will govern by might or not, there will be none. There will be no confidence, therefore remove the Kenyatta issue by his unconditional release and return to public life. Those who fear him are perhaps those who aspire to his leadership, they should not fear him if they feel confident enough. Let them compete with him when he comes out.

The second aspect is independence, the constitutional situation. We are not going to resolve this by sending Ministers to London, we cannot force the constitution of this country to be stable, they cannot force this country to accept a constitution unless it is negotiated by people in whom all the people of this country have full confidence and who are fully representative. Therefore, Sir, I suggest an amendment to the Motion. To the Motion after the word "Ministers" add the following words "and further calls on the British Government to call a constitutional conference before the next session to work out a new constitution for Kenya's full independence." And further calls on the British Government to call a constitutional conference before the next session

to work out a new constitution for Kenya's full independence.

Hon. Members: Hear, hear.

Mr. Mboya: Mr. Speaker, we seek to give this country a chance, a chance to survive. We seek to give this country a chance to remove those aspects in the present constitution that have proved unworkable. We seek to give this country a chance to be able to produce a constitution that will truly lead us into a democratic Kenya where there is security and harmony among all the people. We seek to give the chance to remove those aspects of the present constitution to which I referred.

Mr. Deputy Speaker, I beg to move.

Mr. Mathenge: Mr. Deputy Speaker, is seconding this Motion, the amendment to the Motion, I would like to make this observation, we have a Government here, Mr. Deputy Speaker, that is suffering from a complex, an inferiority complex. And because of that suffering they do not even know how to draft a Motion. The Leader of Government Business, when moving his Motion, emphasized the internal self-government this year aspect of this Motion, but in the original Motion there is no mention whatsoever of internal self-government. Was he trying to play on propaganda while he knew that the substance of this Motion is not taken that far. Mr. Speaker, I have only three points. The first point I want to make is that I reject entirely the theory of gradualism for people who are aspiring to independence. I reject the theory of criteria, that you must have this and that and that to get independence. I reject the theory of stages, that you must move from this stage to the other stage.

Today we have on record a sort of criteria that the British Colonial Office thinks should be fulfilled before a country becomes independent. The former Colonial Secretary, Mr. Lennox Boyd, and the present one talked about them and they are three, namely, That you must have a stable Government, that it should have democratic institutions, well founded, and that it should have a stable economy.

This language emphasizes one factor which the previous speaker mentioned so I do not want to go into it very much. But knowing as we know the colonial policy of Britain, they always try to develop a language when a country is aspiring to independence that would give them room to entrench themselves and create conditions and handicaps for that country when it becomes independent.

An Hon. Member: Question.

Mr. Mathenge: An hon. Member says "Question". Only yesterday we saw a statement from the Colonial Office that there is no question of the military base at Kahawa being moved because it serves the purposes of Commonwealth defence. Who says that we shall be in the Commonwealth? Who will determine the membership of Kenya in the Commonwealth? It will be when we get independence, not now, and, therefore, when they try and tell us, "You have a base there and it is going to remain," they will not listen to us when we tell them we are going to remove it. This is an obvious example of Britain trying to entrench Kenya into conditions and defence arrangements that possibly Kenya will not want to have after independence. Therefore, we will challenge the presence of that base at Kahawa and we still say it must go after independence. That was an example.

Mr. Deputy Speaker, tomorrow a delegation is going to leave this country for London. This delegation, I understand, is going to discuss various matters connected with the East Africa Federation and, I understand, also defence. Mr. Deputy Speaker, I would like to take this opportunity, because it touches also on the way this Motion has been brought here, to warn the present Government that if they commit us to matters that, at present, they do not have the mandate for, they are creating conditions which will make it very difficult for the representative Government that we are going to have very soon to co-operate with other Governments, because they will set in train certain movements that possibly will not be agreed to then.

I do not want to dwell on the question of Kenyatta, but, Mr. Deputy Speaker, I believe that any country aspiring to independence cannot do so smoothly unless it has the leadership which is the people respect and that the people want. If the Leader of Government Business is aspiring to become the Prime Minister of this country, in opposition to what the majority of the people of this country want, I do not know what he is doing, possibly he will regret it one day.

Look at India; look at other independent states in Africa, you always have a personality that signifies the aspirations of all these people, not that I believe in a second God, I do not believe that a human being can be a second God, but I do believe that there are personalities sent by God, especially at a stage when a country is aspiring to independence. When a movement exists that could make a heterogeneous country like this a homogeneous nation, it must be given a chance to work. You have examples in India with Gandhi and Nehru. In India; if Nehru goes, we do

not know what will happen to India. You have Nyerere. Some people try to compare this country with Tanganyika and the type of constitution they seem to favor is Nyerere in Tanganyika and I submit that Tanganyika will not set its independence this year. Although they have TANU, a united party, that has the respect of everybody, I submit, again, that Tanganyika will not be getting independence this year. And, therefore, when you compare Tanganyika with Kenya, here you have two parties and several other little ones, and you have got the added elements of intransigent soldiers—some of whom came to us clothed in sheep's clothing although they are wolves—others who "come naked and whom," sometimes, we respect for their docility, but who are going to leave this country very soon. You have the added problem that you have a leader who is accepted by everybody, but that leader is not able to operate as a leader, he is not able to give his advice. He is not able to make his physical presence felt when decisions are being taken and that is why you have had an element of competition between nationalist leaders as to who should take the place and none of them have succeeded. Therefore, Mr. Deputy Speaker, I submit that unless the question of Jomo Kenyatta is settled you cannot move forward constitutionally and peacefully. At this juncture I would like to know why there is all this delay; is this part of the delaying tactics towards constitutional progress? Why has the house, a simple house, taken an Almighty Government two months to lay the first course of stones? I do not know, we would like to know whether there is a conspiracy behind it and I would like to go there tomorrow and see what is happening.

An hon. Government Member: That is not the house we mean.

Mr. Mathenge: Mr. Deputy Speaker, I would like to submit that when we bring a question of positive neutralism, you always get this charge of money from here, influence from here, the infiltration by this, I would like to submit that not only the Communists infiltrate a country like Kenya. You have got the Western imperialist nations who would like to retain their horses in a country like Kenya. I submit today, that the greatest danger will come from Britain to an independent Kenya, not from Russia, not from America, because not from Russia, not from America, because Britain will not want to lose a virile, totally independent Kenya, a world power. An independent Kenya that will be in the Commonwealth, that will have the paraphernalia of British rule, that will have as the Colonial Secretary calls it, a Westminster type of parliamentary democracy.

[Mr. Mboya] there he was not successful in getting one scholarship.

Hon. Members: Hear, hear.

Mr. Mboya: Mr. Deputy Speaker, I have maintained good relations in labour with other countries, that indeed is the concept of the international character of the labour movement. I have nothing to apologize for in this, I do not believe that anyone who visits Russia becomes a communist, just because he visits Russia, I do not believe that anyone who visits America becomes an American capitalist, just because he has visited it because it is so, Sir. Then this gentleman who has just now applied to visit America and the applications are waiting in the American Consulate now should not be applying to go. When do they want to go? In a few weeks' time they will be going to America, these same people.

An Hon. Member: And Russia?

Mr. Mboya: Let them go to Russia, yes. I see nothing evil in that. Kenya cannot be a narrow-minded country which does not know what exists in other countries. Mr. Speaker, in one thing we are agreed with the Government side, in one thing we agree with the Government side. We are not children to be protected from the exposures of Russia or America. What we do not wish to have and which we have said in America is—

An Hon. Member: Dictatorship.

Mr. Mboya: What we do not wish to have the replacement of one domination with another. In that I agree with the Government. But merely to begin parrot-like and to begin shouting in this House and outside because their colonial masters have told them so, that going to America is evil or going to Russia is evil, is the lowest thinking I have ever come across. Mr. Deputy Speaker, I am being accused by the hon. National Member, Mr. Okondo, of sending people to America, then he is confessing I am more powerful than he is, because only a powerful man in this country can sell Kenya to America or Kenya to Russia. If you are so small, without confidence, without influence, without support that you are afraid we will sell Kenya while you sleep, then, my friend, you are not a leader.

Hon. Members: Hear, hear.

An Hon. Member: Interjection.

Mr. Mboya: Mr. Speaker, Sir, recently we accepted thousands of bags of maize, 100,000

bags of maize from America. Did we sell ourselves?

The Leader of Government Business and Minister for Education (Mr. Ngala): Did you accept it?

Mr. Mboya: Did we sell ourselves? Did we sell ourselves? They do not know because they do not know what they speak about.

An Hon. Member: It went through the normal channels.

Mr. Mboya: What is the "normal channel"? The colonial normal channel? Because, Mr. Deputy Speaker, our friends have been indoctrinated with the colonial power. They have become used to being a gramophone record and they think everything must come through the colonial power. Did we have to wait for the colonial government to send 100 students to America? Would they have sent them? How many have they sent to Britain? Mr. Speaker, what we have done is to send more than four times as many students to America from this country as they have sent students to the United Kingdom.

Hon. Members: Hear, hear.

Mr. Mboya: If we have to wait for their "normal channels" there would be no students today coming back this year, this month, with university degrees. They would have been going to Leazes School to study maize control!

Mr. Deputy Speaker, if our friends are bankrupt on policy it is unfortunate. In foreign affairs, foreign matters, they have nothing to teach the Opposition. We have waded into it, in pan-Africanism we boast of being the first chairman of the African Peoples' Conference.

Hon. Members: Interjection.

Mr. Mboya: In the PAFMECA too, we lead the way and boast to have led the way in international affairs, we boast to know more about it or about the other countries, the pitfalls of their politics and economic relations than they will ever know in their period with colonial-imperialism.

Mr. Speaker, if the Members were referring to the fact that I and some of my colleagues have naturally disagreed with some African statesmen or leaders and he referred to that as being thrown out it is making a big mistake, because, Mr. Deputy Speaker, the reason why in some cases we disagree with African statesmen is because we have an independent mind, we hold our own views. The fact that I visit Ghana does not mean that I eat from the hands of the Ghana leaders. I tell them what I like, if they do not like it I

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leave their country, because Kenya is my country and that comes first to me. We are courageous enough to visit those countries and tell the people in these countries what Kenya stands for and if they do not like it we do not go back.

An Hon. Member: Isolationist!

Mr. Mboya: What is an isolationist? Mr. Deputy Speaker, we are not like the Leader of Government Business who goes to Cairo and believes there is an international platform, he wants to get applause, makes a speech against America and comes home to deny he ever made it. When we make a speech outside this country we stand by it.

The Leader of Government Business and Minister for Education (Mr. Ngala): Interjection.

Mr. Mboya: We stand by it. By your conspiracy the liberation programme did not work. What single thing, Mr. Deputy Speaker, what single thing, have all the hon. Members on that side, concerning us, done for Kenya? What single thing in their travels, in their relations? What single thing?

The Leader of Government Business and Minister for Education (Mr. Ngala): Interjection.

Mr. Mboya: You stand there and personally oppose us, you had better take it when it comes.

The Deputy Speaker (Mr. Nyagah): Please address the Chair, Mr. Mboya.

Mr. Mboya: Mr. Deputy Speaker, so much for that. The Opposition does not wish to make Kenya a puppet of Russia or America. The Opposition stands firmly. To be afraid of the Russians, to be afraid of the Americans, to be afraid of the French, to be afraid of the British, judging on the merits of each particular situation.

Mr. Odongo: Hear, hear, hear, hear.

Mr. Mboya: We do not oppose Russia because the British have told us to oppose them, we do not oppose the Americans because some queer settlers have told us to oppose them, we do not oppose the British because everyone has told us to oppose them, we oppose every country on the merits of the case we have with them at that time and that will remain our policy. And that, Mr. Deputy Speaker, is true policy of neutralism, neutralism does not mean permanent opposition to the Russians because the British say so, or permanent opposition to the Americans because the queer settlers said so, that is not neutralism.

An Hon. Member: Interjection.

Mr. Mboya: Neutralism is our objective.

Now, Mr. Speaker, we have been told so many things to justify this Motion. I have gone through these points and I suggest that there is nothing in what we have been told at all. I see that the hon. Member, Mr. Blundell, is missing. If he were here he might have been reminded of some of his speeches that the Africans will be told "so far and no further". Perhaps that is what is influencing this slow pace on the Government side because they have to move with Blundell otherwise they cannot move at all.

Mr. Speaker, we on this side are ready for independence, now. We do not believe, we are unready, educationally Kenya is ready. Economic, social and political development and consciousness of Kenya is ready. Tanganyika is no more ready, Somalia is no more ready, Sudan is no more ready. Members on that side, Mr. Deputy Speaker, stand up and say "What about the Congo?" Yes, what about the Congo?

An Hon. Member: Chaos!

Mr. Mboya: Why? Because of imperialists, the bankrupt policies of the Belgians led the Congo to its present chaotic state. If, Mr. Deputy Speaker, these people, the hon. Members on the Government side do not know this simple elementary thing about the Congo, then, Mr. Deputy Speaker, Kenya is really led by blind men.

The Minister for Labour and Housing (Mr. Towner): And you follow!

Mr. Mboya: Now, Mr. Speaker, everybody has said that this country needs a stable government. We agree with that. Everybody has said that we need to create conditions of stability, we agree with that. Everybody has said there must be economic development, otherwise political independence will be meaningless. We agree with independence, with that. We agree with development that. But we consider that economic development which will come out of political independence which releases the full force of our people for their own self-fulfillment, and the tasks before our country. History shows clearly that in no country can you get very far without first political independence. Therefore, Mr. Deputy Speaker, I suggest the present Government as is now composed cannot get to that far. The Opposition to the Government alone is not going to get us much further. The continued bickering in the country, personality fights, tribulation and other things, not get us that far. And I suggest, Mr. Speaker, not get us that far. And I suggest, Mr. Speaker, the time has come for complete rethinking by all Kenyans of good and evil who want us to get somewhere—now is the time to get there. Kenyatta is one issue, get the Kenyatta issue out

[Mr. Keen] Anybody who knows nothing about Communism, Communism, Communism. They do not know anything about Communism. And the only idea is to suppress what they call African nationalism; the only idea is to suppress African nationalism, so that the only thing that can be heard are the voices of those people the Governor wants to hear. I think they say Communism is a greater threat to Africa today but you will probably find that imperialism of the worst kind is a greater threat than anything else I know in history. Eight million Africans are not going to accept delaying tactics or whatever the case may be. We either have independence this year or we do not have it at all! The British Government, Mr. Speaker, Sir, must know in no uncertain terms that if they say, "We are not going to give you independence," then either we shall shut up or we shall continue our struggle as we have done in the last 60 years. The British have ruled us in this country for 70 years. We are quite prepared to be ruled again if necessary for the next 70 years but African political aspirations must be there. During the past few years it has been said, "We are going to suppress African political thought," but has this suppression succeeded? Guns, bullets, detention camps, have failed. All this will never succeed in suppressing African opinions.

Mr. Ntengo: It opened everything up!

Mr. Keen: If you were on this side of the House I think you would be in a better position to open it than I am now. Mr. Speaker, Sir, as we are ahead, as I say, I want freedom now. We must have a national government—a government which is fully representative of the eight million Africans in this country. Mr. Speaker, Sir, I feel—although I am on the wrong side of the House—that the present Government will only endanger our future in this country. We must, therefore, hold frank discussions—and I hope the Members of the Opposition will realize too how irresponsible they have been themselves in having won the elections but, through their own divisions and quarrels, they have failed to form a Government. The only answer the Opposition could have arrived at was a negative one because of the rival groupings among themselves. So the only answer was negative: "We are not going to form a Government." There are they are blaming this side of the House. It is just like a dog in a manger! I say I am going to oppose both sides of this House because neither of them have realization enough to see that we should have independence in 1961. Look at the Congo! They had independence without stages!

An Hon. Member: And how is it now?

Mr. Keen: Mr. Speaker, Sir, I move now to this, notorious document, to this notorious constitution, the Lancaster House Constitution. It is really the most notorious piece of paper I have read in history. Mr. Speaker, Sir, the Lancaster House Constitution was passed or was agreed to—and I think some of the hon. Members of the Opposition agreed to it, too—in 1960 some time in January. Now we are in June, 1961. So the only conclusion—the British Government could arrive at is that the Lancaster House Constitution should begin to be put into effect in January, 1961. What a shame, Mr. Speaker! Why was it not put into operation last year? If the British Government were really interested in giving this country independence, the Lancaster House Constitution should have taken effect from March last year. But did it take effect? It did not. All this was aimed at delaying tactics just to delay African independence. Look at Kenya today! We can be proud of having more educated people than probably any other country around us. Look at the Sudan, look at possibly—I do not know—Ethiopia, look at Somalia, look at Uganda and look at Tanganyika which is going to get independence some time this year! I think, Mr. Speaker, we are more advanced than Tanganyika or any other neighbouring country. Why can we not get independence? Just because we have got British settlers? Just because we have got other colonial officers who, because of their colonial status, possibly were the last people to see this country gets independence? We can never achieve independence until the four colonial Ministers are checked away!

Mr. Speaker, Sir, as I have just said, we cannot be an island amidst a sea of independent countries. We cannot just be isolated out here just because of settler elements, because of colonial elements, because of the rest. We demand—demand myself and in fact this side of the House too—and the other side of the House all jointly demand—independence in 1961. Nothing was said yesterday that would guarantee that the African people are going to get independence. Nothing definite has been said. It has been said only that we are going to press for a Chief Minister; we are going to press for internal self-government; but nothing definite has been said. Can we not get something definite from this side of the House?

An Hon. Member: Question!

Mr. Keen: No Question! Mr. Speaker, Sir, throughout the 70-year struggle for African independence, throughout the 70-year British rule in this country, Kenya has been the black man's hell and it has been the white man's paradise and the

[Mr. Keen] white people are just somewhere in the middle. The proceeds must now change. Kenya must be the black man's paradise and probably I do not know whether it is going to be—the white man's hell. That will be decided later.

An Hon. Member: —is no preference.

Mr. Keen: Mr. Speaker, Sir, we prefer our own Government and I think we are more qualified to rule ourselves rather than continue under a foreign yoke any longer.

The Speaker (Mr. Slade): Order, order!

Mr. Speaker, we are more qualified to keep our house clean than anybody else. Mr. Speaker, Sir, we prefer to have a Government of hell run by Africans rather than a Government of heaven run by foreigners.

Mr. Speaker, this is the greatest thing in this country now, and I must speak because this is going to be the handicap. I want independence now, but we have to take into consideration certain aspects. Certain people in this country, because they have had an Emergency for seven years, feel that they are more qualified to rule others. Certain people in this House or in this country because of their capabilities, and certain people in the Province in some towns, Kajiado, feel that they themselves have the right to rule others. Mr. Speaker, Sir, nobody has got the right to rule anybody else in this country, and this is a warning to the Members on the Opposition side. If they want independence, if they want co-operation; if they want unity, then tribunal has got to go. It has been told that even some of the top officials on this side of the House were planning, if they did not become Chief Ministers, probably to secede to Uganda; if they did not get positions of importance. This means, Mr. Speaker, Sir, that we are going to get a thousand Katangas in this country. We are not going to have that here. Those who have such wishful thinking must go now and sleep and forget about all those things.

The hon. Members on the other side say, Mr. Speaker, that they want independence some time this year. We are being told that at random. I wish to say that I want independence in 1961. Now.

Mr. Gichuru: Mr. Speaker, I beg to move that the question be now put.

The Speaker (Mr. Slade): That is the question of the amendment that is now before the Council. I do not think it would be an abuse of the proceedings or an infringement of the rights of Members if I put the question now.

Hon. Members will see what they are voting about. What is going to be put to you is that we decide now on this amendment; it is not the merits of the amendment at this stage. I will put the question, which is that the question of the amendment be now put.

The question was put and carried.

The Speaker (Mr. Slade): In that case I will put the question of the amendment, which is that the words proposed to be left out—that is, all the words after "That this Council"—be left out of the Motion.

DIVISION

The question that the words proposed to be left out be left out was put and Council divided.

The question was negatived by 44 votes to 29.

AYES: Messrs. Angalo, Anjarwalla, Araman, Arkingo-Koliki, Ayodo, Chokwe, De Souza, Ergine, Gichuru, Jamal, Ken, Dr. Kiako, Messrs. Mathenge, Mbi, Mboya, McKenzie, Mohamed, Njili, Mwangi, Mwendu, Njili, Ntengo, Nyagah, Odde, Odinga, Sayili, Shah, Chanan Singh, Zafud-Deen.

NOES: Mrs. Abwa, Sheikh Alamoody, Messrs. Amalamba, Bridger, Blundell, Baron, Cleaby, Cole, Griffith-Jones, Henning, Jamadar, Jasho, Khasabala, Kilelu, Kofi, Kuthurua, Loto, MacKenzie, Macleod, Maloti, Mariani, Masimo, Mate, arap Mbi, Sheikh Mubashary, Messrs. Muliro, Mungai, Mwila, Okondo, Pandya, Patel, Porter, Sir Philip Rogers, Messrs. Rurumban, Sagob, Salter, Seney, Mrs. Shaw, Messrs. Swain, Ole Tipi, Town, Wabuge, Webb, Wifwood.

The Speaker (Mr. Slade): Since it has been resolved that the words proposed to be left out shall not be left out of the Motion we cannot proceed any further with Mr. Odinga's amendment as regards the other words to be put in. The debate will now continue on the question of the original Motion as it appears on the Order Paper.

Mr. Mboya: Mr. Speaker, Sir, this country has today in this House witnessed, perhaps the only occasion on which the peoples of this country, or, to be more precise, certain peoples of this country, have stood arm in arm with the imperialists and colonial powers to reject, to oppose, and to ridicule independence as a natural right of the indigenous and other peoples who form our community. Let us be no doubt as to the results of the outcome of this debate. Let there be no doubt as to the meaning of the decision taken by Government, and those who

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the formation of a Government, was one of those people who came and said, "Look, I want to see that a Government is formed". He said that, but after some time, possibly because of intimidation or his own worries, he said, "No, I am not going to join a Government". He has turned himself into a different sort of puppet altogether, possibly a puppet of the leader of KANU or some other person who is in that movement.

Mr. Mboya: Interjection.

The Minister for Commerce, Industry and Communications (Mr. Muliro): It is courageous enough to see what to do, and to do it is definitely courageous because some people did not know what to do, and some hon. Members across the floor are lacking in courage.

Mr. Argwings-Kodhek: Give us a speech.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Negative courage.

Mr. Argwings-Kodhek: Give us some sense.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, when some people speak of independence what they mean is that they want to be ruled by their

Members here, it is our own destiny. Mr. Speaker, as long as we do not play our cards properly, we shall delay Kenya's independence. With full co-operation from everybody in this House, goodness in the country, Kenya can be independent at any time.

The Speaker (Mr. Slade): Mr. Muliro, you are beginning to repeat what you and others have said already.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Thank you very much, Mr. Speaker. I am just finishing, Mr. Speaker, what I say in this. Here we are in one country looking forward to see that we are independent and yet, like blind mice, we do not seem to know what we are doing. Hon. Members go on making statements attacking each other day after day, not only in this House, but throughout the country. We are tired of all this, Mr. Speaker. Let us for once agree with this Motion and move forward speedily to our independence.

I beg to support the original Motion and to oppose the amendment.

The Speaker (Mr. Slade): Sit down while I am standing, Mr. Keen. There has been a certain amount of repetition in this debate. I quite under-

stand that in a debate of this kind, where the subject is narrow and yet many Members wish to express their personal views, it is difficult for them to avoid repetition, but I would ask every hon. Member to avoid repeating at length points that have already been made by other hon. Members.

Mr. Keen: Mr. Speaker, Sir, I was elected by 1,000 votes at Kajjido and as I am on this side of the House I am bound to make my own judgment. I have got to make my own decision. The Motion we are now discussing is one that will definitely determine the future of this country; it is the one that will determine the destiny of 8,000,000 Africans. Mr. Speaker, I have been harassed on this side of the House not to speak my mind by, probably, the Government Whips at the Government Benches, but now Mr. Speaker Sir, I wish to speak my mind.

First of all, Mr. Speaker, Sir, back in India we had the *swaraj*, which is freedom. Out here we are now having the struggle of *swaraj*, which is our independence. We cannot thank the British Government, we cannot thank the Government of Kenya, for promising us independence of self government this year because independence is our birthright. We must have it now. We were free before the British came to this country, and whether we fought our own wars, whether we suffered from famine or from disease, still we were free. This independence was, therefore, robbed from us by aggression. We have been enslaved; we have been exploited; we have been humiliated but now our time of salvation has come! We must have our *Uhuru* now, we must have Kenya now, we must have *uhuru na umwaji*. Mr. Speaker, Sir, I wish to oppose both sides of this House. The Opposition want independence some time this year and the Government Benches by mathematical progression of they want independence by equation. I do not know what they want! As John Keen, I want independence now! We were told yesterday in this House by the Leader of Government Business that he was going to sign the cheque for *uhuru* of independence for Kenya. But in actual fact the Leader of Government Business has signed a warrant of death for eight million Africans! Nothing has been said about Jomo Kenyatta whom we, the African people, regard as our national leader.

We have been told that a Chief Minister is going to be appointed some time during this year. Who is that Chief Minister going to be? Who is that Chief Minister going to be? Let us take the cases of history. We have Kwame Nkrumah. He was removed from prison because his

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followers had said they wanted Nkrumah to lead the country, Ghana, and he was removed. We had Nehru also in India who now is leading the national movement and is leading the Government of India.

May I have a glass of water, please?

We had Makarios and the British said that he had blood on his hands and they would never negotiate with him. But one year later history had to prove itself. Makarios was removed from the Seychelles to—what do you call that city, Nicosia?—in Cyprus and again two months later we saw Makarios in London negotiating with the British Government, after the British Government had said that they would not negotiate with Makarios. But they had to negotiate with Makarios and now Makarios is the Chief Minister, the Prime Minister, of Cyprus. Well, the British have to act now and negotiate with Jomo Kenyatta? We think Jomo Kenyatta is the Moses of Kenya. If it were not for Jomo Kenyatta, Kenya would have been another South Africa today.

Then there is the case of Patrice Lumumba on this side of Africa. Lumumba was removed from prison and he was sent by air to Brussels where he had to negotiate the independence of 900,000 square miles of the Congo. He had to negotiate the independence of that country, that country got independence without stages! Why should we have independence in this country with stages? We do not want independence in this country by stages, by mathematical progression, by mathematical equations. We want independence now!

An Hon. Member: Lumumba is dead!

Mr. Keen: Lumumba was killed by the imperialists. Lumumba was killed by the people who wanted to seize economic power in the Congo. Out here, in Kenya today, the only thing that would probably be created here is political power whereby a few people will be put into the top positions and the lower classes of the people would be suppressed. I challenge the 200,000,000 Africans in the whole of the Continent; I challenge the 60,000 Europeans in this country; I challenge the Central Government; I challenge everybody who says he does not want independence in Kenya in 1961; I challenge the whole lot of you! I want everybody who is brave enough to come forward and say they do not want independence in 1961—anybody out of the 200,000,000 Africans!

The Speaker (Mr. Slade): Mr. Keen, I do not think you need to speak quite so loudly.

Mr. Keen: Thank you, Mr. Speaker. Now, I come to the question of foreign money. People have been talking about foreign money: some from America, some from Russia and some from God knows where. Everybody in this House has received foreign money from somewhere. Mr. Speaker, Sir, we are not concerned with European tribal divisions between East and West. That is their own affair. Because the Europeans have found that they cannot work together they have therefore decided to divide the hemisphere into two spheres of East and West. Are we going to be concerned with their divisions? Today you will find that in this country those who cannot get support from the East and those who cannot get support from the West would get together to try to get support from somewhere; and the place they can get support is in London from the British Government. We are not going to have that. Kenya will be an independent Kenya. We have got to be free from the British Government. Kenya has got to be free, Mr. Speaker, Sir, from the Americans; we have got to be free from the Eastern bloc. The people of this country themselves, the eight million Africans, will decide their own destiny, Mr. Speaker. Nobody among the Opposition there is going to decide our future; nobody on this side of the House is going to decide the future of the African people. Eight million Africans are going to decide their own future.

Mr. Speaker, Sir, when this Government was being formed I made my point clearly to the Governor of Kenya that we were not just going to be stooges in this Government, and I hope my colleagues on this side will agree with me that I pointed out to the Governor of this country that we were not going to be stooges in this Government.

An Hon. Member: You did not.

Mr. Keen: We are well aware, Mr. Speaker, Sir, of British conspiracies; we are well aware, Mr. Speaker, of British intrigues. We have seen in history that the British Government will only use certain people to suit their particular will and when that particular purpose is over they are checked away. In this country today, Mr. Speaker, certain people are being searched; certain people are being linked with Communism. Who knows the colour of Communism in this country? What colour is Communism? Red, green, yellow? Nobody knows what colour Communism is.

An Hon. Member: It is red!

Mr. Keen: Who knows Communism? I doubt even whether those who profess to know or say they know about Marxism or Leninism know

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that Kenya problems were unique, I asked myself, Mr. Speaker, whether I was listening to Dr. Verwoerd in South Africa in Parliament or not. Such speeches could come from Dr. Verwoerd, saying that the South African case is unique. It is not unique. Human problems are the problems we are faced with, to create a society of individuals who look upon themselves as equals. The human burdens which are there have to be solved. So the problems which are being solved in Ghana, in Nigeria, in Sierra Leone, in India, are very much human ones like our own here. So anyone who says that we discount all that has happened, could as well say we discount all the lessons of history. But there is a dictum in history which says history repeats itself. It does repeat itself, and any person who has learned any bit of history will know that.

The hon. Member also said, Tanganyika don't worry about Tanganyika. Tanganyika made the rapid movements that it has made to independence because, after the general elections, whatever Mr. Nyerere was given, he accepted as the basis, moved on with legislation to get to where he has got, and now he knows exactly where he is getting to in December. Therefore, Mr. Speaker, hon. Members in this House and all politicians in this country, who want to see that independence is attained, must be prepared to take whatever possible steps that can be taken and build from that to the next step. This is the firm intention of all men and women of goodwill in this country who want to see that they create a nation. Those who do not side with this view, Mr. Speaker, do not because they are more or less committed to themselves and not to the country.

Some hon. Members also argue, "Don't worry about anything else." The hon. Members who have accepted to join the Government have done something wrong. We should rather let the country sink back into chaos, poverty, ignorance and misery in order to get any place. I wonder how many Africans in this country would be delighted to see Kenya going to economic chaos and ruin? I do not think. Mr. Speaker, Africans (thousands of them when you go to the labour offices, labour exchanges, waiting there every day, because of economic hardships, in this country, would wish to see that millions and thousands of them go to those labour exchanges without a hope of getting any employment anywhere) would be delighted to listen to these speeches.

Mr. Speaker, I am not going to castigate any hon. Member because I want to do so, but I feel that the people of this country have a right to a good Government and we must work towards that, and not have anyone saying we are going to have chaos. I think hon. Members in this House are men of integrity. At least the people of this country regard us as being men of integrity and, as such, we should stand up to that, stand up to the challenge of the people of this country and lead them to independence. Also, the hon. Members have pointed out, they say the Lancaster House is out of date. There should be another conference right now led by Mr. Jomo Kenyatta on this issue of Kenya's constitution. The same hon. Members were a party to the agreement which now is regarded as being out of date, before they even see it. When we came back, Mr. Speaker, after having agreed in London that we are going to have four Africans in Government and that Government would be a Caretaker Government until the Lancaster House Constitution was implemented after the general election, hon. Members said Lancaster House was out of date. I think that is sheer contradiction in logic and thinking. We agreed that those hon. four colleagues, one of them who was there already, and to him we added another three, were in the Caretaker Government until the general election took place. That was their agreement which we entered into. If the hon. Members in this country are to be respected by the world at large, we have to respect ourselves, and respect the agreement we undertook to carry out. Whatever they might say now is what they think, the Africans in this country and all those people who have made their homes here, have lost respect for most of the hon. Members because they do not want to honour what they have previously agreed to.

Mr. Speaker, we are carrying on the Lancaster House Constitution until we get a change within this year, we get a new change, and in this short period, we will be independent. Hon. Members also on the other side of the House, were party to a delegation of 14 African Elected Members who went to England after long deliberations at Kiambu. The 14 African Elected Members should go to London without Kenyatta. Some of them regret ever making that decision. I joined the hon. Members, now I have joined this House, and maintain, as they maintained at that time, that possibly they are the only people who might be right. The Member for Central Nyanza, possibly the junior Member for Central Nyanza, who was at that time very adamant that African

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Elected Members should not go to London without Mr. Kenyatta leading them—

Mr. Argwings-Kodhek: On a point of order, Mr. Speaker, I do not know if the hon. Minister for Industry and Communications will be able to point out in which way I, Clem Argwings-Kodhek, am junior to him.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, I am sorry, I never said he is the second Member. The older Member is Mr. Odinga.

Mr. Argwings-Kodhek: You said junior.

The Minister for Commerce, Industry and Communications (Mr. Muliro): My friend, the junior Member—I withdraw that, Mr. Speaker, he is not the junior Member. Well, in matters of possibly Parliamentary experience one would argue like that, but, Mr. Speaker, the hon. Member has proved himself very well on the Floor of this House and I withdraw the remark.

The hon. Member from Central Nyanza also argued that we should not argue for constitutional amendments. Now I question that argument. Should we stay where we are? I think all hon. Members in this House would say "No to that. We do not want to mark time. We have been governed by a power 6,000 miles from Nairobi and we do not want to mark time any more. We want to move forward, Mr. Speaker. In order to move forward to that independence, Mr. Speaker, we must make constitutional amendments, even if some hon. Members, like the hon. Members across the Floor, do not want the constitution to be changed. The hon. Member for Fort Hall, my colleague—and he has sneaked out as he usually does—made the statement that—(Inaudible)..... out. My colleague says he is not committed to stages and, therefore, these stages should not be talked about, Mr. Speaker, I want to say this, that even if a young man wants to get married to a given girl he has to take certain steps before the wedding day actually takes place. Here we want to get independence—

Mr. Mboya: Married to Kenya.

The Minister for Commerce, Industry and Communications (Mr. Muliro):—we want to set ourselves, and govern our own country and these things are inevitable; they have to take place.

Mr. Mboya: Kenya is ours; we do not have to marry her.

[The Minister for Commerce, Industry and Communications (Mr. Muliro):

Also, Mr. Speaker, I was horrified to hear that the former Minister for Commerce and Industry said he did not want stability now until independence. In other words, my colleague wants an empty independence; he wants a chaotic mess! But if the hon. Members in this House were asked whether they would exchange the present Kenya for the chaos that has been prevalent in the Belgian Congo, which is still going on, all of them would say "No". Therefore, anyone who preaches economic instability is not actually serious. This is not the place where we have to come and make debating points; where we have to come and woo the voters. We can possibly do that in our own constituencies, but this is the place which is the rostrum from which we speak to the people of this country and we have to be a bit responsible.

Also, the Leader of Government Business says we are going to have full internal self-government in December, or sometime before the end of the year, still with three Ministers from the Colonial Office. In fact, if we want a good Government and we feel that these three Ministers are good for this country we can even keep them on after independence. It will be the decision of this country and not the decision of the Colonial Office. We would get greater puppet hon. Members from the opposite side than we would get from this side. Also, the hon. Member says that the question of a Chief Minister has not been the process everywhere. Well, some processes are carried out in certain areas because of their economical, political and social set up, and they are not in others. That is very true. However, here we are in a place where we do not want to bring about bloodshed or anything else, but we want to move to our independence and the road we have chosen is that of negotiation for our independence.

The hon. Member also said we are puppets of the Colonial Office. I think the hon. Member for Fort Hall is a greater puppet than we are.

Mr. Mboya: So you are a puppet but he is a greater one than you are?

The Minister for Commerce, Industry and Communications (Mr. Muliro): He is a greater puppet than any of us might be. The hon. Member, when we were negotiating to participate in

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people, our own country, to receive that independence, beginning with self-government this year.

I would finish, Mr. Speaker, by saying that it is always very good for a schoolmaster not to draw the attention of the pupils to their weak points. If in Kenya today we are suffering from oath-taking, subversive organizations and activities that are intended to undermine the Government, then we should condemn them of course; and when you condemn anything it does not mean that you want to repeat talking about it. It is like confessing one's sins: one does not go about telling people those sins once one has repented. Once we have condemned the bad activities of this country we should turn round and speak about the good things that we are doing in this country, and get our minds thinking and working clean, and not contaminate our thinking with bad stories and bad propaganda and bad material.

With these few words, Mr. Speaker—and I assure they are few—I beg to support the original Motion.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, Sir, I rise to support the original Motion and not the Opposition's amendment. It was made very clear yesterday by my hon. colleague, the Leader of Government Business, that within this year, all being well, Kenya will move to full internal self-government. I think this statement is the most important statement that has ever been made in this House by a Government. This objective should not be frustrated, Mr. Speaker, in any way by anyone in this country. Many people, and some of my colleagues across the floor, who have argued on the amendment, might be misleading themselves and possibly the country. Their problem is this, Mr. Speaker: no one is against getting independence, no one at all. The needs of the people could be against independence—(inaudible).....
..... Members on this side, Mr. Speaker, but what we want is a good independence, a prosperous independence, full of meaning to the people of this country. I think we are going to get it; the independence we want, Mr. Speaker, should give individuals freedom of expression, it should give the individual freedom of voice, it should give the individual freedom of conversation, it should give the individual freedom to sell his labour on any market. The worker should have that freedom to associate with his fellow workers in methods of collective bargaining for the improvement of the worker. On the whole,

all that we want is a prosperous, independent Kenya.

To understand that, Mr. Speaker, I think there is a lot of ground to cover to allow the hon. Members in this House to notice it themselves, that there are hurdles to overcome. We have many hurdles to overcome in this country, and those people who are genuinely interested in getting independence for this country, should be more concerned with the removal of these hurdles in our way rather than making erratic speeches. The hon. Members can get up here and shout, "We want that"; in our public speeches we can say anything, but I think all hon. colleagues in this House must know that, once one is elected a member of Parliament one is no longer campaigning for votes at all. There is another three years or so before one can go back to the electorate and try to please them. So I think, Mr. Speaker, as ordinary people, ordinary freedom-fighters, those who want to see that Kenya is independent, we have to be more responsible in our political speeches on political platforms than we have ever been before.

Mr. Speaker, I am not saying that all our people are free from this disease, but many politicians now in Kenya tend to compete for political responsibilities.

An Hon. Member: Speak for yourself.

The Minister for Commerce, Industry and Communications (Mr. Muliro): If one makes a poor statement somewhere another politician will get up and try to say something worse than that. Mr. Speaker, in order to say, "All right, I made a very good speech the other day in Nakuru, or Gilgil or Mombasa, or Nyeri.

An Hon. Member: Or Bungoma?

The Minister for Commerce, Industry and Communications (Mr. Muliro): Or Bungoma Mr. Speaker, that is not going to lead us anywhere at all. The hon. Member says that my speeches lead nowhere except to Bungoma. I think if you could get to Bungoma and make the same speech there, any hon. Member will be welcome, but irresponsible statements will not be welcome that is true. Hon. Members in this House have said, "We want independence now." The hon. Member has denied that but, Mr. Speaker, the question of whether Kenya is going to be independent or not is no longer the question before this country at all, but the question before us now is what method are we going to use in order to speed this independence, and I think all hon. Members know that very well now, after having

[The Minister for Commerce, Industry and Communications]

heard that from the Leader of Government Business yesterday that within this year we are going to have internal, full internal, self-government.

Well, one might argue and say, "Why go through all those stages? We want to go straight now to independence." That is granted, but, Mr. Speaker, what we have to know is this, that as long as we have got homework to answer, and I say Kenya has a lot of homework to deal with, let us get the answers to our homework and then we can go for our independence with nobody stuck in our way. The homework, to a very high degree, Mr. Speaker, is ourselves here.

The hon. Member, my colleague from Central Nyanza, said yesterday that he does not want opportunists. He also suggested that the Leader of Government Business and Members on this side get opportunists. That I deplore strongly and I assure the hon. Member this, that the present Members in the Government are not opportunists at all. All that we are doing is that we are making an insurance that this country becomes independent. The opportunists might be worried about themselves, what is going to happen to them tomorrow when the country becomes independent. That is what is going to happen after independence. That is the role of an opportunist. An opportunist is for himself, Mr. Speaker, and I think the hon. Members across the floor are the opportunists, the real opportunists, in this country. They never once made a move towards independence. We have taken that leap towards independence, and we want to go ahead to that independence.

The hon. Member also said Mr. Kenyatta is rotting away, but is Mr. Kenyatta not rotting away because of the irresponsible statements made by the hon. Member himself? This, Mr. Speaker, must be taken very seriously. The Africans in this country must know very well that we want a full Government, we want an orderly Government, we want all those Africans, who are being detained in prison, to come back, but the main obstacle to their coming back are the people who make erratic statements like the ones the hon. Member for Central Nyanza makes.

As the hon. Member talked about opportunism Mr. Speaker, I want to say that there are various forms of imperialism, you may have economic imperialism, you may have political imperialism, you may even have social imperialism, and I think all the Africans in this country, all the Africans in the African continent, who are committed to a policy of non-alignment with any power bloc, resent the idea

of trying to draw Kenya or any part of Africa into conflict with the two main world blocs, either Russia or America.

Mr. Argwings-Kodhek: Or Israel.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Israel belongs to America. Any hon. Member who says, "I can go to that place and sell myself." What is the hon. Member selling? Selling Kenya? He is telling the world that he is going to be the Prime Minister of Kenya and therefore he should be given all the money, to come and meddle in the politics in this country? Mr. Speaker, the people who negotiate, who sell themselves very cheaply to foreign powers in order to exchange British political and economic domination for Russian or American domination, we reject them and this country must reject them.

Also, the hon. Member stated that Kenya problems are unique, so do not compare them to Tanganyika or any other country in the world. When I was listening to the hon. Member speaking, I thought I was listening to Dr. Verwoerd in South Africa, saying the problems of South Africa are unique, the question of apartheid is unique, and our problem is being approached in that light.

Mr. Speaker, our problems in Kenya—

Mr. Kioko: I am sorry I could not raise the point of order immediately, but I was conversing with Member for Nairobi East, but the Minister for Commerce and Industry has just made the statement that due to the irresponsible statements by the Member for Central Nyanza, Jomo Kenyatta is rotting away. Could that be a substantiated by the Minister, because it is a very serious charge, whether Kenyatta continues to be restricted because of the statements of the Member for Nyanza.

The Speaker (Mr. Slade): There are limits to the kind of statement which can be substantiated, and, therefore, to those which, as a point of order, can be denied to be substantiated. An order can be kind that a certain state of inference of that kind because of what an hon. Member says exists because of what an hon. Member says is known to have done, whether you call it responsible or irresponsible, is not the kind of statement that can be substantiated. It is really more than an expression of a matter of opinion.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Thank you very much, Mr. Speaker.

Our point is this, Mr. Speaker, that when I listened to the hon. Member saying yesterday

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objective even if we do not agree with what the other person's point of view is.

Mr. Mboya: You are a true Knight!

The Parliamentary Secretary to the Chief Secretary (Mr. Amalamba): I thank the hon Member for that remark. It may be on the way.

The question is, what can we do to make this possible in the shortest possible time? If we delay by waiting and by quarrelling amongst ourselves we are delaying not other people's independence but our own. I urge upon the hon Members of this House, and the citizens of this country, to bear that in mind that the benefit to be derived from an independent Kenya will not be a one-sided one, and it will benefit everybody.

ADJOURNMENT

The Speaker (Mr. Slade): The time has come for the interruption of business and Council is therefore adjourned until tomorrow, Wednesday 14th June, at 2.30 p.m.

The House rose at thirty minutes past three o'clock.

Wednesday, 14th June, 1961

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

[Mr. Speaker (Mr. Slade) in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member—

Lancelot Donald Abel Baron.

NOTICE OF MOTION ON ADJOURNMENT

ADJOURNMENT UNDER STANDING ORDER 12

LEGAL GOVERNMENT SERVANTS AND CIVIL SERVICE STATUS

The Speaker (Mr. Slade): You have a point of order, Mr. Chanan Singh?

Mr. Chanan Singh: Mr. Speaker, Sir, I rise to propose to move the adjournment of the Council for the purpose of discussion of a definite matter of urgent public importance, namely, the possibility of the conclusion of an agreement with the Colonial Office for the granting of Civil Service status to certain local government officials in the Colony as announced in the Press.

The Speaker (Mr. Slade): The relevant Standing Order is Standing Order No. 12 which allows the adjournment of Council to be moved for the purpose of discussing a definite matter of urgent public importance, if sufficient Members wish that discussion. I am of the opinion that this is a definite matter, it is of public importance and it is clearly urgent in view of the statement in the Press that the proposed agreement is to be concluded in the course of the next day or two. The next question arises as to whether you have at least ten other Members in support of this.

[Members of the Opposition rise]

I see you have. In that case you may move the adjournment at 5.30 p.m. this afternoon or at such earlier time as we conclude the ordinary business. The effect of that will be if we have not concluded the present debate that you will interrupt it at 5.30 p.m. to move the adjournment. Discussion of your matter will continue until the ordinary hour of interruption at 6.30 p.m. or such earlier time as discussion ends. If the discussion ends before 6.30 p.m. we shall resume the debate. If at 6.30 p.m. hon. Members feel that they have not had long enough for the debate because of this interruption then it will be open to the Council to

[The Speaker]
resolve that the matter of the debate be exempted from the Standing Orders which require us to stop at 6.30 p.m., and we shall continue as long as the Council wishes. Otherwise, at 6.30 there will be discussion of the matter on the adjournment of which notice has already been given. Mr. Mulli's matter. If time is extended in the manner I have indicated, when the time has expired then Mr. Mulli's matter will be discussed.

MOTION

CONSTITUTIONAL ADVANCE

(Continuation of the debate on the amendment interrupted on 13th June, 1961)

The Parliamentary Secretary to the Chief Secretary (Mr. Amalamba): Mr. Speaker, Sir, when Council rose yesterday I had finished on a note that if we achieved independence in this country it would be for the benefit of everybody and not only one side of this House.

Mr. Speaker, for many years we have been urging the Colonial Office or Her Majesty's Government to indicate to us when we would have our independence. What has been given to us has been conditions. We have been told that if we want this, that and the other condition, we will have prepared ourselves for independence. Starting from the ancestor House we have been trying to pin down this particular aspect of our development to a definite or specific time when we could expect this country to go forward towards this objective of independence in Kenya.

Mr. Speaker, I am saying that for the first time in this House, the Government has made it clear to us that within this year self-government will be achieved. I hope that nothing will interrupt this particular move at least to get us towards that objective in the remaining six months. We have very little time remaining in this year and yet that is the policy that was announced by the Leader of Government Business, that as much as possible will be done to achieve self-government in Kenya during this year. Kenya should be grateful for this particular move because we have been looking for something, and although there have not been very definite pronouncements this brings us nearer to what we have been expecting in the past.

The implications of an independent country are very difficult. There are such things as confidence being restored. There are such things as politicians or speakers weighing their words and encouraging people to condition themselves for a country like Kenya that is moving forward to independence. There are such things as economic stability and

in this, Mr. Speaker, I would like to thank the big companies and the small companies which have been very, very persistent in consistently carrying on with their work regardless of the lack of confidence that has been campaigned in this country. I would like to encourage any business firms or companies in this country to continue to show us their confidence in this country by continuing their development regardless of what an individual or individuals may say purporting to be representing the whole of Africa.

Political advancement is another matter that is difficult. There is no judge who can tell us whose political views are the best. This applies to everyone, every race, and every country. No individual politician can commit a country to a certain pattern of development. We have to learn ourselves how to go around this particular problem because although we are a Colony, and a small Colony at that, poor, as we have always been, and relying on agricultural resources more than anything else, there are things that we can do better than bigger countries and countries that are years older than our 60-year-old Kenya.

If this House is determined to get on with the job then I think our progress will be faster and more definite than that of our neighbouring territories. Mr. Speaker, I claim that Kenya is more prepared for independence than the Congo, more prepared for independence than Tanganyika. We have got the material, Mr. Speaker, and we have got the people in this country. The standard of our Civil Service is higher, I claim, than that of the surrounding territories. I, hope, I am right in saying that. Therefore, what is keeping us from achieving this independence? It is our own muddling up. If we can sort out our differences, if we can get down to the real business and work for that common objective, we have got the material and the staff here, with which to go forward for a better independence than the countries around us, especially those on this side of the House.

Mr. Speaker, a few examples will suffice to prove my claim of Kenya being superior in many ways to the other territories. Almost all of the Governors that are now serving in the surrounding territories came from Kenya; and they did not come from this country as Governors but from the country as Chief Secretaries. They became Governors of the surrounding territories. That must prove, Sir, that our quality is such that it can only be matched by perhaps the Colonial Office, and as such we must claim that priority of being better equipped and better prepared for that coming independence. The remaining bit for us is that of conditioning our own

[Mr. Ayodo]

policy and said: "We are going to train people here so that they may become independent." I say this to this House, Mr. Speaker, because I cannot believe that after 60 years of genuine effort to prepare people for independence the British Government has not succeeded even in getting one African district commissioner. I cannot and will never believe it. If this Government were sincere in preparing us for independence then surely we should be having an African provincial commissioner by now, even if there was only one. After educating a people for 60 years, Sir, then, surely, if you are sincere, in preparing them for independence, you should be able to do much more than has been done by the Government, which now pretends to be African.

Mr. Speaker, in every walk of life in this country we notice that we have been delayed deliberately by the Government. In fact, Mr. Speaker, we have been delayed so much that even at the present time, when we have been moving towards independence, and when independence is so near, and when we should all be united, you find that the country is very badly divided. We must suspect that somebody responsibly is behind the division that now worries the country so much.

Mr. Speaker, people may say that I am suspicious, but I have every right to be suspicious when I see behaviour and acts which lead me to be suspicious. Right now in this country we hear of a lot of tribal clashes. In South Nyanza itself tribal feeling is now rising between the Luo and the Kuria, between the Kisii and the Luo. This is rising because this present Government has decided to enforce certain laws which were passed years back because they wanted to keep the people down. I am referring, Mr. Speaker, to a particular law which says that a chief can give orders which would restrict free movement of a people within a location. This law is right now being enforced and the result of the enforcement is that tribal feeling is rising. Now, Sir, this is done in connexion with cattle thefts. That is why we have had the clash between the Kisii and the Maasi; because restriction is being imposed and enforced by the Government, saying that if cattle are stolen not more than four people can go after them. In fact, it amounts to being told by this present Government that the people cannot co-operate with the police in order to capture people or in order to try to stop lawlessness. We take that very seriously because it is in evidence one of the things that the present Government is doing in order to try to stir up tribal feeling. I say that because I know the effect of this because I come from that area. But, Mr. Speaker,

that is not all. We have made it clear here several times that if this Government were interested in preparing us for independence, and if this Government meant that full internal self-government would come this year, then surely, Mr. Speaker, the Leader of Government Business should know that we would be happy in this House and in this country. What is the Leader of Government Business doing, knowing that full internal self-government, or internal self-government, is coming this year? What preparations is he making, Mr. Speaker? He is making no preparations because he is controlled by people who know very well what they are doing. If I were in his position at the present moment, if I were on that side of the House, the Government side, before—

An hon. Member: Come over!

Mr. Ayodo: I would come! I will come with the support of the people.

Mr. Speaker, if the Leader of Government Business knew what this Motion really meant he would not have moved it today before seeing that he got rid of the four civil servant Ministers that now control him.

Mr. Speaker, I want to end by suggesting, and suggesting very strongly, that the present Government has no right whatsoever to talk about dates for the introduction of the office of the Chief Minister, or the date for internal independence. Mr. Speaker, we, the Opposition, in the name of the people, call for a conference in which the Africans should be led by Jomo Kenyatta, and that at this conference we should then decide on the type of Government which will take us to independence with him in 1961; because we are very suspicious and we suspect that a lot of tricks are being played right now so that when independence comes this year, or internal self-government within this year, a lot of trouble is likely to arise; because the present Government cannot make genuine preparations for a safe independence in this country.

Mr. Speaker, we are calling on the Government, and this time I would like to refer to the people even on this side, because this is a serious year for all of us: it is so serious that in order to have a Government that can be entrusted with the serious duty ahead of us, we call upon the present Government to resign, so that we may have a more representative Government. We call on the people on this side to take their duties much more seriously. We feel the time has come when our people must be prepared much more vigorously for independence.

Mr. Speaker, I want to conclude by repeating two main points. The Government we have now

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cannot decide for us when we will be independent. We must prepare much more actively for independence within 1961.

Mr. Speaker, I beg to support the Motion.

The Parliamentary Secretary to the Chief Secretary (Mr. Amalemba): Mr. Speaker, Sir, it is gratifying to be able to speak to this House on this Motion which is acceptable to both sides. We are all agreed on the objective of achieving our independence in the quickest possible way. What we are trying to do in this House is to promote and create the conditions which will enable us to achieve that objective of having a free Kenya with Kenyans controlling it.

Mr. Speaker, I might just remark on a few points which my hon. friend from South Nyanza made. He has made some remarks which I think will require an explanation that possibly may be lacking. He is the Member for the area about which he has just spoken and he has found that the conditions in that area are not as they should be. Sir, then it is his duty, as the Member for that area, to see what he can do in order to correct what may be going wrong. That, Mr. Speaker, is one thing. However, if there is anything wrong in the way of Ordinances or laws that are creating unnecessary hardships for the citizens in the hon. Member's area, then this House is here as a forum in which amendments can be and should be introduced in order that we can, all of us, help the hon. Member to face his difficulties in this House so that we can make it possible for his people to live as happily as any others in Kenya. It is open for any hon. Member in this House to introduce amendments to any Bills or Ordinances he feels are not doing justice or which are harmful to his people. The hon. Member is welcome to introduce that particular one which he mentioned and which is perhaps oppressing his people.

We mentioned that the Lancaster House Constitution was a Civil Service dictatorship of some kind and that we are agents for that particular category of people. Mr. Speaker, if I remember correctly, the hon. Member was present in those discussions at Lancaster House. He lent his hand of support on the conclusions that were arrived at in Lancaster House. If there was anything he thought was wrong in the introduction of the four Civil Service Ministers and the eight unofficial Ministers who were to form the Cabinet, or if he was not in agreement with that, then he should have raised it at that time.

Mr. Speaker, this is, rather showing badly in the light of what has passed and the matters

which transpired at Lancaster House, if hon. Members were present I would have forgiven a new Member who was not present.

Mr. Speaker, independence is therefore our objective and what we have been unable to do is to condition the situation that would make it possible for this to happen. We have, Mr. Speaker, in the past, lived in compartments, racial compartments. We have lived as Europeans, closed in; Sir, in residential and other matters. We have been ignorant of our fellow citizens and their conditions of life in Kenya. Africans have lived also exclusively in areas that have kept them away from the other races; Asians as well. This has been the problem. We have not been able to know what the other racial groups are suffering or enjoying, because we have lived in compartments. This has created the situation that we are facing now. We are facing a situation that is a very difficult one which will require all Members to come forward and participate in this training of learning the art of living together instead of in three or four racial groups. You learn more, Mr. Speaker, by doing things together. If we do things together, as people of different races, we shall know one another's emotions and we shall be able to learn the way to avoid friction and therefore go forward to achieve this particular objective of independence.

Mr. Speaker, our country, Kenya, cannot be left as an island in Kenya or in East Africa. We must be in tune with the other territories: if the other three or four territories are going forward to their independence we should not look round our shoulders and say, "We want the same as so-and-so." We must work hard and achieve ours even quicker than our neighbours have been able to do. What has blocked our way is, as I say, the ignorance that has existed amongst us, the clashing cultures that have confronted us. We have an eastern culture and we have a western culture to cope with. These cultures have tended to crush the African culture and it has created a vacuum which has made it very difficult for us to go forward as one community towards this objective. This will have to be sorted out. We must, therefore, in preparation for this day, when we shall have our own independence, produce and be able to produce a culture that is its own Kenya culture, a culture which will not have strings tied on from either the east or the west. That, Mr. Speaker, will not come about by people quarrelling and throwing mud or bricks at one another; it will only come about by us all, on both sides of the House, coming together and working towards the same

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given to many promises, so many dates but nothing has come up. Some went as far as saying they wanted independence in 1960, when 1960 went off they said they wanted independence in March, 1961, now this has gone. Now they say they want independence this year and probably this year will go off without the independence which they promised the Africans. I think it is our duty on this side that whatever we say it will happen. It is our duty to get the chief minister this year—when I say "chief minister" I mean responsible government, which can lead us to full internal self-government this year and eventually, independence.

Now it is up to us—all of us—in this House to work for it. The question of time, it must be up to all of us to see that this object can be achieved in the shortest possible period, even the question of independence we can still get it this year if we work for it. If we can have a chief minister in the shortest possible period, and afterwards we can have full internal self-government this year, we might still get independence.

Now the point is that instead of hon. Members on the opposite side coming forward to assist the Government to get the object we want in this country, they go and oppose it for the sake of opposing it. I know that in my constituency I did tell my people that the Lancaster House Constitution without a chief minister was useless, that if I am elected I will have to see that during the Lancaster House Constitution the provision must be made in the constitution whereby a chief minister can be provided, and I am pleased that the people who elected me will know that they are going to get a chief minister under the Lancaster House Constitution—they will be very pleased.

And not only that, when they hear that within this year we are going to have a Prime Minister, they will be still more pleased, even they will say the hon. Members in Opposition are only there to confuse the public, they are not delivering the goods. When we decided to form a government we knew that we must make the government deliver the goods for our people and now we are doing it. So I think the only thing for the hon. Members on the opposite side is to come and work for independence with us together and help us get our independence for our people, because I also feel that if you are ruled by people who are living 5,000 miles away, it is impossible, because every time you want something you have to consult the Governor, who always says he cannot give you

a decision but has got to forward it to the Colonial Office. The Colonial Secretary still cannot give the Governor a decision, for he must first seek advice from the British Government, which is a waste of time, so I think we had better work for independence.

Now people talk of Jomo Kenyatta—I mean to me it is very interesting you find hon. Members on the opposite Side who speak in terms of saying that they want independence—before independence comes or before anything is done that Jomo Kenyatta must be released. I do not agree with them; we respect Jomo Kenyatta; but he has worked enough. We do not want him to come and work for us—work for our independence again. It is our duty now to struggle for independence so let him have peace, he has earned it. If he wants to lead the Government, let him ask for, but leaving independence aside and struggling for his release and then the struggle for independence will begin—that is a waste of time.

So I feel that the time has come when hon. Members must speak sensibly. When I say this I refer to the hon. Member for Central Nyanza when he said that we want independence this year and at the same time he says that he does not want anything to be decided before Kenyatta comes. Now what does he mean? Does he mean to tell us that the Motion before the House should not be debated? Not debated until Jomo Kenyatta is released so he can come and decide the date of independence? Can we not decide ourselves? We have taken a step which is quite clear to the public that we are working for our independence and at the same time we are working for the release of Jomo Kenyatta. When I say so, we have two animals and we have only one spear. Our intention is to kill these two animals with one spear and not to kill one animal with the spear and the other run away while you look for another spear; that would be a waste of time. That is why I say we are working for the release of Jomo Kenyatta as well as independence, while the hon. Members opposite are chasing one animal with only one spear, they cannot even stay to find out the ways of killing two animals with one spear. I am sorry for the hon. Members in opposition, they had better have someone to teach them how to kill two animals with one spear.

Now, Mr. Speaker, Sir, it is very surprising to me, again when the hon. Member for Central Nyanza spoke, that he said two negotiations in order to get money. We do not want these concessions at all, going to Russia or America to negotiate for private money to come into this country. We want to govern ourselves whether we are poor or not, and not with American or

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Russian money to come in and spoil our country, because there is the promise you make when you take this, you do not know what negotiation you are signing for. We do not want that and I think everyone in this country will not support that idea of individuals going outside this country and having negotiations for money. Mr. Speaker, Sir, this foreign money which the hon. Member is referring to is the main source of bitterness and confusion in this country, particularly on the Opposition side. We find a group which is committed to the Western Powers, one is committed to the Eastern Powers and you know very well, Mr. Speaker, Sir, that Communism and the Western Powers do not always march together. When one, committed to the East goes there, the Communists encourage one to return to destroy those committed to the Western Powers. And when one is committed to the Western Powers, he is told the same thing and that is why you find in Kenya there is a lot of confusion, someone is interrupting for his own ends because he has been advised by the people who are giving the money.

Mr. Speaker, Sir, if the Motion before the House could not go as fast measuring the time when we shall get full internal self-government in this country—I will not support it, but so long as it has measured that, I support it. The Leader of Government Business has said in his speech that we are convinced that it is our duty that we get full internal self-government this year, whether anyone likes it or not and it is a challenge to the House, both inside and out to the people of this country to work for the good of the country, whereas if we had independence, they have got to come forward in order to say what is right and not go on and confuse the public in order to obtain popularity. What we want in this country, Mr. Speaker, is to get independence, and this independence alone is nothing. I am convinced that independence alone must be accompanied by the three which have convinced me as well as the public, the first one being we must have political freedom, which is very important, that alone is nothing, we must have also economic freedom, and that alone is not enough, we must have freedom of workers. These three things if we get them, if we can work for them then our independence will be manifold. There are very many workers in this country who have been denied freedom of work for a long time, and it is high time that we get these as soon as possible. We can only get this when we get our independence, and we are on the road to getting that full independence.

Mr. Speaker, Sir, I beg to support the Motion. Mr. Arodor: Mr. Speaker, Sir, I have two main points that I want to make in support of the amendment. The first one, Mr. Speaker, is that we want to make it very clear today that although some people seem to worry so much about American friendship and Russian friendship and South African friendship, we want the House to know that right in this House we have a foreign master with us, right in this House. It calls itself the Government. And we want out-people to know that the Motion we are fighting now—the amendment before us—is aimed at getting rid of a foreign master from this House and not necessarily foreign friends, because a friend and a master are two different things.

Mr. Speaker, this Government here, which is British, is a very clever one. All of the three foreign powers I have referred to, the one which is the master here is very clever. It is clever, Mr. Speaker, because it has succeeded in dividing the Africans, taking a small number and making that small number believe that the Government is theirs, taking that small number, Mr. Speaker, and even calling one of them the Leader of Government Business, when, as the hon. Member for Fort Hall has made it very clear, you cannot lead a Government when the head of the army, the man who controls the army, is a foreign civil servant, when the man who controls the money is a foreign civil servant, when the head of the Judiciary is a foreign civil servant, when the head of the Administration is a foreign civil servant. The master who does this, Mr. Speaker, is a very clever one indeed, because in spite of all that, that foreign master has succeeded in this House, in this country, in persuading certain Africans to fight for their rights in this country, that is, the rights of the foreign master.

Mr. Speaker, we must make it clear that we, the true representatives of the people of Kenya, will not accept a deception that the British Government wishes to perpetrate here. We should decide when we will be independent. The decision when we will be independent will come to this country, Mr. Speaker, must be the decision of the people, even when we should have the Chief Minister should be decided by the people. Even the decision as to who should be the Leader of Government Business must not be made by the British Government. I am very much against this present Government because it is this same Government which has been in this country for over 60 years and they tell us that their policy is to prepare us for independence as quickly as possible. Their policy changed after they learned their lesson in America where they were driven out of the country by force. After that, they changed the

[Mr. Nthenge] and such things, the British Government does not want us to have such things in the way we want. It would tell us "No". Is that independence? No, not at all. I even believe that it would be interfering with the self-independence we will be having, because the Governor will still be around, and will try to impose his own wishes or the wishes of his own Government. Is that independence? I see every type of person who is now in Kenya and I say we can rule ourselves, people like Sir Philip Rogers are as good as anybody in Britain, where they rule themselves. We have started on independence and want our people to become Ministers who are going to govern us.

The Speaker (Mr. Slade): I know, Mr. Nthenge, you have not meant any disrespect, but you must refer to him. Members as hon. Members and with references to their constituencies or their status rather than by name.

Mr. Nthenge: I am very sorry, Mr. Speaker, and I am also very sorry to the Members, but I did not refer to them as hon. Members, but it is an old habit I have of being very bad at formalities, and I apologize, Mr. Speaker, to the hon. Members and to yourself because it might not look as if I did not honour your ruling, but it is just something that I feel strongly about. The reference I was making to them was that they are very responsible people who are working for independence today and things will be all right. Mr. Speaker, I really hate this idea of hearing a person say, "We want *uhuru*," and then he says, "We have to wait." If I am hungry all I want is to eat because that is how that feeling is cured. If you want *uhuru* the right thing is to get it. If you want *uhuru* what do you do to get it, Mr. Speaker, I hate this idea of saying you want it and you will get it, but wait. Why wait? There is not a single point of reason that has been brought forward why we should wait, except somebody did reason some time and we should do the same way he did. Well, anyway, I could even agree to that and say, "Come on," but will it take ten years to change from one stage to the other—and that was 1950 or in the 1940's. We are now in 1961 and things are so ripe that we can change things in two weeks in order to go through all the stages, but even so all those things are not at all necessary. It is just a waste of time.

Then we come to the question of Kenya. Although we have debated this subject already, and I do not want to talk about something already discussed, but it should be released by the time we get *uhuru*. It is not for the Governor

or the Colonial Office to decide for us in Kenya who should be our national leaders; it is up to us to decide, and it is up to the majority to decide, and they have decided that they want Jomo Kenyatta, including the other side. What are we waiting for? Let him come out quickly and come into this House and lead us towards our independence. I propose 30th August, which means that we would not have to wait too long. I have said that before. I have waited for 34 years.

I know that the British Government of course says that when we are led by Mr. So-and-so you will not be friendly to us, and therefore that we should get the boys who will be friendly to us. Is that their business? This is our country and we can do with it what we like. Once you buy a car you can drive it the way you like, you can get into the ditch or go on the road. You can decide because it is yours. This is our country and we will govern it. We must learn that if we put ourselves into an awkward position we will be the sufferers and not the British Government. Before the British Government came our rule started long before. Therefore they do not need to worry what will happen. If being friendly to Russia will give us a high school then I might support that provided the high school is run to our advantage and not to their advantage.

Mr. Speaker, I think it is time we stopped wasting time on this small issue. The hon. Leader of Government Business himself said that the right person to lead this country—and this was not a long time back—was Jomo Kenyatta. He says also that he wants independence. In fact, Sir, he said he wanted it *leo*. Well, then, Sir, why do we not get these two things which we want—Kenyatta *na uhuru leo*? If we got them they would be out of the question and we could then go on with our business. If we want some people to come and help us we must support them.

Somebody spoke about the civil servants and he is inclined to think that the civil servants are more or less working here for our sakes only, and as if they had no interests of their own. Mr. Speaker, Sir, I would like to mention here that as much as I lay a high value on the civil servants I would not like them to be looked at as people doing, shall I say, a priest's job. These people are doing this job merely for the sake of payment. If we reduce their salaries then I am sure that they will go out in numbers. They are coming in now because our terms are fairly attractive, so although they do very good work I would not like the position to be looked at in the light that they do so much work they should control what should happen in this country. After all, we know that

[Mr. Nthenge] these civil servants can easily go and work somewhere else. Some of them have no proper homes here; their homes are elsewhere. The fact that they do an efficient job does not mean that they should advise us what to do with our country. They are there to form our policies.

Now, Mr. Speaker, I would like to mention something else, and that is about the Ministers' posts being increased. The Leader of Government Business said that he would like to see a Council formed with 14 Ministers, and that three should be civil servants. To me this was a shock. Why have these civil servant Ministers? To me, Sir, they have been there too long; and it is time they left! Why do you still say that they should be there? Let them go and sit in their offices and we will give them the policy to work on. Why should they go into our Cabinet? They are not at all needed there. They have been there long enough, and I am afraid that the hon. Member has made an allegation that I never expected him to make. I hope in his reply that he might apologize because he has even been opposed at some time to such things. I do not know for whom he talks about such things. He used to be a most sensible person and he even was once given a very high position to lead all African Elected Members at Lancaster House. Then he started changing from his own stand backwards. That is terrible. He should not be doing that. If necessary he had better leave that post alone and go and become an ordinary man in order to see that our people get what they want rather than dawdling and changing to please some civil servants. After all, where will he go with them? Within a short time these civil servants might be posted by the Colonial Office to any other place. Who knows? Now he has started speaking for them instead of talking like the old hon. Member for the Coast. He used to speak very sensibly but now he says things like "We want *uhuru leo*," and then he says that that is not the policy of his master, and then he says that we should have some civil servant Ministers in the Cabinet of Ministers. What will they be doing? who will they be representing? If it is time that this House represented the public the Colonial Office should be represented in Britain. There is a Parliament there where they can be represented.

There is something else that I would like to mention. Everything has got its good side and its bad side, and these Eastern and Western powers have done something I should thank them for. Their competition as to who should be liked by the people has been helping us.

either directly or indirectly. I feel that that has done us a lot of good. Many of our students are going overseas with their help, and for that I think we should be very grateful and thankful, and I hope that the speed we want will be accelerated and facilitated by these two big powers.

Mr. Speaker, I would now like to mention something else, and then close up, because I decided to take only ten minutes, but have already gone beyond that. I just wanted to make one point. I think that I have more or less made it but I will just mention a small point, and this is the point of what should be done by this House as a group of hon. Members elected by the people to do some good work for them all. My suggestion is this. If some people have other commitments and they are ashamed to express them while the Press is here, well, Sir, I would suggest that we should set a committee to sit somewhere in a hidden place and discuss this Motion, today's Motion, which is very important, and agree on some things. What will happen is that some people who have other commitments will say that they were outvoted. That will solve the problem. The difficulty has been that some people have had agreements but that these agreements do not go according to their wishes now. I feel that if we went into a committee where nobody would notice what we were doing, we would agree and everybody would have a good excuse and say, "The thing is that I was outvoted."

Mr. Speaker, Sir, as I have taken more time than I expected, I think I should now sit down, supporting the amendment that we get our independence some time in 1961. In my opinion it should not be later than 30th August.

Mr. Wabagwi: Mr. Speaker, I rise to speak on the Motion before the House. To me it is a very important Motion, and it is an important Motion in the history of the country. Long long before Europe came to this country they found the people of this country governing themselves and it is my opinion and my plea that the people of this country have a right to govern themselves, it is not a crime.

Mr. Speaker, Sir, since the progress of this country, towards independence has been delayed, I feel that the Motion before the House should be supported by all hon. Members so that we get our independence as soon as possible.

Hon. Members: Hear, hear.

Mr. Wabagwi: Some other people, or some hon. Members on the other side, they are in the habit of saying they want independence. They have

[Mr. Porter]

As much as we are planning and fighting for our national independence.

Our national independence must be strong. When we get it we must be able to defend it. We must be able to defend it militarily when we get it. We must base it on economic strength, on a rapid growth and expansion of our economy to support the defence of our nation, of our national existence. We must not allow our independence, when we have received that political independence, which we shall do quickly, we must not allow it to be snatched out of our hands by predatory neighbours from far or near and it is not only a question of being able to defend ourselves militarily against aggression. Aggression in this modern world is not only done by force of arms, there is that kind of aggression which breeds in a country like a cancer or a worm in the apple without us knowing about it. It can happen. We can be undermined from without, our own country, our independence can be taken away from us by underground conspiracy. We must not allow this to happen from wherever it comes. Mr. Speaker, I, myself, feel very strongly about this matter of being able to stand on our own feet. We have heard some remarks recently by an hon. Member or one or two hon. Members from the other side of the House about the bases in Kenya. I do not think there is anything dishonourable about maintaining the bases in our own country. What is dishonourable I think is depending on other people to maintain our defence. I want a true independence for this country, Mr. Speaker. I want us to be able to show that we can carry our own defence, so that not only can we play our part honourably with our friends in the defence of freedom and democracy and the things in which we believe; that we can play our part honourably in this defence; that we can make our contribution to it. I would see our duty to be planning, not to break up the base in Kabawa, or the other bases here, but that we will honourably take over financial responsibility and operate them ourselves, and use them for the defence of our own nation, and co-operate with our friends who believe as we do. What other aspects, Mr. Speaker, must we concentrate our minds on to build our independence. They are many. We have already had mentioned this afternoon—and I endorse entirely and most strongly the words of our Leader of Government Business when he said this—that we owe a great debt (I forget his exact words) to our Civil Service, to our doctors who work far afield in the country where perhaps no private doctor would venture these days. There are agricultural officers, veter-

inarians and our engineers all over this country working to construct, to build-up, a strong and independent country. We must not lose the confidence of these people if we are to sustain our independence. I am not speaking in any special way to try and defend former colleagues of my own. I suppose every hon. Member of this House knows I was formerly a civil servant. However, I do not speak from that point of view. I speak in general appreciation of the work these men are doing now, without whom we could not sustain our independence now or in the future. I want them to know that we do appreciate the loyalty and the efficiency with which they work in this country. We must say that we want them to stay. The time will come and everybody knows it—I, as an educationalist, have given more than 20 years of my life to training African people to step forward into the responsibilities of the administration and the administration of independent countries, Mr. Speaker. Mr. Speaker, I am now going through my first independence. I am going through my second independence because I was in Ghana working for the same thing. I am proud of it and proud to say that I am in on this campaign for independence, Mr. Speaker.

I should like to turn to another issue, if I may, and I hope in this that I shall not be taken by any Members of this House to be trying to be controversial or difficult. I should like to mention the place, and speak about the place as I see it, of Mr. Jomo Kenyatta in our advancement towards freedom. I know and I respect the attitude of hon. Members on the other side of the House who have taken a stand and honourably stood by it on this issue. They cannot participate in the Government without the leadership of Kenyatta. That position, I think, all of us on this side of the House appreciate. You may know, Mr. Speaker, and I am sure all the House know, that it was not without considerable difficulties and heart-searchings on the part of all parties before the formation of the Government that ultimate decisions were made to stay out, or to go into, Government. Let us give people credit that they have done so, they have taken stands and they have done so with honourable motives. That I do I am one who believes—although I do not know personally and intimately Mr. Kenyatta, as some other people in this House do—I am one who believes that he may have a special contribution to make to the life of this nation which no other person can make. We are faced with enormous tasks. It is not, as I have said just now, a question of only getting the signature to a piece of paper saying, "You have got *uhuru*, gentlemen, and now get on with it!" It is not that. Our people—our

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of seven or eight million, however many we are now—have got to go through immensely difficult tasks, readjustments of mind, adoption of new ideas, new techniques; they have got to work their way—we all of us have, altogether—into new ways of life. This is not going to be an easy thing to do. It is going to require immense inspiration, will and courage to carry it through. It is conceivable to some of us here that Kenya could provide the essential drive, the will, to do this. I do not submit in this House that I know he will do it. I am only prepared to say that it is possible because, as a European and as a person who has not lived his whole life in this country, I do not think it is possible for us to enter quite so deeply into the confusions of, let us say, hon. Members in this House who have absolutely committed themselves on this question, I should like to follow up what the hon. Member from Central Nyanza said about the leadership of Mr. Kenyatta. I suppose again you may think that a person in my position—as a European—and I think you would be right—cannot enter so deeply into the feelings which my hon. colleague, the other Member from Central Nyanza, would describe as "native" feelings. That is not possible. Nevertheless, let me assure everyone who feels deeply about this that even we who have not lived our whole lives here do feel the immense importance of this; we do feel deeply about it. But I must say that I, myself, grew up in a generation which did learn to regard the fetish of leadership, the leadership principle, with a little suspicion—in fact, with considerable suspicion. I personally am fundamentally democratically minded. I believe very strongly in the will of the people; although it is often obscure and difficult to follow in its purposes, I believe that our system, our ideas, of democracy, are a system through which we can work to a flourishing future, a happy future, and our independence. I am not convinced that it must be done solely through, let us call it, a principle of leadership or the personality of one person. I have said what my opinion is of the possible contribution of Mr. Kenyatta, but I cannot be committed to saying that we can only do it in his hands. I should like to sum this up by saying that I believe so strongly in the democratic power of our people, the power of all the people of the country of Kenya, to achieve the targets which we are setting ourselves—our independence both external and internal. I believe so strongly in that, that I should say to this House that I am sure, I am convinced, that we can do this with or without Kenyatta. We must face the issue, but we can do it, with or without him.

There are, I think, other important hurdles

before us to get over in achieving and sustaining this full concept of independence, which I have been trying to outline to this House, and, in considering independence as a composite whole, I am convinced I am speaking for the whole of my colleagues on the Government side. The subject I should like to speak about for a moment or two now is what I have called just now the internal *uhuru*, the freedom of the common man in this country. I think I have seen as much of the common man of this country as most Europeans are privileged to do. I have spent nearly fifteen years of my working life in this country with what we may call the common people of Kenya. As you all know, I did spend a great deal of time in either the slum district—forgive me using the word, Mr. Speaker—of Pumwani or at the Jeanes School. In both these places, I had the opportunity of seeing the common people of this country. I know vast sections of our seven or eight millions of the people. I think I know their aspirations; I think I know fairly well what they mean by *uhuru*. The common people of this country, I know, want to see independence and they regard the achievement of political independence as a necessary symbol. They have hung their hats on this, and we must try to get it for them; and that we must try to do. However, we must not forget in doing it that we have got to win the real freedom of the common people of this country. This basic fundamental freedom of the people, I think, is worth analysing for a moment because we must not lose sight of this. We must not get into the easy way of thought of saying: we are just fighting for a constitutional independence. That is only part of our campaign. That is, I agree, we must get as quickly as possible. The foundations of this *uhuru* for the common people on the farms and in the homes of this country can only be laid by solid achievements in the economic development of the country. Everybody knows what the common people want. They do not want the poverty, the ignorance, the sickness in which they have lived all their lives. They want a vision of another way of life. They want to participate in the modern ways of life, the standards of living, the education, the health and wealth and happiness which they know is possible. I do not think most of the people are yet quite sick. I do not think most of the people are yet quite sick. Let us say that they can win faith that they can get there, that they can win their freedom from poverty, ignorance and sickness. This we must help them to find. We must assist them in doing it. I will admit that they are guided then how to do it; it cannot be found for them. However, we must open the road; we must give them the opportunity to do this. I feel

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on-the-Government-side-if-they-could-give-support to at least this one specific thing, and that is independence in 1961, and a date to be fixed now. I understand that a number of people from this House are going to England. I understand that those people going to London will represent both my side and the Leader of Government Business's side. I think that we could send this message collectively. Mr. Speaker, We should send this message collectively and say that the Legislative Council of Kenya has decided that whatever else you want to plan, whatever stages you want for a week or two, the point is that we do want a date for our independence in 1961.

If you said that to the Rt. Hon. the Secretary of State for Colonial Affairs I have a feeling that he would agree. But, Sir, perhaps the reason why this is not being supported—and I say this, if I may, without it necessarily being interpreted as accusative—is because at one of those Question Times in the Parliament in Britain the Secretary of State for Colonial Affairs said that it was impossible to get independence for Kenya this year. It appears that that doctrine is supported by some people in this House. If that doctrine is not accepted by Members on the Government side—the doctrine that it is impossible to have independence in Kenya in 1961—then I would like to find the logic or the nature of that impossibility, since I believe that there is no impossibility in that matter; and I am surprised to see that the hon. Members on the Government side seem to have accepted that doctrine. It is about time that we, undertaking the responsibility we have, should go to him and say, "Yes, there is nothing impossible about Kenya getting independence in 1961." I am sure that he is a reasonable man, and if he is presented with effective arguments from both sides of this House, Mr. Speaker, then I think he would agree that when some people succumb to him they succumb to him, and they succumb to the idea that it is impossible to get independence in 1961; and they succumb to that and try to move a Motion that is within that context, owing to the difficult position that they have put themselves in. I believe, therefore, that when I heard the Members on the Government Benches saying, "Uhuru!" I did not expect them to try to fool our people, Mr. Speaker, and say, "A Chief Minister and 14 Ministers. Uhuru sana!" because that is not *uhuru sana*. Uhuru means independence. Uhuru means freedom. Uhuru does not mean just a Chief Minister and a mixed Council of Ministers. I think we should let our people know where they stand.

To conclude, Mr. Speaker, because I see other people getting interested to reply to some of the points, I would say that we are being promised internal self-government. What is it that makes it difficult for the same group even to agree to external self-government, which means not only to have our own Prime Minister here, but one who could also deal with our foreign policy. Internal self-government means that we do not control the foreign policy of the country. It means that Britain is representing us and will speak for us in the United Nations. Yet you say we are independent. I must say that that internal self-government is deceptive. We must have complete independence and we can do it in 1961.

There is another short matter. If the Leader of Government Business believes that we can have internal self-government in 1961, and all that remains is the date of independence, then what is that difficulty, and what is so difficult for somebody to say, "I will accept internal self-government in 1961," but who is not prepared to go to the whole hog? For how long are we going to accept half measures when we can get the full measure? This is a time when I know that we can get the full measure. This is the one time that we can. If we do not know that then we should re-examine the situation. If it is true that we can get it then we can get the whole thing.

Therefore, Mr. Speaker, I believe that the subsequent speakers, if I may give a bit of advice, will seek to give arguments and logic and so on and not just throw terrible words at each other, as the Second did when he was speaking, because that kind of tone spoils the debate. Secondly, Sir, it should be noted that it is independence we want with a Republic of Kenya as soon as that independence is established, and that for certainty and stability in this country, and for true *uhuru sana* a date for Kenya's complete independence should be fixed now so that we, within the year 1961, shall be completely independent.

I beg to support the amendment.

The Speaker (Mr. Slade): This amendment involves two questions, two separate questions in the same way as the amendment which we debated two days ago, because it is an amendment to leave out certain words and to put in others. The first question that I have to propose is merely that we leave out those words, that is all the words after "that this Council." It is only if the Council agrees to do that that we shall move on to the further proposal that these particular words be inserted. I would remind hon. Members, as I did on the last occasion, that if

[The Speaker]

they are contemplating any alternative amendment at a later stage which would involve leaving out some words, though not all words, now is the time that they must deal with that, as an amendment of this amendment, that is to say they will have to amend this amendment, and we only leave out certain words. When the Council has resolved that these words shall not be left out, then that question cannot be considered again for the purpose of any further amendment, and as the words under consideration now are all the substantive words of the Motion, it does mean that, if this question is answered in the negative, then the Motion will stand and will only be capable of amendment by addition. I will propose the question, which is that the words proposed to be left out be left out of the question.

Question proposed.

The Speaker (Mr. Slade): I should have applied Standing Order No. 62 because again clearly the subject matter of this proposal *again* is not severable from the main question. That means that hon. Members who have spoken cannot speak again on this proposal. Hon. Members who speak now will not be able to speak again later, except in respect of new *substantive* things.

Mr. Porter: Mr. Speaker, Sir, I think that the situation rightly, we are approaching to the amendment to the Motion, and therefore I take this opportunity Mr. Speaker of underlining the reasons for the Government's position in this matter of proceeding to independence. The hon. Member for Fort Hall did on this occasion speak to Members on this side of the House in great enough to bring a reasonable approach to what is undoubtedly a weighty matter for all of us. We accept that and we accept full responsibility for serious consideration of this matter since, Mr. Chairman, it is a matter that we cannot undertake lightly. This is a journey forward into which we have already embarked ourselves and which we cannot undertake lightly or continue with lightly. We on this side of the House, Mr. Speaker, Sir, are trying to solve the problem whole. It is not only a question of sending a piece of London and asking for a signature on a piece of paper. We know that much has to be done in *uhuru* for the country of Kenya. We are not only working and planning the development in every field of our national life to win independence for this country as soon as possible; we are also calling for the people and co-operation every Member of this House, of every man, woman and child in this country, to win this thing as quickly as we can, but not only

that, Mr. Speaker, Sir, we want to win something that is worthwhile, something that will stand up to a State that can defend itself, something that we can be proud of. We want to win an honourable place in the company of nations, and this we hope to do for this country. Mr. Speaker, Sir, I do not see our independence only as a small thing, as a thing that can just be regarded as a birthday present to be given on a certain day. I think we, on this side of the House, have become more and more conscious every day we go on with our work that independence is a thing which we have to build like a house. It needs foundations, it needs rooms, it needs walls, it needs sound structure, it needs good planning—all these things it needs; and it cannot be a rushed job. It must not be done as a rushed job.

[Mr. Speaker (Mr. Slade) left the Chair]

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

To build the whole house, in my opinion, will take us quite a long time. It will take us many years and I am not, Sir, referring to those several years that were rather unfortunately referred to in this country recently by a visitor from overseas. We must, I agree, take full control of our own affairs, take the whole matter into our own hands as soon as we can, but that will not give us total independence. It is not a matter of a piece of paper, Mr. Speaker, Sir. We have much more to do. Let us for a moment, if I may, take up our time examining some of the things that have to be done to win, to build, and to secure this independence. We do not, Mr. Speaker, want a flimsy independence; we do not want an independence such as was suddenly rushed into by our poor friends—for whom we must pray and have every sympathy—our poor friends in the Congo, that we do not want. We do not want to be pushed into sudden destruction or that sort of thing, nor, may I say, without any disrespect, do we want as sort of musical comedy independence, a sort of thing that can be made fun of in the company of nations, such as we have in other parts of the world; and I am not thinking so much of Africa, I am thinking of the sort of flimsy independent state which we have seen in other parts of the world, perhaps, if I might mention without any disrespect, certain States of South America. We do not want that either. Our independence must be secure. I think we, as a nation, consider two fronts; we may look at the look at it on two fronts: we may look at the national concern of independence and, we must also consider what I would call internal or domestic independence, the *uhuru* of the common man. We are planning and fighting for that just

[Dr. Kioko]

Now, Sir, we are asking very clearly for independence in the year 1961. We have rejected the gospel of stage by stage because we believe that the time has come for Kenya to have a Prime Minister with full power to form his own Cabinet and to run this country, and that will be in the year 1961, and not only to have internal self-government but complete independence so that we can plan to run the country, and so that investors can plan according to this date. I know that the Rt. Hon. Iain Macleod, the Secretary of State for Colonial Affairs, has said that he makes no timetables for Colonies. But is he so wise? Why did he make a timetable for our neighbours, Tanganyika, and actually fix the date at December, 1961? These Government people, Mr. Speaker, are still the disciples of the gospel of stages in the political struggle for independence. It is as if they were saying, "Do not make me independent today, do not make me independent tomorrow, do not make me independent another day because we have a jump just one little stage." Even when I was a schoolteacher there were times when I allowed pupils to miss one standard if I felt the time had come for them to do so. There is no law, Mr. Speaker, which says that you must have a Chief Minister before you have a Prime Minister. There is no law in the British constitutional history that you must have a Chief Minister and internal self-government before you are independent. It is true that you can look to Sierra Leone, Ghana, Nigeria and Tanganyika. But I would ask you, "Who was the Prime Minister of Cyprus before they had independence? And who was the first Chief Minister?" What date did they get internal self-government in Somalia? And did they have a Chief Minister there? If we are going to be quite analytical in these matters, Sir, then we will find that there is no law, either in books or in the unwritten constitution of Britain—and parts of it are written. I must remind you—that you must go through this stage, or the next stage, and a third stage. Our main argument, Sir, is not to demoralize the people in our Opposition, but it is to tell them that if they truly believe in the stability of Kenya, and if they truly believe in giving this country a sense of direction, a sense of knowing which is going to happen and when, if they really are devoted, as I believe they are, to curing the economic ills of Kenya today, then it does not take so much time to go home to Macleod and tell him, "Look we are in accord on this date"—and if I anticipate another Motion we are to have later, Mr. Speaker, I will only say I wish reference to this particular Motion. What I have in mind is this. These matters are not

only purely nationalist matters. Kenya has worked under the High Commission for the Common Market of this country, common services, and so on. I know that a conference is being anticipated in Britain next week, but the case is this. How long can we continue to have a Common Market and common services, and common customs unions when we are a Colony and when Tanganyika is independent? If somebody is ready for the Federation of East Africa from even an economic point of view then he must see to it that our independence is also happening about the same time as that of Tanganyika; because if we fail to do that then we are making it very, very difficult to carry out the project of establishing our Federation of East Africa.

Now, Mr. Speaker, I have analysed some of the problems we have today and since matters concerning security were brought in, and also matters concerning economic affairs and so on. I would like to say a few words as to what we envisage in this country. We envisage independence in 1961. When that independence is achieved we shall try to eliminate all the vestiges of colonial rule in this country. We shall try to eliminate all the things that are reminiscent of our having been ruled by others. We are therefore not going to be the type of people who will accept to be in the pockets of any bloc or any country for any reason whatsoever. I want to make that very clear because there are people who seem to think that some people in our party will be in the pockets of this country or in the pockets of that country. I hope Kenya will be big enough not to fit into any bloc's pocket. That being the case we shall have an independent foreign policy. This does not mean to say that we shall make enemies of this country or that country, but we shall actually follow that policy which we know will maximize peace and prosperity for every person and freedom for every person, which means that we shall not tolerate any system of government which contains within itself any element of dictatorship. We shall not. Because we find the system of being in the pockets of a bloc is to accept a dictator. We shall not accept a dictator into ourselves. We have struggled against colonialism because it contains an element of dictatorship and we shall not allow that to be brought here, either through the back door, Sir, or through the front door, or any door, or even through the bank account for that matter. Now, Sir, if we do that—and I hope that I shall have the support of hon. Members in eliminating the vestiges of colonial rule as we get independence—I would dare to say that while we prefer, or will consider, membership in the Commonwealth of Nations, mainly for economic reasons, it should

[Dr. Kioko]

be made clear now that it is most likely, and not only should I say most likely, but it is the intention of many nationalists that I have come across, including myself, that Kenya, because we really want to symbolize its independence, will have to be a republic and not under the British Crown; and this is no reflection whatsoever on the British Crown. But it is the intention of us all with constitutional minds not to see our passports printed "British Subject" any longer, because we are under the Crown. Once we get our independence we shall move completely to this status of being a republic, and I am sure a democratic republic at that, in which the rights of the citizens will be spelled out and clearly spelled out; and the courts of law will protect the rights of the individuals instead of a whimsical change in politics.

We shall also, Mr. Speaker, not be doctrinaire. We are pragmatic people. We are not going to be slaves to a dogma, whatever you call that dogma, whether you call it free enterprise or whether you call it complete socialism. We have problems in our country; we shall solve them within the context of a Welfare State in which the initiative of the individuals will be encouraged but that at the same time the State will assume the responsibility for its citizens to the highest possible level. Now, when these things are done, I see no reason why people should be worried to give us independence now. Why should they worry? They will worry because they keep on wondering, "What are these people going to do, what worries me, is that some people are getting afraid of granting independence or responsibility to the Africans because they talk about Congo, Congo, Congo; they do not seem to know that the Congo has been an exception to the rule, that Africans are effectively governing in other territories. Let me say this, Mr. Speaker. We may not realize it, but if we get independence for Kenya in the year 1961—and we shall, I know, govern this country effectively and reasonably and justly, we shall be indirectly but effectively influencing the policies of Rhodesia and Nyasaland and the politics of the Union of South Africa; and in those matters, Mr. Speaker, in the black man rule in a country with a substantial number of white men. They shall say of Kenya, "Look at Kenya and at the way it is being governed, justly and responsibly." We are not the type of people who are going to victimize those who might have victimized us in the past; and we do want to see that this big challenge that is coming to Kenya will be met by us, as soon as possible. Once it is achieved then those people who ask

whether the Africans may victimize some people will be told: "No! Africans are democratic. Look at Kenya." We have a duty to make Kenya a shining example of how the Africans can govern their country in a territory with people of different communities and govern effectively and justly. I know we can do that. That is why instead of just keeping us waiting and waiting and waiting, of saying that we shall have a Chief Minister, 4 Ministers, I should say that it is my own personal opinion, with the permission of my leader, as the Shadow Minister for Finance, that at this time it is rather interesting when we have had to reduce services to a minimum, and when we are being told and have heard this afternoon that the Jeanes Schools at Maseno and Kabete are being reduced, that at the same time we are increasing the number of members of the Council of Ministers, which means two more Ministers, with fantastic salaries, which I happen to know about, the fantastic amount, as I have been a Minister myself; and I believe that the people think that the work is too much for them and that they must increase the number of Ministers from 12 to 14, when they should be thinking in terms of either reducing the salaries or reducing the number of Ministers. If somebody wants to work in the Government he must be prepared to work day and night. I am completely opposed, Mr. Speaker, any move at this time of incurring more expenditure in this country by increasing the number of Ministers. I must say, Mr. Speaker, it is to give the power to our Prime Minister; it is not really a matter of moving stage by stage, as I believe, Sir, that if we want stability in Kenya, if we want to co-operate, and we are being told to co-operate with half measures; and we know what the Lancaster House Constitution was. We accepted it because we thought it was an instrument which we could utilize very effectively to get independence as soon as possible. That was the only reason. Therefore, since the time has come now to get that independence, the Lancaster House Constitution, while increasing the number of African Members in this House, did not really transfer power from the hands of Government to the African leaders. It did not. This proposal by the Leader of Government Business does not again transfer the power. It still leaves the power in the hands of a Minister for Defence, a Minister for Finance, and a Minister for Legal Affairs, and the Governor, who still, I understand, will be the Chairman of the Council of Ministers. What we want is effective change, not an apparent change. I believe, Sir, that the House will be particularly gratified by the hon. Members

Mr. Odongo: Mr. Speaker, I have got all the reasons to justify and make the Government accept this amendment because I believe that all other countries are moving much faster and I do not think that Kenya—as quite rightly the Leader of Government Business has said that he does not maintain that Kenya is more backward than Tanganyika and the other countries and as such I do not see why if Tanganyika is going to get independence this year why Kenya should remain behind is something which no one can explain to me.

I do maintain that in Kenya we have got all the qualities provided only that the British would be more reasonable to see eye to eye with realities and, Sir, I do maintain that if at this very moment there was a constitutional conference we would immediately achieve self-government and within this year as Tanganyika has done. We could achieve our independence and as such I say this is a more fitting time than anything else. I hope that the Government will have the sense to accept this amendment.

With these few remarks, Mr. Speaker, I beg to move.

Dr. Kioko: Mr. Speaker, Sir, I rise to second the amendment by my hon. friend

Mr. Speaker, Sir, the amendment is straightforward. It says that within this year we must have our independence and a date should be announced now so that there will be a date in 1961 which will make it clear and which will say that Kenya will be independent on such and such a day in the year 1961.

The reason why we say this, Mr. Speaker, is that we refuse to be the disciples of the gospel of stages. We have been told by the Mover of the original Motion of the various dates that ensued during the various constitutional changes of Sierra Leone, Ghana, Nigeria, Tanganyika and so on. This was an indication that we should learn a lesson on following the so-called stages and that stage were to be, I could gather from the speech, would be that we would have a Chief Minister but still with Civil Service Ministers in the Council of Ministers and sometime this year we might get what he called "internal self-government" and then some vague time—as soon as possible—we might get political independence some time next year.

Now, Sir, this gospel we reject. We reject it because what Kenya requires now is not uncertainty in this country. Kenya has had too much political uncertainty, wondering what is going to happen when. It is about time we gave the people of this country a definite time and place, that on

such and such a day in the year 1961 Kenya shall be independent, then there will be no longer uncertainty in that regard.

There is also the economic instability in this country as surely the Leader of Government Business as well as my successor in Commerce and Industry knows. But again the uncertainty in economics is because of the political uncertainty. They talk of "due course", they talk of "as soon as possible"—people are waiting to see what will happen, we want the people to know when these things will happen and we cannot be a party to a Motion which again maintains this air of uncertainty in the country. We want the date fixed so that everybody knows when it is going to be a country which is independent.

I feel, Mr. Speaker, Sir, that it is very important that we do not deceive our people when we speak on this Motion today. It is no use saying it is *uhuru* said and then have a Motion which is calling for internal self-government, internal self-government is no *uhuru* and let us face it.

Hon. Members: Hear, hear.

Dr. Kioko: *Uhuru!*—I think that is an attempt to cash in on cheap politics, everybody knows that internal self-government is not *uhuru*. Some of the proposals made by the Mover of this Motion say that he is calling for *uhuru* *leo* as he opened speech, only to show that he is willing to give it up and not even give us anything too definite with regard to the transference of power from the hands of the colonial Government to the hands of the local people. That is what you really mean by advancement, and Mr. Speaker, we find that we are being asked to approve a Motion which leaves the three most important aspects of Government in the hands of colonial civil servants. We are told, for example, that the Minister for Finance will be in the hands of a civil servant, chosen by the Colonial Secretary and the British Government, Finance—in the hands of the Colonial Secretary, to control money. The Minister in charge of defence, again not a local person locally approved, is a person given to us by the Colonial Secretary. And the Ministry for Legal Affairs. If your money, your army and your laws are in the hands of civil servants, are you giving us *uhuru* *leo*? That is not quite correct. This is only an attempt—an attempt to quieten the feelings of our people who want their independence now and they are being told they are going to get a Chief Minister. Let us see what kind of a Chief Minister we are going to get. If a Chief Minister is not given the power to appoint his own Cabinet, that he has three Civil Service Ministers, what power has he? He does not have any power at all. And,

[Dr. Kioko] Mr. Speaker, what I was interested in is not so much the Chief Minister but also a Council of Ministers that he cannot even fix, he may want five Ministers, he may want 20, he may want just a few Ministers in the country, but we are being told that this Chief Minister that we are going to get will have his hands so tied that he must have some 14 Ministers. What power does he have? It appears to me that to be given a fixed number of Ministers that he must have, and even which Ministries must be given to colonial civil servants, and how many shall be given to Elected Members, simply means that the whole thing is a farce. He may be called Chief Minister but I bet that he will not be allowed to be chairman of the Council of Ministers. And the Mover comes here, Mr. Speaker, and says to the country that we have made substantial constitutional advance when really all we have done is change a number of names and non-officials in the constitution and people will think that we have gone ahead. Let us look at things as they really are.

Mr. Speaker, Sir, it appears to me somewhat peculiar that people who want independence and people who want co-operation on one hand and on the other hand they feel they must accuse other people of irresponsibility. This is the kind of thing the African Members have gone through in this House since we had African Elected Members in the Legislature. Whenever the Colonial Government wanted us to agree to something they said "Please be co-operative and forget your own struggles and be like us". And today we have been told by the seconder of the original Motion that he has been responsible and he has taken up the responsibility and the only way to be responsible is to agree with him. That, Mr. Speaker, is not the true definition of responsibility. The true definition of responsibility is not to agree with them because we are not going to be anybody's puppets.

Hon. Members: Hear, hear.

Dr. Kioko: We shall not be anybody's puppets and I am not going to be responsible by agreeing with us and so. I think we all have a right, Mr. Speaker, to express our opinions and if I disagree with the opinion of a person I do not call him irresponsible. I think this should be learned by the people on the Government benches that when we disagree with them it is wrong, and it is not really conducive to the stability of this country if we go around each calling the other names.

We seem to have forgotten who the enemies of this country are. We seem to be more interested in calling each other irresponsible, and so on. I think we still have problems of settling the con-

stitutional question in this country. We have the problem of security. We have the problem of landlessness. We have the people who believe in the so-called "scorched earth" policy, and who really are, in my opinion, security risks, by announcing such a policy, and who are jeopardizing the security of this country. These are enemies of Kenya's stability. People seem to have forgotten that these are the dangers, instead of proving somewhat tactfully how responsible they are and how irresponsible we are. Mr. Speaker, let me even ask, what responsibilities have we shirked? Responsibilities to see leaders like Peter Koinange maltreated in this country—and keep quiet. Is that our responsibility? Are we supposed to accept that? We want to face the matters as they are and we believe this. We believe that the speech given by the Seconder of this Motion really killed whatever possibility there would have been of negotiation between the two groups. He made so many allegations. We did not keep on popping up and saying "Substantiate that; substantiate that; substantiate that". But, Mr. Speaker, such allegations are so uncalculated. He kept on saying that there are people who, knowingly—and this must be kept in mind—are delaying independence for Kenya, and he has said that that they are some of the hon. Members in this House. We should have said, "You should substantiate that", because I think, "I see a statement like that is a very serious thing, and I hope that the Mover of this Motion, when replying, will make it clear what is meant by this. He also said, in this series of allegations, that there are people here who are interested to disturb the security of this country. Now, these are the sort of allegations that do not mean "Let us co-operate". The thing is contradictory. And I feel, Mr. Speaker, that the Members of this House are referred to as "hon. Members" and I do think that when a person is making a statement like that he should be careful enough to say, "I refer to the 'puppets' by so-and-so at such and such a time." It is not that we would not keep on having ill-feelings here, and people wondering who this is, and where. I can say, definitely that if my party finds out any person deliberately working against the security of this country, subversively or otherwise, the party will deal with him. Therefore, Sir, when we keep on having allegations of this kind it would help the country instead of just shouting from this back benches, for the people who speak from this back benches, for the people who speak from this back benches, and such and such a later to say, "We had in mind such and such a thing," so that we can clear it up. We are not interested in creating a sense of gloom without interest in creating a sense of gloom without any certainty as to what people are getting at. We cannot fight a battle we do not know about. If there is somebody involved we would like to know more clearly what it is.

[Mr. Odinga] who have entrenched themselves into the Government, to influence the Government, and all those years we have been struggling to get the African rightful position into the Legislature and the Government. That is what the Lancaster House decided; it decided to revert the settlers' majority and replace it with the African majority. All these years our battle has been against the settlers and not against the British Government in Kenya. We knew that when we came back, we shall begin our battle against the British imperialists to give us independence this year. This is the battle now. We have only been given the majority in the Legislative Council from the diarch settlers. Now it is time for us to face the British to tell them that now we demand our independence this year; we demand the release of our paramount leader, Jomo Kenyatta, to come and lead us to independence. If the Leader of Government Business surveyed everything properly; this is the truth. We left London and we made it perfectly clear to the Colonial Secretary that although we have gained the majority in the House we are not satisfied with the Government and the composition of the Government, and we said that the question of Jomo Kenyatta and his leadership is vital. If anybody says that the Lancaster House has not worked, what about the Caretaker Government, where the Leader of Government Business was one of those people who helped it to work? Was it not the Lancaster House Constitution, was it not that composition? We have had it.

Now look, Mr. Speaker, I am surprised at him and I am surprised at those people who change from day to day, who say this thing today and tomorrow they say another thing, and tomorrow you find him opposing directly what he has said some time back. Why should Kenya be different, so very, very different from other countries? The Leader of Government Business himself has very well stated the changes which have taken place which the British themselves are doing. If last year they could make somebody the Chief Minister in Tanganyika and this year the Prime Minister and then the same year the independence, then why should Kenya be told at Lancaster House in January last year to wait for another year, or two years or three years for their independence? It is only because—and I must make it very clear—the Kenya Government and the British Government are determined not to listen to the wishes of the masses of the African people of this country. They would rather like to build a leader of their own choice and not the leader chosen by the people. I must make it clear that if somebody is deceiving himself, that the British people would build a leader

in this country and impose him on the people, he is making a very grave mistake.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Interjection.

Mr. Odinga: Now, Mr. Speaker—You had better wait, I am going to deal with your case as it comes.

The Minister for Commerce, Industry and Communications (Mr. Muliro): It will come here.

Mr. Odinga: Do not worry.

The Minister for Commerce, Industry and Communications (Mr. Muliro): I will not at all.

Mr. Odinga: Now, Mr. Speaker, I have heard so many comments about the security, peace and justice. Well, we have made it very, very clear that in order to bring Kenya to independence we do not need first to observe security, peace and justice. We have examples. Is it not the people who, when satisfied with constitutional arrangements, that are going to observe it? We must fight to get Jomo Kenyatta here and get him to lead us on constitutional talks for independence, and then let us observe the security, peace and justice. I do not think you can have it the other way around.

You can only have it through that. Mr. Speaker let me tell my hon. gentlemen again, they like each time to talk or to make references to people moving to other places, getting money from these countries and so forth, well, the same thing, the Leader of Government Business was in America just as another Member whom he actually grudges so much, why did he not get money if he needed money? Is it because he is incapable of negotiating for money himself? It is, probably, that he is incapable of negotiating with other people, and if he is incapable of negotiating with other people he should not be the head of the Government.

Hon. Government Members: (Loud interruptions.)

The Speaker (Mr. Slade): Order, order. Order. Mr. Hon. Members of the Opposition listened to the Mover and Seconder of this Motion with marked restraint. I suggest that hon. Members on the Government side might do well to follow their example.

Mr. Odinga: Thank you very much, Mr. Speaker.

Hon. Members: Hear, hear.

Mr. Odinga: And I am very pleased. Now let me make it clear. Usually when they go about making references to money from East or West

[Mr. Odinga]

of some Members having gone to Russia and to China and having negotiated also some money to this country. Well, I am very proud if I am taken to be a man who can negotiate and influence some people to give me money, because getting money from anyone is a very difficult thing. If I am a man who can do that, then that only shows the qualities of my leadership. I am proud of it.

Now let me say it. I found out that politicians will not allow me to mention a Minister on the Government Benches who went to a place where I had been and negotiated money to purchase a press, and he collected that money and never brought it to me. He collected a lot of money and I have not received that money and later on if he goes on to make comments. One day I said point him out, that would show you that he needs money and he is incapable only in negotiating for money and when he gets it, I really find he melts it away.

Now Mr. Speaker, I will only make another point when we are talking about the constitutional development of this country we should leave all these unnecessary remarks about some people selling the country here and there. If I am able to buy somebody with money, that means that he is not a man of integrity. A man who would be bought like that is not a man of integrity. If you think that people can be bought with money, why do you not buy me with money which you got in Great Britain, and let me support you? You have got the money, therefore, let me support you. Do you think that the Russians or the Americans are the only people who have got money? They are not the only ones, or the Chinese only? When you went to Great Britain recently did you not go to get some money?

The Speaker (Mr. Slade): Mr. Odinga you must remember to address the Chair, please.

Mr. Odinga: Thank you, Mr. Speaker. So, Mr. Speaker, I want to clarify all these unnecessary references which cloud the good thinking and all the straightforward talk in the constitutional development and I will try now to speak to the constitutional development.

Now, Mr. Speaker, I have always made the point the Lancaster House is now outdated. It is a very true fact that we have now got the African majority and we have been able by Lancaster House to show that Kenya is an African country and the African voice must be predominant. Despite that I do not think that we have got all that we need.

Now our attention is focused on the British Government and we are asking them now that we need a change of constitution, but before we sit down to consider that, let us have the immediate release of Jomo Kenyatta to lead the discussions on our behalf. Although, Mr. Speaker, some people might say, and indeed, the Leader of Government Business and his associates must be reminded that we should take the example of the Cyprus people. When they went to London they said that they could not go on with the Conference without Archbishop Makarios and he came. Do you think we are cleverer than the people of Cyprus, could we not learn from their example and agree that they are all stupid, well Makarios was clever. Why do we not make Jomo Kenyatta clever and we to be stupid?

The Speaker (Mr. Slade): Mr. Odinga, you have already discussed in this House the matter of Mr. Jomo Kenyatta's release, and you will remember he was the subject of another debate, so I would ask you now not to pursue that matter any further now in this debate.

Mr. Odinga: Thank you, Mr. Speaker. I will now go to the next question. Mr. Speaker, I think the time has come when the constitutional conference should be held—and I do not agree with the Leader of Government Business to take it on himself and the Government that they alone should attempt to change the Lancaster House Constitution. I do maintain and I agree the time has come when we must sit down and consider the other constitution but that must be done in a proper manner, to have a conference and to make this Motion do that I would only make an amendment. I do not agree with him that we should only press forward as quickly as possible for further constitutional advance. I do not agree with him that only goodwill and co-operation from our side is needed. It is the goodwill from the British Government and the Kenya Government which is more needed than anything else and I maintain that the British are only waiting for the goodwill from the British and Kenya Governments to see that we get ahead because the pace will only be decided by them and them alone.

Now, Mr. Speaker, this is the amendment which I want to make. I want to make it after "That this Council" all those words should be deleted and the following words substituted, "That this Council calls upon the British Government to declare now a date in 1961 for the complete independence of Kenya."

Hon. Members: Hear, hear.
Hon. Members: Uhuru tuuuu.

[Mr. Khasakhala] Independence any longer. We are not going to attend to a self-styled Opposition who are most confused; who are not working for the good of this country but only to develop their own ends and delay the independence of Kenya. I call upon the Members on the Opposition side to come forward and make Kenya a free country. Here is a Kenya for you to make free! Here is a duty for you! You are given a duty to represent the people of Kenya regardless of race or colour to bring them, to march them, to independence which all here are wanting. Kenya has got well over eight million people who would like to see a government working for them. And what is happening in this House? Some people are out to disturb the country; some people are out to threaten the country; some people are out even to get money from other countries to confuse the people of Kenya.

Mr. Speaker, this Motion is very important in this House today and I am glad that the Leader of Government Business has taken this stand of moving the Motion at the right time. We shall see that Kenya attains its internal self-government this year without any delay.

Mr. Speaker, some people have talked of a minority government I want to assure the Press today to make it publicly clear to the people of Kenya and of the world, Mr. Speaker, that this is the real government of Kenya. It is a government which represents the people of Kenya. Who are the people of Kenya?

The Speaker (Mr. Slade): Mr. Khasakhala, you are going back on ground we have debated before. I do not want you to pursue the question of the composition or representative capacity of the Government in this debate.

Mr. Khasakhala: Thank you, Mr. Speaker. Mr. Speaker, without any delay we are faced with a new issue which means an independent Kenya. The time is coming very soon when we shall have to think of our neighbouring countries which are attaining their self-government in the near future. What are we going to do with the people of these countries? The country wants development. The country wants to see things done for the people. Mr. Speaker, the Leader of Government Business has made it very clear that we shall have an increase—we shall press for an increase—in the Council of Ministers. These are the things the country needs. They need the people to devote their time and work for them, not the people who will only seek and make noise, not working for the people. The Leader of Government Business has made it clear as well

today that we shall go ahead with constitutional advance.

Mr. Speaker, these are the things that are required in this country. We need to go ahead; we need to march forward, not to delay things by mere words which are spoken by people who are afraid to take the responsibility of the country. Kenya is ours. It is for us to build. It is our duty and we shall take that duty on the Government, on the present Government, to see that independence is attained in a very short time.

Mr. Speaker, if you could allow me a few minutes, I have been very much disturbed by some threats which have been given in the last few meetings by some hon. Members in this House. These statements have just proved to us that these very Members are the Members who do not want to see an independent Kenya, but who like to delay it for their own future promotion. Mr. Speaker, what is it we want? Are we to fly and waste money to go to the United Kingdom to the Colonial Secretary and ask him for another constitutional change? Here is a constitution which he has given to us through which we can advance, through which we can bring this country to the stability, to its independence which the country has been longing for for a very long time. Why should we delay it again? Why should we not co-operate, come together with the Members on the Opposition who really want to see an independent Kenya and discuss this matter together, and see that Kenya has got a peaceful independence.

Mr. Speaker, I sometimes become very worried when I think of what has happened in the other countries like the Congo and what has happened in Zanzibar, when I hear some of our Members make their irresponsible speeches in their public meetings. These are the people who are confusing Kenya so that our independence is delayed, but I want to put it very clearly to them that we are not going to delay independence in Kenya any longer. We are going to march into it within this year, 1961. Kenya is ready to go ahead with its Government and we shall see that we have a Government which will be of our own people and ruled by the people.

Mr. Speaker, I therefore beg to second the Motion.

Question proposed.

Mr. Odiga: Mr. Speaker, Sir, I want to make a very serious observation on the matter that have been raised by the Leader of Government Business on this particular very important Motion on constitutional change. Mr. Speaker, I hope the House will have noticed that we on this side have

[Mr. Odiga] not interrupted the leader of Government Business in anything because we wanted to hear very carefully how his mind works. We wanted also to know, Mr. Speaker, their real ideas about the constitutional changes of this country, and indeed I have been able to size up and to find out what he really has at the back of his mind and the delusions which he has.

Now, I hope in the course of my speech he will be able to get some of those very important factors which go to make a nation which must be observed when you are building what we call a national government in a country. Mr. Speaker, in that long speech which he made, a carefully prepared speech, I was very surprised to see that he mentioned the name of our paramount leader, Jomo Kenyatta, and the father of our nation. I listened very, very carefully, and throughout that speech there was no mention, but in the end I only heard that he laid emphasis on the question of the chief minister, and, Mr. Speaker, I would perhaps be allowed—if I may—I got it out of him very, very carefully—and I think I got him correctly: that when he talked about the Chief Minister he had at the back of his mind that he was mistaken in doing it; he was mistaken in making it known to him that what the people here, and let me say with the co-operation of all people of this country, he may be able to do, probably this year, the date of our independence. That quite rightly made me believe that when he was stressing and emphasizing the question of Chief Minister he had it at the back of his mind that he would be that Chief Minister; he would be in the picture of all those things, and that is why he was so careful.

The Leader of Government Business and Minister for Education (Mr. Ngala): On a point of order, Mr. Speaker, is the Member in order in implying what I did include in my speech? And also, the Member has misquoted me. I said I would declare the independence of the country this year. Mine was the internal self-government.

The Speaker (Mr. Slade): Hon. Members cannot help themselves sometimes when they misunderstand what other hon. Members have said. It is certainly not out of order for them to do that. It is open to those Members who are misunderstood—as the Leader of Government Business has done now—to rise on a point of explanation, if the hon. Member gives way.

Mr. Odiga: Mr. Speaker, I will not later allow myself to be interrupted unnecessarily. Today I kept very quiet indeed and I gave him all the

time to make his point right up to the end. I should also like him to give me this time to make my points.

Now, Mr. Speaker, I do maintain that what the Leader of Government Business has got and what is fulfilling him to all these conclusions is—and quote rightly for him—that he is seeing the examples from Tanganyika; he quoted examples from several other countries like Sierra Leone, countries like Nigeria, countries like Ghana, and so on. Well, let me make this point, Mr. Speaker. He forgot one very important thing, and that is that Ghana, before getting independence, had to settle the question of leadership. All the people of the country, the true nationalists, and not opportunists, had to join together to fight for the release, from prison mind you, of their national leader to get him out to come and lead them to independence. The Leader of Government Business missed that very vital point which I thought he should have raised in this House.

Now, he also forgot that Nigeria, even Tanganyika, and all these other countries like Sierra Leone, which he mentioned, have not got their national leader lingering outside. Kenya could very well compare with Ghana, as he did; it is only that he was mistaken in his thinking; or perhaps he did not know his history, and I am making it known to him that what the people of Ghana did is exactly what Kenya Nationalists could very well do, and that is what we, as Members of the Kenya African National Union, stand firmly for. We need that Mr. Speaker to form the Government, we must have our paramount leader, Jomo Kenyatta, and the national leader of this country released immediately.

Now, Mr. Speaker, he raised several questions which, in order to give him fair comments, I will deal with one by one. He charged us on this side of shirking responsibility, but we can understand this. It is not a new language to us. It is the imperialist language they use, and I would not be surprised if somebody in his position is also now playing it as a gramophone record.

Now, Mr. Speaker, he went on to mention the Lancaster House Constitution. Certainly Lancaster House has some achievements, and if he did not know of the achievements properly I will tell him what these achievements were. Before I tell him that, Mr. Speaker, I will let him know that in Kenya our problems are unique to Kenya itself. We are not going to look to Tanganyika; we are not going to look to Nigeria; we are not going to look to Sierra Leone, or even Ghana for our national independence. We have got to see this country the settlers, and I must say, the clerical settlers, who would not see eye to eye with reality,

[The Leader of Government Business and Minister for Education]

the concluding stages. On 29th March, 1961, a *communiqué* was issued which announced that the Chief Minister would become Prime Minister on 1st May, 1961. The Governor and official Ministers would withdraw from the Council of Ministers on that date. Tanganyika then achieved full internal self-government. Tanganyika will achieve full independence on 28th December, 1961.

Now, Sir, I have gone through these few countries as an example just to remind the House of the sort of stages that other countries have gone through. These have been British Colonies or Mandates in Africa and in the first three countries—Sierra Leone, Nigeria and Ghana—I think the pace has been too slow for Kenya. At this stage, I think Kenya needs quicker and more rapid constitutional advancement. Therefore, I think the Tanganyika pace is impressive and I think Kenya should follow on with a little acceleration and attain full internal self-government this year, 1961. Now, Sir, some of the less responsible elements in the country giving date after date for the independence of this country, beginning in 1959, coming on to 1960 and then on to March, 1961. And nothing has happened. I should like to make it quite clear today that the Government is determined to effect these changes immediately and go on to internal self-government in 1961. We are determined to do it. It is not just a question of giving empty promises, either in Malindi or Tononoka Hall in Mombasa. The Government is responsible and the Government feels that it should deliver the goods of *uhuru* to our people and therefore we are going to stand by this.

Mr. Speaker, Sir, I should like to remind the people—the hon. Members in this House and our people in the country—that we have a few responsibilities. We must accept that the wind of change is blowing in Africa and is blowing in Kenya as a part of Africa. Therefore, when these constitutional changes come about, we should not be too scared of them. The country, Kenya, is taking its own place as a free country and we intend to put Kenya through the necessary stages. The stages are necessary. The stages at which we put Kenya through those stages will depend very much on the Government side as well as on the Opposition side and on the country as a whole. Therefore, I am calling upon the hon. Members in this Chamber and upon our people in the country to make sure that they help us so that Kenya can attain these two stages as quickly as possible in 1961.

It is quite clear that we are working for independence in the near future. However, I hope that we shall be assisted by goodwill, co-operation and a responsible attitude, instead of by destructive ideas and intentions that might hold us back. I hope that goodwill will be forthcoming so that I shall have another chance of standing here not before long to declare independence for this country. I accept, Sir, that some of us will have to make a lot of adjustments in the new Kenya. There are some people who feel that as a racial group, or as a tribal group, they must dominate. I should like to make it quite clear that this idea is quite unacceptable to us and it is an idea which is very, very dangerous indeed because our intention is to make a nation, a Kenya nation. Therefore, we must work hard towards this aim. Every person should identify himself with the people of the country and with the country itself so that we become one group of people working for the freedom and the good of the whole country. It is quite clear that majority rule is accepted in this country. Let us work together, together to achieve a Kenya nation from the shores of the Indian Ocean to the shores of Lake Victoria. Stop talking of the partition of Kenya at this stage. It is too late and it is a waste of time to talk of partition of Kenya. Let us not accept a position where some foreign powers oversee control us to boost their own political ideology. Of late, we have been worried very much by the intentions of certain individuals in this country who seek to encourage this element, a political element, which is very, very dangerous indeed. I hope those people concerned will check it.

Our interest is to keep the peace in this country and also to keep order in the country so that we can create the conditions that will speed us on and move us as quickly as possible to independence. We must condemn violence and illegal oath giving or taking. We must do it in practical terms and I feel that hon. Members in this House have a great responsibility because they have the influence: they have the influence to guide their people in different areas; they have the influence by being examples themselves, good examples, so that the country can be moved as quickly as possible to the final goal of independence. Those people who carry out such things as oath giving or oath taking, or carry out subversive actions, are enemies of independence. They are enemies of the very things that we are moving from this side to enable the people to achieve what they want. Therefore, the Opposition and the Government and the country as a whole must stand firm against such people because I believe they are doing it for selfish

[The Leader of Government Business and Minister for Education]

ends and they do not understand that we are working for the country as a whole. They are enemies of quick independence and enemies of the safety of individuals or the safety of property in this country. So we must stand firm against them. Our policy must be one of positive actions. We must have a policy of positive centralism to enable us to evolve our own political ideology and pattern of economy suitable to the circumstances of Kenya. We must bear in mind the wishes and the thoughts of our people. Our criteria must be peace, justice and security. I feel it is very important that with peace we can achieve as much as we should like to achieve. We do not want to find ourselves in a situation where Government or the Opposition is wasting a lot of time trying to keep order at different places. We want the people themselves to have a sense of responsibility and see that these three things are observed, peace, justice and security.

Now, Sir, I think that at this stage we must have trust and faith in Kenya. There are some people who are scared; they are scared people and they are afraid of constitutional changes. They feel that Kenya is moving too fast. I do not agree with them; as I have already indicated, I feel that we should accelerate the constitutional stages if we can be given the appropriate conditions. Personal safety is very important. As we want to run this country, we must bear in mind that our citizens of whatever race in this country must have safety, bodily and personal safety. Also we shall have to consider very quickly the safety of property of people in this country. For this reason, I should not mind at all having a serious meeting with the Opposition and the Government and any other people interested so that we can thrash these things out seriously in this country. Those people who run between Nairobi and London will not find any benefit in doing so because we have changed so much here in Kenya. The sooner we adopt an idea that will create an atmosphere of trust in the leadership of Kenya, faith in the leadership of Kenya, and all of us coming together to discuss these things, the better I will be by the Deputy Speaker, the hon. Mr. Nyagah, the other day that these things should be thrashed out, I quite agree with him.

I must pay tribute to the civil servants in this country, particularly the expatriate civil servant. All the civil servants have done a good job and they are prepared to continue making their big-

gest contribution. The reputation of the Civil Service in Kenya is quite outstanding in Africa. It is true that we shall need some of them for some time because of their special knowledge. Therefore, we do not want them to feel discouraged at all because they have special knowledge which we require in this country, to give it a sound foundation, a sound basis, so that our independence can be built on a rock and so, we shall have to continue with them for some time. Whilst they continue in this country, it is the duty of this country to look after them and look after them well because of the contribution that they are making. However, we shall replace some of them, as is naturally understood, because of the constitutional advancement that we are making in this country. We fully appreciate that the responsibility of running this country is ours and therefore we have this understanding fully in our minds.

Mr. Speaker, Sir, this was not intended to be a long Motion because it is self-explanatory in a way. In short, this Motion is intended to bring about constitutional amendments in Kenya with the object of giving Kenya a Chief Minister and the reduction of the official Ministers to three only. This will mean that we remain with the Minister for Legal Affairs, the Minister for Finance and the Minister for Defence. This will effect an increase in Ministers from 12 to 14, and will enable the Chief Minister to negotiate with the Colonial Office for full internal self-government for Kenya in 1961. The Government, as well as the Opposition, must create the necessary conditions through their influence to see that Kenya is not delayed in these steps. With goodwill, co-operation and unity of purpose, our aspirations can come to fruition in the shortest possible time.

Mr. Speaker, Sir, I beg to move.

Mr. Khasakhala: Mr. Speaker, Sir, I beg to second this Motion. Independence is our birthright and there are to be no delays in this, this year. I am glad that this Motion, Mr. Speaker, has come before the trumpet notes and drum beats of the Opposition and the flying saucers confuse the people of Kenya. Kenya wants to be independent just now. The Opposition are out to oppose anything to do with the Government. They are only opposing because they are ashamed of themselves. They have made many irresponsible statements which they cannot withdraw. This Motion, Mr. Speaker, is very direct: that Kenya wants to march together with its neighbouring countries like Tanganyika and Uganda. We are not going to slow down our

[The Leader of Government Business and Minister for Education]—I am sure that we can move forward as quickly as possible with further constitutional advance towards independence and I firmly believe that with goodwill and co-operation by all it will be possible to advance within a few months to the appointment of a Chief Minister and a larger proportion of Elected Members in the Council of Ministers.

Mr. Speaker, Sir, today I feel like writing a cheque for *uhuru* for the people of Kenya.

The present Constitution, which the Lancaster House Constitution, has been accepted as the basis for further constitutional changes. We did this as a group of African Elected Members, together with Members of different sections in this House. Today, Sir, I would like to give the House and the country what is in the mind of the Government in relation to the speed to independence in this country.

Sir, we on this side, the Government, are responsible people. We have joined the Government because we want to speed up the independence of this country. We have joined the Government because we feel that we have responsibility to our people. This year Kenya has a majority of African Elected Members. This year we also have a majority of Elected Members in the Cabinet and the intention of this Motion is to show clearly the Government's position with regard to constitutional advancement for this country. It is the intention of this Government to move as speedily as possible to the establishment of internal self-government and I have every hope that it will prove to be possible to achieve this within the year 1961. Further, I hope and expect that by the beginning of the next session of this Legislature, that is after the recess, this Government will have arranged the appointment of a Chief Minister and an increase in the number of Elected Ministers. This Government will immediately initiate the necessary negotiations with Her Majesty's Government to this end. Mr. Speaker, *uhuru* lei!

Mr. Speaker, it is a well known fact that the intention of the British Government is to give us full independence as soon as possible. This cannot be delayed much longer now as our people want it. During the talks in London last year there were a few hurdles that we went over, and in this country there have been a few people who were still believing in the supremacy or domination of a certain section and this idea was shot down. The whole country therefore accepted the idea of a majority rule in the country, and I think, with this acceptance, which is the basic thing, we are in a position now to move to further constitutional changes so as to achieve independence for this

country. The majority of the people have realized that violence does not pay. The leaders have condemned violence in various ways. It has been always my feeling that leaders should do much more to condemn violence even more to enable us to achieve independence as quickly as possible.

We are no longer in tribal groups, Sir. We are in party politics and however much we disagree in certain matters I think that about independence and about the pace towards independence there will be no disagreement. For this reason I hope the Opposition today will join hands with the Government in pressing for internal self-government for this country in 1961, and also in pressing for the appointment of a Chief Minister and an increase of Elected Ministers in the Cabinet.

We want people overseas, Sir, to appreciate that Kenya cannot be isolated from the rest of East Africa. We know already what is going on in Uganda, in Tanganyika and in Zanzibar, and British Somaliland, and we in Kenya are sufficiently advanced, I feel, at this stage, to attain the arrangements that I have indicated in my Motion. Kenya is a very progressive country educationally, and in the basic economy, more so than some of the countries which have already been given independence in East Africa. Nobody should blame us in Kenya if we move for rapid constitutional changes within this year 1961. I propose, therefore, that Kenya is given a Chief Minister. This should be done by replacing the Chief Secretary with a Chief Minister. Of course, I have a great deal of respect and admiration for the present Chief Secretary, Sir Walter Coutts.

I must at this point express, on behalf of the people of Kenya, our heartfelt gratitude for the great service he has rendered so devotedly to Kenya, even at the risk of his own health. I wish him every good health and long life. But these constitutional amendments must be made because they are due and the country and the people want them.

The actual appointment of the Chief Minister is a matter for the people of Kenya, particularly for the political parties concerned; and this is no longer a problem to the people of Kenya. Once the principle is accepted here and now in this House the actual appointment can be left to the parties concerned, the legal process with Her Majesty's Government in London.

The Council of Ministers should also be broadened, Sir, by making two other Ministers available. The Council of Ministers therefore should have 14 members instead of 12 as it is today; and the portfolios should be reshuffled accordingly so that the heavy burden which lies

[The Leader of Government Business and Minister for Education]—The Government's proposal on some of the Ministers today can be shared accordingly.

I would like the House to agree that this further amendment should also be made to the Constitution.

Sir, I am quite aware that the House would sympathize with these amendments and would feel that they are really due. Therefore, I do not think we shall have a lot of talk on this. In fact, the sooner we can finish this Motion the better because it would give us probably another day of *uhuru*.

The Lancaster House Constitution, Sir, is very flexible. It is so flexible that such amendments can be fitted in and I do not think, as many people have said in the past, that we need very many civil conferences before independence. I feel that as the Constitution is flexible these ideas can be amended and that we shall not require many conferences. We might hold a few discussions with the Colonial Office or the Secretary of State for some adjustments, as I have already indicated. Therefore I do not envisage any full conference in the near future apart from talks and discussions for the adjustments.

My intention is to get the Chief Minister first whom I hope will hold talks with the Colonial Office at the appropriate stage this year so to give full internal self-government to Kenya in 1961. This is a proposal which has the full support of the Government side and I hope that the Opposition will also support this Motion.

Last week, Sir, we had one Motion in which we fully agreed with the Opposition and I hope the Opposition today will also fully agree with the Government side on this.

I would like to spend a few minutes, Sir, in giving a comparison of constitutional progress in a few countries in Africa, beginning with Sierra Leone. In 1951, April, there was a majority of unofficials in the Executive Council and in elected majority in the Legislative Council. In 1957, May, there was an appointment of a Chief Minister, and the number of unofficial Ministers increased. In 1958, August, the Chief Minister became the Premier, although the Executive Council was still presided over by the Governor. The 12-officio Members were no longer on the Executive Council, and the Legislative Council, and also they were moved away from the Legislative Council. In 1960, July, the Executive Council was no longer presided over by the Governor. The Premier became Prime Minister, and in 1961, April, they got full independence.

In Nigeria in 1947, January, they got an Afri-

can unofficial majority in the Central Legislative Council. In 1951 there was a majority of unofficial Ministers in the Central Council of Ministers and in the original Executive Council. The Central House of Representatives was composed almost entirely of indirectly elected Members. In 1954, October, there was an appointment of a Federal Prime Minister. Ex-officio Members left both the Council of Ministers and the House of Representatives, but the Governor-General still presided over the Federal Council of Ministers, with the exception of the eastern and western regions where, after attainment of full internal self-government, the Governor ceased to preside over the executive councils. In March, 1959, full internal self-government was granted to the Northern Region. In October, 1960, full independence was granted to Nigeria.

In Ghana in 1946, February, they had an elected majority in the Legislative Council. In January, 1961, they had an executive council of twelve; and eight elected Members of Legislative Council were appointed. Of these eight, one became the Leader of Government Business in the Legislative Council. In March, 1952, the Leader of Government Business was replaced by a Prime Minister. In April, 1954, the Prime Minister presided over all elected Cabinet Ministers and in March, 1957, they were granted full independence.

Going now to a neighbouring country, Tanganyika, the first elections to a partially African Legislative Council was held in September, 1957, in TANU-dominated elections. The Governor announced at the pre-opening of Legislative Council on 17th March, 1959, further constitutional changes. These were the appointment of four unofficial Ministers with effect from 1st July, 1959, with Africans in a majority of 2/1/1. On 16th December, 1959, the Governor in his address to the Legislative Council announced the next step. This was to be the constitution of the Legislative Council and the Council of Ministers with an elected majority. On 26th April, 1960, the Governor announced the appointment of a Chief Minister with effect from 1st October, 1960. The Council of Ministers would then consist of a Governor as its president, a deputy Governor—that was a new post created, ten unofficial and two official Ministers. Elections to Legislative Council providing an elected Council of Ministers was held in September, 1960. On 1st October, 1960, a Chief Minister was appointed. A responsible government was then constituted in Tanganyika. In January/March, 1961, constitutional discussions were held in Tanganyika with the Secretary of State in the Chair at

[The Acting Chief Secretary] administrative posts, particularly, of course, the post of district commissioner.

Mr. Mboya: Mr. Speaker, would the Minister state whether this means that district commissioners' posts are not going to be subject to localization?

The Acting Chief Secretary (Mr. Griffith-Jones): Of course, it does not.

Mr. Mulla: Mr. Speaker, Sir, arising from the reply by the Minister, it appears to me that—

The Speaker (Mr. Slade): It is not open to you to comment, but you must ask the Minister a question.

Mr. Mulla: My question is, Mr. Speaker, why has not the Government realized that there was need to have African district commissioners and to have trained them a long time ago? Why does it only occur to them now?

Hon. Members: Uhuru! Uhuru!

Hon. Members: Answer, answer.

Mr. Keen: Government can appoint African Ministers such as the Leader of Government Business, why is it not possible to appoint a provincial commissioner?

Hon. Members: Hear, hear, hear.

The Acting Chief Secretary (Mr. Griffith-Jones): The post of provincial commissioner is a much more highly specialized post.

Mr. De Souza: Would the Minister give us an idea about what time he expects an African provincial commissioner in this country?

The Acting Chief Secretary (Mr. Griffith-Jones): No, Sir.

Mr. Arngwako-Kodhek: Would the Minister state categorically whether the Leader of Government Business is not highly specialized?

The Acting Chief Secretary (Mr. Griffith-Jones): No, Sir.

QUESTION NO. 84

Mr. Gichuru asked the Chief Secretary if the Chief Secretary would state what is the composition of the Security Council.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, I beg to reply. The composition of the Security Council is as follows: His Excellency the Governor, the General Officer Commanding, the Chief Secretary, the Minister for Internal Security and Defence, the Minister for Education and Leader of Government Business.

Dr. Kisanu: Mr. Speaker, arising from that reply, when was the appointment of the Minister for Education made to the Security Council?

The Acting Chief Secretary (Mr. Griffith-Jones): At the first opportunity after he became Minister for Education.

Mr. Njiru: Would the Minister tell us how many Africans he is planning to put on the Security Council?

The Acting Chief Secretary (Mr. Griffith-Jones): I have no plans.

Dr. Kisanu: Arising from the original reply, Sir, was the Minister for Education put on the Security Council because he was the Minister for Education?

The Acting Chief Secretary (Mr. Griffith-Jones): He was put on because he is Leader of Government Business, and for his very fine personal qualities.

Hon. Members: Hear, hear.

QUESTION NO. 89

Mr. De Souza asked the Minister for Legal Affairs what action, if any, Government will take to prevent a scorched earth policy, viz. the destruction of buildings, machinery, investment and farms which form the national wealth of this country?

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Speaker, Sir, I beg to reply the Government does not believe that anything so irresponsible and futile as a scorched earth policy would receive any appreciable or effective support from the farming community. It is firmly resolved to pursue vigorous policies for intensive agricultural development and resettlement, and to establish respect for title to property on a just and lasting basis. Only by such constructive policies and measures will the loss of confidence in the future of agriculture, which, as the Questioner recognizes, forms a major part of the national wealth of this country, be restored and continued economic progress in agriculture be assured. This loss of confidence has been primarily and decisively caused by the statements and attitude of certain members of the Opposition who have very obviously, presumably for their own purposes, set out to destroy the confidence of the farming community in the future of agricultural investment in this country, in the security of title to land and in the sanctity of property rights. If the Opposition are sincere in their desire to preserve the national wealth of the country, as represented by the investment and assets of agriculture, by whomsoever created,

[The Minister for Legal Affairs] they can make a vital contribution to this end by directing their public statements, both inside and outside this House, to restoring confidence rather than destroying it, and by manifestly accepting the responsibility, which properly lies on them as a responsible Opposition, to assist the Government in assuring just and reasonable conditions of security for existing and future investment in this country.

Mr. Mboya: Mr. Speaker, Sir, after the uncalled lecture and sermon, can the Minister now tell us what action, if any, they intend to take, should any group resort to this policy?

The Minister for Legal Affairs (Mr. Griffith-Jones): As I have said, the Government does not believe that this will eventuate, Mr. Speaker; if it does it will take such action as seem appropriate to the circumstances.

Mr. De Souza: Mr. Speaker, Sir, is the Minister aware that certain sections, certain people in this country have threatened the scorched earth policy in this country, and if so what will he do about it?

The Minister for Legal Affairs (Mr. Griffith-Jones): I am also aware that a lot of other people have threatened a whole lot of other things!

Mr. Macanochie-Welwood: Mr. Speaker, is the Minister aware that this question arises out of one speech made by one European farmer, greatly exacerbated by the violent statements made by certain Members on this side of the House recently?

Hon. Members: No.

The Minister for Legal Affairs (Mr. Griffith-Jones): I believe that to be so.

Mr. Mboya: Mr. Speaker, Sir, I believe the Minister believes that two wrongs do not make a right.

The Speaker (Mr. Slade): Please make it a question.

Mr. Mboya: Yes, Sir, we of the Opposition are not satisfied that the Minister has said what action, if any, he would take and also what action, if any, they have taken with regard to the recent statements advising people to resort to this policy.

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Speaker, as I have already said, Government and I regard this as so much froth, without any substance beneath it and I do not consider any action is called for or indeed at the present moment, possible.

The Speaker (Mr. Slade): I think there have been enough supplementaries on this question.

There remains this question No. 444, there being no Minister here to answer that today, it will be put on the Order Paper on Thursday.

Mr. Mboya: Mr. Speaker, Sir, on a point of order, is it not the responsibility of the Government to ensure that questions put on the Order Paper are answered at that Session, because I thought on a point of order that if Members on this side of the House were not present to ask their questions and no other Member asks it on their behalf, it is lost for that day and for that Session of Legislative Council. I do not know what your direction is, whether we treat this as a question to the Government or as a question to an individual.

The Speaker (Mr. Slade): When questions are put down on the Order Paper, it does not necessarily mean that the Minister who is there will be prepared to answer them. It is his opportunity of saying whether or not he is going to answer them, and to answer if he is prepared to give an answer. It is unfortunate if a Minister concerned is not present when a particular question is put down, but it is probably unsatisfactory for any other Minister to answer because he is not sufficiently acquainted with the subject matter of the department to answer supplementary questions. I should have thought that Members would have been quite satisfied provided they know the question is going to be asked again when the Minister is there to answer it. As I said, it is not as a matter of order obligatory for a Minister to answer a question nor is he obliged to give an answer if he, although I am sure that the Minister regrets—will regret that he is not here today.

COMMUNICATION FROM THE CHAIR, ADJOURNMENT MOTION—NOTICE OF COAST PROVINCE PUBLIC MEETINGS

The Speaker (Mr. Slade): Hon. Members, I would remind you that there is a matter to be discussed on the adjournment tomorrow, and I have also received notice from Mr. Chelwe of his desire to raise on an adjournment the matter of a sudden bar on public meetings in the Coast Province owing to events that have taken place in Zanibar. I have allotted the close of ordinary business on Friday for that matter to be raised.

MOTION

CONSTITUTIONAL ADVANCE

The Leader of Government Business and Minister for Education (Mr. Njiru): Mr. Speaker, Sir, I beg to move:—

THAT this Council recognizes and appreciates that the Government is determined to press

Mr. Aringwa-Kodhek: Mr. Speaker, Sir, would the Minister inform the House if, while considering the reclamation of the Yala Swamp, he will take the advice of the local people, and in particular the cotton group in Nyanza, as they have got plans for doing a number of things in the Province?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, I assure the hon. Member that I would not dream of moving in this matter without consulting the local people.

Mr. McKenzie: Mr. Speaker, I think what the House would like to know is in these discussions the Minister is going to have on Thursday, what priority has this Yala scheme? He is going to discuss, on that, a number of schemes. What priority has Yala got amongst all the various schemes he is going to discuss?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I am not prepared, Mr. Speaker, at this stage to commit myself to any priority. It must depend on the finance available and the competing schemes, such as the extension of the Mwea, Tebera scheme which will enable the constructed headwater controls to be fully productive together with alternative schemes which we have examined and which are singularly attractive in comparison to the Yala scheme, for instance in the Kano Plains.

Mr. Odeder: Mr. Speaker, Sir, is the Minister aware that the Yala Swamp is one of the high potential areas?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, 53,000 acres, there are 15,000 acres which can be used for irrigation and 7,000 acres for grazing, or roughly under 50 per cent. I believe there are areas of greater potential in regard to the use of the money per acre than the Yala scheme. I do assure the hon. Member, however, that I am actually prepared to consider the Yala scheme, but I must make it clear it can only be done in terms of finance available.

QUESTION No. 76

Dr. Kiako asked if Mr. Alexander discussed any matters on behalf of Government in the U.S.A. and, if so, would Government inform the House what these matters were.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, any discussions which Mr. Alexander had recently in the United States of

America were on his own behalf and not on behalf of the Government.

Dr. Kiako: Arising from the reply, Sir, do I understand that no part of his expenses were met by Government?

The Acting Chief Secretary (Mr. Griffith-Jones): The hon. Member is, for once, correct.

QUESTION No. 78

Mr. Chokwe asked the Chief Secretary why it was necessary to put a fence round Parliament Buildings during the opening of the 12th Legislative Council.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, it has been normal practice in the past on ceremonial occasions to erect fences around Parliament Buildings. This is done in order to assist the Police in the control of the large crowds which habitually assemble there.

Mr. Chokwe: Mr. Speaker, Sir, does the Minister want to tell us that there were not sufficient Police available to do the job that was intended for the fence?

The Acting Chief Secretary (Mr. Griffith-Jones): I am certainly not drawing that inference. Mr. Speaker, Sir, if the hon. Member chooses to draw that inference he would probably be wholly wrong.

Mr. Malibengo: Mr. Speaker, Sir, can the Minister tell us whether some people were supposed to come inside and were improperly stopped from coming in?

The Speaker (Mr. Slade): I do not think that arises out of the first reply.

QUESTION No. 80

Mr. Chokwe asked the Chief Secretary if the Chief Secretary had any plans for the appointment of African Provincial Commissioners or African District Commissioners in the near future.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, I beg to reply. Government intends to start giving specialized training to four of the most senior African District Officers in July this year, with a view to their being appointed as District Commissioners designate by February, 1962. In addition, it is hoped to send eleven African District Officers to the Overseas Service "A" Course at Oxford in October this year. They will return in June, 1962, and, after a shortened term of the specialized training given to the first four African District Officers,

[The Acting Chief Secretary]

will be appointed as District Commissioners well before the end of 1962. It is also intended to give local specialized training to yet another batch of officers who should be appointed as District Commissioners in the latter half of 1962. These proposals envisage, therefore, that some 15 African District Commissioners, out of a total of 40 such posts, will have been appointed by the end of 1962.

Government has no immediate intention of appointing African Provincial Commissioners.

Dr. Kiako: Mr. Speaker, Sir, arising from that reply, assuming that the Minister names the steps taken by the Government in appointing district commissioners, will the Minister agree that the appointment of African district commissioners is long overdue?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, I hold the view that the appointments of the first African district commissioners must be and manifestly be shown to be cautious successes. I believe that it would be a great tragedy if officers were appointed to these posts before they had had the training to equip them for those posts. I should hate to feel that a promising officer had been placed in a post which he found great difficulty in filling by reason of lack of training and experience. It is our intention—as I have already expressed—to try and give these officers training and experience to fit them for these posts before we saddle them with these responsibilities.

Mr. Aringwa-Kodhek: Would the Minister say whether one of these senior officers due to take the training for the appointment of district commissioners is now in London at the Kenya Office?

The Acting Chief Secretary (Mr. Griffith-Jones): I believe that is so, Mr. Speaker.

Mr. Njiru: Would the Minister tell us what qualifications are required for an African district commissioner and for how long it will take for those who do not have academic qualifications?

The Acting Chief Secretary (Mr. Griffith-Jones): Well, Sir, I can give a short summary of the sort of training which we have envisaged. It involves, first, ten days' attachment to the Supreme Court, secondly, a week's attachment to the Central Government offices to allow them to gain further insight into the work and organization of Ministers, thirdly, a fortnight's attachment to the office of the Chief Accountant in the Office of the Chief Secretary, fourthly three months' attachment to a District Officer I in one

of the larger districts, fifthly, three months acting as District Officer I in one of the small districts, and sixthly two or three months posted as district commissioners designate in the districts where it is intended that they shall eventually take over as district commissioners on their own. This means that by February, 1962, the four officers whom I first mentioned as starting on specialized training next month should be in a post as district commissioner designate.

Mr. Mwendwa: Mr. Speaker, would the Minister tell us whether this plan concerns Africans only or Europeans also at the moment are following the same plan.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, this is part of an intensive plan to get African district commissioners in posts. In the past one of the qualifications for administrative officers has been a university degree and they have a period of training on attachment to various districts when they get here and we send them to the overseas courses at Oxford, the "A" and "B" courses. The picture which I have described in the House today is an intensive plan to introduce African district commissioners as soon as possible.

Mr. Porter: Mr. Speaker, could the Minister tell us how many officers are to take this proposed course of administration at Kabete this year?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, I rather think I have given that reply. There are four starting next month, there are 11 proceeding to the Overseas "A" Course at Oxford in October and another batch, the exact number of which I am afraid I cannot tell the hon. Member, will be given local specialized training with a view to appointment later on.

Mr. Keen: Mr. Speaker, Sir, taking into consideration the size of Kenya and the number of district commissioners that may be required, will the Minister or the Government do something better to train 100 rather than four?

The Acting Chief Secretary (Mr. Griffith-Jones): We would be somewhat embarrassed with 100 when we only have 40 posts.

Mr. Mwanjumba: Mr. Speaker, Sir, the hon. Member has just said that there are no plans now to recruit African provincial commissioners, could he give us the reason for that?

The Acting Chief Secretary (Mr. Griffith-Jones): The post of provincial commissioner is one which is not for direct recruitment but one for promotion after experience in the field in lower

QUESTION No. 66

Mr. De Souza asked the Minister for Defence what the racial composition is of Film Censor Boards for English-speaking films.

The Minister for Defence (Mr. Swann): No particular racial composition is laid down for Film Censor Boards for English-speaking films.

Mr. Mboya: Mr. Speaker, Sir, would the Minister at any rate tell us of the composition of the Film Censor Board.

The Minister for Defence (Mr. Swann): Certainly, Sir. The Board is now being reformed. It will consist of a chairman and deputy chairman, the Minister—responsible for Internal Security or public officer appointed by him, the Minister responsible for Information or public officer appointed by him, the Chief Inspector of Schools or Deputy Chief Inspector of Schools or Inspector of Schools appointed by the Chief Inspector of Schools, the Chief Inspector of children or public officer appointed by him, a panel of forty members to be appointed by the Minister in consultation with the chairman, such persons as the chairman may co-opt.

Mr. De Souza: The Minister I am afraid has not answered the question. I am not asking what the Board will be; what I want to know is what is the racial composition of the Board today.

The Minister for Defence (Mr. Swann): The previous Board has been supplanted by the new Board which we are in the process of forming. If the hon. Member wants the composition of the old Board, it was a chairman and deputy chairman, the Chief Native Commissioner or an officer appointed by him, the Minister for Defence or an officer appointed by him, the Director of Education or an education officer appointed by him, two, Sir, of a panel of ten European ladies, ten Asian ladies and two Africans. A panel for a film would consist of two members of the Board, one of whom was not a panel member of the Board before.

Mr. Mboya: Mr. Speaker, Sir, would the Minister tell the House whether we have a Board in existence now, and if so, who this Board consists of?

The Minister for Defence (Mr. Swann): I have just described that very fact, Sir.

Mr. Mathenge: Mr. Speaker, Sir, I think the question to the Minister is the racial composition of the last Board. Would the Minister tell us the racial composition?

The Minister for Defence (Mr. Swann): On the last Board, Sir, the Board—Well, Sir, I think hon. Members opposite are under some misapprehension. The officers who are appointed by the Ministers are not always the same officers, but they depend very much on the film which is being censored. It might be an African officer, a European officer, an Asian officer. The actual panel under the old scheme had as a quorum of the chairman or the deputy chairman and one member of the panel, who might be of any race, so one could not state on the actual panel which censors a film of what race the people would be, Sir.

Mr. De Souza: Mr. Speaker, Sir, is the hon. Member aware that previous censorship Boards have been far too sensitive about films showing racial problems, for example, the film called "Pinks" and "Island in the Sun"?

The Speaker (Mr. Slade): That question goes beyond the original answer.

Mr. Mboya: Mr. Speaker, Sir, would the Minister tell the House what is the quorum of the new Board.

The Minister for Defence (Mr. Swann): The panel of the new Board will be the chairman or deputy chairman and two of the panel members of forty. I think I should say here, Sir, that we do find great difficulty in getting panel members because they are not paid and to give up half a morning a week is not always very easy, and it is precisely for that reason, to get representation of all races, that we have increased the number of the panel to forty.

Mr. De Souza: Mr. Speaker, Sir, would the Minister give his assurance that in the selection of members for the new Board there will be equal representation for all races?

The Minister for Defence (Mr. Swann): There will most certainly be representation for all races.

Mr. Kirpal Singh Segoo: Would the Minister agree with me, Sir, that the recommendations of the new Board—

The Speaker (Mr. Slade): Hon. Members must not ask Ministers to agree with them. You must put your question as a question, not as a proposition.

Mr. Kirpal Singh Segoo: Is it not a fact, Mr. Speaker, that the recommendation for the new Board was made by the Film Censorship Rules Revision Committee consisting of all races?

The Minister for Defence (Mr. Swann): Yes, that is quite correct, Sir.

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alameddine): Mr. Speaker, Sir, in view of the fact that the new Censorship Board is being reconstituted, would the Minister please tell us if provision has been made so that the members of the new panel will include people who are Arabic-speaking so that they could censor Arab films?

The Minister for Defence (Mr. Swann): I will certainly bear that thought in mind.

QUESTION No. 72

Mr. Odede asked if Government has any plan for reclaiming the Yala Basin of Central Nyanza with a view to producing sugar-cane and establishing a sugar factory as a supplement to dealing with general unemployment.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, Sir, I beg to reply. An investigation of the Yala Swamp was completed in 1956 which indicated that, of its 53,000 acres, about 15,000 acres could be reclaimed for irrigation and that the soils were best suited to rice growing, while another 7,000 acres could be reclaimed for grazing. At that time the reclamation of the Yala Swamp and the construction of the proposed irrigation works was estimated to cost £1,400,000. While the report did not consider the soils to be suitable for commercial sugar-cane growing, any plans for reclaiming the Swamp would include experimentation with a wide range of crops to find those most productive and best yielding.

Mr. Aringwa-Kotheka: Arising from the reply, would the Minister inform the House what plan he has for reclaiming those parts of the Yala Swamp that may be used for rice growing?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, we have a number of plans for irrigation schemes and reclamations of the order of the Yala Swamp. As I have already indicated to the House the estimate for this is £1,400,000. I will be having discussions with a view to finding finance from international sources for development of this nature, but I do feel that we must use the finance in areas which are likely to be most productive and most able to contribute to the economic progress of the country.

Mr. Aringwa-Kotheka: Mr. Speaker, a lot of money is required for the reclamation of the Yala Swamp. Would he now be good enough to inform the House, first, when he is starting the negotiations, and secondly, why he has not tapped

the possibilities of growing cotton in this particular area and in the neighbourhood of the area.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, I intend to have my primary discussions on Thursday of this week. In regard to the question of planting cotton, I think I have already made it clear that until the Yala Swamp is drained and organized correctly no attempt at cotton growing would be successful.

Mr. Jamal: Rising out of the reply of the Minister earlier, would the Minister please state how far the negotiations for the raising of sugar-cane have progressed?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, Sir, that is another question.

Air Commodore Howard-Williams: Mr. Speaker, Sir, would the Minister consider with his experiments the use of piped water control?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, I have already considered this matter and I regret to inform the hon. Member that in the beneficiary use of water his ideas on this subject are very much out of date.

Mr. Odede: Mr. Speaker, Sir, arising from the Minister's first answer, does the Minister imply that sugar-cane grow in the Swamp?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, Sir, I did not. I only implied that a preliminary investigation indicated that sugar-cane might not do well in this area. Before we could definitely ascertain we would have to carry out experiments to be sure.

Mr. Mboya: Mr. Speaker, Sir, in view of the fact that this House some time ago agreed that the Government should look into the question of piped water schemes, does he still think that this is an out-of-date idea?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, of course the piping of water supplies is excellent for certain purposes but if I read pipes correctly the mind of the hon. Member opposite he might be wished to use piped water supplies for the benefit of overhead irrigation. The information which I have, which has recently been confirmed by experts from overseas, is that the pipe dispersing of water in the form of overhead irrigation is not the most efficient method of doing it.

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

transitory thing and one has to pick an immense amount of research into a very short period.

Mr. McKenzie: Is the Minister aware that you can take army worm that have got the virus and keep them, and thus keep the virus going as long as they are incubated away from oxygen?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Yes, Sir.

Mr. Porter: Can the Minister give an assurance to the House, in view of the immense amount of hardship suffered by the people of pastoral areas who have been affected by the worms, that he will take effective steps to ensure that the people of these areas are instructed in the methods of making dry-season fodder such as silage and hay?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): This is the policy of Government. That is part of the agricultural programme, Sir.

Mr. Sarney: Does the Minister wish to say, Sir, that this army worm invasion has passed or is still continuing?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I think, Sir, I made it clear in my original answer that the invasion is now largely over.

Mr. McKenzie: Mr. Speaker, would the Minister agree that the virus is the thing that has helped us most in this outbreak, more so than the insecticides, etc.? If he agrees with that, would he please tell the House what he is doing in attempting to keep this virus available for other years?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, I do not think that I could give the House an analysis of whether the virus has been most effective or trying. The crux of the matter is unless there are the right conditions of rainfall and humidity the virus itself is of no benefit whatsoever.

Mr. McKenzie: Question.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): The hon. Member may say "Question," but what is he questioning?

Mr. McKenzie: Mr. Speaker, it is obvious that it is his answer to my questions that I am questioning and he still has not answered my ques-

tion. The question I put to him is, if this virus has been successful—and I think he must admit it has been successful—is his Ministry attempting to keep that virus bottled up so that another year we can release it out of the bottle?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, the point I wanted to make was that I did not wish to mislead the House. The virus can be successful but it can only be successful in certain conditions. Whether the virus therefore is bottled and carried forward is immaterial; unless the conditions for the growth of the virus exist, the virus is not as effective as spraying.

Mr. Mboya: Mr. Speaker, Sir, is the Minister suggesting that these conditions will not exist in the future and, if not, why not keep the virus if the conditions may exist.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, I am unable to analyse what the weather conditions may be in a year's time.

QUESTION NO. 41

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, the hon. Member concerned with this Question is not yet here.

The Speaker (Mr. Slade): We shall put this Question to the end of the list and possibly in absence of the Minister some other Minister may answer.

QUESTION NO. 46

Mr. Muli asked the Chief Secretary if the Government is aware of the concern of the public over the curtailing of the facilities of Jeanes School and Maseno.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, I beg to reply. The Government is aware of and has every sympathy with the public concern over the reduction in facilities at the Jeanes School, Kabete, and Maseno, but hon. Members will appreciate that the decision to reduce those services arises from the need to reduce Government expenditure generally in the coming year.

Mr. Mboya: Mr. Speaker, Sir, is the Government satisfied that this is the one service they would like to have cut? Are there any other services which hon. members could have been offered to keep the Jeanes Schools going?

The Acting Chief Secretary (Mr. Griffith-Jones): Sir, the task of deciding on competing priorities is an extremely difficult task. The saving in this case will be approximately £40,000 a year and I should perhaps point out that community development courses will continue in 1961 at the Community Development Training Centre at Jeanes School, Kabete, and that courses will be continued at Maseno but at a reduced level. The Government, as I said in my original answer, does not like having to make this cut but with the best will in the world, faced with the economic position with which it was faced, it had to decide on priorities and although most reluctantly it came to the conclusion that this cut should be made.

Mr. Porter: Mr. Speaker, would not the Minister agree that it is an excessively heavy cut in these adult education services as provided by Jeanes School? I think it does amount to about 55 per cent of the whole services and exactly 100 per cent at Jeanes School, Kabete.

The Acting Chief Secretary (Mr. Griffith-Jones): Sir, the Government is well aware of the severity of this cut and indeed of the high reputation of the Jeanes School, Kabete, as the original home of adult education in Kenya. But hon. Members will appreciate that over the past few years some of the work previously done at Kabete has in fact developed into district farm institutes, homecraft training centres, the Better Living Institute at Kiuli and such like.

Mr. McKenzie: Mr. Speaker, would the Minister let the House know, if, in bearing in mind the many millions of pounds which this Government tell us they have obtained from the United Kingdom, they would be prepared to reconsider Jeanes School?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, one must, of course, draw a distinction between capital monies and recurrent monies but I can give the hon. Member an assurance that the Government will not be in the least reluctant to reconsider these cuts if at any time it is in a financial position to do so.

Mr. Nyagah: Mr. Speaker, arising out of the Minister's reply, do I understand the community development courses will continue and if so, will music and drama be part of that community development?

The Acting Chief Secretary (Mr. Griffith-Jones): Certain community development courses are continuing, as I have already said. Whether music and drama are in them, I regret I am not sufficiently informed to tell the hon. Member.

Mr. Porter: Mr. Speaker, would the Minister agree to investigate the matter further with the Treasury in view of the fact that, as we understand it now, the Jeanes School buildings formerly used for the main adult education courses will stand unused for probably the rest of this year?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, I do not think that assumption is a correct one, Jeanes School, Kabete, is to become the main centre of training in connexion with the Government localization plans and the first administrative course is starting there next month. I think hon. Members will realize that these courses in connexion with localization have a considerable and indeed an overriding priority.

Mr. Shah: Mr. Speaker, Sir, would the Minister agree with me that instead of curtailing the facilities at Jeanes School and at Maseno it would have been better to cut the salaries of Ministers, especially the unofficial Ministers?

The Acting Chief Secretary (Mr. Griffith-Jones): No, Sir.

An hon. Member: Mr. Speaker, Sir, arising out of the Minister's answer, would the Minister not agree with me that localization is work of a very temporary type and that the Government should keep its social work of community development going, including that of music and drama.

The Speaker (Mr. Slade): These questions making the Minister to agree with you are rather too much like a debate. I think questions should be more in the nature of seeking information and not by way of propositions suggesting the answer. The Minister may answer that if he wishes.

The Acting Chief Secretary (Mr. Griffith-Jones): Sir, I think I can only answer by saying that in so far as there are so many Votes there are probably so many opinions as to which should be cut. However, what this House must realize is that if some economies are to be restored in some Votes then other Votes have got to suffer. We can only cut our coat according to the cloth and they must realize that there are the alternatives of cutting education, of cutting health services, of cutting agricultural development. These are real issues which the Government has to face when it comes to, if I may use a colloquialism, "dividing the Kitty".

Mr. Porter: Mr. Speaker, I do think the answers are not entirely satisfactory. I would like to say that I should like to introduce a Motion.

[Mr. De Souza]

takes more interest in the formulation of the preparing of the Bill which will suit all races in this country rather than the amendment of all Bills that do not suit.

The Speaker (Mr. Slade): I am afraid that what you are saying, Mr. De Souza, is beyond the scope of this debate. I should like to explain to hon. Members that in a debate on an amending Bill it is not in order to discuss the basic merits of the principal Ordinance. All that can be discussed on this occasion is whether so long as the principal Ordinance remains law these particular amendments are desirable.

Mr. De Souza: I am much obliged to you, Mr. Speaker, for the ruling. I think I have made my point. I wanted to state a little further, but I do not know whether it would be within the terms of this Ordinance, to the Minister that in 1954/55 a committee was appointed to look into the question of old age pensions and memoranda were submitted. I believe the committee issued its report in 1956 and nothing has been done about it.

The Speaker (Mr. Slade): You can raise that on another occasion.

The Minister for Finance and Development (Mr. MacKenzie). Mr. Speaker, Sir, the hon. National Member, Mr. De Souza, raised the point whether since the Government has informed the House that it has under active consideration the introduction of non-racial Widows' and Orphans' Pensions legislation we are not wasting our own time and everybody else's in bringing these Ordinances up to date. I think the answer there, Sir, is that, as I explained, the drafting and the negotiations for a comprehensive Ordinance do take—they inevitably take—a long time. In the meantime, there are features in the existing Ordinances affecting serving officers which require in the interests of those officers to be brought up to date and to be adjusted as otherwise the dependents of those officers, if they were to die, would suffer. I think that the hon. Member who spoke will probably agree with me that it would be quite wrong if the Government were not to seek to rectify existing anomalies merely because we are hoping to get something more perfect in the future. We must not allow the best to be the enemy of the good and that, Sir, is the reason why we do come along with these Ordinances from time to time.

I took notes of the other points that the hon. Member made and I can assure him that there is no desire on the part of this Government to delay. In fact, we have been, I think we can fairly claim,

in the van in pressing this question through and we shall, I am sure, continue to be so.

Sir, 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.

ADJOURNMENT

The Speaker (Mr. Slade): Well, that concludes the business on the Order Paper. Council is now adjourned until Tuesday, 13th June, at 2.30 p.m.

The House rose at sixteen minutes past Eleven o'clock.

Tuesday, 13th June, 1961

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

[Mr. Speaker (Mr. Slade) in the Chair]

PRAYERS

ADMINISTRATION OF OATH

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

Henry Ritchie Bridger.

COMMUNICATION FROM THE CHAIR

BIRTHDAY HONOURS CONGRATULATIONS

The Speaker (Mr. Slade): I am sure that all hon. Members would like to join me in congratulating our two friends and colleagues, Mr. Aluna Amalamba and Mr. Kirpal Singh Sagoo, on the honours which they have received from Her Majesty the Queen and which they have both fully deserved.

PAPER LAID

The following Paper was laid on the Table:—
The Cinematograph Films (Censorship) Rules, 1961.

(By the Minister for Defence (Mr. Swann))

NOTICE OF MOTION

REVOCATION OF MAKHAN SINGH'S RESTRICTION ORDER

Mr. Chaman Singh: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council is of the opinion that the restriction order made against Mr. Makhani Singh should be revoked.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 26

Mr. Porter asked the Minister for Agriculture, Animal Husbandry and Water Resources what the Minister states what he considers to be the value of the loss suffered by the country through the recent invasion of army worm; and whether he considers this invasion severe enough to justify remedial and/or relief measures on a national rather than on a district scale?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, I beg to reply. Major losses have occurred in Nyanza, Rift Valley and Southern Provinces which, because of the prompt remedial

measures in fact taken on a national basis by farmers and by Government, have been more severe in grazing than in crops. Relatively little damage has occurred in Central and Coast Provinces. The situation has been aggravated by poor rains in many areas and it is not possible to estimate the value of the damage that can be attributed to either or both of these causes since the effects will be felt for some months to come, particularly in the pastoral areas. The invasion is now nearing its end, but I can assure the hon. Member that Government will deal with any famine which may develop later in the year from these causes on a national scale and, if necessary, on an international scale, just as it has been doing since the beginning of the present year with the help of the United States Government, Her Majesty's Government, the Army, the Royal Air Force and the many other agencies which have rendered our famine relief efforts so effective and so cheap.

Dr. Kioko: Do we understand from the Minister that he does not really know the extent of the loss caused by these insects?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, Sir, that was the substance of my answer. It is impossible to estimate the losses yet because the army worm attacks crops in their young stages and those crops which have been attacked but replanted may well come on.

Mr. Porter: Is the Minister able to state whether there are now available effective preventative measures to check similar invasions in the future?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, Sir, there are insecticides which can be used against the worm and there has developed in this second invasion a virus which we have managed to nourish and which has attacked the army worm in its earlier stages.

Mr. McKenzie: Has the Minister been able to bottle the virus so that if we have another outbreak he will be able to release the virus?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I do not think we have been able to do that.

Mr. Porter: Is the Minister able to tell us whether effective research work is being done on this virus or on other methods of control such as poisons?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, Sir, one of the difficulties is when the invasion starts the virus goes with it. It is a very

[Mr. Butter] scheme is a scheme and not a fund. The Government makes no direct contribution to the scheme but in working out the benefits it is assumed that the money in the scheme has earned interest at 6 per cent.

Several references were made to the position of the staff in Tanganyika. As I said when introducing this Bill, these points will be looked into. It has been suggested that it would be wrong to make it compulsory for High Commission staff in Tanganyika to join the Kenya scheme. I think, Sir, the reply to that is that if a particular group of officers is to be permitted, if any of them are to be permitted to become members and participants in the fund, then it is desirable that the whole group should be compelled to join, otherwise there would be a tendency for bachelors and those officers who did not consider it necessary for them to make provision for pensions for their wives to refuse to contribute to the scheme and only those officers with very large families and many dependents to do so, and that would be unfair and it would in no small way, in any case, upset the actuarial return on the fund.

[The Deputy Speaker (Mr. Nvagh) left the Chair]

[The Speaker (Mr. Slade) resumed the Chair]

But I will look into that point and into the point raised by the hon. Member for Nairobi Central.

The hon. Member for Nairobi South also asked what the position of the Kenya Government was in this matter and whether the Kenya Government had initiated the proposal that High Commission officers in Tanganyika should be compelled to join the Kenya scheme. The answer to that is that the Kenya Government did not initiate the proposal, but agreed to it in this regard. The first time it was brought to my notice that this was not in accordance with the desires of the staff concerned was this morning when I received a copy of the appeal from the general secretary of the union in Tanganyika.

I hope, Sir, I have covered the majority of points raised by hon. Members except for one raised by the hon. National Member, Mr. De Souza, who referred to the need for some form of social insurance generally for old age not only for Government servants but also for the community as a whole. As I expect he knows, this matter is under consideration but I cannot encourage him to hope that we shall be able to

afford to institute such a scheme in the very near future.

Mr. 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 Asiatic Widows' and Orphans' Pension (Amendment) Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I do not think it is necessary for me to say very much about this Bill. The statement of Objects and Reasons is quite clear as to its intentions which are very briefly to ensure that a child who is physically or mentally infirm or who has ceased to be of a pensionable age may continue to rank as a beneficiary under the Ordinance, that an adopted child for the purpose of the Ordinance should mean a child adopted in accordance with the law of the place where the adoption took place and that the child of a contributor who is adopted after the death of the father and to whom a pension is being paid may continue to receive the pension, that is, who has been adopted by somebody else.

Sir, those are the purposes of the Ordinance and they are very simple ones. There is perhaps only one other point to which I should make reference and that is the somewhat unusual title of this particular Ordinance, the Asiatic Widows' and Orphans' Pension Ordinance. We have often from time to time been asked why we retain this particular title which is not in general use and it is sometimes wondered why we have it, particularly when there is also the Asian Officers' Family Pensions Ordinance. This is one of those cases to which my hon. friend, the Permanent Secretary, referred speaking to the last Motion. It is a case of a relic in which certain people have vested rights which they have to be allowed to keep and it is a dying scheme. It is and has been found convenient to retain the old title in order that there should be no particular confusion between it and the other scheme.

I should, of course, add that as my hon. friend, the Permanent Secretary, said it is the Government's hope to get rid of all these different schemes and to bind them up into one comprehensive non-racial one as soon as it is practical to do so, I think hon. Members will recognize that the devising of schemes of this kind, particularly on a non-racial basis and particularly given a certain amount of paucity of information on the actuarial side, is not an easy task

[The Minister for Finance and Development] and it is not one that can be dealt with in a month or two. It is a matter of years and indeed we have been working on this for the past four or five years. Now we are getting to the stage where we are reaching a decision, and of course, it is also a thing where we have to have consultations with the other territories concerned as well. I can assure hon. Members, takes time. However, we hope that very soon we shall be reaching that stage and then these Ordinances will go. We shall at any rate for the future not have several Ordinances although as this particular one shows, it is almost certainly a fact that certain people seem to believe that it is in their interests to stay under an older scheme; and I have no doubt that some will still feel it necessary to do so.

Sir, I beg to move.

The Parliamentary Secretary to the Chief Secretary (Mr. Amalamba) 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 Widows and Orphans Pension (Amendment) Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, here again we have a Bill which is intended to tidy up one or two points in the existing law. It is admirably explained in the Memorandum of Objects and Reasons but for the record I should probably mention one or two of the main points in it.

What, Sir, this Bill purports to do is to amend the existing Widows' and Orphans' Pension Ordinance first of all to allow orphans who have ceased to be of a pensionable age but who are incapable of supporting themselves owing to physical or mental infirmity to continue to come in for benefits under the Ordinance. Hon. Members will recognize that that is a principle which we have attempted to bring into all our Widows' and Orphans' Pensions legislation.

Secondly, Sir, it is designed to enable officers who are contributing to an approved scheme, and that is an approved scheme originating in some other territory, to be exempted from the obligation to contribute to our Widows' and Orphans' Pension scheme although they may not have been transferred to the service of this Government from the public service to whose scheme they contribute. That is to cover certain of the

cases where a man has been subject to several transfers and has remained a contributor to his original scheme.

Thirdly, Sir, it is proposed to allow contributors to opt to limit their contribution to between £50 a year and their own rate of contribution; that is, the rate of contribution they would pay in proportion to their salary. In certain conditions it is proposed that they should be able to revoke their options.

Next, Sir, the Bill, as hon. Members will see, provides that former contributors to the Cyprus Widows' and Orphans' Pension funds who were refunded their contributions to that fund under the provisions of the Cyprus Compensation Scheme are to be allowed to purchase in respect of their Cyprus service benefits under the Widows' and Orphans' Pension scheme on transfer to Kenya by the amount of a lump sum representing their interest in the Cyprus fund.

Sir, there is a provision to repeal section 27 of the Ordinance which has now become redundant and finally there is provision to ensure that there will be actuarial investigation of the scheme at intervals of not more than ten years.

As I say, Sir, the purpose of this is to tidy up the legislation. In so far as they are applicable, there have been similar proposals affecting the other Widows' and Orphans' Pension Ordinances and I beg to move.

The Parliamentary Secretary to the Chief Secretary (Mr. Amalamba) seconded.

Question proposed.

Mr. De Souza: Mr. Speaker, Sir, I want to make one or two points in connection with this Bill which are more of a general application rather than on this Bill in particular and I do so because I believe it is necessary to stress and stress over and over again these particular problems.

The first is that the Widows' and Orphans' Pension (Amendment) Bill applies only to Europeans in this country and although there is a non-racial title to a Bill of this nature it seems again very unnecessary that the Government should go to all the extent and trouble of amending these Bills without bringing before us immediately a non-racial Bill. I say this because I have been told by my hon. friend, the Member for Nairobi South, that for the last 20 years the Government has been promising to bring in a Bill which would provide for all races together. Even though I fully accept the promise by the hon. Minister that a Bill will come forward next year or very shortly, I have been transferred to the service of this Government from the public service to whose scheme I would like to stress and stress over and over again the fact that it is time that the Government

[Mr. De Souza]

to go along with these relics of the past, as has been stated so often and so ably. In the past, of course, we had three different categories of civil servants and Civil Servants—the Europeans, the Asiatics and the Africans. There was always the question of preferential treatment for the three types of services. In this particular case, it has been shown that the Europeans' fund got 8 per cent and the Asian fund 34 per cent, and I do not think and I am not aware of any fund existing for the Africans at all. I do not see why now, in this particular year, after so many years of agitation, the Government could not have yet provided a widows' and orphans' fund or pension scheme which is applicable to civil servants of all races on one basis. I know the hon. Minister will try to contend that the advantages of this scheme, the benefits of such a scheme, are more or less identical for the two races. I want to ask him, if that is so, why do we not now at any rate try and produce a new scheme which will amalgamate all existing schemes and produce one single widows' and orphans' scheme or pension scheme for all the three races, so that there is no touch or vestige of racialism in the Civil Service, either direct or indirect, even obviously or otherwise.

Sir, the second point is the question of the civil servants of Tanganyika, of the High Commission, who have been recruited and settled in Tanganyika. They are, of course, very much against the idea of joining in Kenya's scheme, and as the hon. Member for the Coast has said, there is no reason why they should be forced to join the scheme against their will. They have, apparently, been agitating against the scheme for a number of years, about ten years, they say. I had the pleasure of meeting the secretary quite recently, and they seemed extremely vociferous against this scheme. They cannot see why a person, who is a resident of Tanganyika, and who has, possibly, never been in Kenya at all, should be compelled to join a scheme that is, primarily, a Kenya scheme. When Federation does come, I agree there will be a scheme that is applicable for all three races.

Now, the main ground on which the secretary assured me that he objected to the scheme was that it was not based on an actuarial basis, it was not a fair scheme, and I think, after examining his contentions quite carefully, there was quite a deal of substance in what he said. I could probably demonstrate in a few non-mathematical sentences what I mean. They pay 4½ per cent, and a civil servant pays 4½ per cent of his salary. That means if he is engaged at the age of 25 till he is 55 he pays 4½ per cent of his salary

every month on this scheme, for 30 years. If his average earnings are about £45, he pays the equivalent, I think, of about £5, 10s, a little less, Sh. 40 per month. Now, the only time that he or members of his family would be entitled to seek any benefit would be (a) if his wife survives him. In other words, if his wife dies before him then, of course, she does not get anything at all. If his wife dies about the time he dies, or dies a year or two later, she would get only two years' pension, but that is after he has retired from pensions. In other words, if he dies before he reaches the age of 55 or retires, she gets nothing at all.

Now, on the other hand, if his children have attained the age of 21 years when he has retired, that is at 55, none of them get anything at all. If one considers that proposition, among Indians, marriage at an early age is more the rule than the exception. An average Indian gets married at the age of 20-25, and by the time he has reached the age of 55, possibly hardly any children at all have not yet reached the age of 21. If there are they are probably left with one, two or three years before they reach the age of 21. His contention was that in such circumstances the benefits of this scheme, in relation to the contributions that are made, are absolutely disproportionate. After he has paid 4½ per cent of his salary for 30 years, or 20 years, whatever it may be, the amount of benefits that actually accrue to the wife and children are, in such circumstances, quite insignificant.

I, of course, am not an insurance expert; I do not know the accuracy of these statements, but I think on a prima facie basis there is some substance in them, and I would like the Minister to give us full facts and figures to assure us that the persons who do contribute these sums do, in fact, get an equitable proportion, an equitable share of money for their sacrifice of not using their income, particularly in the earlier stages of civil service, when you are comparatively poor and you have just got married. Four and a half per cent of your salary is quite a large amount, and I think there must be adequate compensation

Sir, there is one other point that I would like to make, and that is that I believe we do want to have social insurance schemes for the whole country. We have got to play ahead to make sure that we have a welfare state in this country on a non-racial basis; we do want to make sure that we not only have social insurance in the shape of Asiatic or even officers' family pension funds, but we do want unemployment insurance, we want old-age pensions for all persons, we want health insurances and everything else, I

[Mr. De Souza]

would like, when the Government plans an insurance scheme for the civil service, then to have in mind a broader perspective so that they can draw this scheme into a larger scheme, which will definitely have to be introduced in this country, particularly for the urban worker. We know among the African workers, for example, there are large numbers of persons who come to town and have to cut themselves adrift from their villages. We want to have one scheme which will embrace all workers and all people, so that in their old age the Government of this country is responsible to make sure that they are fully provided for.

I do ask the Minister to keep the larger policy in mind, which I am sure will be the policy of the country in a few years at any rate, to bring it into operation.

Mr. Shah: Mr. Deputy Speaker, Sir, I would only like to know from the Minister if this Bill as passed in its amended form, will the Kenya Government have a legal authority to compel employees who are not employees of the Kenya Government to make contributions to this fund? I am not quite clear about it, so I would like to know.

Besides this, I would say, generally, I agree with the remarks made by my hon. friend, Mr. De Souza, that times have changed and we should move with the times in all our measures. We should not try to carry on the past legacies which were based on quite a different system, and that system was based on this alliance. Since we are removing racial barriers from the civil service, it is better that our pension schemes also should be non-racial ones.

Mr. Butcher: Mr. Deputy Speaker, I am grateful to the hon. Members opposite and on this side who have shown such an interest in this piece of legislation. The main point which I think was made by all four Members who spoke was that it was time that we get away from racial schemes and produced a non-racial widows' and orphans' and produced a non-racial widows' and orphans' pension scheme. I agree with them in that, but I think they must recognize that when a non-racial scheme is produced we can require all officers entering the service after the date on which that scheme is introduced to become members of the non-racial scheme, but we can only give options to officers who are already members of another fund or scheme to transfer to the new scheme. I do not think that it would be right to remove from officers who are already members or contributors to a scheme or fund the right to the benefits that are provided for in the legislation which established those schemes or funds. I understand that at the moment a model Ordinance for a non-racial

scheme is being prepared by the Secretary of State and hope to receive this in the very near future. Progress on those lines is being made.

A second criticism made by the hon. Member for Nairobi South and by the hon. National Member, Mr. De Souza, was that the benefits under this Asian scheme were not actually correct. Well, one of the provisions of the law which we are now including in this amending Bill is the provision requiring an actuarial survey to be carried out every ten years at the most. In fact, we are now required to have an actuarial survey every ten years. The principal Ordinance stated that actuarial surveys should be carried out after periods of not less than five years which should enable the Government to go on almost indefinitely without any actuarial survey. I can assure the hon. Members who have raised this point that it is our intention to have an actuarial survey as soon as the implications of the Fleming Report revision on salaries have been taken into account, and I hope that an actuarial survey will shortly be carried out.

I was somewhat astonished by some of the remarks of the hon. National Member, Mr. De Souza, who said that no pension was payable to a contributor to this fund if he died before the age of 55. I am happy to assure him that this is entirely incorrect. His widow would get the appropriate payment under the scheme if the officer was unfortunate enough to pass away on his wedding night. The hon. Member is quite wrong in suggesting that no benefits are payable to a widow if a husband dies before reaching the age of 55.

I can also assure him that the present benefits are based on a former actuarial investigation and that if the actuarial investigation that will be carried out before long shows that the benefits can be increased they will be increased.

The hon. Member for Nairobi South said that the benefits under this scheme were not comparable with those under the European schemes. I think he will find that there is not really very much difference although the two schemes are entirely separate. The hon. National Member, Mr. De Souza, implied that the Government contributed 8 per cent to the Asian scheme. That is not only 2½ per cent less than the European scheme, but a fund the officer contributes 4½ per cent and can increase his benefits if he chooses by raising his contribution to up to 6½ per cent. The Government puts in 2½ per cent and the money in the fund earns an appropriate rate of interest and is invested under the provisions of the Ordinance by the appropriate board. The European

BILLS

FIRST READING

The Interpretation and General Provisions (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

SECOND READINGS

The Asian Officers' Family Pensions (Amendment) Bill

Mr. Büffer: Mr. Speaker, Sir, I beg to move the Asian Officers' Family Pensions (Amendment) Bill be now read a Second Time.

The Bill makes a number of comparatively minor amendments to the principal Ordinance, and these are fully explained in the Memorandum of Objects and Reasons. The main purpose of clause 2 is to cover the position of officers employed in the High Commission, with the exception of officers employed by the East African Railways and Harbours Administration, for whom there is a separate scheme. The clause 2 will require Asian officers who are not covered by the Railway scheme, but are employed by other departments of the High Commission, to become contributors and members of this scheme. Clause 2 also makes it clear that salary includes inducement pay. This has been assumed in the past on an administrative basis and now we are making what has been the administrative practice legal.

Clause 3 requires the adoption of children or the death of an adopted child to be reported to the authorities.

Clause 4 requires an actuarial survey to be carried out at intervals of not more than ten years. Clause 4 changes the word contributor to member, so that it is possible for an officer to continue to be a member of the fund after he ceases to be a contributor to it.

Clause 6 enables a member to restrict his contribution to not more than £60 per annum on the lines of the regulations for the European Widows' and Orphans' Scheme.

The main purpose of clause 9 is to permit the children of a member whose parents have died to be adopted without losing benefits under the fund.

The other amendments are minor and in general consequential on those to which I have referred.

I have, Mr. Speaker, this morning had handed to me a letter which has been addressed by the general secretary of the East African Customs

Asian Union, Tanganyika, to all hon. Members of Legislative Council. The letter is headed "Urgent appeal" and it protests against the provision in this Bill to which I referred at the beginning of my speech, namely, the provision providing for Asian officers employed by the High Commission to be compulsorily members of the Kenya fund. I have not had time to go into the points raised in this appeal in detail, but it is a general principle that if a widows' and orphans' pension fund of this nature is to be established on a sound actuarial basis, then it must be compulsory for the group of staff to which it relates, and my preliminary reaction to this appeal is that it is to the benefit of, and in the interests of, those who have made it to be required to take part in this scheme. However, before the Committee stage is taken I will go into this matter further and if there are any points raised by hon. Members opposite which I cannot answer today I will certainly answer them at the Committee stage.

Mr. Speaker, Sir, I beg to move.

Mr. Pandya seconded.

Question proposed.

Mr. Chanan Singh: Mr. Speaker, Sir, I wish to raise two points on this Bill: one concerns representations to which the hon. Member has made reference. It appears that the officers concerned have decided to ask to be allowed to withdraw from this particular fund. Before the present amendment is adopted, I think this deserves consideration. Now, Sir, we have been told that since the fund is based on sound actuarial practice, there is reason to make it compulsory. Our contention over the past 20 years or so has been that this fund is not based on sound actuarial practice. We, on this side of the House, and the various staff associations have challenged the Government on this proposition over and over again. We felt that it was wrong. We complained and were given a subsidy of 24 per cent, but my contention is it does not place the Asian officers on a footing of equality with their European colleagues. Twenty years ago, the Secretary of State said that the officers of the two races should be placed on conditions of equality. We have been told over and over again that the intentions of the Government was to introduce a non-racial scheme but for some reason the Government have delayed the introduction of such a scheme.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. Nyagah) took the Chair]

Now, I see there is a paragraph in the Establishment Circular No. 18 on the introduction of a

[Mr. Chanan Singh]
non-racial scheme. I wish to ask the Government what their intentions are. How long is this non-racial scheme going to take? It is likely that it will be introduced next year? I personally think, Sir, that this is a matter which ought to be dealt with expeditiously. There is no reason why it should have taken 20 years to bring it about. But even now there should be no delay because all that needs doing is that the same rate of interest should be allowed to the Asian officers as is allowed to European officers. The rate of interest allowed to European officers on their fund is believed to be 8 per cent; the rate of interest allowed to Asian officers on their fund is 3½ per cent. In addition, the Asians are allowed an extra 2½ per cent as subsidy, which I contend does not give equality with the European officers.

With regard to representations from Tanganyika, I want to ask the Minister what the position of the Kenya Government is. Is the Kenya Government merely a trustee, an account department for the collection? Or is it the Kenya Government that is compelling the High Commission to make deductions from these officers? It is possible that the High Commission, on its own initiative, is making these deductions and handing them over to the Kenya Government for accounting purposes, because it has no scheme of its own at the present moment, and the Kenya Government is allowing its officers to become members of the Kenya fund. Suppose the High Commission decided tomorrow not to make these deductions. Does this Bill which we are now considering compel the High Commission to make deductions?

In short, what I want to ask is, it is entirely up to the High Commission to decide whether to make deductions in respect of contributions to this fund or not? If there is room for reconsideration, I think this particular aspect of the law should be given further consideration, especially in view of the fact that the request from the staff is unanimous.

Now, Sir, I must make my own position clear: as a person who has for many years been interested in trade union matters, I do believe there ought to be widows' and orphans' funds also for those widows' and orphans' funds should be non-racial in character, and in fact our biggest criticism of this fund has been that it is not non-racial. It allows favourable treatment to be given to one race instead of treating all races on a footing of equality. Otherwise, if a fund has sound actuarial basis, then I believe it should, in the interests of the staff themselves, be made compulsory. It should be made compulsory.

but as I say there is grave doubt about the basis of this fund; and so far the Government has done nothing whatever to remove this doubt in the last 20 years.

There is one other matter, Sir, not arising strictly on this Bill, but since I am on my feet I may mention it. When the non-racial scheme does come, will it give relief to those people who have been unfavourably treated under the existing law?

Mr. Pandya: Mr. Deputy Speaker, Sir, I should have thought that while the Government was making some amendments, and introducing common provisions on similar lines, with the other Bill—the Widows' and Orphans' Pension Bill—it would have taken the opportunity to put this matter on a non-racial basis. I do agree with some of the observations that have been expressed by my hon. and learned friend opposite on some aspects of this Bill. It does seem strange that, after as long a time as 12 years, this Bill seeks to legalize a practice that has been carried on for such a long time. I suppose that the Permanent Secretary, when he replies, will give some reason as to why it has taken so long to legalize a practice which has practically been or continually followed.

Now, Sir, he has referred to the correspondence of the East African Asian Customs Union, Dar es Salaam. Indeed, this correspondence has been carried on with the Secretary of State for the Colonies and with the Administrator of the High Commission. Since he has promised to look into this matter, I do not wish to discuss the salient features of that memorandum at this stage, but, Sir, I cannot understand why those officers who are recruited in Tanganyika since 1st January, 1949, should be forced into this scheme against their will. It seems very clear that they are not interested in this scheme which is territorial, the main initiative being taken by Kenya. It is supposed to be for the benefit of those officers from Kenya, and the Tanganyika officers are not really happy about being forced into accepting the so-called advantages of this scheme. This scheme should be made optional. If another scheme is introduced which is to the benefit of people of all races, it should be a non-racial scheme and put on such a basis. I hope, Sir, the Permanent Secretary will look into this matter and let us have his considered views at the Committee stage, when we discuss this Bill in greater detail.

Mr. De Souza: Mr. Deputy Speaker, Sir, I want to add a few words to what my hon. friend, Mr. Chanan Singh, has said in this regard. I think it is very unfair, very unnecessary, at this time in the year 1961, that we still have

[The Minister for Finance and Development] wide powers of remission which are freely exercised where people genuinely cannot pay. As a matter of interest, Sir, I have some information here about the tax this year. Personal tax is due on 1st January of each year and is payable by 30th April. A 50 per cent penalty applies normally for collection on 15th June. In this year, Sir, it is proposed to put back the penalty in about half the districts in the country from 15th June to various dates ranging from 15th August at the earliest to 15th December. For instance, the penalty date will only come into effect on 15th August in Taita, on 1st October for Tugen, Baringo District and East Suk. On 1st October for Elgeyo, on 1st October for Samburu and Turkana, on 15th August for West Suk, 15th October for Akamba, both Machakos and Kitui, 15th August for Masai and Narok District and 15th December for the Kajiado District excluding Ngao. 15th August for Masai, Ngao section, 1st September for Turkana, 1st August for all tribes in the Northern Frontier District administered by the District Commissioner, Marsabit, and 15th October for the Ndere and Teri locations of Kiambu District.

Sir, that shows that this tax is not administered in any harsh measure. I should also make it quite clear that there is provision for the special treatment of certain classes of persons. For instance there is provision for remission for the poor and old by administrative officers and also by the same administrative officers remission is made for the poor and the genuinely workless. Also, as I have shown already, there is provision for postponement of the penalty date or remission for those who are hit by catastrophe such as famine or army worm.

Nonetheless, in spite of all this, I personally would like to see this tax go. I hope it will prove possible in some future year. I would, however, point out that the only source from which it is possible to make good the loss from foregoing this type of revenue will be a further increase in indirect taxation and since this to be effective must be widely spread, the net difference to the average householder is unlikely to be very great. One thing, Sir, that would make it possible to get rid of the bottom level of personal tax would be a rapid increase in the national income and the revenue. If, for example, there had been no drop in confidence in the past year, it might have been possible even now at this stage to take that step. I have already given reasons to show to what that lack of confidence is due. People outside our borders, particularly Her Majesty's Government, have done everything to preserve us

from the results, but, Sir, I have said often enough, and I say it again now, that we should not get the idea that the rest of the world owes the people of Kenya a living. Nor can we excuse ourselves by saying that we feel frustrated and that we shall behave much better when our frustrations are removed. If people in responsible positions are making irresponsible statements, our benefactors will eventually get tired of me and in that case, Sir, the only future for Kenya will be that of a large tropical slum. In that case the retention of the bottom level of tax will be unavoidable. If, on the other hand, wild and extravagant statements cease and violence is eradicated, we can still hope for prosperity and with it the possibility of foregoing this type of revenue. Sir, I hope that one statement we did hear may be the first step in that direction.

Before finishing there are two points that were raised by hon. Members that I probably should deal with very briefly. The hon. National Member, my namesake, asked a lot of questions. I will try to answer one or two of the more important ones. The first is the licensing of cinematograph shows and the licensing of shops in rural areas: these are intended as control measures, not as revenue measures. It is quite right, I think, that a certain amount of control must be exercised over both public entertainment and over shops engaged in public trading on farms and the mention of the licenses is to cover these costs and that is why the fees are relatively small and the revenue is relatively small.

Sir, he made a number of points regarding what he thought were inconsistencies in the Economic Survey. I can only say that I have had the points checked by the Statistical Department who confirm that the figures given in the Survey are correct.

He asked points about interest: one was the £5,250 from East African Airways. The answer there, Sir, is that this is 34 per cent interest on a loan of £150,000 which was made to the Airways Corporation and is repayable in 1975. The £5 from Posts and Telecommunications Administration is the token interest on the assets that were handed over in that Administration when it was started and a moratorium was imposed in 1951 and of course obviously if it were not for this moratorium the only way the Posts and Telecommunications Administration could pay its interest on this loan, and even more redeem it, would be by increasing the Post Office charges.

The hon. Member asked about the composition of the Land Bank. I will let him have the information he wants about the Land Bank. I would merely at this stage point out that the Board is

[The Minister for Finance and Development] one of the strongest that I have ever had the pleasure of being associated with, that I have always been very impressed with its method of going about its business and the entire fairness of approach that it showed. The hon. Member said why did the Board inform people of its reasons for turning down applications and the answer to that is that the Board does not give reasons because its acceptances are largely based on the recommendations by valuers, and it is, I suggest the House will agree, most important that the confidential relationship between the Board and the valuers in the districts should be maintained. And I think the House will realize the difficulties that we should run into if that position were not maintained—one of them I fear would be that it would no longer be possible to get anybody to undertake the important work of acting as a valuer.

A number of points were made about the Civil Service Commission, but I think they were almost entirely answered by my hon. friend the Deputy Chief Secretary.

Finally, Sir, a great deal was said about planning for the economy. I made it clear in my original speech that I am prepared to consider to what extent our planning technique should be extended to cover the whole of the economy and that I am hoping to get the advice of the World Bank Mission which we have invited to come here to advise us on that. The terms of reference of the Mission, in fact, will be extremely wide and they will be able to give us full advice on the techniques. Since they are coming so soon I think it is much better to wait until we have this expert advice rather than to go rushing in at this particular stage.

There is, Sir, one point I would make about planning and that is we are not entirely without planning and that is we are not entirely without it. Of course, the Government spends quite a lot of its time in producing its plans for the future and of course the whole of this Budget exercise is one of those occasions on which we have the great advantage of having the advice and comments of all hon. Members. There is one point I very much welcome that is that it is very important that some of planning to be in mind not only money but resources and that is one of the things to which any future planning unit must pay the very greatest attention to, to our resources and not least of all to our resources of manpower, the trained manpower, and to the importance of getting in trained manpower and improving the

standards of our own people so that they can go ahead and really develop the economy because without that we shall never get anywhere.

Sir, much has been said linking the debate about outside assistance. I believe the assistance that we have been offered is essential, in fact I know it is essential if we are going to balance the Budget and go on to provide the essential services which the people of the country need.

I also believe that it is essential to borrow for capital development and that we should be able to go on doing so. It is even more essential that conditions should be such as to encourage private investors to bring their money into the country and to keep it here. That is the complete key to our employment problem, the Government can do something and it is indeed the largest single employer of labour in the country, but the only way to achieve anything like full employment in this country is through the private sector, which can be guided and encouraged but which cannot be forced or goaded. It is also essential that we should use the time of grace that we have been given to balance our recurrent account and to stand on our own feet in the face of the world. The figures I have used earlier in this speech show that this can be done if only we have the will to do it. There are, however, one or two things which we must remember. The first is that political independence is assured and that nobody is doing the country any good—not the slightest good—by getting excited and whipping up violent opposition about the timing. To do so, Sir, merely casts doubt on their fitness for responsibility. The next thing is that there is something more important than political liberty and that political rights are a means and not an end in themselves, the end being security of life and property. If we remember to put these things first, economic things first, human things first and to avoid violent words and violent deeds it is still not impossible that by the time next year Kenya may be able to have a Budget financed from her own resources. If that can be done she will be able to look forward to a future, to a prosperous future of true independence, her people will then and only if that is done. Sir, or if we have some hope of doing it at any rate within the foreseeable future, we will have some hope of enjoying the true freedoms, the freedom from want and fear and ignorance and disease, which have so long been the curse of the continent of Africa.

My challenge to the people of this country is that they should strain every sinew to achieve a balance and to secure those freedoms. Sir, I beg to move.

The question was put and carried.

[The Minister for Finance and Development]—to obtain the higher rewards from absolutely first class securities in this country, and I repeat that there are very high rewards to be obtained from them, will keep their money here. But, Sir, I believe, that my little measure will have some effect and some helpful effect in bringing back a certain amount of income which would otherwise remain abroad and, indeed, in bringing in a certain amount of income that in the past has been left abroad. There is also the point that was made by the hon. Member for Nairobi West, my namesake, that experience has shown this is true, that the administration of that particular provision was extremely difficult to undertake and that, if course, explains why we should regard this as one of the simplification measures.

Sir, the hon. Member for Nairobi West has always been a very great believer in universal panacea. He also, I am afraid, Sir, sometimes gives me the impression that he thinks financial administration can be dealt with by a number of technical devices rather than by the ordinary methods—which I think are the only ones that really matter in finance—of priorities and common sense. A year or two ago, Sir, the hon. gentleman was condemning us. He was opposing the Currency Board contribution to local loans on the grounds that in his view this meant that the Government was using the printing press to inflate the currency and thus to impoverish the holders of that currency. At the time, we pointed out that he did not really know what he was talking about and we were doing nothing of the kind. But now, to my great surprise he comes along and he goes to the conjurers box and out of it he produces two currencies, one for local use and one for use overseas. And, Sir, to my equally great surprise, he says that he draws this precedent from the Third Reich. I hardly need to remind the House what happened to the Third Reich and how much better, in the condition of modern Western Germany whose prosperity is based on a foundation of extremely sound and extremely orthodox finance. I might also mention in passing, that the operation of a dual-currency system would imply a far larger and more complex administrative machine than anything we are likely to have either now or in the future.

Sir, the hon. gentleman asked me to resign. I can assure him that I would not altogether regret leaving to leave an atmosphere in which I have far too often been reminded of the saying of King George III, and I quote here, "Politics is a trade for a rascal, not for a gentleman." I hope, however, that when the time comes for my *mandatum* it shall be succeeded by a competent tradesman and not by a conjurer.

I have spoken at some length, Sir, about the dangers which surround us and the folly of imagining that there is any simple answer to our problems because I think it is most important that people should have no illusions about this. It is not the least important for hon. Members of this House, because, it is they who will have to face the disillusionment if people find that the promises made cannot be kept.

Sir, I would now like to leave this side of the matter just for a moment, and, as a matter of interest, to look at the position as it might have been. The House will remember that in my opening speech I said that last year's Budget had been based on the assumption that during 1960 we should have an increase of 4 per cent in the national income. Sir, we had such an increase. Unfortunately the revenue did not follow suit. If it had done so, our revenue this year would have been some £32,000,000, and next year it would have approached £34,000,000 without any of the additional taxes which I have had to impose, and that means that we should have been within very little of reaching the balance of our Budget without any additional taxes, and the additional taxes which have been imposed would have brought in more revenue with which not only to fill the gap but to provide a very considerable amount of additional expenditure. We would have been able to provide more schools and other services. It would have been possible for us to have contemplated at once an improvement in our health services on a considerably greater scale. Sir, the only reason why we are not enjoying those benefits now is the lack of confidence which, as I said before, has been brought about by careless talk, by threats and by violence.

Coming now to the criticisms of my Budget proposals, the hon. Member for Fort Hall, like the hon. Member for Nairobi West, would like me to be more imaginative. I, Sir, do not believe that too much imagination is desirable in people who are responsible for looking after public money. Too often, the visions fade and the money fades with them. The hon. Member suggested that I should not just look to the taxpayer but that I should borrow money and that I should do that before I could contemplate cutting services. I should first of all like to make it quite clear, as other hon. Members on this side have done, that there have been no cuts in the essential basic services of the country. There have been economies and they have not been painful. We did not cut out mere superfluous because, for reasons that we are all aware of, it is a long time since this country has been able to afford many such superfluous, or any luxuries. But, Sir, the

[The Minister for Finance and Development]—The Government has maintained the essential structure of all Government services, and, Sir, I must say I disagree entirely with the hon. gentleman in his suggestions that we should resort to large-scale borrowing in order to maintain and extend our existing services. I believe, that it would be the utmost folly to expand our services beyond the capacity of the country to recover within a very short period of years, and that it would be equally folly to expand them too greatly, even if we got the money in the form of grant and not of loan. I think it is all right taking grant in order to make good a revenue shortfall but not, in order to bring about a large scale expansion of services that we have no immediate hope of being able to finance. The end result of that, is that the reckoning comes at some future date, and at that future date, if our optimism had not been justified, it would then really be necessary to cut services, and the cuts would be extremely severe.

For those reasons, Sir, I found it necessary to go to the taxpayer for more money. I said in my speech that to be able to do this, one's day-to-day bills is an essential mark of self-respect. I repeat that now. It is very unfortunate that we cannot have expansion unlimited and that it should be necessary to do things which can be represented by imposing increases on the cost of living, even of a small amount, at the present time. On this last point, Sir, I do suggest that it is possible that with the amount of competition that there is going on at the moment the actual increase in the cost of living, when the figures come to be totted up when a year or so has passed, may be even less than I forecast, and what I forecast was rather less than I perceived. Taxes are not the only element, or even the most important element in the cost of living, and I do suggest quite seriously in this case that we should wait for a few months and give prices a chance to settle down before we jump to too many conclusions about what the effects of the tax increases are likely to be on the cost of living. The actual position will of course be measured from time to time by Government statisticians, and the Government will decide what to do about minimum wages in the light of the results of those investigations. In the meantime I invite attention to what I said in my speech, and to what is well and clearly brought out in the Economic Survey, and that is that, in the past year the rise in the wages of the African wage earner was very, very much greater than was the rise in his cost of living. There is no reason, Sir, why the increase in the standard of living, the rise and the continued rise in the

standard of living, should not continue in 1961, provided—and I am afraid that this is an important proviso—that politics give the economy a chance. The increases in taxation which I have proposed are certainly not going to cripple anyone.

I am not prepared to use my imagination in borrowing large sums of money with which to spend on current finance, even if the money were available, and I am afraid that it is not. Our loan charges are increasing quite rapidly enough without this. We hope that the projects on which our loan finance will be spent will make it possible to a very large extent to cover the loan charges. If it does not then I believe that the outlook is really a grim one. It will be even grimmer if we had imaginative people relying either on borrowing or on any type of financial sleight of hand for recurrent purposes.

The hon. Member for Fort Hall suggested at one point that it was possible to relieve taxation in certain directions and to increase in others as a *quid pro quo*. He said that the level of taxation in the United Kingdom was quite irrelevant here. I am afraid that I do not agree with him on either point. If anything at the present moment is likely to end by depressing the taxpayer, and increasing unemployment, it is an increase in direct taxation. The hon. gentleman—I am sorry he is not here—knows that full well. He also knows that the local risk capital has come in the past—and I believe a very great deal of any risk capital that we are likely to get in the future—from the United Kingdom, not from other countries, whose tax structure is even less onerous than that of the United Kingdom. People in those countries, when they are thinking of investing, obviously compare our tax structure with their own, and if ours is too high they look out for somewhere else and they invest there. I hope, Sir, that the hon. Member will bear that particular point in mind before he makes any further suggestions which amount in some ways to a policy of soaking the rich.

I am glad to say that there is one point on which I do agree with the hon. Member for Fort Hall. His speech, Sir, contained no nonsense at all about the dignity of poverty, or about preferring poverty to outside assistance. I think that this is most important. We must quite obviously do out best to balance our recurrent account from our own resources, and, as I have said already, it would be folly to take aid on the recurrent side to an extent that we should never be able to stand on our own feet. But it would be equally folly to inflict a considerable wound on our services merely in

(The Minister for Finance and Development) Members, Sir, have spoken of the need to combat unemployment, to take more measures for this purpose, and, of course, all those would involve additional expenditure.

As I have said, Sir, many of the points have already been dealt with by my colleagues. We shall also have considerable opportunity to discuss expenditure priorities when we go into Committee of Supply. At this stage, I do not think it is necessary for me to go into a great deal of detail on these matters but I must point out one thing that has sometimes been overlooked by the critics and that is that we possibly have among the highest standards of services anywhere in Africa. This is particularly true in the case of education where our standards and our expenditure of over £8,000,000 gross far outstrips that of our neighbours. It is also true of our health services and of many other services, including particularly those which we owe to agriculture, including the agricultural research services. We would, of course, like to see a rapid expansion in all our services. Believing that this was particularly so in the sphere of education, the Caretaker Government made plans, details of which will be announced in due course and I think fairly shortly for a modest increase in school fees to enable us to do the measures to enable this to be done. Ours to this and to the generosity of Her Majesty's Government, it is likely that gross education expenditure in 1961/62 will be some £1.4 million or £1,400,000, nearly 20 per cent above the gross amount provided in the original Estimates. We must, however, admit that that is really, I think, very remarkable progress at a time like this, be quite realistic in our thinking about this sort of matter.

So far as other services go, even after having taken some £2,000,000 out of the pockets of the taxpayers, we shall only be able to maintain the present standards and extent of services because the British Government is prepared to give us, a grant in aid. Without that grant—and I must make this quite clear, without that grant—it would have been necessary to impose a very painful cut in services. It is true that there was the theoretical alternative of an even sharper increase in taxation. Quite apart, however, from the technical difficulties which would be involved, I believe that a further substantial increase in taxation at this time would be self-defeating since it would have delivered a blow to the economy and would have led to a fall rather than an increase in the revenue derived. Given these circumstances, Sir, the problem of the recurrent aid has been not so much where to spend additional money as how to maintain our existing

services. I think myself that this problem is likely to be with us for a long time. We must remember that Kenya has got very few natural resources apart from her manpower, her soil and her climate. She is almost entirely dependent on the outside world for capital and without that capital, of course, we cannot exploit any of the resources and we cannot exploit in particular the manpower which so badly needs training and on which we are so anxious to spend more money if we can find it in order to provide the manpower with the skills with which to exploit the other resources.

Then, Sir, we have many competitors for capital, not least in this Continent of Africa where we can on the whole still regard ourselves as having been one of the more fortunate countries. We have other, probably even more important, competitors in the neighbouring Continent of Asia where the income per head of most people, of very many people—I think it is true to say, of most people—is lower than that of the people of Kenya. Unfortunately, Sir, in face of all this competition, some people—a section of the people—seem intent on building up a reputation for violence and instability. Such a reputation is not enhanced by an apparent contempt for the ordinary laws of contract and sanctity of title. At this stage, Sir, I would like to say how much I welcomed the approach shown to this question of title by the hon Member for Nyeri when he spoke. I thought that it did show the beginnings of a new attitude and the possibility that a more sensible attitude would prevail in this matter. I only hope that he perseveres in this sensible line of thinking and that he prevails on many other people to approach the matter in the same way.

However, Sir, unfortunately, if I may use a phrase, on swallows does not make a summer. And in face of the attitude that has been taken up far too often by far too many people who ought to know better it is not surprising that the attitude of many outside investors who would otherwise be coming in in the private sphere should tend to be one of wait and see. Unfortunately, it is not the people who like to make these threats who would suffer but it is the millions of innocent citizens whose future would be jeopardized if we do not get this investment. Therefore, Sir, I do appeal most sincerely to all people concerned that they must be very careful in the future what they say about these things and that if they really want the country to progress they must begin to take a sensible line on this question of titles, sanctity of contract and all the things that are so essential if we are to have the investment that we hope to have.

(The Minister for Finance and Development)

During the debate, Sir, one hon. Member opposite suggested that once we had independence all our financial troubles would be by its gate if not over very much alleviated. He suggested that our difficulties were largely due to the parsimony of our old friends the Colonial Office and the United Kingdom Treasury and to their insistence on balancing budgets and generally conforming to the canons of sound finance. Sir, I cannot help feeling that in the light of the record, £20,000,000 in one year, Sir, hon. Member, was not a little ungracious, a little unfair, towards the attitude of Her Majesty's Government in this matter. They have helped us very considerably in the past and I am quite sure they are prepared to go on helping us in the future. What is more, I am quite sure there is no other country in the world which is ever likely to assist us to a fraction of the extent that they willingly have assisted us.

Sir, the hon. Member said that this was a twilight period but that with independence he thought probably large sums of money would come our way. I hope he is right, Sir, but I would remind him, as my hon. friends, the Secretary to the Treasury did, that twilight is more usually followed by night than by day. But, Sir, I think we have a very important point here that we have got to bear very much in mind. What reason have we for thinking that some dramatic political event such as the granting of Independence will of itself bring us more capital and more revenue? Hon. Members have said on occasions that once their frustrations are out of the way then they will all be prepared to take a very sensible and reasonable line about everything we shall go for. "Give us our independence and we will have the best of both worlds." Of course, Sir, one can go faster in very many directions and I would remind the hon. Member of the parable of the Gadarene swine.

Unfortunately, Sir—and this is a serious matter—these speeches are on the record and so has been the failure to discourage violence. There are also, and I think hon. Members must bear this in mind because it has a very, very near relationship to our hopes of getting additional capital, many people in the world, people who have money to invest, who still remember too well that a well known character in Europe called Hitler often protested peaceful intentions when he was preparing to attack. For all that, Sir, because the record is what it is, I fear that a long uphill struggle to convince those few people and countries in the world who have

money to invest that we are worthy of support and rather more worthy of support than the few competitors whom we have to face.

The Government will play its part but its task is not assisted when there are so many people who give the impression that their sole desire is to create chaos, not construction. If those people were to succeed—and I fervently hope that they will not—it will be a long time before we come to our economic dawn.

Sir, the position is not made any easier by hon. Members who make proposals for exchange control. I have said on many occasions and I repeat it now that any imposition of exchange control would keep far more money put than it would either bring in or retain. In a world that is hungry for capital a reputation for honesty and fair dealing is far more important in obtaining and retaining finance than any sort of mechanical contrivance. I think, Sir, that many hon. Members on both sides of the House realize this and I think that many hon. Members, opposite, if they really had the responsibility, would probably take exactly the same line in this matter as I do now. I agree that it is the function of an Opposition to oppose. But, it is not its duty to wreck the economy. I hope, therefore, that we shall bear no more of measures such as exchange control which I very much believe could only have that effect.

Before leaving this question of capital and capital movement I should like to deal with one or two points raised by the hon. Member for Nairobi West. He suggested that the relief, which is one of my simplification proposals in the income tax field, is a proposal to give to income earners in from overseas countries would have the effect of driving out our remaining capital. He said that many people were being advised to sell up and send all the money they had to Europe. I would say, Sir, that far too many people have been advising this sort of thing for far too long. The primary object of the measure which I have proposed is—and I must emphasize this, Sir—to simplify the administration of the income tax laws so as to make the administration of the Income Tax Department able to deal with the sort of situation on the staff side that is going to face in the future. The measure I intended in its primary object to do this and I do not think it is going to have much effect on people who are advising others to take their money out or on people who are nervous about the safety of their money. I believe, Sir, that people who wish to take their money out will go about doing so whether they can bring the interest back or not. Those on the other hand who prefer

[Mr. Mboya]

to content ourselves with making representations putting forward the allegations that have been made against the activities of this consulate and asking that they be investigated. On this point, Sir, I would like to say that we are hopeful that the Government will actually make those representations and make them in as strong a manner as possible. I think the Government should hold itself responsible to ensure the freedom of expression and especially of expressing opinions by all classes of citizens in this country. I refer especially to what we have been told this afternoon and outside this Council, the fear, intimidation and blackmail and conspiracy that has been going on against certain sections of our community, making it impossible for them fully to participate in the life of this country politically and in other ways. The Goan community who have decided to make their homes here have as much right as have the Europeans or the other Asian groups to express their views on the politics and development of this country and it is not fitting, Mr. Speaker, that a foreign diplomat or diplomatic fission should make that impossible through intimidation and blackmail of these citizens. If, Mr. Speaker, some of the allegations that have been made can be proved, surely we consider they are serious enough to warrant stringent measures being taken by Her Majesty's Government because I consider they are an interference in the internal affairs of our country. Portugal is pleading her case before the bar of world opinion in the Security Council and the only ground on which they are pleading their case is that the Security Council must not interfere in the Angola situation because it is a domestic affair. Mr. Speaker, Sir, if Portugal considers that what has happened in Angola, many thousands of miles away, to people who are not Portuguese is a domestic affair, then, Sir, I consider we have the strongest reason to take the strongest measures against the Portuguese Consulate interfering in our domestic affairs in our own country and on our citizens. But I would like to submit that when we make representations to Her Majesty's Government, it should be stated that we people in Kenya refuse to recognize any argument that Portuguese colonialism can ever be considered to be a domestic affair. The murdering, the killing, the looting, of the people in Angola and Mozambique can never be a domestic affair of Portugal and either Portugal stands by the United Nations' Charter and we stand by human rights and dignities, or we do not. There can be no half-way in this matter. Mr. Speaker, this should be made very clear to Her Majesty's Government as the opinion of the peoples of this country.

Mr. Speaker, Sir, the hon. Member, the Parliamentary Secretary for Finance and Development, when he spoke, I thought he agreed with us wholly but he tried to inject what I consider to be an irrelevant question. He said if we wanted to close down the Portuguese Consulate, then we should also call for the closing down of the South African Mission. I quite agree with him that the South African Mission should be closed down. Mr. Speaker, Sir, the hon. Member is equally a Member of this House as myself and there is no reason why he should not stand up tomorrow and move a Motion to that effect and we will support it.

Hon. Members: Hear, hear.

Mr. Mboya: I also submit, Mr. Speaker, that his friend the Minister for Commerce and Industry, who is not here today, is responsible also for communications and for airports. He might also consider talking action in closing our airport to South African Airways. Mr. Speaker, they are the Government, they are also responsible for trade, exports, imports and so on and I would suggest to him as a member of the Ministry of Finance and Development to close down or impose economic sanctions against South Africa. So it is not just a question of our not being positive it is a question of how much you would like to do on the other side. And so we are willing to co-operate with the Government on all these measures.

Hon. Members: Hear, hear.

Mr. Mboya: On all these measures.

Hon. Members: Hear, hear.

Mr. Mboya: Mr. Speaker, I agree with the Government—

Hon. Members: Hear, hear.

Mr. Mboya: I agree with the Government that the gesture of sending to our friends in Angola £1,000 is a good gesture, it is a positive move that we all will appreciate. I, however, question whether 20,000 shillings is going to meet this situation and but for the fact that we are not allowed to move Motions on finance we would have moved an amendment to increase this sum beyond 20,000 shillings. That is one aspect in which my hon. friend might have helped.

Mr. Speaker, Sir, let me close by saying that this side of the House, this side of the House, would like the Government seriously to go into the allegations that have been made by the Goan community of intimidation, blackmail and of conspiracy by the Portuguese Consulate.

The question was put and carried.

ADJOURNMENT

Friday, 9th June, 1961

The House met at Nine o'clock.

[Mr. Speaker (Mr. Slade) in the Chair]

PRAYERS

COMMITTEE OF WAYS AND MEANS

Order for the Committee read.

NOTION

* THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Minister for Finance and Development)
(Resumption of Debate interrupted on 7th June)

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I hope that hon. Members will forgive me if I do not reply in detail to all the points which have been made by every Member of the House, both on this side and on the other side. Many of them have already been dealt with by my colleagues during the course of the debate and others have dealt with matters which fall somewhat outside the scope of the Budget. Critics of the Budget, Sir, have on the whole fallen into two categories. Many hon. Members have made proposals which, if they were to be adopted, would involve considerable extra expenditure. We have had pleas for faster progress in the sphere of education and for the improvement of standards both there and in other services. Some hon. Members have asked, for example, for improvements in the hospital services and, of course, my hon. friend, the Minister for Health, dealt with this when he spoke. It has been suggested that we should give greater priority to services such as roads and also there have been suggestions to which I have no doubt the Road Authority will give due note that the priorities of the Road Authority might be different. There have been pleas that we should spend more money on the lands of lower potential instead of investing most of our available funds in the lands of high potential. We have had eloquent pleas with which I have a great deal of sympathy, if the money can be found, to invest in assisting the small industrialist and the rising commercial man. Some hon. Members have even spoken of there being too much talk of Kenya being an agricultural country. I do not know that I can entirely agree with that because it is quite obvious that basically we shall remain an agricultural country for a long time, although I entirely agree that this does not mean that to the extent possible we should not invest more money in industry and commerce which are very necessary complements to agricultural progress and without which we cannot hope to make as rapid progress in our economy as we would wish. Many

[The Speaker]

I will put the question, which is that the amendment of the amendment be now put. Now please get it right this time, hon. Members. You are asked to decide whether you want to go ahead on discussing this amendment to the amendment or whether you want to reach a decision on it now.

The question was put and carried.

The Speaker (Mr. Slade): The question that I have to put is that the amendment be amended by adding at the end of the following words "and further expressing concern over the activities of the Portuguese Consulate in Kenya, calls on the Government of Kenya to make representations in the appropriate quarters with a view to ensuring freedom and the expression of opinion for all Portuguese citizens in Kenya"

The question was put and carried.

The Speaker (Mr. Slade): I now have to propose the question that there be inserted in the original Motion, which you will remember stands now only at "That this Council", the following words, "strongly deprecates the brutalities and atrocities which are reported to have taken place in Angola, and the policies of the Portuguese Government in its overseas possessions, particularly Angola and Mozambique, which, in the view of this House, are a denial of social justice, African freedom and democracy; and authorizes this Government to make, as a positive indication of the strong feelings of this House, a gift of Sh. 20,000 for the relief of distress in Angola and to convey the grave concern of this House on this matter to Her Majesty's Government in the United Kingdom, and further, expressing concern over the activities of the Portuguese Consulate in Kenya, calls on the Government of Kenya to make representations in the appropriate quarters with a view to ensuring freedom and the expression of opinion for all Portuguese citizens in Kenya." This is still an amendment of the original Motion which you are now to discuss.

Mr. Chokwe: Mr. Speaker, Sir, I beg to move that the Mover now be called upon to reply.

The Speaker (Mr. Slade): That is the closure, though not quite in the right form as this stage. I think, again, it is not an abuse of procedure or of the rights of Members, so I will put the question that the question of the amendment be now put.

As again, it is a question of whether we are to go on debating or are to decide now.

The question was put and carried.

The Speaker (Mr. Slade): Then I will put the question, which is that there be inserted in the original Motion after the words "That this Council", the words which I read out just now.

The question was put and carried.

The Speaker (Mr. Slade): Now, I have to propose the original Motion as amended, that is, "That this Council strongly deprecates the brutalities and atrocities which are reported to have taken place in Angola, and the policies of the Portuguese Government in its overseas possessions, particularly Angola and Mozambique, which in the view of this House are a denial of social justice, African freedom and democracy; and authorizes this Government to make, as a positive indication of the strong feelings of this House, a gift of Sh. 20,000 for the relief of distress in Angola, and to convey the grave concern of this House on this matter to Her Majesty's Government in the United Kingdom and further, expressing concern over the activities of the Portuguese Consulate in Kenya, calls on the Government of Kenya to make representations in the appropriate quarters with a view to ensuring freedom, and the expression of opinion for all Portuguese citizens in Kenya." Now that means the original Motion as amended is under debate and it is open to Mr. Chokwe to move that the Mover be called up to reply.

Mr. Chokwe: Mr. Speaker, Sir, I would like to move that the Mover be called upon to reply.

The question was put and negatived.

Hon. Members: Divide!

The Speaker (Mr. Slade): Order, order. I have to inform hon. Members that no tellers are forthcoming from the benches on my left and therefore there cannot be a division and therefore the Motion that the question be put is lost. The debate on the original Motion as amended will now continue.

The Parliamentary Secretary for Local Government and Lands (Mr. Killele): Mr. Speaker, Sir, I want to put forward my strong feelings against what the Portuguese are doing in Angola and Mozambique. The idea of colonialism has continued for a long time since the very early times in history, Sir, they intended to control the world, to control the Africans and to control the Indians. That has got to come to an end. What we Africans want to see is progress towards something which will help them. A progress to a democratic type of Government. We will not be satisfied with what they are doing, brutalities have been done, atrocities have been done, and the British Government

[The Parliamentary Secretary for Local Government and Lands]

should make it clear to them that we Africans or the people of Kenya are against such brutalities and atrocities, in fact, Mr. Speaker, the world itself should make it clear to the Portuguese. The world should make it clear to them that what they are doing at present in those areas should come to an end.

The main thing here today is to convey to the British people that we have ambition and hopes for the future of those people. We want to do something to send representation to those areas and try to correct the brutality. At the same time, Sir, we would like to see government of the people by the people ruling themselves in that region. We would like to see improvements in schools and also to the services in that particular region and that is the most important thing which would bring about independence.

I heartily support the idea of what has been put into the amendment, that there should be complete investigation into what has been going on or is alleged to have been going on in Kenya. That should really be put into practice and the Goms who are here should not feel oppressed in Kenya, they should feel free to spread themselves, free to put their own opinions about certain things.

I support the amendment since it is more constructive in its attitude. It gives us a chance to have connexion on political matters with our African brothers who are in Angola. I would therefore like to submit a plan that when we acquire independence to send to Angola a group of people to investigate actual conditions and so have a complete report given to us and that should be done as soon as possible—perhaps it could be done by the present Government.

I beg to support, Sir.

The Minister for Labour and Housing (Mr. Towney): Mr. Speaker, Sir, I also stand to deplore what is going on in Angola and in Portuguese East Africa. Actually to say it is Mozambique and Angola is to narrow or to belittle the whole affair of the subcontinent. It is Portuguese East Africa.

I do not want to take a lot of time but I would like to show my sympathy with what has been said and to deprecate what is going on in those remote countries.

Now the very, very surprising thing is that Portugal itself has been undergoing a series of bankruptcies as a State. It is trifling and it is ruled in a semi-dictatorial manner. Now that is Portugal as a State. Now when you get a country that

is a semi-dictatorship in its own bounds, it is horrible and can't rule any other country.

Now, Mr. Speaker, Sir, the problem is that the population of Portugal itself is 8,000,000. In Angola the Africans there are 5,000,000. You come to Portuguese East Africa you find something very interesting and I will quote the figures from this East Africa Guide Book, 1960. This will be noted, area and population, 1955, civilized population—civilized population—117,405, non-civilized population (I do not know what that means), 5,846,957. Now when you add up the figures of Angola, the figures of Portuguese East Africa, you get over 11,000,000 people being ruled by 8,000,000 who are away in Europe. Now, Mr. Speaker, I do not think we need labour the matter or elaborate it any further than that, but the thing that is going on there and I think it is utterly unfair that those trends should take place at this time when we in Africa at the moment are moving fast towards independence and we can go down one day to Portuguese East Africa to liberate it and those who are in the hands of dictators.

Mr. Muller: Mr. Speaker, Sir, I beg to move that the Mover be now called upon to reply.

Mr. Muller seconded.

Question proposed.

The question was put and carried.

Mr. Mboya: Mr. Speaker, Sir, in about seven minutes I can very briefly observe on some of the points which have been made in the course of the debate.

First I would like to say that it is very encouraging to see that there has been this amount of agreement on this particular matter; I would like to emphasize here we are dealing with a point that is very close to our hearts, the problem of fellow human beings; however remote some people may think, these problems live for and I consider that colonialism in any part of the world is the concern of us all and especially when it is accompanied by the kind of brutality which we have read from day to day in our own local Press. I regret, Mr. Speaker, that despite this measure of agreement, the Government was not able to accept the original Motion. I think that they have not intended, but at this stage of emergency, if I may say so, should be regarded as a luxury of independent states and in our position I do not think that on this particular issue diplomacy was necessary at all. We ought to have said in stronger words, in stronger terms to Portugal and to the world, what we really feel. It is unfortunate we cannot agree on the closure of the Portuguese territory and we have

(Mr. Mathenge) soon we shall reach a stage where we can act as Mr. Nyerere has acted boldly and close this Council.

Mr. Speaker, the other point I wanted to make is that we have in Kenya people who are Portuguese citizens. We have people who are citizens of other countries. I would like to take this opportunity, Mr. Speaker, to mention something that I believe should happen now, that there should be full discussions as to who would be a citizen and who would not, and I think everybody resident here, and working here, especially in the Civil Service, or farming here or living here, should give his full loyalty to this country, and we would appreciate it if we got an opportunity later to discuss this matter and possible institute some legislation towards these ends.

I agree with the hon. Minister for Health that this money should be sent to the right people. My suggestion is that it should be sent through another independent African government; possibly our neighbours Tanganyika might be the best. I would also agree with him that we should institute a relief campaign and that we should give it the backing of everybody in this country.

Lastly, Mr. Speaker, because of the remarks I have just made that we feel that something further should be done by Her Majesty's Government to find out whether these allegations are true, that the Consul here in Nairobi is interfering in internal matters, expressions of opinion, liberty of citizens, who happen to be Portuguese but who happen to be living in Kenya. I would like to move an amendment, by retaining all the words in the amendment but adding the following words after the last word "Kingdom": "and further expressing concern over the Government of Kenya to make representations in the appropriate quarters with a view to ensuring freedom of expression, of opinion for all Portuguese citizens in Kenya."

Mr. Speaker, I would like to move the amendment.

Mr. Chasam Singh Mr. Speaker, Sir, I second the amendment that has just been proposed. I must make it clear, however, that we are doing this with a view to making the best of a bad situation. We are compelled to do this by the attitude which has been adopted by the Government side.

Hon. Members: Question.

Mr. Chasam Singh: Here is the answer to the question. The hon. Minister for Commerce and

Industry, only the other day, issued a statement, a summary of which was printed in the *East Africa Standard* on 22nd May this year. This is one of the paragraphs in the statement: "The continued presence of the Portuguese Consular mission in Kenya was undesirable because it reminded every patriotic African of the indignities the Portuguese carried out against innocent African people in Angola and Mozambique." Now, perhaps the hon. Minister does no longer feel those indignities or perhaps he feels that those indignities should continue. That is the only interpretation that can be placed on the attitude that the Government Benches have shown this afternoon. Several Members from the Government Benches have found other excuses to say what they have said against the original resolution. They have stated the original resolution was bad because it did not include South Africa and America, or one of them. The hon. gentlemen were perfectly free to make this particular amendment to the original resolution, but to do that they would have to borrow courage from this side of the House.

Then, Sir, certain Members have spoken of "freedom." I quite agree, the Members on the Government Benches have the freedom to make statements outside the House and to vote against those ideas when they come into this House.

Hon. Members: Question.

Mr. Chasam Singh: Not only that, one Government Minister, the hon. Minister for Health, made this astounding statement that South Africa was doing the same thing in a bigger way. The allegation that has been made in this House is that 30,000 people have been massacred in Angola. Now, is the hon. Minister really serious in suggesting that South Africa is doing the same thing in a bigger way? I personally think the hon. gentlemen have lost their sense of balance.

Sir, we are a dependent country and we are absolutely helpless at times like this. We have to content ourselves with sending representations to Great Britain to carry out our intentions, but let there be no doubt about it, that the intention of the people of this country are that we want to have nothing whatever to do with the Portuguese regime, and these were the views until quite recently by the hon. Minister for Commerce and Industry. The test of those views will be coming very soon; let us see which way it goes.

Now, Sir, Britain may not wish to stop her Foreign Secretary going to Lisbon. She may not

(Mr. Chasam Singh) wish to stop the visit of a warship to Lisbon, but it would have been perfectly reasonable for us to request Britain to stop our suggestion to close down the Portuguese Consulate here, and it would have been perfectly legitimate for Britain to carry out that suggestion. We feel, Sir, that at least a very strong protest is necessary and in proposing the resolution this afternoon we thought that was the only way consistent with self-respect to do as we feel, to close the Consulate. After all, we are all human beings. We have our views and sentiments and we should at least be free to express those views and sentiments. There is also the other question that the people whose concern we are voicing this afternoon have themselves no freedom to express themselves or to act in the way that they want to act. The people in Angola and Mozambique are voiceless, and I suggest, Sir, it is perfectly legitimate for another country in a situation like that to voice the thoughts of the people who have no vote in their own country. I also feel—

An hon. Member: That is what we are doing.

Mr. Chasam Singh: We are doing that, but that is not enough. We could have done more, something that would tell the world what we really feel. We are in effect saying, "Well done, boys, here's Sh. 20,000 for your victims."

Now, Sir, when the hon. Leader of Government Business was speaking in this House we got the impression, until he came to the end of his speech, that he was supporting the original resolution, but as it has turned out the situation was entirely different. May, I, Sir, translate an Indian saying: "The Government seems to have the body of a goat; only the face is that of a lion."

Question proposed.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, Sir, the Government accepts the amendment, and here, Mr. Speaker, the Government challenges the last speaker to vote against this Motion. The last speaker to vote against this Motion, our speaker who has just been speaking right now seconded, but his speech was not that of second-seconded, but that of opposing. Mr. Speaker, I think the last speaker is an expatriate politician in this country and is bound to be confused, as all expatriates are.

An hon. Member: You say civil servants are not confused?

The Minister for Commerce, Industry and Communications (Mr. Muliro): Civil servants, Mr. Speaker, are never confused. They do not

meddle with politics; but expatriate politicians meddle with politics which are not theirs.

Mr. Speaker, I think a racial, social and political oppression when combined, are the worst forms of oppression a human being can ever sustain. This Motion we welcome—the Government welcomes very much the amendment that has been made to make an improvement on the original Motion and not at all a diminution of what was in the original Motion.

Africans in this continent have suffered indignities and inhumanities. Millions of them were sent to America as slaves and up to now they are still suffering in America. It is only a few days back when the Attorney-General of America, Mr. Kennedy, said, in '40 years' time there will be negro presidents in America. We say why not now?

Hon. Members: Hear, hear.

The Minister for Commerce, Industry and Communications (Mr. Muliro): We see that as racialism.

The Speaker (Mr. Slade): Mr. Muliro, time is getting short this evening and I think hon. Members might like to finish this debate today, so I suggest you keep very closely to the subject.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Thank you very much, Mr. Speaker. I will not take long. I was only putting that point that Africans or all those people who had African roots from this continent have a right to enjoy human rights and human privileges wherever they are. That is why we say in Africa that anyone who accepts human principles, human equality and freedom of all human beings as human beings, they should live happily in Africa. And therefore those brothers of ours in Angola, in South Africa, in America have the right to live as decent human beings. This is why the Government and the whole House has agreed on this Motion and I think everything possible in the spirit of the Motion will be carried out very consistently to see that everything is met and we hope that in due course the whole world will be rid of this menace of political, social and economic indignity.

I beg to support, Mr. Speaker.

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoody): Mr. Speaker, I beg to move that the Question be now put.

The Speaker (Mr. Slade): I do not think it would be an abuse of the proceedings or of the rights of Members to have the question of the amendment to the amendment put now.

[The Minister for Health and Social Affairs] have done so. African people, even in Kenya along the coast we know what at one time happened. I maintain it is the foreign people, whether in Angola or South Africa or Kenya, or anywhere, who have got to live with black men soon must find they must accept our customs, our ambitions, our aspirations.

Mr. Speaker, I am sure I shall be labelled a racist before I sit down, but that is my birth-right. Europe belongs to the white people, Asia belongs to the people in Asia, and so on and so forth, and in this place called Africa, where the minority has come to suppress the majority, because of their superior intelligence, their superior wealth, their superior educational standards, perhaps—

Mr. Mboya: Not superior intelligence

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, I did not say superior intelligence. Mr. Speaker, I did not mean intelligence. I talked of other things.

I feel that a fundamental realization of the foreigners that we Africans have got the same initial capacity to adjust our country and to live with them peacefully. Whether we accept them as our co-equals is a different matter, but that first realization is the key to solving problems like there are in Angola, or in the Congo or South Africa, or for that matter in every other country that is not free.

Mr. Speaker, I would like to say one thing. The Mover of the amendment did indicate that the idea of closing the consulate is not as important as expressing the feeling of this House today. I agree with him in this sense. Were we to close the consulate now—and I am not saying I am fond of it, I do not know where it is, I do not know who lives there, I do not know anything about it—but at least it is a channel whereby we are enabled to know or hear what happens in this other part of the world, and I do not see how we could close the consulate as a sign of indignation or an expression of feeling without saying "Ditto, ditto" to any other consulate in Kenya that belongs to any other power. Some of us here feel that there are many more agents here or other powers who are interfering with the good running of this country, agents without offices or buildings; all the same they are here. So I feel the idea of closing the building or sending them away is not the solution. The solution would be to make the strongest representations as we are doing in this House here, because I am sure the Portuguese have a lot of friends here, as many friends as

the National Member, Mr. De Souza said, people who are loyal to the Portuguese regime and it is they who should influence. They should take a message from us to their friends in Angola or to their friends in Portugal or to the United Nations, and say, "Look here, we can see the red light". They should say that the African freedom we want, we black men, means freedom for all African countries in Africa, so that we can claim this country is free, Central Africa is free, South Africa is free, and so is West Africa and the black man is at the top.

Mr. Mboya: Racialist.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, I said I was a racist, but I have no reason to apologize. I agree, Mr. Speaker, the annoying part to this is in Angola it is the African who has suffered most in terms of debt, in terms of backwardness, because the Portuguese have planned carefully how to keep the African down. At the same time, in the neighbouring country, South Africa, they have succeeded in doing the same thing in a bigger way. Now, if that is the thing we should expect from the southern end of Africa and that area, then I feel, Sir, we have every duty to express these strong feelings and make the world know and anybody else that our ambition as black men is to come on top in Africa.

Mr. Speaker, Sir, I would like to suggest this: instead of only expressing these feelings in the House today, the idea of sending them practical help, as the hon. Mover of the amendment said in the way of relief is a much more important thing in that we can show really our concern. My fear is that the money is not going to be given to the right people. Not to the Portuguese Consul in Nairobi, he is no good. He may get the money, send it elsewhere, who knows? I am not an expert on how you send money to such places, but it should go to the United Nations, or somebody trustworthy, or somebody from a free African country should be given the money to deliver to the particular people, and there are the missionaries, their families, and other people, business people, so I am rather concerned that the money should go to the right people and reach the right people.

At the same time I go further. I would suggest that the people of this country generally should institute a collection for further help to the people in Angola in other ways and not express feelings of sympathy, and they are doing nothing. After all, it is very far away, and at the same time they do not have the time to go there.

Mr. Mboya: Interjection.

The Minister for Health and Social Affairs (Mr. Mate): Anyway, instead of just making expressions here, which are very, very, very good, it is the duty of the people of Kenya to continue in the way of getting funds and something as was done in the case of the Congo. We did help in certain ways. We should do something more active, more positive, and also, those who have international prestige or the power to influence anybody at all, should get busy with their pens and influence people in New York to make sure that the feelings of the people of Kenya are felt and realized.

So, Mr. Speaker, whilst supporting the amendment I would appeal to the Opposition Members in this House, who are very aware of the differences in feelings of this particular Motion on this side—the differences are nil—to be more positive. They should agree to form a committee of the House from both sides in order to see which ways or methods are available to us for further influencing changes in Angola, even if it means promoting some sort of help, getting some people educated, if you can get out of their country, getting to places like America or elsewhere so that they can get out and see that there is a better way of doing, or maybe getting to countries like Uganda or Tanganyika, not Tanganyika, elsewhere.

Mr. Mboya: Is that not elsewhere?

The Minister for Health and Social Affairs (Mr. Mate): Or countries like Abyssinia, through this world organization, so that you can really continue to help Angola, even after this confusion there, to make sure we get a practical link with these people in preparation for the days when Africa shall be wholly free.

Mr. Speaker, Sir, I beg to support the amendment.

Mr. Mathenge: Mr. Speaker, I would like to start on the last note of the hon. gentleman who has just sat down. Would the . . . or the Elected Members attempt serve a purpose like this, when we have an issue where we all agree, and would this not possibly create conditions that would be beneficial to us all? I make that suggestion for hon. Members to think about.

Now, Mr. Speaker, I wanted to start by mentioning two things. I happen to have a report here quoted in a newspaper, by a Portuguese, and this Portuguese was the High Inspector in Angola of the Government of Portugal in 1947. After that he was for some time also a deputy for Angola in the Legislative Assembly in Lisbon. This gentleman is very well known. He is the

famous Captain Galvao of the famous Santa Maria case. Now, he made this report which was suppressed by a Portuguese Government. I would like to read a little. I will lay it here for Members, I do not want to go into details.

One, these are his very words, he says, "he concludes that the situation was worse than pure . . .". These are his very words. I want then to confirm what the Leader of Government Business has mentioned here, but I think it might help to show us really the gravity of the situation, if somebody like this reports in this sense. He says in another sentence, "The population in Angola flees en masse and deserts the land, and its homes and the territories become empty." This is something that happened. He says that between 1937 and 1946 over one million Angola people left the territory—Angola and Mozambique—because of the conditions and ran away to neighbouring territories. This also indicates the desperate conditions in which the people of Angola live.

He mentions, too, here—these are his very words—"These troubles and the political administrative policy of the last 60 years". He mentions here a bureaucratic network and a complexity of completely personal interests combined to reduce everything. . . . And lastly he mentions here one sentence that "only the dead are really exempt from forced labour". This is the ridiculous situation of a country that is being ruled by one of the worst fascist dictators existing today. It makes us sometimes wonder why some of the other democratic nations of the west keep quiet or abstain "when this issue comes before the United Nations.

Mr. Speaker, I come to the other point I wanted to make. I am a peaceful person. Mr. Speaker, but I do believe that there are conditions under which people live that are intolerable. I do believe that the conditions you have in Angola justify the people in Angola taking arms and trying to liberate themselves, from the yoke of that fascist Government. I am glad to note that there is general approval of the action, the liberation movement, that is going on in Angola.

Mr. Speaker, I agree with the amendment, but I do feel that something further could have been added, because what we should do to do, although we would give them Sh. 20,000, we wanted to demonstrate further by taking action or seeking a way through which action could be taken. I know we are not independent. I know we do not have a measure of say in assigning what Consul Nairobi, and what would not be in Nairobi, but I would like this Government to be granted greater say in these matters as to who should be here and who should not. I hope that

[The Parliamentary Secretary for Commerce, Industry and Communications]

of the opinion that these things were bound to come because it was impossible to isolate what was happening in Mozambique or Angola for that matter in view of the rapid developments that were taking place around the various places in Africa. I think, Mr. Speaker, Sir, what has also happened in the Congo has had considerable repercussions and to a very large extent has influenced, if I may say so, the revolution in Angola, but the way the Portuguese have reacted I think that everybody in this House and in the free world must condemn in the most strong terms one can. But, Sir, I do not want to take a very long time on this because it has mostly been covered by two hon. speakers from this end and the other side of the House, but the point is this, Sir: we feel that in order to register our own disapproval and condemnation on this issue, we must do something practical rather than do something that will give us, say, political kudos, but will not show our sincerity of purpose and that, Sir, is that we must help positively and that, Sir, is in the terms of this amendment before the House today. I think, Sir, if I may reply to the hon. Member, I think we have our own problems and very immediate problems. Charity starts at home: I think we could have given £20,000,000 for that matter if we could afford it, but the question is can we afford to give £20,000,000 that the hon. Member has suggested while we have to ask for assistance to balance our recurrent budget. That is the question at issue. I think £5, 20,000 is just as big as £20,000,000 provided it is considered in the spirit it is given.

Mr. Speaker, Sir, I beg to support.

Mr. Speaker, Mr. Speaker, Sir, I would be very brief and I would only like to make the position very clear, that if the Members from the Government Bench voted for the amendment it will positively mean that they are voting for the retention of the Portuguese Consulate and they will be acting exactly opposite to what they have said.

With these words, Mr. Speaker, Sir, I beg to move the closure of the debate on this amendment.

The Speaker (Mr. Slade): I do not think it would be an abuse of the proceedings or of the rights of Members to have the questions put on this particular part of the amendment. I will therefore put the question, which is that the question be put on this amendment.

The question was put and carried.

Hon. Members Divided

The Speaker (Mr. Slade): Order, order. These proceedings are somewhat involved. I think it is important that we should make quite certain hon. Members know what they are voting about. What hon. Members were asked to vote on was not the amendment but whether the amendment should now be put. It was proposed, actually, from the Opposition benches that the amendment should now be put, but hon. Members on the Opposition side appeared to vote against that proposition. They may have misunderstood. I do not blame them. In order to make quite sure I will put the question again, which is that the question of the amendment be put. If hon. Members say "Aye"—

Ans. hon. Members: Aye!

The Speaker (Mr. Slade): Order, order! If hon. Members say "Aye" I will then put the question of the amendment, and it will then be for those who do not like the amendment to say "No". I will put the question which is that the question now be put.

The question was put and carried.

The Speaker (Mr. Slade): I will now put the question of the amendment, which is that all the words after "That this Council" be left out of the Motion.

DIVISION

The question was put and Council divided.

The question was carried by 39 votes to 24.

AYES: Mrs. Abwao, Sheikh Alaooodi, Messrs. Alexander, Amalomba, Blumfield, Griffith-Jones, Harelock, Hennings, Ismail, Jasbo, Jenaby, Khatokala, Kilela, Koki, Katuriana, Lord, Mackenzie, Macleod, Malisori, Marrian, Matano, Mait, Moi, Sheikh Mubashshir, Messrs. Muiio, Ngila, Okondo, Pandya, Patel, Porter, Sogoo, Seroney, Mr. Shaw, Messrs. Swann, Pitta, Towett, Watige, Webb, Rurumban.

NOES: Messrs. Angaline, Anjarwalla, Arcman, Arwings-Kodhek, Ayodo, Chokwe, De Souza, Gichuru, Jamal, Dr. Kiiano, Messrs. Mathenge, Mili, Mhoya, McKenzie, Mohamedi, Mwanjumba, Ngili, Nthenge, Nyagah, Odede, Odindo, Sagini, Shah, Chaman Singh.

Debate resumed on the words of the amendment to be inserted.

The Speaker (Mr. Slade): That means that Council has resolved that all words following the words "That this Council" shall be left out of the Motion. I therefore now have to propose the other part of the amendment. The question is that the words "... strongly deprecates the brutalities and

[The Speaker]

which are reported to have taken place in Angola, and the policies of the Portuguese Government in its overseas possessions, particularly Angola and Mozambique, which, in the view of this House, are a denial of social justice, African freedom and democracy; and authorizes this Government to make, as a positive indication of the strong feelings of this House, a gift of Sh. 20,000 for the relief of distress in Angola, and to convey the grave concern of this House on this matter to Her Majesty's Government in the United Kingdom"; there is inserted, that is to say, be substituted for the words which have now been left out.

Question proposed.

The Speaker (Mr. Slade): This question is now open for debate.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, I stand to support the Motion as amended, and at the same time to express and to share the extremely deep feelings expressed by my hon. friend the Member for Nairobi East and the National Member Mr. De Souza.

Mr. Speaker, Sir, the situation in Angola, I feel, started when Vasco Da Gama first set his foot on the soil of Africa, and it is a very good example of what has been going on in Africa by the colonizing powers to date. Today, Sir, the whole of Africa wants one thing and that is independence. Some of these powers have been more progressive than other and some are definitely very, very backward. The idea of colonization, whether in Angola, whether in Kenya, whether in any other country, has been that the foreigner or the stranger comes among the people of this country—that is, Africa—and tries to entrench himself as best he can, thereby starting by frustrating the people of the country and confusing them, so that they may forget their natural birthright of independence.

Mr. Speaker, the seriousness of the situation arises where so many classes of Africans are now free and when the others, like those in Kenya, want the same freedom for our people and ourselves; and we find that a colonizing power like Portugal perpetrating the very thing that has been perpetrated by other nations, and there are other examples.

Mr. Speaker, it hurts the inner feelings of any African anywhere in Africa to find that the things that were done at one time by the powers like the Asian powers, the Arab powers, Britain at one time, France in other countries, Belgium at one time, Portugal, Holland, Spain, in this year of 1961. When we all want freedom, Sir, one of

these countries like Portugal wants to go right back. We know from history what happened in India. We know what happened in South Africa. We know what has happened in other parts of Africa. Why, Mr. Speaker, should a power like the Portuguese Government be so out of date and so much out of tune with the events in Africa?

I maintain that *uhuru* or independence for the black man in Africa is inevitable. I maintain that Africa belongs to the black man. The other peoples coming to Africa must learn how to live with the black man, Mr. Speaker, I have no fear in expressing these feelings because I maintain it is the dovetailing or the putting together, or the marrying together, of the various ideas and ways of life of these other peoples from outside, with the African way of thinking, that is going to save the whole of Africa from chaos.

Mr. Speaker, if I may make some references, Sir, to my mind there is another country, South Africa, whose policies stand as a great challenge to the black man of this country, and one that I hope that this little country of Angola is going to see sense and make sure that the African people in South Africa get their desires. I maintain that it is the duty of all free African countries one day to free the people of South Africa and make sure that the foreigners there do not confuse the Africans for too long, because we have seen it in all countries in Africa, and I hope that the mistakes will not be repeated in any other country in trying to live together.

Mr. Speaker, I would quote Tanganyika as a very good example of living together. We have got countries like Ghana where people can live happily together, I maintain, Sir; that the reason for this is that the foreign people who have come to this country have learnt to adjust themselves. They have come down from thinking that the black man is an animal almost, and that has made it possible.

I would say, Mr. Speaker, that this is the only way we can get peace in Africa for black men, because Africa is our country as far as that goes. I feel that this struggle in Angola is not so much that of a colonizing power as of the white people as Angola who want to entrench themselves or want to go back again and run away from the facts of history today in order to confuse the African.

Mr. Speaker, I am told that as many as 51,000 African Africans have been murdered in Angola. This means they want to eliminate anybody who can see so that they can continue to oppress the people of Angola, I mean the black man. This has showed us what other countries

[The Parliamentary Secretary for Finance and Development]

American people are full of racialism and lots of people every year are virtually lynched, killed, without any justification, simply because they happen not to be white. These consulates also, if we are taking action against the Portuguese on this one, should go.

Now, Mr. Speaker, because the Motion was moved on Portugal and Portugal alone, I could not possibly have put this in from fear of being out of order, but I do support the amendment because it takes a positive step to help these people. Now, Mr. Speaker, we want to have independence in this country so that these people can be given the treatment that is due to them as soon as we have the power to do so. Mr. Speaker, I fear Members on the opposite side asking me when it is up to them, Mr. Speaker. The hon. Members should co-operate in working out a system that will bring us independence immediately instead of setting up forces that oppose us in our positive steps towards independence. How easy it would be if we all pooled our energies together and worked towards independence in running this constitution, Mr. Speaker: a constitution, Mr. Speaker, which the former Legislative Council Members did agree upon, that it would take us to independence. Mr. Speaker, on this constitution we were told last year as well as this year, "Oh, here it is, leading us to independence!"

Mr. Odaga: On a point of order, Mr. Speaker, is the hon. Member discussing the constitution and independence of Angola and Portugal?

The Speaker (Mr. Slade): The hon. Member is wandering rather far from the terms of the Motion. He had better come back to it.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Thank you, Mr. Speaker, this fact remains, Mr. Speaker, that here are people preventing us from taking the appropriate action by obstructing our way towards independence. They go across the way so as to prevent us, Mr. Speaker, from taking the action we could have taken here. If they had co-operated, this Motion would have been entirely unnecessary. We would not have come here and wasted public funds debating this Motion. We would be going ahead freely by just signing a document and wiping out the little fellow.

Mr. Odaga: On a point of order, Mr. Speaker, is the Member really adhering to your ruling, for he continues to wander even further from the Motion.

The Speaker (Mr. Slade): I cannot hear the hon. Member.

Mr. Odaga: The hon. Member seems to have missed the Motion and is just wandering about on the constitution.

The Speaker (Mr. Slade): I am afraid I did not hear the last words of the hon. Member, but I would remind him again to keep to the terms of the Motion.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Mr. Speaker, I did not wander on the question of the constitution, I was merely saying that the hon. gentleman in moving this Motion has done a jolly good thing but they have not taken any positive steps to lead us towards the situation in which this debate would have been unnecessary, and in making this statement, Mr. Speaker, I do think perhaps the hon. Member for Central Nyanza does not quite understand King's English and he should perhaps go back and learn more of it. Mr. Speaker, Sir, in supporting this amendment, I am taking the only sensible step that reasonable men can take in the circumstances. This Motion has been brought with a feeling or a sort of calculation that here we are now going to fix these fellows. All right, Mr. Speaker, we are taking the most reasonable line of action that whilst we deplore the action of the Portuguese Government in Angola, whilst we want these people to get out of Africa as quickly as we can possibly get them out, we cannot physically do it because we have not got the might, the force, the energy or the money to do it. So we mobilize the forces that we have and give the African people assistance to fight this battle to the end.

The Speaker (Mr. Slade): I will propose the question but, before doing so, I must explain the procedure, which is somewhat complicated. In this case, the amendment involves not only leaving out certain words but also inserting some other words and the procedure in such cases is, first of all, that we debate on whether the words shall be left out; and that is the only question that I propose at this stage. Then, if that question be resolved in the negative, that is to say, that the words shall not be left out, the other part, that the words be inserted, does not arise at all. If, on the other hand, it is resolved that the words shall be left out of the Motion, then we move on to considering the words that shall be put in their place. We shall consider the particular words in the form of a further proposal. It is open at that stage to any hon. Member to propose an amendment to those words, as an amendment of the amendment. There is only one further point I

[The Speaker] must make clear. Since this initial question as to whether we leave out these words relates to the whole of the original Motion, we are resolving one and for all whether the original Motion shall stand. If it is resolved that these words shall not be left out, then it is possible at any further stage to propose a further amendment which involves leaving out any of these words. Any hon. Member who has in mind some alternative amendment later, which involves leaving out some of these words only, should make that clear now on this first question, and propose an amendment as to the particular words to be left out.

I will now propose the question.

Question proposed that the words proposed to be left out left out of the Question.

The Speaker (Mr. Slade): Under Standing Order No. 62 I rule that the debate on the amendment is not conveniently severable from the Motion; so hon. Members who have spoken on the Motion cannot speak again on the amendment, except on a new matter which has now appeared. Hon. Members who speak now on this amendment will not be able to speak again except on new matter.

Mr. McKenzie: In seeking information, anybody who now speaks on the Motion of leaving the words out, am I correct in saying that it is accepted by this House that the new words are put in, that he cannot speak again?

The Speaker (Mr. Slade): That will depend actually on whether I apply Standing Order No. 62 to the further question of what words are to be put in but I shall so apply Standing Order No. 62, so it means, all the way along, anyone who speaks will not be able to speak again except in respect of new matter which arose since he spoke before.

Mr. McKenzie: The Mover and seconder of the original Motion—are they entitled to speak on the Motion that the words be left out?

The Speaker (Mr. Slade): No.

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoodi): Mr. Speaker, I rise, Sir, to support the amendment that these words be now left out. I think, Sir, from the outset I must declare my interest in this Motion. I think, Mr. Speaker, that this House is only today debating the question of the Portuguese. The Arabs in this country know about 400 years ago, and they were the first people to know that the Portuguese are very atrocious people and it was they who kicked them out of this country, I think, Mr. Speaker, if it were not for the Arabs, rather than today discussing

about the atrocities happening in Angola, we would perhaps ourselves be suffering from the same atrocity that are being applied to the people in Angola. Mr. Speaker, Sir, my contribution to this debate, as opposed to many contributions by many hon. Members, is from the practical point of view because I have visited one of the Portuguese countries and when I speak about their ways and methods I speak from first-hand information. I said most of it not say all. Mr. Speaker, I do not want to be accused of the same thing that we always accuse other people of when they visit this country. Very often somebody comes here for two or three weeks and goes away and says Kenya is like that, and then we all go and say how on earth could you have been so familiar with our problem in this country within such a short time. That is the point: I am trying to avoid in my contribution to this debate. I do not claim that I know all the intricate machinery of Portuguese colonialism, but what I am going to say is my observation as an unconcerned observer and the impression I got when I visited one of the Portuguese domains. Three years ago, Mr. Speaker, I went to Mozambique and the capital is Lourenço Marques. Immediately I landed in that country I found that the absence of the African was so conspicuous as to immediately get the impression that that country was going headlong into chaos and disruption. No African in that country was allowed to be even a taxi-driver or post office messenger. I think the only work that the Portuguese allowed the Africans in Mozambique was that of shoe-shine boys. I had my telegram delivered to my hotel by white Portuguese messengers and these things are unlike all the colonial powers as this is work which should have been left to Africans to do. Mr. Speaker, Sir, in that country every African child who reaches Standard IV in his education has compulsorily to leave school whether he likes it or not and it is only those whom they call the *ambulantes* that are allowed to go beyond Standard IV, and at the home. Movers of the original Motion rightly put it, that immediately they are classified as *ambulantes* they are whisked away from that country so that they cannot prove to be of positive leadership. Another thing, Sir, is the way the Africans live in Mozambique: they are all being herded together in a location called Xpamanine and anybody who has got any decency in him would never visit that place on earth. It is completely unbelievable for someone to go and see that and not what is happening in Angola, but as I said, I want just to express my opinion as an observer. Anybody who could have visited Mozambique three years ago would positively be

The Leader of Government Business and Minister for Education (Mr. Ngala): We have other countries like Russia and China which are very much interfering with orderliness and peace in indirect ways. All these countries, Sir, will have to be dealt with firmly and definitely by this Government if they show any actions of brutality or denial of social justice or democracy to their people. I have noted, Sir, that there are some undesirable activities as reported by the Opposition in the office of this consulate and I was particularly glad when the hon. Mover said that he would look into these activities and get himself satisfied and probably take them up.

Mr. Mboya: I am satisfied.

The Leader of Government Business and Minister for Education (Mr. Ngala): And this Government would be very interested in taking action on these matters if they are brought to our notice.

Now, one thing, Sir, that the hon. Mover has mentioned three times in his Motion is that we in Kenya are not yet independent.

Mr. Mboya: That is why we call upon the British Government.

The Leader of Government Business and Minister for Education (Mr. Ngala): And he has very rightly said that this House should express the strong feelings of this country and the people of this country and grave concern to the British Government for action. And, Sir, I entirely agree with the Mover in this, that strong feelings should be expressed to the British Government and that our grave concern should be made clear to the British Government. I am not particularly concerned with what has been alleged about Portugal being an ally of Great Britain. What I am concerned with are the feelings of the people in this country. I am not concerned with the allegations that have been made that Britain is friendly with Portugal. I am concerned with the grave concern that has been expressed both by the Opposition, by the Government of this country and by the people at large.

Therefore, Sir, I should like to move an amendment to this Motion. I beg to move that the Motion be amended by deleting all the words after the words "THAT this Council" and by inserting in place thereof the following:—

... strongly deprecates the brutalities and atrocities which are reported to have taken place in Angola, and the policies of the Portuguese Government in its overseas possessions, particularly Angola and Mozambique, which in the view of this House are a denial of social justice,

African freedom and democracy; and authorizes this Government to make as a positive indication of the strong feelings of this House, a gift of Sh. 20,000 for the relief of distress in Angola, and to convey the grave concern of this House and the people of Kenya on this matter to Her Majesty's Government in the United Kingdom.

I beg to signify His Excellency the Governor's consent to this amendment.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Mr. Speaker, Sir, I rise in support of the amendment to the Motion. The hon. Mover has given us an elucidation of the position in Angola. It is very sad indeed, Mr. Speaker, that at this time in our development in the twentieth century, Mr. Speaker, a nation that considers itself Christian and professes to follow the precepts of Christianity carries out such atrocities as this country called Portugal is doing. If it is a Christian country, I do expect it to live by the standards of Christianity and "to do to thy neighbour," as Christ said, "as thou wishest him to do to thee." In this action by suppressing the people of Angola, the legitimate natives of Angola, Portugal is indeed asking all of us in Africa to do to her as she is doing to Angola. The only request that she is really giving us is that we too should take care to suppress any Portuguese nationalist movements in Portugal. Today we know, Mr. Speaker, that Portugal is a dictatorship, a fascist country. It is a country that has gone to the limits of totalitarianism and yet today, Mr. Speaker, Western nations still patricy with this fascist country although they hit down Hitler, they hit down Mussolini, who were more or less on the same lines. They today deride Russia and cry out loud that the Russians are carrying out various atrocities. But when it comes to Portugal, presumably because Portugal does pretend to be a Christian country, they do stand aside and say, "Oh, no, let it go slowly; perhaps Portugal will mend her ways."

Mr. Okondo: For four hundred years.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): This, Mr. Speaker, we are not prepared to tolerate any more. I must say that one of the first steps that a country like this should take if it is independent is to sweep such things as the Portuguese consulate and South African consulate right into the Indian Ocean never to be seen here again until they have mended their ways. I stand firmly, Mr. Speaker, on these lines that we shall not, when we are independent, allow actions, allow co-existence, of this kind. But as you know, Mr.

[The Parliamentary Secretary for Finance and Development]

Speaker, we are still a colonial country. Everybody knows that: the Opposition knows that, we know that. The most we can do, Mr. Speaker, is to ask Her Majesty's Government to take the action that is necessary to bring about our desires. Now, our desires, Mr. Speaker, are pretty obvious: this consulate should go, we do not want it here. But it is not the only one, Mr. Speaker. If you look down south you find the Union of South Africa is engaged in a battle, a struggle, of genocide. Their ideology is completely strange to the idea of the coexistence of the human races on earth. They are following a doctrine that is wicked, destructive, a doctrine of hate and they are people who really deserve to be put in a sack of something and dropped down to the bottoms of the sea.

Now, to say that we should remove the Portuguese consulate only now and leave the South African consulate here is really a contradiction in terms. Mr. Speaker, when the Mover of the Motion gave notice of this I said publicly that this was in accordance with my feelings and that I would go a long way in support of such a Motion provided it was not put in language that was vituperative or language that did not mean good. I thought then that the Mover of the Motion would follow this up and say, "Well, here are people who are prepared to co-operate; let us get together and discuss this problem." But, Mr. Speaker, Sir, not that was more or less too much of an indignity, Mr. Speaker, for the Mover and no such action has been taken. I still stand by this, Mr. Speaker, that the evils of colonialism, whether perpetrated by Britain or by Portugal are the same. Today we live in a colonial government and we should like to see that wipe that out. We want our independence so that we can deal with such matters on the spot without referring them to some other people and we want that as soon as we can get it without any further delay. Totalitarianism is an evil against mankind today. It is a dictatorship of this kind with which, Mr. Speaker, I am not for one prepared to live for an hour longer.

However, as I said earlier in this House, if you cannot get what you want you have got to do what you can. In the Moslems faith, I understand, the saying still goes so that if the mountains cannot go to Mohammed then Mohammed should go to the mountains. Mr. Speaker, in moving this Motion I should like to say most emphatically that while the Mover of the Motion has taken a commendable step I do think he will appreciate that there are some things taken as being more positive, being a move that

will definitely help the national struggle in Angola by very substantial assistance. This is the kind of help, Mr. Speaker, which people who are in trouble do want. The closing of the consulate here would give us perhaps a certain amount of ego to say, "Well, we are right, we shall expel these people." But how does that help the poor souls suffering in Angola? Will it give them any more cents or Sh. 2 more, to fight, to build their houses which have been demolished, to take their children who are sick to hospital, or give them any more food? No! It will perhaps simply impose on those people further sufferings because they have not been given the success which they want. We are giving them positive assistance on this so that they can rebuild their houses; it can help them get food, it can help their fight on against this vicious force of imperialism.

Mr. McKenzie: Twenty thousand shillings!

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Mr. Speaker, Sir, if I may quote a little bit to these people—

The Speaker (Mr. Slade): To the hon. Members.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Hon. Members, Mr. Speaker, I would quote a bit from Cicero, "*Quis acque tandem obitote... patiens natus*". Why? To what extent are you going gentlemen? Go on and ignore things which are so obvious? We are taking a definite, sensible step towards helping these people. Now you come and tell me, Mr. Speaker—how could you take some negative step of expelling this consulate? I would subscribe to that if, Mr. Speaker, we were also going to expel these other consulates—the South African Consulate, I must repeat, and also, the American Consulate. Every other day you pick up a newspaper and you find that Governor Pimbes or somebody has: condemned all the coloured people in his state. You find that the next day children at Little Rock have been beaten up because they do not happen to be white. You find that peaceful citizens going peacefully about their business are set upon by fellow humans being and attacked, beaten up, and that the Government takes six or seven hours to act, to react to this. Yet we are told America stands for democracy; America stands for everything good in this world and America has no racialism. If it all were to tell us that the United States Government had an official policy which does not subscribe to racialism. This is all false! We know very well that the policy of the United States Government may be opposed to racialism but the practices of the

[Mr. De Souza] Mr. De Souza asked me as a lawyer to file a suit for libel, because there were lies in them and they were trying to find out, I said I recognized immediately in those letters the hand of the Portuguese Consulate and if they cared to take it up I would be quite sure that in fact there was no such Gomez or Rodriguez. In fact, Sir, they wrote to the Nation and tried to trace the box numbers of these people, one box number never existed and the other belonged to a poor merchant who had never heard of those persons. It was quite obvious to all of us that these letters emanated from the Portuguese Consulate.

Sir, this is the kind of trouble that the Consulate tries to make in this country.

Thirdly, Sir, there is the question of the refusal of passports. Goans in this country are very clearly told that if they do not support Portuguese rule, they do not support Portuguese policies they will be deprived of their passports and people have been deprived of their passports. They must therefore remain in this country without ability in fact to go to Tanganyika or Zanzibar or anywhere else. They are prisoners in the sense that they cannot go away. That is for a person who has got a wife and family, who has got long leave and would like to go and spend it abroad it is a very severe punishment.

Then, Sir, the last point I wish to make which is very important is the fact that if these persons do not follow the policies of the Portuguese Government they will be arrested if they go to Goa. In fact that has happened to quite a few people. One very famous case was a person called Mr. Faria, from Mombasa who sent a telegram to Nehru congratulating him in 1947 on the independence of India. Years later when he went down to Goa he was arrested and put in Aguada Prison where there are convicts of a very dangerous type and kept there for one month—needless to say without trial. It so happened that some members of his family were influential persons and after a great deal of bribery and corruption, as, usually, takes place in Goa, he was released.

An hon. Member: He was lucky.

Mr. De Souza: Yes, he was lucky. But there are many others who are not quite as lucky and who cannot afford to take that chance.

That then, Sir, is the position of the Portuguese in this country.

Now I want to make two points before I sit down. The first, is to speak a word about Goans. I want to assure the Goans in this country that

the African peoples, particularly the party with which I am associated, are not the enemy of Goans. They fully realize the contribution that Goans have made in this country in the past and they will continue to make in the future. But they do feel that those Goans who are tools of the Portuguese Administration, those Goans who are trying to compel their fellow brethren to policies that are abominable and to policies that are completely contrary to any principles that we have in our hearts and in our minds, those Goans will not be tolerated in this country. And particularly so where any Goan occupies a position in the Civil Service and claims loyalty to any Government as barbarian as the one I have just talked about, cannot possibly be trusted in the service of this country.

Hon. Members: Hear, hear.

Mr. De Souza: Sir, lastly I want to appeal to my friends on the opposite side to vote for this resolution and I do so not in any party spirit. The Mover of this resolution, the hon. Member for Nairobi East, has stated quite clearly that this is not a party resolution. It is a matter that the whole world is now alive about, the whole world is concerned with and working for. In fact, 30,000 people have been massacred in Angola alone.

An hon. Member: More than that.

Mr. De Souza: Possibly more. Churches have been burned down. The Prime Minister of Tanganyika, Mr. Julius Nyerere, has come out in no uncertain terms in favour of the closing down of Portuguese consulates. Sir, I say this to hon. Members. If you had proposed a similar Motion we would have supported the Motion. We do not support this in a party spirit. If you vote against this—and I hope and sincerely pray you do not—but if you do vote against this Motion—you will be voting in favour of the barbaric practices of the Portuguese in Angola, Mozambique, Goa and all their territories. If you vote against it, Sir, you will be voting in favour of the imperialists; you will be voting in favour of those policies. If you vote against it you will be voting against the principles of the dignity of man and you will be voting against the principles and you will be voting against the principles of the equality of man.

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoodi): On a point of order, Mr. Deputy Speaker, is the hon. Member in order when he says, "You, you, you?"

The Deputy Speaker (Mr. Nyagah): He should address the Chair and pass the message through the Chair.

Mr. De Souza: Sir, I am almost at the end of my speech—but I will speak through you, Sir. Hon. Members seem to be a little sensitive but I will not appeal to them directly. I shall appeal to them through you and I ask them to ask their consciences whether they should vote against this Motion. It is not a party matter. We are not seeking to make any party capital out of this. We want to strike a blow in the name of mankind. I appeal to them, Sir, through you, to vote for us and see that this resolution is carried and carried unanimously.

Question proposed.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, this is one Motion with which the Opposition and the Government are in full sympathy.

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

[Mr. Speaker (Mr. Slade) resumed the Chair]

The Government, Sir, would like to take this opportunity of making a point very clear on this. We condemn in the strongest terms the barbaric brutalities and the atrocities that are reported to be taking place in Angola. In this, Sir, I would like to issue an expression of our Government here in Kenya Sir, we do not condone the policies of the Portuguese Government in its overseas positions at all. We feel that these policies should be changed so as to be feasible in the changing situation in all African countries. We understand that the wind of change has probably, according to the reports we receive, not reached the people in Portugal and we hope that every pressure will be used by countries in the United Nations and also by countries in Africa to make the Portuguese Government realize that we are entirely in a modern situation both politically and socially. We feel very strongly, Sir, that social justice should not be denied to our people in Angola.

As far as education is concerned, I have already stated very clearly that this is not a party issue, nor is it a party issue, and we deplore it very much if there is any kind of segregation or denial of education to any community in this country.

The legal rights were indicated by the Opposition and if this is true we also very much deplore the attitude with which our people there are being treated.

Mr. Argwings-Kodhek: Act, act, act!

The Leader of Government Business and Minister for Education (Mr. Ngala): Sir, we believe that the Africans must be given freedom.

We believe that the Africans also must be given dignity. It is very wrong for any country, whether it is Portugal or America or South Africa, to treat human beings in a way which deprives them of their birth right, that is, their dignity as a human being.

Mr. Argwings-Kodhek: How right you are!

The Leader of Government Business and Minister for Education (Mr. Ngala): Therefore, we equally condemn the treatment that our people are receiving in Angola, just as the Opposition is condemning it. I fully endorse the statement that was issued by the Deputy Leader, Mr. Masinde Muliro, Sir, which has been quoted by the hon. Mover. I also fully endorse the statement that was issued by my hon. colleague, Mr. Peter Okondo. We must deplore these atrocities and brutalities. They are completely inhuman, completely un-Christian and completely undemocratic. Sir, we believe so much in democracy that any nation that suppresses free expression cannot be encouraged by this Government. We believe very strongly that people should be afforded free expression. This is why we give the Opposition every chance to express their views.

Mr. Mboya: And that is why you lock up some of them, eh?

The Leader of Government Business and Minister for Education (Mr. Ngala): We very much deplore the slave trade that is alleged to be going on, if it is going on. This country, Sir, has gone a step further and this would regard any nation that is still vigorously carrying on the slave trade as being out of date, awkward and backward.

The presence of the Portuguese Consulate in Kenya, Sir, is an attempt to try to get a certain relationship with other countries. There are all these other countries with which when we become free we shall have to have some kind of relationship.

Mr. Mboya: We are not yet free.

The Leader of Government Business and Minister for Education (Mr. Ngala): I agree that if a country is carrying out all these undesirable activities we should be in a position to act very definitely on such a country. Today we have, for example, undesirable activities going on in South Africa and other undesirable activities going on in America and, as you have heard, Sir, in Portugal and many other countries.

Mr. Argwings-Kodhek: In Nairobi.

Mr. Mboya: Nairobi Airport!

[Mr. Mboya]

Portuguese Consulate resident here in Nairobi, the intimidation, the blackmail and the conspiracies that are carried out through this office in the name of friendship between Britain and Portugal.

I beg to move.

Mr. De Souza: Mr. Deputy Speaker, Sir, it is quite right that today when the Council of the world speak in the United Nations to investigate and condemn the atrocities and brutalities of the Portuguese imperialists it is right that we in this country should meet in this Council also to condemn that same country for its policy and in so doing use our utmost influence and our power to see that justice and peace are brought back to that very forgotten part of the world.

Sir, I have great pleasure in seconding the Motion proposed by the hon. Member for Nairobi East and I do so for three main reasons. The first, because of the fascist dictatorship that now exists in Portugal, secondly because of the policy of Portugal in its empire, in Africa and in Asia, and thirdly for the policies of the Portuguese Government in Kenya. I will elaborate, Sir, as briefly as I possibly can.

Sir, the principles on which the Government of Portugal is run are fascist and totalitarian, they are a dictatorship. They are in complete contrast to the parliamentary democracy that we in this country are trying to bring about for Kenya. They are in complete contrast to the basic human rights that we in this country want to cherish and bring about for the people of this country. They are in complete contrast with freedom of speech, freedom from arrest, freedom of association and of assembly which we in this country want to preserve and want to increase for the people of this country. Sir, we do not want to have a country which practices principles that are completely wrong, that are completely alien to all civilized and modern standards, to have a representative moving in this country and being given honour in this country.

Sir, I must remind the House and the Government, particularly the European members of the Government, who talk about Portugal being their oldest ally that when Indian troops, African troops, and British troops were fighting side by side in the last war in the cause of freedom, it was Portugal which made a base for fascism, it was made a base for Nazi political activities, it was made a base for counterfeiting coins, espionage and all the other sorts of iniquities that the Government of Portugal has given rise to. Sir, we cannot and will not tolerate representatives

of a country practising principles of that sort to be given any place of honour in this country.

Sir, I must turn now to their policies in Africa. There are some people who have the belief that in Portuguese colonies there is no colour bar and they have complete racial equality. I want to give the lie to that suggestion. The only legal equality that exists in the Portuguese colonies is that given to those known as *assimilados*. Those persons, Sir—and I am quoting here from the *Time* magazine dated 2nd January, 1961—are, in fact, 30,000 in Angola and 6,000 in Mozambique, which is in fact two out of every 3,000 persons in Angola and one out of every 1,000 persons in Mozambique, the result being that all the other persons are legally treated almost as if they were animals. And I will explain why. It is done on purpose as part of deliberate Government policy. In Angola today there are only 700 Africans in high school; Mozambique with a population of 6,000,000 has only 30. There is only one college available in the whole of Portuguese East Africa and he is a young African who went to Lisbon University on the proceeds of a lucky lottery ticket. In fact, when the Indian Government and other governments offered scholarships for the students of these Portuguese territories to go to study abroad, they were deliberately refused. The Portuguese have said that they do not want their African people to be educated because according to them they come and give trouble. I want to assure the Portuguese Government that, education or no education, they will give trouble and continue to fight for their rights until they get them.

Hon. Members Hear, hear.

Mr. De Souza: Sir, there is another point that arises. The differences in nationality in Africa are purely part of historical accident. A person, say, in Mozambique, in Angola, in Kenya or in the Congo, are in fact the same African people, and wherever they are, they are all the same. If, therefore, the Portuguese practice their inhuman policy in Angola and Mozambique, they do so not because they are Mozambiquans or Angolans, and if the Africans or Indians here had happened to be in Angola or Mozambique they would have been subject to the same policies that the Africans there are subject to. Therefore, when we fight for these rights, we are fighting for these rights as human beings and persons who believe in no racial discrimination in this country and who believe in equality in this country and who want to insist that there should be equality and no racial discrimination in those countries.

[Mr. De Souza]

I will give a few examples of racial discrimination in Angola and this was told by this lucky young Angolan who had the lucky lottery and went to a college. In Angola Africans are not allowed to own land as all, it may sound surprising, in fact shocking, but they are not allowed to own land. Secondly, they are not allowed to write books in their own language, in fact even if they write a letter in their own language from one person to another it is a criminal offence and they are sent to gaol. The idea is that they must speak and write only the Portuguese language and there is complete suppression of culture of the people of the territories themselves. In Angola there is religious persecution of the worst sort. My hon. friends here will have noted quite recently the report of the burning and sacking of Methodist churches, of the killing of priests in Angola. Complete elimination of population that were not Roman Catholic, and I submit, Sir, that that is one of the most degrading features of any government that claims to be civilized or tries to bring civilization into any other country.

Sir, in Angola there is slave labour. The only export that the people of Angola know, the only export that the Portuguese have to the neighbouring countries are labourers. They round them up by the hundred, they round them up by the thousand, and export these for money to work in the mines in the Rhodesias. I am grateful to the *Daily Nation* for bringing up a story of one of the persons who saw 500 Africans actually being sold as slaves for a sum of money which, in fact, was less than £1,000. And, Sir, if 500 persons can be sold today as slaves, I think it is absolutely disgusting and I hope that the United Nations will take much stronger action that we at our present stage, unfortunately, can take. I have already stated why there is a deliberate effort, a deliberate policy to keep down the people of Angola and Mozambique in terms of education.

Of course, people used to say that the people of Angola had not risen and so they must be quite peaceful. The Portuguese have got two methods by which they keep try to keep their country peaceful. The first, Sir, is alcohol. They encourage the distribution of alcohol and they sell liquor on a massive scale and persons whose salaries range from Sh. 15 to Sh. 30 a month are encouraged to drink as much alcohol as possible because it subdues their spirit and removes the desire for their freedom. The second, Sir, is a peculiar Portuguese invention which I believe is called a *palmaria*, and if I may quote from the *Time* magazine, I will read a portion of one passage. It says: "Indigenous, those indigenous

people who endure the system without protest remain peaceful enough. For those who do not there is the *palmaria*, a stout flat bar with holes in it. A dozen sharp blows of the *palmaria* on the open palm lays welts and blisters which last for weeks. Persistent trouble makers disappear quietly into the labour gangs of Sao Thome, Portugal's little island in the Gulf of Guinea." There we see, Sir, the real basis on which this country has for so many centuries been kept allegedly peaceful and content.

I, as the hon. Members know, am of Goan descent. My father originally came from Goa. Recently, after 25 years I went to Goa to see how the Portuguese run that colony. I stayed there for a fortnight and was absolutely disgusted. In my own village the priest was giving a sermon in the Roman Catholic church. In the course of which he said that Nehru was not a communist. He was immediately arrested on the pulpit because in Goa Nehru is supposed to be a very big communist who is trying to communize Goa and forcibly convert the Goans from their Catholic religion into communism.

In addition to that, meetings of any nature are not allowed, even funeral processions.

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamooddy): It is better here.

Mr. De Souza: I quite agree. And this is the type of policy that the Portuguese follow in their colonies.

Now, Sir, I will go to the third point, that is the question of Portuguese interference in the domestic affairs of Kenya. The first, Sir, is that they give grants of money to clubs, schools and other institutions and make it a specific condition, either direct or indirect, that these clubs and institutions should follow the policies of the Portuguese Government, should declare their loyalty to the Portuguese and that all nationalistic elements—needless to say, like myself—should be expelled from these places and should not be allowed in.

Secondly, they give false news reports about Goa, about Angola and we are aware of the lies that come out. I will just give one little instance. Quite recently, Sir, there appeared in the *Nation* two letters, one of them was signed by J. B. M. Gomez and the other J. C. Rodrigues both condemning the African and Indian leaders here who condemn Portugal and affirming the loyalty of the Goans to the Portuguese Government. When these persons came to

[Mr. Mboya]

politics, defending the rightness of her troops murdering hundreds of Africans in Angola and Mozambique. Mr. Speaker, this is the state of affairs.

I am not against the man, the Portuguese Consul-General, I even do not know him, but, Sir, he represents something that is so positively obnoxious that to have him amidst us is like a cancer which must be cut away.

Hon. Members: Hear, hear.

Mr. Mboya: It will give our country at least some fresh air, it is so we, Mr. Speaker, for us to pretend to fight against colonialism if we are going to sup and dine with a man of this nature and so, Mr. Speaker, what I have to say here is not out of personal hatred of the Consul-General but out of my conviction, my feeling of what he represents.

Mr. Speaker, it is unfortunate that we are a colonial territory and so in this Motion the most we can ask for is that Her Majesty's Government be requested immediately to close down the Consulate. For I say, and I say without hesitation, that if it were not for our colonial status we would not even have to debate this question here, we would close down the Consulate and expatriate the Consul-General. Mr. Speaker, the presence of this representative of the most brutal regime in modern history is provocative. How can we expect, Mr. Speaker, our people to sit and look on when they pass the windows of the Portuguese Consul-General's office only after reading in the Press that morning that several hundreds of our people have been brutally murdered and slaughtered by so-called defenders of democracy and equality? Mr. Speaker, we ought to say—and I take this opportunity to say in—we are not impressed by Britain's record in this matter of Portuguese colonialism. We are not impressed even by America's record in this matter. We are not impressed by the record of the Western powers, of the so-called democratic powers, of the freedom powers, on this Portuguese issue because, Mr. Speaker, what happens and this is why perhaps we who have no history to embarrass us, no colonial connexions to worry about, are in a better position to tell them very positively what the situation ought to be.

Mr. Speaker, these people, America, the West and so on, the democratic countries are more interested in the North Atlantic Treaty Organization alliance than in the freedom and democratic rights of our people and to them it is a question of how their alliances and their friend-

ships shall survive, rather than a question of whether some human beings, in the course of the survival of these alliances and friendships are trodden upon and brutally murdered. It was not until the Angolan people rose up and took up arms and blood was shed that America was fit, for the first time, to vote against Portugal in the United Nations. It was not until the Angolan people took up arms and blood was shed that Britain feebly came out with statements asking Portugal to correct her ways. That, Mr. Speaker, is not good enough for one who knows that if these things had happened in other countries, let us be blunt about it, suppose they happened in Eastern Europe there would today, Mr. Speaker, be such hue and cry in America, in Britain, in the Western world you would think the whole world is collapsing. But because it is happening in Africa, Britain is more interested in her friendships, she cautions understanding, reason. Mr. Speaker, how can we be asked to understand and reason when every day our people are being murdered ruthlessly by a ruthless and wicked regime. And what is this all in aid of? It is in aid of a decadent system, in aid of colonialism whose days are gone. In aid, Mr. Speaker, of nothing more than the security of a regime that even within Portugal itself is not democratic. We are sad, Mr. Speaker, when we hear that Britain, for example, allows one of her troop vessels to visit Angola, even at this time, when our people are being brutally murdered.

Mr. Speaker, it is for these reasons that we feel we must express in the strongest possible language the position that we take in this matter.

Now let me, Sir, come to the second aspect of this question. The presence here of the Portuguese Consul-General. Mr. Speaker, we hear some very sad stories about the activities of his office in this country. It is not, perhaps, for me at this stage to make charges against him but I think what we have heard ought to be disclosed publicly so that they may be looked into and corrected, and corrected immediately. We hear, Sir, of the pressure that this office puts on some of the members of the Goan community who dare speak freely against Portugal's rule in Goa and in Africa. We hear, Mr. Speaker, of pressure and of threats of withdrawal of passports and Portuguese citizenship if any Goan dares speak freely, dares speak as freely as we do, on the conditions in Goa or in any of the Portuguese territories.

Mr. Speaker, this alone would justify our insistence on the removal or closure of the office

[Mr. Mboya]

immediately even though we are not an independent state. If a member of the Diplomatic Service abuses the privileges that he enjoys by interfering with the freedom of the people who are resident in this country, some of whom are civil servants of our own Government, then I say that that diplomat who has abused the privileges which he should enjoy and he should be asked to leave this country and have that office closed unless a better man can be found.

Mr. Speaker, we hear of other activities such as the encouragement, and sometimes even deliberate organization of some sections of the Goan community to show or to profess public loyalty to the Portuguese regime and those who dare accuse them. Mr. Speaker, we hear also threatened with the withdrawal of their passports. We hear, Sir, that any Goan who dares to speak boldly out, professing to be a Kenya citizen and wanting to identify himself with the nationalists and other organizations in this country, that person is likely to be told these activities might lose him Portuguese citizenship and his passport.

Now, Sir, this kind of blackmail, intimidation and conspiracy is totally undesirable and it is one ground on which we call for the closure of this office.

Mr. Speaker, I come to my third point, the question of the Goan community resident in this country, but I think Mr. Muliro in this same article put it this way, "After expressing the Goan community as a whole, Mr. Muliro said he was disturbed to read Press statements that the community's undivided loyalty was to Portugal. In the new Kenya of today we will not tolerate those Goans whose loyalties and sympathies lie with Portugal but who earn their livelihood on Africa's soil. We will not tolerate such ingratitude and disloyalty".

Mr. Speaker, Sir, I want to endorse fully the words appearing in this statement by Mr. Muliro. We have had cause to say before and perhaps we ought to say again since these activities have not ceased, that we have no quarrel with the physical presence in this country of a Goan or Goans. We have no quarrel with the manifestations by Goan people of their own culture, their background, their language or their history, but—and this is important—we have every reason to question the attitudes and the activities of any Goan who appears and who publicly says he owes loyalty to a foreign regime, especially a regime of this type and especially when at the

same time we have to employ him in a position of trust in our own civil service.

Mr. Speaker, Sir, due to the combined activities of the Portuguese Consul-General's office, this faction of the Goan community that professes loyalty to Portugal we hear of cases where certain prominent members of the Civil Service from this community have openly engaged in what cannot but be regarded as political activity not in the interests of Kenya as such. We demand, Mr. Speaker, that the position of such persons must be immediately investigated and such persons be retired from our Civil Service.

We would like to express our appreciation of the contribution made by many Goans in the Civil Service of this country, but, Sir, we are nearing our independence and we cannot have any doubts about those members of our Civil Service on whom we are going to rely to run this country and also to help to train those who will run this country from among our own community. There must, therefore, Mr. Speaker, be a clear and definite statement from the Goan community that they, themselves will help to look into this situation and right it.

My friend, Mr. Muliro, referred to certain aspects of the activities of this community which led some of us to believe that some of them were intent on carrying on practising race discrimination. We hope to hear that their schools and other institutions will seriously consider the question of de-segregation as the basis of the future society that we wish to create in this country. They cannot live in a closed watertight compartment, away and isolated from the community that is Kenya.

Mr. Speaker, Sir, I have expressed for this side of the House our very strong feelings on this matter. I am sure, Mr. Speaker, that this House will be agreed that Kenya must express herself, our next door neighbour, the Prime Minister of Tanganyika has stated in no uncertain terms what Tanganyika's policy is going to be with regard to Portugal. He has made it very clear that Tanganyika will close down Portuguese missions in Tanganyika.

[Mr. Speaker (Mr. Stole) left the Chair]

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

And even if necessary take further action to ensure that Portugal is brought to appreciate the forces in our present world.

Mr. Deputy Speaker, I am sure that we would like to condemn the brutalities now going on in Angola. We would like to investigate very seriously the allegations made against the

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someone on the other side. However, of course, it is an important exception that the Government has stated that it is aiming to localize the Civil Service and that does come into it. The Commission gives preference, therefore, to local candidates. In 1960 the Commission gave its advice regarding the selection of 1,800-odd candidates and of this number 524 were Africans.

I was very glad to note that the hon. National Member, Mr. Bruce McKenzie, expressed thanks to the Civil Service for their work. I think, Mr. Speaker, that I am right in saying that I have served the Government of Kenya longer than anybody else sitting in this House, if I am wrong, I am ready to be corrected.

Mr. Argwings-Kodhek: Congratulations!

Mr. Hennings: I beg your pardon? Thank you. Then I think both the hon. National Member and the Member for Machakos went on to level a good deal of criticism on one branch of the Government, namely, the administration. I have heard in this House a number of times people talking about the administration as if it needs no training, very little sense and very little education to be a district commissioner or a district officer. I am quite sure that hon. Members know that that is nonsense; that you have in fact to have a lot of training and a lot of education and a lot of sense to be a good administrator.

Mr. Odiga: (Inaudible.)

Mr. Hennings: Administrators are what I am talking about. Now, I think that one of the main reasons that criticism is levelled against district officers and district commissioners is because the people still go to those officers with their complaints and their *shauri* rather than to Constituency Members. I rather think the Constituency Members resent that. It is quite natural but I think we can conclude from that fact that people think that they are going to get justice and a fair deal from their district officers and district commissioners just as much as, if not more than, from their political representatives.

The question was asked if any sort of compensation plan has been worked out. There was an announcement made by His Excellency the Governor that a limited compensation plan to fit in with plans for localization was now being studied. His Excellency made this statement at the annual general meeting of the Senior Civil Servants' Association on 2nd June and he said that the Government would be introducing a limited compensation scheme in order to accelerate localization. Details of the scheme will

probably be negotiated with staff representatives and Her Majesty's Government towards the end of this month.

There was a complaint from one Member of the Opposition that graduates from Makerere have been appointed over the heads of African officers previously in the service. I have had that looked into and we cannot find any instance of this happening. But if there is a particular instance, I hope the hon. Member who raised the point will let me know the name of the person concerned.

Mr. Speaker, there were a few matters on the side of defence which I was asked to mention. We were asked whether both Members for Central Nyanza could be given back their passports to make trips to the United Kingdom. I am informed by the Ministry for Defence that most invidiously, the answer in the case of one Member, Mr. Oginda Odiga is "No" and the answer in the case of Mr. Argwings-Kodhek who wishes to go to London or to the United Kingdom to see his family is "Yes".

Mr. Odiga: Discrimination!

Mr. Hennings: The hon. National Member, Mr. Bruce McKenzie, asked a number of detailed questions on some of which I shall send him a note in writing. There are one or two which I could appropriately answer now. He asked, "Are E scale staff given Government housing?" I think this has already been answered by the Permanent Secretary to the Treasury in the debate on the Supplementary Estimates. The E scale staff gets either Government housing or housing allowance. "Does the Government intend to give education allowances to Government officers at outstations who have to send their children to schools in other places?" The answer is that designated officers are entitled to education allowances payable by Her Majesty's Government but in the case of non-designated officers this has been looked into very carefully and the decision has been taken. I am afraid that it would cost too much. Another question was, "When vacancies cannot be filled by local advertisements, are these posts advertised overseas in countries other than Great Britain?" The answer is that officers recruited from overseas come under the Overseas Service Aid Scheme, so the question of advertisement is usually decided by Her Majesty's Government, which usually advertises in only the United Kingdom but may advertise in other countries also.

Mr. Chairman, those are the points of detail I have two points of a more general kind which

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I should like to mention. A number of Members—I think particularly the Member for Ukambani—raised the question of development in low potential areas. I have a very genuine personal interest in the development of low potential areas since I was for a long time connected with the African Land Development Board and most of our money was spent in the low potential areas. I think hon. Members must recognize that when money is limited, as it has been limited, as it is always limited, in considering development plans it is necessary to put your money into places where you think you are going to get the biggest return most quickly. That is how you have to start. That has been the basic policy during all the development plans up to date. The Swynnerton plan is a good example because the main weight of the Swynnerton plan, £8 million, the main weight has gone into the high potential areas where a quick return comes out and makes more money which can then be used for the low potential areas. I think we are reaching the stage where perhaps the high potential areas will go forward under their own momentum and the low potential areas will be able to get more of the public money.

However, having said that, I think hon. Members must recognize that a great deal has been done in the low potential areas and my belief is that if the amount of money put into those areas compared with the population and the productivity were worked out, they would, in fact, have had more than their share.

Just one other thing: one or two Members mentioned particularly projects such as irrigation in Machakos District, and so on. A lot of irrigation schemes have been looked at in the Ministry of Agriculture; a great deal of information is on record, but if hon. Members have any ideas for particular schemes for their own areas, the best way to get them moving is to go to the District Agricultural Committee, whose job it is to plan agricultural development in those districts and I have no doubt that there are ideas of this sort which should be looked at in a lot of districts.

An hon. Member: What about the Tana River Irrigation Scheme?

Mr. Hennings: The present Tana River Scheme has never been an economic scheme and it was never intended to be one.

Mr. Speaker, the question of confidence underlies this whole debate, and a number of Members on the other side have said that the lack of

confidence is due to lack of support for this Government. You have ruled, Mr. Speaker, that we are not to go over this matter at great length, but I would like the opportunity to answer very briefly some of the points made on that subject. It was said by the Member for Nairobi East that they had four times the population behind them on the Opposition side, and another Member said they had 90 per cent of the population. These are gross exaggerations, Mr. Speaker, and they must be recognized as such.

I think that the statements by the Opposition are based on counting the votes recorded at the polls, but democracy does not end at the polls. On the contrary, the essence of the system is that every Member represents every person, man, woman or child, in his constituency. If we are going to start counting up the support behind one side or the other, I think we must do it on the basis of the population in constituencies. Leaving out National Members on this side and the other (we have seven on the other side has five), on this side, Sir, have 24 constituency Members to 23 on the other side. Now, I have got the best figures I can of the number of people in the constituencies. It is not possible to be precise because there are no exact figures for the town constituencies. But most constituencies cover districts. Making allowance for the town constituencies, and I do assure Members that I have done this quite dispassionately merely as an exercise in statistics—adding all these figures together, the number of people behind Members on this side and the number of people behind Members of the KANU Opposition, where do we get to? We do not get to four times as many, which the hon. Member for Nairobi East said, nor do we get to 90 per cent, which I think some other hon. Members say more wildly said. The figures come out as broadly speaking that there are three-sevenths of the population represented by Members of this side and there are four-sevenths represented by Members on the KANU side.

An hon. Member: On a point of order—

Mr. Hennings: No, Sir, I do not think that is a point of order.

The "population" was the word used by the hon. Member; I wrote it down at the time.

An hon. Member: Wait and see, HANSARD!

Mr. Hennings: The HANSARD is not always entirely accurate. I wrote down what the hon. Member said.

Now, Sir, it may be asked what right has three-sevenths of the population on this side to this control over four-sevenths of the other. The

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the picture of impartiality to these people. There are a lot of people who want to cash in on this atmosphere and they will not be here next year to pay us revenue.

Over the developed land, I do believe that every farmer should be compensated for what he has put in, for the assets on that land, but again he should not try to inflate the price of the land itself, the soil. If there is coffee there, or whatever assets there are, he should get fair compensation for them, but not for the soil. Again, over this one, there is a lot of land where the price that has been paid and the price that is wanted seem to be poles apart and unfair. Therefore, I should like to give at least this assurance that personally I do believe—and I think I would speak for the Opposition on this side—that we want people, we want those farmers, to live here, those who want to develop their land and who will contribute to the revenue of this country and who are prepared to live in this country. But those others who are only trying to cash in on their position to try and get some money out of Kenya or to try and get out of here or who hate the very idea of ever having an African Government—and there are some of them—are the people we should deal with.

To leave that subject, Mr. Speaker, I would come to the other problem of Kenya's future role in East African affairs. I should like to make a comment here, Mr. Speaker. I understand that on 19th June there will be a conference in London and at this conference you will have all the Governors of the three territories of East Africa and from Kenya you will have His Excellency the Governor. The Leader of Government Business and the Leader of the Opposition have been invited also to take part in this. I agree that this is a matter that should not be a party matter; it should be looked at as a matter that concerns everybody who is in this country.

To go further, I do believe that the exercise we have been having for the last two months in this House, either as Government or as Opposition, has not been beneficial to Kenya at all. Mr. Speaker, I think the time has come when we must take some bold action one way or another to try and resolve this awkward situation which has existed here. In every territory in East Africa, other than Kenya, you have an Opposition and you have a Government. But in these territories you have a proper Government and a proper Opposition. The minorities are always the Opposition. Here we have got a ridiculous situation, when you look at it from the African angle, as far as the two parties are concerned, I do agree

there if a majority of people on that side but, when you realize that Kenya is going to be run primarily by Africans—I think we should put a lot of weight on who represents the African people. Here you have a ridiculous situation with all of us people on the Opposition side being KANU Members and on the Government side a minority African party, although a majority group with the other races.

The Speaker (Mr. Slade): You will remember, Mr. Mathenge, that I have ruled that we cannot go very far with this matter which we did debate on another occasion.

Mr. Mathenge: Mr. Speaker, I only wanted to make one comment, that I do think there are still chances to save this awkward situation and I do think that those chances are very soon. I do appeal to every Member who is in this House, who does think for the future, Mr. Speaker, why I raised this matter is because of these stories we hear from Zanzibar, the Congo and other places. I do feel very strongly, Mr. Speaker, that unless we are careful, whatever we might be, either on the Opposition or the Government side, we are going to create an even bigger chaos here in Kenya. We are just planting the seeds now. I do not think that we can arrest that trend.

To go to my last comment, Mr. Speaker, His Excellency mentioned that he thinks there could be changes in the constitution made not through a conference but by the Government or the Ministers. There definitely could be something like that. But if there are going to be any major changes in the constitution of this country I think it is this House, Mr. Speaker, that does represent the whole of this country; and I think it is this House that should be consulted when these changes are made. I do not think we have come to the stage at which, say, Tanganyika was last year. We have not come there, to that stage. I do not think we have come to the stage Zanzibar is at now constitutionally. I do not think we have come to the stage at which Uganda is, I think, at this particular stage; this House should be the main medium for consultation and discussion; whenever constitutional matters of major importance are being considered that concern this country everybody here should be represented.

Mr. Speaker, I do feel that this Budget should have been bolder, I do think that we are required to think much more now of the future, not of just balancing our accounts but of the steps we are going definitely to take in the reforms we want in various fields.

I support the Motion, Sir.

Mr. Hwangwa: Mr. Speaker, Sir, I am sorry to tell the House that due to indisposition the Chief Secretary cannot attend today and I have here a few points which he was asked to answer.

First of all, I should like to congratulate the hon. Member for Nyasa who has just spoken on the best speech which I have heard from him. I have heard a number of others and I am not always one of the hon. Member's admirers. However, today I thought he made a very good speech. There was just one point where I think there was some contradiction. He implied that we in this House had been rather waiting our time for the last two months. In fact, of course, it is, I think, a little under one month, although it seems a very long time, that we have been here! He then went on to say that any constitutional changes which may come forward should be debated in this House, implying that this House has a very great value. As he said, it does represent everyone in the country. Mr. Speaker, my own view, having sat and listened to practically every Member in this House holding forth at great length, is that the work we have done in this House over the last month has been of the greatest value because it has shown that people from all parts of this Colony and important all communities can discuss really important matters in a parliamentary way and gradually get towards some sort of solution. This, I think, is a very important and encouraging thing.

The points which I have noted, Mr. Speaker, were raised mainly by the hon. Member for Machakos, Mr. Nthenge, and by the hon. National Member, Mr. Bruce McKenzie. The hon. Member for Machakos made a number of statements which he then immediately had to withdraw. I do suggest to the hon. Member that he should be a bit more careful about what he says. An example of that was when he referred to the 'homilization' of credit to Africans. I think the hon. Member should withdraw that remark as well. The fact is, as we ought to know, that The Credit to Africans Ordinance was repealed in 1960. Ordinance No. 11 of 1960 repealed it, so he was wrong there too.

The hon. Member for Machakos wanted information about the newspapers published by the Ministry of Information. I have some circulation figures here and I think they are really rather good circulating figures. The Coast newspaper, *Sauli ya Pwani*, at the beginning of 1958 circulated something over 16,000 copies. It is now circulating in the first quarter of 1961 32,000 plus. *Maitemo*, the Kikuyu newspaper, started off with a circulation in 1958 of 18,000 plus and it is now over 55,000; that is a big

circulation. The Kalenjin newspaper started off with a circulation of 14,000 and has gone up. Beg your pardon, it has gone down: the Kalenjin one is now something over 10,000. *Mwai*, which is the particular paper that the hon. Member for Machakos mentioned, written in Kikamba, in the first quarter of 1958 sold 9,653 copies. In the first quarter of 1961, three years later, it sold 37,246 copies. Now, this does not bear out what the hon. Member said, that nobody will read this paper because they think that it is nothing but Government propaganda. In fact, the circulation has gone up from 9,600 to 37,200. The *Nyenza Citizen* is now circulating at over 20,000, that is its Kenya *Citizen* (North); and *Nyenza Citizen* (South) is circulating over 23,000 copies. These are all published by the Information Office, African Newspapers, and it is clear from that circulation that they are filling a need, and I think we should remember that probably every copy it read not by one person but probably by four or five.

The Chief Secretary was asked to provide information about the Civil Service Commission. The constitution of the Commission is set up by Ordinance No. 62 of 1954; a chairman, a deputy chairman appointed by the Governor, the Director of Establishments, three other members appointed by the Governor after consultation with the chairman on the staff side of the Whitley Council. Consideration is being given to changing this constitution but this will mean a change in the law. The normal procedure followed by the Commission in making appointments was described fully in its report for January-June 1955. Very briefly, there is usually a first selection board which has departmental representatives on it. They weed out the candidates and then the whole list goes forward again to a second selection board who make recommendations to the Commission. The Commission makes its recommendations to the Government. In every case, notes are made on all candidates although they may not all be called at each meeting. Since the Commission has recently assumed responsibility for advising on the filling of most of the higher promotion posts in Government service it is often necessary to interview all eligible candidates because reports are available going back over many years on all Government servants in the higher ranks. In considering the selection of candidates the Commission takes into account merit and suitability in the matter of qualifications and experience for the particular appointment under consideration. It does not give weight to questions of the candidate's tribal colour, religion, or nationality which, I think, was suggested by

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have got to be tackled. He mentioned, in particular, the problems of the constitution, unemployment, land, landlessness, "the situation" that we have had with money going out, and our economy going down, and various other problems. But on this one I always thought, Mr. Speaker, that a Budget is an occasion whereby the Minister or Ministers concerned indicate Government policy, and what they are going to do to help the economy or to prop it up, or to do this or that in the various fields. Now, Sir, in this Budget we have very little of that. I appreciate, of course, that most of the Ministers on the opposite side were not present last year and that they have only just come in. Possibly some of their suggestions may not have been taken into account while framing this Budget. But this is the Budget of a weak Government. It is a Budget which did not want to tackle the economic problems boldly, to show us the solutions on the lines that we should take. For example, on unemployment, we know of a sector of people who would be called unemployed today just because they happen to be displaced; in the land consolidation scheme they either did not get land or they did not get enough. We know that unemployment is caused by the fact that many people who were in detention have come back and they do not have jobs. That is not an unknown thing. But we also know, and I think I read this in today's newspaper, that there are many people who are suffering, also, in many of the other towns and districts. What is going to be done about this? I do not think we have heard any definite indications as to what programmes the Ministry of Finance and Development is intending to carry out immediately. They talk generally, of course, as Ministers of Finance have been speaking in the last 10, 20 or 30 years in Kenya, but, as I said, this year is a rather special one. We should have had an indication, is there any special programme apart from just being told that £6,000,000 is coming from Her Majesty's Government, or £12,000,000 or some other figure? We would like to know how this money is going to be used. How is it going to relieve unemployment? Who is going to benefit? What percentage of the people would benefit from this scheme or that scheme or the other scheme?

Coming to the land schemes, we have heard a lot of talk in Kenya today about land schemes, land titles and so on. At first, we started, I think, with yeoman schemes; now I understand there is a peasant scheme. Soon, maybe, we shall have the landless' land scheme or maybe another scheme. I understand that the organization called KADU is the one that is the mainstay of...

ideas and thought on the Government side—which I do not believe. In their manifesto which I have here, Mr. Speaker, setting-out their policies they talk of land reform; they talk of small schemes here and there scattered all over the country which will not have the impact that we want; this land reform to have in the country, I do believe that the schemes we have now are inadequate; they are not comprehensive enough. I think that, when you say someone will have to pay £10 or £20 as a token first before getting a 50 acre piece, this is haphazard. You are not considering his conditions. Will he be able to produce this? Is he the right person to go there? Is he the person that will reduce the weight of landlessness and frustration and so on in the area where he is coming from? I think what is called for here is proper land reform, major land reform, taking all the aspects of the economy in the country and also the political conditions into account. That would not only deal with the White Highlands; we have Crown lands here; we have got game reserves. It is time we started asking the Minister for tourism to find out whether he requires all the land that he is using now for these animals. We want money, of course, from tourism, but are there means whereby we can reduce the area of some of this land and use some for agriculture, for resettlement and increase the facilities or the attractions that are required by tourists? I think we should go into that. I think, Mr. Speaker, what is called for here is a full planning programme. I understand from the Minister for Finance that a mission from the World Bank is coming here this year. I only wish it had come last year; I wish it had come earlier. What we need now is a plan: a definite plan over a definite period which will tackle unemployment, landlessness, tourism, all these things, and will plan our economy. I understand that KADU as well as KANU, who are represented on this, all believe in planning. I should like to know whether that is the trouble on that side, whether some other Members do not believe in this, because I bear some of them talking of free enterprise complete and unfettered. Do they really believe that we do not require a certain measure of planning in this country? If they do believe that—if some of them do believe that—then you do not have cohesion on that side. You do not have a Government that will last long.

I think, Mr. Speaker, to come to some details, that there are two items in the Budget which I am interested in and I wish the Minister for Finance were here. One was the excise duty that has been raised on the matches produced by

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the Mombasa Matches Company. This company, or this factory, which is just a fledgling—is just beginning—is almost desperate. They talk, in fact, in terms of closing down. I understand the general policy is to encourage local industry. If that is so, I should like the Ministry to look into it and see whether they cannot give them an advantage over the imported matches.

The second detail I want to mention is iron sheets. I am particularly interested in this, because in my own district people are trying to build better houses and what they use are corrugated iron sheets. They cannot buy the heavier stuff; they depend on light aluminium sheets. If the duty is increased, as it has been increased, this, of course, will make it difficult for that margin of those people who could have afforded they had they not been at that particular price. The local aluminium iron sheets in fact are more costly than the imported ones. I should like to ask the Minister to go into this and find out if there is any way, either by reducing the price of the local ones or by reducing the rates over a certain sector, over a certain type, of these sheets, the light ones, of encouraging these people to build better houses. These people, of course, represent a very large section of the population in this country. They are not only in my district; they are everywhere. You find them in Nyaanza, you find them in Central Province, you find them at the coast, you find them everywhere.

Now, to leave those general comments, Mr. Speaker, I should like to come to make some comments on the Governor's speech. The first comment I should like to make is this: The Governor said that he believed, and that the Government believed, that Kenya could be an African country, which flourishes because the Africans here have full dignity and the people of the country of all races, tribes, creeds and communities would be welcome to play their part in its life. The only question I want to ask on that one is, how do you have dignity when there are still some people in this country who are interested in maintaining segregation? From the speeches that we have heard from the Ministers on the Government side, I do not think they are putting enough push into the measures that are required to tackle these thorny problems of segregation, racial discrimination and that sort of thing; in health, in schools, in this, that and the other thing. I should like to know if they are prepared to do something more now. You know this is the time. Either we take a stand now or later it will become a worse problem that maybe we cannot tackle. That will be the time when

you have dignity, when everybody in this country does believe that he is an individual, a citizen of this country, and does not regard himself as an African, an Asian or a European. I know it will take time but I do not think we are putting enough energy into trying to solve this problem.

The other point I should like to mention on this speech is the order of the problems that His Excellency mentioned. It being the main problems in Kenya. The first was on "the question of confidence and reinvigoration of the economy". There is a lot of talk in the Press these days, comments on what statements are made by various Members, whether they help in restoring confidence, whether they do not help. And one of the comments that is made by some of the Members—and I am one of them, Mr. Speaker—is on land and land titles; I should like, Mr. Speaker, to take this opportunity of mentioning what I do believe would be the settlement of the land title problem. Land titles do exist but many members of the public seem to have got a wrong impression from the Press that there are no land titles; that there are some people who are looking for land titles. I think what they are looking for are guidelines, so that they know that that title that they have does have value, that it is recognized, that it is respected. I think that is what is being looked for. What some of us do say, and what I have said in the past, Mr. Speaker, is that land in the White Highlands could be classified into three categories: developed, undeveloped and undeveloped or virgin land. Developed land, I think, would be about 30 per cent of the total land in the Highlands; undeveloped would be maybe another 30 per cent. It is the 20 per cent of undeveloped land that we sometimes refer to and we say that there is no reason why there should be any money paid, either by this Government, the Kenya Government, Her Majesty's Government, or the African farmer or settler who is going to settle in that land, for this land, when no money was paid originally, because nothing has been put into it.

Over the undeveloped land, I think there are some individuals in this country who are trying to boost up or inflate the price or the value of this land. It is these people who we feel are not sincere. They do not want to live here. All they want is to get some money one way or the other, either from Her Majesty's Government or from this Government or from ourselves, and then quit. I think these people should be paid for their land as compensation on a value that is assessed fairly by some impartial body. It might be a Government body but it should present

[The Minister for Health and Social Affairs]—Justification that the European and Asian communities are receiving specially-favoured treatment in the matter of assistance from public funds.

An hon. Member: They should be open to all races!

The Minister for Health and Social Affairs (Mr. Mate): Sir, hon. Members claim that it is high time the hospitals in receipt of financial assistance from the Government were open to all races. This is not a simple problem as the hon. Member seems to think. It is perhaps not so much a matter of racial prejudice as to the ability to pay for amenities standards. The readiness of those particular hospitals. The readiness of those communities to help themselves has already been explained. It is not fair to allow existing hospitals and services to suffer by ill considered and hasty action, and in this respect, too, I hope in due course to have the benefit of recommendations by the proposed Commission. Moreover, I am quite sure that the various hospital associations are alive to the problem, and I hope that they will give the matter their urgent attention.—(Interruptions from Opposition Members)—Sir, hon. Members on the Opposition seem to be so interested in this, but I do not see why they should interrupt. I have said, Sir, that a Commission, as widely representative as possible, would be set up to go into the whole question, and just not one part of the question.

Mr. Mboya: Is that what you thought while were on this side?

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, I did not think differently on that side, and I do not think differently now.

Mr. Speaker, Sir, several other hon. Members stressed the need for more and bigger hospitals and for better uniforms, bedding, and so on. Sir, the Ministry is well aware of the need but the more rapid development is held up simply for lack of money, both capital and recurrent. I am hoping to get some extra money from the additional amounts to be made available by the generosity of Her Majesty's Government, but I must emphasize that it will not go far towards supplying the country's needs in the field of health. The real answer lies in the restoration of confidence and an expanding economy.

In the meantime, Sir, I wish to pay a tribute to all staff of the Medical Department who are doing a first-rate job in very difficult financial circumstances.

Mr. Mboya: Who wrote your speech?

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, the hon. Member wants to know who wrote this speech. I do not know who writes his speeches!

The hon. Member for Mombasa West made a complaint about treatment received by a patient in Mombasa. If he will let me have the details of the case I will enquire into the matter.

Sir, during discussions on the second supplementary estimates for this year, the hon. National Member, Mr. McKenzie, who I see is not here, asked a question about private practice by Government medical officers, and I propose to take this opportunity to answer it. The position is that private general practice by medical officers is permitted in those areas where there is a lack of non-Government general practitioners. Private practice by Government surgeons and consultants is permitted in cases where the patient is referred to the medical officer concerned by another doctor and the privilege is confined to officers who have certain specified specialist qualifications or are holding certain specified posts in the service. In the case of private general practice, where permitted, the whole fee is retained by the officer concerned. In the case of surgical operations and consultations, one-third of the fee is paid into Government revenue and the balance retained by the officer himself.

Sir, the hon. Member for Embu, my hon. friend Mr. Nyagah, referred to the report of the Committee on the Role of Medical Institutions and accused the Government of having done nothing about it. I know that the hon. Member was a member of that Committee. Sir, the report was published with the Government's comments during the current financial year as Sessional Paper No. 8. Most of the recommendations require, for their implementation, an increase in the amount of funds available, and I do not know what action the hon. Member thinks the Government could have taken in the short time since the Paper was laid and in present financial circumstances. However, the various committees recommended are in course of being established, and the capital grants for mission hospitals for which provision is to be made next year, total £50,000 and are detailed on page 61 of the current grants at present remain unchanged at £60,000. If, as I hope, additional funds for Health are made available, I will examine the desirability of making increased grants, both capital and recurrent, for mission hospitals. I can assure the hon. Member that this is a matter, the importance of which is recognized in my Ministry.

[The Minister for Health and Social Affairs]

—Mr. Speaker, I would like to conclude by referring to the remarks made by the hon. Member for Nairobi East about the European community generally. As I said before, civil servants in this country are not serving one single community and the feeling I have, as I mentioned earlier, is that as far as the expatriate civil servants are concerned, I would agree with the Prime Minister of Tanganyika, Mr. Nyerere, that we shall need the services of many of them for a considerable time to come.

Mr. Mboya: On our terms!

The Minister for Health and Social Affairs (Mr. Mate): However, fast, Sir, we press on, with schemes for localization, we shall need them; certainly, on our terms, but I hope that those terms will be human.

Mr. Speaker, Sir, it is my sincere hope that the professional men of my Ministry who have given, and who continue to give, such first rate services to this country, will stay on after independence, and will not be deterred from doing so by the actions and statements of the Opposition or any other leader of this country, because it will be undoing what has already been done. Mr. Speaker, I am not here to harbour any people who feel that Kenya is not the place they could live in, but I am interested to make sure that those who mean to build Kenya, and do it successfully, must not be embarrassed or harassed by irresponsible statements by any Member of this House.

Mr. Speaker, Sir, I beg to support.

Mr. Mbatia: Mr. Speaker, Sir, I would like to start by making just one comment on what the last speaker, the hon. Member for Meru, said. He talked of a Commission. I do not want to go into the details of what he is doing in the Ministry because I think he is just learning how to run that Ministry, but I want to make this comment. If there is going to be a Commission, and if he is prepared to shoulder the full responsibility, then why does he not tell us the time that this Commission will start its work, how long it will take, and how soon he thinks it will produce results. The Ministry of Health, the Ministry of Education, is one of the areas of conflict; it is the one Ministry, plus the others, which brings up all the racial feelings in the minds of the people of this country. Here is a job which I think we should tackle quickly. I would very much like to know how soon this Commission will start to work, what its terms of reference would be, what measure of authority it has, and how soon it will produce results that we can work

on. But instead he gave us a long story of what he is doing, retaining the *status quo*.

Mr. Speaker, Sir, I would like to submit here that the year 1961 is a year of change. It is not a year whereby we learn all the old tricks and continue with them. I think in this year of 1961, whether you have the Government which we have now or whether you have a Government composed of Members on this side, you will require to take bold action quickly in every Ministry, and we should not be afraid to take it. Otherwise we will be leaving a legacy that will make it very difficult next year or the year after for those people who will be running this country as an independent State.

I would like to put another question to the Minister for Labour and Housing, and I hope that he will be able to answer it when we come to Supply. In the Central Province you have a housing problem. During the Emergency people were transported into villages and now they are going back to their own consolidated plots. These people have got two difficulties. They want to move and they want to build decent houses, better houses, and I agree with the Minister in his attitude that we should try to encourage these people to live in conditions that will ensure health and be a safeguard against epidemics and those sort of things; that they should have windows in their huts; that they should have a separate kitchen, and a chimney, I agree with that; but they have a difficulty. These people are poor; many of them are very poor. They are willing to do this, but they have not been given enough time to move. I would like the Minister, the next time he talks on this Head, to tell us whether this is being considered and give these people more time to build. Also give them plans. There are certain plans which have been made already. Somebody has got to say, "Well, this is the sort of house I want, and those plans are A, B, C, D, E or F." They are not allowed to exercise their own aesthetic instinct as to the sort of house they would like. I am not quarrelling about that, but I think there is still room to bring in two or three other plans that would be cheaper to build, for those who are poor, and for those who are old. I hope the Minister will look into that.

Now, to come to my own remarks on the Budget, my own colleagues have tackled the various heads and subjects. I would like to make just a very few comments, mainly on the general attitude to the Budget, and on His Excellency's Speech.

The first comment I would like to make is this. When His Excellency was speaking in His House, he mentioned certain important problems that

[The Minister for Health and Social Affairs]

Nakuru Town can see that that is a practical impossibility.

Now, Mr. Speaker, Sir, I should like to speak briefly about the health centre programme. During the current development period the Government will continue its policy of assisting local health authorities and of developing health services in those areas where local government bodies are not yet local health authorities. There are areas like the Northern Frontier Province and other places where local authorities do not exist, and a sum of £30,000 is being made available for this purpose, of which £27,000 is being contributed from the Colonial Development and Welfare Fund. Of the total sum, approximately two-thirds will be utilized to develop health centres and health sub-centres in non-local health authority areas; and one-third will be devoted to encouraging further growth of health centres in local health authority areas—mainly African district council areas. Of the total sum it is expected that about half will be expended during the 1961-62 financial year. It is expected that development will proceed at the rate of 15 to 20 health centres per year. At the end of 1960 there existed 106 health centres and it is hoped that a further 23 health centres together with 6 sub-centres will be built during 1961. In addition, there are mobile health units operating predominantly in the pastoral areas.

A grant from the Rockefeller Foundation of £50,000 will be utilized to build a national reference health centre at Karuri in the Kiambu District to train staff in the principles of social medicine, to evaluate the part played by health centres in improving the health of the people, and to perform research into the future role of health centres. The definition of a health centre is that it is an institution where all three branches of the health service, curative, preventative and promotive, are co-ordinated, and from which they radiate out into the homes and community. The word "health" is defined by the World Health Organization as a state of complete physical, mental and social well-being, and not the mere absence of disease or infirmity.

This programme, for the development of the maternal and child health services, receives considerable assistance from the specialized agencies of the United Nations, namely from UNICEF, by way of materials, and the World Health Organization, by way of professional personnel.

Mr. Speaker, I now come to the thorny question of hospital fees. Hon. Members will see from the general note on Vote 24 that provision has been made for an increase in hospital and dispensary fees. The actual increases which are to

be introduced as from 1st July, this year, are as follows. In-patient fees: Adults at King George VI Hospital and the Coast Province General Hospital, Mombasa, will pay Sh. 20 instead of Sh. 15, irrespective of the length of stay. The charge for children, that is anyone up to the apparent age of 16, will remain unchanged at Sh. 5. At all other Government hospitals, where fees are charged, the fee will be raised from Sh. 10 to Sh. 15, while the fee for children will remain unchanged at Sh. 5.

As regards the out-patient fees, the charge for one week's treatment for each illness or disease will be increased from Sh. 3 to Sh. 4 in the case of adults, while for children the fee will remain unchanged at Sh. 1.

I should mention that there are certain hospitals where, owing to a general inability to pay, no charges are made. These are all hospitals in the Northern Province, including Tjolo, Kapenguria in the West Suk District, and Kipini and Galole in the Coast Province.

Mr. Speaker, I am well aware that the payment of fees at Government hospitals and dispensaries is a contentious matter, but it is one which is not always seen in the correct perspective.

Mr. Mboya: Mr. Speaker, on a point of order, you used previously that the word "Shame!" should not be used in the House. I wonder what word we can use when we consider that the programme put forward by Government is shameful.

The Speaker (Mr. Slade): It is not necessary to make any interjection at all.

The Minister for Health and Social Affairs (Mr. Mate): Thank you, Mr. Speaker.

Firstly, Sir, it is necessary to explain the position in which the Ministry found itself in drawing up its Estimates for the coming financial year. Owing to unavoidable increases on some items, it was necessary to find ways and means of making economies in various directions in order to maintain net expenditure at its present level. When every possible economy had been considered and taken into account there was still a gap of some £60,000. There were only two alternatives, the first to reduce services by closing a number of hospitals, which I am sure no hon. Member in this House would support, and the second to increase the Ministry's appropriations—i.e. to ask for an increase in fees. It was considered that the latter course was the correct one to

[The Minister for Health and Social Affairs]

Sir, as regards the opinion which is often expressed that the payment of hospital and dispensary fees causes hardship, I wish to point out what a very small proportion of the total cost is recovered by way of fees, even at the increased rate which is mentioned, and which will be in force from 1st July. To take the case of the King George VI Hospital as an example, it costs about Sh. 25 each day to maintain a patient there. As the average length of stay is in the neighbourhood of three weeks, the total average cost in respect of each patient at that hospital is between Sh. 500 and Sh. 600, and against this, Sir, as I have already explained, the patient will have to pay Sh. 20 for his complete stay in hospital, including all medical and surgical attention. In fact, it can be claimed that it is cheaper for many cases to live in a Government hospital than to stay at home. These are the responsibilities which the Government accepts in order that the health services may be maintained.

Then there is the question of exemption. Again I do not think that this is properly understood by many people. I have already explained that in certain areas of the country where the inhabitants, as a whole, are less than elsewhere, no hospital fees whatsoever are charged. I am sure that hon. Members in this House are aware of that fact, Sir, in all other Government hospitals where fees are charged, instructions are in force to ensure that no person genuinely in need of treatment is turned away by reason of inability to pay. At the present time the Department's estimate of revenue from hospital and dispensary fees makes allowance for some 7 per cent of exemptions on the grounds of poverty. In the draft Estimates for the coming financial year, in view of the increase in fees, the proportion of these exemptions has been reckoned at 17 per cent. I do not think that, taking all these circumstances into account, anyone can justifiably claim that fees at the level proposed can cause hardship, especially as there is this provision for exemption. I would ask all hon. Members in this House to make this as clear as possible, Sir, that this provision for exemption is there and that nobody should be turned away on grounds of inability to pay.

Mr. Speaker, Sir, this is the position so far as the financial year 1961/62 is concerned, and I accept that in present financial circumstances the decision to increase the fees rather than to reduce services was the right one. Nonetheless I am considering the desirability of setting up a Commission of Inquiry to examine the whole field of health policy, and should it be decided to set up such a Commission, there is no doubt

that one of the matters with which it would deal is the payment of fees in hospitals.

The Speaker (Mr. Slade): Mr. Mate, if you have not been allotted more than half an hour, you must finish your speech now.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, I have been allotted more time.

Sir, there are other matters of policy requiring attention concerning the whole of the health services, and many of these are interrelated and involve difficult questions of finance, and I am certainly inclined to the belief that these problems can best be examined by a strong and widely representative Commission, including the matter mentioned by my hon. friend the National Member, Mr. De Souza. The Commission would have freedom to survey the whole field of the health services as they affect the whole country and the climate of Kenya.

The hon. Member for Nairobi Central referred to the grants made from public funds to the European Hospital Treatment Relief Fund and to the Asian and Arab Hospital Treatment Relief Fund. This question was debated in December, 1959, when the Asian and Arab Hospital Treatment Relief Fund Bill was before this Council. The then Minister for Health undertook to examine the feasibility of a non-racial hospital fund and as a result of that undertaking a good deal of information has been collected by the Ministry and much thought devoted to the problem. There are obvious financial difficulties in applying such a scheme to the African community at present, and this is one of the matters which I should like to refer to the proposed Commission of Inquiry.

I wish, however, to make the point that the grants to these two funds, just like the £ for £ capital grants made to various hospitals and hospital associations, are designed to stimulate self-help by the communities concerned, and have indeed had the very effect. For every £1 paid from public revenue into the hospital funds, £4 are paid by contributors of the communities concerned. The various European hospitals in the country, and other hospitals such as the Aga Khan Platinum Jubilee Hospital are notable examples of community self-help, and have made considerable contributions towards the problem of providing hospitals in this country. Those who use the basic services provided by the Government or the State—and it is for obvious reasons Africans who do so—are heavily subsidized from general revenue as I have already mentioned in connection with the charging of fees in the public hospitals, so it cannot be said with

[The Minister for Health and Social Affairs] labourers, including the hon. Member. The situation is altering for the better and not for the worse. I feel that there are many members of all communities in Kenya today who are building a common spirit in Kenya. However, the hon. Member has explained his remarks, and I thank the hon. Member for giving the explanation, but I feel he could go further. It is not a question of communities as such but that the individual should count in Kenya politics.

Mr. Mboya: Should count, yes!

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, I am not speaking in the past. I am speaking for today and tomorrow.

Mr. Speaker, I feel that the other point is apt to confuse politics, nationalism and religion, and the remarks that have been made by the hon. Member for Central Nyanza, Mr. Odinga, have aroused feelings in this country in certain quarters. With your permission, Mr. Speaker, I would like to quote what appeared in the *Nation* the other day regarding the remarks made by the hon. Member for Central Nyanza concerning the position of our most distinguished politician, Jomo Kenyatta, in connexion with his title in the *Nation*. It is reported here that on Tuesday, 6th June, one of the church leaders, the Rev. John Gatu of Kiambu, made these remarks: "Remarks by Mr. Odinga Odinga that Kenyatta is the African's second God made at Nyeri and repeated at a Bahati meeting on the weekend have been sharply criticized by the Presbyterian Church of East Africa. This Church strongly objects and condemns the idea of Mr. Odinga that Kenyatta is a second God." Sir, I feel it may be allowed, the feelings of the various communities in this country, whether they be church groups or other groups, should be respected by every leader.

Mr. Odinga: Sir, on a point of explanation, it would have been better that the hon. Member should have read this morning's newspaper.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, I am sorry I have not read the paper this morning. If I am out of date I hope that the remarks in the paper this morning mean the same thing that I am saying now. If they do not then I feel that this kind of confusion that the hon. Member for Central Nyanza wants to create is made in order to confuse the people of Kenya as to the distinction between nationalism, religion, and politics. I feel it is lime that the hon. Member told us what his political philosophy is, what he believes in as far as this country is concerned, so that we do not confuse the public to the extent of not knowing where we stand so far as he is concerned.

Mr. Speaker, Sir, I maintain that this country of Kenya owes a lot to the various missionary bodies of all religions who have come into the country to build various things—education, religion, and others.

Mr. Odinga: On a point of order, Sir, is the hon. gentleman strictly correct when he has admitted not having read my reply, yet he continues to charge me as he does?

The Speaker (Mr. Slade): The hon. Member is correct in expressing his opinion and in disagreeing with those whom he believes has another opinion; in so far as he may be impugning your opinions which he has not understood correctly, there will be an opportunity of correcting him and he is not bound to read every newspaper every day.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, I do not say that the hon. Member is not a nationalist or that he does not understand politics, or that he is not a politician, but that he is confusing the public in this country. He is confusing the nation. Organized and recognized church bodies are hearing things that might hurt the sentiments and the feelings of the people of this country, people who understand the difference between politics, religion, and nationalism. I feel that he has succeeded in creating a measure of that confusion, which the country should understand. I hope that the so-called remarks in the newspaper today will put the situation, so far as the information goes, correct, so that the various groups are separated. These are three separate things. Mr. Speaker, I feel that we must begin somewhere; these are heresies.

Mr. Odinga: Preconceived!

The Minister for Health and Social Affairs (Mr. Mate):—and, if they are preconceived I do not know what the hon. Member wants us to conceive now.

Mr. Speaker, Sir, I may go to another particular point and say that I regret that the hon. Member himself owes a lot to the missionaries who taught him during his education, and he should not give them a sort of kick like that when he knows very well that he is only impugning something quite different, I do not know what.

Mr. Speaker, Sir, if I may come to the remarks of the hon. Member the Member for Fort Hall, Dr. Kiama, which he made at Kangema in Fort Hall. I agreed with a lot of what he said but at the same time the hon. Member went on to tell the Audience that he would kick the hon.

[The Minister for Health and Social Affairs] Member for Kisumu, the Leader of the Government, to resign from the Government. He went on also to say, teaching the meeting some English, that they should reject the action taken by me in joining the Government. Would the hon. Member like to take over and form a Government? Is he prepared to form a Government for this country, and if he, as I know, is keen to see that this country progresses, then surely the thing is not to go and advise the public and teach them some English, that they should not co-operate with the Government. Does he mean that we should stop building schools and doing anything? I feel that the hon. Member may have been playing politics but at the same time, as I respect him very much, I feel he was going a bit too far, and I feel that the Government is fulfilling a most important role in this country, and what we would all welcome is the active co-operation of the Opposition. There are a lot of non-controversial issues in this country that ordinary Members of this House can face together for the good of our country, and we could get there so quickly with their constructive support.

Mr. Speaker, I am convinced that unity of purpose in this country is the key to our progress. Unity of purpose, our independence, our freedom, is not something that is the property of any single political party, it is a broad appeal to all the members of this House, and the country, that we should look for unity and try to solve our common problems together, rather than try to create unnecessary differences when they are not necessary. I believe, Sir, that after Lancaster House, Kenya was given the road or shown the way to independence, and it depends on us altogether how soon we get there: I believe that any co-operation, any unity, that can be achieved is of the greatest importance.

Mr. Speaker, turning to the Medical Department, and the health services in this country I propose to make a general review of the policy in the Ministry and the programme today. Also I shall mention the achievements and the hopes that my Ministry have in the way of health measures in this country, and at the same time I shall deal with points raised by my hon. friends in this House, as much as I can.

Mr. Speaker, Sir, firstly a word on training and localization, a matter dear to the hearts of all hon. Members. I hope, The Ministry of Health has a medical training centre in Nairobi and training is also done at the various provincial hospitals and also at the district hospitals, and others. The Ministry's record in the way of

training for localization is second to none. Our general policy is to provide as much training as possible locally and thereby to reduce to the minimum the number of students that have to be sent overseas, which is very expensive. At present we are able to train locally nurses, K.R.N.s, assistant nurses, anatomical field officers and assistants, health inspectors, pharmaceutical assistants, laboratory assistants, assistant radiographers, assistant health visitors, orthopaedic assistants, health assistants, and X-ray assistants, while doctors who aspire to go out for higher qualifications, such as M.R.C.S. and M.R.C.P. can gain the necessary practical experience here at King George VI Hospital, thereby reducing the length of time they may have to study in universities or colleges overseas. Arrangements are now being made for the local training of fully qualified radiographers and health inspectors. In three years' time the Ministry should produce sufficient registered nurses to supply the annual needs of our established hospitals; and, Sir, I intend to explore the possibility of establishing a medical school in Nairobi for the training of doctors. I am sure that the House will agree that sooner or later such places as Makerere, or other colleges overseas, will not be able to absorb all the students who might aspire to become doctors. At this time we should prepare for such a medical school or university college here in Nairobi.

There are many other problems to be faced, and they will be faced as soon as possible.

Mr. Speaker, Sir, despite all these developments in local training there is still a great need for funds for overseas bursaries and fellowships to accelerate the process of localization, and a point about training overseas was raised by the hon. Member for Nakuru Town. If I understood him correctly he was putting in a plea that some hospital assistants should be assisted to qualify as doctors. That, Sir, is a practical impossibility because of the lower educational standards of the hospital assistants. As from 1962, Makerere will require Higher School Certificate from those seeking to study medicine. The Ministry has, however, a comprehensive programme for sending a considerable number of suitable officers overseas in the next three years to obtain specialist training in medicine and surgery, to train as health visitors, pharmacists, sister tutors, and so on, and the Government is hoping to obtain substantial assistance from the United Nations Technical Assistance Board in financing this programme. But on the question of hospital assistants, I am sure the hon. Member for

Mr. Mboya: Mr. Speaker, Sir, this is a very unfortunate incident and I think the less it is approached with emotion the better, on both sides. It is not the first incident of its kind in South Nyanza, nor in other areas that have common boundaries with the Masai. I think it is not a question of being against this or that tribes; it is a question of finding out what is going to be the best basis on which the tribes bordering on the Masai area can live with the Masai peacefully. There is Ngong, there is the Akamba and now there is this one, it cannot always be the others always being wrong, nor can it be always the Masai being wrong, I think rather than the hon. Member speaking with emotion about it what we should press on the Government is that this whole question of boundaries and things like Area A and Area B in South Nyanza should be very much dealt with and finalized; and the tribes that are involved or the Bakura, the Luo, the Kisii, the Masai, in these areas, all the leaders from both sides, both parties, all the leaders that can help find a solution should be brought in so that there are not such unfortunate incidents in the future. However, I do not think it helps for this or that tribe to boast of its strength, its might, or its ability to fight and so on.

I think too, Sir, that the Government is skating on thin ice when they think that the mere order that people should not go after stock thefts is going to be enough. The person whose stock has been stolen very often finds it very difficult to sit aside or to run to the police station instead of following the theft. The natural inclination is for one to go after one's stock. So I think the Government should look into this question much more than just giving an order.

I also do not think it is enough merely to establish more police posts because this is a very temporary sort of solution. The best solution is to examine the whole question of the boundary relationships in these areas.

Mr. Mbaroti: Mr. Speaker, I shall be brief on this point. I am one of those people who are having the same problem. Therefore, we are just living on the boundary with the Masai who live in South Nyanza, I am not blaming the present Government. I am not blaming the Masai or the Kisii. However, the trouble is that the previous Government who made these restrictions of these boundaries are the people who are now giving us this hard time. I have several points to point out because I cannot help it. We always have the same nuisance in South Nyanza and I think the Masai people are more repre-

sented in this Council, in this House, than the Kisii people or other people. Although we do have a Nominated Member we have never before had anybody in this House representing our people. But a time has now come when we have to be represented in this House. I feel that the previous Government has no right to divide us sunder. Mr. Speaker, Sir, if you will allow me to say a few words on that point, I mean that now, for example, the hon. Member, Mr. Tom Mboya, has mentioned some areas in South Nyanza called Area B, Area C and Area A and so on. Well, those areas are claimed to be Masai areas but the previous Government have divided it into groups and the Masai people have nothing in that. But what the Government did was to import people from North Nyanza, Central Nyanza, and keep them there as settlers or as squatters. Then at the same time those people who are now living there and having children have no hospital, no dispensary—

ADJOURNMENT

The Speaker (Mr. Slade): Order, order! The half hour allowed for this matter is now expired. Council is therefore adjourned until tomorrow, Wednesday, 7th June, at 2.30 p.m.

The House rose at forty-five minutes past Ten o'clock.

Wednesday, 7th June, 1961

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

PRAYERS

PAPER LAID

The following paper was laid on the Table:—
Forged telegrams purporting to have been passed between the Secretary of State for the Colonies and the Governor of Kenya. (By the Acting Chief Secretary (Mr. E. N. Griffith-Jones))

PERSONAL STATEMENT

BRITISH BROADCASTING CORPORATION:
DISTORTION OF INFORMATION

Mr. Erskine: Mr. Speaker, Sir, on 31st May you allowed me to rise on a point of order when my hon. friend the Member for Nairobi Suburban was making a speech. He referred to certain distorted news and information about our country which had on past occasions originated from the B.B.C. I asked that this should be substantiated and I am very glad to say that the hon. Member for Nairobi Suburban has provided me with a large packet of papers and a thick file which I have perused very carefully. I must say that I am satisfied that he was justified and that he has substantiated what he said. There is undoubtedly a prima facie case made out against the British Broadcasting Corporation and there is evidence of this, Mr. Speaker, dating back for the past five years, and I was particularly interested—and this is what convinced me—when I read extracts from a very succinct and carefully worded speech by the then hon. Member for Aberdare in which he referred to a broadcast which had been made and which the hon. Member for Aberdare stated could not, from first to last, say was a true statement of fact.

I would like to thank the hon. Member for Nairobi Suburban for going to all this trouble to satisfy me on this point.

COMMUNICATION FROM THE CHAIR

ADJOURNMENT DEBATE: KAMBA ASKED TO QUIT

The Speaker (Mr. Slade): Hon. Members are reminded that there is a matter to be discussed on the Adjournment this evening. I have also received notice from Mr. Mulli of his desire to raise a matter on the Adjournment, namely the matter of several hundreds of Akamba living at Kiluhu who have been summarily asked to quit that area, leaving behind *shambas* and crops. I have allotted next Wednesday, 14th June, for that matter, and so it will be discussed at the close of business on that evening.

COMMITTEE OF WAYS AND MEANS

Order for the Committee read.

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR (Minister for Finance and Development)
Resumption of Debate interrupted on 2nd June, 1961.

The Speaker (Mr. Slade): Mr. Kilelu is not here to complete his speech. Does any other hon. Member wish to speak?

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, I would like to make some short comments on the general policy of my Ministry in this particular debate, and I may have to ask the House to bear with me if I take some time on it.

Before I do so, Sir, there are one or two points that I feel are important and which I would like to raise in this House in connection with the speeches that have been made by hon. Members of this House. I feel; Sir, that one of the things Kenya needs today is integration in every respect, integration of the racial groups in this country, and that we should build from where we are to go on in our march towards independence. I was very surprised when the Member for Nairobi East was speaking the other day. He seemed to cast a slur or his speech gave the impression that generally one of the communists in Kenya, the Europeans, were not needed. He was speaking in connection with the matter of those who feel that Kenya is not the place for them and that they should leave this country. Sir, I would like the Member for Nairobi East to clarify the position and make the House and the country understand what he feels about this community. I feel that that is a very, very general statement, and as a result of his speech many people in this country have been given the impression that racial or community grouping exists in this country.

Mr. Mboya: Mr. Speaker, with the permission of the speaker—and I thank him for giving way—I rise on a point of explanation. The point I made, and which I still make, is that there are racial communities in this country. It has been the order of things in the past. The second point I made, and which I still make, is that the economic structure of this country has been ordered to give a privileged position to the European community and to deny the Africans entry, effectively, into the economic life of this country, apart from the position of being a labourer.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, I disagree entirely with the hon. Member, in that not all Africans are

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Yes, Mr. Speaker, you have asked me not to go further into that. I said that the hon. Member for Kisii went to the extent of telling his people that the Kisii land boundaries extended to the Mara River.

The Speaker (Mr. Slade): Mr. Mboya is referring to another allegation which I expect you heard him repeat. You must substantiate it or withdraw it.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): This is clear, Mr. Speaker, the facts are there and I will supply them to the hon. friend of mine. We have never clashed.

Mr. Mboya: Mr. Speaker, Sir, the point I have made is very simple. The hon. Member said that on the advice of some local politicians the Kisii went into Masai land to survey the Masai land. Would he substantiate this? On the advice of local politicians.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Definitely, yes, the facts are there my dear friend I will put them across to you, not now but later on I shall bring them to your notice. Now, let us take up this issue. Surely the burning down of the Kisii houses by the Kisii in their own country is not going to create the good friendliness which has existed for years, is it? My answer is, "No." This slashing of our cattle and the killing of cattle must be brought to an end right now.

Mr. De Souza: On a point of order, Mr. Speaker, I think what the hon. Member is trying to do is trying to arouse tribal feeling, and he is not sticking to the general Motion.

The Minister for Local Government and Lands (Mr. Havelock): On the same point of order, Mr. Speaker, I think the hon. Member may well be leading up to the fact that the Government should stop it.

The Speaker (Mr. Slade): Well, that is what I would wish he would come to very soon, because there are only twelve minutes left and we want to hear what the Minister has to say in reply. Say now, Mr. ole Tipis, what action you propose the Government should take in this matter.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Now, in short, Mr. Speaker, there have been five serious incidents of large parties of Kisii crossing over the Masai border. I for one would be the last to look for trouble and I honestly would ask the Government; not only

the Government but all of us who claim to be the leaders of this country, irrespective of what political party we belong to not to go on looting our people and stirring up trouble. It will not help us at all; it will not. Let us please, for goodness sake, be sensible and let us see the dangers which lie ahead of us.

Well, on the question of opening the Masai land, Mr. Speaker, you might say, "Open it," but let us ask for one moment, Mr. Speaker, how many thousands of people belong to other tribes and who reside in Masai country, as compared to the 40 Masai who are living in Kisii country.

The Minister for Labour and Housing (Mr. Towitt): Mr. Speaker, on a point of order, are we discussing the opening of border lines or this issue?

The Speaker (Mr. Slade): The hon. Member is completely in order in answering what was put forward by Mr. Sagini, but please make your speech short, Mr. ole Tipis, because we must hear what the Minister has to say in reply.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Yes, Sir, now, my friends on the other side are saying that the only solution is to open the Masai land. May I ask them how many Masai tribesmen are in their own land units. We have hundreds of thousands of Africans living peacefully without any discrimination whatsoever in our land. What is all this talk? Do not cast any envious eyes over Masai land.

The Speaker (Mr. Slade): Have you a point of order, Mr. Malisori?

Mr. Malisori: Just a question.

The Speaker (Mr. Slade): No! You cannot rise on a question when another Member is speaking. Sit down.

Mr. Malisori: On a point of order, please, Mr. Speaker.

The Speaker (Mr. Slade): What is your point of order?

Mr. Malisori: We would like to speak on this Motion and we should like the hon. Member to be short.

The Speaker (Mr. Slade): That is not a point of order. Have you finished your speech, Mr. ole Tipis?

The Minister for Health and Social Affairs (Mr. Miah): On a point of order, Mr. Speaker, is the Motion before this House by the hon. Member for Kisii on the question of anticipating a coming Motion. Is it any time going back to the same point in this House now?

The Speaker (Mr. Slade): I have already ruled that it is in order to answer the points made by Mr. Sagini. Please do not waste any more time on these points of order.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): To cut the debate short, Mr. Speaker, I am afraid that my hon. friend should have moved an ordinary Motion before this House to enable us to thrash the whole thing out. The Motion on the Adjournment is quite simply short. This thing wants a thorough sorting out! However, since the time is so limited, let me conclude by saying this, that we, the Masai, are not going to stand for intimidation whether the numerical numbers of Kisii people are greater than ours or not. We shall stand by our own rights, defend our lives and property to the bitter end!

The Speaker (Mr. Slade): Order, order! This is quite irrelevant to the Motion on the Adjournment. I have told hon. Members that we are concerned with a matter of administration with which the Government is responsible and it is to that that this debate should be directed.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Now, Mr. Speaker, let me conclude now by saying that the Government should take all reasonable measures to prevent any tribal clashes between our peoples. Not only the Government, but we people who claim to be the leaders of our people must do everything in our power to become mediators, to go in between the conflicting interests between our people, but not to incite them or create hatred.

I beg to conclude.

The Minister for Defence (Mr. Swann): Mr. Speaker, Sir, I would like to deal with the unpalatable facts on this matter as to what really did occur. I do not think, if I may say so, that they reflected a great deal of credit on either side. I will also deal with what we propose to do about it.

The incident, Sir, had its origin on 25th May, in the theft of between 8 and 14 head of cattle by Masai from the Kisii of the Majoje Location on 24th May. Early on 25th May a large party of Kisii from this location crossed into Masai. They burned down two huts, rounded up some 27 goats and sheep and three head of cattle, and started back to the border. Sir, the Masai, incensed at this burning, started to congregate, as did the Kisii, and at approximately 7 a.m. a fight started about a mile away from the Nyamala Police Post. The corporal in charge, with two men, went to the scene and shots were fired.

principally in the air, and order was apparently restored, at any rate, temporarily. One Kisii was slightly wounded by the police in this incident and one or more were wounded by Masai arrows. Both sides then separated and moved a further, mile away while they gathered reinforcements on both sides. At about 10.30 a.m., Sir, the district officer for South Kisii arrived and he estimated that by that time about 1,500 Kisii had gathered and between 300 and 400 Masai. The situation was threatening, but fighting at that stage, Sir, had not broken out. Reports at this stage, Sir, are slightly confusing, but it does appear that each side in turn made what one might term charge against the other side with little or no damage to either. They appeared to be more in the nature of demonstrations than actual charges. At this point, Sir, a police party of six rank and file under an assistant inspector arrived from Kamagambo. They immediately ordered the Kisii back, Sir, and they started to move, the police moving with them. The Masai, probably misinterpreting this move, then commenced another charge, this time in earnest, firing arrows indiscriminately both at the police and the Kisii. At that moment, Sir, the only action to stop a serious tribal clash, quite rightly in my opinion, the assistant inspector ordered his party to fire. One man, Sir, was shot dead and four were wounded. Twenty rounds were fired by the police in the course of the engagement which ranged over about two miles of country and, in fact, was a running fight. I need hardly say, Sir, that inquiries will be held on the deaths of the people in this incident.

What it really comes to, Sir, and what has always been urged on both sides in that area, is this. Do not follow up a stock theft—and this is the straight order to both sides—without reporting to the police and the tribal police. It is when large numbers of tribesmen of either side on their own go into the other person's territory that these unfortunate incidents do happen. It has always been clearly laid down, "Report to the police or the tribal police and follow up your tracks with them."

At the moment, Sir, we are building four more roadvets at Nyamala to enable that post to be brought up to its full establishment of ten Kenya police rank and file and a tribal police post. It being established midway between Nyangusu and Nyamala. I hope, Sir, that this extra post coupled with the reinforcement at Nyamala coupled with the urging of administrative and police officers on both sides not to take unilateral action and not engage in retaliation, will mean that law and order will be restored.

Mr. Sagliti: Mr. Speaker, Sir, the subject matter for our discussion now concerns the recent clash of the Masaï and Kisii. The nocturnal cattle raids by the Masaï have been going on since time immemorial.

On 25th May, 1961, the Masaï came to Kisii to raid cattle. In connexion with this two Masaï were shot and one Kisii man was killed by the Masaï. We all know jolly well that the Masaï treasure cattle more than the Kisii and so they are inclined to steal Kisii cattle.

According to their tribal philosophy says that a man proves his manhood by killing a human being, or raiding cattle or killing a lion. That is a fact.

The Speaker (Mr. Slade): Mr. Sagliti, when you raise a matter on the adjournment you must direct your argument towards matters for which the Government is responsible.

Mr. Sagliti: Well, I think instead of killing humans I think they should be allowed by the Game Department to kill lions. The Kisii are very much handicapped when tracking their animals. This is the reason: very often when they pass beyond the boundary the Masaï run to a place called Kilgoris to report that the Kisii are crossing the boundary. At the boundary the Masaï fork and one group takes the animals and the other runs to the Kilgoris District Headquarters.

Now this is the problem; and a time factor is involved here. The law is that the Kisii are supposed to stop on the boundary and go to a police post to get policemen, and then track the animals. Now, Mr. Speaker, everybody sees here that time is lost and psychologically the Masaï gain in this respect. Sometimes the cows are caught but in most cases they disappear. Sometimes the Kisii get very indignant so they move beyond the boundary to pursue their animals. They are forbidden to go into Masaï because it is a "closed area". I do not know who made this obsolete and obnoxious Ordinance which makes the Kisii criminals when they go in search of their animals. Kisii is an open district, the Masaï are free to bring their children into Kisii to school, they even go as far as Asombi Hospital in South Nyanza. Nobody touches them. I am not against the Masaï at all.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): You have ulterior motives, apart from stolen cattle.

Mr. Sagliti: I am not a tribalist.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Question.

Mr. Sagliti: Can anybody explain to me why the Masaï are over-protected? And also why their district is out of bounds? They are very famous as warriors, why should they be over-protected?

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): We do not want undesirable persons coming on to our land.

Mr. Sagliti: Why? They are famous warriors. One day I went to Kilgoris to see the hon. National Member, Mr. Koochellah. I think he broke the law: I should have been arrested. He told me that prominent men are allowed to go into Masaï, where is the clause in the "Special Districts Ordinance" which allows them? I just cannot understand why one tribe should receive preferential treatment and I think this really is a case of divide and rule. Why should the Government alienate the Masaï? The Masaï are Africans, human beings, let them be free.

An hon. Member: On a point of order, Mr. Speaker, the hon. Member is explaining things other than the incident.

The Speaker (Mr. Slade): Mr. Sagliti, your argument must be directed towards the Government to take certain measures.

Mr. Sagliti: Thank you, Mr. Speaker, I will be brief. I think we could probably get more police posts—or declare Masaï open and also have a stronger border committee. I am not sure but I was told that on these border posts very often there is corruption. People are bribed and the Kisii people too are involved.

I said that two Masaï were killed, but they were not killed by the Kisii at all; they were shot by the security forces. From the border police post there was one corporal and two constables. An assistant inspector plus constables came from Kamagambo Police Post. To say that the Kisii killed the Masaï is not true at all. These people were shot by the police and the police sent their people by ranks not by tribe.

Another thing I have been hearing is that the Kisii are inspired by KANU and that they want Masaï land. The Kisii people have got one of the most fertile areas in Kenya, so they do not want Masaï land.

Another thing, Sir, is that Masaï is a mapped-out area. It is on the map of Kenya. They know the area.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): For what purpose have large parties of Kisii been infiltrating into Masaïland?

Mr. Sagliti: You are interrupting me too much! I can talk about anybody and it is no good.

(Mr. Sagliti)

So, the nomadic mode of life should not be an excuse for discrimination. The main thing is this: why should not the Kisii go into Masaï land when they are tracking their animals? The Kisii are now very provoked. I am sure next time there is anything wrong there will be some serious trouble there. The Kisii are very provoked and I do not think they are a weak tribe. I am not flattering anybody, numerically they are superior and they are virile.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): The Masaï will stand no intimidation from anybody.

Mr. Sagliti: You know them jolly well. Now here is something—

The Speaker (Mr. Slade): Order, order. I have asked Members twice already to refrain from excessive interjections. If I hear another interjection from Mr. ole Tipis I shall require him to leave the Chamber.

Mr. Sagliti: Something drastic should be done. On 3rd May, 1961, 135 Kisii people were fined Sh. 250 each because they went just beyond the boundary. The total sum is Sh. 33,750, and this is colossal. There have been several cases, I could give a catalogue of them, but I have to cut this short.

Now I think the Government is responsible for this tribal apartheid. They should do something drastic about it so that we shall be at peace, the Masaï shall be at peace and we shall have a peaceful Kenya.

Hon. Members: Hear, hear.

Mr. Sagliti: I hate violence myself, I speak from my heart. Hatred or tribism is what encourages it. Thank you very much.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Mr. Speaker, Sir, I feel it is only fair and right to put the proper facts as they happened in this incident, which I for one am very much deploring, on record. I have listened with great care to the speech from my hon. friend the Member for Kisii but let us in this country—not only in this Chamber—examine ourselves as to where we are leading our people.

Hon. Members: Hear, hear.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): I think I can quote on three incidents involving my people and my people are justified in asking where they are being led, whether they

are being kicked like a football in a football field.

Now I do not want to trespass, very much Mr. Speaker, I am sorry I am a bit jittered up and I will try to control myself, Mr. Speaker.

Now we have the Ng'ong incident which we all regret. We had the Kamba incident, Mr. Speaker, which we all regret. Now we have another incident in Transmara between the Masaï and the Kisii. Now, surely, Mr. Speaker, no matter how much my dear hon. friends try to clean his hands I do not think he can possibly do it. And if I am allowed I would like to say that he is as much to blame for this incident as anybody else. During his election campaign.

The Speaker (Mr. Slade): Mr. Tipis, please concentrate on what the Government is going to do.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Thank you, Mr. Speaker, Sir, but I was just going to mention one slight point, Mr. Speaker.

The Speaker (Mr. Slade): If a matter is raised on the adjournment the discussion must relate to a matter of administration for which Government is responsible, not be a dog fight.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Thank you, Mr. Speaker. Now—as far as that one goes I must—I think I am right in saying that my hon. friend in one of his election campaigns went into misleading his people that the Kisii boundary extended to the Mara River and this led his people into infiltrating over 20 miles into Masaï country.

The Speaker (Mr. Slade): Order! Order!

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Mr. Speaker, I did not rise when the hon. Member was speaking and I hope he will also let me have a say in this affair.

Now, Mr. Speaker, if I might be as brief and short as possible. The facts are that during the last year and this year also—last year alone we had two cases, very serious cases, of the Kisii people infiltrating into the Masaï country—well over 20 miles—slabbing and killing cattle and also some big parties of Kisii in disguise as game hunters following the advice of the local politicians to explore the Masaï land.

Now, surely the Government should stop this. Mr. Mboya: Mr. Speaker, the hon. Member said that on the advice of local politicians some Kisii disguised as hunters entered Masaï country to explore Masaï land; would he substantiate that?

[Mr. Biboya]

Dr. De Souza, and the Minister's apparent appreciation of the points he made, would he agree to bring back this particular matter to the House before the money is actually given to this building society?

Mr. Bester: Mr. Chairman, Sir, I fear that I cannot agree that this matter can come back. As was explained by the Minister at the time of the Budget Speech, this money is part of an operation into which the Government has agreed to enter, largely as a result of the agreement by the Colonial Development Corporation itself to put in quite a substantial amount of money for our building society movement. One hon. Member suggested that we should have a confidential and expert report on the building societies in Kenya. I can assure him that we have not had only one report; I think we have had four. The first one which I have here is dated August, 1960, and was carried out by an expert who has had great experience of building societies, both in Africa, in Malaya, and elsewhere. We have not therefore proceeded in this matter without very careful consideration of the facts, or without a very careful consideration of the merits of the case. We are satisfied that it is very much in the interests of this country that we should maintain the building society movement here and enable it in due course to begin again lending money for house building.

Mr. Chokwe: Mr. Chairman, is it possible for the Government to acquire some shares in this society so as to ensure an opportunity for supervision?

Mr. MacKenzie: Mr. Chairman, arising out of all that we have heard from hon. Members on this side—and I must say that I am a little shattered with some of the remarks which I have listened to from the hon. National Member—would Government be prepared to reconsider the rate of interest and raise it from 8 per cent to perhaps 10 per cent, if in fact the figures which we have been given, and I mean the various interest rates and the charges which this building society is in fact obtaining, are correct.

Mr. Bester: Mr. Chairman, the annual report of this particular building society was published about a month ago, and it did show that the society was, so far from making an excessive profit, covering its expenses and very little more. I will certainly check up on the statements that have been made by the hon. National Member, Mr. De Souza. It is correct that some of the loans made by the society in the past have gone out at 10 per cent, but that is higher than their normal lending rate. I would myself hope that it will prove possible for the money to be provided

through the building society at a rather lower rate than the 8 per cent which I indicated will be the present rate if the money will have to remain with the society for a number of years.

Head D14—Finance and Development: *struck* to.

The Chairman (Mr. Nyagah): A lot has been recorded on your views on this question and I therefore propose to put the question.

Question put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to note that this Committee doth report to Council its consideration of the Motion in respect of Supplementary Estimate No. 3 of 1960/61 and Development Supplementary Estimate No. 2 of 1960/61 and its approval of the same without amendment.

I also beg to move that the Committee doth report to Council its consideration of the Vote on Account and its approval of the same without amendment.

The House resumed.

[Mr. Speaker (Mr. Slade) in the Chair]

REPORTS

VOTE ON ACCOUNT

Mr. Nyagah: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered a Motion that a sum not exceeding £20,661,176 be granted to the Governor on account for or towards defraying the charges on the several Votes for the year ending 30th June, 1962, as set out in the Vote on Account.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, I beg to move that the Council doth agree with the Committee in the said resolution.

Question proposed.

The question was put and carried.

SUPPLEMENTARY ESTIMATE NO. 3 OF 1960/61— COLONY

Mr. Nyagah: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered a Motion that a sum not exceeding £474,172 be granted to the Governor on account for or towards defraying the charges of Supplementary Estimate No. 3 of 1960/61 and has agreed the same without amendment.

The Minister for Finance and Development (Mr. MacKenzie): Mr. 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.

SUPPLEMENTARY ESTIMATE NO. 2 OF 1960/61— DEVELOPMENT

Mr. Nyagah: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered a Motion that a sum not exceeding £473,402 be granted to the Governor on account for or towards defraying the charges of Development Estimate No. 2 of 1960/61 and has agreed the same without amendment.

The Minister for Finance and Development (Mr. MacKenzie): Mr. 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.

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 forthwith.

SECOND READING

The Consolidated Fund (No. 2) Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to move that the Consolidated Fund (No. 2) Bill be now read a Second Time.

Sir, this is a formal Bill which appropriates the amounts voted in the Supplementary Estimate No. 3 of 1960/61 and the Development Supplementary Estimate No. 2 of 1960/61.

I would also draw hon. Members attention to Clause 4 of the Bill which authorizes the issue out of consolidated fund of the sum of £20,661,176 being the Vote on Account for the service of the year ended June, 1962, which was approved by the House earlier this evening.

The Minister for Works (Mr. Jamikar) 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 forthwith.

COMMITTEE OF THE WHOLE HOUSE

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[J. M. Nyagah, Esq. in the Chair]

The Consolidated Fund (No. 2) Bill
Clause 2 agreed to.

Clauses 3, 4 and 5 agreed to.

The Schedule agreed to.

The Title 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 Council its considerations of the Consolidated Fund (No. 2) Bill, 1961, and its approval of the same without amendment.

Question proposed.

The question was put and carried.

Bill to be reported without amendment.

The House resumed.

[Mr. Speaker (Mr. Slade) in the Chair]

REPORT AND THIRD READING

The Consolidated Fund (No. 2) Bill

Mr. Nyagah: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered the Consolidated Fund (No. 2) Bill and has reported the same without amendment.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Report.

Question proposed.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to move that the Consolidated Fund (No. 2) Bill be now read a Third Time.

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

Question proposed.

The question was put and carried.

ADJOURNMENT MOTION

MASHAKISHI CLASH

The Speaker (Mr. Slade): Hon. Members, this is the time for the interruption of business and as there is a matter to be raised on the Adjournment I will call on a Minister to move that Council do now adjourn.

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

[Mr. McKenzie]

we gather from the Permanent Secretary to the Treasury is that at the present time Government have not decided whether to go ahead with it or not. What I would like to know from them is whether we are going to have another opportunity to discuss this before it is loaned to the First Permanent. Otherwise, if we are not, could they give us some idea what type of security the Government are going to have for this loan of £300,000.

Mr. Butters: Mr. Chairman, I apologize to the hon. Member for not having covered that point when I spoke earlier. The security of the Government will be a charge over the assets of the building society in Kenya; that is the second charge. The first charge will be held by the Colonial Development Corporation but the assets concerned are to the value of some £3,000,000 so the security for the money advanced both by the Colonial Development Corporation and by the Government is more than sufficient.

Mr. Shahi: Mr. Chairman, we have been more or less given to understand that this loan has not been negotiated and there was a reference to this in the speech of the hon. Minister for Finance.

Hon. Members: Speak up!

Mr. Shahi: There was reference to this £300,000 in the speech of the Minister for Finance and it was said that this loan may not be negotiated at all. If that is the position, would it not be desirable that this item be withdrawn by the Government?

Mr. Butters: Mr. Chairman, the hon. Member who has just spoken referred to what the Minister said in the Budget speech.

What he said in the Budget Speech was that it had proved possible to arrange last year that assistance could be given from the Colonial Development Corporation to the building societies. He went on to say that it was also agreed at that time that the Kenya Government would, if necessary, participate to the extent of some £300,000. He then went on to say that at the time he was speaking he was not sure exactly how much money the Government would have to lend to the building societies in this financial year and that the amount required would be included in the next Development Supplementary Estimate. The amount we require this year is £300,000 and that is the sum we have included in the Supplementary Estimates.

An hon. Member: How are the citizens of this country going to benefit by this loan to the company?

Mr. De Souza: Mr. Chairman, I have got strong opinions about this loan. I wonder why it was necessary to give such a large loan, guaranteed by the Government of this country, to the First Permanent Building Society. After all, it is a Rhodesian Society which is carrying on business in this country and I have got some experience of the methods they use in conducting business and they are very doubtful methods of business.

Mr. Alexander: Mr. Chairman, on a point of order, the hon. Member has just come to a question on this Society, and I would ask him to substantiate it. He has called into question their methods. Those were his words, "Their methods" and I would ask him to substantiate them immediately.

Mr. De Souza: My hon. friend the Member for Nairobi Suburban, who has just got up from a deep sleep, wants me to substantiate it, and I will do so with the greatest pleasure. I will give him a few of the instances of the methods followed in the past. I have got absolute proof of this, and I will bring documents if necessary. One of the methods by which that Society makes money has been to charge what they call "commission". They charge commission which in some cases comes to as much as five per cent. A loan was given to a particular person for Sh. 105,000 and Sh. 7,000 was charged to give the loan. This was added to the sum paid, so the sum paid was only Sh. 108,000. After that, they charged what they called "Schedule II charges". It came to Sh. 3,560 which they said were legal expenses. It turned out that the legal expenses came to Sh. 840. They charged Sh. 3,560. In addition to that they charged about Sh. 1,700 being interest on the money when it had not yet been given. The money they said was kept with them from the day when the replies were sent that it was needed. They charged interest at 10 per cent, almost on a compound rate, on the money when it had not yet been given, and they delayed it; it was not the delay of the person who wanted the loan, but it was they themselves who delayed in giving this money. So the sum total was that out of a loan of Sh. 105,000 in fact gave Sh. 96,000 and it might have been a little less, Sh. 94,500. If you want to know the person who got that loan was myself. I went and reported this to the Deputy Registrar of Societies, Mr. Munro—he is not the Registrar—and he said that it was a very serious matter but that Government had no power to take it upon because there was no authority or control over the Building Society. I hope my hon. friend, Mr. Alexander, is now satisfied because this matter was taken up.

Mr. Alexander: On a point of order—

Mr. De Souza: My hon. friend the Member for Nairobi Suburban does not know facts. He wants them substantiated and now he is getting them. I am not the only person who has suffered from this Building Society. There are dozens of people in Nairobi who have suffered from this Building Society, and at Mombasa, and at Dar es Salaam. I do not see any reason why this particular Building Society, which comes from Rhodesia to do business here, when it gets into trouble, should receive help from the Government, or that the Government should fork out the money, and then they keep the profits themselves. If there was any necessity for the Government to help it, then the Government should take all the profits when it makes profits. We do not want to subsidize the Southern Rhodesian Society. I do not see why the loan should have been agreed and if the loan has not yet been agreed the Kenya Government is not going to guarantee it, and I submit and I suggest that this should not go through at all, that we should first find out how this Society is run and then, and then only, decide whether it can be granted or not.

Mr. Butters: Mr. Chairman, the hon. National Member, Mr. De Souza, questioned the need for this loan and said that this Society was the Branch of a Rhodesian Society and that if we required assistance why did they not obtain it from Rhodesia and not from Kenya. Well, the facts are that the Rhodesian branch of the Society has put a substantial sum of money into loans in East Africa, and this Society has loaned money for the construction of houses which have been for the benefit of many people in this country, apparently not including the hon. Member himself, money that they have obtained not only within Kenya but also from Rhodesia. The building societies, as the Minister said in his Budget Speech, have a very important part to play in the life of this country, and the fact that none of three main building societies operating in Kenya have been able to make fresh loans now for nearly a year is a reflection of the disturbed political situation and the lack of confidence to which many hon. Members on both sides of the House have referred in earlier debates. From the point of view of the Government we regard these institutions as most important and we hope very sincerely that they will before long be able to resume playing a proper part in the further development of this country.

Mr. De Souza: Mr. Chairman, I would like to say that this Society used to charge interest at

10 per cent compounded, which, when worked out, is about 16 per cent interest. I would like to ask the Minister what control he is going to have over these building societies which charge these fantastic rates of interest to unsuspecting persons, because they say it is 10 per cent, but they do not mention the question of yearly rates and they only let you reduce the principal amount on which the interest is calculated at the end of the whole year. I want to ask the hon. Member what control he proposes to have to make sure that so-called Schedule II charges and all other charges are not charged on persons who believe that building societies, being respectable institutions, do not conduct their business in this way. I submit that unless control is going to be properly exercised it is wrong for the Government to lend public money, Sir, to such societies.

Mr. Butters: Mr. Chairman, Sir, the control that we exercise over building societies is that provided for in the Building Societies Ordinance. I have taken note of the points made by the hon. Member and we have under consideration the possibility of amending that Ordinance within the course of the next year, certainly, and any points that the hon. Member cares to bring to my notice, and would like to suggest for consideration of the Government at that time, I will be very happy to consider.

Mr. Chasani Singh: Mr. Chairman, so far as this particular institution is concerned, I think the Minister should try to conduct confidential inquiries, because there are a lot of complaints. Now, one point that I wanted to bring up is, what will the Minister do to make sure that the money provided by the Government is used for the provision of new buildings and not for the replacement of which the building societies have lost by way of withdrawal of deposits.

Mr. Butters: Mr. Chairman, Sir, this loan will be required quite largely to meet the demands of the depositors who have money in this financial institution. There are two steps that we wish to take in this matter. One is to ensure that the liquidity of the building societies is improved to the certain extent necessary to enable them to make fresh loans, and secondly to provide them with, or to help them to find, money that will enable them to make fresh loans. We are still in the first stages of that operation, and if we do not succeed there we will not succeed in the second stage.

Mr. Alboya: Mr. Chairman, Sir, does the Minister suggest that this £300,000 will be enough to prop up this building society? Secondly, having regard to what was said by the National Member,

Ideal G—African District Council Game Schemes

Mr. Mboya: Mr. Chairman, Sir, what are the assets purchased?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, the assets were various of the internal furnishings in the lodge at Amboseli which belonged to the National Parks and they consisted of such things as water pumping equipment, radio transmitters, fittings and bed linen; cutlery; crockery; and vehicles.

Mr. Mboya: Mr. Chairman, Sir, was there any amount in terms of the lodge itself? Has this been transferred to the lodge itself?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, the lodge itself is going to be rebuilt for the African District Council, the Kajiado African District Council, and it will be in fact presented to them as a gift, as in fact will this sum of £7,350 in terms of the assets of the old lodge. The old lodge will be retained temporarily as an addition to the accommodation of the new lodge.

Head G agreed to.

Ideal H—Forestry Unemployment Relief Scheme

Mr. Shah: Mr. Chairman, Sir, I was asking a question on G and I wanted just to find out from the Minister whether he is satisfied with the price paid.

The Chairman (Mr. Nyagah): We are now on H, Mr. Shah.

Mr. Shah: I stood up while G was going on.

The Chairman (Mr. Nyagah): We have now reached H, Mr. Shah.

Mr. McKenzie: Mr. Chairman, may I ask why this figure of £18,378 is shown here to go to Vote 34 for Personal Emoluments and Expenses for Unemployment Relief. When we discussed Appropriations-in-Aid in Vote 34 it was a different figure. It was £1 lga.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, the additional £1, I think, under heading J1 in Supplementary Estimate 1960/61 you will find the figure on page 35, Development Fund for the Relief of Unemployment, £18,377. On the previous page you will find the sum of £1 which makes the total of £18,378 which is shown in the Development Supplementary Estimate No. 2 now under discussion.

Mr. McKenzie: Mr. Chairman, surely it is nothing to do with this Unemployment Relief. J is the National Parks grant in aid. You see here on page 8 at the bottom we have £18,378 and it reads, "Contribution to Colony Vote 34 for Personal Emoluments and Expenses for Unemployment Relief." When I come to Appropriations-in-Aid I see it is £18,377, under Z9.

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, on a point of order does the hon. gentleman opposite mean to tell us that game does not have any people employed when he says it has nothing to do with unemployment?

Mr. Mboya: Mr. Chairman, if the Minister listened to the question he would have understood it. The query is the difference in the figures quoted here, not in whether game needs or does not need human being.

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, does the hon. Member state that game does provide unemployment. Did he mean to say that there are no people employed in the Game Department?

Mr. Mboya: J, not game!

Mr. McKenzie: J1, not game!

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, could I congratulate hon. Members opposite on the excellence of their arithmetic and the fact that they appear to have done their homework.

Mr. McKenzie: Ah, well done, well done!

Mr. De Souza: Mr. Chairman, I noticed that a sum of £66,474 is being spent to create employment on a scheme for 930 persons. Now, may I know from the hon. Minister why we need to spend about £70 per head to employ these people; and, secondly, whether this is recurrent expenditure or whether any part of this will be recurrent expenditure at all; and how long will these people be employed?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): No, Sir, this comes purely under the Development Estimates and under the Development Estimates is produced the Forest Unemployment Relief Scheme. The details of that scheme we have already gone through in the previous Estimates debated earlier and this is merely a transfer of this sum of money of £18,378—referred to already by the National Member—Mr. McKenzie—transferred to the earlier Development Estimates. But the final figure remains in the present Development Estimates.

Mr. De Souza: How long will these people be employed?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): It is a three-year scheme.

Head D11 agreed to.

Head H agreed to.

Head D13—Ministry of Works.**Head D—Public Works Non-Recurrent**

Mr. Mboya: Mr. Chairman, Sir, would the Minister explain what this extra provision is which is required to meet the cost of additional work? What are these additional works?

The Minister for Works (Mr. Jamidar): Mr. Chairman, Sir, the extra provision is required to meet the cost of additional works authorized during the year and work started in 1959/60 but was not completed until 1960/61. The (inaudible) 1959/60 was on account of works not completed and underspent by £33,150.

(generally inaudible due to Government's appreciation of Minister's ability to answer)

Mr. De Souza: Mr. Chairman, could we know exactly what extra work is being referred to?

The Minister for Works (Mr. Jamidar): Yes, Sir, there are several items here, if the hon. Member would note them down, and they are as follows: Water-borne sanitation, £5,678; identification of Government buildings, £1,934; vehicle inspection centres, £3,950; miscellaneous work under £1,000, £1,450.

The Chairman (Mr. Nyagah): Order, order! There are too many interruptions!

The Minister for Works (Mr. Jamidar): Moves of Ministry, £2,000; stone water drainage, £7,000; alterations to Liverpool Road Stores Department, Kisumu Prison, £6,000; conversion of M.O.W. office into D.E.'s office, £6,000; conversion of old D.E.'s office into Labour Exchange, £1,950—Total, £27,962.

Hon. Government Members: Well done!

Head D13 agreed to.

Head D14—Finance and Development**Head B—Loan to the First Permanent Building Society**

Mr. McKenzie: Could I ask the Minister what the terms of this loan are, what the security is and what the duration of the loan is?

Mr. Butler: The answer is that this particular loan from the Government funds has not yet been made but as was explained by the Minister in his Budget speech a loan from the Colonial Development Corporation has been made to assist the building society movement. The terms for that loan at the moment are interest at 8 per cent. This may be subject to renegotiation and the intention of the Government is to advance this money to the building society concerned at 8 per cent which is the same rate as money has been advanced to that and the other building societies by the Colonial Development Corporation. The question of the length for which the societies are likely to need this money and therefore the length of the period of this loan, will be reviewed in the light of the further report which Government is expecting to receive from Mr. Burgess, the adviser on building societies to the Colonial Development Corporation and which he is now engaged in preparing. The intention of the Government is to lend the money for a sufficient period to ensure that the building society will be able to meet its obligations.

Mr. McKenzie: Mr. Chairman, I think that the Government are asking this House a little too much in this—

An hon. Member: Why?

Mr. McKenzie: Listen and you will hear—in saying that they have not negotiated this. We do not know what the security is. We are being asked to vote £300,000. I would like to know arising out of the security who the other debtors are and if we are only going to take this up if the Colonial Development Corporation are not prepared to go ahead with theirs or not.

Mr. Alexander: Interjection.

Mr. McKenzie: Would the hon. Member like me to give way?

Mr. Alexander: Yes, if you like.

An hon. Member: Sit down!

The Minister for Commerce, Industry and Communications (Mr. Muliro): Where is the Member for Nairobi Suburban?

Mr. Alexander: Get your minutes and please right!

Mr. McKenzie: Do you want me to give way?

Mr. Alexander: Not to the length of a Division.

Mr. McKenzie: Mr. Chairman, this is a matter of £300,000 which the Government want to loan to the First Permanent Building Society. What

[Mr. Mulli]

that the whole lot is taken or sold for such a price as would normally cover the fine and not for the actual market price?

The Minister for Defence (Mr. Swann): Sir, I think the hon. Member should be aware that that is quite rightly, Sir, my Ministry has nothing to do with the administration of the Courts or the passing of sentences.

The Speaker (Mr. Slade): These questions now go beyond the original question which was why are so many head being impounded.

Mr. Nibenge: Arising from the Minister's reply, I would like to ask one question. What was the main reason for the Akamba cattle going into these lands? Was it not because there was nobody living in it and the grass was idle?

The Minister for Defence (Mr. Swann): Mr. Speaker, I am quite unaware as to what the reason was. The police merely deal with cases of breaches of the law.

QUESTION No. 32

Mr. Anglue asked the Minister for Local Government and Lands when the Council can expect the new Local Government Bill.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Speaker, Sir, I beg to reply. I hope that the new Local Government Bill will be published in this session.

Mr. Kathurima: Mr. Speaker, Sir arising out of the reply, when will the Northern Frontier District have an African district council?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Speaker, although I do not think it really does arise out of that reply, I am going into that question as soon as I can get away from this Legislative Council to visit the Northern Frontier.

QUESTION No. 34

Mr. Odings asked the Minister for Local Government and Lands when African district councils will become fully elected on the one man one vote principle.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Speaker, Sir, I beg to reply. First I would state that all African district councils now have an elected majority. Secondly, I consider that the principle for qualification for the franchise in local government elections should be that those who make a contribution directly or who have made a sustained contribution in-

directly, to the cost of the services supplied by the local authority should qualify to vote without discrimination as to race. It is the intention that this principle should be followed with regard to African district councils as well as with any other local authority.

Dr. Kiano: Arising from that reply, Mr. Speaker, do we therefore understand that the Minister for Local Government does not intend to adhere to the principle of one man one vote in local Government elections?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Speaker, I think I have at least two more questions on this same subject and indeed the answer to the next question I think will be the answer to the supplementary question the hon. Member has asked.

Mr. Nyagah: Mr. Speaker, Sir, arising from the Minister's answer, does he realize that women do not make a local contribution referred to, and they therefore are not eligible?

The Minister for Local Government and Lands (Mr. Havelock): Sir, that is fully realized and wives would be eligible according to their husband's qualifications.

Mr. Shah: Mr. Speaker, Sir, I would like to tell the hon. Minister that the answer he gave was not really the answer to the question.

Mr. Mboya: Mr. Speaker, Sir, would the Minister, arising from the reply, state whether women in polygamous marriages will qualify for the vote?

The Minister for Local Government and Lands (Mr. Havelock): Sir, I am really being forced to give the answer to the next question. All this matter will be discussed and an opportunity for discussion will be given when the Sessional Paper is laid in this Council.

Mr. Mathenge: Would the Minister indicate when these elections are expected this year?

The Minister for Local Government and Lands (Mr. Havelock): I am not quite certain what he hon. Member meant. I presume he means when could he expect the elections under new electoral provisions. I think it will probably be the earliest we can have them will be early next year, because it will take up to then to get the legislation passed.

Mr. McKenzie: Mr. Speaker, the Minister first of all mentioned a Bill and then he mentioned a Sessional Paper. What is that we are going to have in this session to discuss?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Speaker, this is the difficulty of so many questions of such a great similarity. The first question asked me was when can the Council expect the new Local Government Bill. Now the answer to that question was it will be published in this session, but a White Paper will be laid before that and full discussions on the White Paper will be afforded to this House before the Bill is drafted.

Mr. Nyagah: Mr. Speaker, Sir, arising out of the Minister's reply if the Minister does not expect to have the Bill ready for next year's session to have the Bill ready for next year's elections until early next year, is the Minister aware that there are some councils which will be holding elections before that time?

The Minister for Local Government and Lands (Mr. Havelock): Yes, Sir, there are numbers of councils of all different sorts, local authorities of all different sorts who have their elections at different times. I am afraid some of them will have to be on the old basis until the legislation is passed.

Mr. Mwendwa: Mr. Speaker, Sir, is the Minister aware that in some places proper elections are not held?

The Speaker (Mr. Slade): That is rather far away from the original question which is whether councils will be elected on the one man one vote principle. The Minister may answer it if he wishes.

Mr. Odings: Mr. Speaker, Sir, the Minister has not answered my question quite clearly. I wanted to know whether the system which is used for the election of whichever local council is uniform throughout the country.

The Speaker (Mr. Slade): That is not the question. Mr. Odings. It is written here quite clearly.

Mr. Odings: Mr. Speaker, in his reply he actually explained to us the system which is being used now, and I wanted to know if that system is uniform throughout.

The Speaker (Mr. Slade): I think you are getting mixed up with your next question, Mr. Odings. Perhaps you can ask it now.

QUESTION No. 35

Mr. Odings asked the Minister for Local Government and Lands when African district councils will exercise the same power as, and become, county councils.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Speaker, I beg to reply. I

have already stated that a Sessional Paper will be laid in the near future describing the Government's policy towards all local authorities and that this Sessional Paper will propose that there should be a comprehensive Local Government Ordinance which, among other things, will allow local authorities to develop from one category to another more simply than heretofore. In the meantime I must bring to the attention of the hon. Member the fact that in some ways African district councils have greater powers than county councils.

Mr. Odings: Mr. Speaker, Sir, I would like to know from the Minister whether in that way this election, a direct election of one man one vote, and also whether the African district councils will be brought in exactly the same status as the county councils.

The Minister for Local Government and Lands (Mr. Havelock): Sir, with regard to franchise, we are going to try to make it the same where possible throughout every local authority and the whole object of this comprehensive Bill will be to have the same conditions for every local authority.

With regard to the actual qualifications, the details of qualifications for voting, I do suggest, Sir, that the Council should wait until the Sessional Paper is laid, otherwise I will have to make a speech about it now.

Mr. Odings: Arising from the Minister's reply, Mr. Speaker, may I know briefly some of those powers where the African district councils are better than the county councils?

The Minister for Local Government and Lands (Mr. Havelock): Mr. Speaker, I have in front of me a two-page memorandum on this matter from where I can draw comparisons. If the Council really wishes, between the powers of the county council and the African district council, I think it really would be wasting the time of this Council, but I would be very happy to show this memorandum to the hon. Member whenever he wishes.

QUESTION No. 36

Mr. Mait asked the Minister for Tourism, Forests and Wild Life what the category of the lowest paid employee of the Forest Department is and what his cash wage is.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, I beg to reply. A forest resident labourer, attested under the

[Dr. Kioko]

of political and social oppression. I am reminded, Mr. Speaker, that you will allow me to say this, leading to what I am supposed to do with this, that I should indicate what I expect the Government to do; but I am reminded of the time when we were in Lancaster House, Sir, when we said that Mr. Peter Mbiu Koinange should be one of our advisers in the Lancaster House Conference. And when the Rt. Hon. Iain Macleod, the Secretary of State for Colonial Affairs, had not allowed him to enter the Lancaster House Conference, we boycotted the Lancaster House Conference until he gave in. If I may say so, Mr. Speaker, at that time our chairman and leader is now the Leader of Government Business. He agreed with us to stay outside the Lancaster House until the Rt. Hon. Iain Macleod admitted this gentleman, Mr. Peter Mbiu Koinange, into the Lancaster House. For one week we stayed in our hotel until we managed to get him in the office we wanted to get him in. Today, Sir, when Peter Koinange was not even concerned with constitutional matters, when he was just going to greet his friends on his way to Tanganyika, a Minister in the Government led by the same former leader of the African Members in Lancaster House, did not even give him the opportunity to greet the people. It appears to me, therefore, that this matter calls for immediate clarification by the Government, why Mr. Peter Mbiu Koinange was so important to the present Leader of Government Business when we were at Lancaster House, and apparently not important today.

Sir, if I am allowed to finish my statement in a few minutes in order to give other people the chance to express their feelings, it appears to me that an apology is due by the Government to Mr. Peter Mbiu Koinange. They must apologize for snatching him away from the people who at least just wanted to shake their hands at him as a symbol of affection, and not only apologize but prove that they are apologetic by lifting their restrictions now put upon him. I say this, Mr. Speaker, not so much from the point of view of security—I am not an expert on security matters. But I will say this, Sir, that I believe that even people who are restricted, or people who are not even debarré by Government, must have the right to be treated decently, to be shown respect, and until a man is dead he has that right, and I would expect to hear from the Minister for Security explaining why it was necessary to treat this man in this way, and why the present Leader of Government Business has succumbed to the maltreatment given to Peter Mbiu Koinange, because, Mr. Speaker, I think you have made one very serious mistake. When we want to do

things that may be legal—but immoral—we refer to the book of law and order. When we want to do things that we think are good we refer to the book of law and order and also the concept of moral behaviour. At this time what this Government has apparently given to the people is a Government which believes in what they call law and order, but which is a law and order which is not buttressed or strengthened or laid upon the strong rock of character. I know, Mr. Speaker, that all law cannot be successfully carried out in any county whatsoever if the people of that country do not have the moral feelings to observe the law. The law must always be buttressed by character, and character is apart from the question of law and order. That law will not be carried out unless we intend to use alienation and ruthlessness to make people obey. It is much better in any country to have the people believe in the law because it concurs or agrees with their moral convictions, and in this particular action I will not be satisfied, Mr. Speaker, if the Minister for Defence or the Leader of Government Business says that the law says he was a restricted person.

May I just finish by saying that this is the situation. If the person who would boycott Lancaster House proceedings because of his respect for Peter Mbiu Koinange today succumb to a Civil Service Minister for Defence, I would like to know the reason why. On that basis, I request the Government to apologize to Mr. Peter Mbiu Koinange, one of the great leaders of this country, and show that they mean that respect by lifting all the restrictions that are imposed on him because you must stop being somewhat ridiculous. After all, Sir, the gentleman is now moving just across the border to take up an important post as Secretary of PAFFMECA, the Pan-African Freedom Movement of East and Central Africa, and he knows full well that when he is there he can tell us all he wants to tell us, and, therefore, the situation is ridiculous when the man is going to be around. We are going to talk to him. The people around him are going to talk to him. The question of security is not even involved because if he has any secrets to tell us we would have told us by now, or he can tell us when we are in Dar es Salaam. The situation is so preposterous that the Government must apologize for it and lift the restrictions against him, because this is the only way we can understand what has gone wrong with this present so-called Government.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, the hon. Member of the Motion has alleged

[The Leader of Government Business and Minister for Education]

that Mr. Peter Mbiu Koinange was maltreated and mistreated. I would like to refute this very strongly on behalf of the Government. Therefore, on this Government side, there is no apology that the Member should expect.

Hon. Members: Question!

The Speaker (Mr. Slade): Order, order! On an Adjournment Motion which is only for half an hour it is important that every Member who wants to speak should speak briefly and should be heard. Hon. Members on the Opposition side have had their quarter of an hour and it is now Government's quarter of an hour. Please listen to them with the same courtesy with which they have listened to you.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, personally I have great respect for Peter Mbiu Koinange, but these are the facts, Sir. Under the law he is a specified person.

Mr. Argwings-Kodhek: Why? What does that mean?

The Leader of Government Business and Minister for Education (Mr. Ngala): You are a lawyer and you should know.

The Speaker (Mr. Slade): Order, order! If any hon. Member on this side interrupts again he will leave this Chamber.

The Leader of Government Business and Minister for Education (Mr. Ngala): This Government has the duty of maintaining law and order. Therefore, all that the police did do was to carry out their humble duty according to the law of this country. As such they had every support from the Government and they had every support from me as Leader of the Government.

Mr. Gichuru: We know now!

The Speaker (Mr. Slade): Mr. Gichuru, you will leave the Chamber.

(Mr. Gichuru withdrew)

(Hon. Opposition Members withdrew)

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, I was the first man to consult Charles Koinange the brother of Peter Mbiu Koinange. I had a talk with him and I made it quite clear that Mr. Peter Mbiu Koinange would be restricted and would be treated respectfully as much as possible. That is what the Government has carried out, and Mr. Mbiu is now staying

with his own brother in his own home. Therefore, Sir, the question of maltreatment does not arise at all.

Now, this Government, Sir, does not enjoy detaining or restricting anybody. We understand the circumstances under which Mr. Peter Mbiu was made a specified person. These circumstances are belonging to the past and this Government is working very hard to solve the problem of detainees and restrictees.

Since this Government was formed, already over six people have been returned to their homes. I think the time is very short and, therefore, I do not have a lot of time to elaborate on these things. But the achievement of the Government in this relation is clear, and that is we want to solve the problem of detainees and restrictees as quickly as possible.

Sir, the tragedy in Kenya today is that the Opposition is unreasonably unco-operative and unconstructive, and it has a negative attitude towards every Minister in the Government with this attitude, Sir. For example, this afternoon we have heard quite a lot about a formula. The formula is being turned into all sorts of awkward things. The formula, in fact, Sir, is, in simple language, the terms under which KADU agreed to form the Government, and the terms are here. They have been read by everybody, including the Members on the Opposition side. To mislead the country by saying that it means that I encourage the Khaswa Base is completely untrue and completely distorting the truth.

My hon. colleague the Minister for Legal Affairs has made quite clear the allegation of forgery, for example, I hope this will be carried out because I would like to know exactly where this rubbish comes from.

Mr. Speaker, Sir, Mr. Peter Mbiu Koinange is a specified person, as I have already indicated. The intention of this Government is to review his case as soon as possible, and I hope we shall be in a position to help him and others as quickly as conditions can allow that.

The Minister for Defence (Mr. Swann): Mr. Speaker, I would congratulate the four hon. Members opposite who have had the courage, unlike their colleagues, not to run away from truth and facts. Truth and facts cannot be drowned; they cannot be shirked. As hon. Members may well find, it requires a great deal more to run this country than to have your photograph taken holding two fingers in the air.

There are just two facts, Sir, and I would stress the words "facts", which were grossly misrepresented by the hon. Member. I think, Sir, he

The Minister for Tourism, Forests and Wild Life If I may, Sir, with your permission, I will go back to the interjection by the hon. Member for Nairobi East when he said that he felt that the C.D. & W. loan might not be available to an independent country, I am assured that the policy of the Colonial Development Corporation will be, I hope, to encourage the loaning of money to independent countries in the future, where perhaps it has not been possible in the past.

Mr. Chokwe Mr. Speaker, Sir, is the Minister aware that owing to the present tendency of Government to give portions of forests to local authorities, there will be no national forests by 1980?

The Minister for Tourism, Forests and Wild Life (Mr. Marjani): Mr. Speaker, Sir, I would not care to gaze so far into the future.

Mr. Keen: Mr. Speaker, Sir, what is the Government (Inaudible.)

The Speaker (Mr. Slade): You are going rather far away now. Do you want to answer?

The Minister for Tourism, Forests and Wild Life (Mr. Marjani): I feel it is quite a new question, Sir. If the hon. Member would care to put a question down, I will answer it.

QUESTION No. 40

Mr. Mboya asked the Minister for Defence what the two most senior indent posts held by Africans in the Special Branch are.

The Minister for Defence (Mr. Swann): Mr. Speaker, Sir, I beg to reply, The two most senior posts at present held by Africans in Special Branch are in the ranks of Inspector (Grade I). There are 14 Africans serving in this rank in Special Branch.

Mr. Mboya: Mr. Speaker, Sir, would the Minister tell us what are the special difficulties that have made it impossible for Africans within all this time to rise beyond Inspector (Grade I)?

The Minister for Defence (Mr. Swann): They have in the past gone well beyond that rank, Sir. Had the hon. Member asked me this question some six weeks ago, there were then, Sir, in Special Branch an African Assistant Superintendent and an African Chief Inspector.

Mr. Mboya: Mr. Speaker, Sir, would the Minister state what has happened to this Inspector and if it is true that he was confined to the training school?

The Minister for Defence (Mr. Swann): The Assistant Superintendent has now been placed

on general duties in order to widen his experience, and he was not confined to the training school.

The Chief Inspector, Sir, is currently attending the Scottish Police College for an official course.

Mr. Mboya: Mr. Speaker, Sir, would the Minister indicate what programme of localisation he has and how fast we may expect more African superintendents?

The Minister for Defence (Mr. Swann): That is really a wider question, Sir, and was dealt with very fully in my speech in the Budget debate, with regard to assistant superintendents. In order to avoid repetition, I will refer the hon. Member to HANSARD.

QUESTION No. 57

Mr. Arguingue asked the Minister for Local Government and Lands to what extent, if any, during the course of his visit to the United Kingdom in May, 1961, did he discuss with the Colonial Office the future of expatriate officers employed by local government authorities.

The Minister for Local Government and Lands (Mr. Havlock): Mr. Speaker, Sir, I beg to reply, I did discuss the future of expatriate officers employed by local government authorities in Kenya during my visit to the United Kingdom in April/May, 1961. The discussions included meetings with the Secretary of State and Permanent Under-Secretaries. The Government considers that for the proper working of local authorities of all types it is necessary to retain the services, for the time being, of a number of technical men and specialists in local government. Discussions are continuing to try to find a satisfactory solution to this problem.

Mr. McKenzie: Mr. Speaker, could the Minister inform the House when the Government will be prepared to make a statement on this.

The Minister for Local Government and Lands (Mr. Havlock): I am not a prophet, Sir, I personally hope as soon as possible because without any real decision on this matter, the staff problems are getting very bad indeed in a number of local authorities. I should say I think in about two or three weeks' time.

Mr. Chason Singh: Mr. Speaker, can the Minister tell us if the rumour that a faction will be created whereby local government servants will be regarded as civil servants and then seconded to the local government is true?

The Minister for Local Government and Lands (Mr. Havlock): Sir, this matter is under discussion. I cannot give further details at the moment.

QUESTION No. 73

Mr. Mboya asked the Minister for Defence if the Minister would be prepared to return the passport of the hon. Member for Central Nyanza (Mr. Arguingue-Kodhek) so that he could visit Rome and London.

[Written reply by Minister for Defence (Mr. Swann): Yes.]

Mr. Mboya: With the permission of the House, I want to thank the Minister for replying to it yesterday.

QUESTION No. 27

Mr. Njiru asked the Minister for Defence if the Minister would state why Mr. Achieng Oduko, Mr. Paul Ngei, Mr. Mbu Koinange, Mr. Victor Warobi and others are restricted to their home districts.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, I beg to reply, I would draw the hon. Member's attention to my recent statement on the progressive release of persons held under restriction. The cases of such persons are subject to regular review and it is the Government's policy that they should be released unconditionally as soon as this can be safely achieved. If necessary, they are moved by progressive stages to their home areas where restriction for a limited time may be required to assess the effect on security of their return to society.

Mr. Mboya: Mr. Speaker, Sir, perhaps you could give me your ruling on this. Would the Minister state, out of this reply, whether these people when removed to their home areas under restriction enjoy the same progression in conditions as they do while they are outside their districts.

The Speaker (Mr. Slade): You have put another question down on this later, have you not, Mr. Mboya? It is not really related to this question.

Mr. Njiru: Arising from the question, Mr. Speaker, I would like to ask the Minister to tell us whether those people are given allowances? If not, why? If they are given allowances, how much and for how long are they to be given?

The Speaker (Mr. Slade): That is covered by another question also.

Mr. Nyagah: Mr. Speaker, Sir, arising out of the Minister's reply, would the Minister care to state even further whether this restriction around the detainees' home serves any purpose or is it only a relic of the old times?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, it serves some purpose in so far as it enables the Government to assess the situation in relation to security.

Dr. Kioko: Mr. Speaker, Sir, arising from the original reply, is this because (Inaudible)..... in their own homes, is it the assumption of the Minister that they are security risks, and if they are not why are they continuing to be restricted?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, no one is restricted for longer than is absolutely necessary to assess the effect of his unconditional release on the security of the district.

Mr. Nthenge: How regular are these reviews? Are they monthly or weekly or daily?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, there is not any specific period which is set for reviewing this, but we do it as often as we can.

Dr. Kioko: Mr. Speaker, Sir, I was not satisfied with the reply to my question. May I ask whether these gentlemen are allowed to talk to the people when restricted in their own homes, and if so what purpose is the restriction with regard to security?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, when these people are restricted in their own home areas they are quite free to talk to friends, to talk to anybody, and it is that aspect which helps the Government to assess the situation.

Mr. Nyagah: Mr. Speaker, Sir, arising out of the Minister's reply, he said that this restriction is to give Government time to assess about these people. Would the Minister care to tell me, to tell the House, whether Mr. Ngei and Mr. Koinange who are under very close Government supervision have not been properly assessed by now.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Ngei has been back in his district about two weeks and the Government is still assessing the situation.

[The Minister for Tourism, Forests and Wild Life] Resident Labourers Ordinance, receives an average monthly cash wage of Sh. 25. Also, each family is given from four to six acres of free cultivation in the forest and additional income is earned by the sale of produce surplus to their requirements.

Mr. Maiti: Arising out of the reply, Mr. Speaker, I would like to know whether the Minister for Tourism and Forests is aware that the land is not arable in some of these forests.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, this system of employing resident labourers in the forests only applies to such areas where the land is arable. In the event of a poor crop fear due to failure, crop failure due to drought, something of that nature, the Forest Department will automatically provide the provisions for the family.

Mr. Mathenge: Mr. Speaker, arising from the reply, is the Minister aware that there are some forest labourers who are paid this wage of Sh. 25 and who depend on the crops they get from the forest, but who, whenever the superintendent decides are not given notice, are abruptly sent away and they lose maybe a year's income?

Two, is the Minister aware—

The Speaker (Mr. Slade): I think one at a time, Mr. Mathenge.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, as I understand the position, if any notice is given to the resident labourer, he has the clear right to harvest his crops.

Mr. Mathenge: Mr. Speaker, the second one is what happens to these people in times of drought?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, as I have already explained, if there is a crop failure the Forest Department undertakes to feed the family.

Mr. Mboya: Mr. Speaker, Sir, is not the Minister satisfied that this method of employment is unsatisfactory and that drastic changes ought to take place?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, I can only refer the hon. Member to the views of those who do in fact take up land in the forest. The Forest Department has no difficulty in getting this type of worker to work in the Kenya forests, and I do feel that if it was felt to be wholly unsatis-

factory the Forest Department would find difficulty in drawing in this type of labourer. I must point out that a survey done in 1960 showed a return from produce sold as an average throughout the Colony of £76 which is an additional income of Sh. 126 a month to which may be added the original Sh. 25 so that not only are they getting an average of Sh. 150 per month but also a very good and high standard of housing, schooling, welfare and dispensary facilities.

Dr. Kioko: Mr. Speaker, Sir, realising that Sh. 25 is a very small sum, are these people allowed to grow cash crops such as pyrethrum or any other such cash crops in the four acres mentioned by the Minister?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, perhaps I should explain to the House the method by which this system of cultivation is used. There are two acres in land which is just broken; two acres in land which was broken the previous year and two acres which is already planted for trees and will come out. It is therefore a shifting type of cultivation which would not be suitable to the longer-term cash crops. I can personally see no reason why a labourer should not grow pyrethrum, but whether or not this is being done I am not aware of at the moment.

Mr. Nyagah: Mr. Speaker, Sir, arising out of the Minister's reply, is the Minister aware that the wages, the pay, is very inadequate, that the four acres for arable is sometimes very acid and is the Minister aware that the terms of contract of these labourers are unsatisfactory?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): I would agree, Mr. Speaker, Sir, that in terms of an actual cash emolument of course, it is low, but it was never intended that this cash emolument should be the total income of the resident labourer.

As regards the acidity of the soil, the Forest Department is at some pains to attempt to find crops which are suitable for all soils within the forest. For instance, at this very moment, they are engaged at some expense in trying to find a blight-resistant type of potato which may be useful in the higher areas. The terms and conditions I do not believe are unsatisfactory, and I believe if they were you would not find the great demand to take up land in the forest that does exist.

Mr. Gichuru: Arising out of the reply, Mr. Speaker, is the Minister aware that this appar-

[Mr. Gichuru] contentedness of these labourers is really a result of congestion in the forest and these people, whether they like it or not, have no alternative but to go on as before.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, although I appreciate the hon. Member's point, I am not sure that he is, in fact, correct. It is my impression that the forest labourer in the forest is genuinely a happy and contented person and to my knowledge during periods when this unfortunate unemployment problem was not as strong as it is now, I do not think that even in those days when there was unemployment, that the Department did not have very much trouble in getting the labourer.

Mr. Nyagah: Mr. Speaker, Sir, would the Minister, if he wants to give a final answer, like to come with me to one of the places?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, would I mind the hon. Member I am only sorry to come and see at first hand any of the problems he would like to bring to me.

Mr. Maiti: Mr. Speaker, Sir, the unsatisfactory nature of the reply would ask you to allow me to move this on the floor.

The Speaker (Mr. Slade): I am afraid that it would be regarded as an adjournment for an adjournment. I will consider it.

QUESTION NO. 37

Mr. Maiti asked the Minister for Tourism, Forests and Wild Life whether the Government are making in an attempt to support for the timber industry in its present financial difficulties.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, to reply: A refund at present of 50 per cent normally on exports, outside the East African territories, is granted on timber from Cameroon. With the consent of the African States Council concerned, this refund can be extended to timber from African district countries. Discussions are now being held on measures which it is hoped may improve the operation of the timber industry. The Government are also aware of the need for industries which use timber as raw materials in the manufacture of such articles as paper, chip-board and so on. Such industries would require financial incentives and the Government are endeavouring to

interest visiting trade and economic missions in the establishment of such industries.

Mr. Keen: Arising from the reply, what is the Government doing to write off the bank overdraft with the Purko Timber Society with the Standard Bank of South Africa, a sum of £5,000?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, I will require notice of the question. I will get the hon. Member the answer if I may.

Mr. Kishurima: Mr. Speaker, Sir, arising out of the reply, would the Government give grants to Pittsawyers and also the full right to enter Crown Forests, especially one in Meru District?

Hon. Members: Answer, answer.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, I would like to point out to hon. Members opposite that I have no intention of not answering.

As I said, there are discussions taking place with a view to putting the timber industry on a more satisfactory basis. What I believe is likely to come out of this is a statutory organization which will concern itself with the type of question asked by the hon. Member. I will certainly see to it that the points are considered in my Ministry and if necessary put to the statutory board as and when it is set up.

Dr. Kioko: Mr. Speaker, Sir, in the original reply, the Minister mentioned the possibilities of a pulp and cellulose industry. I am sure the Minister is aware of the report by Dr. Judith Grant in this regard. Would the Minister tell us what progress has been made since this report was made and what chances there are for the industry to be set up?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, the question of the establishment of these industries for using the by-products of our forests have suffered a setback because many of the financial interests have fallen away over recent months. The only one that is presently in the field is the Japanese interest which was shown by their trade mission when they were over here. But we have yet to hear from them whether in fact they do intend to help establish an industry in this country.

Dr. Kioko: Mr. Speaker, Sir, arising from the original reply, what role is being played now by the Industrial Development Corporation in financing and assisting the timber industry?

[The Speaker]

these Galleries on the understanding that they will behave as spectators only, without any sign whatsoever of partisan interest. Any stranger who abuses his privilege of admission by manifestation of approval or disapproval of the conduct of hon. Members will be removed from the Building and will not be re-admitted for a long time thereafter. This applies in particular to strangers who show sympathy with any demonstrative departure of Members by themselves leaving the Galleries. Hon. Members are also reminded that they are responsible for the behaviour of any guests whom they bring into these Galleries.

Lastly, there is the matter of discussions on Adjournments. The sole purpose of every such discussion is to ventilate a matter of administration for which the Government is responsible, and to hear the Government's reply. The particular Member who has been personally privileged to raise a matter in this way must therefore not only make his point but also wait to hear the reply; and any Member who, having raised a matter on the Adjournment, does not wait to hear the reply, will not easily obtain the like privilege again.

I trust that hon. Members will not forget these things.

PAPERS LAID

The following Paper was laid on the Table:—

The Agriculture Advance Against Guaranteed Minimum Return Amendment Rules, 1961.

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

NOTICES OF MOTIONS**REMOVAL OF BRITISH FOREIGN BASES FROM KENYA**

Mr. Mboya: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council being concerned about the implications and strong feelings against foreign military bases in newly independent countries of Africa, and knowing that an independent Kenya would not tolerate a foreign military base on Kenyan soil, calls on the British Government to stop further activities in this connection and to take steps to remove the British military, naval and air force bases in Kenya without delay.

**REDUCTION OF BILL PUBLICATION PERIODS
(STATISTICS BILL)**

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

THAT the period between the publication of the Statistics Bill, 1961, in the Gazette and its introduction into this Council be reduced from 40 to 14 days.

ORAL ANSWERS TO QUESTIONS**QUESTION No. 16**

Mr. Mulli asked the Minister for Defence if the Minister would please state what is being done to stamp out border skirmishes between the Akamba and the Masai.

The Minister for Defence (Mr. Swann): Mr. Speaker, Sir, I beg to reply. The police maintain posts with wireless intercommunications at Athi River, Sultan Hamud and Kibwezi along the Kamba/Masai border and there is a patrol base at Selingai. Regular foot patrols are carried out between these posts. The last Kamba/Masai skirmishes occurred in September, 1960. The Provincial Commissioner, Southern Province, appointed a Commission to inquire into this incident and it is hoped that the Commissioner's report will be published in the near future. Until his findings are published, the matter must remain *sub judice*.

Mr. Mati: Arising from the reply, Mr. Speaker, would the Minister say why the Kamba were not allowed to have bows and arrows in self-defence?

The Minister for Defence (Mr. Swann): I am afraid I cannot answer that question, Sir, and I do not think that it comes within my portfolio.

Mr. Mboya: Mr. Speaker, Sir, if the Minister cannot reply to this question because it does not lie in his portfolio, does it not lie within the portfolio of some other Minister? And could not the Government reply?

The Minister for Defence (Mr. Swann): Mr. Speaker, I am sure if the hon. Member puts down a question that the appropriate Minister will reply to it.

Mr. Mulli: Mr. Speaker, Sir, arising out of the reply, I would like to ask how many deaths have occurred so far, in the Masai and the Kamba skirmishes, and how many were actually due to shooting by the police?

The Minister for Defence (Mr. Swann): All that is carried in the Commissioner's Report.

QUESTION No. 19

Mr. Mulli asked the Minister for Defence why so many head of cattle belonging to the Akamba were constantly being impounded by both the police and the settlers in such places as Donyo Sabuk, Komo Rock and Yatta.

The Minister for Defence (Mr. Swann): Mr. Speaker, Sir, I beg to reply. The Akamba cattle concerned were trespassing on farms in the Donyo Sabuk and Komo Rock areas or on the Yatta Grazing Schemes. They were impounded in accordance with the provisions of the law, the owners were prosecuted in court and the cattle were disposed of in accordance with the magistrate's order.

Mr. Mati: Mr. Speaker, arising from the reply, would the Minister tell us how many cattle have been impounded and what has happened to them?

The Speaker (Mr. Slade): You will have to speak up, Mr. Mati, we cannot hear you.

Mr. Mati: Would the Minister tell us how many Akamba cattle have so far been impounded and what has happened to them?

The Minister for Defence (Mr. Swann): Yes, Sir, in Donyo Sabuk and Komo Rock areas the numbers impounded were 147 and 340 sheep and goats originating from 19 cases. In the Yatta area, Sir, the cattle which have been impounded were a total of 181 cattle arising out of 15 cases.

With regard to what has happened to them, Mr. Speaker, that again falls into two parts. With regard to the animals in the Donyo Sabuk and Komo Rock areas, the magistrate dealt with them under two heads; under the Diseases of Animals Ordinance, where, in addition to fines, the court may order forfeiture. In these cases, Sir, forfeiture and sale was ordered and the proceeds returned to those owners who were present or who could be traced. There were also, Sir, prosecutions under the Resident Labourers' Ordinance where the magistrate can order confiscation and sale. In these cases, Sir, stock was ordered to be sold and the proceeds given to the owners.

With regard to the Yatta cases, Sir, these cases were taken under the Crown Lands (North Yatta, Yatta Plateau and Ithenga Native Reserves) Rules, 1959, and the Crown Lands (North Yatta (Grazing Tribally) Rules, 1953. In all cases, Sir, the magistrate ordered sale and the proceeds were either used to pay the fees or returned to the owners.

Mr. Mulli: Mr. Speaker, Sir, arising out of that reply, I would like to know whether the Minister is aware that European cattle do stray into the

African reserves and if so that the owners of the land are not empowered under the same law to prosecute or to impound European cattle.

The Speaker (Mr. Slade): I think that is a different question but the Minister may give the answer if he wishes.

The Minister for Defence (Mr. Swann): I think I should, Sir. The answer is—and I checked this very carefully—that any landowner who finds cattle trespassing on his land is empowered to impound it and hand it over to the police and that applies to all races.

Mr. Kathurima: Mr. Speaker, Sir, is the Government aware of Meru cattle thefts by Samburu and Somalis in the Northern Grazing Area?

The Minister for Defence (Mr. Swann): That, Sir, I am afraid is another question.

Mr. Nibanga: Mr. Speaker, Sir, would the Minister tell us why when some of these cattle were arrested in the District and when the owners were ready to collect them, the Government refused to hand them in since there were no court order, that they should not be given to them, and the order was if the owners could not be found then they could be sold by the Government?

The Minister for Defence (Mr. Swann): I am not very clear on the question, Sir.

Mr. Nibanga: Mr. Speaker, Sir, some of the cattle were arrested by the Government and the Government marketed them claiming that there were no owners to these cattle. Therefore, if the owners could not be found then the cattle should be sold by the Government and the proceeds given to the owners, but if the owners were there before the cattle were sold and the Government refused to give them—why?

The Minister for Defence (Mr. Swann): I am afraid, Sir, I am completely unaware of this. I can only suggest that if the hon. Member will take it up with me outside this House, I will certainly go into it.

Mr. Mulli: Mr. Speaker, Sir, arising out of the reply, I would like to inform the Minister that the cattle that are—

The Speaker (Mr. Slade): You must not inform the Minister. You must ask another question. Is the Minister aware—

Mr. Mulli: I would like to ask the Minister, Sir, why is it that if, for example, there are about say, ten head of cattle and the fine is Sh. 100,

[Dr. Kioko]

of plain blank oppression. I am reminded, Mr. Speaker, if you will allow me to say this, leading to what I am supposed to do with this, that I should indicate what I expect the Government to do; but I am reminded of the time when we were in Lancaster House, Sir, when we said that Mr. Peter Mbiu Koinange should be one of our advisers in the Lancaster House Conference. And when the Rt. Hon. Iain Macleod, the Secretary of State for Colonial Affairs, had not allowed him to enter the Lancaster House Conference, we boycotted the Lancaster House Conference until he gave in. If I may say so, Mr. Speaker, at that time our chairman and leader is now the Leader of Government Business. He agreed with us to stay outside the Lancaster House until the Rt. Hon. Iain Macleod submitted this gentleman, Mr. Peter Mbiu Koinange, into the Lancaster House. For one week we stayed in our hotel until we managed to get him in the office we wanted to get him in. Today, Sir, when Peter Koinange was not even concerned with constitutional matters, when he was just going to greet his friends on his way to Tanganyika, a Minister in the Government led by the same former leader of the African Members in Lancaster House, did not even give him the opportunity to greet the people. It appears to me, therefore, that this matter calls for immediate clarification by the Government, why Mr. Peter Mbiu Koinange was so important to the present Leader of Government Business when we were at Lancaster House, and apparently not important today.

Sir, if I am allowed to finish my statement in a few minutes in order to give other people the chance to express their feelings, it appears to me that an apology is due by the Government to Mr. Peter Mbiu Koinange. They must apologize for snatching him away from the people who at least just wanted to shake their hands at him as a symbol of affection, and not only apologize but prove that they are apologetic by lifting their restrictions now put upon him. I say this, Mr. Speaker, not so much from the point of view of security—I am not an expert on security matters. But I will say this, Sir, that I believe that even people who are restricted, or people who are not even debarré by Government, must have the right to be treated decently, to be shown respect, and until a man is dead he has that right, and I would expect to hear from the Minister for Security explaining why it was necessary to treat this man in this way, and why the present Leader of Government Business has succumbed to the maltreatment given to Peter Mbiu Koinange, because, Mr. Speaker, I think you have made one very serious mistake. When we want to do

things that may be legal but immoral we refer to the book of law and order. When we want to do things that we think are good we refer to the book of law and order and also the concept of moral behaviour. At this time what this Government has apparently given to the people is a Government which believes in what they call law and order, but which is a law and order which is not buttressed or strengthened or laid upon the strong rock of character. I know, Mr. Speaker, that all law cannot be successfully carried out in any county whatsoever if the people of that country do not have the moral feelings to observe the law. The law must always be buttressed by character, and character is apart from the question of law and order. That law will not be carried out unless we intend to use alienation and ruthlessness to make people obey. It is much better in any country to have the people believe in the law because it concurs or agrees with their moral convictions, and in this particular action I will not be satisfied, Mr. Speaker, if the Minister for Defence or the Leader of Government Business says that the law says he was a restricted person.

May I just finish by saying that this is the situation. If the person who would boycott Lancaster House proceedings because of his respect for Peter Mbiu Koinange today succumbs to a Civil Service Minister for Defence, I would like to know the reason why. On that basis, I request the Government to apologize to Mr. Peter Mbiu Koinange, one of the great leaders of this country, and show that they mean that respect by lifting all the restrictions that are imposed on him because you must stop being somewhat ridiculous. After all, Sir, this gentleman is now moving just across the border to take up an important post as Secretary of PAEMECA, the Pan-African Freedom Movement of East and Central Africa, and he knows full well that when he is there he can tell us all he wants to tell us, and, therefore, the situation is ridiculous when the man's going to be around. We are going to talk to him. The people around him are going to talk to him. The question of security is not even involved, because if he has any secrets to tell us about how to upset the Government, then he would have told us by now, or he can tell us when we are in Dar es Salaam. The situation is so preposterous that the Government must apologize for it and lift the restrictions against him, because this is the only way we can understand what has gone wrong with this present so-called Government.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, the hon. Mover of the Motion has asked

[The Leader of Government Business and Minister for Education]
that Mr. Peter Mbiu Koinange was maltreated and mistreated. I would like to refute this very strongly on behalf of the Government. Therefore, on this Government side, there is no apology that the Member should expect.

Hon. Members Question!

The Speaker (Mr. Slade): Order, order! On an Adjournment Motion which is only for half an hour it is important that every Member who wants to speak should speak briefly and should be heard. Hon. Members on the Opposition side have had their quarter of an hour and it is now Government's quarter of an hour. Please listen to them with the same courtesy with which they have listened to you.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, personally I have great respect for Peter Mbiu Koinange, but these are the facts, Sir. Under the law he is a specified person.

Mr. Argwings-Kodiuki: Why? What does that mean?

The Leader of Government Business and Minister for Education (Mr. Ngala): You are a lawyer and you should know.

The Speaker (Mr. Slade): Order, order! If any hon. Member on this side interrupts again he will leave this Chamber.

The Leader of Government Business and Minister for Education (Mr. Ngala): This Government has the duty of maintaining law and order. Therefore, all that the police did there was to carry out their humble duty according to the law of this country. As such they had every support from the Government and they had every support from me as Leader of the Government.

Mr. Gichuru: We know now!

The Speaker (Mr. Slade): Mr. Gichuru, you will leave the Chamber.

(Mr. Gichuru withdrew)

(Hon. Opposition Members withdrew)

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, I was the first man to consult Charles Koinange, the brother of Peter Mbiu Koinange. I had a talk with him and I made it quite clear that Mr. Peter Mbiu Koinange would be restricted and would be treated respectfully, as much as possible. That is what the Government has carried out, and Mr. Mbiu is now staying

with his own brother in his own home. Therefore, Sir, the question of maltreatment does not arise at all.

Now, this Government, Sir, does not enjoy detailing or restricting anybody. We understand the circumstances under which Mr. Peter Mbiu was made a specified person. These circumstances are belonging to the past and this Government is working very hard to solve the problem of detainees and restrictees.

Since this Government was formed, already over six people have been returned to their homes. I think the time is very short and, therefore, I do not have a lot of time to elaborate on these things. But the achievement of the Government in this relation is clear, and that is we want to solve the problem of detainees and restrictees as quickly as possible.

Sir, the tragedy in Kenya today is that the Opposition is unreasonably unco-operative and unconstructive, and it has a negative attitude. I very much deplore an Opposition which has this attitude, Sir. For example, this afternoon we have heard quite a lot about a formula. The formula is being turned into all sorts of awkward things. The formula, in fact, Sir, is, in simple language, the terms under which KADU agreed to form the Government, and the terms are here. They have been read by everybody, including the Members on the Opposition side. To mislead the country by saying that it means that I encourage the Kawawa Base is completely untrue and completely distorting the truth.

My hon. colleagues, the Minister for Legal Affairs has made quite clear the allegation of forgery, for example. I hope this will be carried out because I would like to know exactly where this rubbish comes from.

Mr. Speaker, Sir, Mr. Peter Mbiu Koinange is a specified person, as I have already indicated. The intention of this Government is to review his case as soon as possible, and I hope we shall be in a position to help him and others as quickly as conditions can allow that.

The Minister for Defence (Mr. Swann): Mr. Speaker, I would congratulate the four hon. Members opposite who have had the courage, unlike their colleagues, not to run away from truth and facts. Truth and facts cannot be drowned; they cannot be shirked. As hon. Members may well find, it requires a great deal more to run this country than to have your photograph taken holding two fingers in the air.

There are just two facts, Sir, and I would stress the words "facts," which were grossly misrepresented by the hon. Mover. I think, Sir, he

[The Acting Chief Secretary]

National Union. I believe, as does the whole Government, every Member on this side of the House, in robust but responsible parliamentary and political opposition. Constructive criticism is healthy; it is good for governments and it is good for parties. But KANU is discrediting itself and that is not in the interests of Kenya. KANU or of this House in which they form the main parliamentary Opposition group, or in the interests of the country. There is in essence only one thing that is retarding the advance of this country towards independence and that is the failure of hon. Members of the KANU parliamentary Opposition group to realize that the day of slogans, of agitation, of inflammatory speeches and rabble-rousing is, or should be and could be, over. The issue of independence for Kenya has been resolved. There is only now the question of progress over the last few laps to that goal. History records, Mr. Speaker, that, from this present stage which we have reached in Kenya, onwards progress invariably depends on constructive and co-operative endeavour; on the acceptance and discharge of responsibility; and on the demonstration of capacity and sincerity, of courage and resolution, of good sense and goodwill in the art of government for the welfare, prosperity and happiness of all the people in the country. In short, Mr. Speaker, the KANU parliamentary Opposition group and KANU party have not yet had the perception to realize that the time has come to shed the flashy colours of demagoguery and to assume the sober mantle of statesmanship.

I omitted, Mr. Speaker, to refer earlier to the second statement which I had mentioned previously. It was a statement made at a public meeting at Bahali on Sunday, 4th June, by the hon. Member for Central Nyanza. He said eight million Kenyan Africans could not be wrong. Freedom was wanted now and not by stages. He went on: "The U.P.P. people the *utapaga pole pole*—we will kill them. *W'e will kill them*. I say it and I mean it. Government people present can write this down. If there is anything between us and freedom we will run it down with a tractor." There was no African government, he continued, in Kenya. There was a Chief Secretary and his assistant, a Commissioner of Police and his assistant and "some other fools". He went on: "These people have troubled us too long. Show them the axels and madmen we will rule." That was the hon. Member for Central Nyanza, Mr. Argwings-Kodhek.

Now, Sir, I said just now that the Opposition had not realized yet that the time had come to

assume the sober mantle of statesmanship. When they do come to realize this, Kenya will make a Tanganyika has made, as Nigeria has made, and as Malaya made before them, vast and rapid strides to an early and soundly based independence. But if they continue on the lines which they appear to have set for themselves at present, they not only do the country and the peoples of the country a great disservice by creating instability and unsettled conditions, but they quite firmly must accept the responsibility for delaying the independence which they profess to seek.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, Sir, I am the last but not the least of all the speakers and I must make this very clear to the people of this country, at least to my own fellow Africans in the country, that at present my colleagues in KANU, who are members of the Opposition, are trying to show how irresponsible each of them can be. Now, if the criterion of a good politician is a degree of responsibility, Mr. Speaker, then the Africans in this country are being fooled to the highest degree possible. I want to make this perfectly clear, and I have made it clear before, that the contradictions in the leadership of KANU as between the regions where money has come from is what has brought the evil to Kenya. Just now, Mr. Speaker, Zanzibar is in trouble simply because the hon. Member for Central Nyanza went to Zanzibar and tried to bring confusion with the Communist money. The hon. Member for Nairobi East made it perfectly clear in this House, when he spoke last, and he has made it his business on every occasion to tell the Africans that what he wants is chaos now in order to get independence. The hon. Member could not stand for the challenge. I challenge the hon. Member to see how many Africans are with him for irresponsibility and for chaos in this country. Africans do not want empty independence. We have a saying in Swahili, "*Mkano mtupu hauombwi*"—an empty hand can never be kissed. The Africans want rich independence, meaningful independence, and that meaningful independence is not going to be brought about by the speeches of the hon. Member for Central Nyanza today. If hon. Members think that by their degree of irresponsibility the Government of this country is going to succumb to them then they are misleading themselves. The Government is determined to lead the country to independence, but a first class independence. Just now there are a number of Europeans and Asians who are being used by the Members of KANU political party, and tomorrow they will be thrown away. I do not know

[The Minister for Commerce, Industry and Communications]

exactly what my hon. friend and my brother-in-law from South Africa, the hon. National Member, Bruce McKenzie, is doing exactly. I take exception to the hon. Members complaining for irresponsibility, and I challenge the integrity of the Africans in this country to safeguard themselves from this degree of irresponsibility. These men are committed to nothing else but themselves, not even to Kenya. They are the men who are denouncing us. They are the men who feel that they should be the prime ministers of Kenya or the prime ministers of the East African Federation, but they are being disillusioned, telling lies about forgeries, as my hon. colleague the Minister for Legal Affairs has just now stated. That is not going to serve this country. They can do nothing. I am elected as any of them. The hon. Member for Central Nyanza had the audacity to say that we were elected by 50,000 people. That is nonsense. My own tribal group in North Nyanza, Central Nyanza and Elgon Nyanza is composed of 300,000 voters. That is not 50,000. That was only three constituencies. Therefore, Mr. Speaker, I beg to say this, that the people of this country are moving towards independence, responsible independence, under the leadership of the present Government. I can bet the hon. Members anything that they can talk to the high heavens but that they are going sooner or later to knock themselves against a brick wall.

The Speaker (Mr. Slade): The time has come for the interruption of business, but as there is a matter to be debated on the Adjournment I call on a Minister to move that this Council do now adjourn.

ADJOURNMENT MOTION

MR. PETER KOLINZE

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, I beg now to move that the Council do now adjourn.

Dr. Kiambu: Mr. Speaker, Sir, I want to thank you for giving me the opportunity to raise the matter I have in mind on a Motion on the Adjournment.

Mr. Speaker, Sir, it is true that law and order are fundamental requirements of any Government. But law and order are not satisfactory unless they are backed by the hard rock of human decency and sound moral character. In this respect, Mr. Speaker, I would like to express my deep concern with the treatment accorded

to one of the leaders of this country, one of the most respected persons of Kenya, Mr. Peter Mbiu Koloinze, when he arrived in this country last Sunday.

Mr. Speaker, Sir, this gentleman has been restricted for a number of years. By that I mean that he was not free to return to Kenya as he wished. It is true that about two years ago he was allowed to come into this country and see his father but then leave the country. But, Sir, when he got to the Embakasi Airport hundreds and hundreds of people, his friends and admirers, had turned up. There were thousands there, not to listen to a speech from Mr. Koloinze, not for political reasons, but to show their respect to a man who has devoted much of his life to the service of this country, whether one approves of the methods he used or not. When he came, what happened? The security officers, being very much aware that there were hundreds and thousands of people waiting to see him and greet him and to manifest their feelings, whisked him away, and he was not even given an opportunity to wave his hands to his friends. He was taken away and he did not even have a chance to manifest his appreciation of these emotions until he had been taken to Kiambaa in Kiambu District, where his original home is.

Now, Sir, we may be told that these were matters of security considerations. But surely to what height of cowardice are we going to get? Why are the security officers afraid that in his hand he might have been holding a little bomb that he might throw? When a man is being greeted by his friends and relatives, Sir, must we stop him from even doing that on so-called security considerations? I have always believed, Mr. Speaker, that even the police can be gentlemen, and gentlemen must have regard to people's emotions and to the fundamental principles of decency. Mr. Koloinze, like every other person, knows that you do not hold political meetings in this country unless you have a right. We are met in the Airport. We say something to the people. We do not make political speeches. But at least we know that they are there to greet us and we greet them. But Mr. Koloinze was not given this opportunity. Two hon. Members were there, my hon. colleague the Member for Fort Hall, Mr. Njili, and one of the opposite side, the hon. Member for Kajjalo. All they were told was that he had arrived and that he had gone away.

Now, Sir, I must charge this Government with using the so-called security considerations to behave in ways that I consider either cowardly

[Mr. Odaga] they will also have their time when we shall be considering each Vote. Those Ministers who will not have time now to speak will have their time to express their opinions when the Heads are being considered, and therefore I do request humbly, Mr. Speaker, that we should not go on with the Motion.

Air Commodore Howard-Williams: Mr. Speaker, Sir, may I move that the Motion be put?

The Speaker (Mr. Slade): I do not regard that as an abuse to proceedings or an infringement of rights. Have you a seconder?

Air Commodore Howard-Williams: I have not a seconder at the moment, Sir.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell) seconded.

The Speaker (Mr. Slade): Then I will put the question which is strictly that the Mover be now called upon to reply.

Question proposed.

The question was put and no Member voted.

Mr. Mboya: On a point of order, which Mover, Mr. Speaker?

The Speaker (Mr. Slade): The Mover of the Motion for suspension of Standing Orders.

Mr. Mboya: Oh, I see.

The Speaker (Mr. Slade): The point before you now is that he be called upon to reply and that no other person speaks on this Motion for the suspension.

I will put the question again.

The question was put and carried.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, I do suggest to my hon. friends opposite that they have somewhat misinterpreted the spirit and convention of this debate. The debate on the Budget and on His Excellency's Speech is customarily and by parliamentary tradition and convention an occasion on which questions are put to Government Ministers. It is equally a matter of parliamentary manners that Government Ministers are not shut out by speeches of great length on the other side. Now, we have agreed, admittedly, on the Sessional Committee, that there should be so many speeches on either side, on either side, over 30 minutes. The Government as far has had two. The Opposition have had five. Two of those five speeches, one by the hon. Member for Nairobi East, was nearly two hours long—

Mr. Mboya: So what?

The Acting Chief Secretary (Mr. Griffith-Jones): One which we have just heard from the hon. Member for Central Nyanza was an hour and a half long and at such a time as to ensure that the Government could not reply to any of the outstanding points, even the points which he made himself, and to which he asked for replies from Government Ministers.

Mr. Speaker, Sir, this was, as I say, a departure from, at any rate the parliamentary manners and convention which we have followed hitherto in this House, and I accordingly beg to move and the Government will stand by the Motion for suspension as it stands.

DIVISION

Question put and Council divided.

The question was carried by 38 votes to 25.

AYES: Mr. Abwao, Sheikh Alamoody, Messrs Alexander, Amalemba, Blundell, Butter, Griffith-Jones, Havelock, Hennings, Jamidar, Jasho, Jeneby, Kavakhalu, Kohi, Kathurima, Lord, MacKenzie, Macleod, Mairori, Marrian, Matano, Masi, arap Moi, Muiro, Murgor, Ngala, Okondo, Pandya, Patel, Porter, Rumbum, Sagoo, Seroney, Swann, ole Tipis, Tometi, Wabuge, Webb.

NOES: Messrs. Angaine, Anjarwalla, Aremu, Arwings-Kodhek, Chokwe, De Souza, Eraline, Gichuru, Jamal, Dr. Kiano, Messrs. Mathenge, Mali, Mboya, McKenzie, Mohamed, Muli, Mwangyumba, Mwenda, Njiri, Nyagah, Odede, Odinga, Sagini, Shah, Singh.

COMMITTEE OF WAYS AND MEANS

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance and Development)

(Hon. Opposition Members withdrew.)

(Resumption of Debate Interrupted at 6.30 p.m.)

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, I have been told in the lobbies that the hon. Member who spoke last, the hon. Member for Central Nyanza, had no intention of deliberate filibustering, that he was under the impression that the debate would continue on Friday. I accept that he had no deliberate intention, but I can only say that it appeared, in the circumstances, on this side of the House that there was a deliberate filibuster.

Mr. Speaker, Sir, I felt that it was essential if for no other reason that the debate should continue to the extent of my having an opportunity to set the record straight on a most important matter affecting the country, namely the allegations that have been made in the course of the debate by two hon. Members opposite, the hon. Member for Nairobi East and the hon. Member

[The Acting Chief Secretary]

for Central Nyanza, who spoke last, allegations regarding Kahawa, which the hon. Member for Nairobi East put forward in a most invidious way, asking if what was being rumoured was true, which the hon. Member for Central Nyanza put forward as being based on information in possession of Members on the other side.

Now, Sir, it is apparent that this is a serious matter. It is also apparent that the so-called information and the rumour which the two hon. Members canvassed in this House regarding Kahawa were based on three forged telegrams which have been circulating. Two of these forgeries—and they are palpable forgeries—purport to relate to the military base, as it is called, at Kahawa. I lay copies of these forgeries on the Table of the House now.

At the moment, Mr. Speaker, I do not propose to comment on the circulation of those forgeries otherwise than to say that investigations have been proceeding and that a prosecution is on the point of being initiated. As regards the contents of the forgeries, however, I would invite hon. Members, when they look at them, to consider the extremely indignant content of these forgeries; the attempt, in particular, to smear by these forged telegrams two of my colleagues, the hon. Leader of Government Business and the hon. Minister for Commerce, Industry and Communications; and the attempt, through those telegrams, to suggest that those two hon. Ministers have been engaged in some discreditable and unholy bargaining on the question of bases and nuclear weapons, and the like, in Kenya; also an attempt by one of the telegrams to suggest that certain forces in the Congo were being supplied from Kenya.

Now, Sir, the point which I believe is most importantly in the interests of this country and in the interests of the repute and integrity of this House, the legislature of this country, is that as hon. Members will see when they compare the content of these forged telegrams with the content of the references by the two hon. Members in this House—their statements were based on these forgeries. Now either, Mr. Speaker, the hon. Members knew these were forgeries or they did not. If they knew they were forgeries, their action in raising public questions in this House on the basis of these forgeries was thoroughly mischievous and completely irresponsible. If they did not know that these telegrams were forgeries, they appear to have accepted them at their face value without any attempt to check their authenticity or accuracy and, in view of the subject matter of those telegrams, then even in that

event, Mr. Speaker, I submit that their action was mischievous, irresponsible and unworthy.

The hon. Member for Central Nyanza went so far in his speech to suggest that my hon. friend and colleague, the Leader of Government Business, in relation to what he called the "formula" (in quotation marks) had entered into an unholy alliance based, as he said, on bases in Kenya. Sir, I refute that allegation—that unworthy allegation—with all the strength at my command and stigmatize it as an allegation founded on a palpable forgery.

Now, Mr. Speaker, I think we are entitled to view these irresponsible attacks on the Government and these attempts to smear hon. Members of the Government in the context of the record of the KANU Opposition Party. Its dilatory performance in this House during the last few weeks, its other frivolous and zealous tactics in this House, the Press and the country through the Press can judge. Its statements outside this House add to the indictment of irresponsibility. It is no good, Mr. Speaker, for hon. Members to condemn violence and subversion as they have in this House and in speeches outside, and then promptly to destroy any beneficial effect of such condemnation by inflammatory and irresponsible statements and raffle-raising. I do not wish to catalogue all the statements in this category which have been made in the past weeks by the hon. Members of the KANU Parliamentary Opposition. However, I should like to refer to two.

The first is that reported in the *East African Standard* of 2nd June by the hon. Member for Nairobi East at the Airport. "I do not care about security and stability. I want to see independence for Kenya." And he went on to ask questions to say, "When we get independence there will be economic stability and security but there will always be instability and insecurity in Kenya until independence is granted." The record suggests, Mr. Speaker, that he and his party seem to be intent on insuring that this forecast is fulfilled. But let me assure him that there will be no independence for this country without stability and security established firmly first.

It is unfortunately true, Mr. Speaker, that the KANU party is in danger of acquiring the reputation in this country of the party of violence. There have been in recent months a large number of prosecutions of KANU members and there appears to be no apparent control or discipline on the various branch officials and members of the party, let alone the question of discipline at the centre. I speak on this, Mr. Speaker, to use a cliché, more in sorrow than in anger; I am not concerned to discredit the Kenya African

[Mr. Argwings-Kodhek:] I think the hon. Member who asked the question is a little bit hazy. I think the hon. Member who asked the question is a little bit hazy. I think the hon. Member who asked the question is a little bit hazy.

Surely, Mr. Speaker, if this sort of thing brings racial co-operation then I do not know what racial co-operation is. I say that the Government is doing a lot of good work.

We have also now got another specific point for the hon. and Jittery Minister who represents the Chief Secretary here. I have spoken about these boys from India. There were some boys who came from Makerere. I come from Makerere. I was nursed there. But some of these boys from Makerere were given employment in the hope that they would pass their examinations. It transpired that some of them who got the employment, and are now working, have failed their examinations. Yet here are these other boys hanging around and doing nothing.

I will go on, Mr. Speaker, to ask the hon. Ministers to go forward and improve the liaison in the districts, particularly among the administrative officers. Certain chiefs have made genuine complaints that some administrative officers, some of them just young boys who are not even 21, and who have not even had the key to open their own homes yet, expect white-haired chiefs to stand up at attention and form fours and to go on bowing and kowtowing. I think that that, Mr. Speaker, should be put right. Also, Sir, I think that the local police, for whom we have been fighting hard, must be reformed and improved—and I must admit that they are improving—to be very much more like the London policeman, for whom I have great respect.

I now come to another point concerning Independence.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Mr. Speaker, the hon. gentleman has just made an allegation that some of the officers in Government are under 21 and that they have not got the keys yet to open their doors. Can the hon. gentleman substantiate this.

Mr. Argwings-Kodhek: Mr. Speaker, Sir, the hon. gentleman is not conversant with English idiom which means that you get the key when you are 21—

The Speaker (Mr. Slade): I think that the hon. Member is asked to substantiate that some employees of Government are under 21, that was the point.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Yes, Mr. Speaker,

The Speaker (Mr. Slade): I think you said that it was a boy under 21 who did this.

Hon. Members: Withdraw!

Mr. Argwings-Kodhek: Mr. Speaker, Sir, in fact I could get him that information within ten days. I am just going back to my district and I will get him that information to his satisfaction.

Now, Mr. Speaker, I was saying that one of the eternal verities is our right to independence. We must now think quickly about getting this independence. And, if necessary, a new constitution for independence now, and scrap the old scrap metal to which the hon. Minister for Agriculture referred on the 11th—

The Speaker (Mr. Slade): That is another matter upon which we have a debate coming up.

Mr. Argwings-Kodhek: I am sorry, Sir.

Some of the Members of the Government, Mr. Speaker, think that we are crazy. But we know that they are crazy. It is not a question now of when we are getting our independence. It is a question of to whom the independence is going to be handed. I think that that is what is worrying them. Some people are interested in handing it over to their stooges. I am sorry, Mr. Speaker, but I think you ruled that the word "stooge" should not be used, and I might use the word protégés.

The Speaker (Mr. Slade): Mr. Kodhek, too often you have used words that I have discouraged and apologized afterwards. I would rather that you avoided using them in the first place. Also, you are about to embark on a subject of two other debates, one of which we have had, and another of which we are going to have. So please leave it alone.

Mr. Argwings-Kodhek: Thank you, Mr. Speaker. I will pass over that one, except with a slight reference to this. What we want, Mr. Speaker, is not a shadow of independence but the substance of it.

I will pass on quickly, although I do not know whether I am allowed to speak on Friday, to the question of Kenya as such. With respect, Mr. Speaker, I would like to feel that everybody staying in Kenya shall consider himself a Kenyan, and not only that. Africa for the Africans! It does not matter. Africa for the Africans!

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, on a point of order, is the hon. Member for Central Nyanza in order in bringing a dog into the Chamber?

The Speaker (Mr. Slade): I cannot allow frivolous points of order.

Mr. Mboya: Mr. Speaker, on a point of order, is the hon. Member referring to the hon. Member for Central Nyanza as a dog, and would that be in order.

The Speaker (Mr. Slade): We will not continue with this point of order at all. Please continue, Mr. Kodhek.

Mr. Argwings-Kodhek: Thank you, Mr. Speaker.

While speaking about Africa for the Africans, Sir, I wish to mention just in passing that we would like to know something from the Minister when he has the opportunity to reply. We must speak seriously now about looking after Kenya and after our friends. We must think seriously how we can help Kenya. We must think very seriously as to how we can protect the boundaries of Kenya without allowing any meddling with that boundary by anybody. If necessary, Mr. Speaker, we must have a new policy on this, that we shall not allow anybody to interfere with the boundaries of Kenya. On this point, without having to go on to the Sultan of Zanzibar, we want to know, Mr. Speaker, what the Sultan of Zanzibar gives us in exchange for the amount of money the Minister for Finance pays him. What are the services that we pay for? We would like to get that question answered.

I wish to say, Mr. Speaker, that my feeling is that here in Kenya it will be a country where it will be the survival of the fittest only. Efficiency first will matter, as the watchword. If anybody is good at cleaning shoes, might I say, then keep to that job. It is good enough perhaps, and he can keep that job. But it will be efficiency first, Mr. Speaker. We want to make Kenya a land worthy of the good people God gave it to. We want to make Kenya a land of only good and useful people: good and useful. There is a lot of useless trash, and this has got to be removed. As I said on efficiency, we want to make Kenya a land of opportunity and not of oppression and oppression. There is a lot of that going on in Kenya. That has got to be revoked. It has got to be reversed now, because, as I said, within a few weeks we will be taking over, with Jomo out to live in a grass hut with us, as he lived when he was born, and before he was taken away. We want and we will expect an assurance that senior and other members of the Civil Service are ready and willing and able to work with us to achieve that end. Here is one Kenyan, one people, one Africa, and we must work to this end, Mr. Speaker, with this warning: that we shall tolerate no longer anyone who wants to

be between us and our independence. And those who do not want to be free, Mr. Speaker, shall be forced to be free.

SUSPENSION OF BUSINESS FROM STANDING ORDERS

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, in view of the very obvious filibuster to exclude Ministers from participating in this debate which we have just witnessed, I beg to move that under Standing Order No. 139 the business of the Motion at present under debate be exempted from the provisions of Standing Order 9 until not later than 7.15 p.m. in order to enable two Ministers who have not yet spoken to speak briefly in the debate.

Mr. Heminigs seconded.

Question proposed.

Mr. Mboya: Mr. Speaker, Sir, we will oppose the proposal because it was quite known to the Government that we had so many speakers on the Opposition who were allowed the time over the limit of 30 minutes. We have not exceeded that number. It is unjust in order to allow two Government Ministers to speak. I ask, is it also possible for Standing Orders to be suspended to allow several other Opposition Members to speak, or is this a case of Government merely applying the stramollon because they have the numbers to vote in the House to do what they please. Standing Orders either have a meaning; the period provided for has been agreed to by the Sessional Committee and the Government. Any

On a matter of principle, Mr. Speaker, if it is possible for the Government, on this occasion to suspend Standing Orders in order to allow two Government Ministers to speak, I ask, is it also possible for Standing Orders to be suspended to allow several other Opposition Members to speak, or is this a case of Government merely applying the stramollon because they have the numbers to vote in the House to do what they please. Standing Orders either have a meaning; the period provided for has been agreed to by the Sessional Committee and the Government. Any

Mr. Speaker, we oppose this unless such proposal includes the right of any other person who catches the eye of the Speaker to rise and speak, not if it is on the basis of just two Government Ministers; then I say the principle is unfair, unjust and inconsistent with the spirit in which the Sessional Committee approved an extension of the time limit.

Mr. Odongo: Mr. Speaker, Sir, in order to be fair to the Ministers opposite, I emphasize that

[Mr. Argwings-Kodhek]

children will be treated like other children living in Kenya and that there shall be elementary education for all children in Kenya, irrespective of race, including the Northern Frontier District. This move should be started forthwith. Not only that. All institutions to which Government contributions are made should be open to all peoples of Kenya and there should be no discrimination at which the Government connives. I wish also to add further, while on this, Sir, that there shall be opportunities and facilities for private schools, many of them, independent Kenya schools, and of course under control.

The Speaker (Mr. Slade): Mr. Kodhek, we cannot anticipate other debates of which notices of Motion has been given, and there are notices of Motion on both these matters of segregation and of private schools.

Mr. Argwings-Kodhek: Thank you very much, Mr. Speaker. I will pass over that one quickly and move on—although you must tighten your belts a little longer—and to say that what I have said about education I wish to repeat and to endorse almost word for word in connexion with the Department of Health. The hon. Minister, unfortunately, is not here. I understand that he is sick. He has considered the question of hospital fees. Now, in this year of our Lord, 1961, the price of sugar is up, the price of kerosene is up, the price of everything is up; everything is taxed; all wages are down; and the hospital fees are up. Surely, this is going to punish again the poorer classes of this country and the poorer classes of people are known to be the Africans, because they are the people who get the low wages. In this regard, I wish also to put this question to the hon. Minister to answer when he does get the chance to answer. I am sure he will. There are districts with very large populations. I happen to come from one. Nyanza Province has got about 1,000,000 people. We have not got a Provincial hospital. There is what they call the Native Hospital at Kisumu, but there is not even a cottage hospital anywhere in the vicinity. Dispensaries are run by the African district councils without any help. We would like to know what steps the hon. Minister wishes to take in connexion with improving the clinical facilities in populated districts and whether he will make sure that people, particularly those going for confinement cases, will not be forced to have to walk more than two miles to get a bed. As I understand, Mr. Speaker, that there will be a Motion on Health I wish to move on very quickly to some other things—the Legal Department, I think.

I think that there is a Motion down on this of which notice has been given, and I will only mention a few things on the periphery of this subject which are of great urgency and which may not be aired during a debate on the Legal Department, if that debate comes through during the present programme. What I would like the Minister to find out is this. We must admit that he has been doing a good few things to polish up his Department and we must congratulate him for that. Give him credit where it is due. We understand now that he is going to advertise posts for the Magistracy. He is learning as he lives, but of course they also serve who only sit around and wait.

Now, Sir, one important thing is that he should go very deeply and carefully into the position of the African courts and the African Courts Ordinance, and the Court of Review, leaving it, as it has been done, to inexperienced people, has not helped very much. He must also think very carefully about appointing local Africans to the Bench. The reason I say this, Mr. Speaker, is that these Africans know their men. They know their men and they can handle their men. Also, the hon. Minister knows of another thing, which is an obvious one. That is the number of cases coming up from the African Courts of Review arc, I think, a headache. I think that the Department which deals with this at the moment—that is, the African Courts Office—here in Nairobi, has a headache. Now, if the African Courts Office is left with the amount of work which he is doing, then there is going to be a lot of litigation, particularly in land cases. I would like the hon. Minister, when he answers, to say that he is going to look into these African courts and to try to improve them.

I go to another point, Mr. Speaker. At the moment, being an African, I think I am right that it is not possible for an African to make an ordinary will. I stand ready to accept any correction. I understand also, Mr. Speaker, that some time ago the then hon. Member for Aberdare was given the task of drawing up, I think, the new law of succession. We would like the Minister to let us know and to tell this House what has happened to the findings of that very learned gentleman and the proposals he made, and why they have not been brought to this House, and why no action has been taken about them.

It is also regrettable that many of the rules and regulations of the Emergency have now been incorporated in the substantive law of this country. I submit, Mr. Speaker, that that is a retrograde step, and that it does not bring any co-operation at all as far as the Africans are concerned. It is one thing that irks and irritates the Africans.

[Mr. Argwings-Kodhek]

Very often this happens in regard to the law regarding public meetings. You get certain boys of the Administration to give permission. Surely, who are they to permit a person born in that district to hold a meeting? Of course, it is true that some time ago it was the police who gave permission and they made it so hard that we removed the opportunity of giving permission from them. That law should be revised because it is so very humiliating for the African population that they have got to go and beg—on their knees sometimes—to get a permit to hold meetings, with conditions. One of the conditions, Mr. Speaker, which is most un-Christian and sacrilegious, is that at section (3) of these Public Meetings Permits you are told that you are not even allowed to pray. Mr. Speaker, "that no prayers shall be uttered". Surely, this is a Christian Government, and before we start business in this House we pray. The Government should give the example and allow us to pray when we want to hold a meeting. The can keep the tape recorders, if they like.

Now, I go on very quickly, Mr. Speaker, Sir, to the next point, and that is the Ministry of Works. It is doing some few bits and pieces of work, but there is of course one particular point which I would like to mention while I am on this Department, although this particular point has now been taken over by the Ministry of Commerce, Industry and Communications. What I would like to say is that when the hon. Minister for Finance presented his Budget he spoke very, very beautifully, Sir, about interterritorial co-operation, particularly when he was speaking about the price of kerosene. Now, I happen to come from a border district, Mr. Speaker. What I have heard from there is that they really would like certain solid ideas about interterritorial co-operation. They say they break their backs, their motor-cars, whenever they come down on the Kenya roads. If we want interterritorial co-operation then we must make the roads of Kenya as good as the roads of Uganda and Tanganyika. I would repeat what I said a few minutes ago, that whatever money the Minister gets from this increased price of tyres, petrol, should be handed over dutifully to the Minister for Communications to develop the roads between Kenya and Uganda.

I now come to the very important point of Africanization. There has been a lot of talk about localization. We do not want to hear that word, really. Why not "Africanization"? Is it simply because some people do not like to call themselves Africans? If they do not like to be Africans,

then this is the time to go. This is the time for all good men to come to the aid of the party. If they want to serve this country; then they must serve it selflessly. Of course, there are some of them who are doing it. However, I do not know the representation of the African community on the Civil Service Commission. I understand that it is negligible. One African out of four. The result, Mr. Speaker, is that as the Civil Service Commission stands, the African voice is absolutely ineffective, particularly while they talk of localization. Because there is this ineffectiveness of the African voice in this Commission certain wicked things are going on. This is one. A few months ago there was a boy, I might give his name: Mr. Dixon Mjundu, third class gold medal A.A., B.A. Hon. (Econ.), Mysore University. He came to this country. He applied to the Foreign Civil Service Commission. Do you know what they gave him, Mr. Speaker? They gave him a post of a temporary clerk—B.A. Hon. Mr. Speaker—Grade E.II. He passed, with honours. Surely the people I show you, Mr. Speaker, these honourable men, are the guilty men. Look at them: all of them.

Mr. Speaker, Sir, there was also the case of another boy. He was a very clever boy—B.Com. (Bombay). He came back in July, 1960, Mr. Speaker, nearly a year ago. He applied for a job. This poor boy is still waiting for the reply from the Civil Service Commission. I must say, Sir, with great force, that the Civil Service Commission has got to be Africanized so that we can get Africanization. We would like to know from the hon. Minister concerned what steps the Government is taking to expedite the claim of Africanization.

Mr. Henshaw: Mr. Speaker, Sir, on a point of order, earlier this afternoon I answered most of the questions which the hon. Member is now asking. He was not here.

The Speaker (Mr. Slade): That is not a point of order.

Mr. Argwings-Kodhek: Thank you very much, Mr. Speaker.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): On a point of order, Mr. Speaker, may I submit that in that case the hon. Member is repetitive.

The Speaker (Mr. Slade): Speeches in this debate have been repetitive. The hon. Member now speaking has been repetitive on the subject of sugar and kerosene. I did not notice that he was being repetitive now.

Mr. Argwings-Kodhek: Mr. Speaker, I am only referring, as the hon. Ministers who are getting

Mr. Argwings-Kodhek: Jesus Christ himself said it. Those who are not with us are our enemies—our enemies—and we may have to reconsider the question of treating them like our enemies. I sincerely hope that better counsel will prevail with people who think in that manner.

I might come back to the other point on security. Of course, I heard with great pleasure the hon. Member who has just spoken speak about Kenyatta as their leader. I think he used the word "our," but I do not know whether I can claim the "our" which he used as covering us also. It would be a useful thing to know and I would like his Minister to tell us. If he says that Kenyatta is our leader, I wish also to add this: that the question of Kenyatta's release is not an important matter now because 8,000,000 Africans demanding his release cannot go wrong all the time and we will see to it that he is released. What appears to me now, from the amount of rignarole and empty talk which has been going on from that side is that a house or something has got to be built first. Surely that man was living in a grass hut before, without clothes on, and it might be better to live in a grass hut somewhere near his grandfather's grave. It is the question of his security which is worrying people and I want to refer to a certain matter here, Mr. Speaker, if you will allow me, at page 399. This is what somebody who normally is the "smart alec" of the Opposition said about Kenyatta a year ago. This is the Colony and Protectorate of Kenya, Legislative Council Debates, Official Report, Volume LXXXV, 12th April, 1960, to 22nd June, 1960, Mr. Muliro, Nyanza (North). The hon. Mr. Muliro had this to say, Mr. Speaker, as at page 398, 10th May: "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." (That is, by the Governor, Mr. Speaker.) "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."

Mr. Odanga: He was so wise!

Mr. Argwings-Kodhek: With your permission, Mr. Speaker, may I just continue—

The Speaker (Mr. Slade): Order order! No, I must ask you not to continue this subject of Mr. Kenyatta's release. It was the subject of a full debate a short time ago.

Mr. Argwings-Kodhek: Thank you very much, Mr. Speaker; I will leave it at that. The conclusion is obvious and I shall not refer any more to that question, Mr. Speaker.

Now, I must refer while speaking on security to those people, the diehards, who think that we are in the Kenya of 1902.

An hon. Member: You are.

Mr. Argwings-Kodhek: I am not. I am in 1961 where I want independence *rasa*, new. Now, Mr. Speaker, while on this subject of security, I would like just to ask the Government to consider seriously not making a sop for the diehards who think that the year is 1902. I should like to mention in passing, Mr. Speaker, one very important—important to us and also a very pertinent—matter. The question I would like the Minister to answer, is this. When detainees are still in detention or restriction outside their districts they are given, of course, £6. I think in Uganda it is £60. Mr. Speaker, but that is not very important. What is important, Mr. Speaker, is that while they are restricted outside their districts, even if the district is only a mile from their home, they get this £6. We should like to know—and it is important to us, Mr. Speaker—what arrangements, if any, the Government is making to assist those people who, having been restricted one inch from their own homes, are sent home an inch on the other side of the border. What is the Government doing to assist them in living a normal life after nine or ten years of restriction without work? I sincerely hope that the Minister will be good enough to give us an answer to that one.

Now I come, Mr. Speaker, to the question of land. Land, of course, as everybody knows, has been the source and the cause of much of the trouble, the worry and the *marigat* that has gone on in this country. People have believed, perhaps mistakenly, that some people without invitation came here and took pieces of beautiful land; alienated these large plots of land to themselves alone to the exclusion of the native owners of the soil; and claimed further that when they came they found an emptiness there, only wild animals. And, Mr. Speaker, you know, the lack of co-operation has been forthcoming because they has been nothing forthcoming genuinely from the Government, that this country should be known forever as it should be known, that it is an African land. I only heard a few minutes ago the hon. Minister for Tourism still referring to the archaic phrase, the "White Highlands". Surely you cannot have White Highlands in a black man's country.

The Minister for Tourism, Forests and Wild Life (Mr. Marriot): Mr. Speaker, Sir, the point that

[The Minister for Tourism, Forests and Wild Life] I made on the White Highlands was I suggested that the whole term "White Highlands" should be now dropped because it is totally anachronistic.

Mr. Argwings-Kodhek: Thank you very much, Mr. Speaker. We wish to say this. One reason why we think land is important to us is because we want our freedom. It is no use having *uhuru* and free landless people. I would hate to be a free man without land. It would be a landless—do they call them—proletariat? Yes, I think they call them proletarians. I think they call them that in America.

An hon. Member: Russia!

Mr. Argwings-Kodhek: Oh, I did not know that. They call them that somewhere in Europe, Mr. Speaker, in this country are ready, willing and able the whole time to give with all those people who wish to live with us without trying to demand any unearned privileges. The unfortunate thing which has been going on until just a few years ago has been that some people have been thinking that the African was just a house-boy and should just do the kitchen—*oto* work at home. They have tended to be patronizing, thinking that Africans are all on a lower strata of humanity. But the shape of things is coming.

Mr. Speaker, it is for those people who think that way, to shake themselves up and enlarge their minds or else, I do not think, there will be much future happiness here in Kenya. We must also say this—and I must endorse what has been said by my hon. colleague here very ably and aptly—that the Africans appear to feel rightly so, that the land belongs to them and they do not want to bargain a price for the land. They are quite willing to pay for any improvements that, if somebody is going on with his agriculture and his farming, who will bother him, so long as he wants to live like an ordinary human being and he is prepared to treat the person next door like a human being? Now, there is an implication in what is going on now with this Land Resettlement Board. In the word "resettlement" there is a serious connotation and an implication. It appears that now somebody is admitting that this land belongs to certain people, they are settling it and they are going to "resettle" on it. I am glad that such an admission is now being made and it is a very wise admission. I sincerely hope that those people who think to the contrary will come back to that view. But I must say that what I heard from an hon. Member here has given me a lot of hope.

Now, here in Africa, recently there has been this so-called land consolidation and many of us

have been accused of trying to—impose—and sabotage land consolidation measures. We would be the last persons to do so, but we did not want it to be done in the rush and hurry with which it was being done—

Mr. Odanga: Hear, hear, hear, hear!

Mr. Argwings-Kodhek:—behind the backs of some of the land owners. Look at Fort Hall, the mess there! Look at the group of people at Embu and the amount of mess they made of Government funds up there. We are willing to get this land developed properly. We shall see to it that it is developed properly. But we have the brains, we can do it ourselves. Those people who want to give us advice should wait until we ask them for that advice.

Mr. Odanga: Hear, hear, hear, hear, hear, hear, hear!

Mr. Argwings-Kodhek: We shall pay the improvements necessary, I have been reading in the papers, although I do not believe the papers, and other people have read in the papers about certain people who say they do not want natives next door to them or next door to their farms. What the Government or any government of this country must do is what we shall do when we take over in a few weeks' time.

Mr. Odanga: Hear, hear, hear!

Mr. Argwings-Kodhek: We shall frustrate their knavish tricks and see to it that the land is given to the persons best able to farm it and who are willing to live in peace and respect with their neighbour, particularly the African owners of this soil.

I must go with a few words, Mr. Speaker—

An hon. Member: A short speech!

Mr. Argwings-Kodhek: Yes, a very short speech... a few words on education.

On education, Sir, I wish to say this very shortly. The Government is paying a lot of money, because in the old days it appears that it was Sh. 1 for an African child, Sh. 17 for an Asian child, and about Sh. 200-odd for a European child, *per capita*. Above that, Sir, the African children were not all going to school. I am glad that such an admission is now being made and it is a very wise admission. I sincerely hope that those people who think to the contrary will come back to that view. But I must say that what I heard from an hon. Member here has given me a lot of hope.

[Mr. Argwings-Kodhek] Unfortunately, Mr. Speaker, this man was taken up on Friday, on the Monday, misguided people allowed him to go out even before he got to Tana River. After getting all that reliable information to which they refer here. But fortunately for us, or for me, Guchoya brought it to me. There are a lot of restrictions here, Mr. Speaker, and it is signed this day, May, 1961, by the Minister—somebody, of course, put a stamp on it—for Internal Security and Defence. Surely, if that is not a Government in fear, then I think I shall have to ask my mind what a Government in fear really is. And they made a mistake and let this thing out. I think they will murder this Guchoya if he is not careful. But, of course, being here, we sincerely hope that they will not ill-treat Guchoya because he managed to escape, with this important document. I think we had better publish it. These people—the hon. Members, Mr. Speaker—may be very angry with what we have discovered—

Hon. Ministers: No. Why?

Mr. Argwings-Kodhek: Oh, yes. But those who have raised the dust, Mr. Speaker, should not complain that they cannot see. They have raised the dust: let the dust burn their eyes. As somebody said once, if a pig is so fat it should be roasted in its own fat. That is what we are going to do with these people, with these hon. Members, if they do not change their tactics, Mr. Speaker.

Now, Mr. Speaker, I will go to the second point. I may say, with your permission, just a few words on the Budget. I have already expressed my appreciation and thanks for the learning that the hon. Minister For Finance put into the Budget and the presentation of it to this Council. But one thing has got to be mentioned, Mr. Speaker. The hon. Minister has either inadvertently forgotten what taxation should be for or he has been intentionally punitive on a certain class of people in this country. At this stage, I might put this question before I say one or two things about this taxation policy about his taxation on commodities like sugar. I submit that the people who take sugar are mostly Africans in this country. Now, they will have to find 5 cents extra for every pound. A big family may be taking 10 lb. a week and it will be 5 cents for every pound each time. Now, we have not heard of any proposals about increases in salary, if we are only talking about sugar. There is, of course, also the point that the hon. Minister is aware of, and he is aware that we do not have electric light in the districts.

I happen to represent a constituency where no electric wires are known; we do not see them there; they did not appear there. The people in that area use kerosene. Now kerosene is being taxed and I have not heard anything from our Members representing those districts complaining that this again is punitive against just one class of the community.

Mr. Alexander: Have you seen the red light!

Mr. Argwings-Kodhek: Don't you worry! You will hear me until you are satisfied.

The Speaker (Mr. Slade): I understand, Mr. Argwings-Kodhek, you have been given unlimited time for your speech.

Mr. Argwings-Kodhek: Mr. Speaker, I shall speak on. Thank you very much.

The Speaker (Mr. Slade): Yes; that has been agreed.

Mr. Argwings-Kodhek: Thank you very much. Now, tighten your belts! I was speaking, Mr. Speaker, Sir, on this kerosene. Again, it will punish the African community. There is also the point that we are taxing petrol. As an hon. Member said here the other day, of course, everybody knows that it is just at this time that the African has started using motor transport. I appear that the Minister thought, "This is again another place where I should hurt the native where it hurts most." I sincerely hope that he will take good counsel—and he can take it from me straight-away—and he will tell the Minister for Communications that whatever monies he garners from this petrol tax—if it is carried through—should be used for the making and improving of roads going to those particular districts. I particularly refer to the bad roads going to districts more than 100 miles from Nairobi.

Mr. Speaker, Sir, I would ask again that the Minister should be good enough to consider whether the incidence of taxation on the African as such has been justified and fairly done. There are many Africans who are sent to prison—and I can speak only of one or two places I know of. There is a place at Mwasini, and there are many people who have been at Mwasini, which is a divisional headquarters. The place is filled up with people who are there simply because they cannot pay their tax. I went down to Bondo, also another division headquarters, and the people who were there also were there because they had not paid their tax. Again I went up to Ukwala and it was just the same old story. Surely, Mr. Speaker, if this is a benevolent

[Mr. Argwings-Kodhek]

Government with lots of money, as they pride themselves, from—did they call it—their mother-in-law, Britain? If they get all this amount of money from their mother-in-law in Britain; then surely they should reconsider—the question of taxing these people who really cannot pay. There are many Africans out there and here in Nairobi, I must say, who cannot even afford to buy a cup of tea costing 5 cents. Then when they walk along the road they are arrested about their tax. If he cannot eat, why tax him? I must say this and repeat it, Mr. Speaker, that a hungry man is an angry man. If this Government wants to provoke hungry men to anger, that is what they are going to do.

I shall pass on with this particular question to the particular Minister. We should like to know if his policy in taxing these Africans and if he had intended to punish the native where it hurts most.

I move on, Mr. Speaker, to the question of security. It appears that some people in this country and in this House too—some hon. Members—do think that only Africans can do wrong.

Mr. Odunga: Hear, hear, hear, hear!

Mr. Argwings-Kodhek: I must say this. We have a great deal of confidence that never KANU... And I must repeat that it is never a KANU policy to condone violence, subversion or outlawing...

Mr. Odunga: Hear, hear!

Mr. Argwings-Kodhek: And I hope that will go through the hon. Members' rusty ears, Occasional member, Mr. Speaker, Sir, is not peculiar to Kenya. There is unrest all over the world. But the unrest comes out of the evil social system and the social system can only be corrected by good government of the people for the people and with the mandate of the people. It is not a virtue of the present Government—I respect them but in passing I might just mention that; I do not think it is a virtue of the present Government—to criticize itself. We have just been told by the hon. Member who spoke last that we must put our house in order. Of course, it is a very good thing but that is exactly what we often do; that is what we do on this side of the House.

An hon. Member: Always?

Mr. Argwings-Kodhek: Always. But we would like the Government in co-operating with us to eliminate for ever the idea that only the African can do wrong; in particular, nowadays, that whenever something goes wrong the idea goes about that it is KANU. Whenever a Minister

goes in bed and he hears a rat, if his house is infested, under the bed he thinks to himself, "It is KANU!"

The Parliamentary Secretary for Finance and Development (Mr. Okondo): KANU rats!

Mr. Argwings-Kodhek: I have heard quite a lot about KADU rats! But it is a pity and we must assure them that there is no KANU rats, KANU has not got any rats and KANU is only a fairy and if you meet a fairy, do not run away, he will not want to hurt you; he will only wish to play!

So, Mr. Speaker, Sir, there are many things which have got to be corrected. We must all ask ourselves to self-criticism. We must also ask the Government to behave properly in this matter, to avoid reckless and mischievous accusations against KANU and certain KANU leaders and officers. If we want to work together, we can only work together in a spirit of respect and friendliness. We are always willing but, please, do not publish in your *Gazette*—

An hon. Member: Rats!

Mr. Argwings-Kodhek: Well, about those rats—

An hon. Member: KANU rats!

Mr. Argwings-Kodhek: Please, when some people speak, might refer them to the quotation about that was it?—the scotch earth policy mentioned by people who are not Africans. Nothing was done about it; the papers did not take the slightest objection. The Convention of Associations set in Nairobi here and made certain wild statements, particularly against us, and they called us African extremists. We are not African extremists. We are good, sensible, simple, evolutionary types only interested, mark you, in discussing seriously serious matters with serious people! But if you have got a group of people—I nearly said "gang"; Mr. Speaker—who are small-minded men, small men, in big places, they go there with small idea. And what do you expect? There was this question of the September ultimatum. I do not think I am the only person who read about this September ultimatum. I was still wondering why some people could be allowed to give us an ultimatum for September, that unless we... I do not know, I mean, that is exactly what we object to because otherwise we will meet force with force and those people will be guilty of it. Surely, one cannot go to one's country and give it an ultimatum? We did not invite these people here.

Mr. Odunga: Hear, hear!

[Mr. Arwingi-Kodhek]

to the third stage. When he fails he will go to the other stage: Battery, Mr. Speaker, I submit that the imperialists have first these three methods of dealing with people, first, threats; secondly, persuasion; and thirdly, battery. They are trying to do that with our people and that is what is going on at this time. Those are the imperialist tactics and we will see to it that we shall frustrate them completely. They want to divide us so that they can rule us somehow. We will see to it that although they will try to divide us they will not rule us. We cannot only do the right thing, but we shall show them that we cannot only govern this country, but will govern those people also who have misgoverned us for the last 60 years. It will be a very good Government, very orderly, full of security, full of stability; full of security.

It is well known, as my hon. colleague, the Member for Nairobi East, has said, and as the Government knows because it is obvious, that Africans are in possession of certain information which the imperialists have had behind the backs of the Africans. I would like to put a definite request at this stage, and they want to go on with it against determined African opposition which has not faltered? Why is it that they keep on, and keep on building as fast as they can without any reference to Africans? Because they know now that we have known their tricks. I know that they are going to try to change it. I remember some time last November, when there was a question in the House of Commons. I think it was answered by Mr. Watkins, the Minister for War and Defence. A question was put to him—I think it was on about 16th November—as to whether the British Government or some other Government—and, of course, not the African Government in Kenya—were intending to use the barracks at Kahawa for the storage of nuclear weapons. The answer was very vague. Indeed, and it aroused a number of comments in the British papers. That was in November, and I would like the Minister to go back to that answer and tell us something about it. There is a further question. Will the Minister, when he replies, reassure us that certain Africans are not being made purchasable as that hon. Member said at one stage. Well, that is a different matter; it is a matter of opinion, Sir, whether there is a link between these five places—Maita, Cyprus, Aden, Kenya, Salisbury—for the storage of these weapons. If we get that answer we might be able to give the other answer, because we are not

interested in their imperialist intrigues. We do not want to be involved in a destructive, we headed by imperialists. We know very well that once there is a war on, the obvious will happen. The people on the other side will have known very well that all these things are stored in these particular places—Kenya, Aden, Cyprus, Salisbury, Maita—and so they will come to bomb the innocent Kenya Africans at Kahawa and at other places. Surely it is sacrilegious for this Government to condone things like that going on without any reference to us. We do not want to die for the imperialist intrigues; we will only die for ourselves. I know, Mr. Speaker, that it appears that we will have to start a security organization of our own; otherwise these people will mess us up; and by the time we take over we will only find the skeleton in the cupboard, in money, in everything; but we will resist that.

We also have another job to do, Mr. Speaker, and that job will be the very serious job of decolonization. A lot of mischief has been going on. I said earlier on, Mr. Speaker, that have got a lot of respect for a number of moves, a number of Government plans, and for a number of Government projects. But we cannot say, and it is impossible to say that they are doing what they should do. I can take them into my confidence, because we have got this on very good authority, that some people in the Government are against African progress. Surely, if they do not like this we can just pack up and go and remain there.

Now, Mr. Speaker, we have heard also of what has been known in the local Press as the "formula". When I think of formulae I think of chemistry or physics, and, of course, algebra; I think of mathematics. I was not good at that at all. But it appears that the formula was a very nebulous alliance. It was an alliance based on bases like the one at Kahawa.

Now, we will insist, and, of course, we will have the voice to insist with, and, of course, we have got these 6,000,000 Africans, excluding, of course, the 60,000 Africans who voted for those people there. We have got the voice of the 6,000,000 people behind us. We have got them behind us, and we will demand, and we will pay (because of my lack of scientific and atomic knowledge), these people who know to go with some of our ignorant chaps to have a good toothbrush check with detonators at Kahawa to find out what mischief is going on there.

Now, I said that this so-called formula was an unholy alliance because the present Leader of Government Business—unfortunately I once called him the ringleader of Government Business, and I do not want to do that, Mr. Speaker

[Mr. Arwingi-Kodhek]

went to the Colonial Office and he made a statement there. He went with certain people to show that he had a lot of backing for what he said, but then, blindly, he trusted the Colonial Secretary, blindly mark you, who knows how to play the game of blind man's buff. Now, he had very courageously stated, and I give him a lot of credit for that, Mr. Speaker, that his was a minority group; and I would now like to know whether he now thinks he has a majority group. He told us that after a short time trusting the Colonial Secretary. He trusted this man. So he came back here and cheated us with a certain formula. Surely, what do we want? Why did he change this? After changing this he did what I must describe, Mr. Speaker, as the biggest Somerset of this century. How can you trust a person who intends to change with the winds, Mr. Speaker? How can you trust a Government of such people? He may be able to lead mice. Fortunately there are people here, across there, whom I respect, and I would like them to tell him to change his views and get original ideas from this side.

Now, His Excellency, the Governor spoke beautifully about broadening the base of the present Government, which I think were the words used. Of course the base can be broadened, but you must dig deep, and these people are not deep at all; they are too shallow. To get deep, Mr. Speaker, they will have to come to us.

The Speaker (Mr. Slade): Mr. Arwingi-Kodhek, you must not refer to hon. Members as "these people".

Mr. Arwingi-Kodhek: I am sorry, Mr. Speaker; I will not do that again. These hon. Members.

We are quite willing to broaden the base of Government because we feel that independence is our birthright, and that is why we say, have said, and still shall say, every morning and every night, and even if the hopes of these diarchs will keep on sinking, we shall go on saying that our birthright is independence. But we cannot do this with this Government, as I said at the beginning, Mr. Speaker. We cannot do it, because the Leader of the Government changes with the wind. We do not know what he is going to do tomorrow. He may be sitting here tomorrow.

The Speaker (Mr. Slade): I think you have said enough about the composition of the present Government. Everybody has been allowed a short run on it in this debate but we have debated it on another occasion very fully. I think you have had your run now.

Mr. Arwingi-Kodhek: Thank you, Mr. Speaker. I am now going to the second question of cooperation. We are quite willing to cooperate with those people who will co-operate with us.

An hon. Member: On whose terms?

Mr. Arwingi-Kodhek: On our terms. By "our terms" I mean national terms.

Co-operation is not a one-way traffic. It appears that certain people do not understand that in this country, unfortunately, if you come forward then we will come forward. If you want original ideas then come to us and you will get them. It appears that there are some people in this country; they are misguided people, Mr. Speaker. What they would like to have is not your heart but your hat; I have no hat yet; but I have got a very good heart. They want to govern not by affection but by fear.

An hon. Government Member: Question!

Mr. Arwingi-Kodhek: You are saying "Question!" I will show you this. A few days ago, Mr. Speaker, if I might be able to raise this, a friend of mine was taken in fear and brought to a certain place. This is F.R.O. No. 19, Those hon. Members know it best. Legal Notice No. 313 of 1960, the Public Security Restriction Regulations, 1960. "Mr. Wambugu Gachoya, the grounds on which the Security Restriction Order has been made against you are as follows. You are a member of the Kenya Land Freedom Army, an organization synonymous with the unlawful society *Aman Aman*. You are reported to be an ex-coordinator of the Kenya Land Freedom Army, Nairobi, and as being an important member of the present organization. You have recently been named as an instigator behind the plot to kill the hon. Ronald Ngila, M.L.C." The reason why I have brought this one forward is this. This was only a fortnight ago. They took this man on a Friday. They kept him up here in Kingsway or in one of their detention places. The security restriction order went further, Mr. Speaker, and in this manner "Wambugu Gachoya. Whereas I am satisfied that it is necessary for the preservation of public security to exercise control over the residence and movement of Wambugu Gachoya, now therefore in exercise of the powers conferred by Regulation C of this Public Security Restriction Regulations, 1960, I do by this Order direct that the said Wambugu Gachoya, hereinafter referred to as the restricted person, shall reside in the Tana River District in accordance with and subject to the conditions specified in the Schedule to this Order, and shall not, for so long as this Order remains in force, leave the

[The Parliamentary Secretary for Education] independence.

Hon. Members: When? When?

The Parliamentary Secretary for Education (Mr. arap Moi): The hon. Members opposite, although some of them do not seem to understand the activities of others outside, seem to think that they want independence this year when in actual fact they want to delay things and even delay the release of Mr. Kenyatta. And so Mr. Deputy Speaker, without labouring so much on such things, I think the best thing for the Opposition if they want unity is to be realistic and co-operate with the Government.

Mr. Mboya: Is for you to sit down!

The Parliamentary Secretary for Education (Mr. arap Moi) — if they want to discuss things on equal —

Mr. Mboya: Terms.

The Parliamentary Secretary for Education (Mr. arap Moi): The understanding, is to feel that we are African leaders as well or they will get nowhere, Mr. Deputy Speaker. They say always, "We are the African leaders, we are African." What does that generalization mean when in actual fact we are all African leaders?

Mr. Mboya: Is that what is troubling you?

The Parliamentary Secretary for Education (Mr. arap Moi): It is not what is troubling me. Mr. Deputy Speaker, it is what is troubling the hon. Member because he is confused.

The Deputy Speaker (Mr. Nyagah): Order, order, please!

The Parliamentary Secretary for Education (Mr. arap Moi): They do not want to keep quiet, Mr. Deputy Speaker, because they know that once I disclose certain things they will be ashamed of themselves.

Mr. Argwings-Kodhek: We are waiting!

The Parliamentary Secretary for Education (Mr. arap Moi): And because I am not interested in debating problems which might bring them down to the lowest ebb in politics.

Mr. Mboya: And order.

The Parliamentary Secretary for Education (Mr. arap Moi): I do not really feel they should be in that category—I need not disclose such things.

Mr. Mboya: Go on, disclose them!

The Parliamentary Secretary for Education (Mr. arap Moi): Otherwise, I have got documents and I was at a meeting of various African leaders from the African Continent, Europe and America and I found that there were certain things which should be put right now.

Mr. Mboya: Let us know them!

The Parliamentary Secretary for Education (Mr. arap Moi): As I said I'm not interested in disclosing these things or trying to undermine the reputations of certain individuals. I should like to see that they mend their ways and see that they really strive for unity in the real sense of the word. They should not deceive the African masses, preaching about this and what are we going to do. It is up to the hon. Members to tell the African people what their policy is. The whole thing, Mr. Deputy Speaker, adds up to the fact that if the ordinary man understands they will be brought-down in a day. The simple answer, Mr. Deputy Speaker, is that they will not participate. That is the trouble.

Mr. Mboya: That is why you are here.

The Parliamentary Secretary for Education (Mr. arap Moi): The hon. Members opposite fear to take over the reins of the Government and they fear their mother-in-law. They quarrel while we have taken over the Government, and we shall maintain it. Some of the hon. Members, Mr. Deputy Speaker, seem to play with fire, thinking that the Government is foolish. I am saying this with all sincerity. The Government of the day will have to carry out its duties and therefore they cannot undermine an elected Government. Mr. Deputy Speaker, the Conservative Government rules with a minority Government. So what? The Labour and Liberal Parties form the majority.

Without taking more time of the House, I should like to remind hon. Members, Mr. Deputy Speaker, that they think that things could be changed in ten hours. We will make them understand the working of the Government and we will make them understand what it means to govern.

Mr. Deputy Speaker, I beg to support.

Mr. Argwings-Kodhek: Mr. Deputy Speaker, I am in the very happy position of having to make a very short speech. You should be happy about that. What is required of this Government, I have heard, is that it should be brought back to its proper size and shape because it is a bit too big for its boots. They think that they can do us harm. They have tried to threaten us. But

[Mr. Argwings-Kodhek]

it has become fashionable, Mr. Deputy Speaker, to compliment certain people and certain sections in the Government. I must add my humble comments and compliments to the various Ministers and the various Ministers for what they have done in their Government and the improvements which have been made. However, we must say that those improvements are not all that we require in 1961.

An hon. Member: The year is not over yet!

Mr. Argwings-Kodhek: The year is not over yet, and we know it, I have been trying to listen to Opposition speeches, Mr. Deputy Speaker.

An hon. Member: Government speeches!

Mr. Argwings-Kodhek: You call it the Government. It is your own view. But, I have been trying to follow whether it is the Government really, because the more I look for *ushuru* with this Government of walt-and-see the more I find myself in a dilemma. I find that this *ushuru* with this Government is a crossword puzzle, Mr. Deputy Speaker.

Now, Sir, I may say this also, while referring to what has been repeated here many times about money which has been brought here. This Government claims to have brought it. They could not answer a question about it a few days ago; they say that they have brought money here. Surely, if we want independence with money tying us to somebody else's apron-strings, then that will be better independence and the sooner we tell this Government of walt-and-see about this, the better it will be.

This is the time, mark you, Mr. Deputy Speaker, not for just repeating the old platitudes of the old imperialist game; this is the time for planning. You must know how to govern this country. We want original ideas, and you can get them from here and not from those warm seats. What we want is brains and still more brains and not a lot of hot air. The amount of hot air I have heard from the other side from the last speaker, Sir, was great, when he was referring to individual Members. I may say this with humility, that these very people have been provoking us here instead of giving us their plan, their policy, their brains, their original ideas, if they have any, which I deny. They have been referring to personalities. I submit with humility that references to boots or shoes from South Africa are not politics; references to cowrie shells and other things are not politics. This is a time for a plan, and if we want *ushuru*, the sooner we get out of those ideas of personal references I think it will be very much better for Kenya.

I have purposely, Mr. Deputy Speaker, refrained from taking an active part in the debates in this House, because I thought that many of the references made by many of the hon. Members were inapplicable to me. They did not give the any politics. They spoke about things which they implied; Sir, happened during the Lancaster House Conference. I was not there. I said: "Let us see when have a go at it." They were having a go. But we will have to let them doing that.

Now, Mr. Speaker, His Excellency the Governor was here about a fortnight ago and he made his speech. I must thank him for the speech he made, and I would like his friends to convey to him that I liked that speech. But not for the reasons that these fellows are happy about it. He threatened us. Who is he?

The Parliamentary Secretary for Education (Mr. arap Moi): On a point of order, Sir, has the hon. Member any right to call us "fellows"?

The Deputy Speaker (Mr. Nyagah): Order, order! If he says "fellows" then he is wrong, but if he says "hon. Members" that is not wrong.

Mr. Argwings-Kodhek: Thank you, Mr. Deputy Speaker. I was trying to refer to these hon. Members as "hon. fellows". That is a term of respect to refer to them as "hon. fellows". People pay a lot of money and go to school for a long time to qualify as fellows. But, of course, as I should have expected, I should have known better. They do not know.

Now, Sir, that Governor threatened us. He used the old imperialist tricks. You know what they are. They have their methods. If they want you to do something they first of all use threatening words and language. I have sufficient forces. I have got this and I have got that, and subversion shall not be tolerated, and that type of language.

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

[Mr. Speaker (Mr. Slade) resumed the Chair]

But what is more important is that he said he had sufficient forces to defend Kenya. To defend Kenya from what?

An hon. Member: You!

Mr. Argwings-Kodhek: Not from me. From the Africans, Mr. Speaker. Then he went on to say in the usual imperialist method—he threatened us. But he wanted to do the other thing and this is what he has started doing. I understand. There are some people with whom he will go to the second stage of the imperialist game; and that is persuasion. When he says that—as I have no doubt he will say it—we will then go to

[The Parliamentary Secretary for Education] difference. There will be no difference. Mr. Deputy Speaker, if you criticize your fellow African leaders without looking at yourself, it is quite ridiculous. First, examine yourself, and when you have examined yourself then you can criticize others. Having cleared yourself—the impression the Members on the opposite Benches, Mr. Deputy Speaker, give at public meetings is that they tell people and are clean from everything, from all blame, and so on.

Mr. Mwanjumbi: Interjection.

The Parliamentary Secretary for Education (Mr. arap Moi): Yes, they know. Those who you have misled have known.

Mr. De Souza: Seventy-five per cent!

The Parliamentary Secretary for Education (Mr. arap Moi): However, Sir, it is worthwhile thinking twice—

Mr. Mboya: You think three times!

The Parliamentary Secretary for Education (Mr. arap Moi): —when talking on matters that will affect us in the future.

Mr. Mboya: Hear, hear!

The Parliamentary Secretary for Education (Mr. arap Moi): I think, Mr. Deputy Speaker, when the Member for Central Nyanza, Mr. Odinga—

Mr. Mboya: The hon. Member.

The Parliamentary Secretary for Education (Mr. arap Moi): The hon. Member, Mr. Odinga—do you want me to repeat it?—said that Mr. Kenyatta is the second God.

Mr. Mboya: Mr. Deputy Speaker, on a point of order—

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Deputy Speaker—

The Deputy Speaker (Mr. Nyagah): A point of order has been raised.

Mr. Mboya: Can the hon. Member substantiate that Mr. Odinga said that Kenyatta is the second God—

The Parliamentary Secretary for Education (Mr. arap Moi): He says he did.

Mr. Mboya:—or did he say he was second to God? There is a big difference. I said "Can he substantiate that?"

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Deputy Speaker—

The Deputy Speaker (Mr. Nyagah): The hon. Member is trying to develop his argument. Let him develop it.

Mr. Mboya: On a point of order, Mr. Deputy Speaker, are we not entitled to demand substantiation of this Government's version? We would like substantiation of what actually was said at this point.

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Deputy Speaker, at Nyeri the hon. Member for Central Nyanza said, "Mr. Jomo Kenyatta is our second God".

Mr. De Souza: He has denied it.

Mr. Mboya: On a point of order, Mr. Deputy Speaker, we are entitled to ask for substantiation. Either the Member reads all the papers and all the reports or he does not. Either we have the facts and base the allegations made in this House on the facts or we do not—we would like substantiation.

The Parliamentary Secretary for Education (Mr. arap Moi): The hon. Member for Central Nyanza said that Mr. Kenyatta—and it was reported in the *East African Standard*—that he is our second God.

Mr. Mboya: Mr. Deputy Speaker, all we are asked for is substantiation. Do we get it or do we not? Or hearsay?

The Deputy Speaker (Mr. Nyagah): We must allow the hon. Member to go on. He is only alleging what the paper has said.

Mr. Mboya: So long as we understand it is merely an allegation from some queer paper.

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Deputy Speaker, the hon. Opposition Members confuse Africans.

Mr. Mboya: You confuse them.

The Parliamentary Secretary for Education (Mr. arap Moi): They try to tell Africans to interpret what they say, and do not merely tell them the truth.

Mr. Mboya: You accept the imperialist press.

Mr. Malli: It is a Government newspaper.

The Parliamentary Secretary for Education (Mr. arap Moi): I advise, Mr. Deputy Speaker, all supporters of my Union to disassociate themselves from anything that connects with this kind of God. It is blasphemy, Mr. Deputy Speaker, and anything to do with it is not something that is decent. Anybody with a sensible and logical mind cannot think such things.

Mr. Mboya: Your premise is all wrong.

Mr. Mboya: When?

The Parliamentary Secretary for Education (Mr. arap Moi): The hon. Member for Central Nyanza said that His Highness the Aga Khan could be compared with Mr. Kenyatta. He does not differentiate between the two. Mr. Kenyatta is a nationalist leader; he is our nationalist leader. That is a fact. But he is not a spiritual leader.

Mr. Mboya: You agree?

The Parliamentary Secretary for Education (Mr. arap Moi): Isn't he?

The Deputy Speaker (Mr. Nyagah): Order, order!

Mr. Erskine: Mr. Deputy Speaker, would the hon. Member care to give way to me? He does not have to but he might care to give way to me on a point of explanation, not a point of order. On Sunday, Mr. Deputy Speaker, there were ten hon. Members from this side including myself who were present when the hon. Member for Central Nyanza spoke and we all listened very carefully to what he had to say. I have recorded what he said and the gist of it was that Jomo Kenyatta was something in the nature of a God-given leader or leader sent by God. That was the implication of his remarks. I have got signatures to a letter which I have submitted already about this to the Press from ten hon. Members on this side and I feel I should just give that explanation.

The Acting Chief Secretary (Mr. Griffith-Jones): On a point of order, Mr. Deputy Speaker, was the hon. gentleman present on the previous occasion that has been referred to?

Mr. Mboya: Is that all you are interested in?

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Deputy Speaker—

Mr. Mboya: You can go on a false premise, we do not care.

The Parliamentary Secretary for Education (Mr. arap Moi)—the hon. Members, as I said before, are confusing the Africans and they will go on confusing them.

Now, Sir, touching on the Budget, Mr. Deputy Speaker, many Members, of course, have appreciated the fact that the Minister for Finance reduced the tax on the low-earning group so that they can pay less. It is our aim that these people should pay nothing in the future.

Mr. Mboya: Abolish it now!

Mr. Wabuge: [Interjection.]

The Parliamentary Secretary for Education (Mr. arap Moi): If the hon. gentlemen, of course, were on this side, they would speak differently—

Mr. Mboya: Of course, but we are not there.

The Parliamentary Secretary for Education (Mr. arap Moi)—but because they feel too shy to take over the reins of Government, they have nothing else to say. They say that they will have nothing to do with Europeans—the Member for Nairobi East said they do not need Europeans—but, Mr. Deputy Speaker, the chief adviser to and spokesman of the parliamentary group of KANU is the hon. National Member, Mr. McKenzie.

Mr. Mboya: Since when?

The Parliamentary Secretary for Education (Mr. arap Moi): So they need their services—

Mr. Argwings-Kodhek: On a point of order, Mr. Deputy Speaker, would this Parliamentary Secretary for Education substantiate the fact that the National Member, Lt-Col. Bruce McKenzie, is the leader of KANU?

Mr. Mboya: Just like you people have to speak for Ngalá the whole time?

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Deputy Speaker, they have admitted it. They have said that he is.

Hon. Members: Hear, hear, hear!

The Parliamentary Secretary for Education (Mr. arap Moi): Now, Sir, the best thing, Sir, is to forget all the rest. They seem to think that they do not talk of racialism and all the rest of it whereas they are more than racists. They are tribalists of the first order with the exception, perhaps, of the Member for Central Nyanza, Mr. Argwings-Kodhek.

Mr. Mboya: The hon. Member, are you trying to appease him? He is coming after you; you wait!

The Parliamentary Secretary for Education (Mr. arap Moi): And I hope, Mr. Deputy Speaker, he will give counsel to his comrades.

An hon. Member: "Comrades" is a communist word!

Mr. De Souza: Do you accept his counsel?

The Parliamentary Secretary for Education (Mr. arap Moi): No, not at all. What we intend to do, Mr. Deputy Speaker, is to move quickly to

[The Minister for Tourism, Forests and Wild Life] if they do oppose them I believe that they will be doing the greatest disservice to those they represent.

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Speaker, Sir, many hon. Members have spoken on the Budget, some with honesty and sincerity of purpose. Others, not surprisingly, of course, posed their own points of view with some ulterior motives behind their logic. Mr. Speaker, Sir, I was not here at the time when there was a debate on certain Motions. I was in Addis Ababa on duty.

Mr. Mboya: The lion of the land of Judah!

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Speaker, Sir, I have enjoyed a lot of what the hon. Members had to say. Of course, to have an Opposition is a healthy sign of democracy. I would say this, Mr. Speaker—

Mr. Mboya: Who is the Opposition?

Mr. Odier: Why do you fear us?

The Parliamentary Secretary for Education (Mr. arap Moi): I do not mind if they heckle me 100 times. I have confidence in myself and in this Government—

Mr. Mboya: Did you doubt that?

The Parliamentary Secretary for Education (Mr. arap Moi): Why should I? What I should like to tell the Members of the Opposition is this, Mr. Speaker, There is an African proverb, which I believe they understand, which says that if you are too shy with your mother-in-law your wife will never conceive and bring forth a child. If the Members of the Opposition wanted to get independence they should have come over here to achieve it.

Mr. Mboya: Question! Gramophone records!

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Speaker, the Member for Nairobi East is interested in saying "Gramophones." Who is the biggest gramophone—

Mr. Mboya: You!

The Parliamentary Secretary for Education (Mr. arap Moi): —and who is the biggest trumpeter all over the world? Mr. Speaker, Sir, when I travel outside this country I discover many things, and if the ordinary man understands the activities of the African leaders opposite, their political temperature would fall to zero. But because we understand and we want to achieve what we want in the shortest time possible, the hon. gentlemen opposite want

to create conditions which would reflect to those who are against us getting our independence to capitalize the situation in this country.

Now, Sir, some of the hon. Members opposite are new.

Mr. Mboya: That's right.

The Parliamentary Secretary for Education (Mr. arap Moi): —and because politics is a dirty game, they do not understand its intricacies.

Mr. Mboya: Is it?

The Parliamentary Secretary for Education (Mr. arap Moi): —they do not understand the intricacies of such philosophies. Therefore, I should like to say this, Mr. Speaker. If the hon. Members opposite would like to strive for unity they should forget completely this talking against other fellow leaders. We do not want in this country faltering and wavering leadership. We should like to lead our people to understand exactly what we want and to understand exactly what independence means. We want Africans to shoulder their responsibilities in this country. We are not ashamed of taking over the Government. The hon. Member, Mr. Chanan Singh, I think mentioned something about an anaesthetic, and applying an anaesthetic. I think the best thing would be to apply an anaesthetic to the Members of the Opposition so that when they wake up they find that they are within an independent country.

Mr. Mboya: That would mean a long sleep! Ten years.

All hon. Members: The longer the better.

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Speaker, I do not mind if the hon. Members opposite sleep for ten years. We do not mind at all!

Mr. De Souza: What about the country?

Mr. Mboya: This country does.

The Parliamentary Secretary for Education (Mr. arap Moi): The Budget, Mr. Speaker, in these troubled and difficult times is fair and just.

Mr. Mboya: Aha, no!

The Parliamentary Secretary for Education (Mr. arap Moi): This Government would like to bring Africans whose earnings are on the subsistence level up to the monetary sector so that they enjoy a higher standard of living. With this objective, Sir, our people, those who wish Africans to have peaceful independence, should help Africans get along quickly to independence;

[The Parliamentary Secretary for Education]

(Mr. Speaker (Mr. Slade) left the Chair)

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

Now, Sir, many of the hon. Members made points which I need not touch on now because during the debate on the heads such points will be put across. I did say earlier that I do want to speak with sincerity and honesty. The hon. Member, Mr. Shah, seems to be very enthusiastic and seems to think that the African leaders on this side do not understand what he understands. In fact, having been the chairman of the Indian Chamber of Commerce, he should have seen fit to help Africans in that Chamber of Commerce.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Hear, hear!

The Parliamentary Secretary for Education (Mr. arap Moi): Why should one, Mr. Deputy Speaker, make utterances which cannot be put into practice?

The Minister for Commerce, Industry and Communications (Mr. Muliro): In practice?

The Parliamentary Secretary for Education (Mr. arap Moi): —Mr. Deputy Speaker, I am not a beggar. I do not run out of this country to beg for money. People who say we are gramophones, people who say we are colonial stooges or whatever people say, themselves are running out of this country begging and to beg, Mr. Deputy Speaker, is not something to be proud of.

Mr. Mboya: The Minister went to beg in London, the other day!

Mr. Argwings-Kodhek: I think you are a beggar!

The Parliamentary Secretary for Education (Mr. arap Moi): It was not begging; we have every right to ask the British Government to give us money.

The Deputy Speaker (Mr. Nyagah): Order order!

Mr. Mboya: Begging!

The Parliamentary Secretary for Education (Mr. arap Moi): and therefore we are not actually purchasable. We think—

Mr. Mboya: You are beggars!

The Parliamentary Secretary for Education (Mr. arap Moi): We think that our people, despite the fact that they are poor, should be proud of themselves even when they are independent, without begging. I wish the hon. Member for Central Nyanza was here.

Mr. Argwings-Kodhek: I am here!

The Minister for Commerce, Industry and Communications (Mr. Muliro): The senator Member.

Mr. Argwings-Kodhek: Do not be ridiculous!

The Parliamentary Secretary for Education (Mr. arap Moi): If he were here—

Mr. Argwings-Kodhek: He is here!

The Parliamentary Secretary for Education (Mr. arap Moi): He was talking of imperialism; and he was talking of colonialism. Mr. Deputy Speaker, I do not differentiate between all the different types of colonialism, whether it comes from China, Russia—

The Minister for Commerce, Industry and Communications (Mr. Muliro): Or America!

The Parliamentary Secretary for Education (Mr. arap Moi): —or America or elsewhere; it is all the same.

Mr. Nihenge: Or Britain!

The Parliamentary Secretary for Education (Mr. arap Moi): I did mention, Mr. Deputy Speaker, if the hon. Members would like to hear and listen very carefully, that if they feared their mother-in-law, which is to take over the Government, Britain in the future will not be responsible for this country. So why talk of Britain?

Mr. Mboya: But have you taken over the Government?

The Parliamentary Secretary for Education (Mr. arap Moi): In due course. In due course.

Mr. Mboya: You have not.

The Parliamentary Secretary for Education (Mr. arap Moi): Anyway, Mr. Deputy Speaker, I think the hon. Members had better listen rather than heckle if they want to listen to facts.

Mr. Mboya: Not to ridiculous statements.

The Parliamentary Secretary for Education (Mr. arap Moi): No ridiculous statements; Mr. Deputy Speaker, have been made.

An hon. Opposition Member: Get to the point!

The Parliamentary Secretary for Education (Mr. arap Moi): I am talking on facts, facts and facts alone. I was saying that the hon. Member for Central Nyanza should not only condemn imperialism; he should condemn those with whom he is having contact. When we get our independence he wants to bring them in. There will be no

[The Minister for Tourism, Forests and Wild Life] against damage that may be done, and through money flowing into the coffers of those African district councils you may find that money will be made more and more available within those areas.

An hon. Member: How long is that going to take?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): It is already in being, and it entirely depends on how successful we are in attracting tourists to this country which, you will understand, needs a relatively stabilized political situation, as to how quickly we meet success.

Secondly, our policy of control of this game will become more and more effective as we can achieve a greater degree of revenue.

I would like to mention quickly, Sir, the policies that my Ministry is putting into effect specifically to relieve parts of the unemployment pressure. We intend to use approximately £100,000 which will be made available out of the money recently obtained from the United Kingdom and will be spent over the next 12 to 15 months. We do not intend to spend this money on putting squatters into the forests, done in the last unemployment scheme. There was, at that time, a very large expansion taking place and I am advised that those people who run it would prefer a little more time for consolidation. We intend to put men into the African district council forests for the cutting of roads and the making of fire breaks and operations of that kind. We intend to put 150 men in the Fort Hall/Embu forests, 400 in Machakos, 200 in Kitul, 100 in Meru. That particular scheme will employ upwards of a little over 1,000 men.

In our own forest areas, Members will appreciate that we have a problem as the young men born in the forests grow up and yet are not available to come in as cultivators of the forests until they are family men. We intend to take 500 of these who at the moment have no work and put them to work through the schemes associated with those forest villages.

Finally, Sir, I hope that the Royal National Parks will be in a position to employ a further 160 men on clearing the sides of roads, particularly in Tavoa to make them safer for those who wish to look at game, and road building and possibly some ditching on the Aberdare Forest. In these ways, my Ministry will hope to do its part in relieving this very specific and dire problem of unemployment.

Now, Sir, I would like to turn to the question of land, and I regret to say to some remarks that I can only say reflect a growing degree of racialism coming from the Opposition benches. The hon. National Member, Mr. De Souza, in an attack on the European farming community, referred to the allegation that they had taken the cream of the land, I do not know whether the hon. Member was ignorant of the true position, or whether he was making a willful misrepresentation. All I can say is that I do not believe that there are any Kikuyu who would be willing to exchange their deep, rich, red loam for, let us say the black cotton of Naro Moru, or that the Meru coffee farmers who produce the finest coffee in the country would exchange their land for that, let us say round Nanyuki or Nyanza would exchange its land for the sandy soils of the Trans-Nzoia or the Cherangani.

An hon. Member: Try us.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): This is an allegation which is sometimes made, Mr. Speaker, but it simply cannot stand a logical analysis. It is perfectly true that some of the land which is farmed by Europeans is excellent. It is equally true that there is some land which is farmed by Africans which is very poor. But to say that the cream of the land has gone to one community is totally incorrect. Taking the cream of appears to me to suggest that you have taken everything that is good and you have left a thin, blue water substance underneath, and there is nothing further from the truth than this allegation.

The second remark that I would like to refer to is that made by the Member for Nairobi East, that he can do very well without the European community.

Hon. Members: Hear, hear.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Well, all I can tell the hon. Member is that there are one or two of them over on this side, while I am afraid he is going to have to put up with, and I believe that he may have at least two on his side, he may have to put up with.

There is no struggle. There is no struggle, Mr. Speaker, for racial political power in this country today. The position of the future in this country is totally accepted by all communities. There is, however, a desire to make an economic contribution in this country. That, no more and no less, and that being so, Mr. Speaker, quite frankly I cannot see what all the fuss is about.

Mr. Mboya: On our terms.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Finally, I would like to come to this question of the Nyeri resolutions which appear to me to be little more nor less than an attempt to build up racial hatred. The remark was made, "not an inch of the Highlands". Now, Mr. Speaker, what does this mean? Does it mean that there is no intention on behalf of the Opposition to take up land in the Highlands, I cannot believe it.

Mr. Mboya: On our terms.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Does it mean that your terms are that you intend to take something out and you have no intention of paying for it, because if so you cross inevitably that boundary between a free type of economy and a communist economy. Mr. Speaker, Sir, let the House be in no doubt about the issues involved. If you do this you set the precedent that would destroy the whole concept of private ownership. African landowners would have no security. The agricultural and industrial areas would have no security. Commerce, the owner of a car or even a bicycle, is it to be state owned? Or is it to be permitted to remain in private ownership. I know that there are some on the Opposition who advocate the one. What this side wants to know is how many hon. Members on the other side of the House subscribe to these views.

Mr. Mboya: Land is not.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): I am well aware of the distinctive problems of unemployment and landlessness. Many Members will be aware that I myself have fought something which I believe to be entirely wrong and that was the so-called philosophy of the sanctity of the White Highlands. It was to my mind a great mistake and I believe it to be true to say that most of us on this side of the House have been fighting it and as you know it is no longer a matter of practical politics in this country. There is, however, a necessity for a rapid implementation of such land schemes as assistant ownership, tenant schemes, company schemes or co-operative schemes.

Mr. Mboya: Where is Kenyatta? He will decide.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, the Member for Nyeri made references to this question of land today and I, like my hon. colleague on this side, should like to say that I believe that much of what he said gives great cause for encouragement. He said that farmers who move out of villages on to land are poor and need help in the building of

their houses. This is one of the ways in which I believe we can help. He said there should be small scattered schemes throughout the country. That is what we want and I entirely agree with him. He said that there should be a major land reform, not only in the White Highlands. I wish we could get away from this term "White Highlands" because it is out of date.

Mr. Mboya: That is your problem.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): There is a necessity for plans. He said there are three types of land in the Highlands, developed, under-developed and under-developed, and he suggested that there might be 50 per cent developed, 30 per cent under-developed and 20 per cent undeveloped, I do not wish, Mr. Speaker, Sir, to argue in terms of figures; that there has been undeveloped land in this country is perfectly true. I believe that in the main there is less than generally supposed, but let us admit the fact that there is some. I do not believe that there is anyone other than a handful of people in this country who would not agree with the contention that if people do not use their land correctly it should be made available for others.

Mr. Mboya: The land is ours, not theirs.

Mr. Odunga: You are in the wrong place.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): He suggested that there should be no inflated price for land. Again, there is agreement. He said that there should be compensation for the assets but not the soil. But, Mr. Speaker, Sir, you cannot process agriculture operations without its land. You cannot just assume that because the soil is there and looks much the same it has not perhaps been vastly improved in terms of its texture.

An hon. Member: And its content too.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): And its facility for growing crops over a period of time. What we should be concerned with is agriculture as a business operation and the schemes that will be produced from this side will, I hope, enable an African farmer to go on with perhaps nothing, but over a period of perhaps as long as 20 years will enable that African farmer to bring it into his own total ownership. Mr. Speaker, Sir, these schemes will be presented by the Government. They will be to my mind of the greatest benefit to this country and will help reduce the twin problems of landlessness and underemployment. Certain Members of the Opposition may oppose them if they like. I do not believe that they will be very successful and

[Mr. Hennings]

answer is, Sir: that in every democratic state representation is adjusted so that the smaller and more thickly populated areas do not entirely outweigh the larger and the more thinly populated areas. Now, if you are taking into account the area of country represented by Members on this side, if we leave out the Northern Province—which we can call a draw because there is one Member on each side—if you take the rest of the country you will find that over three-quarters of the area of the country, and a good deal over, is represented by this side of the House. This has nothing to do with the Colonial Government; I am talking about constituency Members, and I am sometimes think that hon. Members on the other side work on the assumption that the population between Nairobi and Mombasa Kenya and the population round the Lake, because there are an awful lot of them, have the right to run this country. I think it is quite clear from the way the constituency is working at the moment, that it is working very well, that the majority of the constituency Members are on this side, that just under half the population is behind the people on this side and, that rather over three-quarters of the land area of the country is represented on this side.

Mr. Speaker, Sir, these are facts which I have stated.

Mr. Mboya: For whom do you speak?

Mr. Hennings: I am speaking on behalf of facts only. They should be known widely as facts, and the claims which the Opposition make should be recognized for what they are, which is very largely moonshine.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, I would like to give the House the answer from my Ministry to some of the criticisms that have been levelled against the control of game in particular in the country. Then I would like to come on to some of the remarks made by Members of the Opposition during this debate, particularly on land, and in particular, Mr. Speaker, I would like to refer to some of the remarks made by the hon. Member for Nyeri a little earlier on.

There is one point before I start on the matter of my own Ministry that I would like to clear up, on behalf of the Minister for Defence, concerning a question asked by the hon. National Member, Colonel McKenzie, on the participation or the possible participation of African pilots in the Police Airwing. The information that I would like to give the House is that within the Airwing itself there are neither instructors nor planes available

that are adequate to carry out any training. In fact, there is no training carried out. There are no facilities and there is no money at the moment to provide those facilities. At the moment, in order to enter the Airwing a pilot must have had 1,500 hours' experience, and I would stress, being a very amateur aeronaut myself, the standard of safety and reliability that is required for flying in the Airwing. But I have been asked to point out that there is no bar whatever on a qualified African pilot from entering the Airwing if he reaches the required standard.

Now, Sir, during the debate there have been a number of comments made on the question of game control, and I would like to refresh the House's memory on some of them. The Member for Kitui referred to elephant on the Kitui Furrow, talked of the crops that were destroyed and said there were only four game scouts available. The Member for Embu said that unless the Minister can look after his game they would be killed by arrows, poisoned or otherwise. The Member for Taita had quite a lot to say on game. He said there was plenty of land lying idle in the national parks and nothing that is African in the national parks. In order to win dollars from America, his Government is prepared to torture us, is prepared to imprison us, is prepared to do anything at all if they can get dollars from America. He then went on to say, "I wonder how much milk a rhino would produce? I would say the national park is a danger to our well being because I know the proceeds from tourism do not go to the Africans, they go to other people."

From the Member for Kajiado on this side of the House, we got an appreciation of the part that game can play in the country, and I felt that his contribution to the debate was highly constructive.

I would like to give the House some idea of the Government policy on this question of game, and then make a brief reference as to whether it is in any way answers the problems which have been put up by many of the hon. Members opposite. I would like to point out that I personally, having lived for many years now within one mile of Treetops, and suffered the deprivations from all the larger animals, have a high degree of sympathy with much of what they say. But if we may look for a moment at the assets of Kenya, what do we find? First, agriculture: I think all Members would agree.

Mr. Mboya: Interjection.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Not necessarily European agriculture. I entirely agree with the hon. Member for Nairobi East.

[The Minister for Tourism, Forests and Wild Life]

A developing country in the position of Kenya is not a commercial centre of East Africa; nor is it a mineral and then our game, our fishing, our mountains and our scenic beauty. The Minister, Sir Evelyn Baring, now I think has said that in assessing the problems of development in this country you must always take into account the increase in population in terms of something like 4 per cent per annum. I cannot believe that in any way this is disadvantageous to the future of the country. I believe on the contrary, that we shall need this population growth in the future to the optimum. But it is a challenge to the future rulers of this country, and I believe that all these assets to which I have referred have a place in the future of this country.

Wild life is very much appreciated to the full by the people of Kenya. They are eaten by game or otherwise—perhaps are maimed or even killed by some of the world, however, in particular, the people of it, our game in East Africa is considered a treasure of rare price, and I think it is well understood that there is a certain amount of money, perhaps it is one of the fruits of the country, when he has satisfied his own interest in the country he seeks pasture now, and I think that this is something of which Kenya can derive the greatest benefit in the future.

There is a very large increase in our national income in the country of approximately £5 million, and we have some 50,000 tourists. This money which has been the source of what has been the growth of the country in the future, and I do not think the people who are worried about this are the people who realize that there is this potential source of our people in this country. It is a potential source of problems and encourage our tourist industry, which could amount to so much in the future. With the money, let us say, says the Minister is troubled by the rhino that she has seen. The great hunters, perhaps, the people who are the hunters. That is true, but our all this tourist industry gives employment to the people of the country. It gives specialized trades such as woodwork, it could produce a boom in the building industry so it could bring back into the country a great many people who have been out of work.

But again we come back to the question of the land available to the rhino. What does the Government do? What is the Government doing to do? The Government is, in fact, doing some work, and I would tell you I would stress the importance to what it is

doing. The first is that it intends to share the benefits of tourism with the people to a far greater extent in the future than has been possible in the past.

Mr. Mboya: A pious hope.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, the hon. Member for Nairobi East says "A pious hope". I hope that he will take back the words when my Ministry has shown him that it is nothing of the sort. We intend to make the controlled area fees set to the African district councils and, perhaps in time, with the concurrence of the Treasury, to lower the licence fees. Members will be aware that on 1st July the whole of Amboseli will be turned over to the Kajiado African District Council. A lodge will be built at Amboseli and the fees from that lodge and from the controlled areas covering Amboseli will go directly to that African district council. There is a similar scheme afoot for the Narok African District Council, and the lodge will be built east of the Mara River. It will be Government's intention to move more and more into asking African district councils to participate in this great tourist industry of ours, because it is perfectly apparent that unless you get the agreement of the African people to the preservation of game it will go, and it is the intention of Government to do this.

Secondly, it is the policy of Government to agree, however reluctantly, that where human interests and game interests conflict, and game cannot be made an economic asset, that it may have to go.

Thirdly, that we should support in the fullest measure our national parks.

Fourthly, as I have already mentioned to the House, that Government intends to draft the Wild Life Protection Ordinance to make more equitable the law regarding game control, so that the African people may be more in a position to control the game whereas at the moment they have to suffer deprecation and can do little about it. And fifthly, I intend to encourage a system of game management rather than pure preservation so that our control itself may be made more effective.

How far does such a policy answer the criticisms that have been brought up in debate? The first point I would like to make is that money is becoming more and more available to these Africans and to those areas that suffer most from the deprecation of game, and through the African district councils I believe it will be possible, as has already happened, in fact, in Kajiado, to start their own compensation schemes

[Mr. Hennings] someone on the other side. However, of course, it is an important exception that the Government has stated that it is aiming to localize the Civil Service and that does come into it. The Commission gives preference, therefore, to local candidates. In 1960 the Commission gave its advice regarding the selection of 1,800-odd candidates and of this number 524 were Africans.

I was very glad to note that the hon. National Member, Mr. Bruce McKenzie, expressed thanks to the Civil Service for their work. I think, Mr. Speaker, that I am right in saying that I have served the Government of Kenya longer than anybody else sitting in this House. If I am wrong, I am ready to be corrected.

Mr. Argwings-Kodhek: Congratulations!

Mr. Hennings: I beg your pardon? Thank you. Then I think both the hon. National Member and the Member for Machakos went on to level a good deal of criticism at one branch of the Government, namely, the administration. I have heard in this House a number of times people talking about the administration as if it needs no training, very little sense and very little education to be a district commissioner or a district officer. I am quite sure that hon. Members know that that is nonsense; that you have in fact to have a lot of training and a lot of education and a lot of sense to be a good administrator.

Mr. Odiga: (Inaudible.)

Mr. Hennings: Administrators are what I am talking about. Now, I think that one of the main reasons that criticism is levelled against district officers and district commissioners is because the people still go to those officers with their complaints and their *shauri* rather than to Constituency Members. I rather think the Constituency Members resent that. It is quite natural but I think we can conclude from that fact that people think that they are going to get justice and a fair deal from their district officers and district commissioners just as much as, if not more than, from their political representatives.

The question was asked if any sort of compensation plan has been worked out. There was an announcement made by His Excellency the Governor that a limited compensation plan to fit in with plans for localization was now being studied. His Excellency made this statement at the annual general meeting of the Senior Civil Servants' Association on 2nd June and he said that the Government was introducing a limited compensation scheme in order to accelerate localization. Details of the scheme will

probably be negotiated with staff representatives and Her Majesty's Government towards the end of this month.

There was a complaint from one Member of the Opposition that graduates from Makerere have been appointed over the heads of African officers previously in the service. I have had that looked into and we cannot find any instance of this happening. But if there is a particular instance, I hope the hon. Member who raised the point will let me know the name of the person concerned.

Mr. Speaker, there were a few matters on the side of defence which I was asked to mention. We were asked whether both Members for Central Nyanza could be given back their passports to make trips to the United Kingdom. I am informally, the answer in the case of one Member, Mr. Oginda Odiga, is "No" and the answer in the case of Mr. Argwings-Kodhek who wishes to go to London or to the United Kingdom to see his family is "Yes".

Mr. Odiga: Discrimination!

Mr. Hennings: The hon. National Member, Mr. Bruce McKenzie, asked a number of detailed questions, on some of which I shall send him a note in writing. There are one or two which I could appropriately answer now. He asked, "Are E scale staff given Government housing?" I think this has already been answered by the Permanent Secretary to the Treasury in the debate on the Supplementary Estimates. The E scale staff gets either Government housing or housing allowance. "Does the Government intend to give education allowances to Government officers at outstations who have to send their children to schools in other places?" The answer is that designated officers are entitled to education allowances payable by Her Majesty's Government. In the case of non-designated officers this has been looked into very carefully and the decision has been taken. I am afraid that it would cost too much. Another question was, "When vacancies cannot be filled by local advertisements, are these posts advertised overseas in countries other than Great Britain?" The answer is that officers recruited from overseas come under the Overseas Service Aid Scheme, so the question of advertisement is usually decided by Her Majesty's Government which usually advertises in only the United Kingdom but may advertise in other countries also.

Mr. Chairman, those are the points of detail. I have two points of a more general kind, which

[Mr. Hennings] I should like to mention. A number of Members—I think particularly the Member for Ukambani—raised the question of development in low potential areas. I have a very genuine personal interest in the development of low potential areas. I was for a long time connected with the African Land Development Board and most of our money was spent in the low potential areas. I think hon. Members must recognize that when money is limited, as it has been limited, as it is always limited, in considering development plans it is necessary to put your money into places where you think you are going to get the biggest return most quickly. That is how you have to start. That has been the basic policy during all the development plans up to date. The Swynnerton plan is a good example because the main weight of the Swynnerton plan, £8 million, the main weight has gone into the high potential areas where a quick return comes out and makes more money which can then be used for the low potential areas. I think we are reaching the stage where perhaps the high potential areas will go forward under their own momentum and the low potential areas will be able to get more of the public money.

However, having said that, I think hon. Members must recognize that a great deal has been done in the low potential areas and my belief is that if the amount of money put into those areas compared with the population and the productivity were worked out, they would, in fact, have had more than their share.

Just one other thing: one or two Members mentioned particularly projects such as irrigation in Machakos District, and so on. A lot of irrigation schemes have been looked at in the Ministry of Agriculture; a great deal of information is on record, but if hon. Members have any ideas for particular schemes for their own areas, the best way to get them moving is to go to the District Agricultural Committee, whose job it is to plan agricultural development in those districts, and I have no doubt that there are ideas of this sort which should be looked at in a lot of districts.

An hon. Member: What about the Tana River Irrigation Scheme?

Mr. Hennings: The present Tana River Scheme has never been an economic scheme and it was never intended to be one.

Mr. Speaker, the question of confidence underlies this whole debate, and a number of Members on the other side have said that the lack of

confidence is due to lack of support for this Government. You have ruled, Mr. Speaker, that we are not to go over this matter at great length, but I would like the opportunity to answer very briefly some of the points made on that subject. It was said by the Member for Nairobi East that they had four times the population behind them on the Opposition side, and another Member said they had 90 per cent of the population. These are gross exaggerations, Mr. Speaker, and they must be recognized as such.

I think that the statements by the Opposition are based on counting the votes recorded at the polls, but democracy does not end at the polls. On the contrary, the essence of the system is that every Member represents every person, man, woman or child, in his constituency. If we are going to start counting up the support behind one side or the other, I think we must do it on the basis of the population in constituencies. Leaving out National Members on this side and the other, (we have seven and the other side has three) on this side, Sir, have 24 constituency Members to 23 on the other side. Now, I have got the best figures I can of the number of people in the constituencies. It is not possible to be precise because there are no exact figures for the town constituencies. But most constituencies cover districts. Making allowance for the town constituencies, and I do assure Members that I have done this quite dispassionately merely as an exercise in statistics—adding all these figures together, the number of people behind Members on this side and the number of people behind Members of the KANU Opposition, where do we get to? We do not get to four times as many, which the hon. Member for Nairobi East says, nor do we get to 90 per cent, which I think some other hon. Members even more wildly said. The figures come out as broadly speaking that there are three-sevenths of the population represented by Members of this side and there are four-sevenths represented by Members on the KANU side.

An hon. Member: On a point of order—

Mr. Hennings: No, Sir, I do not think that is a point of order.

The "population" was the word used by the hon. Member; I wrote it down at the time.

An hon. Member: Wait and see HANARD!

Mr. Hennings: THE HANARD is not always entirely accurate. I wrote down what the hon. Member said.

Now, Sir, it may be asked what right has three-sevenths of the population on this side to take control over four-sevenths of the other. The

[Mr. Mathenge]

the picture of impartiality to these people. There are a lot of people who want to cash in on this atmosphere and they will not be here next year to pay us revenue.

Over the developed land, I do believe that every farmer should be compensated for what he has put in, for the assets on that land, but again he should not try to inflate the price of the land itself, the soil. If there is coffee there, or whatever assets there are, he should get fair compensation for them, but not for the soil. Again, over this one, there is a lot of land where the price that has been paid and the price that is wanted seem to be poles apart and unfair. Therefore, I should like to give at least this assurance that personally I do believe—and I think I would speak for the Opposition on this side—that we want people who want those farmers to live here, those who want to develop their land and who will contribute to the revenue of this country and who are prepared to live in this country. But those others who are only trying to cash in on their position to try and get some money out of Kenya or to try and get out of here or who hate the very idea of ever having an African Government—and there are some of them—are the people we should deal with.

To leave that subject, Mr. Speaker, I would come to the other problem of Kenya's future role in East African affairs. I should like to make a comment here, Mr. Speaker. I understand that on 19th June there will be a conference in London and at that conference you will have all the Government of this side, the Government of East Africa and from Kenya you will have His Excellency the Governor. The Leader of Government Business and the Leader of the Opposition have been invited also to take part in this. I agree that this is a matter that should not be a party matter; it should be looked at as a matter that concerns everybody who is in this country.

To go further, I do believe that the exercise we have been having for the last two months in this House, either as Government or as Opposition, has not been beneficial to Kenya at all. Mr. Speaker, I think the time has come when we must take some bold action one way or another to try and rectify this awkward situation which has existed here. In every territory in East Africa, other than Kenya, you have an Opposition and you have a Government. But in these territories you have a proper Government and a proper Opposition. The minorities are always the Opposition. Here we have got a ridiculous situation, when you look at it from the African angle, as far as the two parties are concerned. I do agree

there is a majority of people on that side but, when you realize that Kenya is going to be run primarily by Africans, I think we should put a lot of weight on who represents the African people. Here you have a ridiculous situation with all of us people on the Opposition side being KANU Members and on the Government side a minority African party, although a majority group with the other races.

The Speaker (Mr. Slade): You will remember, Mr. Mathenge, that I have ruled that we cannot go very far with this matter which we did debate on another occasion.

Mr. Mathenge: Mr. Speaker, I only wanted to make one comment, that I do think there are still chances to save this awkward situation and I do think that those chances are coming very soon. I do appeal to every Member who is in this House, who I do think for the future. Mr. Speaker, why I raised this matter is because of these stories we hear from Zanzibar, the Congo and other places. I do feel very strongly, Mr. Speaker, that unless we are careful, whatever we might be, either on the Opposition or the Government side, we are going to create an even bigger chaos here in Kenya. We are just planting the seeds now. I do not think that we can arrest that current.

To go to my last comment, Mr. Speaker, His Excellency mentioned that he thinks there could be changes in the constitution made not through a conference but by the Government or the Ministers. There definitely could be something like that. But if there are going to be any major changes in the constitution of this country I think it is this House, Mr. Speaker, that does represent the whole of this country; and I think it is this House that should be consulted when these changes are made. I do not think we have come to the stage here, that is, Tanganyika was last year. We have not come there, to that stage. I do not think we have come to the stage Zanzibar is at now constitutionally. I do not think we have come to the stage at which Uganda is. I think, at this particular stage, this House should be the main medium for consultation and discussion; whenever constitutional matters of major importance are being considered that concern this country everybody here should be represented.

Mr. Speaker, I do feel that this Budget should have been bolder. I do think that we are required to think much more now of the future, not of just balancing our accounts but of the steps we are going definitely to take in the reforms we are in various fields.

I support the Motion, Sir.

Mr. Hengge: Mr. Speaker, Sir, I am sorry to tell the House that due to indisposition the Chief Secretary cannot attend today and I have here a few points which he was asked to answer.

First of all, I should like to congratulate the hon. Member for Nyeri who has just spoken on the best speech which I have heard from him. I have heard a number of others and I am not always one of the hon. Member's admirers. However, today I thought he made a very good speech. There was just one point where I think there was some contradiction. He implied that we in this House had been rather wasting our time for the last two months. In fact, of course, it is, I think, a little under one month, although it seems a very long time, that we have been here! He then went on to say that any constitutional changes which may come forward should be debated in this House, implying that this House has a very great value. As he said, it does represent everyone in the country. Mr. Speaker, my own view, having sat and listened to practically every Member in this House holding forth at great length, is that the work we have done in this House over the last month has been of the greatest value because it has shown that people from all parts of this Colony and from all communities can discuss really important matters in a parliamentary way and gradually get towards some sort of solution. This, I think, is a very important and encouraging thing.

The points which I have noted, Mr. Speaker, were raised mainly by the hon. Member for Machakos, Mr. Nihenge, and by the hon. National Member, Mr. Bruce McKenzie. The hon. Member for Machakos made a number of statements which he then immediately had to withdraw. I do suggest to the hon. Member that he should be a bit more careful about what he says. An example of that was when he referred to the limitation of credit to Africans. I think the hon. Member should withdraw that remark as well. The fact is, as he ought to know, that The Credit to Africans Ordinance was repealed in 1960; Ordinance No. 11 of 1960 repealed it, so he was wrong there too.

The hon. Member for Machakos wanted information about the newspapers published by the Ministry of Information. I have some circulation figures here and I think they are really rather good circulating figures. The Coast newspaper, *Saut ya Pwani*, at the beginning of 1958 circulated something over 16,000 copies. It is now circulating in the first quarter of 1961 32,000 plus. *Motema*, the Kikuyu newspaper, started off with a circulation in 1957 of 16,000 and it is now over 55,000; that is a big

circulation. The Kalejin newspaper started off with a circulation of 14,000 and has gone up. I beg your pardon; it has gone down; the Kalejin one is now something over 10,000. *Astua*, which is the particular paper that the hon. Member for Machakos mentioned, written in Kibamba, in the first quarter of 1958 sold 9,653 copies. In the first quarter of 1961, three years later, it sold 37,246 copies! Now, this does not bear out what the hon. Member said, that nobody will read this paper because they think that it is nothing but Government propaganda. In fact, the circulation has gone up from 9,600 to 37,200. The *Nyanza Citizen* is now circulating at over 20,000, that is, *Nyanza Citizen* (North) and *Nyanza Citizen* (South) is circulating over 23,000 copies. These are all published by the Information Office, African Newspapers, and it is clear from that circulation that they are filling a need, and I think we should remember that probably every copy is read not by one person but probably by four or five.

The Chief Secretary was asked to provide information about the Civil Service Commission. The constitution of the Commission is set up by Ordinance No. 62 of 1954; a chairman, a deputy chairman appointed by the Governor, the Director of Establishments, three other members appointed by the Governor after consultation with the chairman on the staff side of the Whitley Council. Consideration is being given to changing this constitution but this will mean a change in the law. The normal procedure followed by the Commission in making appointments was described fully in its report for January-June 1955. Very briefly, there is usually a first selection board which has departmental representatives on it. They weed out the candidates and then the whole list goes forward again to a second selection board who make recommendations to the Commission. The Commission makes its recommendations to the Government. In every case, notes are made on all candidates although they may not all be called for each meeting. Since the Commission has recently assumed responsibility for advising on the filling of most of the higher promotion posts in Government service it is often neither desirable nor necessary to interview all eligible candidates because reports are available going back over many years on all Government servants in the higher ranks. In considering the selection of candidates the Commission takes into account merit and suitability in the manner of qualifications and experience for the particular appointment under consideration. It does not give weight to questions of the candidate's tribe, colour, religion, or nationality which, I think, was suggested by

[Mr. Mathenge]

have got to be tackled. He mentioned, in particular, the problems of the constitution, unemployment, "landlessness," the situation that we have had with money going out, and our economy going down, and various other problems. But on this one I always thought, Mr. Speaker, that a Budget is an occasion whereby the Minister or Ministers concerned indicate Government policy and what they are going to do to help the economy or to prop it up, or to do this or that in the various fields. Now, Sir, in this Budget we have very little of that. I appreciate, of course, that most of the Ministers on the opposite side were not present last year and that they have only just come in. Possibly some of their suggestions may not have been taken into account while framing this Budget. But this is the Budget of a weak Government. It is a Budget which did not want to tackle the economic problems boldly, to show us the solutions on the lines that we should take. For example, on unemployment, we know of a sector of people who would be called unemployed today just because they happen to be dislocated; in the land consolidation scheme they either did not get land or they did not get enough. We know that unemployment is caused by the fact that many people who were in detention have come back and they do not have jobs. That is not an unknown thing. But we also know, and I think I read this in today's newspaper, that there are many people who are suffering, also, in many of the other parts of the districts. What is going to be done about this? I do not think we have heard any definite indication as to what programmes the Ministry of Finance and Development is intending to carry on immediately. They talk generally, of course, as Ministers of Finance have been speaking in the last 10, 20 or 30 years in Kenya, but, as I said, this year is a rather special one. We should have had an indication, is there any special programme apart from just being told that £6,000,000 is coming from Her Majesty's Government, or £12,000,000 or some other figure? We would like to know how this money is going to be used. How is it going to relieve unemployment? Who is going to benefit? What percentage of the people would benefit from this scheme or that scheme or the other scheme?

Coming to the land schemes, we have heard a lot of talk in Kenya today about land schemes, land titles and so on. At first, we started, I think, with yeoman schemes; now I understand there is a peasant scheme. Soon, maybe, we shall have the landless' land scheme or maybe another scheme. I understand that the organization called KADU is the one that is the main spring of

ideas and thought on the Government side which I do not believe, in their manifesto which I have here, Mr. Speaker, setting out their policies they talk of land reform; they talk of land schemes here and there scattered all over the country which will not have the impact that we want this land reform to have in the country; I do believe that the schemes we have now are inadequate; they are not comprehensive enough. I think that, when you say someone will have to say £10 or £20 as a token first before getting a 50 acre piece, this is haphazard. You are not considering his conditions. Will he be able to produce this? Is he the right person to go there? Is he the person that will reduce the weight of landlessness and frustration for the area where he is coming from? I think what is called for here is proper land reform, major land reform, taking all the aspects of the economy in the country and also the political conditions into account. That would not only deal with the White Highlands: we have Crown lands here; we have got game reserves. It is time we started asking the Minister for Tourism to find out whether he requires all the land that he is using now for these animals. We want money, of course, from tourism, but are there means whereby we can reduce the area of some of this land and use some for agriculture, for resettlement, and increase the facilities or the attractions that are required by tourists? I think we should go into that, I think, Mr. Speaker, what is called for here is a full planning programme. I understand from the Minister for Finance that a mission from the World Bank is coming here this year. I only wish it had come last year, I wish it had come earlier. What we need now is a plan: a definite plan over a definite period which will tackle unemployment, landlessness, tourism, all these things, and will plan our economy. I understand that KADU as well as KANU, who are represented on this, all believe in planning. I should like to know whether that is the trouble on that side, whether some other Members do not believe in this, because I hear some of them talking of free enterprise complete and unfeathered. Do they really believe that we do not require a certain measure of planning in this country? If they do believe that—if some of them do believe that—then you do not have cohesion on that side. You do not have a Government that will last long.

I think, Mr. Speaker, to come to some details, that there are two items in the Budget which I am interested in and I wish the Minister for Finance were here. One was the excise duty that has been raised on the matches produced by

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the Mombasa Matches Company. This company, or this factory, which is just a fledgling—is just beginning—is almost desperate. They talk, in fact, in terms of closing down. I understand the general policy is to encourage local industry. If that is so, I should like the Ministry to look into it and see whether they cannot give them an advantage over the imported matches.

The second detail I want to mention is, from sheets. I am particularly interested in this, because in my own district people are trying to build better houses and what they use are corrugated iron sheets. They cannot buy the heavier stuff; they depend on light aluminium sheets. If the duty is increased, as it has been increased, this, of course, will make it difficult for that margin of those people who could have afforded they had they not been at that particular price. The local aluminium iron sheets in fact are more costly than the imported ones. I should like to ask the Minister to go into this and find out if there is any way, either by reducing the price of the local ones or by reducing the rates over a certain sector, over a certain type, of these sheets, the light ones, of encouraging these people to build better houses. These people, of course, represent a very large section of the population in this country. They are not only in my district; they are everywhere. You find them in Nyeru, you find them in Central Province, you find them at the coast, you find them everywhere.

Now, to leave those general comments, Mr. Speaker, I should like to come to make some comments on the Governor's speech. The first comment I should like to make is this: The Governor said that, he believed, and that the Government believed, that Kenya could be an African country, which flourishes because the Africans here have full dignity and the people of the country of all races, tribes, creeds and communities would be welcome to play their part in its life. The only question I want to ask on that one is, how do you have dignity when there are still some people in this country who are interested in maintaining segregation? From the speeches that we have heard from the Ministers on the Government side, I do not think they are putting enough push into the measures that are required to tackle these theory measures that are required to tackle racial discrimination and that sort of thing in health, in schools, in this, that and the other thing. I should like to know if they are prepared to do something more now. You know this is the time. Either we take a stand now or later it will become a worse problem that maybe we cannot tackle. That will be the time when

you have dignity, when everybody in this country does believe that he is an individual, a citizen of this country, and does not regard himself as an African, an Asian or a European. I know it will take time but I do not think we are putting enough energy into trying to solve this problem.

The other point I should like to mention on this speech is the order of the problems that His Excellency mentioned: as being the main problems in Kenya. The first was on "Restoration of confidence and reinvigoration of the economy". There is a lot of talk in the Press these days, comments on what statements are made by various Members, whether they help in restoring confidence, whether they do not help. And one of the comments that is made by some of the Members—and I am one of them, Mr. Speaker—is on land and land titles. I should like, Mr. Speaker, to take this opportunity of mentioning what I do believe would be the settlement of the land title problem. Land titles do exist but many members of the public seem to have got a wrong impression from the Press that there are no land titles; that there are some people who are looking for land titles. I think what they are looking for are guarantees, so that they know that that title that they have does have value, that it is recognized, that it is respected. I think that is what is being looked for. What some of us do say, and what I have said in the past, Mr. Speaker, is that land in the White Highlands could be classified into three categories: developed, underdeveloped and undeveloped or virgin land. Underdeveloped land, I think, would be about 50 per cent of the total land in the Highlands; underdeveloped would be maybe another 30 per cent. It is the 20 per cent of undeveloped land that we sometimes refer to and we say that there is no reason why there should be any money paid, either by this Government, the Kenya Government, Her Majesty's Government, or the African farmer or settler who is going to settle in that land, for this land, other than what was paid originally, because nothing has been put into it.

Over this undeveloped land, I think there are some individuals in this country who are trying to boost up or inflate the price or the value of this land. If it is these people who we feel are not sincere. They do not want to live here. All they want is to get some money one way or the other, either from Her Majesty's Government or from this Government or from ourselves, and then quit. I think these people should be paid for their land as compensation on a value that is assessed fairly by some impartial body. It might be a Government body but it should present

[The Minister for Health and Social Affairs] justification that the European and Asian communities are receiving specially favoured treatment in the matter of assistance from public funds.

An hon. Member: They should be open to all races!

The Minister for Health and Social Affairs (Mr. Mate): Sir, hon. Members claim that it is high time the hospitals in receipt of financial assistance from the Government were open to all races. This is not a simple problem as the hon. Member seems to think. It is perhaps not so much a matter of racial prejudice as to the ability to pay for amenities standards for accommodation in those particular hospitals. The readiness of the communities to help themselves has already been explained. It is not fair to allow existing hospitals and services to suffer by ill considered and hasty action, and in this respect, too, I hope in due course to have the benefit of recommendations by the proposed Commission. Moreover, I am quite sure that the various hospital associations are alive to the problem, and I hope that they will give the matter their urgent attention.—(Interruptions from Opposition Members.)—Sir, hon. Members on the Opposition seem to be so interested in this, but I do not see why they should interrupt. I have said, Sir, that a Commission, as widely representative as possible, would be set up to go into the whole question, and just not one part of the question.

Mr. Mboya: Is that what you thought while you were on this side?

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, I did not think differently on that side, and I do not think differently now.

Mr. Speaker, Sir, several other hon. Members stressed the need for more and bigger hospitals and for better uniforms, bedding, and so on. Sir, the Ministry is well aware of the need but the more rapid development is held up simply for lack of money, both capital and recurrent. I am hoping to get some extra money from the additional amounts to be made available by the generosity of Her Majesty's Government, but I must emphasize that it will not go far towards supplying the country's needs in the field of health. The real answer lies in the restoration of confidence and an expanding economy.

In the meantime, Sir, I wish to pay a tribute to all staff of the Medical Department who are doing a first-rate job in very difficult financial circumstances.

Mr. Mboya: Who wrote your speech?

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, the hon. Member wants to know who wrote this speech. I do not know who writes his speeches!

The hon. Member for Mombasa West made a complaint about treatment received by a patient in Mombasa. If he will let me have the details of the case I will enquire into the matter.

Sir, during discussions on the second supplementary estimates for this year, the hon. National Member, Mr. McKenzie, who I see is not here, asked a question about private practice by Government medical officers, and I propose to take this opportunity to answer it. The position is that private general practice by medical officers is permitted in those areas where there is a lack of non-Government general practitioners. Private practice by Government surgeons and consultants is permitted in cases where the patient is referred to the medical officer concerned by another doctor and the privilege is confined to officers who have certain special specialist qualifications or are holding certain specified posts in the service. In the case of private general practice, where permitted, the whole fee is retained by the officer concerned. In the case of surgical operations and consultations, one-third of the fee is paid into Government revenue and the balance retained by the officer himself.

Sir, the hon. Member for Embu, my hon. friend Mr. Nyagah, referred to the Report of the Committee on the Role of Medical Missions and accused the Government of having done nothing about it. I know that the hon. Member was a member of that Committee. Sir, the report was published with the Government's comments during the current financial year as Sessional Paper No. 3. Most of the recommendations require, for their implementation, an increase in the amount of funds available, and I do not know what action the hon. Member thinks the Government could have taken in the short time since the Paper was laid and its present financial circumstances. However, the hon. Member's recommendations are in course of being established and the capital grants to mission hospitals for which provision is to be made next year, total £8,000 and are detailed on page 61 of the current grants at present remain unchanged at £50,000. If, as I hope, additional funds for Health are made available, I will examine the desirability of making increased grants, both capital and recurrent, for mission hospitals. I can assure the hon. Member that this is a matter, the importance of which is recognized in my Ministry.

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Mr. Speaker, I would like to conclude by referring to the remarks made by the hon. Member for Nairobi East about the European community generally. As I said before, civil servants in this country are not serving one single community and the feeling I have, as I mentioned earlier, is that as far as the expatriate civil servants are concerned, I would agree with the Prime Minister of Tanganyika, Mr. Nyerere, that we shall need the services of many of them for a considerable time to come.

Mr. Mboya: On our terms!

The Minister for Health and Social Affairs (Mr. Mate): However fast, Sir, we press on with schemes for localization, we shall need them; certainly, on our terms, but I hope that those terms will be human.

Mr. Speaker, Sir, it is my sincere hope that the professional men of my Ministry who have given, and who continue to give, such first rate service to this country, will stay on after independence, and will not be deterred from doing so by the actions and statements of the Opposition or any other leader of this country, because it will be undoing what has already been done. Mr. Speaker, I am not here to harbour any people who feel that Kenya is not the place they could live in, but I am interested to make sure that those who mean to build Kenya, and do it successfully, must not be embarrassed or harassed by irresponsible statements by any Member of this House.

Mr. Speaker, Sir, I beg to support.

Mr. Mathenge: Mr. Speaker, Sir, I would like to start by making just one comment on what the last speaker, the hon. Member for Meru, said. He talked of a Commission. I do not want to go into the details of what he is doing in the Ministry because I think he is just learning how to run that Ministry, but I want to make this comment. If there is going to be a Commission, and if he is prepared to shoulder the full responsibility, then why does he not tell us the time that this Commission will start its work; how long it will take, and how soon he thinks it will produce results. The Ministry of Health, the Ministry of Education, is one of the areas of conflict; it is the one Ministry, plus the others, which brings up all the racial feelings in the minds of the people of this country. Here is a job which I think we should tackle quickly. I would very much like to know how soon this Commission will start to work, what its terms of reference would be, what measure of authority it has, and how soon it will produce results that we can work

on. But instead he gave us a long story of what he is doing, retaining the *Maitai* story.

Mr. Speaker, Sir, I would like to submit here that the year 1961 is a year of change. It is not a year—whereby we learn all the old tricks—and continue with them. I think in this year of 1961, whether you have the Government which we have now or whether you have a Government composed of Members on this side, you will require to take bold action quickly in every Ministry, and we should not be afraid to take it. Otherwise we will be leaving a legacy that will make it very difficult next year or the year after for those people who will be running this country as an Independent State.

I would like to put another question to the Minister for Labour and Housing, and I hope that he will be able to answer it when we come to Supply. In the Central Province you have a housing problem. During the Emergency people were transported into villages and now they are going back to their own consolidated plots. These people have got two difficulties. They want to move and they want to build decent houses, better houses, and I agree with the Minister in his attitude that we should try to encourage these people to live in conditions that will ensure health and be a safeguard against epidemics and those sort of things, that they should have windows in their huts, that they should have a separate kitchen, and a chimney, I agree with that. But they have a difficulty. These people are poor; many of them are very poor. They are willing to do this, but they have not been given enough time to move. I would like the Minister, the next time he gets on this Head, to tell us whether this is being considered and give these people more time to build. Also give them plans. There are certain plans which have been made already. Somebody has got to say, "Well, this is the sort of house I want, and those plans are A, B, C, D, E or F". They are not allowed to exercise their own aesthetic instinct as to the sort of house they would like. I am not quarrelling about that, but I think there is still room to bring in two or three other plans that would be cheaper to build, for those who are poor and for those who are old. I hope the Minister will look into that.

Now, to come to my own remarks on the Budget, my own colleagues have tackled the various heads and subjects. I would like to make just a very few comments, mainly on the general attitude to the Budget, and on His Excellency's Speech.

The first comment I would like to make is this. When His Excellency was speaking in this House, he mentioned certain important problems that

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Nakuru Town can see that that is a practical impossibility.

Now, Mr. Speaker, Sir, I should like to speak briefly about the health centre programme. During the current development period the Government will continue its policy of assisting local health authorities and of developing health services in those areas where local government bodies are not yet local health authorities. There are areas like the Northern Frontier Province and other places where local authorities do not exist, and a sum of £30,000 is being made available for this purpose, of which £27,000 is being contributed from the Colonial Development and Welfare Fund. Of the total sum, approximately two-thirds will be utilized in developing health centres and health sub-centres in non-local health authority areas; and one-third will be devoted to encouraging further growth of health centres in local health authority areas—mainly African district council areas. Of the total sum it is expected that about half will be expended during the 1961-62 financial year. It is expected that development will proceed at the rate of 15 to 20 health centres per year. At the end of 1960 there existed 106 health centres and it is hoped that a further 23 health centres together with 6 sub-centres will be built during 1961. In addition, there are mobile health units operating predominantly in the pastoral areas.

A grant from the Rockefeller Foundation of £50,000 will be utilized to build a national reference health centre at Karuri in the Kiambu District to train staff in the principles of social medicine; to evaluate the part played by health centres in improving the health of the people; and to perform research into the future role of health centres. The definition of a health centre is that it is an institution where all three branches of the health service, curative, preventative and promotive, are co-ordinated, and from which they radiate out into the homes and community. The word "health" is defined by the World Health Organization as "a state of complete physical, mental and social well-being, and not the mere absence of disease or infirmity."

This programme, for the development of the maternal and child health services, receives considerable assistance from the specialized agencies by way of materials, and the World Health Organization, by way of professional personnel.

Mr. Speaker, I now come to the thorny question of hospital fees. Hon. Members will see from the general note on Vote 24 that provision has been made for an increase in hospital and dispensary fees. The actual increases which are to

be introduced as from 1st July, this year, are as follows. In-patient fees: Adults at King George VI Hospital, and the Coast, Province General Hospital, Mombasa, will pay Sh. 20 instead of Sh. 15, irrespective of the length of stay. The charge for children, that is anyone up to the apparent age of 16, will remain unchanged at Sh. 5. At all other Government hospitals, where fees are charged, the fee will be raised from Sh. 10 to Sh. 15, while the fee for children will remain unchanged at Sh. 5.

As regards the out-patient fees, the charge for one week's treatment for each illness or disease will be increased from Sh. 3 to Sh. 5 in the case of adults, while for children the fee will remain unchanged at Sh. 1.

I should mention that there are certain hospitals where, owing to a general inability to pay, no charges are made. These are all hospitals in the Northern Province, including Isiolo, Kapenguria in the West Suk District, and Kipini and Galole in the Coast Province.

Mr. Speaker, I am well aware that the payment of fees at Government hospitals and dispensaries is a contentious matter, but it is one which is not always seen in the correct perspective.

Mr. Mboya: Mr. Speaker, on a point of order, you ruled previously that the word "Shame!" should not be used in the House. I wonder what word we can use when we consider that the programme put forward by Government is shameful.

The Speaker (Mr. Slade): It is not necessary to make any interjection at all.

The Minister for Health and Social Affairs (Mr. Mate): Thank you, Mr. Speaker.

Firstly, Sir, it is necessary to explain the position in which the Ministry found itself in drawing up its Estimates for the coming financial year. Owing to unavoidable increases on some items, it was necessary to find ways and means of making economies in various directions in order to maintain net expenditure at its present level. When every possible economy had been considered and taken into account there was still a gap of some £60,000. There were only two alternatives, the first to reduce services by closing a number of hospitals which I am sure no hon. Member in this House would support, and the second to increase the Ministry's appropriations—aid by an increase in fees. It was considered that the latter course was the correct one to pursue.

[The Minister for Health and Social Affairs]

Sir, as regards the opinion which is often expressed that the payment of hospital and dispensary fees causes hardship, I wish to point out what a very small proportion of the total cost is recovered by way of fees, even at the increased rate which I mentioned, and which will be in force from 1st July. To take the case of the King George VI Hospital as an example, it costs about Sh. 25 each day to maintain a patient there. As the average length of stay is in the neighbourhood of three weeks, the total average cost in respect of each patient at that hospital is between Sh. 500 and Sh. 600, and against this, Sir, as I have already explained, the patient will have to pay Sh. 20 for his complete stay in hospital, including all medical and surgical attention. In fact, it can be claimed that it is cheaper, in many cases to live in a Government hospital than to stay at home. These are the responsibilities which the Government accepts in order that the health services may be maintained.

Then there is the question of exemption. Again I do not think that this is properly understood by many people. I have already explained that in certain areas of the country where the inhabitants, as a whole, are less than elsewhere, no hospital fees whatsoever are charged. I am sure that hon. Members in this House are aware of that fact. Sir, in all other Government hospitals where fees are charged, instructions are in force to ensure that no person genuinely in need of treatment is turned away by reason of inability to pay. At the present time the Department's estimate of revenue from hospital and dispensary fees makes allowance for some 7 per cent of exemptions on the grounds of poverty. In the draft Estimates for the coming financial year, in view of the increase in fees, the proportion of these exemptions has been reckoned at 17 per cent. I do not think that, taking all these circumstances into account, anyone can justifiably claim that fees at the level proposed can cause hardship, especially as there is this provision for exemption. I would ask all hon. Members in this House to make this as clear as possible. Sir, that this provision for exemption is there, and that nobody should be turned away on grounds of inability to pay.

Mr. Speaker, Sir, this is the position so far as the financial year 1961/62 is concerned, and I accept that in present financial circumstances the decision to increase the fees rather than to reduce services was the right one. Nonetheless I am considering the desirability of setting up a Commission of Inquiry to examine the whole field of health policy, and should it be decided to set up such a Commission, there is no doubt

that one of the matters with which it would deal is the payment of fees in hospitals.

The Speaker (Mr. Slade): Mr. Mate, if you have not been allotted more than half an hour, you must finish your speech now.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, I have been allotted more time.

Sir, there are other matters of policy requiring attention concerning the whole of the health services, and many of them are interrelated and involve difficult questions of finance, and I am certainly inclined to the belief that these problems can best be examined by a strong and widely representative Commission, including the matter mentioned by my hon. friend the National Member, Mr. De Souza. The Commission would have freedom to survey the whole field of the health services as they affect the whole country and the citizens of Kenya.

The hon. Member for Nairobi Central referred to the grants made from public funds to the European Hospital Treatment Relief Fund and to the Asian and Arab Hospital Treatment Relief Fund. This question was debated in December, 1959, when the Asian and Arab Hospital Treatment Relief Fund Bill was before this Council. The then Minister for Health undertook to examine the feasibility of a non-racial hospital fund and as a result of that undertaking a good deal of information has been collected by the Ministry and much thought devoted to the problem. There are obvious financial difficulties in applying such a scheme to the African community at present, and this is one of the matters which I should like to refer to the proposed Commission of Inquiry.

I wish, however, to make the point that the grants to these two funds, just like the £ for £ capital grants made to various hospitals and hospital associations, are designed to stimulate self-help by the communities concerned, and have indeed had that very effect. For every £1 paid from public revenue into the hospital funds, £4 are paid by contributors of the communities concerned. The various European hospitals in the country, and other hospitals such as the Aga Khan Platinum Jubilee Hospital are notable examples of community self-help, and have made considerable contributions towards the problem of providing hospitals in this country. Those who use the basic services provided by the Government or the State—and it is for obvious reasons Africans who do so—have heavily subsidized from general revenue as I have already mentioned in connection with the charging of fees in the Government hospitals, so it cannot be said with

[The Minister for Health and Social Affairs] Labourers, including the hon. Member. The situation is altering for the better and not for the worse. I feel that there are many members of all communities in Kenya today who are building a common spirit in Kenya. However, the hon. Member has explained his remarks, and I thank the hon. Member for giving the explanation, but I feel he could go further. It is not a question of communities as such but that the individual should count in Kenya politics.

Mr. Mboya: Should count, yes!

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, I am not speaking in the past. I am speaking for today and tomorrow.

Mr. Speaker, I feel that the other point is apt to confuse politics, nationalism and religion, and the remarks that have been made by the hon. Member for Central Nyanza. Mr. Odingsa, have aroused feelings in this country in certain quarters. With your permission, Mr. Speaker, I would like to quote what appeared in the *Nation* the other day regarding the remarks made by the hon. Member for Central Nyanza concerning the position of our most distinguished politician, Jomo Kenyatta, in connection with his title. In the *Nation* it is reported here that on Tuesday, 6th June, one of the church leaders, the Rev. John Gatu of Kiambu, made these remarks: "Remarks by Mr. Oginga Odingsa that Kenyatta is the Africans' second God made at Nyeri and repeated at a Bahati meeting at the weekend have been sharply criticized by the Presbyterian Church of East Africa. This Church strongly objects and condemns the idea of Mr. Odingsa that Kenyatta is a second God." Sir, if I may be allowed, the feelings—of the various communities in this country, whether they be church groups or other groups, should be respected by every leader.

Mr. Odingsa, Sir, on a point of explanation, it would have been better that the hon. Member should have read this morning's newspaper.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, I am sorry I have not read the paper this morning. If I am out of date I hope that the remarks in the paper this morning mean the same thing that I am saying now. If they do not then I feel that this kind of confusion that the hon. Member for Central Nyanza wants to create is made in order to confuse the people of Kenya as to the distinction between nationalism, religion, and politics. I feel it is time that the hon. Member told us what his political philosophy is, what he believes in as far as this country is concerned, so that we do not confuse the public to the extent of not knowing where we stand so far as he is concerned.

Mr. Speaker, Sir, I maintain that this country of Kenya owes a lot to the various missionary bodies of all religions who have come into this country to build various things—education, religious and others.

Mr. Odingsa: On a point of order, Sir, is the hon. gentleman strictly correct when he has admitted not having read my reply, yet he continues to charge me as he does?

The Speaker (Mr. Slade): The hon. Member is correct in expressing his opinion and in disagreeing with those whom he believes have another opinion in so far as he may be imputing your opinions which he has not understood correctly, there will be an opportunity of correcting him, and he is not bound to read every newspaper every day.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, do not say that the hon. Member is not a nationalist or that he does not understand politics, or that he is not a politician, but that he is confusing the public in this country. He is confusing the nation. Organized and recognized church bodies are hearing things that might hurt the sentiments and the feelings of the people of this country, people who understand the difference between politics, religion and nationalism. I feel that he has succeeded in creating a measure of that confusion, which the country should understand. I hope that the so-called remarks in the newspaper today will put the situation, so far, as my information goes, correct, so that the various spheres are separated. These are three separate things, Mr. Speaker, and I feel that we must begin somewhere; they are heretics—

Mr. Odingsa: Preconceived!

The Minister for Health and Social Affairs (Mr. Mate):—and, if they are preconceived I do not know what the hon. Member wants us to conceive now.

Mr. Speaker, Sir, I may go to another particular point and say that I regret that the hon. Member himself owes a lot to the missionaries who taught him during his education, which no other body could have given, and he should not give them a sort of kick like that when he knows very well that he is only improving something quite different. I do not know what.

Mr. Speaker, Sir, if I may come to the remarks of my hon. friend the Member for Fort Hall, Dr. Kiako, which he made at Kangema in Fort Hall. I agreed with a lot of what he said, but at the same time the hon. Member went on to tell the Audience that he would ask the hon.

[The Minister for Health and Social Affairs] Member for Kilifi, the Leader of the Government, to resign from the Government. He went on also to say, teaching the meeting some English, that they should reject the action taken by me in joining the Government. Would the hon. Member like to take over and form a Government? Is he prepared to form a Government for this country, and if he, as I know, is keen to see that this country progresses, then surely the thing is not to go and advise the public and teach them some English, that they should not co-operate with the Government. Does he mean that we should stop building schools and doing anything? I feel that the hon. Member may have been playing politics but at the same time, as I respect him very much, I feel he was going a bit too far, and I feel that the Government today are fulfilling a most important role in this country, and what we would all welcome is the active co-operation of the Opposition. There are a lot of non-controversial issues in this country that ordinary Members of this House can face together for the good of our country, and we could get there so quickly with their constructive support.

Mr. Speaker, I am convinced that unity of purpose in this country is the key to our progress. Unity of purpose, our independence, our freedom, is not something that is the property of any single political party, and I would appeal to the hon. Members of this House, and to the country, that we should look for unity and try to solve our common problems together, rather than try to create unnecessary differences when they are not necessary. I believe, Sir, that after Lancaster House, Kenya was given the road or shown the way to independence, and it depends on us altogether how soon we get there. I believe that any co-operation, any unity, that can be achieved is of the greatest importance.

Mr. Speaker, turning to the Medical Department, and the health services in this country I propose to make a general review of the policy in the Ministry and the programme today. Also I shall mention the achievements and the hopes that my Ministry have in the way of health measures in this country, and at the same time I shall deal with points raised by my hon. friends in this House as much as I can.

Mr. Speaker, Sir, firstly a word on training and localization, a matter dear to the hearts of all hon. Members. I hope The Ministry of Health has a medical training centre in Nairobi and training is also done at the various provincial hospitals and also at the district hospitals, and others. The Ministry's record in the way of

training for localization is second to none. Our general policy is to provide as much training as possible locally and thereby to reduce to the minimum the number of students that have to be sent overseas, which is very expensive. At present we are able to train locally nurses, K.R.N., assistant nurses, entomological field officers and assistants, health inspectors, pharmaceutical assistants, laboratory assistants, assistant radiographers, assistant health visitors, orthopaedic assistants, health assistants, and X-ray assistants, while doctors who aspire to go out for higher qualifications, such as F.R.C.S. and M.R.C.P. can gain the necessary practical experience here at King George VI Hospital; thereby reducing the length of time they may have to study in universities or colleges overseas. Arrangements are now being made for the local training of fully qualified radiographers and health inspectors. In three years' time the training should produce sufficient registered nurses to supply the annual needs of our established hospitals, and, Sir, I intend to explore the possibility of establishing a medical school in Nairobi for the training of doctors. I am sure that the House will agree that sooner or later such places as Makerere, or other colleges overseas, will not be able to absorb all the students who might aspire to become doctors. At this time we should prepare for such a medical school or university college here in Nairobi.

There are many other problems to be faced, and they will be faced as soon as possible.

Mr. Speaker, Sir, despite all these developments in local training, there is a great need for funds for overseas bursaries and fellowships to accelerate the process of localization, and a point about training overseas was raised by the hon. Member for Nakuru Town. If I understood him correctly he was putting in a plea that some hospital assistants should be assisted to qualify as doctors. That, Sir, is a practical impossibility because of the lower educational standards of the hospital assistants. As from 1962, Makerere will require Higher School Certificate from those seeking to study medicine. The Ministry has, however, a comprehensive programme for sending a considerable number of suitable officers overseas in the next three years, to obtain specialist training in medicine and surgery, to train as health visitors, pharmacists, sister tutors and so on, and the Government is hoping to obtain substantial assistance from the United Nations Technical Assistance Board in financing this programme. But on the question of hospital assistants, I am sure the hon. Member for

Mr. Mboya: Mr. Speaker, Sir, this is a very unfortunate incident and I think the less it is approached with emotion the better, on both sides. It is not the first incident of its kind in South Nyanza, nor in other areas that have common boundaries with the Masai. I think it is not a question of being against this or that tribe; it is a question of finding out what is going to be the best basis on which the tribes bordering on the Masai area can live with the Masai peacefully. There is Ngong, there is the Akamba and now there is this one. It cannot always be the others always being wrong, nor can it be always the Masai being wrong. I think rather than the hon. Member speaking with emotion about it what we should press in the Government is that this whole question of boundaries and things like Area A and Area B in South Nyanza should be very much dealt with and finalized; and the tribes that are involved or the Bakuria, the Luo, the Kisii, the Masai, in these areas with the leaders from both sides, both parties, all the leaders that can help find a solution should be brought in so that there are not such unfortunate incidents in the future. However, I do not think it helps for this or that tribe to boast of its strength, its might, or its ability to fight and so on.

I think too, Sir, that the Government is skating on thin ice when they think that the mere order that people should not go after stock thefts is going to be enough. The person whose stock has been stolen very often finds it very difficult to sit aside or to run to the police station instead of following the thief. The natural inclination is for one to go after one's stock. So I think the Government should look into this question much more than just giving an order.

I also do not think it is enough merely to establish more police posts because this is a very temporary sort of solution. The best solution is to examine the whole question of the boundary relationships in these areas.

Mr. Malosoh: Mr. Speaker, I shall be brief on this point. I am one of those people who are having the same problems. Therefore, we are just living on the boundary with the Masai who live in South Nyanza. I am not blaming the present Government. I am not blaming the Masai or the Kisii. However, the trouble is that the previous Government who made these restrictions or these boundaries are the people who are now giving us this hard time. I have several points to point out because I cannot help it. We always have the same nuisance in South Nyanza and I think the Masai people are more repre-

sented in this Council, in this House, than the Kisii people or other people. Although we do have a Nominated Member we have never before had anybody in this House representing our people. But a time has now come when we have to be represented in this House. I feel that the previous Government has no right to divide us asunder, Mr. Speaker, Sir, if you will allow me to say a few words on that point. I mean that now, for example, the hon. Member, Mr. Tom Mboya, has mentioned some areas in South Nyanza called Area B, Area C and Area A and so on. Well, those areas are claimed to be Masai areas but the previous Government have divided it into groups and the Masai people have nothing in that. But what the Government did was to import people from North Nyanza, Central Nyanza, and keep them there as settlers or as squatters. Then at the same time those people who are now living there and having children have no hospital, no dispensary—

ADJOURNMENT

The Speaker (Mr. Slade): Order, order! The hall hour allowed for this matter is now expired. Council is therefore adjourned until tomorrow, Wednesday, 7th June, at 2.30 p.m.

The House rose at forty-five minutes past Ten o'clock.

Wednesday, 7th June, 1961

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

PRAYERS

PAPER LAID

The following paper was laid on the Table:—
Forged telegrams purporting to have been passed between the Secretary of State for the Colonies and the Governor of Kenya. (By the Acting Chief Secretary (Mr. E. N. Griffith-Jones))

PERSONAL STATEMENT

BRIEF BROADCASTING CORPORATION: DISTORTION OF INFORMATION

Mr. Enslin: Mr. Speaker, Sir, on 31st May you allowed me to rise on a point of order when my hon. friend the Member for Nairobi Suburban was making a speech. He referred to certain distorted news and information about our country which had on past occasions emanated from the B.B.C. I asked that, this should be substantiated and I am very glad to say that the hon. Member for Nairobi Suburban has provided me with a large packet of papers and a thick file which I have perused very carefully. I must say that I am satisfied that he was justified and that he has substantiated what he said. There is undoubtedly a prima facie case made out against the British Broadcasting Corporation and there is evidence of this, Mr. Speaker, dating back for the past five years, and I was particularly interested—and this is what convinced me—when I read extracts from a very succinct and carefully worded speech by the then hon. Member for Aberdare in which he referred to a broadcast which had been made and which the hon. Member for Aberdare stated could not, from first to last, say was a true statement of fact.

I would like to thank the hon. Member for Nairobi Suburban for going to all this trouble to satisfy me on this point.

COMMUNICATION FROM THE CHAIR.

ADJOURNMENT DEBATE: KAMBA ASKED TO QUIT

The Speaker (Mr. Slade): Hon. Members are reminded that there is a matter to be discussed on the Adjournment this evening. I have also received notice from Mr. Mulli of his desire to raise a matter on the Adjournment, namely the matter of several hundreds of Akamba living at Kiliku who have been summarily asked to quit that area, leaving behind *shambar* and crops. I have allotted next Wednesday, 14th June, for that matter, and so it will be discussed at the close of business on that evening.

COMMITTEE OF WAYS AND MEANS

Order for the Committee read.

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR (Minister for Finance and Development)
Resumption of Debate interrupted on 2nd June, 1961.

The Speaker (Mr. Slade): Mr. Kilelu is not here to complete his speech. Does any other hon. Member wish to speak?

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, I would like to make some short comments on the general policy of my Ministry in this particular debate, and I may have to ask the House to bear with me if I take some time on it.

Before I do so, Sir, there are one or two points that I feel are important and which I would like to raise in this House in connexion with the speeches that have been made by hon. Members of this House. I feel, Sir, that one of the things Kenya needs today is integration in every respect, integration of the racial groups in this country, and that we should build from where we are to go on in our march towards independence. I was very surprised when the Member for Nairobi East was speaking the other day. He seemed to cast a slur or his speech gave the impression that generally one of the communities in Kenya, the Europeans, were not needed. He was speaking in connexion with the matter of those who feel that Kenya is not the place for them and that they should leave this country. Sir, I would like the Member for Nairobi East to clarify the position and make the House and the country understand what he feels about this community. I feel that that is a very, very general statement, and as a result of his speech many people in this country have been given the impression that racial or community grouping exists in this country.

Mr. Mboya: Mr. Speaker, with the permission of the speaker—and I thank him for giving way—I rise on a point of explanation. The point I made, and which I still make, is that there are racial communities in this country. It has been the order of things in the past. The second point I made, and which I still make, is that the economic structure of this country has been ordered to give a privileged position to the European community and to deny the Africans entry, effectively, into the economic life of this country, apart from the position of being a labourer.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Speaker, Sir, I disagree entirely with the hon. Member, in that not all Africans are

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Yes, Mr. Speaker, you have asked me not to go further into that. I said that the hon. Member for Kisii went to the extent of telling his people that the Kisii land boundaries extended to the Mara River.

The Speaker (Mr. Slade): Mr. Mboya is referring to another allegation which I expect you heard him repeat. You must substantiate it or withdraw it.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): This is clear, Mr. Speaker, the facts are there and I will supply them to the hon. friend of mine. We have never clashed.

Mr. Mboya: Mr. Speaker, Sir, the point I have made is very simple. The hon. Member said that on the advice of some local politicians the Kisii went into Masai land to survey the Masai land, would he substantiate this? On the advice of local politicians.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Definitely, yes, the facts are there my dear friend I will put them across to you, not now but later on I shall bring them to your notice. Now, let us take up this issue. Surely the burning down of the Masai houses by the Kisii in their own country is not going to create the good friendliness which has existed for years, is it? My answer is, "No." This slaughtering of our cattle and the killing of cattle must be brought to an end right now.

Mr. De Souza: On a point of order, Mr. Speaker, I think what the hon. Member is trying to do is trying to arouse tribal feeling, and he is not sticking to the general Motion.

The Minister for Local Government and Lands (Mr. Havlock): On the same point of order, Mr. Speaker, I think the hon. Member may well be leading up to the fact that the Government should stop it.

The Speaker (Mr. Slade): Well, that is what I would wish he would come to very soon, because there are only twelve minutes left and we want to hear what the Minister has to say in reply. Say now, Mr. ole Tipis, what action you propose the Government should take in this matter.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Now, in short, Mr. Speaker, there have been five serious incidents of large parties of Kisii crossing over the Masai border. I for one would be the last to look for trouble and I honestly would ask the Government, not only

the Government but all of us who claim to be the leaders of this country, irrespective of what political party we belong to not to go on inciting our people and stirring up trouble. It will not help us at all; it will not let us please, for goodness sake, be scissible and let us see the dangers which lie ahead of us.

Well, on the question of opening the Masai land, Mr. Speaker, you might all say "Open it," but let us ask for one moment, Mr. Speaker, how many thousands of people belong to other tribes and who reside in Masai country, as compared to the 40 Masai who are living in Kisii country.

The Minister for Labour and Housing (Mr. Towett): Mr. Speaker, on a point of order, are we discussing the opening of border lines or this issue?

The Speaker (Mr. Slade): The hon. Member is completely in order in answering what was put forward by Mr. Sagini, but please make your speech short, Mr. ole Tipis, because we must hear what the Minister has to say in reply.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Yes, Sir. Now, my hon. friends on the other side are saying that the only solution is to open the Masai land. May I ask them how many Masai tribesmen are in their own land now? We have hundreds of thousands of Africans living peacefully without any discrimination whatsoever in our land. What is all this talk? Do not cast any envious eyes over Masai land.

The Speaker (Mr. Slade): Have you a point of order, Mr. Malcott?

Mr. Malcott: Just a question.

The Speaker (Mr. Slade): No, you cannot rise on a question when another Member is speaking. Sit down!

Mr. Malcott: On a point of order, please, Mr. Speaker.

The Speaker (Mr. Slade): What is your point of order?

Mr. Malcott: We would like to speak on this Motion and we should like the hon. Member to sit short.

The Speaker (Mr. Slade): That is not a point of order. Have you finished your speech, Mr. ole Tipis?

The Minister for Health and Social Affairs (Mr. Mate): On a point of order, Mr. Speaker, is the Motion before this House by the hon. Member for Kisii on the question of anticipating a coming Motion. Is it any use going back to the same point in this House now?

The Speaker (Mr. Slade): I have already ruled that it is in order to answer the points made by Mr. Sagini. Please do not waste any more time on these points of order.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): To cut the debate short, Mr. Speaker, I am afraid that my hon. friend should have moved an ordinary Motion before this House to enable us to thrash the whole thing out. The Motion on the Adjournment is quite simply short. This thing wants a thorough sorting out! However, since the time is so limited, let me conclude by saying this, that we, the Masai, are not going to stand for intimidation whether the numerical numbers of Kisii people are greater than ours or not. We shall stand by our own rights; defend our lives and property to the bitter end!

The Speaker (Mr. Slade): Order, order! This is quite irrelevant to the Motion on the Adjournment. I have told hon. Members that we are concerned with a matter of administration with which the Government is responsible and it is to that that this debate should be directed.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipis): Now, Mr. Speaker, let me conclude now by saying that the Government should take all reasonable measures to prevent any tribal clashes among our peoples. Not only the Government, but we people who claim to be the leaders of our people must do everything in our power to become mediators, to go in between the conflicting interests between our people, but not to incite them or create hatred.

I beg to conclude.

The Minister for Defence (Mr. Swann): Mr. Speaker, Sir, I would like to deal with the unsatisfactory facts on this matter as to what really did occur. I do not think, if I may say so, that they reflected a great deal of credit on either side. I will also deal with what we propose to do about it.

The incident, Sir, had its origin on 25th May in the theft of between 8 and 14 head of cattle by Masai from the Kisii of the Mafjoge Location on 24th May. Early on 25th May a large party of Kisii from this location crossed into Masai. They burned down two huts, rounded up some 27 goats and sheep and three head of cattle, and started back to the border. Sir, the Masai, incensed at this burning, started to congregate, as did the Kisii, and at approximately 7 a.m. a fight started about a mile away from the Mafjoge Police Post. The corporal in charge, with two men, went to the scene and shots were fired,

principally in the air, and order was apparently restored, at any rate, temporarily. One Kisii was slightly wounded by the police in this incident and one or more were wounded by Masai arrows. Both sides then separated and moved a further mile away while they gathered reinforcements on both sides. At about 10.30 a.m. Sir, the district officer for South Kisii arrived and he estimated that by that time about 1,500 Kisii had gathered and between 300 and 400 Masai. The situation was threatening, but fighting at that stage, Sir, had not broken out. Reports at this stage, Sir, are slightly confusing, but it does appear that each side in turn made what one might term charges against the other side with little or no damage to either. They appeared to be more in the nature of demonstrations than actual charges. At this point, Sir, a police party of six rank and file under an assistant inspector arrived from Kamagambo. They immediately ordered the Kisii back, Sir, and they started to move, the police moving with them. The Masai, probably misinterpreting this move, then commenced another charge, this time in earnest, firing arrows indiscriminately both at the police and the Kisii. At that moment, Sir, the only action to stop a serious tribal clash, quite rightly in my opinion, the assistant inspector ordered his party to fire. One man, Sir, was shot dead and four were wounded. Twenty rounds were fired by the police in the course of the engagement which ranged over about two miles of country and, in fact, was a running fight. I need hardly say, Sir, that inquests will be held on the deaths of the people in this incident.

What is really comes to, Sir, and what has always been urged on both sides in that area, is this. Do not follow up a stock theft—and this is the straight order to both sides—without reporting to the police and the tribal police. It is when large numbers of tribesmen of either side on their own go into the other person's territory that these unfortunate incidents do happen. It has always been clearly laid down, "Report to the police or the tribal police and follow up your tracks with them."

At the moment, Sir, we are building four more rondavels at Nyamania to enable that post to be brought up to its full establishment of ten Kenya police rank and file and a tribal police post is being established midway between Nyanguu and Nyamania. I hope, Sir, that this extra post coupled with the reinforcement at Nyamania and coupled with the urging of administrative and police officers on both sides to take unilateral action and not engage in retaliation, will mean that law and order will be restored.

Mr. Sagili: Mr. Speaker, Sir, the subject matter for our discussion now concerns the recent clash of the Masai and Kisii. The nocturnal cattle raids by the Masai have been going on since time immemorial.

On 25th May, 1961, the Masai came to Kisii to raid cattle. In connection with this two Masai were shot and one Kisii man was killed by the Masai. We all know jolly well that the Masai treasure cattle more than the Kisii and so they are inclined to steal Kisii cattle.

According to their tribal philosophy says that a man proves his manhood by killing a human being, or raiding cattle or killing a lion. That is a fact.

The Speaker (Mr. Slade): Mr. Sagili, when you raise a matter on the adjournment you must direct your argument towards matters for which the Government is responsible.

Mr. Sagili: Well, I think instead of killing humans I think they should be allowed by the Game Department to kill lions. The Kisii are very much handicapped when tracking their animals. This is the reason: very often when they pass beyond the boundary the Masai run to a place called Kilgoris to report that the Kisii are crossing the boundary. At the boundary the Masai fork and one group takes the animals and the other runs to the Kilgoris District Headquarters.

Now this is the problem; and a time factor is involved here. The law is that the Kisii are supposed to stop on the boundary and go to a police post to get policemen, and then track the animals. Now, Mr. Speaker, everybody sees here that time is lost and psychologically the Masai gain in this respect. Sometimes the cows are caught but in most cases they disappear. Sometimes the Kisii get very indignant so they move beyond the boundary to pursue their animals. They are forbidden to go into Masai because it is a "closed area". I do not know who made this obsolete and obnoxious Ordinance which makes the Kisii criminals when they go in search of their animals. Kisii is an open district, the Masai are free to bring their children into Kisii to school; they even go as far as Asombi Hospital in South Nyanza. Nobody touches them. I am not against the Masai at all.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. Ole Tipis): You have ulterior motives, apart from stolen cattle.

Mr. Sagili: I am not a tribalist.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. Ole Tipis): Question.

Mr. Sagili: Can anybody explain to me why the Masai are over-protected? And also why their district is out of bounds? They are very famous as warriors, why should they be over-protected?

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. Ole Tipis): We do not want undesirable persons coming on to our land.

Mr. Sagili: Why? They are famous warriors. One day I went to Kilgoris to see the hon. National Member, Mr. Konechallah. I think I broke the law; I should have been arrested. He told me that prominent men are allowed to go into Masai, where is the clause in the "Special Districts Ordinance" which allows them? I just cannot understand why one tribe should receive preferential treatment and I think this really is a case of divide and rule. Why should the Government alienate the Masai? The Masai are Africans, human beings, let them be free.

An hon. Member: On a point of order, Mr. Speaker, the hon. Member is explaining things other than the incident.

The Speaker (Mr. Slade): Mr. Sagili, your argument must be directed towards the Government to take certain measures.

Mr. Sagili: Thank you, Mr. Speaker, I will be brief. I think we could probably get more police posts or declare Masai open and also have a stronger border committee. I am not sure but it was told that on these border posts very often there is corruption. People are bribed and the Kisii people too are involved.

I said that two Masai were killed, but they were not killed by the Kisii at all; they were shot by the security forces. From the border police post there was one corporal and two constables. An assistant-inspector plus constables came from Kamgumbo Police Post. To say that the Kisii killed the Masai is not true at all. These people were shot by the police and the police sent their people by ranks not by tribe.

Another thing, I have been hearing is that the Kisii are inspired by KANU and that they want Masai land. The Kisii people have got one of the most fertile areas in Kenya, so they do not want Masai land.

Another thing, Sir, is that Masai is a mapped-out area. It is on the map of Kenya. They know the area.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. Ole Tipis): For what purpose have large parties of Kisii been infiltrating into Masailand?

Mr. Sagili: You are interrupting me too much! I can shout at somebody and it is no good.

[Mr. Sagili]

So, the nomadic mode of life should not be an excuse for discrimination. The main thing is this: why should not the Kisii go into Masai land when they are tracking their animals? The Kisii are now very provoked. I am sure next time there is anything wrong there will be some serious trouble. The Kisii are very provoked and I think that they are a weak tribe. I am not flattering anybody, numerically they are superior and they are vile.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. Ole Tipis): The Masai will stand no intimidation from anybody.

Mr. Sagili: You know them jolly well. Now here is something—

The Speaker (Mr. Slade): Order, order. I have asked Members twice already to refrain from excessive interjection. If I hear another interjection from Mr. Ole Tipis I shall require him to leave the Chamber.

Mr. Sagili: Something drastic should be done. On 3rd May, 1961, 135 Kisii people were fined Sh. 250 each because they went just beyond the boundary. The total sum is Sh. 33,750, and this is colossal. There have been several cases, I could give a catalogue of them, but I have to cut this short.

Now I think the Government is responsible for this tribal warfare. They should do something drastic about it so that we shall be at peace, the Masai shall be at peace and we shall have a peaceful Kenya.

Hon. Members: Hear, hear.

Mr. Sagili: I hate violence myself, I speak from my heart. Hatred or tribalism is what encourages it. Thank you very much.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. Ole Tipis): Mr. Speaker, Sir, I feel it is only fair and right to put the proper facts as they happened in this incident, which I for one am very much deploring, on record. I have listened with great care to the speech from my hon. friend the Member for Kisii but let us in this country—not only in this Chamber—examine ourselves as to where we are leading our people.

Hon. Members: Hear, hear.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. Ole Tipis): I think I can quote on three incidents involving my people and my people are justified in asking whether they are being led, whether they

are being kicked like a football in a football field.

Now I do not want to trespass, very much Mr. Speaker, I am sorry I am a bit flustered up and I will try to control myself, Mr. Speaker.

Now we have the Ngong incident which we all regret. We had the Kamba incident, Mr. Speaker, which we all regret. Now we have another incident in Transmara between the Masai and the Kisii. Now, surely, Mr. Speaker, no matter how much my dear hon. friend tries to clean his hands I do not think he can possibly do it. And if I am allowed I would like to say that he is as much to blame in this incident as anybody else. During his election campaigns.

The Speaker (Mr. Slade): Mr. Tipis, please concentrate on what the Government is going to do.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. Ole Tipis): Thank you, Mr. Speaker, Sir, but I was just going to mention one slight point, Mr. Speaker.

The Speaker (Mr. Slade): If a matter is raised on the adjournment the discussion must relate to a matter of administration for which Government is responsible, not be a dog fight.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. Ole Tipis): Thank you, Mr. Speaker, now as far as that one goes I must—I think I am right in saying that my hon. friend in one of his election campaigns went into misleading his people that the Kisii have very extended to the Rufiji River and this led his people into infiltrating over 20 miles into Masai country.

The Speaker (Mr. Slade): Order! Order!

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. Ole Tipis): Mr. Speaker, I did not rise when the hon. Member was speaking and I hope he will also let me have a say in this affair.

Now, Mr. Speaker, if I might be as brief and short as possible, the facts are that during the last year and this year also—last year alone we had two cases, very serious cases, of the Kisii people infiltrating into the Masai country—well over 20 miles—stealing and killing cattle and also some big parties of Kisii in disguise as game hunters following the advice of the local politicians to explore the Masai land.

Now, surely the Government should stop this. Mr. Mboya, Mr. Speaker, the hon. Member said that on the advice of local politicians some Kisii disguised as hunters entered Masai country to explore Masai land, would he substantiate that?

[Mr. Mberya]

Dr. De Souza, and the Minister's apparent appreciation of the points he made, would be agree to bring back this particular matter to the House, before the money is actually given to this building society?

Mr. Batters: Mr. Chairman, Sir, I fear that I cannot agree that this matter can come back. As was explained by the Minister at the time of the Budget Speech, this money is part of an operation into, which the Government has agreed to enter, largely as a result of the agreement by the Colonial Development Corporation itself to put in quite a substantial amount of money for our building society movement. One hon. Member suggested that we should have a confidential and expert report on the building societies in Kenya. I can assure him that we have not had only one report: I think we have had four. The first one which I have here is dated August, 1960, and was carried out by an expert who has had great experience of building societies, both in Africa, in Malaya, and elsewhere. We have not therefore proceeded in this matter without very careful consideration of the facts, or without a very careful consideration of the merits of the case. We are satisfied that it is very much in the interests of this country that we should maintain the building society movement here and enable it in due course to begin again lending money for house building.

Mr. Chokwe: Mr. Chairman, it is possible for the Government to acquire some shares in this society so as to ensure an opportunity for supervision?

Mr. MacKenzie: Mr. Chairman, arising out of all that we have heard from hon. Members on this side—and I must say that I am a little shattered with some of the remarks which I have listened to from the hon. National Member—would Government be prepared to reconsider the rate of interest and raise it from 8 per cent to perhaps 10 per cent, if in fact the figures which we have been given, and I mean the various interest rates and the charges which this building society is in fact obtaining, are correct.

Mr. Batters: Mr. Chairman, the annual report of this particular building society was published about a month ago, and it did show that the society was, so far from making an excessive profit, covering its expenses and very little more. I will certainly check up on the statements that have been made by the hon. National Member, Mr. De Souza. It is correct that some of the loans made by the society in the past have gone out at 10 per cent, but that is higher than their normal lending rate. I would myself hope that it will prove possible for the money to be provided

through the building society at a rather lower rate than the 8 per cent which I indicated will be the present rate if the money will have to remain with the society for a number of years.

Head D14—Finance and Development agreed to.

The Chairman (Mr. Nyagah): A lot has been recorded on your views on this question and I therefore propose to put the question.

Question put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that this Committee doth report to Council its consideration of the Motion in respect of Supplementary Estimate No. 3 of 1960/61 and Development Supplementary Estimate No. 2 of 1960/61 and its approval of the same without amendment.

I also beg to move that the Committee doth report to Council its consideration of the Vote on Account and its approval of the same without amendment.

The House resumed.

[Mr. Speaker (Mr. Slade) in the Chair]

REPORTS

VOLE ON ACCOUNT

Mr. Nyagah: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered a Motion that a sum not exceeding £20,661,176 be granted to the Governor on account for or towards defraying the charges on the several Votes for the year ending 30th June, 1962, as set out in the Vote on Account.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, I beg to move that the Council doth agree with the Committee in the said resolution.

Question proposed.

The question was put and carried.

SUPPLEMENTARY ESTIMATE NO. 3 OF 1960/61— COLONY

Mr. Nyagah: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered a Motion that a sum not exceeding £374,179 be granted to the Governor on account for or towards defraying the charges of Supplementary Estimate No. 3 of 1960/61 and has agreed the same without amendment.

The Minister for Finance and Development (Mr. MacKenzie): Mr. 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.

952 Bills—

6TH JUNE, 1961

—First, Second and Third Readings: 954

SUPPLEMENTARY ESTIMATE NO. 2 OF 1960/61— DEVELOPMENT

Mr. Nyagah: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered a Motion that a sum not exceeding £473,402 be granted to the Governor on account for or towards defraying the charges of Development Estimate No. 2 of 1960/61 and has agreed the same without amendment.

The Minister for Finance and Development (Mr. MacKenzie): Mr. 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.

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 forthwith.

SECOND READING

The Consolidated Fund (No. 2) Bill

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to move that the Consolidated Fund (No. 2) Bill be now read a Second Time.

Sir, this is a formal Bill which appropriates the amounts voted in the Supplementary Estimate No. 3 of 1960/61 and the Development Supplementary Estimate No. 2 of 1960/61.

I would also draw hon. Members' attention to Clause 4 of the Bill which authorizes the issue out of consolidated fund of the sum of £20,661,176 being the Vote on Account for the service of the year ended June, 1962, which was approved by the House earlier this evening.

The Minister for Works (Mr. Jamidar) 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 forthwith.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Speaker left the chair.

IN THE COMMITTEE:

[J. J. M. Nyagah, Esq., in the Chair]

The Consolidated Fund (No. 2) Bill

Clause 2 agreed to.

Clauses 3, 4 and 5 agreed to.

The Schedule agreed to.

The Title 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 Council its considerations of the Consolidated Fund (No. 2) Bill, 1961, and its approval of the same without amendment.

Question proposed.

The question was put and carried.

Bill to be reported without amendment.

The House resumed.

[Mr. Speaker (Mr. Slade) in the Chair]

REPORT AND THIRD READING

The Consolidated Fund (No. 2) Bill

Mr. Nyagah: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered the Consolidated Fund (No. 2) Bill and has reported the same without amendment.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Report.

Question proposed.

The question was put and carried.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to move that the Consolidated Fund (No. 2) Bill be now read a Third Time.

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

Question proposed.

The question was put and carried.

ADJOURNMENT MOTION

MASA-KISI CLASH

The Speaker (Mr. Slade): Hon. Members, this is the time for the interruption of business and as there is a matter to be raised on the Adjournment I will call on a Minister to move that Council do now adjourn.

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

[Mr. McKenzie]

we gather from the Permanent Secretary to the Treasury is that at the present time Government have not decided whether to go ahead with it or not. What I would like to know from them is whether we are going to have another opportunity to discuss this before it is loaned to the First Permanent. Otherwise, if we are not, could they give us some idea what type of security the Government are going to have for this loan of £100,000.

Mr. Butten: Mr. Chairman, I apologize to the hon. Member for not having covered that point when I spoke earlier. The security of the Government will be a charge over the assets of the building society in Kenya; that is the second charge. The first charge will be held by the Colonial Development Corporation—but the assets concerned are to the value of some £3,000,000, so the security for the money advanced both by the Colonial Development Corporation and by the Government is more than sufficient.

Mr. Shah: Mr. Chairman, we have been more or less given to understand that this loan has not been negotiated and there was a reference to this in the speech of the hon. Minister for Finance.

Hon. Members: Speak up!

Mr. Shah: There was reference to this £300,000 in the speech of the Minister for Finance and it was said that this loan may not be negotiated at all. If that is the position, would it not be desirable that this item be withdrawn by the Government?

Mr. Butten: Mr. Chairman, the hon. Member who has just spoken referred to what the Minister said in the Budget speech.

What he said in the Budget Speech was that it had proved possible to arrange last year that assistance could be given from the Colonial Development Corporation to the building societies. He went on to say that it was also agreed at that time that the Kenya Government would, if necessary, participate to the extent of some £500,000. He then went on to say that at the time he was speaking he was not sure exactly how much money the Government would have to lend to the building societies in this financial year and that the amount required would be included in the next Development Supplementary Estimate. The amount we require this year is £300,000 and that is the sum we have included in the Supplementary Estimates.

An hon. Member: How are the citizens of this country going to benefit by this loan to the company?

Mr. De Souza: Mr. Chairman, I have got strong opinions about this loan. I wonder why it was necessary to give such a large loan, guaranteed by the Government of this country, to the First Permanent Building Society. After all, it is a Rhodesian Society which is carrying on business in this country and I have got some experience of the methods they use in conducting business and they are very doubtful methods of business.

Mr. Alexander: Mr. Chairman, on a point of order, the hon. Member has just come to a question on this Society, and I would ask him to substantiate it. He has called into question their methods. Those were his words, "Their methods" and I would ask him to substantiate them immediately.

Mr. De Souza: My hon. friend the Member for Nairobi Suburban, who has just got up from a deep sleep, wants me to substantiate it, and I will do so. It will take me some time but I will do so with the greatest of pleasure. I will give him a few of the instances of the methods followed in the past. I have got absolute proof of this, and I will bring documents if necessary. One of the methods by which that Society makes money has been to charge what they call "commission". They charge commission which in some cases comes to as much as five per cent. A loan was given to a particular person for Sh. 105,000 and Sh. 5,000 was charged to give the loan. This was added to the sum paid, so the sum paid was only Sh. 100,000. After that they charged what they called "Schedule F charges". It came to Sh. 3,560 which they said were in fact legal expenses. It turned out that the legal expenses came to Sh. 840. They charged Sh. 3,560. In addition to that they charged about Sh. 1,700, being interest on the money when it had not yet been given. The money they said was kept with them from the day when the replies were sent that it was needed. They charged interest at 10 per cent, almost on a compound rate, on the money when it had not yet been given, and they delayed it; it was not a delay of the person who wanted the loan, but it was they themselves who delayed in giving this money. So the sum total was that out of a loan of Sh. 105,000 there in fact gave Sh. 96,000 and it might have been a little less, Sh. 94,500. If you want to know, the person who got that loan was myself, I went and reported this to the Deputy Registrar of Societies, Mr. Munro—he is not the Registrar—and he said that it was a very serious matter but that Government had no power to take it up because there was no authority or control over the Building Society. I hope my hon. friend Mr. Alexander, is now satisfied because this matter was taken up.

Mr. Alexander: On a point of order.

Mr. De Souza: My hon. friend the Member for Nairobi Suburban does not know facts. He wants them substantiated and now he is getting them. I am not the only person who has suffered from this Building Society. There are dozens of people in Nairobi who have suffered from this Building Society, and at Dar es Salaam. I do not see any reason why this particular Building Society, which comes from Rhodesia to do business here, when it gets into trouble, should receive help from the Government, or that the Government should fork out the money, and then they keep the profits themselves. If there was any necessity for the Government to help it, then the Government should take all the profits when it makes profits. We do not want to subsidize the Southern Rhodesian Society. I do not see why the loan should have been agreed and if the loan has not yet been agreed the Kenya Government is not going to guarantee it, and I submit and I suggest that the loan should not be granted and that we should first find out how this Society is run and then, and then only, decide whether it can be granted or not.

Mr. Butten: Mr. Chairman, the hon. National Member, Mr. De Souza, questioned the need for this loan and said that this Society was the Branch of a Rhodesian Society and that if we required assistance why did they not obtain it from Rhodesia and not from Kenya. Well, the facts are that the Rhodesian branch of the Society has put a substantial sum of money into loans in East Africa, and this Society has loaned money for the construction of houses which have been for the benefit of many people in this country, apparently not including the hon. Member himself, money that they have obtained not only within Kenya but also from Rhodesia. The building societies, as the Minister said in his Budget Speech, have a very important part to play in the life of this country, and the fact that some of these main building societies operating in Kenya have been able to make fresh loans now for nearly a year is a reflection of the disturbed political situation and the lack of confidence to which many hon. Members on both sides of the House have referred in earlier debates. From the point of view of the Government we regard these institutions as most important and we hope very sincerely that they will before long be able to resume playing a proper part in the further development of this country.

Mr. De Souza: Mr. Chairman, I would like to say that this Society used to charge interest at

10 per cent compounded, which, when worked out, is about 16 per cent interest. I would like to ask the Minister what control he is going to have over these building societies which charge these fantastic rates of interest, to unsuspecting persons because they say it is 10 per cent, but they do not mention the question of yearly rates and they only let you reduce the principal amount on which the interest is calculated at the end of the whole year. I want to ask the hon. Member what control he proposes to have to make sure that so-called Schedule F charges and all other charges are not charged on persons who believe that building societies, being respectable institutions, do not conduct their business in this way. I submit that unless control is going to be properly exercised it is wrong for the Government to lend public money, Sir, to such societies.

Mr. Butten: Mr. Chairman, Sir, the control that we exercise over building societies is that provided for in the Building Societies Ordinance. I have taken note of the points made by the hon. Member and we have under consideration the possibility of amending that Ordinance within the course of the next year, certainly, and any points that the hon. Member cares to bring to my notice, and would like to suggest for consideration of the Government at that time, I will be very happy to consider.

Mr. Chaman Singh: Mr. Chairman, so far as this particular institution is concerned, I think the Minister should try to conduct confidential inquiries, because there are a lot of complaints. My one point that I wanted to bring up is, what will the Minister do to make sure that the money provided by the Government is used for the provision of new buildings and not for the replacement of which the building societies have lost by way of withdrawal of deposits.

Mr. Butten: Mr. Chairman, Sir, this loan will be required quite largely to meet the demands of the depositors who have money in this financial institution. There are two steps that we wish to take in this matter. One is to ensure that the liquidity of the building societies is improved to the certain extent necessary to enable them to make fresh loans, and secondly to provide them with, or to help them to find, money that will enable them to make fresh loans. We are still in the first stages of that operation, and if we do not succeed there we will not succeed in the second stage.

Mr. Mboya: Mr. Chairman, Sir, does the Minister suggest that this £300,000 will be enough to prop up this building society? Secondly, having regard to what was said by the National Member,

Head G—African District Council Game Schemes

Mr. Mboya: Mr. Chairman, Sir, what are the assets purchased?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, the assets were various of the internal furnishings in the lodge at Amboseli which belonged to the National Parks and they consisted of such things as water pumping equipment; radio transmitters; fittings and bed linen; cutlery; crockery; and vehicles.

Mr. Mboya: Mr. Chairman, Sir, was there any amount in terms of the lodge itself? Has this been transferred to the lodge itself?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, the lodge itself is going to be rebuilt for the African District Council, the Kaiyaji African District Council, and it will be in fact presented to them as a gift, as in fact will this sum of £7,350 in terms of the assets of the old lodge. The old lodge will be retained temporarily as an addition to the accommodation of the new lodge.

Head G agreed to.

Head H—Forestry Unemployment Relief Scheme

Mr. Shah: Mr. Chairman, Sir, I was asking a question on G and I wanted just to find out from the Minister whether he is satisfied with the price paid—

The Chairman (Mr. Nyagah): We are now on H, Mr. Shah.

Mr. Shah: I stood up while G was going on.

The Chairman (Mr. Nyagah): We have now reached H, Mr. Shah.

Mr. McKenzie: Mr. Chairman, may I ask why this figure of £18,378 is shown here to go to Vote 34 for Personal Emoluments and Expenses for Unemployment Relief? When we discussed Appropriations-in-Aid in Vote 34 it was a different figure. It was £1 less.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, the additional £1 is, I think, under heading J1. In Supplementary Estimate 1960/61 you will find the figure on page 35. Development Fund for the Relief of Unemployment, £18,377. On the previous page you will find the sum of £1 which makes the total of £18,378 which is shown in the Development Supplementary Estimate No. 2 now under discussion.

Mr. McKenzie: Mr. Chairman, surely J1 is nothing to do with this Unemployment Relief. J1 is the National Parks grant in aid. You see here on page 8 at the bottom we have £18,378 and it reads, "Contribution to Colony Vote 34 for Personal Emoluments and Expenses for Unemployment Relief." When I come to Appropriations-in-Aid I see it is £18,377 under 29.

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, on a point of order, does the hon. gentleman opposite mean to tell us that game does not have any people employed when he says it has nothing to do with unemployment?

Mr. Mboya: Mr. Chairman, if the Minister listened to the question he would have understood it. The query is the difference in the figures quoted here, not in whether game needs or does not need human beings.

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, does the hon. Member state that game does provide unemployment? Did he mean to say that there are no people employed in the Game Department?

Mr. Mboya: J, not game!

Mr. McKenzie: J1, not game!

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, could I congratulate hon. Members on the excellence of their arithmetic and the fact that they appear to have done their homework.

Mr. McKenzie: Ah, well done, well done!

Mr. De Souza: Mr. Chairman, I noticed that a sum of £66,474 is being spent to create employment on a scheme for 930 persons. Now, may I know from the hon. Minister why we need to spend about £70 per head to employ these people; and, secondly, whether this is recurrent expenditure or whether any part of this will be recurrent expenditure at all; and how long will these people be employed?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): No, Sir, this comes purely under the Development Estimates; and under the Development Estimates is produced the Forest Unemployment Relief Scheme. The details of that scheme we have already gone through in the previous Estimates debated earlier and this is merely a transfer of this sum of money of £18,378—referred to already by the National Member, Mr. McKenzie—transferred to the earlier Development Estimates. But the final figure remains in the present Development Estimates.

Mr. De Souza: How long will these people be employed?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): It is a three-year scheme.

Head D11 agreed to.

Head H agreed to.

Head D13—Ministry of Works**Head D—Public Works Non-Recurrent**

Mr. Mboya: Mr. Chairman, Sir, would the Minister explain what this extra provision is which is required to meet the cost of additional work? What are these additional works?

The Minister for Works (Mr. Jamida): Mr. Chairman, Sir, the extra provision is required to meet the cost of additional works authorized during the year and work started in 1959/60 but was not completed until 1960/61. The (inaudible)

1959/60 was on account of works not completed and underspent by £33,150.

[Generally inaudible due to Government's appreciation of Minister's ability to answer]

Mr. De Souza: Mr. Chairman, could we know exactly what extra work is being referred to?

The Minister for Works (Mr. Jamida): Yes, Sir. There are several items here, if the hon. Member would note them down, and they are as follows: Water-borne sanitation, £5,768; electrification of Government buildings, £1,934; vehicle inspection centres, £3,950; miscellaneous work under £1,000, £3,450.

The Chairman (Mr. Nyagah): Order, order! There are too many interruptions!

The Minister for Works (Mr. Jamida): Moves of Ministry, £2,000; stone water drainage, £7,000; alterations to Liverpool Road Stores Department, Kisumu Prison, £6,000; conversion of M.O.W. office into D.E.'s office, £6,000; conversion of old D.E.'s office into Labour Exchange, £1,950. Total, £37,962.

Hon. Government Members: Well done!

Head D13 agreed to.

Head D14—Finance and Development**Head B—Loan to the First Permanent Building Society**

Mr. McKenzie: Could I ask the Minister what the terms of this loan are, what the security is and what the duration of the loan is?

Mr. Butler: The answer is that this particular loan from the Government funds has not yet been made but as was explained by the Minister in his Budget speech a loan from the Colonial Development Corporation has been made to assist the building society movement. The terms for that loan at the moment are interest at 8 per cent. This may be subject to renegotiation and the intention of the Government is to advance this money to the building society concerned at 8 per cent which is the same rate as money has been advanced to that and the other building societies by the Colonial Development Corporation. The question of the length for which the societies are likely to need this money and therefore the length of the period of this loan will be reviewed in the light of the further report which Government is expecting to receive from Mr. Burgess, the adviser on building societies to the Colonial Development Corporation and which he is now engaged in preparing. The intention of the Government is to lend the money for a sufficient period to ensure that the building society will be able to meet its obligations.

Mr. McKenzie: Mr. Chairman, I think that the Government are asking this House a little too much in this—

An hon. Member: Why?

Mr. McKenzie: Listen and you will hear—in saying that they have not negotiated this. We do not know what the security is. We are being asked to vote £300,000. I would like to know arising out of the security who the other debtors are and if we are only going to take this up if the Colonial Development Corporation are not prepared to go ahead with theirs or not.

Mr. Alexander: Interjection.

Mr. McKenzie: Would the hon. Member like me to give way?

Mr. Alexander: Yes, if you like.

An hon. Member: Sit down!

The Minister for Commerce, Industry and Communications (Mr. Mulliro): Where is the Member for Nairobi Suburban?

Mr. Alexander: Get your minutes and pluses right!

Mr. McKenzie: Do you want me to give way?

Mr. Alexander: Not to the length of a Division.

Mr. McKenzie: Mr. Chairman, this is a matter of £300,000 which the Government want to loan to the First Permanent Building Society. What

[Mr. Shah]

by action and whether any others have applied and whether their applications have been rejected because they have not perhaps arrived at any arrangement with the Ministry?

The Chairman (Mr. Nyagah): That does not arise.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Chairman, I think I should like to put it on record that it is the Government's responsibility, naturally, to give as much information as possible to hon. Members opposite when they are interested and when they ask for it. However, it is not an obligation on the Government to do so; it may not be in the public interest that Government should answer such questions and, Sir, I do not think it is right that we should leave the matter in any way obscure; if a Minister on this side of the House feels that it is neither right nor in the interests of the public to answer a question there is no need for him to do so. If I can say so, Sir... I have not given way. It is up to the Ministry to decide, and the Government to decide, whether or not it is in the interests of the public to do so.

The Chairman (Mr. Nyagah): Order, order! The ruling I have made did not have any connotation and the matter that has been raised by the hon. Minister for Local Government and Lands is irrelevant to the ruling I have given.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): On a point of order—

The Chairman (Mr. Nyagah): I think we had better go on.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I should like to speak to your point of order, Mr. Chairman. I wanted to say this, that I only told the hon. Members opposite that if they wanted all these questions answered out of courtesy they might have let one know what they wanted.

The Chairman (Mr. Nyagah): We shall continue.

Mr. McKenzie: On a point of order, May I withdraw the amendment, Mr. Chairman?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, surely the hon. Member can only do that with the leave of the House and I would like the matter to go to a Division.

The Chairman (Mr. Nyagah): Is it the will of the Committee that the amendment should be withdrawn?

Hon. Members: No!

Mr. Mboya: Mr. Chairman, Sir, on a point of order—

The Chairman (Mr. Nyagah): I will put the question, since there is an objection.

Mr. Mboya: Mr. Chairman, Sir, may we speak to this objection?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No! Order, order!

The question was put and negatived.

* Head C agreed to.

Head D.3 agreed to.

Head D.4—Water

Head A agreed to.

Head D.5—Ministry of Internal Security and Defence

Head B agreed to.

Head D.8—Health and Welfare

Mr. McKenzie: Mr. Chairman, I wonder, if I could ask the Minister concerned if he can tell us why these grants—I am actually on the Appropriations-in-Aid at this is another one where we have not got a Head to talk on and it is the Appropriations that I want to talk about. We see that the Nuffield Grant and the International Co-operation Administration one of £16,000 and £20,000 were received before the beginning of the financial year. Therefore, am I correct—and I presume the Minister for Finance will reply—in saying that when these were received because they were received before the beginning of the financial year they did not appear in any of the original annual Estimates?

The Minister for Health and Social Affairs (Mr. Mate): Mr. Chairman, I am spokesman for the Ministry. On the Nuffield Grant the sum of £20,000 was shown in this year's Estimates as a grant. The Nuffield Grant was also received at the end of the financial year and included in the accounts for that year. This grant is part of a total grant of £80,000 from the Nuffield Trust, £30,000 for capital and £50,000 for recurrent expenditure, over a period of five years for establishing the Better Living Institute at Kitui. The Institute is of an experimental nature derived by this Ministry and the Ministry of Agriculture, the aim of which is to raise living standards in the area by linking health and agriculture with rural education. Farmers are to be given short courses in improved agricultural methods and wives are

[The Minister for Health and Social Affairs] to receive instruction in the elementary principles of home hygiene, family care and nutrition of children.

Mr. Mboya: That is not very relevant.

The Minister for Health and Social Affairs (Mr. Mate): It is there to show how improved farm productivity and cash cropping can lead to better family health through improved nutrition and home economics.

Mr. Mboya: Mr. Chairman, Sir, on a point of order, is this relevant—

The Minister for Health and Social Affairs (Mr. Mate): Mr. Chairman, I will not give way.

The Chairman (Mr. Nyagah): Would you give way for a point of order, please, Mr. Mate.

Mr. Mboya: Mr. Chairman, I realize that the Minister is reading us a prepared speech but is all this relevant? The question was very simple.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Chairman, I have to refresh my memory and every one knows that

Mr. Mboya: The question I raised on a point of order—

The Chairman (Mr. Nyagah): Order, order! The point of order you tried to raise arises from the question asked by the National Member, Mr. McKenzie, on health services. The Minister is quite in order in answering.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Chairman, Sir, coming to the second point, the International Co-operation Administration Grant, the sum of £16,000 shown in this year's Estimate as a grant from the International Co-operation Administration of the United States of America Government was in fact received at the end of the last financial year. It was included in the accounts for that year, and therefore although the money has been received there is a shortfall in the Appropriations-in-Aid this year. The grant is the last payment of a much larger grant of £150,000. Mr. Chairman, Sir, if the hon. Members cannot listen, then I will withdraw the answer.

Mr. McKenzie: You are not answering the question.

Mr. Mboya: It is irrelevant.

The Minister for Health and Social Affairs (Mr. Mate): In that case, I withdraw the answer.

Mr. McKenzie: Mr. Chairman, the question I asked was this: Down here it says that this money was obtained in the last financial year. I put my question to the Minister for Finance and asked him if we are correct in accepting that none of these figures have been shown in previous Estimates. It is going to last year because the money was received last year. Those were my questions.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, the position is that it was expected that the money would be received in this financial year. For that reason the provision was made in the Appropriations-in-Aid for this year. As it happened, the money was actually paid over before the beginning of this financial year and has therefore been included in last year's accounts. That, I think, is the case in both these cases and I think that answers the hon. gentleman's question. I hope so.

Mr. Shah: Mr. Chairman, may I know from the Minister in which accounts this money was credited in the last year and whether it is still lying in those accounts?

The Minister for Finance and Development (Mr. MacKenzie): Sir, it was a little difficult to follow quite what the hon. gentleman was asking, but I think that what he wanted to know is exactly what happened to the money. The question is that the money, having been received last year, would be an excess Appropriation-in-Aid and would be taken into last year's development revenue. I am afraid I have not got the details available with me but I am quite sure that they can be traced in the accounts which have, of course, been laid on the Table.

Head D.8 agreed to.

Head D.11—Ministry of Tourism, Forests, Game and Fisheries

Head B agreed to.

Head E—African District Council Forestry

Mr. McKenzie: Mr. Chairman, may I ask the Minister if this is another account which should have been in the previous Supplementary Estimates?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): No, Sir. Government did not take a Development Supplementary Estimate at the time that it took the Colony Supplementary Estimate. This amount of £8,000 is therefore the whole amount required for implementation of the Fleming Report on the Development Estimate.

Head B agreed to.

[Mr. McKenzie] 1960/61, or will they not be shown until the year 1962?

The Minister for Finance and Development (Mr. MacKenzie): They will be shown, Sir, during the year 1961/62. I am sorry that I did mislead the hon. Member. They will be appropriation-in-aid, but next year and not this year.

Head D2—Agriculture agreed to.

Head D3—Veterinary Services

A—General Services agreed to.

C—Stock Control

Mr. McKenzie: Mr. Chairman, I see that this is going to come back to us in an appropriation-in-aid, less £1. Am I correct? May I ask where it is actually going to come from? Who is it that controls and organizes this auction account?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, I have not got the details of hon. Member's question with me.

Mr. McKenzie: Mr. Chairman, when the Minister lets us have that in writing at some later stage I hope he will remember the other question which I asked and which he did not answer concerning the £15,000 for ALDEV services.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, that item has already been passed by the Council, if the hon. Member wants an answer to this question, will he put down a question.

The Minister for Local Government and Lands (Mr. Havelock): On a point of order, Mr. Chairman, I do not think it is the ALDEV services at all. I think the hon. Member has not done his homework and it is the Miscellaneous services I think he is referring to.

Mr. McKenzie: No, Mr. Chairman. If the Minister for Local Government would like to sit quiet for a minute, Mr. Chairman, we are now on C and I am raising an Appropriation-in-aid under C. Which I gather I am fully entitled to do. What....

The Chairman (Mr. Nyagah): Go on, Mr. McKenzie.

Mr. McKenzie: What I want to know from the Minister is where this Lamu Stock Auction is kept. Is it a reimbursement from the Kenya Meat Commission or is it a reimbursement from an

account kept within his own Ministry? What I am drawing his notice to on the one that he gave was that I did ask a question on the previous head that he did not answer.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, as far as the previous question is concerned, you ruled the question was passed and therefore the question has died. In so far as this one is concerned, I have already informed the hon. Member that I have not got the details with me.

Mr. McKenzie: What I have asked, Mr. Chairman, is this: What will he let us have then?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): My answer, Mr. Chairman, is that if the hon. Member cares to put down a question I will answer it.

Mr. McKenzie: Mr. Chairman, on a point of order, may I ask you for a ruling and a correct reply from the Minister on these Supplementaries; or am I not correct in saying that the Minister should by rights when a question is put to him on a Supplementary which he cannot answer either let the hon. Member who is asking it have the answer in writing or let this House know, not just say we must put a question down?

The Chairman (Mr. Nyagah): I think you are in order, Mr. McKenzie. The Minister should give it to you in writing as the Ministers have done at other times before.

Mr. Mboya: Hear, hear! Promise now too!

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, I would submit that if the hon. Member wants all these details he might well notify the Minister beforehand. If the hon. Member is not prepared to give us that courtesy, I do submit to the House there is no obligation on hon. Members on this side of the House to give the intense detail which the hon. Members on the other side are asking for. If the hon. Member wants these great details and has not had the courtesy to let us know beforehand in what particular subjects he is interested, then I submit that the proper answer for Ministers is to say, "Will the hon. Member put down a question?"

Mr. McKenzie: Mr. Chairman, it is incredible the different replies which one gets from Ministers opposite and I am wondering if I would be in order in putting in an amendment that Head D3 be reduced by Sh. 10 from £1 to Sh. 10 so that

[Mr. McKenzie] we can debate this matter. Mr. Chairman, I do feel that when there is an amount of £7,179 being asked for on a Development Supplementary and one asks on whose account the Appropriation-in-aid is going to come back on, that a question which the Minister ought to be briefed on and ought to have with him. It is not good him standing up and saying that with every question which we want to know the answer to, on Supplementaries just because we have not run round to his office and given him that question a day or so before we in this House have no right to stand up and ask it; and that the way round it is for us to worry the Clerk of the Council in putting down a Question to the Minister for him to answer. Now, all I asked the Minister was—and if he had been listening instead of talking to his better half next door to him I think he might have been able to answer it if he had read his brief—if the amount of £7,178, which is an Appropriation-in-aid obviously running in line with the amount of £7,179 under C which is being asked for, an Appropriation-in-Aid from the Kenya Meat Commission or an Appropriation-in-Aid from an account within his own Ministry. Now the reason why I am asking this, if he would like to know is that there were discussions going on with the Kenya Meat Commission on the Lamu/Mombasa Stock Route. All I am trying to find out is if the Kenya Meat Commission have now agreed to pay this amount, or if it is an account which is operated within the Ministry. Mr. Chairman, I thank you for your ruling and I have no intention whatsoever of putting down a question because it is courtesy for the Minister; if he cannot give the reply, to say to the House that he will give the House a reply or he will give it to the hon. Member asking the question in writing.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, the Minister has no objection whatsoever to give the hon. Member an answer. If the hon. Member expects courtesy from this side of the House he can also demonstrate courtesy to this side of the House. Will the hon. Member sit down?

Mr. Shah: On a point of order—

The Chairman (Mr. Nyagah): Order, order!

Mr. Shah: Mr. Chairman, there was a ruling from your side—

The Chairman (Mr. Nyagah): Order, order, Mr. Shah! Do I understand, Mr. McKenzie, that you did not move an amendment?

Mr. McKenzie: Yes, Sir.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, whilst the hon. Member is writing out his amendment, may I give him my answer?

Mr. Mboya: No. The question has not been put.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): The hon. Member is not the Speaker, Mr. Chairman.

The Chairman (Mr. Nyagah): Let us get the amendment drafted. Before I propose the question, I would point out that hon. Members are entitled to ask for details about Heads before the Committee and if the Minister is unable to answer a question now he should agree to obtain the information required later.

The Minister for Local Government and Lands (Mr. Havelock): On a point of order, Mr. Chairman, with due respect to your ruling, I do not think that that is a part of Standing Order.

The Chairman (Mr. Nyagah): I will now propose the amendment.

Question proposed.

The Chairman (Mr. Nyagah): I will now put the question.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, I would like to answer if I may. The hon. Member has asked where the £7,000 odd comes from. It is fees collected by the District Commissioner, Lamu, in respect of auctions which take place in Lamu.

Mr. McKenzie: Why could you have not given us that before if you had it all the time?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Because it took me a little time, Mr. Chairman, to find out the information and if I have told the hon. Member already he has given great pleasure to hon. Members on this side of the House.

Mr. Shah: Mr. Chairman, Sir, I would like to know if when the words "voluntary cases" are used it means that this case is just paid by the auctioneers as a voluntary or private arrangement with the Ministry.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): The hon. Member is correct. The case is voluntary; he is correct in assuming that it is voluntary.

Mr. Shah: Mr. Chairman, may I also know from the Minister whether or not there are other auctioneers interested, for instance, selling stock

[The Chief Secretary]

Financial Relationship between the Kenya Government and the African district councils recommended that the Government should assume full responsibility for the operation of the African courts, and that that be paid for by the Government to the African district councils for the use by the Government of African court buildings and housing accommodation. The Government assumed responsibility for these courts from 1st January, 1958, and rent was paid for these buildings at the rate of 7 per cent of their capital value up to 30th June, 1960. It was then agreed that instead of continuing to pay this rent they should be purchased—the estimated total cost of all buildings was £175,000. Certain district councils did not wish to dispose of some of their buildings, particularly staff housing, and because of this only £140,000 was shown in the 1960/61 Estimates. In the event the purchase of these buildings was finally completed at a total cost of £156,736, or £16,736 above the figure appearing in the new Estimates. As hon. Members will see, we are offering a figure of £140,000 against that figure.

Mr. Mboya: Could the Minister explain the nature of the £10,000 for Administration Buildings, Item 1, Butere Substation.

The Chief Secretary (Sir Walter Coutts): Yes, Sir. The point is that in our Development Estimates we had a certain amount of money for Butere and it is unlikely now that this money will be wholly spent before 30th June, and we are dealing with the estimates up to 30th June. We can, therefore, offset this money against savings for this year and revote it again next year.

Mr. McKenzie: Mr. Chairman, could we ask the Minister why in an original estimate of Appropriation-in-Aid we were so far out in land registration fees? Has it been because of lack of staff or has it been because of lack of co-operation?

The Chief Secretary (Sir Walter Coutts): Sir, I think the House has been somewhat misled by the note in the Estimates, on land registration fees. It actually refers to land consolidation fees, and the real reason is that because of the position in the three Kilbury districts, because of famine, shortage of money, and so on affecting the large number of landowners in the Central Province, we cannot collect the money.

Dr. Kisono Mr. Chairman, Sir, I would like the Chief Secretary to explain whether this deficiency in Appropriation-in-Aid with regard to land consolidation is due to mistakes or corruption

which took place in Fort Hall, and whether this has contributed to this deficiency and whether or not the landowners in Fort Hall, some of whom have refused to pay their Sh. 10 per acre because of these mistakes, are involved in this matter.

The Chief Secretary (Sir Walter Coutts): Sir, as I said, it was really due to the standstill in Fort Hall rather than the actual corruption.

Dr. Kisono: Sir, I cannot understand the financial implications of the phrase "standstill" because I do know that some people in that district have found it very difficult to pay, particularly in view of the corruption.

The Chief Secretary (Sir Walter Coutts): That is a fact which caused the standstill, because we could not go on with redemarcating the plots and therefore could not collect the fees.

Dr. Kisono: Is that stand taken by the people, that they will not pay the fees, because of the standstill?

The Chief Secretary (Sir Walter Coutts): Not at all, Sir.

Head D1—Chief Secretary agreed to.

Head D2—Agriculture**A—Miscellaneous Services**

Mr. Shah: Mr. Chairman, does the Minister feel satisfied that the price his Ministry had to pay for reimbursement to the Cotton Lint and Seed Marketing Board was properly valued?

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Mr. Chairman, we cannot bear a word.

Mr. Shah: Mr. Chairman, I would like to know from the Minister whether the price paid for the machinery bought from the Cotton Lint and Seed Marketing Board was properly valued and was not in excess of the price which it should have been.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): The valuation was made and was mutually agreed between the Government and the Coffee Marketing Board.

Mr. Mboya: Mr. Chairman, Sir, the original estimate was £12,500. The right estimate was £41,131, some £28,631 above. Could the Minister explain the nature of this valuation, and by whom it was made, and why it should be so much out, so far out.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): By agreement between ourselves and the Cotton

[The Minister for Agriculture, Animal Husbandry and Water Resources]
Marketing Board we undertook to buy out the Dam Construction Unit which required £28,631.

Mr. Mboya: Mr. Chairman, is the Minister suggesting that the original estimate of £12,500 did not include the buying of the Dam Construction Unit?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, Sir, the figure of £28,631 arises from the mutually agreed valuation.

Mr. Shah: Mr. Chairman, I would like to know from the Minister, who valued the machinery? Was there any approved valuer in the picture?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I am afraid that I am unable to answer that question.

Mr. Mboya: Mr. Chairman, I do not know whether the Minister understood my question or whether he is not trying to answer it. I think he has given us the impression that the £28,631 is the result of buying out the Dam Construction Unit. This, to me, implies that the original estimate of £12,500 was in respect of the investment for the Cotton Seed and Lint Marketing Board for something else, in respect of machinery or something else. Now, the question I put to the Minister is whether the Dam Construction Unit, as such, was valued at £28,631, and something else valued at £12,500.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, the Dam Construction Unit was valued at £28,631. I would want notice of the other part of the question.

Mr. De Souza: How can we, Mr. Chairman, in this House, agree that this is a fair sum to sanction if we do not know that an expert was employed to value this Unit? The sum of £12,500 was originally estimated. The revised estimate is £41,131. Was it like a shopkeeper or somebody else bargaining? Why was no expert advice taken on this?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, the original estimate of £12,500 was in respect of the Dam Construction Unit. The element of £28,631 was in respect of the amount which we have added to the £12,500 by the purchase of the Cotton Lint and Seed Marketing Board machinery. The valuation was mutually agreed between the Board and the Government

and I have no reason whatsoever to think that it was a bad valuation.

Mr. Shah: Mr. Chairman, may I know something more about this offset as to £6,520 by additional revenue? What does that mean?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): That, Sir, is the estimate of the revenue which the Dam Construction Unit will earn in fees from persons from whom it is working, which is attributable to the revenue head.

Head A—Miscellaneous Services agreed to.

Head B—Research

Mr. McKenzie: Mr. Chairman, may I ask the Minister for Finance and the Minister for Agriculture, concerning the amount of B8, 11, and 12. All these amounts are reimbursable by various bodies. Should that amount, which is reimbursable, not be shown in the Appropriation-in-Aid? That is one question. The second question I would like to ask is, under D, the savings under ALD5V Services, £15,000, could the Minister tell the House whether this saving of £15,000 is on one or two projects or on a number of subheads. If it is on a number of subheads I do not think a reply is needed, but if it is one or two major ones then I think the House would be interested in where the savings are.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, if the hon. gentleman could read he would see that on page 3 there is a sum of £2,881 in the Appropriation-in-Aid from the Coffee Board of Kenya. As regards the other reimbursements, Sir, the position is that those reimbursements are brought in to Development revenue because the people who are making the reimbursements are not on the spot as the Coffee Board are, and there is at certain times a certain amount of delay in putting in the claim and receiving the money, because of distance, and therefore it is more convenient to bring them in as revenue than as appropriations-in-Aid.

Mr. McKenzie: It is no good the Minister telling me to look at it if I can read; it is because I did look at it that I wanted to know why the others are not included, and he has told me. What I would like to know is whereabouts are these amounts included? Are they going to be included in anything to do with 1960? Perhaps the Minister for Local Government would be able to answer it better. I would like to know either from the Minister for Local Government or from the Minister for Finance, when will these amounts be shown as having been received in the year

VOTE 35—MINISTRY OF WORKS

B—Leave Pay and Gratuities to Contract and Temporary Staff

Mr. McKenzie: Mr. Chairman, I wonder if the Minister would explain to us why the original estimate is 30 per cent wrong. It seems a very, very great amount to be out on an original estimate, and at the same time perhaps he could break down this large amount of £65,000 for us.

The Minister for Works (Mr. Jamidar): Sir, this £65,000 is the result of officers who were expected to occupy Government quarters and who now occupy private houses, either privately rented or owned.

Mr. McKenzie: Mr. Chairman, on a point of order, it is pay and gratuities and not houses which we are talking about.

The Minister for Works (Mr. Jamidar): One gets so tired, Mr. Chairman, that one starts wondering which is the question being asked.

Formerly an officer could not draw his gratuity until he finally left the service. By Establishment Circular No. 25 of 1960, officers on agreement were permitted to receive their gratuities before leaving the service and the additional provision with this saving of £40,000 is required to pay the gratuities due to these officers.

Mr. McKenzie: Mr. Chairman, I am still worried about the large expenditure of £65,000 I appreciate that there is a saving of £40,000. I think that we would like to know how such a large amount has been saved. Coming back again to this £65,000, what is the cause of the people taking their gratuities that was not foreseen when the original Estimates came out? What type of person is leaving and causing this expenditure of £65,000?

The Minister for Works (Mr. Jamidar): It is difficult to say what type of person. Quite often people find that they get their own private houses, or they build their own houses, or they move into private places. I am sorry.

Hon. Members: Houses!

The Minister for Works (Mr. Jamidar): I am sorry, Sir.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, perhaps I can help on this. The position was that until quite recently officers had to wait until they finally retired before they could draw gratuities which were due to them under the terms of their agreement. During the past year the Government

decided that such people could draw the gratuity due to them in respect of any period of a contract, say two or three years, at the end of that contract. The result is that quite a number of people who would not have probably been drawing gratuities until several years ahead, when they finally decided to leave the Service, are now drawing the money at the end of their contract period. That is why this additional money is needed at this stage.

Mr. Mwendwa: Mr. Chairman, I am surprised that the Minister does not know about this. I would like to say that this paying out of gratuities to contract officers is not something that just happens in a week. The Government knows exactly how many people are going and who will draw their gratuities. Would the Minister concerned tell us the exact number of the break-down of this figure, and tell us how many Government employees received their leave pay after their contracts in that particular financial year?

Mr. Butler: I think I may be able to satisfy some hon. Members on the other side. This Ministry is the one which has rather more contract officers than any other because it has a large staff of engineers and people of that type, who are the sort of people who do come on contract, and the numbers are related to the amount of work which the Government requires to be done. The reason why this change was made in August, 1960, and which could not therefore have been foreseen when the 1960/61 Estimates were made is because that it was represented to the Government that as a result of the 1958 Income Tax (Management) Act, which did not permit gratuities to be spread back over more than five years of service, officers who renewed their contracts were put in an unfortunate position under which they would have been liable for more tax than if the Government had agreed to pay them the gratuity at the end of their four-year contract. It was as a result of this that it was decided to change the former system whereby an officer could not draw his gratuity until the end of his service. As far as the Government is concerned, we are merely finding money now, money that we were committed to find, in any case, at a later date, and we are meeting our liability which would have had to be met at some date in the future. I think it is appropriate that we should have made this change.

Mr. McKenzie: Mr. Chairman, the heading is "Leave Pay and Gratuities". Am I led to believe that there is no difference between the leave pay aspect of it and the gratuity aspect? If there is a difference, could we have what amount of this £65,000 is gratuity and what is leave pay. Am I right in saying that leave pay is a negligible amount and that the main amount is gratuity?

Mr. Butler: The hon. Member has been misled on this and previous Supplementary Estimates, because we give in the Supplementary Estimate the title of the particular subhead of the Estimates which is given in the main Estimates. He asked why, going back to the previous Vote, boots were included in Unemployment Relief. In this particular case the money is related to the additional sum required for gratuities.

Mr. Chokwe: Mr. Chairman, I understand that his Ministry employs more contract workers than any other Ministry. Is it because the contract workers are cheaper, or is it because they are available in relation to the other types of employees?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, it is because it is quite common with professional staff of the technical kind that are employed by the Ministry of Works to wish to work in a certain job for two or three years, or for a relatively short period of years, and then to go on to other types of work to get further experience. It is merely a matter that is much easier so far as this type of work is concerned.

The Minister for Works (Mr. Jamidar): Sir, the Ministry of Works sponsors contracts according to the amount of work it has to do.

Mr. Shah: Mr. Chairman, when we were discussing the Ministry of Commerce we were told that the Department responsible for communications was the Transport Department of the Ministry of Works. The expenditure was incurred in the Ministry of Commerce so there must be some saving on the Ministry of Works. There has been no saving, so can we know the reason?

The Chairman (Mr. Nyagah): We are only on one item, Leave Pay and Gratuities. This is an expenditure item, not revenue.

Mr. Shah: Mr. Chairman, there is an item "Less—Expected Savings on Subhead", and then "L—Heavy Repairs, Workshops and Service Station—£40,000". There should have been some saving owing to the transfer of responsibilities for communications.

The Chairman (Mr. Nyagah): You can ask for information on the savings, but that is all. There can be no discussion.

Mr. Shah: I want some information as to why these savings have not been found. Can I also that information from the Minister?

The Chief Secretary (Sir Walter Coutts): It might be as well if the hon. Member listened to the rulings from the Chair.

The Chairman (Mr. Nyagah): The saving you are trying to ask for was under the other Ministry which we have now already passed. On the information you were seeking, you were told how it was incurred from the olden days before the Ministry was reorganised to what it is today. If you want to seek information on the present saving of £40,000, you can, but not on the other one that has already been finished with.

Mr. Mboya: Does this saving of £40,000 arise from the removal of Communications from this Ministry to the Ministry of Commerce and Industry?

The Minister for Works (Mr. Jamidar): No, Sir. It arises as a result of the fact that we are servicing the vehicles of other Ministries; and these vehicles have not come forward for servicing in our Ministry. The numbers expected have not come forward. We are expecting that in the future quite a lot more vehicles will come forward.

Mr. De Souza: Mr. Chairman, can the Minister tell us why it was agreed under this circular that the money should be paid at the end of the agreement rather than at the end of the period of service? The reason I say this is because, when we have a depression in this country, and when we do not have any money, why should we commit ourselves to pay any more money now rather than in the future.

The Chief Secretary (Sir Walter Coutts): Because, Sir, we want to treat them properly.

Heads B and I agreed to.

The question was put and carried.

SUPPLEMENTARY ESTIMATE No. 2 of 1960/61—DEVELOPMENT

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that a sum not exceeding £473,422 be granted to the Governor on account for, or towards defraying the charges of Development Supplementary Estimate No. 2 of 1960/61.

Question proposed.

Head D1—Chief Secretary

Head B—African Courts

Mr. Mboya: Mr. Chairman, Sir, could the Chief Secretary tell us which African district councils are involved in this.

The Chief Secretary (Sir Walter Coutts): All African district councils. This matter has a certain amount of history attaching to it, and if the hon. Member wishes I can give the history to him. White Paper No. 1 of 1957/58 on 'the

[The Minister for Tourism, Forests and Wild Life] amount of anti-poaching money that they have spent over the previous three-year period.

Mr. McKenzie: Mr. Chairman, the Minister is now altering what he said. If I understood him correctly to begin with, he said that the £30,000 was over three years but this has nothing to do with previous years and this £12,300 was for this year. I specifically asked him whether this £12,300 went to reimburse the three years or the one year and I was told it was for this year. I assume that is correct because that is why it did not appear in the original Estimates in this year. These are not the original Estimates; these are Supplementary Estimates. Therefore, when the original Estimates were passed that they were going to have to help the National Parks to a further amount of £12,000 over and above the £10,000 which had been running at £10,000 a year.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): It is perfectly correct, Sir, it was not foreseen that the National Parks would require this amount of money. Now, because of the rundown in their cash position due to their anti-poaching measures, it has been decided that an *ex gratia* payment of £12,300 would be correct.

Mr. Mwendwa: Mr. Chairman, could the Minister break down these figures of his—this £12,300—and tell us how much has been used in each district for anti-poaching campaigns so that the House may know exactly which are the worst areas?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, I am unable to break it down. No doubt the hon. Member is aware of the relationship between my Ministry and the National Parks which is not, you will understand, a department. It is an organization with a considerable degree of autonomy and this £12,300 is in fact a grant in aid to the National Parks. Within reason, their use of that money is at their discretion.

The Chairman (Mr. Slade): There has been enough discussion on this subhead; unless any hon. member wishes to move a reduction we will move on.

Head J agreed to.

Head O—*Ex Gratia Refunds and Payments*

Mr. McKenzie: Mr. Chairman, may I ask how it came about that £13,200 had to be paid to the Baringo African District Council because of profits which we think have acquired between January, 1958, and February, 1960? What I

would like to know is what happened in February, 1960, that now we cannot maintain if we have to give them any more money.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Is the hon. Member referring to the £11,000 or the £2,200?

Mr. McKenzie: The £11,000, Sir.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, up to 31st December, 1957, the Lembus Forest which was a Crown Forest was subject to an exploitation concession which had been granted many years ago. That concession expired on 31st December, 1957, and the Government intended that most of the Lembus Forest should from 1st January, 1958, cease to be a Crown Forest and become an African District Council forest under the Baringo African District Council. This operation meant that the area had to be excised from the Scheduled Areas and added to the native land unit and then declared to be an African district council forest. Many administrative difficulties were encountered and in practice the forest did not legally become an African district council forest until 1st March, 1960. As it was legally a Crown Forest between 1st January, 1958, and the end of February, 1960, the revenue derived from it had to be paid into the Colony's exchequer. As the Government had intended that it should become an African district council forest on 1st January, 1958, it is now proposed to make an *ex gratia* payment of £11,000 to the Baringo African District Council. This amount represents the estimated profits which would have accrued to the Baringo African District Council if the forest had been declared to be an African district council forest on 1st January, 1958.

Mr. McKenzie: Mr. Chairman, could I ask the exact amount that Government took out of this forest during that time? Was it greater or less than this amount?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): The profit consists of the gross revenue derived from the forest less the cost of the Forest Department in managing and controlling the area in question. The profits have, of necessity, had to be estimated because a small part of the original Lembus Forest has remained as a Crown Forest. Now, when we knew the total revenue derived from the whole of the forest, we were forced to estimate what part of that revenue would have accrued to the African District Council and what part of it was applicable to the smaller area which remained Crown Forest. A similar estimate had to be made relative to the

[The Minister for Tourism, Forests and Wild Life] expenditure incurred in managing and controlling the forest. Therefore, Sir, the answer to the hon. Member's question is that it must of necessity be an estimate, but it is as close as we can get. The £11,000, we reckon, is a sum which came into the exchequer which rightly belonged to the African district council.

Mr. McKenzie: Mr. Chairman, the Minister has not answered my question as to how they arrived at the £11,000. What I would like to know from him is what the profit was which Government got out of the forest including the little bit he told us about during this period. What we want to know is, is this in the opinion of the House a fair amount or an unfair amount? We cannot judge that unless you tell us what amount accrued to Government during this period.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, I cannot give the gross figure for the produce less the cost of obtaining it. It has been worked out as a net figure. The total net figure was some way in excess of this £11,000.

Mr. Mboya: How much?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): That I cannot tell you.

Mr. Mboya: Why not? How do you know that?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): There has been what I believe in the Ministry to be a reasonable deduction and we think that £11,000 is a reasonable amount for the African district council to have. It is essentially an estimate, Mr. Chairman, and it must be an estimate because of the remaining small piece of Crown Forest which was left in this Lembus area.

The Chairman (Mr. Slade): I must point out to hon. Members that in discussing Supplementary Estimates it is not open for them to argue that more should be spent. They can question whether the expenditure is justified and move a reduction.

Mr. Shahi: Mr. Chairman, Sir, I refer to this £2,200 and I would like to know from the Minister why he was obliged to pay claims on the duty on tax from certain sawmills when they were not legally entitled to have these claims from the Minister, or from the department concerned.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): These concern two sawmills who are sawing and milling inside two of the

Massal forests. They were employed by the Massal African district councils, and, therefore, according to the letter of the law, they were not entitled to rebate because they were not registered by the department itself. Nevertheless, it is felt, Mr. Chairman, that they are bona fide saw millers, and that they should be allowed this rebate on fuel.

Mr. McKenzie: Mr. Chairman, will the Minister tell the House whether those are the only two sawmills or sawmills in that category? Are you satisfied that there are no others in Kenya in that category?

The Chairman (Mr. Slade): I do not think that that comes within the scope for the reason I have just given. Hon. Members can question this expenditure, but they cannot suggest that there should be more elsewhere.

Mr. Ntshenge: Mr. Chairman, I had a question about the amount of money which was to be given to the African district council. It is satisfied with the amount that is given, and at the same time, why is it not possible for the Government to tell us exactly the profit that is made so that we can know whether we should pass this amount to be given to the African district council or not.

The Chairman (Mr. Slade): You cannot have heard or understood my ruling. That is outside the scope of this debate for reasons that I have already given twice within the last five minutes.

Mr. Mboya: Mr. Chairman, Sir, we have heard of the African district council £11,000. Is it possible, if we have the figures of the actual profits made, that we could have paid them £10,900 instead of £11,000?

The Chairman (Mr. Slade): That is in order.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Chairman, this whole matter has been negotiated. The African district council has been consulted. The estimate that has been made is the nearest we could possibly get with the profits of the forest, only a portion of which is under discussion. I can assure hon. Members that the African district council is satisfied, and indeed that the Government also is satisfied. It has taken a long time to reach this conclusion and all parties are satisfied.

The Chairman (Mr. Slade): I think we will move on from this subhead, unless any hon. Member wishes to move a reduction.

Head O agreed to.

Heads P and R agreed to.

[Mr. McKenzie] could not raise matters on D, E, F and J, etc., until this Vote had been taken and was out of the way.

The Chairman (Mr. Slade): D—Travelling Expenses, on Vote 34. I apologize, it is the result of the changeover.

Head D agreed to.

Head E agreed to.

Head F agreed to.

Head J—Grants-in-Aid

Mr. McKenzie: Mr. Chairman, I should like to ask the Minister concerned where this £12,300 is going to be saved from. If it is going to be saved from various heads, well, then I am not interested so much as if it is going to be saved from one single head. I should also like to know what this £12,300 is being added—what amount it is being added to—in this anti-poaching measure and where that other amount of money is coming from which is going to be combined with the £12,000, and what it totals.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, the saving is over a number of heads throughout the entire Ministry. I cannot give him total details but all I can assure him is that it is spread throughout the lot. The Trustees have been spending about £10,000 per annum on anti-poaching measures which, over three years, amounts to about £30,000 in all. This grant-in-aid of £12,300 to them is to help meet part of the cost of that anti-poaching measure.

Mr. McKenzie: Mr. Chairman, may I ask on this £12,300—which I take it is over and above the £10,000—what specific measures they are going to take with it. Is this a completely new anti-poaching drive or is it just to augment what they have been doing?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, as I understand the position, they have had to carry out these anti-poaching measures, particularly in Tsavo, and it is really a question of reimbursing them in some measure for this anti-poaching work that they have had to carry out. I do not, as I understand the position, believe that they have been producing any new anti-poaching measures but it is to reimburse them for what they have been doing in the ordinary course of business routine, mainly at Tsavo.

Mr. Mullis: Mr. Chairman, Sir, could the Minister tell us which is more important to

finance anti-poaching measures or to finance control measures on the game as such?

The Chairman (Mr. Slade): No, that does not arise on this, Mr. Mullis. You can question whether this further expenditure is justified, but you cannot compare it with some other expenditure you would like.

Mr. Shah: Mr. Chairman, may I know from the Minister whether the result of this extra expenditure is satisfactory as far as the measures for anti-poaching are concerned?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, there has been a degree of satisfaction in it. We are by no means through with the problem of poaching. It is mainly, as the House is probably well aware, concerned with rhino horn and ivory. I do believe that our efforts do need to be stepped up, particularly at the end of the middle man who is responsible for the onward transmission of the ivory and the rhino horn, predominantly from Mombasa. I do hope in the near future that we shall be able to launch a campaign to get at the middle man and to stifle the outlet for the poaching.

Mr. McKenzie: Mr. Chairman, I am a little disturbed about the way the Trustees go about this, if I understand it properly. Am I led to believe that they incurred this expense and then came to the Minister to ask to be reimbursed; or has the Minister and the Ministry been in the picture the whole time and been part and parcel of—been in agreement with—this extra expenditure of £12,300? Obviously, it is extra expenditure which has been incurred which was not known about or was not foreseen at the time of the previous Estimates.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, there is, in fact, nothing very new about this.

Mr. McKenzie: Just £12,300.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): The anti-poaching effort has been going on for over three years and it amounts to a total expenditure now of about £30,000 which, of course, the National Parks have had to obtain in the main from the subventions they get from my Ministry; not entirely, because they have other sources of income themselves. However, it was felt in my Ministry that this grant-in-aid of £12,300 was reasonable in view of the expenditure which had been incurred over this period, particularly in view of the fact that we were able to effect savings within the Ministry to cover it.

Mr. McKenzie: Mr. Chairman, is it over three years this, and not just for this one year, this £12,300?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, this is concerned entirely with this one year. The three-year period is the £30,000 which I referred to which is the amount of money which the National Parks actually had to expend on anti-poaching.

Mr. Chokwe: Mr. Chairman, Sir, do I not understand that some poachers do some poaching for the sake of food? If so, would it not be reasonable for the Ministry to look into the matter and see if they could put some of the money into feeding the people who actually live on game, instead of treating them as poachers?

The Chairman (Mr. Slade): No, I do not think again that that is within the scope of this debate. You can question whether this money is being wasted or not, but you cannot suggest alternative ways of spending it.

Mr. Mwendwa: Mr. Chairman, I am very disturbed when the Minister talks about these poachers who, I would say, are doing an excellent job in reducing the numbers of those animals which are really doing a lot of harm to those people with *shambas*. I should like the Minister to tell the House how much money has been allocated by the Government to pay these people whose *shambas* have been damaged. If the Government has no money and has not allocated any money to be paid to these people I would suggest that the Government gives the poachers permission to reduce the numbers of these animals.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, I do intend, if time permits, to speak on this subject in the Budget debate, perhaps tomorrow. As it has been raised perhaps I can refer briefly to this question. Game is one of the great national assets of this country and although I would agree entirely with the hon. Member—

Mr. Mullis: So are the people with *shambas*.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): —that it is extremely perturbing and annoying for individuals to suffer the deprivations of game I believe that we, as a House, must recognize it as a national asset and in terms of what it can bring to this country in the future. Now, if I were to authorize poachers *ad libitum* to kill off the game within the parks there would be, I suggest to the House, no end to the amount of slaughter that would take place

and your natural asset would disappear. I have the greatest sympathy for the implication behind the Member's remarks and as Minister I will undertake to do all I can very rapidly to effect a better control of game than has occurred in the past. But I would like to say, having said that, that your National Parks must be controlled and we must keep to the law. If the law is that in the National Park poaching shall not take place, that law must be enforced.

The Chairman (Mr. Slade): I shall not allow any further debate on the general policy of anti-poaching measures which was implicit in the original grant in aid.

Mr. Mullis: What is the difference between poaching and shooting?

The Chairman (Mr. Slade): Hon. Members will have opportunity to . . .

Mr. Mullis: I demand that my people be either protected or allowed to protect themselves.

The Chairman (Mr. Slade): Mr. Mullis, order, order! When the Chairman is speaking other Members remain silent. There will be opportunity to discuss this general policy in the remaining part of the Budget debate.

Mr. McKenzie: I am sorry to come back on this, but I am still not satisfied about the expenditure, Mr. Chairman, of this £12,000. What I gathered was that the expenditure of £30,000 was over the three years. Now, all of a sudden, we have an amount here of £12,000. When I asked the Minister if this was spread over the three years he said that it was spread over this one year. Therefore, I come back to my original question, has the anti-poaching campaign been heated up that all of a sudden in this year they now need an extra £12,000 which was not envisaged in the original Estimates? In other words, you are asking for very much more than a third of what they have expended in three years to be expended now over this short period and it was not foreseen when the first Estimates came out.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): It is not quite like that, Mr. Chairman. This is the expenditure which we are asking for in these annual accounts; it is therefore an annual expense. Well, it is in our Estimates for 1960/61, Supplementary Estimates No. 3 1960/61. Therefore, it is covering a twelve-month period. It is not in any way designed to be recurrent, if that is what the hon. National Member is worried about. It is designed to reimburse the National Parks for a considerable

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): No, Sir. The totals are A14-31, 32 and 34, which equals the total of £31,190, to which should be added D1, E1, A54, E, £1,700 and F, Uniforms, making a total of £18,377, that is the total on the unemployment relief scheme.

Mr. McKenzie: Interjection.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): I beg the National Member's pardon, the total figure is £18,377 and if he turns over the page to page 35 29 he will see that there is appropriation-in-aid of that amount.

Mr. McKenzie: Mr. Chairman, what I would like to know is what boats have got to do with all this.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): The exact aquatic nature of the boats, Mr. Chairman, I am not aware of, but I will supply the details to the National Member if he so requires.

Mr. Mullis: Mr. Chairman, Sir, I feel absolutely dissatisfied with this Vote and I move that it be reduced by £1.

This Ministry, Mr. Chairman, Sir, is concerned with the preservation and control of game and should look after it. I will not concern myself with tourism or other relevant matters. I see here, Mr. Chairman, that the personal emoluments amount to £12,500. Last time, Mr. Chairman, we were told that there was absolutely no money to employ game wardens or scouts to look after the animals which were killing people, spoiling crops and more especially at this time when there is no rain and there has been an invasion of army worms.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): On a point of order, Mr. Chairman, the £12,500 to which the hon. Member refers is not being spent in any way on game.

Mr. Mboya: What is the point of order?

Mr. Mullis: I submit, Mr. Chairman, that this money should actually be used in the field to make sure that these animals do not kill people or spoil crops.

Hon. Members: Hear, hear.

Mr. Mullis: I see here, Mr. Chairman, under A14 that they have Clerical, Typing and Auxiliary Staff also requiring additional money, Mr. Chairman, I submit that this Ministry should do more work outside the field, it should not have many typewriters or numerous clerks who need money, that money could be used for the

actual control of game and compensation of those who suffer from them.

Mr. Chairman, Sir, I also see that another amount of money is to be used for the implementation of the Flemming Report, Mr. Chairman, this Ministry has absolutely failed in its duty and I see no reason why it should ever get an increase of their salaries. In fact the Flemming Report should not affect them at all. There are teachers who are doing more useful work and who have not been affected by the Flemming Report. I see no reason why this particular Ministry should have anything at all.

The Chairman (Mr. Nyagah): Order, order, Mr. Mullis, I think you are now on policy. You have made your point, you have moved an amendment to reduce the Vote by £1.

Mr. Mboya: On a point of order, Mr. Chairman, this Vote raises the matter of the Flemming Report: when we debated the Flemming Report they apparently did not bring up this particular provision in the Vote for this Ministry, I wonder what the position is, if the Ministry brings up the matter relevant to the Flemming Report whether we can debate the Flemming Report.

The Chairman (Mr. Nyagah): I think the hon. Member has made his point as to why he wants the Vote reduced and I cannot allow him to go deep into policy matters on the whole Ministry.

Mr. Mullis: Thank you, Mr. Chairman.

The Chairman (Mr. Nyagah): I would remind you that we are still talking under Subhead A.

Mr. Mullis: Therefore Mr. Chairman under the appropriate subhead I move, Mr. Chairman, that this Vote be reduced by £1.

Question proposed.

Mr. McKenzie: Mr. Chairman, I wonder if I could have a ruling from you if now we can only discuss all the Heads under this?

The Chairman (Mr. Nyagah): Discuss A.

Mr. McKenzie: And after we have had a Vote we go back?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, the Motion has been moved under A which concerns Personal Emoluments of £12,500 and various others which, as I have explained, are entirely concerned with the unemployment relief scheme. The Mover of this amendment therefore has produced a total amount of irrelevant substance matter with regard to game which does not affect either of these two sums.

[The Minister for Tourism, Forests and Wild Life] The first is entirely concerned with the payment of Flemming to forest labourers. The other item, as I have said, are entirely concerned with the implementation of the unemployment relief scheme entirely devoted to the forests. Therefore, I submit, Mr. Chairman, that the moving of a £1 reduction on the grounds that the Ministry is not taking enough notice of game control concerned with sums of money devoted entirely to forests is totally frivolous.

Mr. McKenzie: Mr. Chairman, I gather that as far as A is concerned this scheme is to employ 930 unemployed people in the forests. What I should like to know from the Minister is, how come he is going to need nine clerical and typing people in headquarters staff so as to make this scheme operate? Or are the nine clerical people nothing to do with this? I understood from him that the whole of A had in fact to do with the unemployment relief scheme. If that is the case, what does he want nine clerical and typing people in headquarters for? Should they not be in the Forest Department, more than in headquarters?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, the clerical, typing and analogous staff are entirely concerned with the unemployment relief scheme which is employing 930 unemployed for a period of three years together with their families. The unemployment scheme is therefore providing employment and subsistence for about 5,000 people. I do not believe that it is excessive for the administration of these people, plus additional travelling expenses, plus the purchase and maintenance of various equipment and tools; I do not believe that the clerical staff and the analogous staff are excessive for this task.

Dr. Kioko: Mr. Chairman, Sir, I think the Minister has a little more explanation to give than just what he has said. There will be more time for my side to fight against or comment on the scheme to mitigate unemployment. But the position being made by the Member for Kitui, the Mover of the Motion, is—as regards the figures indicated here, for example, the eight forest guards and the other people actually in the field, in the forest—that they have done such unsatisfactory work that he cannot be a party to approving these Estimates on Head A because there may be efficiency as far as the unemployment schemes are concerned, there may be efficiency as far as office work is concerned, but the point made by the Mover of the Motion is that there is a lot of inefficiency as far as the field work is concerned from the point of view of protecting the individual

farmers and so on from game that goes and spoils the crops. That is the point he is making and that has not been answered yet by the Minister.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, I am at a loss as to how to point out to the Opposition the difference between game control and forest administration. The hon. Member for Fort Hall has again tried to relativise something which I have already told him is quite wrong, that any of this money is in any way connected with game or game control. It is entirely concerned with forests.

Mr. Mullis: Mr. Chairman, Sir, the hon. Minister says that the money shown in this subhead is not concerned with game but is concerned with the forests. We have a lot of trouble from game. Why does he not obtain more money for the control of game as this is so urgent.

The Chairman (Mr. Nyagah): Order, order, Mr. Mullis: You may have a chance in other subheads to discuss game. However, this particular Subhead A deals specially with forests and forest labour. You must confine yourself to that. However, I think enough has been said on this one and I must put the question.

The question was put and Council divided.

DIVISION

The question was negatived by 39 votes to 18.

AYES: Messrs. Angane, Arman, Arwigwa-Kodhek, Ayodo, Chokwe, Erakine, Jamal, Dr. Kioko, Messrs. Mathenge, Mboya, McKenzie, Mullis, Mwenda, Njili, Nibenge, Sagin, Shah, Chanan Singh.

NOES: Mr. Abwao, Sheikh Alamoody, Messrs. Alexander, Amalemba, Blundell, Butler, Sir Walter Coutts, Messrs. Griffith-Jones, Havlock, Henington, Jamidar, Jumbo, Jeneby, Khasakha, Kilubi, Kohli, Kathurima, Lord, McKenzie, Macleod, Malsori, Marrian, Matano, Mate, arap, Mot, Muliro, Murgor, Ngala, Okondo, Pandya, Patel, Sir Philip Rogers, Messrs. Sigoo, Sereonyi, Mrs. Shaw, Messrs. Seman, ole Tipsa, Tiyeti, Webb.

[Mr. Chairman (Mr. Nyagah) left the Chair.]
[Mr. Chairman (Mr. Stalo) took the Chair.]

The Minister for Local Government and Lands (Mr. Havlock): Overwhelming defeat!

The Chairman (Mr. Stalo): Vote 35, Ministry of Works.

Mr. McKenzie: Mr. Chairman, on a point of order, I did ask the previous Chairman if, when we finished with the Vote, I could raise matters on D onwards and I was told by him that I

[The Chief Secretary]

Mr. Box gets up, the hon. Mr. Box asked that question and—

Mr. Mboya: On a point of order, is the Minister right in referring to hon. Members as Mr. Box and Mr. Cox? Is it not customary to refer to hon. Members as the hon. Member for a constituency?

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Chairman, on a point of order on that point of order, is it not courteous and proper for an hon. Member to use a euphemism when referring to hon. Members opposite?

The Chairman (Mr. Nyagah): Order, order. It is not out of order if the reference was not made in any derogatory manner.

Mr. McKenzie: Mr. Chairman, may I ask why we have had to go ahead and expend a further £1,520. Were we dissatisfied with the news which we were getting under our previous arrangement, and are we also dissatisfied with the people whom we employ, either dissatisfied or perhaps they do not cover enough already? For instance, we hear regularly over the wireless that the Kenya Broadcasting reporter is in Zanzibar or he is here or he is there, or he has been listening in Legislative Council. Why is it that we have had to spend a further £1,520 to get extra news? I think I am right in saying that we used to get news from the *East African Standard*. Are we dissatisfied or do we think that the *East African Standard* do not give us a wide enough coverage, and these other two people will give us a wider coverage?

The Chief Secretary (Sir Walter Coutts): The answer to the hon. Member's question is in the latter part. This is a legacy from the days of Cable and Wireless when we always took news from the *East African Standard*. Recently it was thought that this did not give us wide enough coverage. Therefore, we decided to purchase news from other agencies.

Mr. Mboya: Mr. Chairman, my recent question has not been answered. I think it was because of the interjection from the other side. I asked whether we pay for news in terms of the news item. If so, how much per item, or whether we pay on the basis of a retention fee, or whether we pay both?

The Chief Secretary (Sir Walter Coutts): I think the right answer is that we pay a set sum per annum for a specific service which is laid down as agreed. As I said to the hon. National Member, Mr. McKenzie, I will try and give him the right answer to that when I can.

Head G agreed to.

Head H—Miscellaneous Other Charges

Mr. Mathenge: Mr. Chairman, I would like to know from the Minister under H2, Listener/Market Research, I would like to know what this market research is. Has it any relation with a company popularly known as MARCO? If it has, is the Government satisfied that they are doing the job properly? If it has not, what are the respective bodies in the other territories and what is Kenya's share of the cost towards this?

The Chief Secretary (Sir Walter Coutts): No, Sir, is does not refer to MARCO. We make listener-research examinations from time to time to try to find out what listeners really want to hear on their radios, and it is because of that part of research that we decide what part of programme is going to be put on. This particular market research was financed, as hon. Members will see, on appropriations-in-aid contributions from the B.B.C. and Voice of America to this market research, and therefore this Government had to pay less, in fact.

Mr. Mboya: Mr. Chairman, Sir, do we then assume that the reference to Kenya's share is not in terms of an East African market research survey but rather in terms of a joint B.B.C. Voice of America-K.B.S. market research survey?

The Chief Secretary (Sir Walter Coutts): Yes, Sir, that is the answer.

Mr. McKenzie: Mr. Chairman, could I ask what the amount is that the B.B.C. are paying?

The Chief Secretary (Sir Walter Coutts): The B.B.C. are making a contribution and I think I am right in saying it was about £1,700.

Mr. McKenzie: So the Voice of America is only about £1,100?

Head G—Miscellaneous Other Charges agreed to.

Vote 29—MINISTRY OF LABOUR, SOCIAL SECURITY, AND ADULT EDUCATION**A—Personal Emoluments**

Mr. McKenzie: Mr. Chairman, I wonder if I could ask what the extra labour officer is going to do? I gathered in a speech some time ago that we were going to have a reduction in labour officers. Now it seems to me if I have read it correctly that we are going to lose a statistical officer and obtain a labour officer.

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, I thank the hon. Member opposite for a long answer. We had a statistical officer as per item 26 in the 1960/61 Estimates. Now that statistical officer was a technical man and whenever he went on leave it was very difficult to get somebody else who knew anything about statistics to take over from him and eventually that officer left the Ministry and it was thought wise to have a man who knows something about statistics and, who also knows something about labour matters so that he could, when called upon, help us on statistical matters and when we did not require statistics he could help us with the usual labour officer's routine work. The duties of this officer include supervision of the maintenance of statistics of employment culled from labour officers' monthly reports, the maintenance of statistics relating to workman's compensation and factory inspection, the section also carries out the annual remuneration of domestic servants and in co-operation with the Economics and Statistics Division of the Treasury carried out the annual enumeration of all employees. Only a token provision of £1 is required as a financial provision is this is for the enhanced salary of the upgraded post. Mr. Chairman

An hon. Member: Well done!

Mr. Mboya: Mr. Speaker, Sir, we are very grateful to the Minister for the detailed information but I thought I heard him say that the reason why they decided on this change is that the previous person was a statistical man and whenever he went on leave they were in difficulty in replacing him and trying to find someone to put in his place. Is it suggested, Sir, that he is employed as a statistician without regard to whether this was a necessary qualification for this post? Is it suggested that when this person who is now being taken in, who the Minister states knows something about statistics, what happens when he goes on leave?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, I hope the hon. Member heard me very clearly. I said we did not want a purely statistical man. We wanted a man who could do some labour officer's work as well. Now, and as you can see, Mr. Chairman, what I have said are the duties of this officer, they are not purely statistical and, if the hon. Member opposite is asking me for what was in last year's Estimates, I would have to ask him to have been here at the time and query it at the time. I am not trying to be unco-operative but

I am pointing out that as we move along we ameliorate matters.

Hon. Members Hear, hear.

Head A—Personal Emoluments agreed to.

Vote 34—MINISTRY OF TOURISM, GAME, FORESTS AND FISHERIES**Head A—Personal Emoluments**

Mr. McKenzie: Mr. Chairman, I would like the Minister to break down personal emoluments. Every other Ministry that we have had has broken it down whereas here it is just a figure of £12,500 and I am sure it is not personal for the Minister himself. And then I would like to raise other matters under the same Head.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Chairman, unfortunately it is not for the Minister himself. It is an amount in respect of part of the cost of implementing the Fleminging Report, most of which—

Mr. McKenzie: What, what?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Well, you will see it down there under little (a). Mr. Chairman, if the hon. National Member refers to it he will see additional provision of £12,500 which is required as a result of the implementation of the Fleminging Report.

As I was about to say, the majority amounting to £71,080 was included in the Supplementary Estimates No. 2, of 1960/61. This additional amount is required because Government instructions for the implementation of the Report were misunderstood relative to certain casual labour employed by the Forest Department. Originally it was thought that these labourers were not entitled to any arrears of salary under the Fleminging Report. Subsequently, it was ruled by Government, that the labourers in question were entitled to arrears of salary and this additional provision of £12,500 is the estimate of the amount required to pay them the arrears and to pay them their new salary rates up to 30th June, 1961.

Mr. McKenzie: Mr. Chairman, it is a pity this had not come up when we debated Fleminging the other day. What I would now like to know under A14, 31, 32 and 34, are these the only additions which are going to be needed to set into motion this new approved scheme for the employment which has been known as the "Employment of 1,000 People" in the forest service?

Head D—Paper, Stationery, Printing Materials, etc.

Mr. Shah: I would like to have details about this extra expenditure of £23,000 on paper, stationery and printing materials; I mean general details, not minute.

The Minister for Works (Mr. Jamidar): This Department happens to be my responsibility. The original provision for paper, stationery and printing materials was £100,000 and that proved to be insufficient to meet the current stationery requirements. The main reason for the Supplementary Estimate of £23,000 is that certain orders were placed with the Crown Agents for 1959/60 and they were not paid for until 1960/61. The corresponding Vote for 1959/60 was underspent by £28,810—which amount exceeds these Supplementary Estimates now before us.

Mr. McKenzie: Mr. Chairman, may I ask if paper as paper was, in fact, the largest part of this £23,000, or was it printing materials, or what was it? What is the main item of the £23,000?

The Minister for Works (Mr. Jamidar): Paper would be the main item.

Mr. McKenzie: Could you give us an idea how much the paper was?

The Minister for Works (Mr. Jamidar): I could supply this information at a later stage if the hon. Member wishes to have it.

Head D agreed to.**Head E—Purchase and Repair of Typewriters and Duplicators**

Mr. McKenzie: Could I ask in what way the savings which were offered in the Estimate No. 2 were overstated, when you consider that we only had Supplementary Estimates No. 2 the other day?

The Minister for Works (Mr. Jamidar): That Supplementary Estimate was prepared last March and it is impossible to predict when typewriters or duplicators will go bad, and when they go bad they have to be repaired.

Mr. McKenzie: To the tune of £2,000?

Head E agreed to.

Head F agreed to.

Vote 28—BROADCASTING**Head A—Personal Emoluments**

Mr. McKenzie: Mr. Chairman, may I ask under A36, the two Executive Staff under News, what I

would like to know here is for which news service are they, and is this the first of the Africans whom we have heard of who are going to come on to the European/Asian News, or just who and what are they? That is A36.

The Chief Secretary (Sir Walter Coutts): I am unable to tell the hon. Member whether they are Africans, Asians or Europeans.

Mr. McKenzie: Mr. Chairman, I wonder if the Minister could tell me if the person who puts over news on the English system and the person who puts over news on the African system—these may be either—are they classified and graded the same? Or do you have a lower grade person giving you African news and a higher grade person, irrespective of his race, giving you English news?

The Chief Secretary (Sir Walter Coutts): That would depend on the candidate.

Head A agreed to.

Head F—Programme Charges

Mr. Shah: Could I ask the hon. Chief Secretary, does this extra amount also include programme charges for Asian National and if it does, is he aware that there is a great dissatisfaction among the Kenyans of Asian origin about their programme coming from Asian National?

The Chief Secretary (Sir Walter Coutts): This does not include any provision for Asian National which is already well provided for, and I have answered to his Asian Chamber of Commerce, just the other day, the very question which he has just asked.

Head F agreed to.

Mr. McKenzie: Mr. Chairman, do we take it by F that when the broadcasting people purchase material they resell it to sponsors at a flat figure, or do they sell it, at cost, or is this actually money-making. That is this sponsoring, I am not asking about the copyright, but the resale to sponsors.

The Chief Secretary (Sir Walter Coutts): Could I ask for an explanation, is he talking about news charges?

The Chairman (Mr. Nyagah): No, programme charges.

Mr. McKenzie: What it asks for, the way I read it, is that the Minister is asking for additional money to purchase sponsors' recording programmes, and I gather you purchase them and then you resell them. What I am after is, why are you asking for money when you buy

[Mr. McKenzie] something and 'you resell it, and if you buy it and resell it at a loss? Do we resell it at a loss, and if so, why?

The Chief Secretary (Sir Walter Coutts): You have to have money to buy the programme in the first place. If the hon. Member would look at appropriations-in-Aid he will see that as a result of a decline in advertising we have, in fact, lost money. Therefore, we have not got as much as we had hoped from buying some programmes.

Mr. McKenzie: Do I take it that we have bought the material which we hoped to sell and have not been able to sell it?

The Chief Secretary (Sir Walter Coutts): It is not a question of selling material; it is a question of getting material and then asking people to advertise on that particular programme. If the advertising gets money we can then pay for the material.

Mr. McKenzie: But you must purchase because you are buying recorded material, so you are buying material which is ready to put over the air to resell. What I am asking is have you bought too much recorded stuff which you now cannot sell because of advertising not being up to what we first imagined?

The Chief Secretary (Sir Walter Coutts): I think the hon. Member must know that in the K.B.S. it is not possible for us to get all our programme material locally. Some programme material must come from overseas. That programme material may carry with it advertisements and may not, unless the advertisers pick that particular hour on which to advertise.

Mr. McKenzie: The Minister has not got what I am after.

Mr. Members: Ah... Ah... Ah...

Mr. McKenzie: Sir, if Members are tired they need not rest here. They can go outside instead of going "Ah... Ah... Ah...".

What I would like to know from the Minister—

Hon. Members: (Interruptions.)

Mr. McKenzie: I wonder if it is the Civil Service element not getting overtime that is concerning them?

Mr. Chairman, what I would like to ask is, and it is stated here, that it is purchase of sponsored recorded programmes for resale to sponsors. That is what it is. I am not worried about the copyright. Therefore, surely, you do not buy material

before you have sold it, not in this type of business.

The Chief Secretary (Sir Walter Coutts): Mr. Chairman, we must—because we must put on a programme in order to sell it to the advertiser and sponsor.

Head F agreed to.

Head G—News Charges

Mr. McKenzie: Mr. Chairman, I gather that this is additional provision required. What I would like to know is, who are these two additional news agencies that we are now buying material from and what is the payment to each one, and what is implicated in the agreement? What news do they have to give us? Is it local news, is it overseas news?

The Chief Secretary (Sir Walter Coutts): The Kenya News Bureau and the Nation News Service. The answers to his other questions I can let him have in writing.

Mr. Shah: Mr. Chairman, Sir, we have been informed that the two additional news agencies are local ones and their services, it seems, are not efficient, and it should be noted, for instance, there was a meeting which was attended by about 40,000 people on Sunday and you had no news of that meeting on that evening on the Kenya Broadcasting, nor even in the next morning. That means that we are paying for services which are not being provided to the Kenya Broadcasting Service.

The Chief Secretary (Sir Walter Coutts): This is not a matter of politics here, but I would like to tell the hon. Member that he has completely misunderstood the function of the news room. The function of the news room is exactly the same as Britain's B.B.C. or any other broadcasting service. They take in all the news they can get and they put the news into order of priority, whether they feel that it is going to be of interest to listeners or not, and if the hon. gentleman's meeting did not get in, I am so sorry.

Mr. Alboys: Mr. Chairman, would the Minister tell us whether we pay for the news on the basis of the news we receive, or if we pay an over-all fee to retain the news service of the agency? Secondly, is the Minister suggesting that this particular news item which the news room—

The Chief Secretary (Sir Walter Coutts): This is very probable, Sir. That is to the latter part of the question.

In so far as the other question, the one of the hon. Member, who I would like to call Mr. Box, because every time Mr. Cox sits down

[Mr. Mboya]

was the nature of the lectures, were they about his Ministry or policy or politics or promotion of the politics?

The Minister for Legal Affairs (Mr. Griffith-Jones): On a point of order, Mr. Chairman, this is wholly irrelevant in my submission to the Supplementary Estimates.

Mr. Mboya: May I speak on the point of order, Mr. Chairman?

The Chairman (Mr. Nyagah): The point of order has been raised and enough information as could be expected has been given on that subsection, I think we must now get on.

Mr. Mboya: On a point of order, Mr. Chairman,

The Chairman (Mr. Nyagah): What is the point of order?

Mr. Mboya: Is it right or not right for Members to ask if and when a Member goes abroad which is paid for by public funds what he has gone for? Is it out of order to ask that?

The Chief Secretary (Sir Walter Coutts): Mr. Chairman, there were no public funds committed but in fact the result of the tour was that the Government made money out of that.

Mr. Mboya: On a point of order, Mr. Chairman, is it being suggested that no public funds were spent? It is conceded on this side that as shown by the accounts now that some money was made out of it, but is the Chief Secretary suggesting or disagreeing with the Minister that initially the sum of £1,034 was spent?

The Chief Secretary (Sir Walter Coutts): Mr. Chairman, we spent it but we got it back.

Mr. Mboya: Mr. Chairman, if I understand it properly the question we are asking is the nature of the lectures in connexion with the money spent Subsection D.

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, in answer to the inquiry, Sir... oh, let the former Minister reply.

The Parliamentary Secretary to the Chief Secretary (Mr. Amalembi): Mr. Chairman, Sir, the tour was carried out on the invitation of Columbia Lecture Bureau under the management of an organization called the General Management Bureau in New York. It was an invitation extended to this Government to send me to explain the Kenya situation under this particular organization. The lecture tour lasted for six

weeks and although my Government paid my fare both ways, going and coming back, and for my stay over there, the fees that were paid to me were handed over to the Government and they showed not an expenditure on me but covered all the expenses I had made both ways and left the Government with a profit!

Hon. Members Hear, hear.

The Chairman (Mr. Nyagah): I think that is enough on this.

D—Travelling and Incidental Expenses agreed to.

Probation Service—F4—Purchase of Motor Vehicles

Mr. Shah: Mr. Chairman, £2,151 has been spent on motor vehicles what were they for?

The Minister for Labour and Housing (Mr. Towett): They are motor vehicles required for service in that particular department.

Mr. Mboya: Mr. Chairman, Sir, originally it was not necessary to have motor vehicles. Could the Minister tell us why it became necessary suddenly to have to spend £2,151, was it for the staff, is it for the Minister, is it for the chaps put on probation?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, I will give the hon. Member opposite a precise answer. In his administration in the Kenya Federation of Labour and probably his party it is necessary at times to write off some of his motor vehicles and purchase new ones. Now, Mr. Chairman, these were motor vehicles—all these motor vehicles in the Probation Service were found to be so poor and inefficient that it was necessary to have some new motor vehicles for the service if we were to be efficient so these were bought for the Probation Service, not for individuals as such, Mr. Chairman.

Mr. Mboya: Mr. Chairman can we know what happened to the old vehicles, were they sold? If so, why is that not reflected here in the Estimates?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, my information which is authentic is that they were sold and the money was credited to the appropriations-in-aid.

Mr. Mboya: Mr. Chairman, the appropriations-in-aid—the only thing shown here is receipts from the Minister's lecture tour in the U.S.A., £1,347, where is the surplus arising from the sale of the motor vehicles or even from the junk?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, that is seen in the ordinary Estimates where the hon. Member—if he cared to look at it—might have seen it.

Mr. McKenzie: Mr. Chairman, how could it have been in the Estimates when they had even decided that by not putting any money in at all that they were going to buy the vehicles? Could the Minister tell us what kind of vehicles they bought, how many vehicles they bought?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, if the hon. Member wants the details and the number of tyres we have purchased so far I am prepared to give him a written document on all those details.

The Chairman (Mr. Nyagah): Order, order. All those details will appear in the ordinary main Estimates.

Mr. Mboya: Mr. Chairman, on a point of order, the Minister in his speech said that this appears to be in the Appropriations-in-Aid, but the vehicles did not. I have the Supplementary Estimates here and on the page on which there are Appropriations-in-Aid in respect of the question asked.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, perhaps I could help with this. The position is that it was necessary to replace the motor vehicle because the previous transport was in a very bad condition. The cost was found from savings in the Personal Emoluments Vote in which there were savings through posts being vacant. That is where the cost was met.

Mr. McKenzie: Mr. Chairman, all we are asking is if the Minister will tell us what he got for the vehicles he sold. How much in money. He tells us that it appears in the Appropriations-in-Aid, we have looked and cannot see it in the Appropriations-in-Aid in either the Estimates for 1960/61 or 1961/62.

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoudy): Mr. Chairman, Sir, perhaps there was a saving on the sale of those vehicles, could this be the actual cost to the Government in view of the fact that those vehicles were taken in part exchange?

Mr. Mboya: Mr. Chairman, I now come to the estimate of expenditure, 1961/62, page 168—Appropriations-in-Aid. All that appears, Mr. Chairman, is Registration of Persons, Trade Testing Fees, Supervisory Training Courses Fees, Aptitude Testing Fees, Ford Foundation Grant, Localization and Training—Reimbursement from

the Development Fund, Miscellaneous, Reimbursement Central Housing Board. I would like to know, Mr. Chairman, since the Minister said we would find it there, we have not found it there, just where is it? What has happened to the three cars? Who sold them, where is the junk?

Mr. Eutter: The answer to this one, Sir, is that this Department, when the vehicles were sold, was I understand under the Chief Secretary and he got the money.

Hon. Members Hear, hear.

Mr. Mboya: Mr. Chairman, can we be told how much money the Chief Secretary got? It seems that the Chief Secretary has the Ministry and he should know when and where the money went.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I am quite sure that if the hon. Member would just put down a question to the Chief Secretary he would be only too pleased to answer it.

Mr. McKenzie: Mr. Chairman, what upsets me in all this is that again a Minister on the other side stands up and tells us that we will find the cost of these vehicles in the Appropriations-in-Aid in his Ministry. Meanwhile they are in the Ministry of the Chief Secretary.

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, may I correct one allegation I never made, I did not say in my Ministry or in this Ministry, I said Appropriations-in-Aid generally, and these motor vehicles were sold in a public auction.

Mr. McKenzie: How much? We want to know?

The Minister for Labour and Housing (Mr. Towett): We will supply the answer in as far as the Ministry is concerned, Mr. Chairman.

Mr. Mboya: Mr. Chairman, is the Minister now seriously suggesting that we will find them in the Appropriations-in-Aid?

Mr. Chairman, Sir, the Minister must either say one thing or the other. Is he seriously suggesting we will find them in the Appropriations-in-Aid in the Chief Secretary's Ministry?

The Chairman (Mr. Nyagah): Order order. The Minister could answer or could refuse if he wishes.

I think we have had enough on this one. We must move to the next Vote.

Mr. Mboya: Mr. Chairman, why is it that the Parliamentary Secretary—who has been, if I may say so, very helpful in her replies—is not given a personal secretary?

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Mr. Chairman, because I said that I did not require one, as I was quite used to doing my own typing and filing as an Elected Member. Also, I can share the Minister's secretary if it is necessary, and that is an economy.

Head A1 agreed to.

L—Miscellaneous Other Charges

Mr. McKenzie: Mr. Chairman, may I ask why, when an establishment belonging to this Ministry connects up with the mains and with the electricity the bill goes up. Normally one is led to believe that when you connect up with the mains and the electricity your costs ought to go down.

The Minister for Health and Social Affairs (Mr. Mate): The £55,000 covers the cost of the electricity, water and conservancy. When the Estimates are being made it is never known when new connexions will be made as this depends upon the progress of public utility projects or to forecast actually when new buildings will be completed and how much these services to them will actually cost.

Mr. McKenzie: Mr. Chairman, I cannot hear.

The Chairman (Mr. Nyagah): Would you speak up?

The Minister for Health and Social Affairs (Mr. Mate): Sir, these are in respect of electricity, water and conservancy.

Mr. Mboya: Mr. Chairman, we cannot follow.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Chairman, Sir, I do believe that the hon. Member does not want to follow.

Mr. Mboya: On a point of order, Sir, we cannot hear the Minister. We might be able to hear him if he would read slower and louder.

The Minister for Health and Social Affairs (Mr. Mate): Sir, it is the way I read.

Mr. McKenzie: Mr. Chairman, the reply which the Minister gave—was it electricity and water or was it the extra costs for medical and nursing services? Were you giving us both or just one?

The Minister for Health and Social Affairs (Mr. Mate): Mr. Chairman, Sir, it is electricity, water and conservancy.

Mr. Shah: Mr. Chairman, Sir, is it not extraordinary that the staff of the Ministry of Health are taking advantage of non-Government facilities so far as hospitals, medical and nursing services are concerned?

Hon. Members: We cannot hear!

Mr. Shah: Sir, I think you will judge whether they can hear or not. I might have to repeat the whole question, Mr. Chairman. It is not extraordinary that the staff of the Ministry of Health should go to take the services of non-Government facilities for their hospitals and medical and nursing services. They are costing £6,000 to the taxpayers of the country. Would it not be advisable that these staff should take their services from the Government hospitals? When they are the staff of the Ministry at least they should have more confidence in the services provided by their own Ministry.

Mr. Alexander: Mr. Chairman, on a point of order, I have just been studying my Taylor on the Committee of Privileges in the House of Commons. We have before us a straightforward Motion, and, if I understand my Mr. Taylor correctly, I would like to ask you now, Mr. Chairman, whether I could move that the question now be put The Motion, Sir, before the House is that a sum not exceeding £474,000 be granted to the Governor on account, for or towards defraying the charges of Supplementary Estimate No. 3.

The Chairman (Mr. Nyagah): Mr. Alexander, the question could be put, but you must give the Opposition an opportunity to speak on the various Votes that follow.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Mr. Chairman, I could not really hear what the hon. Member said but I imagine that he has moved on to L5. Is that correct?

Mr. Shah: L5, yes.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Well, the answer is this. This item is increased from £25,000 by £6,000 to £31,000. The major portion of this item is accounted for by payments to local authorities and missions for the use of their dispensaries by Government servants in which there has been an increase this year of £6,000. This item also meets the cost of fees paid to private doctors who attend Government servants in stationery where no Government doctor is available, a most necessary service, and for private doctors engaged

[The Parliamentary Secretary for Health and Social Affairs]

in an emergency; the cost of X-rays for Government servants attending non-Government hospitals, and fees for medical examinations in the United Kingdom of Government servants.

Head L agreed to.

O—Compensation and Ex Gratia Payments

Mr. McKenzie: Mr. Chairman, may I ask what these non-profit-making institutions are that get ex gratia refunds of duty and tax on Mineral Fuel Oil?

The Minister for Health and Social Affairs (Mr. Mate): No, Sir.

Mr. McKenzie: Mr. Chairman, could I ask if that is the complete loss or whether there are any missionary hospitals which are getting a rebate?

The Minister for Health and Social Affairs (Mr. Mate): None, Sir.

Head O agreed to.

VOTE 24—MINISTRY OF HOUSING, COMMON SERVICES, PROBATION AND APPROVED SCHOOLS
Office of the Minister—D—House Allowance agreed to.

Head D—Travelling and Incidental Expenses

Mr. McKenzie: Could I ask how this amount is made up, please, Mr. Chairman?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, I would like to tell the hon. Member opposite that the former Minister in the Ministry of Housing, Common Services, Probation and Approved Schools, went to the United States on a tour and he gave some lectures. Then he came back. Of course, Sir, he incurred some expenses. That is one item. Secondly, in 1960 there was some difficulty with the First Permanent Building Society and the Kenya Permanent Building Society and the Savings and Loans Society, and we asked, or the Ministry asked, a Mr. Burgess to come—

Mr. McKenzie: Who?

The Minister for Labour and Housing (Mr. Towett): Mr. Burgess. He comes from South Africa, perhaps. Mr. Burgess's expenses in this country amounted to £712, whereas the Minister's expenses in America amounted to £1,033. That comes to £1,746, Mr. Chairman. That is how we arrived at that figure.

Mr. McKenzie: Mr. Chairman, from that answer, the amount of money which was spent

on the gentleman who came out here to help us over the building societies—did the building societies contribute at all to his expense?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, the problem is that that gentleman was asked to advise us on how to help the building and loans societies, as a Government trying to help people who are working in the country and to give them proper advice. They did not give a cent or contribute towards his costs and expenses.

Mr. McKenzie: Mr. Chairman, before we can agree to this, I wonder if the Minister can tell us just what advice that gentleman gave us?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, this is in the development side of things and I refer it to the Minister in charge of Development, i.e. the Minister for Finance.

Mr. De Souza: Mr. Chairman, could the hon. Minister tell us exactly how much money was spent by the former Minister on his tour, travel, holiday to the United States of America and why the public should pay this money?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, I will give more information to the hon. gentleman opposite. During his visit to America that Minister got us more money than he actually spent. The cost of his tour to us was £1,034 but he brought back in fees or he earned £1,347 and he gave us a net profit—if you call it that—of £313.

Mr. Mathenge: Mr. Chairman, may I ask the Minister for Finance, in his Budget Speech he mentioned that the building societies are going to get some subsidy from the Government, was this decision reached in any way from the advice given by this gentleman?

The Minister for Finance and Development (Mr. MacKenzie): Yes, Sir.

Mr. Shah: May I know from the hon. Minister whether this money which the Minister brought back from America has been shown anywhere in the Estimates under this Head?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, if my friends opposite can read they can see under Appropriations in Aid—Expected Surplus received from the Minister's Lecture Tour in the U.S.A.—£1,347.

Mr. Mboya: Mr. Chairman, it is possible for the Minister to indicate—I know he was not the Minister, who went—what these lectures were about? About housing? Mr. Chairman, what

The Minister for Health and Social Affairs (Mr. Mate): The two new posts of Permanent Secretary and his personal secretary are made necessary by the reorganization of the Government which has increased responsibilities of the Ministry by the addition to the portfolio of Social Services which, in addition to Child Welfare, now includes Community Development, Youth Centres, Sports and Social Welfare.

Mr. McKenzie: Speak up!

The Minister for Health and Social Affairs (Mr. Mate): The functions of Permanent Secretary were for a while combined with those of Chief Medical Officer/Director of Medical Services but, with the increase in the portfolio, this arrangement is no longer practicable although, from the point of view of the Government as a whole, the total number of posts of Permanent Secretary remains the same, as, in the reorganization of the Government, the number of Ministries has been reduced from 14 to 12. In one of the Ministry headquarters which disappeared that was no post of Permanent Secretary.

The Chairman (Mr. Nyagah): Would you speak a little louder?

The Minister for Health and Social Affairs (Mr. Mate): I will repeat what I have just said (Repetition of the above two paragraphs).

Hon. Members: Speak up!

The Chairman (Mr. Nyagah): Order order! Would you speak a little louder, please?

The Minister for Health and Social Affairs (Mr. Mate): I repeat again. . . . (Repetition again of the first two paragraphs).

Mr. Mboya: Mr. Chairman, Sir, the explanatory note to A1, 24, has Permanent Secretary (£2,800). I think this question has been asked but I do not think any question has been given to me. How come we now have this what appears to us to be the creation of the post of Permanent Secretary. The explanation appears to be that previously you had the Director of Medical Services acting as Permanent Secretary. Now, is the increase sought in respect of the salary of the Permanent Secretary or in respect of the salary of a new Director of Medical Services?

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): May I answer this one, Sir? The increase is £1 which is just the formal thing to bring this change in posts to the notice of this House.

Mr. McKenzie: Mr. Chairman, we must not be misled on this side. It is not £1. It is only £1 because a saving of £1,935 has been made. The actual amount that we are being asked for is

£1,607 to be the salary of a Permanent Secretary. Mr. Chairman, I promise you that I could not hear all that the Minister said, and I would hope that when he answers other questions he would talk a little louder. When he is reading from his brief the words do not come out. If he would shout a little more we would be able to hear. What I would like to know from him, Mr. Chairman, on this one is, is the executive staff to the Permanent Secretary, and have you now only one Permanent Secretary? What has happened to the Director of Medical Services. Is he still the Director of Medical Services? Is he running his Department? If there is only one Permanent Secretary in this Ministry, is this him? What is the Director of Medical Services now going to do? Is he going to be the head of the Department?

The Minister for Health and Social Affairs (Mr. Mate): No, Sir, he is Chief Medical Officer.

Mr. McKenzie: Cannot hear!

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Sir, on a point of order, if the hon. Member did not hear what was said, may I give it once again because we have got the answer here. He has asked for information and we have the answer.

The Chairman (Mr. Nyagah): Order, order! Let the hon. Member continue and then you will give an answer.

Hon. Members: Hear, hear!

Mr. McKenzie: What I would like to know is whether the Director is going back to running a department or whether he is going to be an Under-Secretary in the Ministry, or what.

The Minister for Health and Social Affairs (Mr. Mate): Sir, he is in the Ministry.

An hon. Member: What did you say?

Mr. Chokwe: Mr. Chairman, would it be possible to tell us whether this man is an expatriate officer or a local man?

An hon. Member: Speak up!

The Minister for Health and Social Affairs (Mr. Mate): He is a civil servant.

Mr. Mboya: The reorganization has a lot to do with whether a man is a local man or not a local man, especially when we know that for an expatriate we have to pay a little bit more. Mr. Chairman, the Minister has not replied whether this is going to be a local man or an expatriate man. We want to know that. Secondly, he has

[Mr. Mboya]

to not reply to the other question regarding the position of this man who acted also as Permanent Secretary. Thirdly, Mr. Chairman, is the existing staff part of this reorganization arising from the creation of the Permanent Secretary.

The Minister for Health and Social Affairs (Mr. Mate): Firstly, yes, Sir, on the question of who the particular officer is, whether local or expatriate, I do not think it is relevant.

Mr. De Souza: Could the Minister tell us why it is not relevant, particularly considering that we want to try to get local persons into the Civil Service. The Minister is one of the first persons who would support that idea. When he was on this side he supported the idea that there should be localization of the Service. Why does he now come and tell us that this is completely irrelevant, Sir, whether we have an expatriate or a local man. Secondly, Sir, are there no local persons who are available to fill a position of this nature, and why, for so many years, was it not necessary to have a Permanent Secretary with a salary of £2,800. Now, with a Minister and a Parliamentary Secretary, why do we need to spend a sum of Sh. 56,000 to get a job of this kind filled, when we still need to retain the services of the Director of Medical Services under the new title of the Chief Medical Officer.

The Minister for Health and Social Affairs (Mr. Mate): The question of whether a civil servant is local or not local is quite irrelevant. A civil servant is a civil servant. The hon. National Member asked about localization in the Ministry; Sir, and that is a fact.

Mr. McKenzie: Is the Permanent Secretary a Kenyan?

The Minister for Health and Social Affairs (Mr. Mate): No, Sir, the Permanent Secretary is not a Kenyan.

Mr. Shah: Mr. Chairman, this side of the House is definitely not satisfied with the answer of the Minister when he says that the question of whether the Permanent Secretary is expatriate or local is irrelevant. We are interested to know because this concerns the amount that this country will be spending. If he were local the amount would have been less, for instance, than if he were an expatriate. We are entitled to know whether he is expatriate or local.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): I would like to give that information, Sir. He is an expatriate civil servant who has been seconded to our Ministry

through the reorganization of Government. It has been necessary to give this post to somebody who knew how to deal with these extra services that have come under our Ministry. The extra departments that have been put under our Ministry are Child Welfare, Community Development, Youth Centres, Sports and Social Welfare, and Distress. That will mean a great deal of extra work, and that necessitated having one Permanent Secretary. There is, as you know, a Parliamentary Secretary, but I have no secretary.

The Chief Secretary (Sir Walter Coutts): I want to deal with two points raised by the hon. Member for Nairobi East. The salary for an expatriate Permanent Secretary is £100 less than the salary of a local man. Therefore you are saving £100 on him because you do not pay the rest of the salary.

Hon. Members: No!

Mr. Chokwe: Extravagance!

The Chief Secretary (Sir Walter Coutts): The hon. gentleman says "No", but that was the question he asked. He asked why the salary was £2,800 and this is the reply which I am giving to him. The other point I want to make is that I heard the hon. Member for Mombasa say "Extravagance" because we have divided it into two posts. I would like to point out that we have saved three Permanent Secretaries in the total reorganization.

Mr. Chokwe: Mr. Chairman, I understand that—

Hon. Members: Speak up!

Mr. Chokwe: Sir, I understand that—

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Sir, may I ask the hon. Member to speak up?

The Chairman (Mr. Nyagah): You are quite right, Mrs. Shaw. The speaker must speak loudly enough so that the question can be heard in the other quarter.

An hon. Member including the Minister!

Mr. Chokwe: Mr. Chairman, I understood from the replies from the Government Benches that this Permanent Secretary has been seconded from another department. I would like to know whether this is not a retired person who has been given a job.

The Minister for Health and Social Affairs (Mr. Mate): No, Sir.

[The Minister for Commerce, Industry and Communications]

Hon. Members in this House should know that the hon. Member for Fort Hall was a political Minister and whatever has been said in this House—

Mr. Mboya: Are you not a political Minister?

The Minister for Commerce, Industry and Communications (Mr. Muliro): I am a political Minister but I do not have as much correspondence as the hon. Member for Fort Hall had last year. To begin with, he was looking after two districts and now I am only looking after one district. Therefore, my correspondence for one district is definitely less than that for the two districts that the hon. Member had last year. I do serve the whole people, yes.

Mr. Mboya: Mr. Chairman, Sir, I support this Motion not because we would like to ridicule the position of the Minister for Commerce and Industry. In fact, there are few Ministers this afternoon whose answers we were not satisfied with. There have been a few Ministers this afternoon who told us they did not have the answers here but later on would give us the information. We do not resent this. In fact, if I may say so, the Parliamentary Secretary for Commerce and Industry has performed a much better job this afternoon, but the point here is that we are faced with a situation where the Minister knows almost nothing of what he is being asked about his Ministry and it is a pity the Chief Secretary was not in here throughout the period when we were dealing with this Head. We are not raising that on account of the previous heads but on account of the performance on this particular Head. The Minister cannot but confess that of all the questions raised this afternoon he knew almost nothing. Mr. Chairman, there is element also of contradiction that persists in the story of the Minister for Commerce and Industry and the story of the Finance Minister. The Minister for Commerce—if tomorrow we look at the HANDED—originally told this House that there was a necessity for an additional personal secretary because the original Minister had too much political work. Later on, the Minister for Finance testified that by saying that the Minister would be entitled to any number of personal secretaries if he justified this on account of his official work in the Ministry. But right now in replying to this Motion the Minister for Commerce comes back to say that in fact it was for political work because the old Minister had two districts to look after. Now, which of the two do we have to believe? This is the kind of contradiction, informants as it is, which can confuse the

public as to what exactly the public funds are being spent for. The Minister has shown no ignorance of his Ministry and responsibilities that we must demand a re-election in his—

Hon. Members: Question!

Mr. Mboya: Question? He does not even know whether there is a landing system at Nairobi Airport!

The Chairman (Mr. Nyagah): Order, order! I wonder if this is a convenient moment to interrupt your speech. The time has now come to 6.30 p.m.

Mr. Mboya: I shall speak after this. I am still on the floor.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the Committee do report progress and beg leave to sit again.

Question proposed—

The question was put and carried.

The House resumed.

[Mr. Speaker (Mr. Slade) in the Chair]

REPORT

Mr. Nyagah: Mr. Speaker, Sir, I am directed by the Committee of Supply to report progress in the consideration of Supplementary Estimate No. 3 of 1960/61, Colony. The Committee ask leave to sit again.

MOTION

Suspension of Standing Orders

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, I beg to move that under Standing Order No. 139 the proceedings on the business of Supplementary Estimates on today's Order Paper together with the Consolidated Fund Bill also on the Order Paper should be exempted from the provisions of Standing Order No. 9 so far as is necessary to complete them or until 10 a.m. tomorrow morning.

The Chief Secretary (Sir Walter Court): seconded.

Question proposed.

The question was put and carried.

The Speaker (Mr. Slade): Consequently, the Council will again go into Committee of Supply.

Mr. MacKenzie: Mr. Speaker, Sir, on a point of information, when will you take the Adjournment Motion which you spoke about earlier on today?

The Speaker (Mr. Slade): That will be on the conclusion of today's business.

[Mr. Speaker (Mr. Slade) left the Chair]

COMMITTEE OF SUPPLY
IN THE COMMITTEE

SUPPLEMENTARY ESTIMATE No. 3 of 1960/61—
COLONY

[J. J. M. Nyagah, Esq., in the Chair]

VOTE 21—COMMERCE AND INDUSTRY
(Resumption of Debate)

Mr. Mboya: Mr. Chairman, I was saying that our decision to move a reduction in the Minister's salary is based on his performance this afternoon. We have revealed a degree of ignorance in matters pertaining to his Ministry that is surprising. The public must be disturbed that we have a Minister of this kind. Now, the Chief Secretary has said—and, I am sorry he was not here to listen because I am sure that he would have agreed with us—

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, on a point of order, is it proper to move a reduction in the Minister's salary when the Minister's salary is not before the House in the Supplementary Estimates?

The Chairman (Mr. Nyagah): It is not in order. We are discussing the amendment to reduce the relevant Vote by £1, not the Minister's salary.

Mr. Mboya: Mr. Chairman, the Chief Secretary has said that if the Opposition persists in asking questions on matters of detail it may be necessary to have more personal secretaries, and also that we would spend more time. The Opposition is quite willing to spend more time and the Opposition is quite willing to see if, in the interests of efficiency in this country, more efficient Ministries could be created. We are not interested in saving money just for the sake of saving money if that means that there is no efficiency in the Ministries. In fact, Mr. Chairman, I would like to indicate that the Opposition will now seriously consider insisting that all Estimates, Supplementary Estimates, in future will be referred to the Estimates Committee before they are sent here. If the Government wishes to avoid details, we are quite willing to sit on the Estimates Committee for days and days and days on questions of detail.

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoodi): Mr. Chairman, I think the idea of this Motion is not a surprise to the Government benches. It is a part of consistent manoeuvres just to embarrass the Government. But I do not think in the history of this House has any Government gone to the

extent of giving so many details to the Opposition as this Government. I think the comments made by two previous speakers, that the Minister for Commerce and Industry has not been fully briefed, are most atrocious because, Mr. Chairman, the Minister is fully briefed on this, as much as I am. The fact that I have been able to give most details is because I think that is part of my duty. It is not the Minister's duty; it is my part.

Mr. Mboya: Is it the Minister's duty to be ignorant?

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoodi): The Minister is fully aware of broadly the general policies and these technical details are for the backroom boys and I am one of them. I think, Mr. Chairman, the Ministry of Commerce and Industry has not failed to give any information in answer to any question from the Opposition. Not only now but it will also do so in the future; any question that is reasonably put will be reasonably replied to by this Ministry.

The Chairman (Mr. Nyagah): We have heard enough on why this Ministry should be reduced by £1. I will now put the question.

The question was put and Council divided.

DIVISION

The question was negatived by 42 votes to 25.

AYES: Messrs. Angaine, Anjarwalla, Armean, Argwings-Kodhek, Ayodo, Chokwe, De Souza, Etkin, Gichuru, Jamal, Dr. Kioko, Messrs. Mbatia, Mbatia, Mboya, Makenzie, Mbatia, Mbatia, Mwanjuna, Mwangura, Njiru, Nibenge, Odidi, Sagal, Shah, Chanan Singh.

NOES: Mr. Abwao, Sheikh Alamoodi, Messrs. Alexander, Amalomba, Basiddig, Blundell, Butler, Sir Walter Court, Messrs. Griffith-Jones, Havlock, Hennings, Jamila, Jasho, Jereby, Khasakh, Kilefu, Kohli, Kathurima, Luo, MacKenzie, Macleod, Maitori, Marrian, Maton, Maki, arap Moi, Muliro, Murgor, Ngala, Okondo, Pandya, Patel, Porter, Sir Philip Rogers, Messrs. Rurumban, Sago, Seroney, Mr. Shaw, Messrs. Chanan Singh, ole Tipis, Towett, Webb.

VOTE 21—MINISTRY OF HEALTH AND WELFARE
Head A1—Administration and General Division

Mr. MacKenzie: Mr. Chairman, may I ask the Minister how it comes about that at this stage we are asked for the position of a Permanent Secretary. Would he explain to the House why it is that there was no Permanent Secretary previously, or how it comes about that we have got a Permanent Secretary now.

[Mr. McKenzie]

to June 31st of this year? When I have had that answer I will ask my next one.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, Sir, this is the amount which we have expended and I have authorized additional expenditure quite recently, this was not shown in these estimates.

Mr. Mulliro: Mr. Chairman, I would like to ask the Minister whether the money is going to be spent on the Scheduled Areas and the Non-Scheduled Areas.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, Sir, the money referred to expenditure in both Scheduled and Non-Scheduled Areas.

Mr. Mboya: Mr. Chairman, I would like to ask a question. Perhaps now that the Minister to here he might want to inform the House what the position is at present, how successful we have been in dealing with the ravages of army worm and what possible dangers exist.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, I thank the hon. Member for suggesting that but I would have to make a rather longer statement. There has been a very severe invasion of army worm throughout most of the lower altitude areas of the country. In its initial stages we did our utmost to deal with it by spraying and by the provision of free spray in areas where spraying by air was not justified. The entomologists told us at that time that no second invasion had been heard of as a result of the destruction of the first invasion. The second invasion took place following the first which necessitated a campaign for a renewal of spraying and the issue of free spray in areas where aerial spraying was not suitable. That campaign is now proceeding. I have reason to believe that a quite large element of the crop will be saved as a result of the second campaign. In addition a virus has developed which devours the worm as soon as they appear if the atmospheric conditions are correct, which has assisted us in the campaign. The main effect on the country will be I believe the possibility of a food shortage and the necessity to import food and, secondly, a much delayed harvest. In many areas where the maize should now be two or three feet high it is only one foot high. That is serious because in areas where the rains do not fall in July and August that maize may well be penalized by drought and in the areas where rain does fall in July and August late planted

maize does not give as much yield as the earlier planted maize.

So the net result, Mr. Speaker, of the invasion of army worm is that it has added tremendously to the costs of farming in all areas. It has brought forward the possibility of a shortage of food and it will undoubtedly delay the harvest period.

Mr. Commodore Howard-Williams: Mr. Chairman, Sir, is the hon. Minister aware that there would be no army worm and no drought if he and his Government were able to set up my piped-water line?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, provided the hon. Member's pipe line is not a pipe dream, the answer would be in the affirmative.

Mr. Cole: Mr. Chairman, Sir, may I ask the Minister if he is aware that this army worm infestation has affected graziers throughout this country in the shortage of grass and drought conditions, and whether anything is going to be done for those sections of the community whom they represent?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, I am aware that it has affected graziers' grass throughout the country. I have in certain cases done my utmost to help graziers and I am examining proposals which have come from the Board of Agriculture in that respect, but I have not been able to make any decision on them.

Mr. Mboya: Mr. Chairman, Sir, I thank the Minister for his statement on army worms, and I would like to know an indication from him how much of the £75,000 was spent in the scheduled areas and how much in the non-scheduled areas.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I could not answer that question, Mr. Chairman, other than to say that I have provided the funds on a completely non-scheduled or scheduled basis. It is open to all farmers, and I have not noticed, unlike the hon. Members in this House, that the army worm is any respecter of race!

Mr. Mboya: Mr. Chairman, Sir, I entirely agree with him that the army worm does not respect race, and it is precisely for that reason that I am anxious to know that farmers in all parts of Kenya have received the same amount of consideration and that the non-scheduled areas, however remote they may be, which in fact become the main point of concern in case of famine, since they have to rely upon their shambas for their

[Mr. Mboya]

for food, that they have received the same kind of consideration and will continue to do so, so long as there is a threat of army worm.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, I do assure the hon. Member that I have made the insecticides for spraying available to all areas for the reasons the hon. Member has stated. There is an additional point I would like to mention to the House: I have in discussion with the Ministry been looking at measures whereby we could help farmers in the non-scheduled areas bring forward quick and small crops to fill the gap which may fall upon them if their main crop is delayed owing to the lateness of planting which I referred the hon. Member to earlier.

Mr. Chokwe: Mr. Chairman, is the hon. Minister in a position to tell us in terms of figures the amount of damage that has been caused by the army worm up to now, and how much it is going to cost us before we are practically back to normal again?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, I would not be able to give those figures, but would I be able to give an estimate of the amount of money it would cost us, because the invasion is still only just beginning to go away.

Mr. Chokwe: Is the Minister prepared to set up a Commission to survey this situation?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, in view of the obvious anxiety of this House to be the watch-dog of the public expenditure, the answer is no.

Mr. McKenzie: Mr. Chairman, do I gather right that the Minister was prepared to give my hon. friend a breakdown on the £75,000 in scheduled and non-scheduled areas?

Could I ask him at the same time if he would let me know where seed for replanting went, because this is one of the criticisms I have heard? The seed was not available free from Government.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I will look into the matter.

AE—Compensation and Ex Gratia Payments

Mr. McKenzie: Mr. Chairman, I would like to raise some points under Appropriations-in-Aid

under this heading. Could I ask the Minister for Finance if, in fact, the figure under Z39 of £850 is a correct figure when one looks back to page 19 under A1? Should the figure not be £851 or £852?

The Minister for Finance and Development (Mr. MacKenzie): No, Sir. As I explained to the hon. Member, it is conventional to put down a £1 token when we merely wish to bring something to the notice of the House, but the £1 that is thereby voted is very rarely, in fact, spent. It is merely put in to bring the matter to the notice of the House, but it is not a substantive provision in the sense that the £850 is.

Mr. McKenzie: Could I ask the Minister what the £850 is?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Would the hon. Member just draw my attention to the £850 to which he is referring?

Mr. McKenzie: Mr. Chairman, it is Z39, page 21, Agricultural Settlement Trust.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, I will have to look into that and give the hon. Member the answer, but I suspect it is a payment from the Agricultural Settlement Trust for money which we have paid on behalf of officers of their.

VOTE 22—MINISTRY OF COMMERCE AND INDUSTRY
A1—Office of the Minister

Mr. Shaik: Mr. Chairman, may I know from the hon. Minister why was the provision omitted from the 1960/61 estimate for the leave of the former Minister, Mr. A. Hope-Jones, and another thing I would like to know is which Ministry handled communications before this Ministry took over and whether this amount has been reduced in the expenditure in that Ministry which handled communications.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Chairman, I think the question is clear in the paper. When Mr. Hope-Jones went away with his personal secretary, the amount was left out, it was never put down until just recently. Also, the communications were under the Ministry of Works, and now are under our Ministry as well as the airport. Therefore, the money has been taken away from the Ministry of Works.

Mr. Mboya: Mr. Chairman, do we understand that when a Minister resigns or is retired, he goes away with his personal secretary? Secondly,

[The Leader of Government Business and Minister for Education] and by some arrangement the United Kingdom does pay for their expenses.

Head B4—Miscellaneous Other Charges agreed to.

Other Services: N—Ford Foundation Grant

Mr. McKenzie: Mr. Chairman, may I ask what this Ford Foundation grant is actually for?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, this is to provide a special centre for the teaching of English and the library is made available particularly for teaching in Asian schools.

Mr. Mboya: Could we be told where this centre is?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, it is in Nairobi.

Mr. Mutitu: Mr. Chairman, could we be told how many children benefit from such a centre?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, this is not a school but a centre, and facilities are made available for Asian teachers who wish to go there and take advantage of the library provided and English teaching methods. It is difficult to tell how many teachers go because it is open to various teachers in the various schools.

Mr. McKenzie: Mr. Chairman, I wonder if the Chairman can tell us more about this Ford Foundation. How much a year do they give us? Do they give us a grant? Do they pay the recurrent cost? Is it just a straight capital grant? Is it a loan, or what is it? How come that we do not spend the £3,400. What is the original grant and why do we not spend it all, or why do we not return some?

The Leader of Government Business and Minister for Education (Mr. Ngala): If the hon. Member will refer to the Supplementary Estimates Nos. 1 and 2 he will see how we have been receiving this money from the Ford Foundation.

Mr. Mboya: Mr. Chairman, did I understand the Minister to say that this was especially for Asian children?

The Leader of Government Business and Minister for Education (Mr. Ngala): Sir, this was originally provided for Asian teachers.

The Parliamentary Secretary for Education (Mr. Macleod): Mr. Chairman, I think I may be able to help here. This is a special centre which is devoted to improving teaching methods; and it is for teachers and not for children. At the moment it is entirely going into the question of improving teaching methods, improving teaching aids, and at the same time it is instructing teachers in the use of the improved methods of using aids. At the moment, Sir, this special centre has been used for Asian education exclusively and the value of the centre, I think, is shown in the increased beneficial results, in the Higher Certificate results, in the Duke of Gloucester School.

Mr. De Souza: This money should not be used for racially restricted education.

The Parliamentary Secretary for Education (Mr. Macleod): We have asked a similar amount, to that which is being used, for African education.

Mr. Mboya: Mr. Chairman, Sir, would the Minister give us an undertaking that the Ford Foundation would be told that in future we desire that this money should be given only for non-racial courses? It does not mean opening up another racial centre.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, Sir, the hon. Member heard what I said about the new policy in education and integration of our schools. This is a stand of the Government and a committee will be set up to look into this and if we are successful this will not arise.

Mr. Shah: Mr. Chairman, Sir, I would like to say here that the Kenyans of Asian origin would not like to have any centres exclusively for us. It should be for Kenyans, as such, and it should be on non-racial lines. This centre itself should be converted immediately. If it could be done in a day I would not like to wait for a week for it to be converted into a non-racial centre.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, Sir, the supplementary estimate is a follow-up of the past system of education, and I have already told the hon. Members what I have in mind for the future. I will bear that in mind.

Mr. De Souza: The hon. Minister has said that he is going to consider it and that he has set up a committee to examine it. It is quite clear to us that the Ford Foundation would not insist on this money being spent on racial schools. Would the Minister assure us that he will impress upon the Ford Foundation that the money we want from them is strictly for non-racial schools and nothing more.

The Parliamentary Secretary for Education (Mr. Macleod): Sir, I hope that we are not misleading the House on this one. The special centre is only part of the money spent from the Ford Foundation funds. The vast majority of Ford Foundation funds is to extend the facilities available in science education which is completely on a non-racial basis. This is a special centre for a particular special problem of improving teaching methods for Asian teachers to enable Asians to start learning from Standard 1 in English. I do not want to mislead the House on this one.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, Sir, following on what my Parliamentary Secretary has said, I would like to emphasize to the hon. Member, Mr. Shah, that although this is a pattern of the past, it was actually requested by the Asian Advisory Council.

Mr. Shah: I might say, Sir, over here that as far as the Asian Advisory Council of the past is concerned, I just do not agree to that sort of Asian Advisory Council. It should not be there and we do not want it. I speak on behalf of Kenyans of Asian origin.

The Chairman (Mr. Nyagah): Hon. Members must make sure that they do not discuss policy.

Mr. McKenzie: Mr. Chairman, I have now had time, since the Minister asked me, to look up what the Ford Foundation grant is in the other Supplementaries and in the Estimates of Expenditure, 1961/62. I am afraid that they do not answer my question. I must ask him to answer my question. What concerns me is that we have got an amount, if I can find it here, of £3,400, Ford Foundation Grant, which we are discussing. What I want to know is, as far as the whole of the Ford Foundation is concerned, not only the one element of it—is it going to be a recurrent cost? How long is it going to be available for? Is it a loan? Is it a grant? I see in your Estimates of Expenditure, 1961/62, you say you must talk about the future, an appropriation-in-aid of £8,400. What I want to know is whether this is all of a sudden going to stop and the scheme not be able to go on?

The Minister for Local Government and Lands (Mr. Havelock): On a point of order, Sir, would that not be best raised in the general debate on the Estimates?

The Parliamentary Secretary for Education (Mr. Macleod): Mr. Chairman, I think I can help the hon. Member here. The Ford Foundation grant is a grant in respect of a necessity, a

specific necessity. This money, the total amount, is paid over to the Kenya Government and is put off deposit. The reason that it appears in the Supplementary Estimate is to take it off the deposit and allow us to use the money. It is not recurrent expenditure but it is money which is grant, and as we use it we take it for a specific object.

Head N—Ford Foundation Grant agreed to.

• VOTE 21—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

Head A1—Office of the Minister

Mr. McKenzie: Mr. Chairman, I wonder if we may ask the Minister why this goes right the way back to his previous term in office, August, 1955?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Chairman, I have no reason to believe that it does go back as far as that; but I understand that when the Settlement Board was divorced from the Government in order to become a statutory Board, certain officers of Government were seconded to it. The Settlement Board was responsible for those officers, but owing to an error it was not made clear. When the Settlement Board was wound up and came to its present status the officers reverted to Government, and in order to regularize that pension entitlement this £1 has been inserted in the Estimates.

Mr. McKenzie: Would the Minister give us the exact amount of each of these individuals?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, I am unable to do that.

Mr. Mboya: I see that it says in the notes, "These points are required to preserve the pension rights of Government officers seconded to the European Agricultural Settlement Board." Are we having to spend £850 because we want to preserve the pension rights of these people, or is there reasonable justification for their employment?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, Sir, these are permanent officers on the Government establishment who were seconded to the Settlement Board. With the changed status of the Settlement Board they have now been absorbed into the Government service elsewhere and their pension rights are a due charge on Government expenditure.

Mr. McKenzie: Mr. Chairman, am I not right in saying that they should have been a due

[The Minister for Defence]

prison industries in Kamiti—previously they had all been in Kamiti and now they are distributed according to classification at such places as Shimo-la-Tewa, Kisumu and Nyeri, and we are now also, Sir, providing prison industries in those prisons as well as in Kamiti, so that I hope, Sir, that that shortfall will only be temporary. Now that the great task of classification has been carried out I hope that we shall be able to carry on with our prison industries earning revenue, Sir, as in the past. The other shortfall in appropriations-in-aid that the hon. Member raised was Hire of Convict and Detainee Labour. Labour was usually hired by the Kisumu Municipality for anti-malarial works. Owing to the rising rate of unemployment, I think very rightly, Sir, most of these municipalities now employ direct labour to give employment to the unemployed instead of employing prison labour but, of course, the prisoners suffer as a result. Under Farm Produce and Stocks, Sir, the loss was caused by the army worm—the hon. Member is quite right. We had to replant and spray. Under Miscellaneous, Sir, I regret to say, was caused by the fact that the prison band was not hired as frequently as we had hoped and also I regret that we usually have a great amount of recreation and that we charge the hire of official transport to the sports fund. I am afraid in the past years the prisons staff have been worked so hard that we have not been able to have the hiring of official transport for organized recreation as we had in the past. I think that has dealt with most, if not all, of the hon. Member's points.

Mr. McKenzie: Sir, I would like to thank the Minister for the way in which he has replied. I only wish that other Ministers would be kind to us and as co-operative as you on this side. One other question I would like to ask is Travelling Expenses and Repatriation under D. Does that also take in detainees at all? Is part of the repatriation money for detainee people?

The Minister for Defence (Mr. Swann): Yes, Sir, quite right: the repatriation money was also for detainees as well as convict prisoners.

Mr. Mullis: Mr. Chairman, Sir, I would like to ask the Minister whether he is aware—the mentioned in his answer that some of these increased charges are due to electricity and so on—but it happened to pass one very big camp where I was told lights burn day and night. Is he trying to do anything to prevent this type of wastage?

The Minister for Defence (Mr. Swann): Certainly, Sir, if any hon. Member opposite can

give me any information suggesting wastage of public funds I should be most grateful.

The Chairman (Mr. Slade): It does not really arise under this Supplementary Estimate.

Prisoners' and Detainees' Stores, Clothing and Bedding

Mr. Mboya: Could the Minister tell us what Stores represent?

The Minister for Defence (Mr. Swann): It is, Sir, clothing, bedding, things like lavatory buckets, brushes for cleaning out cells and so on.

Head D agreed to.

Heads J, K, L, N and O agreed to.

VOTE 19—IMMIGRATION**B—House Allowances**

Mr. Argwings-Kodhek: Would the Minister tell us what they mean by house allowance?

The Minister for Defence (Mr. Swann): Yes, Sir. This is a general one which has come up in all Departments. More officers are living in their own houses or in rented accommodation than in Government accommodation and, in this particular instance, Sir, so brisk has been our trade in the passport business that we have had to increase staff, Sir, which was covered by the first Supplementary Estimate and, into these Estimates comes £400 for house allowance for the extra officers whom we have had to engage. It is completely offset by our appropriations-in-aid, the money which we have taken.

Mr. Argwings-Kodhek: Mr. Chairman, Sir, would the hon. Minister be good enough to inform this House why with the increase in business he has not got recruits from the local community who instead of obtaining house allowance, live in their own houses?

The Chairman (Mr. Slade): This is not really within the scope of this debate. What we are discussing is an increase in the allowance for officers who are already approved on this establishment in last year's budget so you can only discuss the reason for the increase now.

Mr. Argwings-Kodhek: Thank you, Mr. Chairman. Would the Minister then tell us if he is taking any definite and drastic steps to reduce these officers who get housing allowances?

The Minister for Defence (Mr. Swann): The answer is that local officers are liable to house allowance as well as anybody else and we are certainly proceeding with localization.

Mr. Argwings-Kodhek: The question is whether any steps are being taken to recruit local officers, whether they get housing allowance or not.

The Chairman (Mr. Slade): It is not relevant unless you are suggesting that it would reduce house allowance.

Mr. Mboya: I was going to raise a point of order. I thought the Minister, when he spoke, referred to new officers engaged because of the increase in business in the passport department.

The Chairman (Mr. Slade): That is quite right, yes. You cannot discuss appointments on Supplementary Estimates, unless there is a particular kind of new officer engaged that you object to; but I see now that Mr. Kodhek was on the right lines. Thank you for your correction, Mr. Mboya. If you want to pursue that, you can.

Mr. Argwings-Kodhek: Yes, Sir.

The Minister for Defence (Mr. Swann): I think I have already answered. We are making every effort to proceed with localization and to engage local officers and train them.

Mr. Mboya: Perhaps it would help if the Minister would indicate the difference in housing allowance where a local officer is employed as against the position where an overseas officer is engaged.

Mr. Butler: The housing allowance for the various grades of staff are related, and the salaries of the officers concerned and are not related to whether they are recruited from overseas or locally.

Mr. Mullis: Could the Minister tell us how many of these local people there are?

The Minister for Defence (Mr. Swann): I am afraid I have not got these figures with me but I will certainly give them to the hon. Member.

Mr. Argwings-Kodhek: Mr. Chairman, Sir, would the Minister tell us how many officers of the African community have been employed in the higher grades in his Ministry?

The Chairman (Mr. Slade): The question can only relate to this increase of officers, not to the actual establishment.

The Minister for Defence (Mr. Swann): I am not quite clear what the question there is.

The Chairman (Mr. Slade): The question is how many of these additional officers are local Africans.

The Minister for Defence (Mr. Swann): I think I have answered the hon. Member that I have not got this information with me but I will certainly provide it to him.

Head B agreed to.

VOTE 20—MINISTRY OF EDUCATION**European Education****B4—Miscellaneous Other Charges**

Mr. Mboya: Mr. Chairman, Sir, I see under the details of the explanation it refers to European education, combined cadet force. What is this combined cadet force for and why European education?

The Leader of Government Business and Minister for Education (Mr. Ngala): The combined cadet force is an expense on account of the cadets from different secondary schools, European secondary schools.

Mr. Mullis: I would like to ask the Minister what the cadets were doing and whether the nature of their business was to the good of Kenya?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, I think the hon. Member has been a cadet himself—they were camping in August, 1960.

Mr. Mboya: Mr. Chairman, Sir, in view of the hard times in this country, does the Minister think that this additional expenditure merely to run a camp is necessary?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman this expenditure was paid for by the parents as shown in the estimates.

Mr. McKenzie: May I ask the Minister to explain a little more under B4-2, Fees paid by other Governments—what other Governments? Uganda or Tanganyika or foreign people—what are they?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, this is the United Kingdom and Zanzibar Governments.

Mr. McKenzie: May I ask what type of student comes from the United Kingdom and what the United Kingdom payment is? How do they get involved? What is concerning me is that our schools are so full—why have we got people from the United Kingdom?

The Leader of Government Business and Minister for Education (Mr. Ngala): These particular schools are not so full, Mr. Chairman, Sir; they are the children of parents who are here

The Minister for Legal Affairs (Mr. Griffith-Jones): My visit to London was in connexion with the overseas service aid scheme in December when a delegation from this Government went to discuss the details of this scheme with Her Majesty's Government and the visit of the Solicitor-General to Washington was in connexion with the World Bank negotiations.

Head D agreed to.

Head E—Miscellaneous Other Charges

Mr. McKenzie: Mr. Chairman, Sir, may I ask how much these Law Books cost? Did they cost a lot of money, that you have included them?

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Chairman, Sir, the cost of Law Books varies, of course. We have certain Standing Orders reports and other learned publications of a periodical nature and of course we have a number of series—sets—of precedents and Halsbury's Laws and Statutes and the like which have annual volumes and supplements added. We also, of course, have to keep our text books up to date. The cost of Law Books is generally pretty high, of course, because the number of copies sold is nothing like that of, say, a best seller. I do not think any Law Book would get into the best sellers' list. But they vary considerably, they can be very expensive. Some of the shorter law books are relatively cheap.

Mr. McKenzie: Mr. Chairman, no large amount of money was spent on a special set of books such as the legal *Erskine and May* or something like that. This is just general expenditure, not an expenditure to buy, say, something like a set of encyclopaedia?

The Minister for Legal Affairs (Mr. Griffith-Jones): No. Of course, in recent years the whole edition of *Halsbury's Laws* has been replaced by a new edition and I cannot say off-hand whether the full edition has been issued yet or not. I do not think so; I think it is still in course of issue. Volume by volume. This annual expenditure on Law Books is a maintenance charge, in effect.

The Minister for Finance and Development (Mr. MacKenzie): Sir, if the hon. Member would refer to the main Estimates for this year on page 42 he would see that the part in brackets is part of the general title of this item which in the main Estimates too is Legal Expenses including the purchase of Law Books. So the Miscellaneous Expenditure for which additional provision is being made now need not necessarily include anything for additional Law Books.

Head E agreed to.

VOICE 9—THE TREASURY.

Head A—Personal Emoluments

Mr. Mboya: Mr. Chairman, Sir, Personal Emoluments. I see under the details that there is one Parliamentary Secretary, and we know who that is. Could the Minister indicate whether the Parliamentary Secretary is dealing with a particular section of the Treasury?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, the Parliamentary Secretary is available for dealing with general matters but if the hon. Member was present when I made by Budget speech he will no doubt remember that I said at that time that I hoped that the Parliamentary Secretary would devote most of his time and his energies to Development matters. I hope, Sir, that he will be able to concentrate particularly on that side of the Treasury work.

Mr. McKenzie: Mr. Chairman, surely it is not a matter of the Minister saying "he hopes". Surely, he says the Parliamentary Secretary will look after Development or he will not. What does he mean by "hope"?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): We do not treat ours like you did yours.

Mr. McKenzie: You should do!

Head A agreed to.

Head B—House Allowances

Mr. McKenzie: Mr. Chairman, I should like to congratulate the Minister for Finance for at least telling us what this housing allowance is for. But what I would like to know from him—is he in charge of the Colony's finances—is this, is he in perturbed that is a great number of the Ministries, yet not in all of them, there is this sudden move—that is what it looks like to us on this side of the House—of officers occupying Government quarters? Can he give us a reason why all of a sudden there seems to be this move? On two other Votes, Mr. Chairman, we had an increase of 60 per cent and 33 per cent. What is the reason for it? Is there a reason for it or was it complete underestimating in the first instance?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, of course, housing normally is dealt with on a pool basis and it can well happen that whilst certain departments will have more people housed in their own houses or in rented accommodation other departments will have fewer such cases. Of course, it is true that in certain cases where the number of

[**The Minister for Finance and Development**]: The people renting their own houses is increased it appears in the Estimates and it appears to be a considerable amount. Of course, where there are savings that would not appear. That is one explanation. The other, Sir, is that I have to agree that in certain cases there has been over-spending in that departments have expected that the amount which they had originally provided would be adequate for the officers living in their own or rented accommodation. However, they happen to have been rather unfortunate departments. It is a fact, as I pointed out dealing with the Judicial Department Vote, that the provision, for instance, for that particular department had been almost level for the previous two or three years and then, owing to circumstances beyond the department's control—that is, because the available Government houses presumably were tilted by people from other Ministries—they suddenly had to find a good deal for rentals. It is one of the inevitable consequences of the pool system. I must say, Sir, the provision for house allowance throughout the service has increased and the reason why it has increased over the years has been that the service itself has grown in numbers more rapidly than the number of Government quarters have become available. But Sir, has been the reason for the increase in the Vote generally speaking, in the total of all the housing Votes over the years. However, it is quite impossible to legislate against what the housing position is likely to be during any one year in respect of any one department because, as I say, Government housing is allocated on the pool basis and no department can know whether people coming back from leave are going to get official quarters or not.

Mr. McKenzie: Mr. Chairman, is the Minister satisfied that there are, in fact, in other Ministries now shown in these Supplementary Estimates an equivalent saving to this extra expenditure? In other words, is he satisfied that there are Government houses not lying vacant?

The Minister for Finance and Development (Mr. MacKenzie): So far as I know, Sir, there are no Government houses lying vacant. I could not give the complete assurance that there is an absolute set-off in other Ministries because, as I said earlier, the tendency has been—owing to the fact that the service has grown more rapidly than the Government housing estate has grown—for the total amount that has had to be spent on house allowances to rise. Last year, since there was an addition to the total number of officers in the service, the assumption is—I cannot give

the exact details but if the hon. Member would like me to get them I could have them worked out—that there is likely to have been some increase in the total provision that has to be made for housing. However, I am quite satisfied, Sir, that the matter is not out of hand and I would also like to say that the Government is arranging in the fairly near future to have a survey made of the whole question of housing and housing allowances. We are very concerned with the matter and we are very anxious to ensure that the policy should be reviewed with a view to having the greatest amount of economy.

Head B agreed to.

VOICE 14—PENSIONS AND GRATUITIES

Head A agreed to.

VOICE 18—PRISONS

Other Charges: D—Travelling Expenses

Mr. McKenzie: Mr. Chairman, I wonder if under D I may raise appropriations-in-aid?

The Chairman (Mr. Slade): Are you seeking information only?

Mr. McKenzie: Yes, Sir, On expected deficiencies of £47,000. This is a large sum, Mr. Chairman. I wonder if the Minister could in fact give us one or two of the bigger Heads which make it up and, at the same time, if the reduction in farm produce and stocks the result of army worm and drought or is it tied to reducing the size of prison farming?

The Minister for Defence (Mr. Swann): Mr. Chairman, Sir, it is a somewhat complicated question; perhaps I had better deal with the matter generally. The increase in Other Charges in all Heads, that is D, F, K, L, etc., has been caused by the large increase in the daily average prison population. When we made out our Estimates, Sir, we estimated that the daily average prison population would be 20,000; I regret to say that so far the daily average population has been 22,600 and that is why we have to have increased charges for travelling expenses, clothing, electricity and food, Sir. With regard to the appropriations-in-aid, Sir, our deficiencies are actually shown on page 13. First of all, there is a fall of £47,000 in the earning of prison industries. Now, as against that, Sir, we have a saving of £39,500. Over on page 12, O—Other Charges: Prison Industries—£39,500. That is a saving and, against that, we have a shortfall of appropriations-in-aid of £47,000. This was caused by the fact that the new scheme of re-classification of prisoners, and the allocation of them to their particular prisons suitable for that type of prisoner, displaced the

[Dr. Kiano]

size of this House—the number of the Members of this House has changed from the original number of about 85 Members and now we have a little less than that and I would have expected much more saving than appears to be indicated in this.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, the hon. gentleman, I would have thought was aware of the convention of a token-Vote, which is taken in order to bring to the notice of the House some change in the emoluments or in other expenditure for which provision has not been made in the original Estimates. In this case, Sir, if he reads what is said at D of the Appendix of the detail, he will see that a token provision of £1 is required to cover an increase in the salary of the Deputy Speaker from £500 a year to £800 a year, the cost, Sir, will be met from savings within the same subhead.

Dr. Kiano: I do understand the technique of token Votes and £1 and all that, but I want a clarification by the Minister as to whether the extra money we are going to pay, Mr. Chairman, is coming from the saving as a result of the reduction on the number of Members in the Legislature?

The Chief Secretary (Sir Walter Coutts): It is for that and other reasons, Sir. There have been savings in the Legislative Council Vote over this year and they will find the amount from that.

Mr. McKenzie: There may be a simple answer to this but may I ask why in some Votes you have a Head which reads, "Let's expected savings on subheads", and you are given the expected amount which they are going to save. If you look at Vote 6 you will see that.

The Chief Secretary (Sir Walter Coutts): We have not come to that.

Mr. McKenzie: I know, but I am asking why it is not included in this Vote, why are the Votes different? Every Vote seems to be different. For Instance in the Governor's one we have no Head.

Am I correct in saying some put in headings on subheads giving the amount and others do not?

The Minister for Finance and Development (Mr. MacKenzie): It all depends, Sir, on whether the question of saving is relevant to the question before the House. In this particular case the only

point of the Supplementary Estimate is to draw attention by token £1's to a new provision that is being made. If this were a substantive amount that were being asked, if, for example, it had been necessary to provide the whole of the £755 for the second clerk assistant, in that case the savings, if available, would have been shown as a set-off to the additional provision, but in this particular case it is solely a matter of token and obviously it would be quite unnecessary and a waste of everybody's time to have to put down £1 token and then take it away again.

VOTE 6—CIVIL SERVICE COMMISSION

A—Personal Emoluments

Mr. Mboya: Mr. Chairman, Sir, A Personal Emoluments, I see in the Appendix it says, "To provide for the cost of additional temporary clerical assistant and relief." What grade are these additional temporary staff and what standards and how many?

The Chief Secretary (Sir Walter Coutts): The information which the hon. Member wants is that this amount is to cover the holder of the post of clerk to the Civil Service Commission who is on leave pending retirement. But in addition to that there is a certain amount of money required for temporary clerical assistance in order to assist the Civil Service Commission which at the moment has got more work to do in view of the fact that we have asked them to advise on the selection of further posts for the service.

D—Other Charges

Mr. McKenzie: May I ask where this £140 was spent in advertising? What I am getting at is were any advertisements put in papers outside East Africa and the United Kingdom?

The Chief Secretary (Sir Walter Coutts): The normal practice is to advertise in the *East African Standard*, the *Kenya Gazette* and also the *Mombasa Times*, the *Kenya Weekly News* and a number of advertisements are shortly going to appear in *Borawa*, *Talpa* and the *Nation* and therefore I think the answer to the hon. Member is that advertisements do not appear in papers outside this country.

Mr. McKenzie: Outside Kenya or East Africa?

The Chief Secretary (Sir Walter Coutts): Kenya.

Mr. Mboya: Mr. Chairman, would not the Minister agree that advertisements should be inserted so that they are able to reach Kenyan students studying in various parts of the world

[Mr. Mboya]

and from whom we wish to draw for our Civil Service, especially in respect of localization?

The Chief Secretary (Sir Walter Coutts): We do that through an adviser in London, and bring to their notice the actual advertisements of all the posts which are available. As the hon. Member knows it is proposed that we should have a projection of the Civil Service Commission who will interview people and who will inform students of what posts are likely to be vacant.

Mr. Mboya: Mr. Chairman, would the Minister not agree that this should include places like India, Pakistan and the United States where we have a very good number of students?

The Chief Secretary (Sir Walter Coutts): I will certainly look into the question of India and Pakistan. It is our intention we hope to try and get a projection of the Civil Service Commission or a students' adviser in Washington where we consider there will be a lot of good material coming forward for the service.

Mr. Chokwe: Mr. Chairman, I would like to know from the hon. Member if there are full-time officers of the Civil Service Commission.

The Chief Secretary (Sir Walter Coutts): Mr. Chairman, Sir, a similar question, or similar questions were asked about the Civil Service Commission during the Budget debate which I hope to answer tomorrow, and I think that will be a more appropriate occasion than this which is dealing with specific sums for a specific day.

Mr. Chanan Singh: There is an item of £687 to provide for increased fees to Deputy Chairman and members of the Commission. Seeing that there are half a dozen people involved this seems rather a niggardly sum. Could the hon. Chief Secretary tell us what are the increases being made? They are hardly necessary, they are so small.

The Chief Secretary (Sir Walter Coutts): Yes, the Deputy Chairman has been increased by one-third from £600 to £900 and the members' fees have been doubled from £240 to £480.

Mr. Mboya: Mr. Chairman, on this particular point in the Appendix it says, "To provide for increased fees to Deputy Chairman and Members of the Commission consequent on the extension of its functions." Would the Minister tell us what are these extensions of its functions which justify this increase.

The Chief Secretary (Sir Walter Coutts): Yes, Sir. The extension of its functions is that all

posts now within the Service except those of Permanent Secretaries and upwards are now dealt with by the Civil Service Commission and all recommendations on all of these posts are made to the Governor in the case of appointments to all of these posts. In the past, as the hon. Member knows, they would not go above a certain limit, which I cannot remember at the moment, but it has been increased to a very large number of posts.

VOTE 7—OFFICE OF THE CHIEF SECRETARY

A—Personal Emoluments

Mr. Mboya: Mr. Chairman, Sir, there is provision I see in the Appendix for a Parliamentary Secretary, an additional sum of £300 in brackets, £1,750. Could we be told, Sir, what precisely this additional Parliamentary Secretary does in the Chief Secretary's Department? Is he assigned to any specific section of the Chief Secretary's Department?

The Chief Secretary (Sir Walter Coutts): The Parliamentary Secretary at the moment, of course, can be made responsible for everything that passes through my office, and as everyone knows the object of having a Parliamentary Secretary is so that he should be able to answer for the Minister in the House, if that should be necessary. I am asking the Parliamentary Secretary, in addition to general duties within my office, to pay special regard to two things: the first is localization and training and the second is information and broadcasting.

Mr. Mboya: Was this Parliamentary Secretary really necessary, especially when we have a Deputy Chief Secretary, or was this merely a political appointment?

The Chief Secretary (Sir Walter Coutts): I suggested to the hon. Member, particularly when he and many others have raised the question of localization and training, how important it is, that it would be a very excellent thing that the Parliamentary Secretary could take full charge of this programme.

Mr. McKenzie: Mr. Chairman, arising out of that reply of the Chief Secretary, would he not agree now that perhaps we have too many people from his office in this House, with himself and the Leader of Government Business and a Deputy Chief Secretary and a Parliamentary Secretary, and could not perhaps one of them get on with Government business outside this Chamber? And secondly, I would like to ask him under Parliamentary Secretary, £1,750 a year, what allowance does he get tied to that, £1,750? Is he allowed to take directorships outside as well?

The Minister for Legal Affairs (Mr. Griffith-Jones): What the hon. Member can believe is neither here nor there. I have given the facts and I have nothing further to add.

Mr. Mboya: Mr. Chairman, but the Minister has not given the facts, he has told us of certain of the circumstances that have necessitated the increased expenditure on house allowances. That we understand, the point we are asking is on what was it necessary to spend some 60 per cent more, does the Minister know or not?

The Minister for Legal Affairs (Mr. Griffith-Jones): I have already answered the question—on housing allowances to officers of the Judicial Department.

Mr. Mboya: That is not enough. We know that this vote is for the Judiciary. That we know, it was spent on some persons in the Judiciary, the question is on whom was this extra 60 per cent spent?

The Minister for Legal Affairs (Mr. Griffith-Jones): I have already said, Mr. Chairman, that this money was spent on providing house allowance in accordance with the Code of Regulations to officers of the Judicial Department. There is some £9,500 involved and that must mean a large number of officers. I do not have the list of officers and I do not propose to supply it. This is a Legislative dealing with Legislative Estimates, not a petty cash account.

Mr. MacKenzie: £9,500 is not petty cash.

Mr. Mboya: Mr. Chairman, I have always respected the Minister in questioning, but I find his reply right now is completely unsatisfactory. Whether it is one pound, this House has a right to know on behalf of the people of this country.

An hon. Member: Hear, hear.

Mr. Mboya: It is not a question of petty cash accounts, whether it is petty cash or not, whether it is one pound we are allocating, we want to know why on behalf of the people of this country. We are asking now in respect of £9,500, 60 per cent more than was originally voted; the Minister has not told us why so many officers suddenly needed this house allowance, nor has he said under what circumstances it happened.

The Minister for Legal Affairs (Mr. Griffith-Jones): I have given the information to the hon. Member, Mr. Chairman, I have said it was in respect of changes due to accommodation for officers of the Judicial Department. I have no further details. I believe I have given him all the information to which he is entitled and I do not propose to give him any more.

Mr. Nthenge: (Inaudible.)

Mr. MacKenzie: Mr. Chairman, on a point of order, could we have a ruling from you whether the Minister is correct in fact in standing up and refusing to give us more details on how this £9,500 is going to be spent? What worries me, Mr. Chairman, is that the amount originally asked for was £15,000, an extra 60 per cent is £9,500, how is it that they were so out in their figures for house allowances. They must have taken an error somewhere because if they have taken on extra officers they must be somewhere else, in some other supplementary asking for extra money and we have not found that one anywhere at all. So it looks as though this extra house allowance is for the people for whom they originally estimated. Is it in fact because they have gone away from living in Government houses and are living in their own houses that this extra money is needed? These are the questions we want answered and I would like to ask for your ruling, if we can ask the Minister to give us a breakdown of the original £16,235 and to give us one of the revised estimate of £25,755. He must have both those to put them forward and then perhaps we may be able to know where it comes from. £5,500.

Mr. De Souza: Mr. Chairman, the hon. Minister does not want to get up so busy as I may say a few words more, to him the sum of £9,500 may be chicken feed petty cash, but to us it is a fantastically large sum of money. We know the number of persons engaged in the Judicial Department are very few indeed and so it seems very odd that at a time when rents are declining very rapidly, houses are plentiful and rents are much cheaper than they were a year ago, that a Ministry should want to spend 190,000 shillings more than they had estimated, in fact that is 60 per cent more. I cannot understand this. What we would like to know is have new houses, have better houses, been given or have more houses been given. How come this fantastically large amount of money? Merely to say that it is change of occupation and houses, change of housing conditions or whatever it is, no answer at all because that is in fact sheer tautology. That is merely what is said there. But what are the changes, what are they?

Mr. Mboya: Mr. Chairman, on a point of order, we would like to have your ruling because if what the Minister says is correct, then there is no point in sitting here and asking questions on the supplementary estimates. If the Minister says that he does not have to give us this information or that he considers the amount too small to worry about, we would like to know whether

[Mr. Mboya] the House has any way of making sure that we get the information we want.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, the hon. Members opposite seem extraordinarily slow in the uptake this afternoon and I personally thought my hon. friend's explanation was entirely clear. But if I could go into the matter just one little bit further, the position was that the original provision was an estimate for house allowance made for this year was £16,255. That compared with an approved estimate of £16,000 in 1959/60 and actual expenditure of £16,255 in 1959/59. In the event it has turned out that owing to moves of personnel, owing to some people going into privately owned or private rented houses and not living in Government quarters, the amount of £16,255 was provided and proved inadequate to pay the full allowances needed during the current year and the amount of shortfall is £9,500. It is now necessary to Vote that £9,500 being a revised estimate of £25,755, which is now known to be needed during this year to pay the amounts as due to officers under the Code of Regulations. There is no great increase in the number of officers concerned, Sir, in the number of officers in the Department, it is merely that more officers than were originally thought to be drawing house allowance in the event have been drawing it.

Mr. Mboya: Mr. Chairman, Sir, the Minister for Finance has, of course, given us no new information apart from a new sort of voice. We still do not know how many officers necessitated the expenditure of 60 per cent more than the original Vote.

Mr. Chokwe: Mr. Chairman, is it possible that this money is the money being used for paying expenses for witnesses while attending court cases?

The Chairman (Mr. Nyagah): As I understand it this is for house allowance and the Minister has answered this question as I understand it. Several hundred officers are employed by the Judicial Department. Many may (when these Estimates were framed) have purchased their own houses in which case they would be entitled to house allowance in accordance with the Code of Regulations and no doubt this figure represents the amount due to those officers.

Mr. Mboya: Mr. Chairman, Sir, could I know whether the Minister for Finance agrees with the Minister for Legal Affairs that £9,500 is petty cash? Chicken feed? No need to ask the Minister questions about it?

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Chairman, I had better just add, to remind the hon. Member, that I was dealing when I made those remarks with the fact that this is a Legislative dealing with Legislative Estimates; statutory sanction for the expenditure of Government money, and while £9,500 is a reasonable sum of money—a considerable sum of money in any language, to try to break it down to individual officers and the amount of allowance paid to each officer is too petty for me to contribute to that sort of tactic in this House.

Hon. Members: Hear, hear.

The Chairman (Mr. Nyagah): Order, order, Mr. Mboya, I think enough has been said and there is not much you can get.

Mr. Mboya: On a point of order—

The Chairman (Mr. Nyagah): And we have had enough information sought, enough information has been found, we must get moving.

Head B—House Allowances agreed to.

VOTE 3—LEGISLATIVE COUNCIL

A—Personal Emoluments

Mr. MacKenzie: Mr. Chairman, may I ask under Personal Emoluments what salary the Second Clerk Assistant to this House is going to get?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, the Second Clerk Assistant will be on Scale D5—3. I am afraid I have not got the 1960/61 Estimates available but the Second Clerk Assistant will be on the Scale B5—3. If hon. Members will refer to page 7 of the 1961/62 Estimates they will see that there is provision made—£755.

Dr. Kiaro: On the salary allowances, etc., to Members of the Legislative Council. I see that the original estimates £86,000—

The Chairman (Mr. Nyagah): Order, order, we are still at A.

Head A—Personal Emoluments agreed to.

Head B—Salaries, Allowances, etc., to Members of Legislative Council.

Dr. Kiaro: Sorry, Mr. Chairman, for having moved a little faster than the House. I do see that in this matter of salaries, allowances, etc., to Members of Legislative Council is £86,000 and the revised estimate is £86,001. Mr. Chairman I would like an explanation by the Minister for Finance or the Chief Secretary as to why the difference is, practically, non-existent when the

[Mr. De Souza] allowed as distinct from mere questions and answers.

The Chairman (Mr. Nyagah): I said that you only seek information on savings under appropriations-in-aid.

Mr. De Souza: May I then, Sir, spend a few minutes on this item which is not a saving or an appropriation-in-aid, and say this, I believe that today, when Kenya is going through a famine, and going through a great economic depression, it seems very unfortunate that the Government has found it necessary to buy a Rolls-Royce which is costing the country Sh. 127,800.

The Chairman (Mr. Nyagah): We are now talking on the appropriations-in-aid.

Mr. De Souza: I thought that the whole Vote was taken together.

Mr. Mboya: On a point of order, Mr. Chairman, the hon. National Member, Mr. Bruce McKenzie, raised this very question when we started. He pointed out that on this particular Vote there was no specification of A, B, C and so on, and he turned to the Appendix and asked whether he should discuss the various items in the Appendix. So far, on a point of order, the Chair has not been talking on Vote 1A, B, Z, but we have been discussing it virtually anyhow according to the speaker who rose. Mr. Chairman, the second point is that the original ruling made it impossible for some of us to make a speech or to debate various items on the basis of the ten minutes which we are allowed. It is on this basis that my hon. friend, Dr. De Souza, on our behalf, went to find out the details from *Erskine-May*, and since we find that both sides misunderstood the ruling then I think that, with due diffidence, we would like to make our points on this particular debate.

The Chairman (Mr. Nyagah): I understand that there is no limit of ten minutes which you refer to, and in future we are going to call the Heads. But the same hon. Member whom you have just quoted, before raising the matter on the appropriation-in-aid, asked me whether we had now moved from A, D, and whether we were talking about the appropriation-in-aid.

Mr. De Souza: May I, with respect, Sir, point out that a few minutes ago, after we were in fact discussing motor vehicles, the hon. Dr. Kioko, the Member for Fort Hall, went up to discuss the question of the allowances of the Acting Governor. There I thought that one could go

back, I do not see why we should not with your consent.

The Chairman (Mr. Nyagah): That was before the hon. National Member, Mr. Bruce McKenzie, had been allowed to talk on appropriations-in-aid.

Mr. De Souza: Is it out of order for us to discuss the question of motor vehicles now?

Mr. McKenzie: May I ask if Government would now be prepared to answer my question on the sale of Government House vehicles. What I wanted to know was how many vehicles were sold and how much each vehicle realized.

The Chief Secretary (Sir Walter Coutts): I can give that to the hon. Member but I am afraid that I have not got it at the moment.

Mr. McKenzie: Then, Mr. Chairman, may I have an answer to my other question which was, what is now the position, reference the Governor, when he is staying with him people who he is entertaining and feeding and looking after, on behalf of the High Commission. Are we in Kenya expected to pay all those expenses or not?

The Chief Secretary (Sir Walter Coutts): He pays for them out of salaries and allowances, in exactly the same way as any other visitor coming to the country.

Mr. McKenzie: Mr. Chairman, may I then ask if we can be told that under no circumstances whatever are mileage claimed for people, such as Lord Mountbatten, who are out here on High Commission business.

Mr. De Souza: Sir, I see that we have now gone back to A so I do not suppose you—

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Chairman, on a point of order, is it not about time that the hon. and learned Member opposite accepted the authority of the Chair?

Mr. Mboya: On a point of order, Sir, it is not a question of accepting, or otherwise, the authority of the Chair. We accept the authority of the Chair. The point is that, so far as the original position is concerned, we were asking about the ruling that since we have gone back to A, it is in order—

The Chief Secretary (Sir Walter Coutts): We have not gone back to A; we are discussing Z 3, the sale of Government vehicles.

Mr. McKenzie: Would the Government answer the points I raised under Z1 and Z7?

The Chief Secretary (Sir Walter Coutts): Would the hon. Member say which question?

Mr. McKenzie: Mr. Chairman, all I am worried about is, when the Governor is acting in his capacity as Head of the High Commission, can we have an assurance that no Kenya money at all, other than his own money which he can do what he likes with as Governor, is expended on those visitors.

The Chairman (Mr. Nyagah): Where does this come in?

Mr. McKenzie: Under Z 1 and 2. The Railways used to pay us money on behalf of the High Commission and they are no longer paying us, is Kenya now going to meet those charges? The Railways and Posts and Telegraphs paid us £2,500, I think it was, a year, previously, for the benefit of the Governor to entertain people who came to this country on behalf of the High Commission. Now they are not paying this. Who is now going to meet that?

The Chief Secretary (Sir Walter Coutts): I think that the hon. Member is making a mountain out of a molehill. The hon. Member knows that the High Commission meets in succession in Tanganyika, Uganda and Kenya. If he is going to suggest that any expense on behalf of the High Commission, while they are guests at Government House, might be met by the other territories, then when in Uganda, Kenya will have to do the same. It seems to me it would be far better for each of the territories to pay.

Mr. McKenzie: Why take money from the Railways and the Post Office for all those years.

The Chairman (Mr. Nyagah): Order, order. I must remind hon. Members, of course, it is quite obvious that it should be improper as a general rule to raise under Supplementary Estimates the whole question of policy involved in the original Estimate, and as I have stated, the discussion is properly confined to the items of the Supplementary Estimates. The items here are strictly as written down under Z 1, 2 and 3, it is not a question of policy or the Governor or what he will do.

Vote 1—The Governor agreed to.

VOTE 2—JUDICIAL

B—House allowances

Mr. McKenzie: Mr. Chairman, I wonder if I may ask the same question again? The saving of personal emoluments of an amount of £3,500, it is quite a lot in a small Vote and I would like to know how that £3,500 was saved.

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Chairman, Sir, this is not such a small vote in terms of expenditure. It is in fact

a large department, but it has a high element of Appropriations-in-Aid which does, of course, reduce the net-balance which this House is asked to vote, but bearing in mind there are a very large number of officers in the department, the saving of £3,500 is, I am informed, due to a number of posts being unfilled over part of the year.

Mr. McKenzie: Mr. Chairman, how come it is that when an original estimate is £16,000, that we are now asked for an increase of nearly 60 per cent. of it—£9,500—for house allowances and what is all this extra money for?

The Minister for Legal Affairs (Mr. Griffith-Jones): Sir, the estimate in respect of house allowance in any department or Ministry must necessarily be purely speculative. It depends upon the circumstances of the officers, it is variable by reason of such matters as leave, transfers and the like and it is not unusual for estimates to be as much as 60 per cent. out.

Mr. Mboya: Mr. Chairman, would the Minister help us by indicating whether this was the result of variations or differences arising because of leave or because of increases in staff, what precisely is the reason for this sum increasing over this period?

The Minister for Legal Affairs (Mr. Griffith-Jones): Sir, when the original estimate was drawn up for the payment of house allowances for the year 1960/61, it was drawn up and submitted in January, 1960, and it was based on the then known monthly expenditure and the number of officers then entitled to house allowances. That is to say, officers living in privately rented houses or their own houses. The position since then has changed, mainly due to changes of accommodation by officers which entitled them to claim house allowance in accordance with the Regulations. For the information of the House I would point out that claims for house allowances have to be certified by the Housing Accommodation Committee, or where no such committee exists, by the local housing authority.

Mr. McKenzie: Mr. Chairman, I do not think the Minister can think that we can be satisfied with an answer that goes round and round the point like that. After all, his estimate was 60 per cent. above, all we are asking for is whether he can tell us who and on what kind of house allowance this extra 60 per cent. would be used. I do not believe that a Ministry can be as much as 60 per cent. out in an estimate of £16,000 on housing allowance. For £9,500 you can house a tremendous number of people.

[The Minister for Finance and Development] who was not going on leave during that particular year. In that case, Sir, there would be savings. That is the way in which these things arise.

Mr. Mboya: Mr. Chairman, we have listened to the speech by the Minister but he has not answered the questions. What are these details? We have heard all the "ifs" and "ors" and "evens". The question is, what actually happened to this £350? What are the details?

The Minister for Finance and Development (Mr. MacKenzie): There was a saving, Sir, of £350 on House Allowances and another saving of £800 on Passages and Leave Expenses.

Mr. Mboya: Mr. Chairman, Sir, how did this saving come about? Where did it come from? What happened?

The Minister for Finance and Development (Mr. MacKenzie): Because, Sir, the money was not spent!

Mr. MacKenzie: May I go to my Appropriation-in-Aid, Mr. Chairman?

The Chairman (Mr. Nyagah): Order, order, Mr. MacKenzie! I think enough information has been given on this one and I cannot allow this to develop into a debate.

Mr. Mboya: On a point of order, Mr. Chairman, is it suggested that there is no room for a debate during the discussion on the Supplementary Estimates?

The Chief Secretary (Sir Walter Coutts): There should be no debate. It is a question of question and answer.

The Chairman (Mr. Nyagah): From a very well-known authority, *Erskine and May*, it says very truly that you can seek information but cannot develop a debate.

Mr. MacKenzie: Mr. Chairman, may I know if you have now ruled that we must move from A because if I may now move to Appropriations-in-Aid I should like to know if it is in fact correct that last year this House was obviously led astray and led to believe that East African Railways and Harbours and East African Posts and Telecommunications were going to pay the full 12-monthly sum to the Government? It is obvious by the cut in these Appropriations-in-Aid that they only agreed to pay for six months. What I should like to know is if there was an agreement with these two High Commission services, what that agreement was, and why it was terminated. That is the first question. The second question is on the sale

of Government House vehicles. How many vehicles were sold; what figures did each vehicle obtain?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, to answer the first part of the hon. Member's questions, the position is that in the Estimates for last year which, I would point out, were prepared in the very early months of 1960, provision was made for an Appropriation-in-Aid of £2,500 from the Railways and Harbours and £500 from the Posts and Telecommunications Administration towards the maintenance of the Governor in his capacity as chairman of the High Commission. Subsequent to this provision being made, discussions took place as a result of which it was decided that it was inappropriate that these contributions should continue to be made.

Mr. MacKenzie: Why not?

The Minister for Finance and Development (Mr. MacKenzie): ... and the full expenses of the Governor should be met from the funds of this Colony. In those circumstances, Sir, the Railways and Posts and Telecommunications did not make this provision in their Estimates for the current calendar year 1961. Therefore, Sir, since there was a shortfall of £1,500 it is necessary to make that good in one way or another. This is the purpose of this particular Supplementary Estimate.

Mr. MacKenzie: Mr. Chairman, is the Governor not head of the High Commission services as the senior Governor of the three territories? I mean, surely this has been going on for years, this payment from the Railways and Posts and Telecommunications? What was the reason for stopping it? Has he stopped being head of the High Commission?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, no, Sir, the Governor has not ceased to be the Chairman of the High Commission. After discussion with the administrations concerned, and with the other East African Governments, it was decided that it was more appropriate that the full provision should be made from the Kenya Vote and that this particular appropriation-in-aid should not be made from the High Commission services. Sir, it is quite impossible to divide equitably the amount of time which His Excellency gives to High Commission matters and that which is given to Kenya matters; and to carry this to its logical conclusion it will be necessary to make a subvention from each sub-vote, for instance, of each High Commission Vote. It might also have been necessary

[The Minister for Finance and Development] to have made a certain amount of provision towards the salaries of the other East African governors for services which they on occasion provide for the High Commission. Sir, after considerable discussion of these matters it was felt that to carry the matter to those lengths would entail an inordinate amount of trouble and, in all the circumstances, it was felt that the way in which things would be done from now on was the more appropriate one.

Mr. Mboya: Mr. Chairman, do we have it on record, then that we are paying much more for the High Commission than the other territories?

The Minister for Finance and Development (Mr. MacKenzie): Sir, if the hon. gentleman refers to the estimates for the East Africa High Commission, which are available and can be purchased from the Government Printer, he will find that the exact contributions, and I think that he will certainly find that this territory does make a greater contribution towards the cost of the High Commission services than do the other territories.

Mr. MacKenzie: Mr. Chairman, am I led to believe that when the Governor acts in his capacity as head of overseas staying at Government House, that we Kenya people pay for those people who are out here on High Commission business, using Government House as a hotel? Would you also answer my other question about the motor cars.

The Chief Secretary (Sir Walter Coutts): The Governor pays for them himself out of his entertainment allowance.

Mr. MacKenzie: We pay!

Mr. De Souza: Mr. Chairman, you have ruled that no debate is allowed on this particular Supplementary Estimate. In *Erskine May*, page 738, it says, "Debate on Supplementary excess grants is restricted to the particulars contained in the Estimates on which those grants are sought, and to the application of the items which compose those grants". It does not say that no debate is allowed. Is that your ruling, Sir, or do I have the wrong page?

The Chairman (Mr. Nyagah): The ruling I made was on a different Head other than the one which is being discussed now.

Mr. De Souza: Is that your ruling on this particular Head, Sir?

The Chairman (Mr. Nyagah): Which page are you quoting?

Mr. De Souza: Page 738, Sir, right at the top.

The Parliamentary Secretary for Health and Social Affairs (Mr. Shaw): Mr. Chairman, Sir, surely you ruled the other day that it could be debated only if you moved a reduction. That is what you ruled the other day.

The Chairman (Mr. Nyagah): Order, order!

The point of order that has been raised by Mr. De Souza is not covered by the point that you raised on page 738 of *Erskine May*. Appropriations-in-aid cannot be debated in Committee of Supply, nor can the policy of such appropriations-in-aid, or the services for which ceilings have been made, if they are due to savings which have been discussed.

Mr. De Souza: Sir, what I wanted to know is, in this particular debate on Supplementary Estimates, this can of course take place, can it not, provided it is confined to the particular subject or the particular item which one is discussing, although one is not discussing appropriations-in-aid as appropriations-in-aid. This is debate, in the Committee of Supply relating to the Supplementary Estimate. If a debate is allowed, as I understand it, then ten minutes is allowed to each speaker who is allowed to speak as often as he may want to, and I would like to say a few words on this.

The Chairman (Mr. Nyagah): The answer to your point of order on supplementary and excess grants is, "Debate on supplementary and excess grants is restricted to the particulars contained in the estimates on which those grants are sought, and to the application of the items which compose those grants; and this debate cannot touch the policy or the expenditures mentioned, on other Heads, by the estimate on which the original grant was obtained, except so far as such policy or expenditure is brought before the committee by the items contained in the supplementary or excess estimates".

Mr. Mboya: Mr. Chairman, on this point of order, we unfortunately thought that you had ruled that all we could do was to ask questions and get answers. Our understanding of this point of order is that we have ten minutes for each speaker when we can raise matters relevant to the particular Head under discussion, which, if I may say, Mr. Chairman, was done quite often in the past.

Mr. De Souza: What my hon. friend has said just now is, in fact, supported by what you have just read out. It does say that debate is allowed. That is all I am trying to say, that debate is

[The Minister for Finance and Development] Government, Sir: It was stated that I was satisfied that the £22 million gap for the development programme would be found.

Mr. De Souza: Mr. Speaker, Sir, would the Minister tell us how many interpretations there are of the amount actually brought back?

An Hon. Member: Answer.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I think the position is quite clear. The delegation obtained £3,250,000 of new money in addition to confirming the original £3,000,000 and, as I say, the Government is satisfied that it will be possible to fill the cash gap required to finance the rest of the development programme.

Mr. McKenzie: Mr. Speaker, Sir, arising out of the original reply, the £3.25 million, may this House accept that none of this money was discussed with the Minister when he was in London?

The Minister for Finance and Development (Mr. MacKenzie): The House may be quite satisfied that there were no discussions between me and Her Majesty's Government on the £3.5 million.

Mr. Chokwen: Mr. Speaker, Sir, could the hon. Minister tell us that he has an assurance from the British Government that none of this money is going to be spent on employing additional security forces in this country?

Mr. McKenzie: Mr. Speaker, Sir, the projects on which the money will be spent are special settlement schemes, capital development to alleviate unemployment, education and localisation.

Mr. Shahi: Mr. Speaker, could the Minister tell us that when he compares the amount—even he alone brought £3,000,000, while this delegation consisting of five or six members got only the same amount. My question, Mr. Speaker, Sir, is that is the Minister satisfied that the efforts of five or six members together is the same as that of his one man which he himself is?

Hon. Members: Hear, hear, yes.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I am quite satisfied that the amount of work put in by the delegation was essential and I would point out that the delegation had discussions which took a considerably shorter time than did mine.

Mr. Chokwen: Interjection.

The Minister for Finance and Development (Mr. MacKenzie): I think, Sir, that is another question, but the answer is "None".

NOTICE OF ADJOURNMENT MOTION—

MR. PETER KONANGE.

The Speaker (Mr. Slade): Hon. Members are aware that there is a matter to be raised by Mr. Sagal on the adjournment this afternoon. I have also received notice from Dr. Kiand of his desire to raise on an adjournment the matter of the treatment accorded to Mr. Peter Konange on his arrival at Embakasi Airport on Sunday, 4th June. Unless there is a special reason advanced by Government for delaying discussion of this, I propose to allot tomorrow evening for discussing this matter. In that case I will allot tomorrow evening at the close of ordinary business for discussion of that matter.

COMMITTEE OF SUPPLY

Order for Committee read.

IN THE COMMITTEE

[J. J. M. Nyaguh, Esq., in the Chair]

—A VOTE ON ACCOUNT—

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I beg to move that the sum not exceeding £20,661,176 be granted to the Governor on account for or to defraying the charges on the several Votes for the year ending 30th June, 1962, as set out in the Vote on Account.

Mr. Chairman, Sir, hon. Members have received copies of the Vote on Account. They were distributed this morning and the Paper has been formally laid this afternoon. I would draw the attention of hon. Members to this Paper. They will see that, in fact, what the House is being asked to do at this stage is to vote approximately half of the total sum required for the service of the Government during the coming year. As hon. Members are aware, Sir, Standing Order No. 112 has been amended to allow of the introduction into Legislative Council of the Vote on Account procedure and it is within those terms that this Motion is now before the House. The advantage of the new procedure is that the allotted days for the consideration of Supply covering the 1961/62 Estimates of Expenditure can be spread between now and possibly October, the end of the present Session. This will relieve the House of the strain which formerly used to arise in having to take every Supply day before the end of the financial year.

Sir, the House will, of course, have a full opportunity of debating all the Votes which it wishes to debate when we go into Committee of Supply. And of course the details of the various Votes are published in the printed Estimates. There is one point to which I would draw particular attention and that is that the figures given

[The Minister for Finance and Development] under the column Required on Account, although in each case they are approximately half of the total sum required for the particular Vote during the coming years, are intended more for guidance. They will not have the strict legal significance that attaches to the figures in the final Appropriation Bill. The reason for this, Sir, is quite obvious, and that is that whilst broadly speaking it can be taken that not more than half the amount in a Vote is likely to be spent, in fact, it is very unlikely that in any case more than half the amount will be spent before the Appropriation Bill is finally taken, there are certain instances in which it is necessary to spend much more in the early part of the year than at a later stage. This particularly tends to happen when there are grants in aid. But broadly speaking the House can take it that the intention in fact, that the practice will be, that approximately one-twelfth of the year's appropriation will be spent each month and it is most unlikely that in any case the figures in that second column will be exceeded.

It is intended, Sir, later today when the other business on the Order Paper has been dealt with to take the Consolidated Fund Bill, one of the purposes of which will be to enshrine the total amount of the Vote on Account, that is the £20,661,176 in legislation. At a subsequent stage when the Supply stage has been completed, the Appropriation Bill for 1961/62 will be taken and at that stage the balance of the sums required for the service of the coming year will be included in the Appropriation Bill for 1961/62.

Sir, as I said, details are available in the Annual Estimates. This is merely required at the present time in order to enable the business of Government to continue during the period before we take the Appropriations Bill and with that, I beg to move.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian) seconded.

The Chairman (Mr. Nyaguh): The Minister has made a slight amendment in the wording, and I accept it.

Question proposed.

The question was put and carried.

SUPPLEMENTARY ESTIMATE No. 3, 1960/61— —COLONY—

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I beg to move.

That a sum not exceeding £474,102 be granted to the Governor, on account, for or

towards defraying the charges of Supplementary Estimate No. 3 of 1960/61.

Question proposed.

VOTE 1—THE GOVERNOR

Mr. McKenzie: Mr. Chairman, I am in a little difficulty on this one because it has been made out differently from all the others and has no subhead either a, b, c, d, or e. Therefore, with your permission, I would like to raise a number of matters on the Appendix.

The Chairman (Mr. Nyaguh): You will find the details in the back.

Mr. McKenzie: I appreciate that, Mr. Chairman, but all the others have got whether it is house allowance or whether it is travelling allowance or personal emolument before the appropriations in aid, and this is the only one that has not got it. So with your permission, if I may raise something under the Appendix.

The Clerk of the Council (Mr. Nimmo): Would you like to give way?

Mr. McKenzie: No, no. May I also accept that you are not taking the Appendix in the order of A and D?

The Chairman (Mr. Nyaguh): Well, this is just like the other one we had before and it is one line Vote.

Mr. McKenzie: Thank you very much, Mr. Chairman. What I would like to know from the Minister in charge of the Governor's Vote, Mr. Chairman, firstly concerns the purchase of additional vehicles. What are these additional vehicles, and is the Rolls-Royce included and what is the cost of the Rolls-Royce?

The Chief Secretary (Sir Walter Coutts): That was the cost of the Rolls-Royce.

Mr. Mboya: Mr. Chairman, could we be told why a Rolls-Royce was necessary? Are the Government House cars so dilapidated that we have to spend £6,500 at a time when every Ministry is being told to economize? Cannot Government House economize?

The Chief Secretary (Sir Walter Coutts): I think that is a fair question, Sir. The fact that this Rolls-Royce was ordered 18 months ago before Lancaster House and before we had started in on an economy exercise whatsoever, and before we had realized at that time that it would be necessary to do so. It was bought to replace two very dilapidated old Humbers.

Mr. Mboya: Mr. Speaker, on a point of order, I beg leave to withdraw the question since the action anticipated has already been taken by the Government.

The Speaker (Mr. Slade): It is still open to the Minister to answer the question if he wishes to.

Question, by leave, withdrawn.

QUESTION No. 77

Mr. McKenzie asked the Minister for Works how many locally manufactured blankets were bought in the last six months by Government and how many imported blankets?

The Minister for Works (Mr. Jamidar): Mr. Speaker, I beg to reply. During the six months—1st December, 1960, to 31st May, 1961—Government orders were placed by the Supplies Branch, Ministry of Works, for a total of 48,900 blankets. Of this number 44,500 were of local manufacture and 4,400 were imported.

Mr. McKenzie: Mr. Speaker, arising out of that reply, may this House now take it as accepted that no blankets will be imported and that all blankets, if possible, will be purchased from local manufacturers?

The Minister for Works (Mr. Jamidar) (Inaudible): the other way round.

Mr. Mboya: Would the Minister state what he means by "the other way round"?

The Minister for Works (Mr. Jamidar): As far as possible, local blankets will be purchased in preference to overseas blankets.

Mr. Mboya: Would the Minister state whether he is prepared to protect the local blanket industry?

The Minister for Works (Mr. Jamidar): That is a matter of broad Government policy, but our policy is, as far as possible, to buy the local blankets where practicable.

Dr. Kiiano: Mr. Speaker, arising out of the original reply, are we to understand that the local blanket producers could not supply all the needs and that that is why some of the blankets are bought from overseas manufacturers?

The Minister for Works (Mr. Jamidar): Four thousand blankets were ordered last December by the previous Government on which the hon. Member so ably served. Since then 41,500 blankets have been purchased locally.

Dr. Kiiano: Do we understand that the local manufacturers of blankets could not supply all the blankets and that that is why all these blankets were imported; and, by the way, I was not the Minister for Works but the Minister for Commerce and Industry.

The Minister for Works (Mr. Jamidar): (Inaudible): 41,500 blankets have been purchased since 1960.

Mr. McKenzie: Mr. Speaker, are we to accept from that reply that all these blankets, whatever the number was, have been bought by the new Government?

The Minister for Works (Mr. Jamidar): 41,500 have been purchased by the new Government.

Mr. Mboya: Mr. Speaker, the Minister fails to answer the first question which was, why were 4,000 blankets bought from overseas, and do we understand from the Minister that since January, this year, no blankets have been bought from overseas? Do we also understand that no blankets will be bought from overseas in the future?

The Minister for Works (Mr. Jamidar): Only 400 blankets for the police have been bought from overseas recently. Supplies have been obtained from Nakuru Industries, and if these blankets do appear to be suitable then later we will be able to buy all our blankets there.

Mr. Arngwags-Kodhek: Would the Minister tell us whether the police themselves are satisfied and whether the movement is going on that they will get locally manufactured blankets, manufactured by their own people for their own use, by natives?

The Minister for Works (Mr. Jamidar): We are still awaiting the remarks of the police on the quality of the sample blankets supplied.

Mr. Arngwags-Kodhek: Have the Police been consulted, not inducted, in these negotiations as to whether they will be accepting the blankets?

The Minister for Works (Mr. Jamidar): I am afraid that is a question for the police to answer or for the Minister in charge of the police to answer.

Mr. Arngwags-Kodhek: He is not here!

Mr. De Souza: Why do the Police need these special type of blankets?

The Minister for Works (Mr. Jamidar): The police are entitled to a slightly better type of blanket than are prisoners.

QUESTION No. 82

Dr. Kiiano asked the Minister for Finance and Development, will the Minister for Finance state the exact amount of money obtained from Her Majesty's Government and for what programmes it will be used, as a result of the recent negotiations between the Secretary of State for the Colonies and the delegation consisting of KADU and New Kenya Party representatives?

The Minister for Finance and Development (Mr. MacKenzie): I would refer the hon. Member to the speech made by the Leader of Government Business on 26th May, 1961.

Mr. Mboya: Mr. Speaker, Sir, would the Minister himself refer to that speech and tell us how much they brought back because we have referred to this speech and we cannot find it.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, I found my hon. friend's speech a most admirable blanket statement, if I may use the phrase, completely comprehensive. But if hon. Members wish I am quite prepared to read out with your permission what my hon. friend said.

Mr. McKenzie: We know what he said.

The Minister for Finance and Development (Mr. MacKenzie): He said: "We confirmed the availability of £3,000,000 in Exchequer loans for the Development Programme 1961/62. We obtained £250,000 extra grant for recurrent expenditure. We obtained £1,500,000 extra grant for development and £1,500,000 loan for development. It is intended, Sir, to spend the last two sums amounting to £3,000,000 mainly on projects under the following heads which the delegation put forward in London, special resettlement schemes, capital development to alleviate unemployment, education and localisation."

Dr. Kiiano: Mr. Speaker, arising from that reply, would the Minister explain why it is that prior to this statement different figures were given by different spokesmen of the same delegation?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I am afraid that I am not responsible for the statements made other than by the Government.

Mr. Mboya: Mr. Speaker, Sir, would the Minister confirm that all these sums of money are as the result of this delegation and not his own efforts before this delegation, and I refer especially to all the sums specified?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, the answer

to that question is "Yes, Sir". The delegation confirmed the availability of £3,000,000, that was a sum about which I had had previous consultations, but the delegation had confirmed—had confirmation that the money would in fact be available—that is the first £3,000,000, which at the time which I came back was merely something which I had hoped for.

Mr. McKenzie: And the other.

Mr. Arngwags-Kodhek: Mr. Speaker, Sir, arising out of that answer, will the Minister tell us here and confirm that KADU and the New Kenya Party have absolutely nothing whatsoever to do with any loans we may get?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, the hon. gentleman does not appear capable of understanding a quite clear statement.

Hon. Members: Hear, hear.

The Minister for Finance and Development (Mr. MacKenzie): My hon. friend in his statement which I have just quoted made it perfectly clear that £1,500,000 worth of extra grant and £1,500,000 worth of loan development, together with £250,000 of recurrent expenditure which, as he said, will mainly be used on education, was completely new money on which there had been no previous discussion between Her Majesty's Government and anybody in Kenya.

Mr. Alexander: Mr. Speaker, Sir, as the Minister has already stated that, resulting from the delegation's visit, he is satisfied that the sum of £2.2 million in the current year's programme will be found. Would he agree that the total achievement—I am sorry, Mr. Speaker, if these people do not like listening to achievements—but would he agree that the total achievement by the delegation of completely new money is £5.45 million? Nearly £5,500,000?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, that could be one interpretation.

Hon. Members: Hear, hear.

The Minister for Finance and Development (Mr. MacKenzie): That, indeed, could be one interpretation of the results of the present position.

Mr. Mboya: Mr. Speaker, Sir, arising from the Minister's reply, it is not quite clear that the interpretation is clear to the Government.

The Minister for Finance and Development (Mr. MacKenzie): It is entirely clear to the

Mr. Mboya: Mr. Speaker, Sir, arising out of the reply, would the Minister state whether it is a question of recognizing that institution which the Government wishes to recognize or that association which is truly representative of the workers?

The Chief Secretary (Sir Walter Coutts): The question of recognition, Mr. Speaker, always rests with the Government and what we have been trying to do is to get those people of similar interests to form themselves into associations so that they can be recognized and represent those particular interests.

Mr. Mboya: Mr. Speaker, does not the Minister agree that the question of effective conciliation or collective bargaining depends on the true representation of both sides and not just on what the Government wishes to recognize?

The Chief Secretary (Sir Walter Coutts): I would agree that true negotiation depends on effective representation on both sides but it still rests with the Government to decide with what people they will bargain and whom they will recognize.

Mr. Aringwa-Kodhek: Mr. Speaker, Sir, would the hon. Chief Secretary state categorically whether the Government is really interested in the representation of the local people?

The Chief Secretary (Sir Walter Coutts): Yes, Sir, without hesitation and, if I may say so, the number of meetings that I have had with the various people I think is proof of that.

Dr. Kioko: Mr. Speaker, would the hon. Chief Secretary indicate what standard the Government uses to determine whether or not to recognize an association?

The Chief Secretary (Sir Walter Coutts): It is not a question of standards, Mr. Speaker, it is a question of straight recognition of people who represent certain specific interests.

Mr. Mboya: Mr. Speaker, there must be a criterion here. Is it a question of just who presents himself who represents a certain pattern of people, or is it determined on the basis of whether they are truly representative of the people, not just on what the Government wants to hear.

The Chief Secretary (Sir Walter Coutts): It is not at all a question of what the Government wants to hear. As I said, it is a question of whether or not the people represent specific interests.

Mr. Mboya: Mr. Speaker, Sir, would the Minister state on what that is based? How do you determine that they are truly representative of the people?

The Chief Secretary (Sir Walter Coutts): I did not say "the people", Sir, I said "interests".

Mr. Aringwa-Kodhek: What are those specific interests, because the people in this country would like to know?

The Chief Secretary (Sir Walter Coutts): The specific interests, Sir, are quite simple to me. I think there should be an association of doctors who would represent doctors' interests; there should be an association of clerical people who would represent the clerical interests and so forth.

The Speaker (Mr. Slade): I think there have been sufficient supplementaries on this Question now. We will go on to the next one.

QUESTION NO. 30

Mr. Mboya: asked the Chief Secretary what Government's immediate plans are, if any, to commence training Kenyans in diplomatic service for a future Kenya or East African Foreign Affairs Service.

The Chief Secretary (Sir Walter Coutts): Mr. Speaker, Sir, I beg to reply.

The Government, in conjunction with the Royal College, is planning a course in public administration at the College. This course which will last for a full academic year, will start in October, 1961, and will be attended by approximately 15 trainees of graduate status. It will provide a broad basis of training in administration for potential Foreign Service personnel and at the conclusion of the course consideration will be given to the selection of the most suitable officers for a further overseas course directed towards training for foreign service.

This initial course will be followed by other courses of a similar nature.

Dr. Kioko: Will the Minister indicate whether when these programmes are being planned, this is for future Kenya or for a future East African Diplomatic Service?

The Chief Secretary (Sir Walter Coutts): That appears to me, Sir, to be another question, but this I feel is the beginning for both Kenya and an East African Service, if necessary.

Mr. Mboya: Mr. Speaker, Sir, would the Minister indicate whether this includes a programme of training at British embassies overseas?

The Chief Secretary (Sir Walter Coutts): If the hon. Member will look at the last part of my question, I said "a further overseas course directed towards training for foreign service" which would include that.

Mr. Chokwe: Mr. Speaker, what are the qualifications which are needed?

The Chief Secretary (Sir Walter Coutts): They must be graduates.

Mr. McKenzie: Arising out of the original reply, would not the Minister not think that people of more mature age and experience ought to be considered for such posts?

The Chief Secretary (Sir Walter Coutts): I think that that is a possibility for a future Government.

Mr. Mboya: Is it suggested that the Diplomatic Service requires people with university degrees only?

The Chief Secretary (Sir Walter Coutts): It is generally accepted as such.

Dr. Kioko: Mr. Speaker, in the training of these people for service with the present and future Kenya or East African Government, have the Governments of Tanganyika and Uganda been consulted?

The Chief Secretary (Sir Walter Coutts): No, Sir, because that is our own particular scheme. Surely, everyone must realize that if we train someone here he will be of use not only to Kenya but also elsewhere in the world.

QUESTION NO. 31

Dr. Kioko asked the Chief Secretary, when can the Council expect a Bill on the future of Broadcasting and Television in Kenya?

The Chief Secretary (Sir Walter Coutts): Mr. Speaker, Sir, I beg to reply.

A high priority has been given to the drafting of a Bill to establish an independent broadcasting corporation, which would be responsible for both sound broadcasting and television, but a heavy programme of important legislation is pending and I cannot at present forecast a date for its introduction in the House.

Dr. Kioko: Mr. Speaker, arising out of that reply, could the Chief Secretary indicate what role Government may play in that independent Corporation?

The Chief Secretary (Sir Walter Coutts): I think that Government plans in this respect have already been circulated in the form of invitation to tender, as hon. Members, if they will refer to it, will see.

Mr. Mboya: Would the Minister state whether this Government is committed to the statement by

the previous Minister for Broadcasting in regard to this matter, and, if so, whether this House will be given a chance to debate those statements?

The Chief Secretary (Sir Walter Coutts): I am not certain in what respect the hon. Member refers to statements—but in so far as the policy is concerned this Government definitely backs the policy of setting up a corporation, and you will have a chance of debating not only the Bill but also any agreements into which we enter.

Mr. McKenzie: Mr. Speaker, arising out of the reply, would the Minister not agree that perhaps it would be of value to have a White Paper so that we could debate this matter.

The Chief Secretary (Sir Walter Coutts): Sir, the hon. Member will remember that we had a White Paper debated in 1958. Is the hon. Member now suggesting that there should be a new one?

Mr. Aringwa-Kodhek: Would the Chief Secretary be good enough to tell us whether this broadcasting corporation—and he indicated a few moments ago that he did not know the meaning of the word "Native"—be truly native, that is, truly African?

The Chief Secretary (Sir Walter Coutts): I think the answer is that they will be people born in Kenya.

Mr. Mboya: Would the Minister not agree that although there was a White Paper in 1958, the circumstances have now changed, and that another White Paper would be justifiable?

The Chief Secretary (Sir Walter Coutts): I will certainly give consideration to that. But I would point out to the hon. Member that there will be plenty of opportunity to debate the whole of the points concerned both in setting up the corporation and the facilities.

Mr. Mboya: Do we have a promise now from the Minister that no steps will be taken until we have had an opportunity to debate fully all the points?

The Chief Secretary (Sir Walter Coutts): No final steps can be taken and we can do nothing without the Bill. Secondly, we can do nothing without debating the actual results of the tender which we have put out.

QUESTION NO. 41

Mr. Mboya asked the Minister for Defence why, seeing that Government have elected African Back-benchers, has a Parliamentary Secretary not been appointed to his Ministry?

[The Parliamentary Secretary for Local Government and Lands] at a place called Ngareny, in Taita. It has been talked about and planned. With the coming money, the grants-in-aid, I think the Government should investigate whether the Ministry of Education should carry on with that plan to put up another High School in that particular area. It is cool. Its geographical position is really good. Since it is cool, it will make the children sturdy, and they will enjoy living in that particular area. I say that because in the Coast Province, up to this very moment, there is only one Government High School, and the people are still backward; in fact, they are at backward as the people in some other parts of Kenya, like the Masai, although there are more schools in the Coast Province. However, they are still backward and they need some help. I feel that another High School, convulsed and run by the Government, will be of great help to those people in the Coast Province as a whole, not to the Taita only.

Dealing with education, Sir, I come to the question of libraries and scientific equipment in the high schools. At present, as was stated by the hon. Member Mr. Ayodo, we have poor libraries in high schools. We are attempting to introduce Higher School Certificate courses next year. Without good libraries and complete science equipment we shall have failures. It may be that next year, or the year after, the number of students who will be going to Makerere will be fewer than before. I feel that it is the duty of the present Government to put more money into libraries. I taught for about ten years and I realize the position. We need good libraries in these schools, particularly in the African schools. I understand that even the European schools have poor libraries, but African schools have very poor libraries, and teachers find it hard to teach children, at least to get them to learn things by themselves. It is the duty of this country to see that with the new plan for Higher School Certificate there will be good libraries in schools.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business, and Council is adjourned until Tuesday, 6th June, at 2.30 pm.

The House rose at thirty-two minutes past twelve o'clock.

Tuesday, 6th June, 1961

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

[Mr. Speaker (Mr. Slade) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

The East Africa High Commission Annual Report, 1960.

(By the Leader of Government Business and Minister for Education (Mr. Ngala))

Appendices to the Appropriation Account for the Year 1959/60.

Vote on Account—Financial Year, 1961-62.

(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. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council notes that the Government proposes to guarantee loans and debentures not exceeding £6,000 to be made to the United Kenya Club for the purpose of providing residential accommodation, this sum to be supplemental to a guarantee of £23,000 already noted by Indent Council on 22nd June, 1960.

ORAL ANSWERS TO QUESTIONS

QUESTION NO. 15

Mr. Zafrud Deen asked the Chief Secretary:—

- (a) If the Government would state the reasons why one of the two staff associations, which formed the staff side of the Central Whitley Council, withdrew in January this year.
- (b) When the Government announced that it had negotiated the Fleming Commission's proposals with the Staff Side of the Central Whitley Council and the Joint Industrial Council, would the Chief Secretary please state which staff associations made up the Staff Side of the Central Whitley Council? And what proportion of the Staff Side of the Central Whitley Council were non-Europeans?
- (c) If the Chief Secretary satisfied that the Central Whitley Council is functioning satisfactorily?

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

(a) Representatives of the Clerical and Allied Civil Servants' Association withdrew from the Staff Side of the Central Whitley Council in January last following differences of opinion with representatives of the Senior Civil Servants' Association. The Government must regard such differences of opinion between the staff associations making up the Staff Side of Council as purely domestic issues to be settled without Government's intervention, and I made this clear to the Clerical and Allied Civil Servants' Association when I had the pleasure of addressing them at their annual general meeting at the beginning of February.

(b) The invitation from Government to enter negotiations on the Fleming Report was issued to the Chairmen of the Staff Side of the Central Whitley and Joint Industrial Councils. Representatives of the Clerical and Allied Civil Servants' Association declined to attend these negotiations as members of the Staff Side, and thus left the responsibility of representing the Service (apart from that portion of it represented by the Joint Industrial Council) to a Staff Side composed of representatives of the Senior Civil Servants' Association. In order that the Government might be aware of the views of the Clerical and Allied Association, however, it was invited to forward these in writing. This was done and the Association's views were noted. The Staff Side of Central Whitley Council consisted of (excluding the Secretary) nine Europeans and eight non-Europeans. The defection of the Clerical and Allied Association left an effective Staff Side at the meeting in question of eight Europeans and one non-European. The Staff Side of the Joint Industrial Council was 100 per cent non-European.

(c) I have for some time now been endeavouring to find ways and means of reconstituting the Central Whitley Council with the object of widening its representation. Discussions to this end are at present taking place between the appropriate staff associations and myself, and on the successful completion of these I see no reason why the Central Whitley Council of the future should not be an even more effective and competent organization than it has been in the past.

Mr. Zafrud Deen: Arising out of the reply, I would be grateful if the hon. Chief Secretary would give his assurance that in future at no time will the service be divided into two or more groups, one consisting mainly of the Europeans and the other of the non-Europeans.

The Chief Secretary (Sir Walter Coutts): I agree entirely, Mr. Speaker, with the hon. Member's last observation. I have done my best in the last few years to try and prevent any racial associations within the Civil Service, but if people wish to associate themselves together of their own free will, it is natural for them to do so.

Mr. Argwings-Kodhek: Mr. Speaker, following on the reply to the first question, how many of the eight non-Europeans are natives without—(Inaudible).....

The Chief Secretary (Sir Walter Coutts): Except that I am a native of Scotland, I do not know to what he refers.

Mr. Argwings-Kodhek: The local natives as you used to call them in the old days.

The Chief Secretary (Sir Walter Coutts): If the hon. Member is referring to Africans—

Mr. Argwings-Kodhek: Africans, yes.

The Chief Secretary (Sir Walter Coutts): The Africans did not take part.

Mr. Argwings-Kodhek: Why not?

Mr. Mboya: Mr. Speaker, Sir, arising out of the reply in (a), would the Minister state what this domestic dispute was?

The Chief Secretary (Sir Walter Coutts): These are domestic issues between the parties themselves and I am unable to tell the hon. Member.

Mr. Seroney: Mr. Speaker, Sir, would the hon. Minister in relation to answer (c) state whether he would consider a Central Whitley Council effective without a Kenya Civil Servants' Union?

The Chief Secretary (Sir Walter Coutts): No, Sir. It is a question of recognizing that portion of the Civil Servants' Union which the Government is prepared to recognize.

Mr. Charan Singh: Mr. Speaker, Sir, the hon. Chief Secretary aware that the differences arose out of this new system of designation, designating some officers and leaving out others?

The Chief Secretary (Sir Walter Coutts): I believe that is possible but I am not aware of all the differences that arose.

[The Minister for Local Government and Lands] opposite. It is not here. This Government is going ahead. We would like the help of hon. Members opposite but I want to make another point clear. The way to independence is going to be cleared. It is going to be piloted, and it is going to be shown, and it is going to be walked upon by this Government on behalf of the people of Kenya. If other hon. Members opposite wish to come and join us in this great task they can do so. But it is our Government's responsibility, as you will see, which we will discharge.

There is only one other thing that I will say, Sir, and it is the deepest possible thought: Kenya first, individuals and parties second.

The Parliamentary Secretary for Local Government and Lands (Mr. Kiliku) Mr. Speaker, Sir, I would like to congratulate the Minister for Finance for his wonderful work for Kenya. I am sure, Mr. Speaker, that he met difficulties during this time of transition, difficulties of political uncertainty and economic instability. Some hon. Members have tried to find the causes of political uncertainty and economic instability. I would like to stress three main points. Firstly, the inflammatory speeches made by certain people; secondly, the tribal relations in Kenya; thirdly, the international powers which have been trying to get a hold on Kenya, during its transitional period, for their own ends.

Now, I am not trying to refer to a single person but the facts are there, and we Kenyans have got to see them and we have got to try to solve these problems. We have heard what was said by the hon. Member for Nairobi East. He is putting forward pleas to the spectators and not to an intelligent body of legislators, Members of Legislative Council.

The second main problem in Kenya is the tribal question. For some time the power in Kenya has been concentrated in just one place. Now, Sir, that must go. All politicians present in Kenya have got to devise a means of getting rid of that, and the only thing I can see is that there should be meetings of local leaders, chiefs, politicians, to devise a means which can deal with that attitude.

The Speaker (Mr. Slade): Will you speak a little louder, please?

The Parliamentary Secretary for Local Government and Lands (Mr. Kiliku): All right, Mr. Speaker, Sir.

It has been clear to us in Kenya that there are certain powers in the world which are trying to infiltrate into this country. They have actually chosen individuals to build them up so that in

the course of time, when the British colonial power clears out of Kenya, they will have a complete hold over the people of Kenya; its economic life and its political life. That has actually tended to delay our move towards independence at this period.

An hon. Member: It is a new colonialism!

The Parliamentary Secretary for Local Government and Lands (Mr. Kiliku): A new colonialism is coming into this country in a different form, although it is disguised, and it is being brought into this country by members of the Kenya tribes, the Kenya people. I say that that must come to an end. We Kenya people, the Africans particularly, have got to see that such a thing will not happen when the British Government clears out of this country. It has been my great worry, and in fact it is one of the things which forced me to come into politics. People talk of China, Japan, America. I do not see why those countries should have any interest in this country at present before we have full and complete independence.

Economic stability depends on a quiet transition towards complete self-government in Kenya. It will not at all depend on foreign powers trying to have a hold on individual persons in this country. That must come to an end. Infiltration of that kind can only be stopped by the Africans.

Now, the Minister for Finance has faced those problems. This type of infiltration, this type of tribal need for power, has caused political uncertainty in the country, and it has caused some instability in the economy of the country. We can only get on and get rid of that by having a Budget of that nature which has taken into consideration the period in which we are living. It is no good for us trying to blame the present Government in power. The KADU party wanted to help the country and they came forward just to see that this transitional period is just looked after by Africans. I said that there had been inflammatory speeches. It is definite. You start off with a statement. Some hon. Members, during the elections, made some destructive statements to annoy certain people in the country. Statements made against the White settler. The White settlers made certain statements against the Black people. That actually caused confusion in the minds of the Africans, and that destroys the work which is being done by intelligent African politicians who sincerely mean to do something for Kenya. For example, I was down in Mombasa at one time. A politician spoke to masses of people there, and he said, clearly and openly, "If you do not listen to the wishes of the people in the Coast Province we shall drive you down into the ocean." I said, "Which wishes

[The Parliamentary Secretary for Local Government and Lands]

of the people?" After all, if the people of the Coast Province do not have the wish to live, then they are foolish, ignorant of the existence of man. If somebody makes that sort of statement in a country like that, then he is actually causing the people or making the people group themselves into a sort of tribal association to defend their own rights. Now, if you make a statement against the Arabs they will certainly claim that they have had some sort of treaty with the British Government; and by what you are really doing is to cause a problem to arise. You make somebody feel restless and then you create a problem; then you turn round and say, "Will the Government do something about this?" Who created it? You created it.

Those inflammatory speeches have actually made the Under Secretary of State for the Colonies—

An hon. Member: Which statements?

The Parliamentary Secretary for Local Government and Lands (Mr. Kiliku): The one which concerned there being several years to independence.

Confusion upon confusion is brought about by statements made in Kenya and reflected in other parts of the world. Someone tries to correct the situation, and then you get into a mess. Then you turn round and say, "Look at this. You have failed to do something about your Government. You have failed to do something to bring independence." But we are doing it here. We are struggling and trying and doing our level best to create an independent Kenya.

I would like to point out a few problems at least which will be faced by the next Budget of the Minister for Finance. The ministers concerned will examine those problems and try to go to correct certain things. The one which I think should be looked into carefully is the problem about water, the water schemes in Kenya.

Last year I wrote to the then hon. Minister for Agriculture, the present hon. National Member Mr. Bruce McKenzie, and unfortunately he never even bothered to take into consideration the points and the problems that I raised. When I came to this House he ran away from me. That is a cowardly sort of thing. He turns round and blames the present Minister for Agriculture. I am sure that the present Minister for Agriculture will listen to my ideas and that I will be able to contact him and see him.

Water schemes in Kenya should be planned now before independence comes. There should be

a project for dams. There should be a study to see whether there can be any artesian wells constructed in parts of Kenya. There should be a study to see whether it is possible to get water directed to the low potential regions at a very low cost, and that is one of the most important things which Kenya would be faced with during this time and after we have acquired our independence. I would suggest that major rivers be surveyed. There should be dams across Tevo, Athi River, Tana River, and Njoiia River. That plan should be started now; all the plans should be started now.

The next thing which I would like, of course, to be examined—and this was put forward by the hon. Member for Talita, but he did not say exactly what he wanted when he said that the Government had stopped the people from drinking Tevo water, when anyone can go to drink that water—is the fact that in the area of Talita/Taveta there are two pipes. One, runs from Mwandu Dam right down to Voi and Maungu, and up from there it goes right up to Taveta. At present it is the property of the Kenya Railways. I understand from good authority that the Railways would like to sell that because they are getting enough water from the Mizima Springs. I would like that to be investigated, and if possible the Government should buy it and direct that water towards Mbololo right round the shamba region in that area. That would bring about agricultural production, and it would also create better grazing conditions for that region.

I also understand from good authority that the Kyanite Company at Mruka is leaving that place. It has got a six inch pipeline. Now, if the Government could investigate that, Sir, they could buy that pipeline and get that extended right up to Makhwa, which is a distance of about ten miles, and it would cost very little. It might only cost about £10,000 to extend it to that region and £10,000 to buy it. That will again alleviate the shortage of water in that particular area which is a low productive region but which could be made very productive if there were water. There are some cattle in that region, also some goats, and of course the people do grow maize, and other crops. It will be a great help to those people. In cattle died in the last year thousands of head of cattle in that particular area. I would like the Government to investigate that and try to help those poor people. You will definitely get more tax out of them; you will definitely get more money and probably some income tax, too. It will add to the wealth of this country.

Concerning education, Sir, there was a plan about three years ago to put up a High School

[The Minister for Local Government and Lands] Government in those areas to tie in with the Central Government in order that such fragmentation does not take place. Let me remind hon. Members that fragmentation in a new country like our own, which we must admit, certain tribal differences and feelings, is a danger, and we must see that it does not happen. I think that the hon. Member should ponder my remarks because I am certain that for the future of this country it is going to be necessary to have strong Central Government representation in the districts as well as strong local government activity in parochial matters.

An hon. Member: (Inaudible.)

The Minister for Local Government and Lands (Mr. Havelock): I only hope that the hon. Member opposite who made that remark does not have much authority when we do get independence.

Since the hon. Member for Mombasa West made quite a number of remarks. He said there was no attempt at all to bring in a new plan for local government. I have already mentioned that. He obviously has disregarded any previous remarks I have made. Then he went on and said that landlords were trying to force occupation rights. He does not want to deny the rights of the landlords. I believe he said, but that people should be settled on Crown land. Presumably he was talking about the area which he comes from, not his constituency, namely the coast. I would like to tell him, Sir, that a considerable amount of activity has taken place quite lately, and that we have made available 144 plots in the first block of Crown land at Kilifi. Of those 144 which we have made available 98 temporary occupation licences have already been issued and the people are going on to them and work has already been started on demarcating the second block of Crown land, comprising approximately 500 plots. So I do not think that the hon. Member can say that we have done nothing about it. We have done something and we are going ahead and doing it.

Now, I do suggest to the hon. Members that they might sometimes be appreciative of what the Government does, instead of always criticizing.

Mr. Chokwe: There is no water there!

The Minister for Local Government and Lands (Mr. Havelock): The hon. Member knows very well—and if he does not know, he should know—that long discussions were held and have taken place about this particular area. The cost of taking water to those plots would have been so great that the people who were to be put on the plots

could not have possibly afforded to pay for it and, therefore, they said, "Let us go ahead with our ordinary previous way of finding water." Quite a number of shallow wells have already been sunk and the water, for the moment, although not abundant, is sufficient.

Mr. Chokwe: It is not enough!

The Minister for Local Government and Lands (Mr. Havelock): Now, Sir, I would like to turn to the hon. Member for Kisumu, Mr. Kohli, who asked first of all that there should be a common roll for Kisumu municipal elections. I can assure him that not only will there be a common roll for Kisumu, but that in the very near future there will be a common roll for every local government election in the country.

Now, Sir, the next point is that the hon. Member also asked why there was no Asian on the Divisional Board, which I presume is the Lumwa-Songhor Divisional Board. The answer is, Sir, that the area of Asian-occupied land in the Kibos-Chemeli area is at present excluded from the area of control of the divisional boards. But, of course, when land starts, as we hope, to change hands between the races—which we hope will happen quickly—then naturally the membership of the Divisional Board will again naturally change according not to race but to the type of people owning the land in the area. That is the reason why there is no Asian on that particular Divisional Board.

Now, Sir, if I may turn to the hon. Member for Nandi, he raised a question about restrictive covenants. The present position is that in no new title issue will the Government allow restrictive covenants to be placed. The Government itself have already stated in a Sessional Paper, No. 10 of 1958/59, that the Government will not recognize restrictive covenants. On the other hand the Government have said that they did not want to interfere, on principle, in private contracts and private agreements. They will not interfere with regard to private restriction, private covenants. I think that the idea in the mind of the hon. Member for Nandi was that the Government might even legislate against that. That is a matter that I am perfectly prepared to discuss and will certainly discuss within the Government to see what might be done about it. But, meanwhile, that is the policy, and I think that that policy has been in force for nearly two years.

Now, Sir, I think I am right in saying that the hon. Member for Embu, Mr. Nyagah, raised a matter of discrimination in the Survey Department. I do not know if I recorded what he said properly, but I understood that he was complaining about segregation in the mapping rooms or

[The Minister for Local Government and Lands] drawing rooms. I do not know whether that is true. I would like to give the figures that I have found: in two drawing offices the officers in charge have a separate room, but in practice they spend 75 per cent of their time in the drawing office. The personnel in each drawing office is as follows: General drawing office: one European, nine Asians, seven Africans; African lands drawing office: one European, five Asians and eight Africans; African lands drawing office No. 2: one European, eight Asians and six Africans; Cartographic drawing office: two Europeans, 16 Asians and five Africans; Township drawing office: one European, three Asians and four Africans; Air Survey drawing office: two Europeans, one Asian and one African. And so we go on. I hope that the hon. Member will be satisfied. When I heard the charge he had made I immediately investigated it, and it looks to me as if the position is not as he described it.

I would like to make a quick reference to the hon. Member for Mombasa Central, Mr. Nassir, when he said that Arabs should also be considered when Crown land is being issued at the Coast. Of course, nearly all Crown land, when issued, is advertised, and anybody is entitled to apply, and indeed no race comes into it at all. There is just one exception concerning the estate which I described with regard to Kilifi where, because we thought the matter was urgent, we went ahead without advertising the first number of plots. However, the second number of plots will be so advertised.

Now, Sir, the hon. Member for Nyanza North, Mr. Khasakala, mentioned quite a number of points. One of them was that he thought that the local authorities should become local education authorities. In my Ministry I am studying this, and the hon. Minister for Education and I will no doubt be able to get together and discuss it. But I would like to say that there might be an alternative, and that is setting up of separate local education authorities tied to the African district councils, but not necessarily the African district councils themselves. I also wish to refer to a figure he quoted concerning undeveloped land. I thought he said there were 167,565 acres of undeveloped land in Kenya. The only record that I can find on any statement on undeveloped land refers to 17,665 square miles of undeveloped Crown land. This has all been offered, and it has been examined, by the agricultural officers, but all of it is really dry land in the Colony and a lot of it is in the Kwana District, and a lot of it is in the Tana River/Lamu District, and there are also great areas of the Menengai Crater and Longonot Crater, and other areas, which are

completely useless. However, if any person of any race wishes to develop this land, they have merely to apply and the Lands Office will see if they can help them. But of a sort of land would need a lot of capital to make anything out of it at all.

Now, Sir, I want to comment quickly on just one or two things that the hon. National Member, Mr. McKenzie, said, especially with regard to the move to independence. I merely want to say this, Sir, that it is in our hands, if we can show, and rapidly show, that we can make a success of governing our country, and we will then have the strongest possible case, no matter what the Secretary of State may say, for what the Under Secretary of State may say, for our move to independence, very rapidly indeed; and that is the intention of this Government.

Now, Sir, there were other small points raised by hon. Members, but I think I will have to skip them because I see that my time is running out. It seems to me like being a hard boiled egg when I see the light go on.

The hon. Member for Nairobi East, Sir, did make a number of other very contentious statements. I have dealt with some of them. I want to make one thing plain here. He went to great lengths to tear to strips or to criticize the advocates of Coastal secession, and to do so. In this Government have got with us people with different ideas on detail. But our objective is to get together people with different ideas, thrash them out around a table, find an agreed idea, and then put that into effect. We on this side of the House want to listen to the minority groups. We want to hear what other people have got to say. We do not want to impose our will without listening to other people's opinions, and it seems to me that some hon. Members opposite want to do that. That remark I have just made, Sir, was indeed supported, I believe, by some extraordinary remarks made by the hon. Member for Nairobi East about the Royal East African Navy, and you-wait-and-see-what-we-can-do-to-that-sort-of-thing. I do not like that sort of talk and that is not the way that we in Kenya are going to get stable and quick independence.

Sir, I think I have dealt with nearly all the remarks that I can see here, and all I want to say is this: that in a lot of what the hon. Member for Nairobi East said he is completely out of date. He is harping back on a lot of old shibboleths, racialism, and so on, for his own purpose, that are left no more. That has gone. He is exaggerating, on many occasions, these particular points. We on this side of the House have thrown away racialism completely. I believe there is still a considerable amount of racialism and tribalism

[Mr. Mboya] directly by the employer in question. Mr. Speaker, the sisal industry enjoys one thing which other plantation industries do not generally enjoy and that is that they can withstand a strike for a much longer period than, say, the coffee industry during the picking season or the other plantation industries. Because of this, they have been able to take this position regardless of what industrial action the workers may take. They can resist strikes for six, nine months, or a year, without bothering about it because sisal does not rot if it is not cut immediately; it will still be there. It can take a longer period to settle a dispute. It is for this reason, I think, should be an even greater understanding of the problems of this industry than there is at the moment. I call on the Government Ministers responsible to begin to look into this matter more urgently. Frustration in the sisal industry will sweep through the whole of the plantation industry. It is not just going to be restricted to the sisal industry. If it sweeps throughout the plantation industry, it will be no use coming to me or the Kenya Federation of Labour asking for our co-operation and assistance. We have tried to get the members of the Sisal Plantation Association to see this, but without success.

Mr. Speaker, this is one industry on which I make a special appeal. Generally, I should like to say this on the trade union movement. I think it is necessary for the country at large that they should know our position. We believe that the trade union movement in this country must grow out of and reflect the social and economic problems and development of this country. It does not have to be a blue print of the trade union movement in America, in Europe, in Britain or in Russia. It will have to be a trade union movement that grows out of and reflects our own situation. Therefore, its structure must reflect the development and problems of Kenya. It is for this reason that I guard very strongly our right for national autonomy in deciding certain matters, even when we participate in pan-African or international spheres. I believe that in a young country such as ours our movement is still in its evolutionary stages and that as we develop and grow so it will evolve the pattern that will ultimately be set, reflecting our own situation. Our participation elsewhere must reflect this particular aspect of our trade union development. I believe that we must respond to the economic necessities of our country. We cannot be rigid and we cannot just have a pattern or a structure imposed on us from outside or wherever it may be. That, Mr. Speaker, is our position and I believe it is right and proper that the whole

country should know our stand in this matter. I do not want us to be misunderstood. We intend to play our part in the general unity movement in Africa, and in the international scene. But I consider that our movement has its first responsibility to Kenya and to Kenya alone.

Mr. Speaker, Sir, in conclusion, my hon. friend, the National Member, Dr. De Souza, has raised the question of certain detained persons. I fully support him in the demand for the release of persons like Makhani Singh, James Beuta and others. I should like to add one other name to this list, that of Mr. Omolo Agar who, in our view, should be released. He has served his prison sentence and is now being held in restriction in our view without proper justification. We do not consider that his restriction is part of his sentence because the magistrate's words were, "To be restricted if, at the time of his release, it is considered that he is a risk to security." Mr. Speaker, we have been told from time to time that his case is reviewed regularly. I should like to know when the Minister replies if there is any statement to be made on Mr. Omolo Agar. We should like to call for his immediate release.

Mr. Speaker, the problems of our country, the misunderstandings in our country, have been reflected more recently—only a few days ago—in one very interesting case. I refer to the removal of a sick little baby from a hospital recently because that baby did not belong to the right race. I refer, Mr. Speaker, to the removal of a one year old baby with a temperature, I understand of between 110 degrees and 130 degrees—may be wrong in my figures—but with a temperature and sent to a hospital urgently on the recommendations of a doctor and admitted into the hospital because she was sick. Only the next day she was removed from the hospital—Gertrude's Garden Hospital—because the baby was not European and happened to be an Asian. The mother is a European and I suppose the mother would be entitled to go to this hospital. The father is an Asian and so the baby cannot go to this hospital. Mr. Speaker, what else brings out our problems more clearly than this one incident? This aspect of race discrimination that does not even respect elementary human feelings, this chronic disease that penetrates even the most human of our feelings? A sick person who should be looked at in terms of sickness is first defined in terms of race and only then cured. Mr. Speaker, if the races want to live here together in harmony, what could do more harm to race relations than an incident such as this? What price/does the European community set in itself, if by its attitude, a young baby is denied medical care because, through

[Mr. Mboya] no fault of her own, she belongs to the wrong race? Does anyone really take pride in this? Mr. Speaker, that is the problem I wish to pose. Yes, the hospital may be a private hospital. So what? The person is sick. Our understanding is that the hospital has fifty beds, twenty-five of which were empty. But the little baby is Asian and, therefore inferior, and cannot be admitted to any of these twenty-five empty beds. The father is able to pay—that is not the problem. The problem is that some people think they are superior. Yet we talk so much in this House about irresponsible African statements. We may make irresponsible statements, if you think they are. But I do not believe that our statements will do more harm than this little incident. If there is any responsible European leadership, this is the time to sit down and think and think fast before it is too late.

The Minister for Local Government and Lands (Mr. Havelock): Mr. Speaker, as usual the speech made by the hon. Member for Nairobi East had as good parts as its bad—nearly always, not always—has a grain of truth in what he is going to say, but unfortunately he makes his case in such an exaggerated way that it does not strike home. I would mention immediately what he said just before sitting down, this case of the Patwa child. I do not agree with what the hospital did but the temperature was not 110 degrees, nor was it 130 degrees, because the child would have been dead if it were. Also that child did get medical treatment, do not exaggerate the case! I do not agree with the principle, but do not exaggerate!

And, Sir, may I come now to a much more important fact and that is the rumour—I suggest the mischievous rumour—that the hon. Member has been putting forward in this House about Kahawa and about what he suggested were different negotiations going on, etc., during March. I want to say now quite categorically, that no negotiations went on during March, nor indeed at any other time; no negotiations on stockpiling nuclear weapons at Kahawa. The hon. Member for Nairobi East just shouted a few seconds ago, "Tell the truth," and I am telling him the truth. Now he says, "How do you know?" He cannot have it both ways! Secondly, no NATO powers negotiated over stockpiling of nuclear weapons at Kahawa. Thirdly, as there were no negotiations in fact, no Kenya Ministers have, nor could have been, involved in any negotiations.

Mr. Mboya: We want an inquiry!

The Minister for Local Government and Lands (Mr. Havelock): Fourthly, nothing was sent from Kahawa to the Congo except (tentage—tents—for refugees to the United Nations.

Mr. Mullis: No!

The Minister for Local Government and Lands (Mr. Havelock): And, Sir, the hon. Chief Secretary will add more details to what I have said. But I considered that it was so mischievous to provide these rumours, put them in the press and get them widely circulated without a quick answer from the Government that I had to make that answer.

Mr. Mboya: Inquiry!

The Minister for Local Government and Lands (Mr. Havelock): Now, Sir, I should like to come to a few more points that the hon. Member for Nairobi East made. Again, I suggest that he has been exaggerating the case. He said the entry into economic life for Africans was being made difficult. Now, Sir, nobody who has studied the policies of even the last Government, and certainly this Government, can say that is so. Secondly, he talks about the unemployment problem and says that £176,000 is the only thing that the Government is going to do to help to relieve unemployment. He knows himself that that is completely and entirely incorrect.

Mr. Mboya: That is what the Minister said.

The Minister for Local Government and Lands (Mr. Havelock): The hon. Member has heard in this House, and he has heard and seen in the paper, statements showing that a lot more money is going to be spent to alleviate this unemployment problem—

Mr. Mboya: How much?

The Minister for Local Government and Lands (Mr. Havelock):—that the £176,000 for the Fort Hall/Thika Road is only the first start.

Mr. Mullis: We want these figures.

The Minister for Local Government and Lands (Mr. Havelock): He then goes on and talks about, in a sarcastic manner, the £25,000,000 that was asked for and was not got. He knows very well that the £25,000,000 was over five years. He knows very well that the Government delegation did get a considerable amount of money, the details of which have already been explained, and that more money is forthcoming now. He knows very well—it is just, I suggest, Sir, little petty debating points which I think is completely unbecoming and beneath contempt coming from the hon. Member himself for whom I have a great deal of respect, but I do not respect him when he enters into that sort of thing.

[Mr. Mboya]

"What have you Africans contributed? You told 'what pay income tax, you don't pay for this, you don't pay for that'." Mr. Deputy Speaker, that, in fact, reflects the very fault of this system we are under.

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

[Mr. Speaker (Mr. Slade) resumed the Chair]

The African would like to pay income tax, if it is the system to pay income tax. He does not say "No". The African would like to participate fully. Why does he not participate fully? Is it because of his own free will? He is not willing to work, he is not willing to use his hands and brain for his own self-improvement. Of course not, because of the pattern of things, the kind of economic and social and educational structures that we have had in this country for years, his entry into the economic life of this country has been made difficult, in some cases, impossible. Nobody, for a long time, has cared to try and find out the African's full potential, and that, Mr. Speaker, is the fault, the weakness of our present economic planning and thinking.

Mr. Speaker, the Budget reflects a reduction in the personal tax of those in the lower income groups. Mr. Speaker, the Minister and the Government would like to convince the country that this is an act of generosity to help the lower income people. Our submission is that the personal tax on anyone earning below £100 per year is unjust. It is a burden that, in our submission, they cannot rightly be called upon to undertake. We call for the complete elimination of personal tax for every person earning below £100, because we consider that as a state and a country we have a responsibility for every person earning under £100 a year, and instead of taxing them we should be establishing welfare facilities, a social security for these unfortunate people in our country.

Mr. Speaker, what is a reduction of Sh. 5? What is that reduction? Is it going to be felt? Does it relieve the burden? Of course not, and as the *East African Standard* rightly says this morning "Unemployment dogs the country, and in these circumstances, how is it humanly possible for penniless Africans to pay their personal tax? Must the Government persist with an imposition of Sh. 15 tax and tax enforcement measures in such hard times?" Mr. Speaker, that is the issue. If it is no use using this Sh. 5 reduction as a purely political propaganda stunt for the Government Members tomorrow to go on public platforms and say "We have reduced your personal tax".

Mr. Speaker, the man earning £100 this year will still be worried to death as to how he is going to raise the money to pay the tax. You have not helped him at all, and we call, as indeed the hon. Member now sitting opposite who was with us on this side only a few weeks ago, a few days back called, for the complete elimination of personal tax for the lower income groups. That, Mr. Speaker, is our position, that the personal tax for people below £100 a year should be removed completely.

Mr. Speaker, already reference has been made to some of the indirect and direct taxation measures that will be taken in this Budget. There is an increase in the price of sugar. We have been told that this does not bring the minimum wage to beyond an increase of 0.1 in the cost of living, but, Mr. Speaker, how many people have seriously examined the so-called minimum wage structure? What is it based on? The Carpenter Committee? 1953, clearly shows the inequities of the minimum wage structure. It called for a progressive improvement within a period of three to four years to give the people at least a minimum of Sh. 200 per month as a basis for the minimum needs of the ordinary man. Have we reached that stage? No. We have been unable to give the progressive increments over the years that the Carpenter Committee stipulated should take place to right the situation. The minimum wage structure at the moment does not take into account the cost for a person to raise his standard of living. It does not take into account the fact that a man has a wife and family responsibilities. It does not take into account the fact that a man has no security in old life. It does not take into account the fact that, with increasing unemployment, there is no longer that dependence on the land for the man to supplement his income. On the contrary, this same man on the minimum wage has to take on responsibilities for relatives in his home reserves. Mr. Speaker, it is therefore nonsense for the Government to try and justify its position by saying that this increase will not raise the cost of living beyond 0.1. I think the only reason this was raised, Mr. Speaker, is in order to remove the demand for an increase in the minimum wage, because it is laid down that the Government may increase the minimum wage when the cost of living has gone up by two points, so for their purpose it is safe to increase the cost, the prices of certain commodities so long as you do not reach 0.2. If it is no use being called upon to increase the minimum wage. But, as I have said, have they seriously taken into account the position of the man on the minimum wage today and the factor of unemployment? Our friend, the Minister for

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Works, has referred to unemployment, and I thought he wanted us all to know trumpets and say "Hurrah!", because he is going to build a road and because he is going to use only hand labour. I give him credit for deciding to use hand labour. But, Mr. Speaker, how much is he going to spend? £176,000. Over what period of time? Employing how many people? You did not tell us. All we are told is, "I have a mealy £176,000 and I am going to use hand labour". Is he going to employ 4,000 people, 2,000 people, 30,000 people? Is this a mass employment programme or just one of those too-tile, too-tale affairs? Where is that mass unemployment programme to generate employment? Where is that thing we were told the Members of Government had gone to London to bring? £176,000 for unemployment. Where is the £25 million for unemployment? In five years, do we want to solve unemployment in five years or now? Go to our labour exchanges. Thousands of people sit there labour morning, till evening. Go to the industrial areas. Every gate: "Hakuna kazi hapa", "There is no job here". You do not even have to go and introduce yourself, you are told. And yet, our friends come here and say, "We have an unemployment programme exercising our minds". What have they done? What have the Government done in this Budget?

The Minister for Local Government and Lands (Mr. Havlock): Far more than you.

Mr. Mboya: Mr. Speaker, who is the Government? For these people opposite? Mr. Speaker, if the hon. Members confess they are unable to solve the problems of this country, then there is one solution. They resign, because they are incapable of solving the country's problems. If they are calling on me and my friends on this side to solve the problems, Mr. Speaker, we tell them we are capable of solving this country's problems today. If, Mr. Speaker, the whole of this Government, not only resigns, dissolves itself, and we have an independent Government, and we have Kenya here, we will solve this country's problems. Mr. Speaker, these hon. Members are the Government. They should not look to the Opposition to solve their problems.

Mr. Speaker, the unemployment problem is not going to be solved by what the hon. Members are now shouting. The problem exists. They draw headlines in the Press, they said they could solve it. They said they were going to England to bring £25 million. They said they would come back with the answer to unemployment and that education; and we have been waiting to see that answer, and today, Mr. Speaker, we have a

glimpse of what they consider the answer: a mealy £176,000. What is this road programme going to start?

The Minister for Works (Mr. Jamidi): Soon.

Mr. Mboya: They do not even know, Mr. Speaker. How many people will they employ on this road programme? The Minister does not know, Mr. Speaker. And for how long will these people be kept in employment? The Minister does not know. That is the extent of the Government's unemployment programme. Mr. Speaker, it is sad, really sad, and the country will still call for a programme. We will call for a programme.

Mr. Speaker, I want to make one or two other points before I finish. I want to say a word on the trade union movement. Mr. Speaker, the trade union movement is here to stay, and it is a necessary and important part of our development of this country. It has a contribution to make, and I believe already it is beginning to own it. It has to create leadership with knowledge and experience. It has to create a structure that will work smoothly with the pattern of industrial development in this country. Above all, it has to create a smooth working industrial machinery for the settling of disputes and grievances. To a large extent, we have been encouraged by the attitude of various employers in this country. The formation of the Employers' Federation and various associations is a movement in the right direction. But the situation has not always been happy. There are a few pockets of resistance and I refer especially now to the steel industry. Here we have met with a number of unreasonable employers, unwilling to recognize the union, unwilling to grant right of access to union organizers and leaders to visit the estates freely, hold meetings in the estates, visit the workers in the camps and organize freely. This, Mr. Speaker, is an attempt by the employers in this industry to take advantage of the fact that, because of the nature of their industry, workers have to live in labour camps within the estate which is personal property. Any person who goes into the estate is liable to be charged with trespass unless the employers have given permission for such a visit. Either these employers co-operate with us, or the Government comes to the assistance of the unions by ensuring that there is access to the workers. The workers in these camps have a right to organize themselves into collective bargaining machinery. They have a right to be visited by their union leaders, even if those union leaders are not employed

Mr. Mboya: I hear hon. Members on the other side shouting that it is lies. I see that some of them laugh as though it is a ridiculous statement. If these are military secrets on our soil, on behalf of foreign nations, then we have a right to know. Our people cannot be involved, secretly in these manoeuvres, and our future committed one way or the other, unless it is by the free will of our own people. A Government such as this is incompetent to negotiate a military alliance with any Government, whether it be British, Russian, or American.

Mr. Speaker, we ask the Chief Secretary to tell us, as fully as possible, the set-up of the present military installations and personnel stationed in Kenya, and for what purpose. We want to know if our objections to their presence here have been taken into account, and, if so, why they are still here when we do not want them to be here.

The Parliamentary Secretary for Education (Mr. arap Moi): What about China?

Mr. Mboya: I will include any foreign country, including Tugen. But, Mr. Speaker, this to us, in the Opposition, is a very serious matter. The question of the military base, we want this military base closed down. We are opposed to it. We are concerned at these present rumours, especially of certain events that have taken place in March this year such as I have mentioned, and we want a full statement. In fact, we will demand an inquiry.

Mr. Deputy Speaker, Sir, let me say a word or two on the Budget. There will be a discussion on cash. Head in the Budget, and I do not intend to deal with the Budget, therefore, in detail. But I do want to make the following observations. There has been reference—and I see that the Parliamentary Secretary for Commerce is not here—to this problem of the flight of capital. According to him, we should not any longer worry about the flight of capital because all the capital that could have gone out has gone out; therefore, there is no need to take any steps. Firstly, we want to know from the Minister for Finance whether he agrees with the statement that all the capital that could have gone out of this country has left the country? If so, how much money has left the country? It is, of course, always difficult to decide whether the imposition of restrictions on the movement of capital or money is in the best interests of the country. To a large extent, we sympathize with those who say no action should be taken in this direction. We are concerned about its possible consequences to further investments. I would like the Government to know

that we are as much interested in encouraging further investments as they are, but, Mr. Deputy Speaker, if it is true that capital is leaving this country indiscriminately, that there is almost panic that money is leaving, money that we need for our development, then I think there does come a time when it is necessary, also in the national interest, to consider some form of restriction. We do not want to take drastic or panic measures, but we, at least, are entitled to ensure that our own country comes first in considering this matter. This would not be the first country that had introduced certain restrictions; there are many countries in which there are restrictions. There are many situations in which countries have found it necessary to impose certain restrictions, however temporary they may be, and we would like, when the Minister speaks, for him to tell us whether this matter has been examined fully in the light of the very grave situation that exists in the country today, not merely in terms of what some people have referred to as principles. Of course, there are principles, but, at the same time, we have to take measures, however expedient they may be, in defence of our interests of our country, and we would like to have the Minister look at this matter in that light.

Many of us have criticized the Budget and the economic planning, or the lack of economic planning, in the country. Some of us have referred to the need for surveys to find out the actual potential in this country. Basically, there have been two main points emphasized every time, which, to a large extent, for a long time, have made it impossible for the full development of this country. One of these is that Kenya is an agricultural country. We concede that Kenya is an agricultural country, and that therefore agricultural development should be emphasized or should be given priority, but if we become slaves to this theory that we are an agricultural country, full stop, there is a danger that what we should do in finding out the potential of this country, minerals, industrial development and so on, may be overlooked. It is true, as the Minister for Commerce said, that there has been some industrial development, but the question is, has there been as much industrial development as we are capable of? Our submission is that industrial development has not been given the emphasis that it needs. The surveys for mineral potential has not received the urgent attention that it requires, and it is here that we find ourselves often in disagreement with the Minister for finance.

The second point is the assumption that has always been the basis of economic planning and

[Mr. Mboya] policy in this country, and that is that European farming and European enterprise is the backbone of the country's economy. Because this Government has for a long time been a slave to this theory, there has not been the necessary emphasis on the potential of the African as a producer, as a consumer and as a participant in this country's economy. For a long time, the African's position has been regarded merely as a supplier of labour and no more. It has been ignored that her ultimately, will be the main factor that will determine whether we have a progressive and prosperous economy or not. The European community is too small, it is too over-subsidized to be able to carry out satisfactorily and effectively the burden of economic development for Kenya, and it is time we got away from this theory that anything you do against the European community will result in economic chaos. We must gear economic development away from this over-dependence on the small European community to a more realistic economic foundation, depending on the bulk of our people. It is this that we would like to see reflected in the economic plan in the future. We are tired, Mr. Deputy Speaker, of being told every day, "Don't attack the European community, if you do that there will be economic chaos." If there is a weakness at present in so far as the African's participation is concerned, it has been brought about by this false idea that economic development in this Kenya must depend on European enterprise. This has been the theory for a long time, this has been the weakness. Mr. Speaker, the Minister for Commerce and Industry only yesterday was saying this very thing. Today he finds it necessary to defend something he does not believe in.

Mr. Speaker, the hon. Minister for Local Government and Lands has rightly referred to the Swynnerton plan. I do not overlook the Swynnerton plan, but I am saying that even despite the Swynnerton plan, the emphasis has still been on this theory that European enterprise is the backbone of Kenya's economy.

The Parliamentary Secretary for Health and Social Affairs (Mr. Shaw): Because of capital.

Mr. Mboya: How long are we going to be told about capital and about European skill and know-how? Many countries have developed without this so-called European everything. Mr. Deputy Speaker, let us make this very clearly known to some of our friends: this country can go on without the European community. It can and it could be faster, much faster. We are tired of defending privileges under the guise of capital

and economic know-how. We want to depart from this old idea.

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoody): Our people will suffer.

Mr. Mboya: What will our people suffer? It is better to suffer in dignity than be a slave under some sort of benevolence.

Mr. Speaker, very soon we will have a say in these matters, a proper effective say, and I do not mean this type of say here. That is going to be our approach, and let the hon. and gracious lady not be deceived that if tomorrow the European community, some of them who are threatening to pack up and go, that if they left we would go to the dogs, because we would not. The hon. and gracious lady lives in the past.

The Parliamentary Secretary for Health and Social Affairs (Mr. Shaw): You would prefer the European community to go?

Mr. Mboya: I do not care whether they stay or go, but those who wish to make their homes in this country, have a future in this country, but not on their terms. Those who are misleading the European community are the ones who are constantly fooling them, that their security lies in the fact that they are needed.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Interjection.

Mr. Mboya: That is not the basis of our life together. We do not want Europeans to stay here just because we need them. The stay here because they are Kenya-citizens who want to make their home here in Kenya. That is the only basis, not because they are bringing capital, not because of economic know-how, that is incidental. Perhaps, the hon. and gracious lady, and including the hon. leader of the New Kenya Party—I do not know where he is—should re-orientate their thinking and begin to recognize, Mr. Deputy Speaker, that the African is tired, being told every morning and every evening, "You depend on the European, you can do nothing without the European, you will go to the nothing without the European." Mr. Deputy Speaker, we do not need them that badly. Our Budget, our economic plans, must begin to show, to reflect that this country is a country in itself, that her people can only develop this country by their efforts and determination, and that the burden of economic development, the well-being of this country must be placed, as it should, squarely on the shoulders of the people of this country, not on a small minority. So often we are

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the Coastal Strip. I do not pretend to be a lawyer. Our friends and our Shadow Minister for Legal Affairs will deal with this aspect of the question. But this we must ask: What international law is referring to? Is Zanzibar a nation that could take the Kenya or the British Government to the Hague? Zanzibar is not a nation. The Sultan is not the head of any nation as far as we know. Whether the people who represent the Sultan's interests in this House, or at Mombasa, like it or not, Zanzibar is not a nation and the Sultan is not the head of any nation.

An hon. Member: It used to be.

Mr. Mboya: It was. That is the past. They live on their past glories. We are not dealing with the past here, if it was a nation, and I have serious doubts whether it was at any time.

Therefore, Mr. Speaker, let our friend not try to mislead the people in the Coastal Strip that he can defend them on the basis of international law. There is a convenient agreement with the British Government which we do not consider ourselves responsible for, for which we do not intend, at any time, to honour. We have said so many times

Apart from this, Mr. Speaker, the hon. Member referred to the Port of Mombasa. I thought he was trying to suggest that the Port of Mombasa should be neutralized in an East African Federation, and that it should be neutral territory, because in his argument, it was wrong for an important port such as Mombasa to belong to one of the Federal States of East Africa. Mr. Speaker, this logic is a little thick that is what he called it—a bit strange. Does it mean that when we federate, because the Highlands of Kenya produce some of the most valuable cash crops in the whole of East Africa, we should neutralize it, because it is wrong for it, a valuable asset, to belong to one of the Federal States? If we accept his reasoning as being logical then of course it would be logical for every part of East Africa with a valuable asset, such as the Williamson Diamond Mines in Tanganyika, to be neutralized and not to belong to any State. Mr. Speaker, I must say that I find myself completely in disagreement with this reasoning, or thinking, and I cannot see the logic in his argument at all. If there is any argument then it is a straightforward question of the valuable asset, not the value or otherwise of the Port of Mombasa, East African Federation, if it comes—and I do not wish to discuss this because we have a Motion coming—and when it comes, will come because we, the peoples of East Africa, recognize the political and economic necessity of an East African Federation; and when I say "we, the peoples of East Africa" I mean

we as a free people deciding on our own and for ourselves. I do not mean a Federation between an independent Tanganyika and colonial territories, Kenya and Uganda.

Lastly, Mr. Speaker, the hon. Member advanced the argument concerning the Coastal Strip—and this was very interesting I thought—about the boundary was such—geographically, vegetation-wise and ethnologically—that it was a unit on its own and in its own right. But, Mr. Speaker, the hon. Member has forgotten that you could say exactly the same of any of our districts today. If you use this argument, then what about the Masai area? Ethnologically the people living there are Masai. What about the Central Province or the Kikuyu area? What about the Meru District? What about the Embu District? What about the Kisii District? All these areas could be described as suitable geographical, vegetational and ethnological units; and if that is the only reason, or if that is one of the reasons, why the Coastal Strip should be autonomous then all that the hon. Member is suggesting to us is that every district in Kenya should be autonomous. If that is the case, Mr. Speaker, we would have no Kenya. You see, I am beginning to wonder whether the hon. Member is not actually promoting the views of a party that is now dead in this country, the Federal Independence Party. This hon. Member seems to belong to that party under disguise, and is using the Coastal Strip issue merely as a pretext for the main points of the Federal Independence Party, to divide this country so that it renders this country helpless and an easy prey for other nations.

When one hon. Member suggested that we could take over the Coastal Strip by force, if necessary, all he said was, "We have an East African Navy". He has only got to go and look at the East African Navy and let us know whether that Navy consists of only tribesmen from the Coastal Strip. My suggestion is that, in fact, the Navy has many more people from the tribes of Kenya's interior than just the Coastal tribesmen. Even if it were staffed with a like number of Coastal tribesmen, Sir, the Coastal tribesmen are not secessionists; they resent this external imposition from the Sultan of Zanzibar and what has come to be known or identified with a racial group, the Arab group. The tribesmen in the Coastal Strip are not all of Arab descent or origin, and you cannot impose on them either the rule of the Sultan or of the Arabs. I think it is now time, since we have been doing this with the other immigrant communities, that we told the Arab community in this country in no uncertain terms that they either look upon themselves as part of

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Kenya and as Kenya's citizens or else, like everybody else who does not wish to do so, they will have to go with everybody else!

Hon. Opposition Members: Hear, hear!

Mr. Mboya: Mr. Speaker, what this small group of the Arab community, or so-called leaders, are doing here is contrary to what we know is the spirit of fellow Arab nationalists in the North of Africa, and even in the Middle East. In North Africa they have shown themselves to be true nationalists and Pan-Africanists. They have not sought isolationism; they have sought unity and identification. In the Middle East they have identified themselves with the forces that fight against colonialism and imperialism and these other negative isms. But here on the Coastal Strip, a few individuals, because perhaps they think there is glory in remaining under the Sultan, are trying to confuse the population at the Coast by shouting "Coastal autonomy!"

Mr. Speaker, the hon. Member for Mombasa East ought to know the dangers of the policies that he is preaching: racial tension. What we are undergoing is enough of a challenge in itself and we do not wish to add to it by starting a strife in the Coast as between the Arab element and the African element. We hope, Mr. Speaker, that the Member for Mombasa East and those who are close to him, or those whom he is advising, will desist from this suggestion. We hope, too, that they will take their lesson from what has happened in Zanzibar only yesterday. A Member, who spoke here this morning, said that we should avoid a similar experience. I agree with him. But the responsibility is in the hands of the Member for Mombasa East because the people there may believe him, as a lawyer, to be wise and intelligent and may accept his advice. Consequently he has a bigger responsibility.

Mr. Speaker, I want now to touch on a number of subjects. I want, Mr. Speaker to speak this morning on the question of the military base in Kenya. We have opposed the establishment here of a military base. We have continued to be taking any notice of what we said. The British Government, and presently this Government, seem to be committed to the establishment of this base regardless of what we feel. We have said that an independent Kenya will not tolerate for one day a foreign military base on our soil. We do not wish to be involved in NATO military alliances, in Cold War manoeuvres, or in the present conflicts between East and West. We do

not wish to have a military base here that will bring about the congregation of the big powers in their present attempt to win support in Africa. We want an independent Kenya, with an independent policy, and we do not want to have to negotiate about a military base when our independence comes. We want our position to be made very clear right now.

Mr. Speaker, I am going to call upon the Government, and the Chief Secretary when he speaks, to tell us the exact nature of the military base in Kenya; to tell us what note has been taken of our opposition to the establishment of that base; and, in addition, Mr. Speaker, recently we have come to understand or to hear of certain very disturbing things about this military base. We are going to call for an inquiry into the set-up of the military base to know what, exactly, is going on there. It is a dark place as far as we are concerned. We do not know exactly what is going on in that military base. Is it true, for example, that there have been some negotiations on early this year for the stock-piling of nuclear weapons in this country between the British Government, the Kenya Government, and some of the African leaders now in the Government? Is it true, Mr. Speaker, that about March this year, attempts were being made to conclude an agreement that would make it possible for NATO powers secretly to bring in this country nuclear weapons to be stored at the military base at Kahawa? We want to know whether in fact it is true that the Leader of Government Business, and his Deputy, have been consulted in these matters, and that some negotiations have been taking place?

An hon. Government Member: You are guessing!

Mr. Mboya: Very soon the hon. Member will know what is and what is not a guess!

Mr. Speaker, we would like to know what part, if any, the Kenya military base played at any time early this year in the Congo Education, and what ammunition and who supplies, if any, were sent from here to the Congo. Who negotiated them? Is it true, for example, Mr. Speaker, that a high-ranking official secretly came to Kenya in March from the Congo to negotiate for supplies, and that Kenya has been responsible to some extent for feeding them with supplies from this so-called small military base? We want to establish the facts of the situation. We will not be content merely to be told, "No, these are all lies."

Hon. Government Members: Yes, lies!

[Mr. Mboya] our people are very conscious of the fact that this Government is not their Government. Call it what you may, call it a national Government, call it a multiracial Government, call it a partnership, call it anything you like: it is not a Government of the people of Kenya.

The Speaker (Mr. Slade): That also, Mr. Mboya, is a matter you must keep off because we have already debated it.

Mr. Mboya: I respect that, Sir. Now, Sir, the question, therefore, before the Governor and this country is the creation of the conditions and atmosphere in which there will be respect, not obedience, not subservience, but respect for law and order. Mr. Speaker, there has been a lot of talk about confidence, and there have been suggestions that perhaps the only reason there is no confidence is because of what some people have referred to as the irresponsible attitude of the Opposition. Well, I am flattered, because at times we have been made to think that the Government was all-powerful, almighty and the Opposition did not matter at all. Ironically, this same Government runs into difficulties and says that the devils must be the Opposition. On the one hand, they try to ridicule and belittle the Opposition; on the other hand, they wish to appeal to us for co-operation and help. We do not need to listen to their appeals, Mr. Speaker. We do not need to wait for their appeals, because if it is in the interests of Kenya that we are being asked to co-operate; if it is in the interests of Kenya we are being asked to show a responsible attitude; and if it is in the interests of our own people that we are being asked to think of the economic problems of this country; then, I submit, no one needs to appeal to us. It so happens, Mr. Speaker, that we on this side of the House know much better what the people want.

Hon. Government Members: Question!

Mr. Mboya: We on this side of the House represent a far greater population in this House, so much greater, Mr. Speaker, that it is almost four times what the Government can claim to represent.

Hon. Government Members: Question!

Mr. Mboya: Question? I shall read the figures in a few minutes. Mr. Speaker, my hon. friends on the opposite side shout "Question," but they have only got to look at the election results. In five Provinces out of seven, we won a sweeping majority of the total votes cast in the last general elections in the open seats. In every respect, the European Members sitting on that side of the

House represent but a small minority of their own community.

The Speaker (Mr. Slade): Mr. Mboya, you are still getting back to what we have already debated on another occasion.

Mr. Mboya: Mr. Speaker, the only reason I mentioned this was because of the shouts of "Question" from the other side. They ought to be aware of these facts, at least, being Government, if they are.

Now, Mr. Speaker, I say once again, that you are not going to have confidence if you ignore the majority will of the people of this country. Those who ask us to help them create confidence have only to remind themselves of that simple, elementary, but basic fact. I do not wish to say very much more on the question of confidence because, as you have ruled, Sir, there is a danger that I might refer to a debate that has already taken place in the House. But perhaps I might refer to this question of confidence in this context, without discussing the constitutional position. Only in the last few weeks, we have seen the most confusing state of affairs in terms of the contradictory statements made here and in Britain over the future of Kenya. An Under-Secretary of State comes here and says independence is many years off, many conferences away. The Chief Secretary says, "Oh, do not worry about that! It was a slip of the tongue." That same evening the Secretary of State for the Colonies in the House of Commons confirms and endorses the views of the Under-Secretary whereby we come to know it was not a slip of the tongue. Perhaps according to the Chief Secretary it will be a much bigger slip of the tongue. Our submission is that it is not a slip of the tongue. The question is whether the Members on the Back Benches speak for the Government or the Colonial Secretary. So far as I understand it, the hon. Member has not yet attained that status. Yesterday we had another statement, this time trying to whitewash all the previous statements by the use of the now famous platitudes and pious words: "Some time, if you co-operate with us, we shall do it for you; we shall bring you independence." Mr. Speaker, there is not a single man in this country who does not know that independence will come. That has never been the question. But these contradictions, this confusion, does not make it possible for anyone to have confidence in the Government. It reveals a state of affairs in which any intelligent man in this country must seriously begin to doubt this Government and to wonder whether it is worth even respecting and accepting.

[Mr. Mboya]

The hon. Minister for Finance seems to be puzzled, but I am sure that he will find the reason for his present confusion is right next to him—

The Minister for Legal Affairs (Mr. Griffith-Jones): Me?

Mr. Mboya:—on the front bench. It is not on this side of the House because the Opposition has been very clear in its attitude all along. Mr. Speaker, I should like to ask the Front Bench of the Government, and through them, the Colonial Secretary, to read what I consider to be some wise words contained in the leading article of the *East African Standard* this morning. Certain paragraphs in this leading article I am sure would help our friends to get out of their present state of confusion.

—Mr. Speaker, our friends on the opposite benches are very anxious to show that they know what they are doing, that they are a united Government and that they have the leadership that will bring independence and prosperity to this country. But there is another tragedy in this Government. It is supposed to be united and yet it has amongst its present Members a host of people with very different views. Mr. Speaker, one day we are told the Government is united and leading us in this one direction, and the very next morning the hon. Member for the Northern Province East leads a delegation to Government— and what does he say? "We are secessionists. We do not consider ourselves part of Kenya." We then the Northern Province to go to Somalia." Then, Mr. Speaker, another Member—and I do not know what his constituency is called—the Member for Mombasa East has made it very plain in his statements in the House that perhaps the only reason he wanted to come to this House was to champion the autonomy of the Coastal Strip. Mr. Speaker, I think it is elementary knowledge that KANU'S parliamentary Opposition group does not include secessionists. If they sit on this side, we have made it very clear that they are not in our parliamentary Opposition group. We do not need their votes and we will never, even for one moment, try to confuse the country by compromising with secessionists.

Mr. Speaker, the time has come when this kind of confusion must be removed and the best way of doing it is for our friends on the opposite not to pretend that they are a united Government because if the hon. Member for Mombasa East does not consider himself part of Kenya, how can he form the Government? Benches of a Kenya Government? If the hon. Member for Northern

Province East does not consider that he is in part of Kenya then he is a liability to have in this House. Mr. Speaker, the time has come for plain talking to these secessionists.

An hon. Government Member: What about Tanganyika's democracy.

Mr. Mboya: Democracy is a much abused word. Let it be known that the Opposition, the KANU Parliamentary Opposition Group, which is very soon to be the Government, and the proper Government of this country, I mean—

Hon. Government Members: No! No hope!

Mr. Mboya: I challenge anyone who says "No hope!" to resign his seat and go with us to the country today; and let him see what happens.

Our position is very clear. The Northern Province of Kenya is an integral part of Kenya. There shall be no secessionists. There shall be no question of the Northern Province being given away to Somalia or any other place. The Somalia Republics are great friends of ours. We know their Prime Minister; we know their Government people; we know that they mean well. We know that they are true African nationalists. We know that they do not like, and are not a part of, this confused thinking in the north. We know that their name is being misused by certain elements in this country for their own personal purposes. The hon. Member for Northern Province East ought to know that it is not he alone that represents that Province. On 31st May a statement was issued by the Northern Province United Association opposing in no uncertain terms, the moves of the Member to plead for the accession of the Northern Province. There are indigenous tribes in that area, who not only belong to Kenya, but who consider themselves true Kenyans and whose interests this House will uphold.

We do not want people to suffer from illusions. We do not want our friends to go about thinking that very soon he is going to be the Prime Minister of the North, because there is no such post and there is no such future. The North is a Province of Kenya and will remain so.

Mr. Speaker, I see that the hon. Member for Mombasa East has conveniently left the Chamber. He asked us three questions yesterday. He asked us to reply to them. He should have done so with the courtesy of staying and listening to the replies.

He made some very interesting remarks in support of Coastal autonomy. I see that our other friend is missing. Perhaps they were not very serious, especially after certain events since last night. Mr. Speaker, Sir, the hon. Member referred to international and constitutional law, in defence

[The Minister for Works]

in high-potential areas, and therefore £1 million was obtained from this Bank for this particular purpose. We would not be permitted, Sir, to divert these moneys to areas of low potential. On the other hand, the availability of this money for the areas of high potential has enabled us to make more money available than otherwise would have been the case for the remaining areas of the Territory.

Now, Sir, I come to the question of the Mombasa Road to which reference has been made from both sides of the House on this occasion in exactly the same manner as during practically all the previous budget debates that I have attended. The policy, Mr. Speaker, Sir, as I have already outlined, is that we would use funds when they are available on the improvement and bituminization of those roads which are essential at this stage to the proper economic development of the Colony's resources. That policy, Sir, I am sure is the only one to pursue and in the case of the road between Nairobi and Mombasa we would not be justified in undertaking a major bituminization programme in those regions where there is no economic development. We have provided funds to give access to the Machakos area and we have been compelled to undertake further bituminization in the areas between Mbitani and Machingao Road owing to the technical problems of maintaining the railroad service. For the route as a whole, the East African Railways and Harbours are in a position to meet the transport needs of Kenya's economy in the foreseeable future. There are still other areas of the Colony which must be provided with a bituminized road network before we consider tackling the problem of the Mombasa Road.

Mr. Speaker, Sir, I would like now to inform the House about something which I am quite sure will meet with the universal approbation of both sides of the House. A number of hon. Members during this debate, as well as for some time past, have been talking about the grave unemployment situation which faces the country at the present time. The Government, Sir, is fully alive to this problem and has decided to take concrete steps and measures to alleviate this great problem. As a proof of this, my Ministry, Sir, has been authorized now to proceed with the Thika Road project on the basis of the maximum use of hand labour, with the result, Sir, that my Ministry will spend, in place of £110,000 by normal methods, £176,000, that is £66,000 in excess of what normally would have been spent,

only for the purpose of alleviating the unemployment situation.

Mr. Mboya: A drop in the ocean.

The Minister for Works (Mr. Jamadar): Well, it is the drops that make the ocean if you analyse it.

Mr. Mboya: The wrong road.

The Minister for Works (Mr. Jamadar): The project, Sir, involves the construction of dual carriage ways on the Thika Road as far as the Kahawa camp. This road has been regarded and criticized as a dangerous road throughout, and people have been asking for this road to be made up properly. It is only when we start making it up that people do deal with it at this stage. The Mombasa Road carries about one-fifth of the traffic of the Thika Road.

The engineers of my Ministry are now working on the detailed planning and the Lands Department has been authorized to proceed with the land acquisition. The estimated cost of the first phase of this project, which covers the outskirts and the drainage of the second carriage way is £176,000 of which £10,000 is for supervision charges. As I mentioned earlier, it is important that this House appreciates that by carrying out this project with the maximum use of hand labour the cost of this first phase is estimated to be £66,000 in excess of what it would cost using the normal methods and machinery. In other words, if the engineering considerations were the sole factor governing the method of construction, the expenditure to the Government would be £110,000 and not £176,000 as now proposed.

The second phase of the project which will involve the bituminization of the second carriage way will cost a further sum estimated at between £110,000 and £130,000. This amount will not be required until the next Road Authority Planning Period and consideration will be given a little nearer the time as to the method of financing the second stage. I shall take this opportunity, Mr. Speaker, of giving further details to the House of the numbers of labour employed on the project together with the total cost of the labour bill when the contractors have actually undertaken the work. At this stage of the planning it is not possible to give any reliable and firm figures.

I think, Sir, it is clear that on this evidence the Government is fully prepared to fight the unemployment situation and that the Government has already started works with a view to alleviating

[The Minister for Works]

the misery that the poorer sections of the community suffer and I hope it will be possible in the near future to be able to announce projects of this nature to the satisfaction of both the parties comprising this House.

Mr. Mboya: Mr. Speaker, Sir, many of the Opposition speakers have already clearly indicated our attitude towards both the Governor's speech and the Budget. Needless to say, we find ourselves completely dissatisfied with the Governor's speech and also dissatisfied with the Budget. The reasons have been advanced by my friends on this side and, to some extent, by some Members on the Government benches. We take the view that first and foremost Kenya needs stability and confidence. Any action contemplated by the Government should be directed towards the attainment of this very important and very urgent objective. It is in this context that we examine the Governor's speech and also the proposals in the Budget.

The Governor's Speech made specific reference to—and I thought it was intended to emphasize—the need for law and order. In fact, he said that this was his primary concern. Perhaps it was one of those things that he considered to be the main anchor for his Government's policy. Mr. Speaker, we do not quarrel with the need for law and order. On the contrary, we accept the need for law and order. We want to see a country and a society in which the people can move about freely, confidently and with complete security. We would never, therefore, Mr. Speaker, quarrel with the objective of assuring for Kenya law and order for all her citizens. We have condemned—and I do wish to take the opportunity of once again condemning—violence and subversion. I do this, Mr. Speaker, without any qualification or reservation. The only point at issue, Mr. Speaker, is the approach adopted by the Governor as against the one which we on this side of the House wish to adopt. Here lies our main difference. We consider that the Governor's statement emphasizes law and order in a negative form.

Mr. Odigaa: Hear, hear, hear!

Mr. Mboya: It is based, Mr. Speaker, on the conception of law and order in terms of security and control—

Mr. Odigaa: Suppression!

Mr. Mboya: —in terms of the use of power and force, and in terms of the assessment of the size of the police and military forces. This, Mr. Speaker, is a negative way to approach the whole

problem of law and order. We consider, Mr. Speaker, that the right approach is law and order based on the confidence of the people, on the will of the people to respect the laws of the country, and on the education of the people to accept the laws of the country and to wish to ensure that those laws are respected, not merely obeyed. To do this, Mr. Speaker, there must be a proper basis, a proper atmosphere in the country. If people consider that laws are unjust; if people consider that the instruments used in administering the law or in making the law do not sufficiently take into account their viewpoint; then, Sir, the danger does exist that they will resent the law, they will resent order, they will resent the forces that are used to suppress, control, or enforce those laws.

Mr. Speaker, here lies our basic difference with the Government and until such time as this country has changed, altered, the basis of this approach as between us and the Governor, I am afraid that year after year every speech from the Throne that will come will continue to cry for law and order. As we have seen, every year over the last four years we have almost inevitably had the same speech, the same words, the same phrases used by the Governor and other Government officials in appealing to the country. The fact, Sir, is that so far they have failed to achieve this objective and I submit that the reason for this failure lies in their failure to recognize the need for a positive approach.

Mr. Speaker, it is, of course, difficult to approach this subject on a positive basis, as I suggest under colonial rule because, after all, a colonial government or regime is an imposed government. It is not the government of the people; it does not necessarily have to represent the people. It has to a large extent to depend on force to assert itself. It has, to a large extent, to impose its ideas, its programmes, on the people. It is here, I think, too, that the Governor fails and the Government fails to recognize that complete stability and conditions for voluntary respect for law and order cannot come about until we have satisfied the peoples' burning urge and aspiration for independence and self-government. There is no way out of this. The ruled that these will be debated when the Motion comes before the House next week. However, I do want briefly to emphasize to this Government and, through it, to the British Government, that

The Speaker (Mr. Slade): You have two additional minutes.

Mr. De Souza: I am much obliged, Sir.

Sir, I do want, therefore, to make an appeal to the Members on the other side of the House, particularly to the Kenya Democratic Union, and to my learned friend, the hon. Sheikh Alamoodi, whose voice I have heard quite a lot this morning, and that is this: many of these Members believe quite sincerely that by sitting down on that side of the House they are going to bring independence quicker. Now that you know, now that these Members know, and they have been told by the Colonial Office that independence is many conferences and many years ahead, do you not believe that you are being made the tools of a policy to delay the independence of this country. Are you?

The Speaker (Mr. Slade): The hon. Member should address the Chair.

Mr. De Souza: With respect, I am asking the Member a question through you, Sir.

The Speaker (Mr. Slade): When you are speaking across the Chamber and saying "you" to hon. Members on the other side of the House, you are not addressing the Chair.

Mr. De Souza: Thank you, Mr. Speaker. Do they believe, do they not appreciate that by going to sit on that side they are, in fact, doing the dirty work of other people? Do they not appreciate that the time has come when they should be honest with themselves and with the country, and should resign from the Government and come and sit on this side of the House? They are the persons who are, in fact, cushioning the present Government.

A few words, Sir, on South Africa: the fascist and racialist policy of South Africa must be fought with all the means at our command. With the Eichmann trial we have vivid evidence of what racialism unchecked must degenerate into. Let us close our airports to South African planes, our harbours to South African ships and our country to South African goods. Even if we lose financially in the bargain we will have struck a blow in the cause of humanity, and that is our reward.

So it is, Sir, with Portugal: The barbarism and the mass murders and the cruelty perpetrated by Portugal in Angola have horrified the rest of the world. It is absolutely shameful to see the British Foreign Secretary running to Lisbon to pacify these perpetrators of genocide. I congratulate, Sir, the hon. Minister for Commerce and Industry

for his forthright stand in this, and I know and I hope that the other Members of the Government with him will support us when the time comes when we bring this matter up.

Sir, I want to make, before I sit down, a plea for the release of all other detainees, particularly persons like James Butah, Betdad Kagia, Rev. Arthur Gathurua and, one person who seems to have been much forgotten in recent years, Malak Singh. This man, Sir, was a Communist leader and he may or may not still be a Communist, but he has never been convicted of any criminal offence. An inquiry was conducted by Mr. Justice Thacker and assisted on behalf of the Crown by Mr. Sommerhough, both significant and ominous names in the regrettable pages of our history. Sir, the Government has sent him to Maralal for years. Now the most regrettable feature of Communism is the attempt to stifle opposition by sending their political opponents to Siberia, and while we condemn Communism and rightly so and condemn violence, Sir, we in this country, a Government which has taken one of the most objectionable features of the Communist book and done exactly the same, because they take a man with whom they disagree and put him in a political wilderness and hope he is going to stay there until he dies. He has been there for 15 years and he has not been convicted of an offence, and I think it is shameful and disgraceful to keep a man with whose political views you disagree there for so many years.

When, recently, Mr. Malak Singh was fasting, they did not leave the country, for 19 days, to tell even his family that he was fasting, and when we, the Elected Members, asked the Governor to be allowed to see him, we were refused permission to see him. When we asked permission to see the Governor we were told that the Governor was too busy with constitutional matters to see us. We were told to see the Minister for Defence who was busy for four whole days before he could see us. Now, Sir, I submit that this is absolute callous disregard for the feelings of the people and is a callous disregard for the health of an individual who is a political leader, whether we like it or not.

The Speaker (Mr. Slade): Your time is up.

Mr. De Souza: Yes, Sir. I am much obliged, Sir. Have I had my two minutes?

The Speaker (Mr. Slade): Yes.

The Minister for Works (Mr. Jamilid): Mr. Speaker, Sir, I must be very careful because unfortunately it is not open for me to indulge in the type of fireworks which I myself enjoy and

[The Minister for Works]

from which I derive a considerable amount of entertainment. Unfortunately, Sir, I have to deal with very dull subjects such as roads and extensions, and so on, and I will confine myself to these factual matters.

During the course of this debate a number of matters have been specifically referred to me by Members on both sides of the House. I should like to take this opportunity to point out that, in fact, the road policy is the responsibility of my hon. colleague the Minister for Commerce, Industry and Communications. Our responsibility, the responsibility of my Ministry, is the execution of the £4 million contractor-finance road programme and we are both responsible for giving the Road Authority and my hon. colleague technical advice on all road matters. I hope that in future when these criticisms are made or these remarks addressed, hon. Members on both sides of the House will remember to address them to the correct and proper Minister.

A number of Members on both sides of the House have made specific requests for funds to be allocated for particular roads and road projects. I regret, Mr. Speaker, Sir, that this is not within my portfolio to deal with these specific requests for finance.

The hon. Member for the Protectorate, Mr. Bassiddi, referred to the possibility of diverting £1½ million from the £4 million contractor-finance scheme. This was in relation to the Lamu road, the diversion being to the Lamu road. This, Mr. Speaker, is entirely out of the question. The programme of works to be included in the £4 million project has already been agreed with the contractors, and a major variation of this nature, even if it was justified, could not be agreed. The £4 projects which have been included in the £4 million scheme have been based on those trunk roads where the heavy traffic density and the economic value of the goods carried justified large expenditure on realignment and things like earth works and ultimately, of course, bituminization. I may add that at the present stage the density of traffic on the Lamu road would not justify expenditure of this type and therefore we have to wait until more finance becomes available for purposes of that nature.

Mr. Chokwe: What about Mariakani?

The Minister for Works (Mr. Jamilid): Well, I will be coming to that, Mr. Speaker, Sir.

The hon. Member for the Protectorate also referred to an extension of the Mombasa-Tanga road south of Ramisi. At present, Sir, plans are

in hand for the improvement of the road by stages, that is as far as Ramisi, and again the volume and the value of traffic south of Ramisi does not justify very heavy expenditure during the current development period.

The hon. Member for Northern Province East referred to the lengthy periods during which roads had to be closed in the Northern Province, and the hon. Member for the Protectorate referred also to similar conditions of closure on the Lamu road due to flooding of the Tana River. Under the policy to which I have referred of allocating the available funds according to the traffic density it will not be possible to undertake major capital expenditure which would run into many millions of pounds in order to make the major roads in the Northern Province, together with the roads from Malindi to Lamu, all-weather roads throughout their length. It is my opinion, Sir, that with the funds which are made available to my roads branch, the branch does a first-class job of keeping the road network open for as long as possible.

Unfortunately, Mr. Speaker, it is neither within the power of myself nor that of my hon. colleague, the Minister for Commerce, Industry and Communications, to control the closure, and more particularly the rainfall, which we have not yet come to the stage where we can ourselves control, at least not as a commercial or economic proposition.

A provisional estimate for improvements in the neighbourhood of the Tana River on the Lamu Road to reduce the period during which the road is closed shows that about £300,000 would be required. Again, Sir, in relation to other demands, it would be difficult for the Government to justify this expenditure at the present time. It is necessary to close the roads to prevent their destruction during the wet weather, but I can assure the House that the periods during which roads are closed are always reduced to a minimum in order to cause the least disruption of traffic.

Mr. Bassiddi: Sir, months.

The Minister for Works (Mr. Jamilid): It is more likely six weeks, I believe, not six months.

The hon. Member for Kwana referred to the necessity for greater development of roads in areas of low potential. Again, Sir, we come back to the question and the volume and value of the traffic using the roads. In fact, whilst we were seeking funds from the International Bank for Reconstruction and Development, the officials of that Bank were only prepared to lend this Government money for the development of roads

[Mr. De Souza] wealth to be deliberately dissipated and deliberately ruffled because of attempts to blackmail a country into doing impossible things.

An hon. Member: Where would you find them?

Mr. De Souza: Mr. Speaker, Sir, there are plenty of people in this country who can run them, and it is not just the settlers who can say that if they do not run them nobody else can run them.

That is not all. I listened with great patience to my learned and hon. friend, the Member for Nairobi West, Mr. Salter, who stated here the other day that what was wrong with the Government was that they had been releasing too many people; what he wants is that there should be more arrests, more imprisonments. I ask you, Sir, what has happened to all the British principles that a man is innocent unless he is convicted; where a man has the opportunity of an open trial in an open court, where he must see his witnesses and he must have the opportunity of having them cross-examined and he must have a fair trial? Does my hon. and learned friend believe that we should sacrifice all those basic principles, which are English more than they are anything else, for the sake of satisfying the beliefs of persons like Mr. Culwick and persons of his party? Sir, I submit and I repeat all these facts, not because I want to rake up the past, but I believe that—

An hon. Member: Not much!

Mr. De Souza:—but because I believe the facts must be placed in their proper historical perspective, because unless we look at the past we cannot correct the present and plan our future properly and I think—

Mr. Cole: On a point of order, Sir, Mr. Culwick is not the political adviser to the Kenya Coalition Party.

The Speaker (Mr. Slade): The hon. Member does not understand what is a point of order and what is not a point of order, I have said this before, I say it again, that when it is a matter of explanation, and not a point of order, an hon. Member has not a right to intervene in another Member's speech unless that hon. Member gives way.

Also there have been times when Members have risen on a point of order which is not a point of order in order to get the interjection board. That must not arise in this Council again. In the House of Commons that is described as a "frivolous point of order". I am not saying

the hon. Member did that just now, frantically rising, because I do not think he understood the rules; but I shall not tolerate fraudulent points of order or anything like them.

Mr. Cole: I regret my interruption, Mr. Speaker.

Mr. De Souza: Sir, I thank you for your ruling. I would be grateful if at the end of my speech I could be allowed a few minutes extra which my friends have taken away from me. But may I, in passing, congratulate my hon. friend, Mr. Cole, for his comparatively reasonable speech which was a great contrast, if I may say so, to the speech of his colleague, my learned and hon. friend, Mr. Salter, which in fact made me write my present speech.

Sir, I come now to the visit to this country of a very learned gentleman who I am told is the number three in charge of the Colonial Office. This very important gentleman comes to Kenya, visits a large part of it, does not have the courtesy of meeting any Member of this side of the House, despite the fact, I am told the last few days, he wanted to and on leaving gives us what I can only consider is a parting shot of the most objectionable type. He says, without having consulted any political leader on this side of the House, that independence in this country is many conferences and many years ahead. Now, if that is the policy of the British Government, it is obviously one that we have not heard before and one with which we disagree very strongly and one which is calculated to provoke the people of this country to actions which are certainly not in its best interests at the present moment. If this is not the policy of the British Government, then, Sir, I submit—

The Chief Secretary (Sir Walter Coutts): On a point of order, Mr. Speaker, Sir, two members yesterday have gone on this matter of constitutional reform which you yourself have ruled out of order. We on this side deliberately refrained from talking about it.

The Speaker (Mr. Slade): You are quite correct. Please do not pursue this one now.

Mr. De Souza: Sir, with respect, I am not pursuing the question of constitutional advance. I am pursuing the question of Mr. Fraser's visit to this country, which I believe is perfectly in order.

The Speaker (Mr. Slade): That is in order.

Mr. Hennings: On a point of order, the hon. gentleman just said that Mr. Fraser had no opportunity to meet Members of the Opposition. Would he substantiate that?

Mr. De Souza: I said, Sir, that he did not meet any Members of the Opposition. I am a Member of the Opposition and here are large numbers of the Opposition. I was here and he had lots of opportunity to invite one of us to come there. We have been in this place all along.

Mr. Hennings: Your Leader was invited.

Mr. De Souza: It does not matter if the Leader was invited. What about the rest of us? Are we not all Members of the Legislative Council?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, on a point of order—

Mr. De Souza: It had better be a point of order.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): The hon. Member is not the Speaker. Mr. Speaker, on a point of order, is it in order to continue a debate which was finished—the adjournment debate?

The Speaker (Mr. Slade): It is. The Rule which prohibits the continuation of debates refers only to debates that have been resolved on a question. As hon. Members are aware, in the discussion on the adjournment, there was no question before the Council, so the rule does not apply.

Mr. De Souza: Mr. Speaker, Sir, I am surprised that there are attempts being made on the other side to try to stifle what I have got to say. I can assure Members I am going to bring this subject up very fully, particularly now that I know that it is a sore point with them.

I do want to say this, that after the Rt. Hon. Mr. Fraser uttered his fatal remarks he was heard immediately to say that they should not be printed or published. Now if this right hon. gentleman does make remarks, he must have the courage of his convictions, or if he does not have the courage of his convictions he should resign, because he has no right to be occupying a place of such importance where he looks after the destinies of millions of people where, one, he does not carry out what he believes or, two, where his actual policy is different from the policy he pretends to carry out. But, Sir, that is not the only point. The question is raised and we then have an adjournment debate, and the hon. the Chief Secretary, says, Sir, it was a slip of the tongue. What a slip of the tongue! If policies affecting countries are committed by slips of the tongue I think we have reached a very sorry state of affairs, but at the very same time be it speaking in this country, we have the Colonial Secretary, the Rt. Hon. Mr. Macleod,

standing in London that, in fact, what he said in effect—I am not quoting his exact words—was that Mr. Fraser's policy is the policy of the Government. As the hon. the Chief Secretary stated here—and I think I remember his words fairly accurately—he said that that was not what Mr. Fraser meant. In other words, that the independence of the country was many conferences and many years ahead, and that that was not his policy and it was not the policy of this Government either. Now, Sir, we have in this country two diametrically opposed statements on what is supposed to be the policy of the Government. We have got the policy of the hon. the Chief Secretary and we have got the policy of the Colonial Secretary, and we have got a third policy, that of my hon. friend the Member for Rift Valley, the Minister for Agriculture, who says that the achievement of independence is within the control of Members on that side of the House.

Now, Sir, which of them is correct? It obviously shows, not only the confusion which lies within the state of mind of the hon. Members who are trying to run this Government, but it shows, in my opinion, the utter bankruptcy of policy of this tottering Imperialist Government that we have in Kenya today, because that is what it is. The Government of Kenya today is a foreign Government, ruling this country by force, because it is not the Government of the majority of the elected peoples of this country, and as long as it is not a majority Government, as long as it is not the Government of the peoples of this country, it is in effect an Imperialist Government.

The Speaker (Mr. Slade): Mr. De Souza, that is a matter which I have ruled that hon. Members will not pursue in this debate.

Mr. De Souza: Sir, we shall not be made pawns or shuttlecocks in the light between the right and the left of the Conservative Party. I say that we, the people of Kenya, shall not be sacrificed at sacrificial goats to placate the Salisbury and the other reactionary elements of the British Conservative Party to maintain Mr. Macleod's position in the Conservative Party. It has often been said, Mr. Macleod would be in a very difficult position if you insist on your policy. We appreciate that, but we have very great regard for Mr. Macleod, but we believe the future of this country cannot be sacrificed in the interests of anybody at all, anybody other than the people's of this country as such.

Now, I see my time is running out. I think that it is being a little unfair, considering the interruptions that have taken place from the other side of the House.

[Mr. De Souza]

of fact and to accede to these legitimate demands for, as long as the state of uncertainty and, therefore political and economic instability exists, in the main this state of affairs I lay squarely on the shoulders of the Government.

There is, however, one aspect of our state of instability which must be touched upon. It has often been said by some extremists—by some people—that if only the African leaders would not make the speeches they make to ask for independence and if only Kenya had not developed—as they say—so rapidly, everything would be all right economically and political stability would come back. Sir, I beg to disagree profoundly with this thesis and I want to develop my argument on this for a little while. In the Fifteenth and Nineteenth Centuries we saw the conquest of Asia and Africa and the subjugation by the western imperialists of those parts. The Twentieth Century has seen the liberation of all Asia and, in the last few years, almost the whole of Africa. The belief in the equality of man, the belief in the rights of the individual and of the people to rule themselves; the beliefs of nationalism are as universal in the west as they are in the east. But it is the refusal of the Government and of the European settlers of this country to accept the basic principle of equality of the human being that has, in fact, caused the political instability and the economic instability in which we find ourselves. Sir, the force of nationalism is one which no force nor monetary rewards can dampen. It is the racial policies which have been followed by the Government of this country in the past and the refusal to accept change, the refusal to accept constitutional progress and to accept the basic principle of human life that has caused our present state of affairs.

An hon. Member: Question!

Mr. De Souza: And I will illustrate what I want to say by two examples in answer to my friend. I think he will agree with me when I have given my answer.

The first, Sir, is the common roll. For years it was argued that there could be no clear inter-racial understanding in this country as long as the Europeans voted for Europeans and Asians voted for Asians because when Europeans voted for Europeans they tended to look after only the interests of the Europeans and to ignore and often abuse the interests of the other races. In 1923 when at last—yes, I must go back in history—the Government of this country accepted a common roll with only 10 per cent of non-European voters, the very settlers in this country

who, today, plague us with sermons on loyalty and constitutionality, tried to take up arms against His Excellency the Governor and take over the government of this country because they refused to accept the principle of the common roll. They said it was demeaning for them to come and ask us for our vote. At that time Colonel Josiah Wedgwood, an uncle of the reluctant peer, appealed to the settlers in this country. He said: "At least in the interests of your children and your grandchildren accept the principles of the common roll, because if you do not build up today a feeling of common citizenship, a feeling of common unity, a feeling of common purpose, it will be too late in two or three generations." Sir, that I am afraid, has been a very prophetic statement.

I will turn secondly to the question of the High lands. One can understand a large number of Europeans coming to this country to settle down here. But is it possible, is it correct, is it fair, is it necessary, that they should take the cream of the land of this country?

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoody): Question!

Mr. De Souza: Yes, it is the cream of the land of this country and make laws by the force of the powers they had at their command that the Africans—the sons of the soil of this country—could not buy those lands. My friend says "Question" but does he think that was fair or just?

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoody): It is gone.

Mr. De Souza: Yes, it is gone but I want to bring this forward and put our present instability in its proper perspective because not only did they take these Highlands but until a few years ago about 290,000 acres of lands, the owners of those lands were unknown. What is more there is still about 190,000 acres of land which is still not given to anybody and when it was suggested that those lands should be given to the Africans, the settlers of this country said it would be the thin end of the wedge and they suggested importing settlers from Germany and Italy to colonize those lands rather than give the land to the Africans or any of the other races in this country.

Now this is, in fact, the cause of the instability in this country. It is not the rapid advance to political independence. It is the obstinate and inflexible attitude of the settlers of this country

[Mr. De Souza]

who have led this Government by the nose and who are still doing so. If you want to have another illustration let us look at Tanganyika. Why is there no political instability and economic instability in Tanganyika?

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoody): Responsible leaders.

Mr. De Souza: Is it because there has not been the obstruction to independence by this section of their population? It is because the Colonial Office has not considered it necessary to give "special attention" as they call it to their kith and kin. Sir, in Tanganyika the settlers—the few of them—were led by Sir Eldred Hitchcock who realized that you cannot sit on a safety valve of what is in fact a boiler and sit there permanently. Here in our country any proposal for constitutional reform was opposed because it was hoped to make this country into another South Africa.

The Chief Secretary (Sir Walter Coutts): Question!

Mr. De Souza: If we find, if we find today that the Europeans—

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): On a point of order, Mr. Speaker, the hon. Member should be held responsible for the accuracy of his statements and he has just said that every time by the leaders of the settler community on the grounds that they wanted to turn this country into another South Africa. I would draw the hon. Member's attention to the result of the Lancaster House Conference.

The Speaker (Mr. Slade): Order, order! If you are raising a point of order, you must stop at the point of order. If, as I understand, you have raised a point of order on what the hon. Member has said, requiring him to substantiate an allegation; then you must leave that to him. In fact, this kind of generalization is not the kind of allegation that Standing Orders require to be substantiated.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I have got my point in.

Mr. De Souza: I hear my hon. friend saying, "I have got my point in." I think this was quite a disgraceful attempt to abuse the rules of this House to get a point in.

Hon. Members: Hear, hear!

Mr. De Souza: This is not a fair one; I think a Member should be allowed to speak and my hon. friend has got every opportunity to reply if he wants to reply. We are fully conscious of his own policies in the last few months and he has changed his policies faster than a chameleon changes its colours. He will be given a full opportunity to reply.

But, Sir, I was coming to this because what I want to draw attention to is one particular aspect of today's problems. I said the plight in which the settlers of this country find themselves is very largely one of their own making, because when all these years they would not allow the White Highlands to be sold to Africans or Asians they suddenly found themselves in a position when they wanted to sell their land, but no Indian or African could buy it and so, naturally, with the very restricted demand, the prices for these lands fell considerably, and now they ask the Government, they say "You must guarantee our land, you must buy our land at 1959 prices because nobody wants to buy it". If this is a state of affairs that is accepted by anybody, they anybody who has got property will want to sell their property and ask the Government to buy at 1959 or any other boom-year prices. One would have thought that after all these experiences the settlers of this country would have learned their lesson, but have they? We recognize that the Kenya Coalition has, in fact, got 75 per cent of the votes of the Europeans in this country and the political adviser, so-called, of the Kenya Coalition, is a person called Mr. Culwick. Now what does he advise? He advises that unless the Government agrees to pay £70,000,000, which is more than twice as much as the whole of the Kenya Budget in one year, unless that money is agreed to be paid by the Government, the settlers must break down their houses, sell their machinery for scrap and sell their cattle for slaughter. This is the type of political blackmail which is, in fact, very little different from *Mau Mau*, which we in this country cannot and must not tolerate. It is such statements that disrupt the economy, which in fact are disrupting the economy; it is they who are cutting their noses to spite their faces, and we are told that unless the Government agrees to pay this they are not going to plant any more land by the end of next year—great headlines in the newspapers. "Settlers Bring Forward Their Date For Not Planting". I submit, Sir, that the Government must appoint immediately an emergency committee or a board to take over all farms which, in their opinion, are being deliberately run down, because that is the national wealth of this country and no country can allow its national

[Mr. Keen]

be torn out. The people of the coast seem to say that they want coastal autonomy. I do not think that we are going to have another Katanga in Kenya, or people wanting to tear up the whole country of Kenya into small fragments, small autonomous states. I do not think the Africans of this country are going to recognize that. We have seen the horrors yesterday of the Zanibar elections and this sort of thing must be avoided out here in Kenya.

Now, coming to the question of the Masai, Mr. Speaker, Sir, during this famine the Masai lost 200,000 head of cattle which shows clearly the extent to which the Masai have been neglected. During the past 60 years of British rule in this country—and I lay the blame on the previous government, not this Government, for we have still got to see what this Government will do for the Masai—I think they have neglected the Masai completely. The whole of the Masai reserve has been turned into a museum piece where the tourists come for sightseeing and all the rest of it. I consider the Masai could also be very intelligent and contribute to the development of this country and drastic steps must be taken by the Government to accelerate the education of the Masai, which I shall mention again when I come to it.

Now, I should like to speak a bit on the question of national parks in Masailand. I should like to pay tribute to the former Government for having allowed the whole of the National Park of Amboseli to pass into Masai hands so that the Masai could collect the revenue. I think the Masai themselves should be very grateful and I think it is their duty to look after the game. The game in this country, I think, is the biggest asset we have, one that no other country has in the whole world. We could double our revenue from game in this country. When I was in Egypt two months ago I was told that the Egyptian Government makes about £4,000,000 out of the tourist trade. But what is there to be seen in Egypt? I saw practically nothing myself to attract the tourists, apart from the pyramids and a few dead kings lying in the museums. If we had political and economic stability out here I am sure we could make £50,000,000 out of the tourist trade. The way we could make this money is through our game. I think I should consider that the Government should do a lot to improve the roads and to build new lodges in the Amboseli National Park so that we could attract larger numbers of tourists from all over the world. But at the same time the whole question of the game should not actually be considered at the expense of the Masai

themselves. The Masai have been told that they are killing game and that they are working to destroy all the game. But I would like to say that before the coming of the white settlers there was as much game in the White Highlands as there is today in Masailand. But you can hardly see anything today in the whole of the White Highlands. I think we have preserved the game ourselves, more than anybody else in this country.

Although we are being asked to reduce our cattle, Sir, it has got to be understood that we have, I think, in the whole of Masailand, nearly a total of 400,000 game; and the carrying capacity and all the rest, together with our cattle, is something that will have to be considered. If we are to reduce our cattle then we should also crop the game in other areas.

I am surprised to hear that the Government has allocated £170,000 for the Thika road; I think this is quite unnecessary because we have the road from Nairobi, Kajiado, Namanga, which connects Kenya and Tanganyika. I think that as we forge ahead towards an East African Federation the traffic would probably double on this road, and also it would serve as a link as we go ahead with the Cape to Cairo road. I think that the Government should also consider improving this road.

Coming to the question of education, I must say that the Masai have been neglected somehow, although I would not blame the Government very much, because the Masai themselves have not been responsive to education and they still think that they are in the seventeenth century. They have not really been taught because at one time an administrative officer said that all they were doing for the Masai was a sort of gigantic bluff in education which was somehow very disturbing. I think that we need at least two secondary schools in Masailand, one in Narok and one in Kajiado, to cater for all the students from the intermediate schools. Above all, Sir, what we need is two or three rural training centres so that we can absorb the morans who are idling now and who do not fit into the modern society. In the olden days the Masai used their morans for defence purposes. At the moment I see that the morans of the Masai are a nuisance, because recently we have had the clashes with the Akamba, the Kisii, and all the rest. If we are to go ahead as one African unit these clashes must be avoided. The only way we can avoid these clashes is through absorbing these young men into rural training centres so that they can learn carpentry, driving, mechanics, and all building work, and all the

[Mr. Keen]

rest. Also they could contribute to the labour reserve of this country.

I think that the Government should also not forget to allocate money for the Jeang's School because I feel that this also has been overlooked. Jeang's School has been a source of training for the Africans in this country and I think that the Government should extend its activities at the Jeang's School.

The same thing applies to the morans. As the Minister announced yesterday, the Kenya Regiment will be open to all races. I think that he should take the first choice of the Masai morans and see whether they would be of any use to him. We could keep them out of mischief that way.

Well, Mr. Speaker, I would like to mention slightly about agricultural loans to the Masai. Masailand is about 15,000 square miles. If we compare Masailand with the White Highlands I think we will find that the white farmers produce more than four-fifths, probably, of the revenue of this country by way of exports. I think that much could be done in Masailand towards raising cattle ranches. I think that much could also be done towards encouraging dairying on Masailand. I think that this question has been overlooked by past Governments by not starting vigorous cattle ranches to enable the Masai to develop their cattle and their land, and also add to the revenue of this country.

I feel also that agricultural loans should be made available to cattle traders in Masailand, to coffee growers who are just beginning to grow a bit of coffee, around Lolokitokot and again. I should consider that the Government should see the possibilities of tea growing on the slopes of Mau. I should consider this to be one of the best areas for tea growing, and also in Transmara. Government should also make funds available for Masai businessmen. Again, Mr. Speaker, Sir, I would like to mention an abattoir which should be constructed. I think that the Minister should be able to find some money for this purpose. Over the last five years the Masai have lost almost £500,000 as a result of cattle condemnations, the cattle being found with measles. I consider that much could be done to save these losses if the Government would consider building an abattoir for the Masai. This would not necessarily mean that it would compete with the Kenya Meat Commission, but I think it would also be a sort of an outlet for Masai cattle.

Mr. Speaker, Sir, I would like also to mention a bit about the health services in Masailand. The Government should consider providing fully

equipped mobile units to four Masailand from village to village. They should also make a survey, particularly of the children, the old men and women, and so on. I think this would be a sort of asset to the Masai.

I now come to the question of the Magadi Soda Company. When the land was allocated to this company in 1911 it was said that all the royalties should be paid direct to the Central this land was made Crown land no Masai was consulted. I feel, therefore, that the Government should consider paying the royalties from the Magadi Soda Company direct to the African District Council, or if this is not possible, we should share the royalties from the Magadi Soda Company. Half should go to the African District Council and half should go to the Central Government. I think that the Masai themselves have been feeling that this would be the right thing to do.

Last of all, Mr. Speaker, I would like to touch on the question of piped water in Masailand. As I said, the land which we gave to the British, the White Highlands, had rivers, lakes, and everything. I would like to see if it is possible for the Government to transform the present Masailand into more or less the same standard, whereby dams, installations for piped water, and boreholes, should be constructed, because, as I have said, 200,000 head of cattle have been lost by the Masai, because of the lack of water in the district, and I do not think that the Masai can stand such a heavy loss. Sir, again, this would not only help the Masai cattle but would also help the game which died in the district during the last famine. I think that we should learn a lesson through this, Mr. Speaker, Sir.

Mr. De Souza: Mr. Speaker, in the Budget Speech it was mentioned that there was a lack of confidence in Kenya. It has rightly been pointed out that this is no fundamental defect in the economy, but that the economic depression and consequent unemployment was caused by the flight of capital overseas and by the lack of confidence of the investors.

Sir, this lack of confidence can be cured only by the implementation of two main policies of the Government which have got to be implemented immediately. The first is the release of Jomo Kenyatta immediately and unconditionally and all other detainees and restrictions because they alone have it in their power to make a long-term settlement of our difficulties in this country and, secondly, by giving a date this year for the attainment of independence. It is the duty of the Government to accept these as a matter

[Mr. Keen]

of Africa and also to change its colour in the atlas. Should independence be delayed, frustration and economical strain would be the issue of the day. I feel that the British Government and the Colonial Office should make all the efforts to bring Kenya to full independence.

An hon. Member: Now!

The Speaker (Mr. Slade): I have ruled that the hon. Members must not now anticipate the impending debate on constitutional reform.

Mr. Keen: I am going, Mr. Speaker, again to mention the oaths which have been somehow very disturbing in recent weeks and which are more or less the issue at this particular time. I fail to understand the oaths that were taken at Meru, attended by a thousand people. How the Government failed to know this while it was only three miles from the Meru township is because someone must have been inefficient or did not perform his duties properly. It should be noted in future that oaths and similar actions would delay our independence.

I should think that the Opposition would do a better job in this country if they all got out and denounce oath takings and I am prepared to come along, but I have a different issue altogether because it appears that all this is not the intention of the people of the Opposition. It appears as if it is their natural food to have been taking oaths, and I think even if we get full independence they would continue to take oaths. It is my feeling that Government should allow oath taking in public places in this country, because it appears that anything else would not stop the people of the Central Province from taking them, but I would warn also that such actions are detrimental to the peace, welfare, the getting of independence and all that. And I must make that quite clear. On the question of Kenyatta, of course we have already discussed this in this House and I do not think that I should discuss it further except that Kenyatta would be released as soon as his house is ready.

Coming back to the question of the Coastal Strip, Mr. Speaker, I wish slightly to differ with the Member who has just spoken. Now there is a treaty also—the Coastal Strip Treaty and the Masai Treaty; what is the difference between these two treaties? The Coastal Strip Treaty was a treaty between two foreign peoples, the British and the Arabs, and, as such, I do not think a future African Government would recognize that treaty. I should think that the treaty that was drawn up in 1895 should be torn up into pieces and thrown into the middle of the ocean. Coming to the question of the Masai Treaty, which I must

be very frank about, it should also be torn up and thrown into the middle of the Indian Ocean. Whereas the Sultan of Zanzibar has been paid by the British Government £16,000 annually, the Masai themselves, who have given the British bigger land, better land, which their children are farming now, have received practically nothing. Why I say the Masai Treaty should be torn up if we are going to live as one part of Africa—I do not see the reason why we should have treaties among ourselves—the British Government should pay to the Masai £50,000,000 compensation. If we calculate in value the ten-mile strip, which is absolutely nothing, plus a rich White Highlands which we have given the British, surely the British should give the Masai £50,000,000 compensation. I repeat that. In the White Highlands you find water, rivers and lakes, good pastures and so on, but when you take the land of the Masai—and they were removed forcibly from their own land, which was at Laikipia—you will find, in comparison, that their present reserve is a complete desert.

The Speaker (Mr. Slade): The time for the interruption of business has now come, but you can continue again tomorrow. You have not had your half hour yet.

ADJOURNMENT

The Speaker (Mr. Slade): Council will now adjourn until tomorrow, Friday, 2nd June, at 9 a.m.

The House rose at thirty minutes past Six o'clock.

Friday, 2nd June, 1961

The House met at Nine o'clock.

(Mr. Speaker (Mr. Slade) in the Chair)

PRAYERS

ADMINISTRATION OF OATH

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

Amirally Hasham Jamal.

MOTIONS

SUSPENSION OF STANDING ORDERS

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT Standing Orders be suspended to the extent necessary to enable the Vote on Account and the Supplementary Estimates to be taken and completed on Tuesday, 6th June.

Mr. Speaker, Sir, with your permission I should like to take this opportunity of informing hon. Members of forthcoming Council business. On Tuesday, 6th June: Vote on Account procedure and Supplementary Estimates. The debate on the Financial Statement will continue on Wednesday, 7th June. This debate, however, will be interrupted on Thursday, 9th June, in order to allow private Members' Motions to be taken on that day. The Motions to be taken will be: The Closing of the Portuguese Consulate, by the hon. Mr. Abuya; the East African Federation, by the hon. Mr. Odede; the Repeal of section 28 (c) (6) of the Order in Council; by the hon. Dr. Kiako. The Minister will reply to the Financial Debate on Friday, 9th June. This will be followed by the Second Readings of the Asiatic Widows' and Orphans' (Amendment) Bill; the Widows and Orphans' (Pensions) (Amendment) Bill; the Asian Officers (Family Pensions) (Amendment) Bill on Tuesday, 13th May, Wednesday, 14th May, will be devoted to the Government Motion on further constitutional advance.

The Speaker (Mr. Slade): Mr. Ngala, I do not know whether you were actually moving your Motion then; but I think, before you can move this Motion, we have to dispose of the provision of Standing Order No. 114 (c) which says that, unless otherwise ordered, the debate on the Financial Statement of the Annual Estimates shall take precedence over all other business, which includes your Motion. So this Council must "otherwise order" before your Motion can be entertained this morning. I suggest, therefore, that you move first that the Council orders that

your Motion be entertained now. You can dispose of that and then take your Motion.

BUSINESS OF COUNCIL

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, before moving the Motion that I have already moved, I am glad that you have reminded me of the fact that I am required by Standing Order No. 114 (c) to obtain the permission of this Council, Standing Order No. 114 (c) states that unless otherwise ordered the debate on the Financial Statement shall take precedence over all other business. I must, however, take the Motion on the Order Paper today and, therefore, Mr. Speaker, with your permission, I beg to move that this Council orders that the Motion against Order No. 4 be taken now.

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

Question proposed.

The question was put and carried.

The Speaker (Mr. Slade): Now would you like to say anything more on your Motion, Mr. Ngala, or will you move it formally otherwise?

SUSPENSION OF STANDING ORDERS

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT Standing Orders be suspended to the extent necessary to enable the Vote on Account and the Supplementary Estimates to be taken and completed on Tuesday, 6th June.

The Chief Secretary (Sir Walter Couitt) seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF WAYS AND MEANS

(Order for the Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of debate interrupted on 1st June, 1961)

Mr. Keen: Mr. Speaker, Sir, I was speaking last night on the question of treaties. At the time of signing these treaties the Masai themselves did not understand the contents of the treaties. In those days they could not read, and they could not write. I fear the same also applies to the Arabs of those days. I do not think any of them understood the treaty between the British Government and the Sultan of Zanzibar. Now, the question of these treaties, as I said yesterday, must

[Mr. Cleasby]

he may be in some agreement with me. We are all, I understand, federalists. We all are proponents and supporters of the idea of an East African Federation.

Mr. Mboya: The Post Office

Mr. Cleasby: I think there are few in this House who would work against such a project. Now taking that question, you have this undoubted fact: that the port of Mombasa is not a Kenya port. Forty per cent of the traffic, whether hon. gentlemen like it or not, that moves over the wharves of Kilindini comes from Uganda. A significant proportion comes from Tanganyika, and in the context of a federation, it would be grossly inequitable that one component part of that federation, that is, Kenya, should have exclusive jurisdiction over what is clearly an East African port.

An hon. Member: Interjection

Mr. Cleasby: I am not in contest greatly interested in what the Leader of Government Business says. I support the Government, but as an independent, and neither the Government, but as Government Business, nor any other hon. Member, has any right to make pronouncements about the future of the Protectorate of Kenya.

There is this third point to which I should like to make reference. The boundary between Kenya and Tanganyika is an entirely artificial boundary drawn on a map but for some reason it is one which the other side of the House observes. Now, the boundary between the Protectorate and the Colony is one of the few natural boundaries which exist in East Africa. It shows quite clearly the utmost landward limits of a basically tropical agriculture and it shows more or less and very clearly the boundary of the basic original Islamic and Arab civilization. It is one of the few boundaries in East Africa which have been drawn by nature. Now, the Protectorate of Kenya is an ethnographical, agricultural and social entity which is divorced fundamentally from the rest of Kenya.

Now, there is the fourth question to which I should like to make reference. Fortunately we at the Coast are not bedevilled by the divisions, the hatreds, the rivalries, jealousies and rather futile ambitions which are quite effectively inhibiting the advance of the Colony to independence. There is such cohesion in the Protectorate of Kenya, Mr. Speaker, whether hon. gentlemen like it or not, that we are ready to join an East African Federation as an independent unit now.

Mr. Mboya: Who are "we"?

Mr. Cleasby: Those who were born in the Protectorate of Kenya.

The Speaker (Mr. Slade): Less interruption!

Mr. Cleasby: Mr. Speaker, I thank you for your help, but I assure you, this Assembly, that I have addressed a more disruptive field certainly many more intelligent audiences.

Now, Mr. Speaker, I would put to those opponents of the Coast Strip those three points. What actually do they intend to do about the treaty?

An hon. Member: Take it over.

Mr. Cleasby: And it is no answer to that, to say they ignore it.

An hon. Member: By force!

Mr. Cleasby: Mr. Speaker, an hon. gentleman said, "By force." What force? The East African Navy sailing from a port that you do not control?

The Speaker (Mr. Slade): Hon. Members will refrain from this running commentary, which may amuse them but it is a considerable irritation to other hon. Members who want to hear the speech.

Mr. Cleasby: I thank you, Mr. Speaker. Now, I shall put again the points which, no doubt, Members will attempt to answer. And I shall be very interested in the answer. The first is, is it or is it not that the treaty which governs the status of the Protectorate an international treaty?

Mr. Odigaa (inaudible).

Mr. Cleasby: That, of course, is a question of law and whether it is an international treaty or not does not depend on the whims or the desires of the Opposition; it depends upon the pronouncements of international courts. The fact that that treaty is an international treaty has been recognized by the Privy Council and by the House of Lords.

Mr. Odigaa: It is not recognized by Kenya People.

Mr. Cleasby: It is an international treaty subsisting today.

The Speaker (Mr. Slade): Order, order! Mr. Odigaa, I hope you heard what I said just now. If you did, and continue to disregard it, I shall require you to leave the Chamber.

Mr. Cleasby: The second point, Mr. Speaker, is this: is or is not Kilindini an East African port?

[Mr. Cleasby]

what justification is there, if an East African Federation comes about, in Kenya having the sole control of the outlet to the sea of Uganda and the major outlet to the sea of Tanganyika? Would it not be better for that port to be put under federal jurisdiction?

Thirdly, is it not a fact that geographically, agriculturally, racially and ethnographically there are significant differences between the Protectorate and the Colony and that the best solution to all these problems is this, that the Protectorate joins an East African Federation, working in absolute harmony with the other Members of that federation, and, that the federal capital should be placed in Mombasa and the federation itself would have control of that base?

Gentlemen and Mr. Speaker, I shall be interested to see how these points are logically dealt with, but I think once again we shall have little logic and a good deal of volubility.

Mr. Speaker, I beg to move.

Mr. Keen: Mr. Speaker, Sir, I should like to congratulate the Minister for Finance on the hard work he has put in on the Budget. I know that he has spent considerable time and several days in drawing up the Budget. However, at the same time I would not say that I would wholly support the Budget as it is because it more or less gives the impression that it is drawn up to benefit the people of the whole country—whereas I feel it is, more or less directed against the people of the lower income group.

When you take the case of sugar, for instance, Mr. Smith who earns about £400 or £200 buys sugar at the same price as Mr. Njeroge who earns Sh. 97 and that is not proportionate really. The difference, the margin, is really quite wide, from about Sh. 100 to about £400. In that case, when we take things like tyres and other things that the Minister has increased, we more or less find that the African majority are the main buyers of these goods which have been raised.

Now, going further, I would like to say that the Government of this country more or less institutes a scheme whereby local insurance companies should be encouraged for the Africans to insure their lives and social security. There should be also a scheme to relieve the unemployed in this country. When one goes to the labour office these days, you find thousands and thousands of people there hanging around without work and I should like to see the Government instituting a scheme whereby these people could also be enabled to earn their daily bread.

Kenya also must encourage capital investment from overseas. We should not always be looking for money; every time when we have some financial difficulties we go to London or America or anywhere else begging for money. We should more or less get a scheme worked out whereby overseas investors would be encouraged, ensuring political and economic stability in this country. I feel that while we aim at building political stability, the establishment of factories should be encouraged in this country instead of us importing all goods from Birmingham or from other places in Europe; we should more or less have our factories established in this country and, as such, there would be other avenues for employment and I think in that case we would be able to relieve our unemployment in this country.

Now then, coming again to the question of land titles—future European land titles—it is my opinion and I think it is the opinion of everybody in this country that the Europeans of this country must negotiate their land titles in the future with the Africans of this country. I do not think it would serve any purpose for the European farmers to run up and down to the Colonial Office trying to get their land titles secured. Their land titles will have to be secured by an African government. Anything that might be drawn up now without full consultation with the African people would be regarded by a future government as unimportant. This also will apply to the Asians and I must congratulate the Asians with the effort they have made to establish business, commerce and, as such, I think they must be encouraged also to go ahead without fear. I know that both the Europeans and the Asians have performed a job in the development of this country and, as such, they must be given due respect and they should not, just through fear and imagination, think that by Africans assuming power, they would lose their rights. They should learn to have confidence in themselves.

Now, coming to the question of independence, the Africans of this country, as have all the Africans of this continent, have been ceaselessly fighting and struggling for their future independence in Kenya. As I see it, Kenya should not remain an island among a sea of independent African states. Fifty or sixty years ago when the Europeans invaded Africa, you looked at the map of the whole of Africa; 14 years later you would find that, geographically, it was painted with colours, red for British, green for French, and all the rest, and you will find that now the new map of Africa is changing. We want also to be on the same map in which Kenya is part

[Mr. McKenzie] which a lot of us forget about, and again, Mr. Speaker—

The Speaker (Mr. Slade): Order, order. Hon. Members, particularly Members of former Council, must be aware it is quite out of order to talk to one another across the floor when another Member is speaking.

Mr. McKenzie: Mr. Speaker, what we are inclined to forget is that we have other internal difficulties which must be resolved and which it is impossible for the Government on the other side to resolve. They must be resolved with Her Majesty's Government and with the leaders of Kenya, and if I could just name them, there is the Masai Treaty, the conservation of the utilization of the resources in the Northern Province negotiations with the Government of Zanzibar, the Coastal Strip, Federation, our future in education and the future development of agriculture and Her Majesty's Government's part with technical aid to a former Colony. All these points, which it is vital for us to start talking on now, Mr. Speaker, must be initiated at this stage by Her Majesty's Government, for the simple reason that she has the finance, she has put us in the position we are in and she will raise the Government's finances.

An hon. Member: (Inaudible.)

Mr. McKenzie: If the hon. Member is tired of listening to me, Mr. Speaker, the answer is easy. All he has to do is walk on his two feet out of the Chamber.

Mr. Speaker, if our African leaders have become bitter and frustrated and angry and non-operative, the blame must be placed squarely on the shoulder of Her Majesty's Government through Mr. Macleod and Mr. Fraser.

Now, Sir, we are told and led to believe that there is going to be a conference in London on 19th June on Tanganyika's part which she will play as an independent country with the High Commission. Now, Sir, where are we going? We are also led to believe that various Members of the Government are going to go to this conference because we are led to believe that Federation is going to be discussed. Now, Sir, it is beyond me to see how we can discuss Federation at this stage when we have not even touched or dwelt upon all the other problems which I have raised. So, I am sorry to have to go back to it, but I am sure, and I know from conversations I have had with Members of the Government, that all these problems we will not be able to face until one

thing is out of the way, and that is Mr. Jomo Kenyatta. It is no good us deceiving ourselves, and what we do not want is panic money with which Her Majesty's Government is attempting to fob us off at the moment. What we want to do, Sir, is obvious, to be able to settle our own affairs as Kenyans.

Now, Sir, what keeps on holding us back so that we cannot move. We do not believe what the Government opposite tell us, Mr. Speaker, that they have it all in their hands to move when they want, etc. We know that that is absolute nonsense. Now, we also know without doubt, Mr. Speaker, that one of the reasons why the Kenya problem cannot be solved, why Her Majesty's Government will not face title, why Her Majesty's Government will not discuss responsible Government and independence, why Her Majesty's Government will not increase African Ministers on the other side, because it is outside the realm of the present Lancaster House Constitution, why she will not face any of these is because she is afraid of tackling not only the Central African Federation and Kenya at the same time, because of trouble within the Conservative Party. Who is it, Mr. Speaker, who suffers on all this? We people of Kenya, Sir, I think the time has come. We are continually asked by the people in Government to leave the floor and join them. Now, what would happen if we crossed over the floor and joined them? If Her Majesty's Government would still fob us off, if not, why do we? Her Majesty's Government not come clean now, Mr. Speaker, and start negotiating with this Government and with Kenyans on the future?

An hon. Member: Wait and see.

Mr. McKenzie: We will get tired of waiting and seeing, Mr. Speaker. What I would like to put to hon. Members opposite is that they have gone into Government, they have attempted to get Her Majesty's Government to move, and they are failing. The answer is they are frustrated. Mr. Speaker, all you have to do is look at them to see that they are frustrated. What I would like to put to them, Mr. Speaker, is that when they are further frustrated and down on bended knees, for them to crawl over and join us so that we then, Mr. Speaker, as Kenyans, can decide ourselves the future of Kenya and put it to Her Majesty's Government.

Now, Sir, I would like to put one point to the Opposition before I sit down, so that they can take hearts, and that is the words of Disraeli, perhaps one of the greatest of the English Prime Ministers

[Mr. McKenzie] Mr. Speaker, that no Government can be long secure without a formidable Opposition.

Mr. Cleasby: Mr. Speaker, I have listened with interest to the observations that have been made by the last speaker, and I am in agreement with him on one point, and I should like to know whether those Members sitting beside him on that side of the House are in agreement also. He at last admitted that the Coastal Strip is a problem to be solved.

Mr. Speaker: I would at the outset like to have your ruling on a point of order. I understand that earlier today a Motion was placed on the Table with reference to the future status of the Protectorate and as I wish more or less to confine my remarks in this Budget speech to that question, I should like your ruling, Sir, to know if I am in order in so doing.

The Speaker (Mr. Slade): It is a fact that notice was given this morning of a Motion concerning the Coastal Strip. That was shortly after there had been a speech at some length from Mr. Nassir yesterday on the same subject, and I would be glad to disallow further discussion of his speech because of the intervening notice of Motion. However, there are substantial notices of motions before us now that the prospect of this particular Motion coming before the Council at a very short time is pretty remote. So I think it will be order for you to speak on the subject.

Mr. Cleasby: I am indebted to you, Mr. Speaker, for that ruling.

Mr. Speaker, as a newly elected Member to this House but as one who has had the opportunity or the honour of addressing this Council before the present Session, I do with respect deprecate a recent tendency, that is not formally to congratulate a new Member upon his maiden speech. While I deprecate that departure as a general rule, it does, in this particular instance, give me very significant and personal pleasure. I should like to congratulate my hon. friend and colleague, Mr. Nassir, for one of the best expositions I have heard by way of a maiden speech.

Mr. Speaker, we at the coast acknowledge quite clearly that to put the matter at its very lowest there is a certain divergence of opinion as to the future status of this House with reference to the future of the Protectorate. Now, Mr. Speaker, I will be fair to all opponents of the question of autonomy for the Protectorate. I will give them this advantage: I will put the case for autonomy, logically, clearly, succinctly and shortly, and I

will be interested to see or hear in what way my arguments have been answered. The right hon. and hon. gentlemen opposite, and some on this side of the House, should remember that verbosity is not a substitute for logic.

Now, Mr. Speaker, with the greatest of respect to this Council, I will in a dry and legal way put my points clearly, and I will divide my address into four main aspects.

Mr. Odling: This is not a court of law.

Mr. Cleasby: If it were it would be a very tired judge who presided.

The first question is to define clearly the present constitutional and international position of the Protectorate, and to deal shortly with the position of this Legislative Council with reference to the Protectorate. Now, it has never been denied that, constitutionally, subject to the present safeguards, this Legislative Council is a Council which can promulgate Ordinances binding upon the Colony and the Protectorate. That is so at the present juncture, but whether right hon. or hon. gentlemen like it or not, when Kenya moves to full independence, as I am perfectly certain it will do in the very near future, a question then arises of the greatest magnitude. If this Legislative Council has then got untrammelled power, it can set international law legislation for the Protectorate of Kenya, for, if it purports to do so, Her Britannic Majesty's Government would have broken a solemn international obligation. Now, I know that one of the arguments—and a more juvenile and purile I have rarely heard, mostly from the Members on the other side of this Council—is that they do not recognize the treaty. However, the point is that the high contracting parties who made the treaty, which are Her Britannic Majesty's Government and His Highness the Sultan of Zanzibar, do recognize this treaty. You might just as well say that you do not recognize the validity of your neighbour's marriage and his wife only. The question is quite clearly this, is a thing which concerns your neighbour and his wife only. The question is quite clearly this, is international treaty exists and if you think Her Britannic Majesty's Government will abrogate due to your pressure, an international engagement solemnly entered into, I have read both history and law to no advantage. I know of no case in history in which the British Government has solemnly denounced a treaty, and it has declared that it has no intention of solemnly denouncing this treaty.

That, Mr. Speaker, is the first aspect of the question. The second aspect is one in which I think, if the hon. gentleman who is so fond of interposing would bear with me for one moment,

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and say that his statement was not specifically directed against the Government of America or anybody in America because this proves that it was.

Now, Sir, the Minister for Agriculture in his speech on Wednesday suffered from exactly the same trouble. He said, "I would say this, and I speak for every Member on this side of the House, that the question of independence is not now clearly and solely in the hands of Mr. Fraser. It rests largely with the hon. Members on this side of the House." Fair enough and fair comment, Mr. Speaker. He was then beckled to a certain extent and then went on to say, "I want to make this point clear. I want to make it very clear indeed, not only to this House but in the world outside." I am quoting from the wrong passage. I beg your pardon. I cannot find it, Mr. Speaker, but the hon. Member went on again to say that it was the Government sitting on that side which had the move to independence in their hands and that it was entirely up to them. Well, here again, Mr. Speaker, this was on Wednesday. We open up our newspapers today and we also heard the Chief Secretary telling us that Mr. Fraser's comments were a slip of the tongue; we then find Mr. Macleod in London backing up the slip of the tongue with another slip of the tongue. We are also told in today's paper that it may be through a conference after a conference before we get our independence. The point that I want to bring out is that it is not correct, and it is not right, for responsible Ministers of this Government to stand up in this House to try to lead us astray on this side of the House, to try to lead the country astray, by saying that it is our Government in Kenya which has the future of our country in their hands—that they can march and do the timing and the pace towards independence, and towards everything else that we want, in their own hands.

Hon. Members: No!

Mr. McKenzie: It is no good them saying, "No." We know full well that it depends entirely upon the whim of Mr. Macleod and the Conservative Party completely.

Hon. Members: No!

Mr. McKenzie: Mr. Speaker, I want to come back to this point when I get on to the main point which I want to come to.

I have been asked by the hon. Member for Mombasa West that in his speech he was not asking the Minister of Defence about the air force pilots for R.A.F. but that he was asking

about pilots for the Air Wing. I hope that somebody will be prepared to answer that one.

I would also like to ask the Minister for Finance if he would tell me why, when farmers of both races apply for money from the Land Bank—and it costs them £15 to apply—this application is turned down with no reason given whatsoever. I would also ask him to tell us when he replies, who are the board members of this Land Bank and how they are chosen.

Mr. Speaker, I would like just to touch on the statement which was made by the Minister for Defence the first day after the Budget. I would like to congratulate and thank him for putting the country fully in the picture as he said. I would like to join him in everything he said. A number of us have seen the lights going out in various countries over the years, during the war, and one thing that we are determined will not happen—those of us who are determined to remain in Kenya—is that the lights of Kenya will not go out.

Now, Mr. Speaker, if I may move on, I feel that the Budget really is only a minor worry in the present stage of Kenya, which is a transitional period. Her Majesty's Government has given us a grant-in-aid, and I do not from the bottom of my heart worry about thanking Her Majesty's Government for this grant-in-aid because she should give us this grant-in-aid, and she has no option but to give it to us. She is the cause of us getting into this position. Therefore I have no hesitation in saying that there ought to be no necessity for us to acclaim what she has done—

Mr. Mboya: No gratitude!

Mr. McKenzie: Now, Sir, my major concern arises out of the speech of His Excellency, and that is the work of our future here in Kenya. I am not concerned with those who want to go. My worry concerns those who wish to remain. Now, Sir, this worry of Kenya's future is to a certain extent Her Majesty's Government's worry, but it is not as tough a worry for them as it is for us. It is not as tough a worry of His Excellency the Governor. It is not the worry of the Conservative Party in the long term. It is our worry. What we want out of all this, surely, Mr. Speaker, is security, stability, and then our independence, and, tied to this—and I do not want to go over old ground and be ruled out of order—I do feel that there is an order in which things ought to be looked at. First of all there is security, law and order; secondly, there is the release of Mr. Kenyatta; thirdly,

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is this question of land title; fourthly, there is the question of stability; fifthly, there is our independence and our constitutional advance. Next there is Federation. How are we going to go about all this? Security, law and order, is the first one. I feel that Government—as the Minister has done—has got to keep the country completely in the picture in what is happening, so that leaders on both sides of the House—and I think that the Government has been very slow in not taking leaders from both sides of this House and making them go up to Elburgon, for instance, to talk to the people there, and then going to Meru straight away and talking to the people there. I am sure that the leaders on both sides, if necessary, would be only too prepared to do it.

Sir, there are other points of security which the Government have been glossing over. We have the Turkana killings which nobody seems to be over-worried about. We have this clash on the Kisii/Masai border, and I should think it is a blow-up, although I do not know, over areas A and B. We have got outbush. We have got criminals. We have got the stealing of guns, and yet up until now, so far as I know, the Government have not called upon the African leaders to take them to talk to the people in these areas. Have any African leaders gone to talk to the Turkana? Have any African leaders gone to talk to the Kisii and the Masai over these boundary disputes, etcetera? Have any African leaders been asked by Government to go to Meru to talk to them. Have they been asked to go up to Mau Narok and Elburgon? They have not so far as I know. It is Government's duty to show a lead and let them go up there. Mr. Speaker, the Government have only just allowed public meetings to start. We were told that public meetings could not be held because the police were tired after the elections.

What I would like to know from the Government is whether there is any African Minister on the Security Council, because if there was an African on the Security Council I am sure he would have put this to the Government. Allow the leaders to go and talk to the people. If there is no African Minister on the Security Council then it is about time that there was one.

I must move to the second one, although I do not want to dwell on it, which is the release of Jomo Kenyatta.

The third one, which I mentioned was this difficult one over land title, which was touched on by the Minister for Agriculture today. Now, Sir, without doubt Her Majesty's Government is

up to her neck in land titles whether she likes it or not. She, as a Government, through, in the early days, the Colonial Administration, gave titles to various people in this country. I maintain that it is up to Her Majesty's Government to get together the land title holders who are Europeans and Asians, and some Africans, but mainly Europeans, and the African leaders, with Jomo Kenyatta—otherwise it is no good, Mr. Speaker. The hon. Members on this side, I am sure, would be agreeable to holding discussions along these lines. But Her Majesty's Government must quell her idea of attempting to get the European title holders in this country talking to the African leaders. She has got a commitment in this herself. An independent Government is going to have no money to carry on its large land reform programme which they are committed to. An independent Government wants to go ahead with this land reform. The independent Government, in my opinion, will want to trust everybody fairly. But where are the resources of an independent Government available to move ahead with the land reform scheme? Her Majesty's Government must stop being weak-kneed and come into this now before it is too late. The Minister for Agriculture, himself, gave this House the warning that if something was not done soon the economy was going to suffer. I maintain, Mr. Speaker, that if Her Majesty's Government wants to rectify this, and it is one of the main stumbling blocks this at the moment, she ought to call together the people representing the title owners, the African leaders, with Jomo Kenyatta, and herself, and hold the meeting and be prepared to bring out money to help the land reform scheme on a long-term basis.

Now, Mr. Speaker, in such a meeting you would have the leaders of the future independent Kenya who sit on that side of the House, and those who sit on this side of the House. In fact, you would have them united and talking as the future independent leaders of Kenya. I am sure, Mr. Speaker, that until you go ahead with a scheme such as this, to discuss a proper land reform scheme, agreed to by the African leaders, then this playing about with schemes which I stated when I was Minister—the yeoman and peasant schemes—and the bits and pieces on the fringe of the Highlands and here and there, with plots offered, will get us nowhere. It will not satisfy the future independent country and it will not satisfy the title owners at the moment.

Then, Mr. Speaker, I come to the fourth one which is stability. It is no good us thinking that we can have stability until we are prepared to enact some type of citizenship statutes. We also have got to resolve a lot of internal difficulties

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that the figure for 1960 on maize and the figure for coffee cleared are in fact correct.

If I may move to another question for the Chief Secretary, I would like him to be able to tell us when and how the Members of the High Commission are going to be elected to represent Kenya: when and how.

I would also like, if I may, to touch on army worms and the effect that is having on famine conditions. I have already mentioned the very dry year which they are having in Tanganyika and which is usually a sign. But added to this, Sir, in the areas which I have mentioned they have had a very great infestation of army worms. So I do ask this Government to bear in mind that we are going to run into most difficult times, agriculturally.

Now, Sir, I would like to ask—and I think it is the Minister for Defence who is responsible for this—why when he takes passports away from hon. Members of this House—and I am not referring only to hon. Members when they arrive back in this country having visited some place or other which the Government do not like them visiting—or from a person when he is applying for a renewal, etc., why he is not told the reason. I would like to put it to the Minister concerned.

Mr. Speaker, and to ask him outright if he would be prepared to return the passport to the hon. Member for Central Nyanza, Mr. Aringsw-Kodhek who wants to go to England to visit his wife and family; whether the Minister concerned would be prepared to let him have his passport endorsed to go to London and to return; Also, Mr. Speaker, I would like to ask the same Minister whether he would be prepared to allow the other hon. Member for Central Nyanza to have his passport to go on our Opposition Parliamentary Group business to London, endorsed to London and to return for five or seven days. If not, I would request him to state the reason why.

I would like to ask the Minister for Commerce and Industry whether his Ministry are engaging themselves in trying to attract any overseas car assembly plant or tyre manufacturing people to this country. The reason I ask this is because it is obvious to all of us, Mr. Speaker, that there is going to take place an economic battle of boycott between South Africa and the countries north of the Zambesi River. Most of our tyres, I gather, and a lot of our car assemblies, and a lot of our insensibilities, come from that country. I think it is up to this Government to foresee this boycott and economic battle which is going to take place in Africa in the next decade—and it has already

started—and it is up to this Government to safeguard us so that we can either start this up ourselves or import it from elsewhere. I would like him to appreciate that whereas the market in South Africa is 26,000,000 people, the economic market which could be built up from Federation, and from friends' round the Federation, could number 70,000,000. That is taking into account the Indian Ocean sphere which the two Ports of Mombasa and Dar es Salaam would be able to influence if there was a Federation.

Sir, if I may now come on to the Airways, which I understand is in the portfolio of the Minister for Commerce and Industry, I would like to take this opportunity of congratulating the Airways for being one of the few airways in this world which can run their business and their Airways without a frightful financial loss. I would like to congratulate them not only on the way they run their overseas services but also the internal services. I would like to congratulate Sir Alfred Vincent, their Chairman, on the foresight which he had in buying Comets as replacements, and especially in the face of opposition from some of our East African Governments. But I would like to ask the Government if they know what the Airways intend to do to replace the Dakotas which are getting so old and which fly around at 9,000 feet and make our poor Mombasa people so dreadfully ill when they have got to return to Mombasa round the houses on a Friday afternoon.

Now, Sir, I also noticed in the Report on the Airways—and I notice that we have a Director of the Airways here, so if the Government cannot answer perhaps he will be able to answer it—that there is this new set-up called the Seychelles-Kilimanjaro Air Transport Ltd. I gather that there are only two shares and that both shares have been acquired by East African Airways. I wonder if the Government could perhaps enlighten us on that, because it is, after all, our money which is in the Airways.

Thirdly, on page 17 of the excellent Report it is obvious that our Airways are still—and I would like to use a stronger word than a little concerned over the navigational aids of our Airport—much concerned over these aids; and I would like to know from the Minister concerned that our Government are perfectly satisfied now that all the blind flying and installations which are needed to bring in aircraft in fog and bad weather are up to the standard which we would like to see.

Now, Sir, if I may come to the speech made by the Leader of Government Business on money from London, Sir, I would say that when be

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started to tell us about this money from London, started to tell us really expected something of very great interest because this had been hidden up his sleeve for so long. But when it came out, Mr. Speaker, we were astounded with what came out. What came out was the fact that the £3,000,000 were confirmed. Now, this £3,000,000 Eschequer loan for the Development Programme is obviously money which the Minister for Finance had been arguing about with Her Majesty's Government for many many months. He then told us about two lots of £1,500,000, one of which was extra grant and one of which was extra loan. He also told us about £250,000 of grant treatment expenditure. So if it is new that in fact only £3,250,000 is new. What I would like to know from Government is whether any of that amount—that is the £3,250,000—was under discussion by the Caretaker Government or by the Minister for Finance previously.

Now, Sir, the last £3,000,000 which he mentioned—which is £1,500,000 grant money and £1,500,000 loan money for development—he just flew across this by saying that it was for settlement schemes, education, capital development for unemployment, education, and localization. Mr. Speaker I would very much doubt whether he at his delegation were able to get money from Her Majesty's Government without specifically saying to Her Majesty's Government what each amount was for. I think it is up to the Government to break that £3,000,000 down and to tell us just how much money is going to each Head, because I am sure that when they put it to Her Majesty's Government, Sir, Her Majesty's Government did not just give them *carte blanche* to do what they liked with it.

Mr. Alexander: There were no strings!

Mr. McKenzie: Well, you have not spoken. The hon. Member, Mr. Speaker, has not spoken, and he will be able to talk when his time comes. I sincerely hope he is correct and that there are no strings attached to this money.

I would like to know whether the Government has been able to obtain any money for the Land Bank for loans to farmers. I would also like to know this. We have been told that Mr. Fraser had a long-distance telephone call to his master in London when he was here, and he said that there was going to be a large injection of capital for resettlement schemes. What amount are they considering in this large amount? We have heard various figures from the original delegation of from £25,000,000 to, what we hear now, Mr. Speaker, £250,000, even if it is all new. What is this large injection going to be used for? Is it going

to be used for compensation of European fringe farms. What is it going to be used for? I would like at this stage to say, Mr. Speaker, that I think that Government should on any of these land matters take the Opposition, at least the Leader of the Opposition if not the Opposition as a whole, into their confidence, because, after all, people sitting on this side of the House do represent—and I think the figures are something like 600,000 as against 200,000, but I think that my hon. friend the Member for Nairobi East will be giving the actual figures tomorrow.

Mr. Speaker, if I may go further on the speech of the Leader of Government Business, in what he said in his speech, Mr. Speaker, the following: "I would like to make it clear; Sir, that my statement in Cairo was not specifically directed to the Government of America, or to any specific body in America. But my contention was that I believed that we had reached a stage in Kenya whereby all the countries which wished to help Kenya should do it through the normal Government channels." I might agree with every word of what he said in the debate in this House. But I do beg of the hon. Minister, Mr. Speaker, that he must remember what he has said in places like Cairo, and I am going to quote what he said in Cairo. It is wrong of him to come into this House and accuse people on this side of accepting money from other countries, etc., without first of all remembering and clearing up what he said in Cairo. What he said in Cairo—and strangely enough—it was given a document as I came through Cairo for the Nile talks by the Government of Egypt—is as follows: "Mr. Chairman, a new form of colonization, other than the British, is coming to Kenya." I am not agreeing or disagreeing with what he has said, Mr. Speaker. All I am saying is that he must not contradict me with the other. He went on to say: "Today we see the United States of America and other European countries sabotage our independence. The U.S.A., which is still oppressing 35,000,000 negroes, is still imposing their African stoges on us as our leaders through the use of dollars. We do not want to replace the British colonization for America or dollar economic imperialism. The U.S.A. war in Africa is like the European wars in Africa in the early days when Africa was divided up for their own benefit. The U.S.A. seem to believe that if the British, the French, and the Belgians leave any African country, it must be replaced by another white power because Africans are poor and inferior. This is wrong thinking. We are not poor; we are not inferior." etc. He ends up by saying that Mr. Kenyatta must be released.

Now, the point I am trying to make, Mr. Speaker, is that he must not return to this House

[Mr. McKenzie]—us and it is going to be difficult for them to find this money. That is unless the Government are going to find many hundreds of thousands of pounds to do subsidized work for the unemployed.

Now, Mr. Speaker, when we were debating Flemming, before we got on to each Vote, there were a number of questions asked from this side of the House that were not answered, and I am not referring to many questions which were asked during the debate on the Heads. For instance, questions were asked such as, did any civil servants suffer because of the alterations of leave under Flemming, why was it that judges had gone up in pay so far ahead of permanent secretaries, were medical practitioners still allowed private practice, were all people employed under the E scale given Government housing? What happened about education and health for people living in outlying areas, whether they are European or African district officers or agricultural officers. This is an important one, Sir, whether this Government advertised situations vacant in the Civil Service in any other countries than Great Britain I sincerely hope that this debate will be the opportunity for some of these questions to be answered. One thing we do not want is for the new, young Government to get into the habit of not answering questions which are put to them in a debate.

Mr. Speaker, another point I would like to bring to the notice of the Minister for Finance is that he has taken off nearly all the import duty on what is one of our new industries, big game fishing. He has taken off the duty on boats, on cameras, what have you, all the other paraphernalia creeping rods and actual equipment which is used for deep sea fishing and I am led to believe by people who know this industry that it is an industry which is growing and is bringing in a lot of money to the country at a very fast rate. I would like to ask him to consider things like fishing reels and fishing rods which are very, very expensive indeed for this type of fishing may have something to help them in a rebate on import duty.

Now, Sir, I appreciate his emotion on exchange control so I only want to make one passing comment. Mr. Speaker, with your permission, I do think that people on both sides of the House need to be extremely careful with exchange control on currency in wanting to stop it because I must remind them that the big commercial companies which help our agriculture such as the tea factories and refineries and so on, they are people

who must send money out of the country to pay dividends to their shareholders and for other obvious reasons which will come up in the debate, Mr. Speaker.

Also, Sir, the Minister for Finance has been criticized on overseas money coming back into the country in the form of interest on paying income tax. I think that people who have criticized him on this have not thought of one point, that point is that I think it is very, very doubtful indeed and I have not any money which brings in interest so I do not really know but I think it is very, very doubtful indeed that it is possible to police this and I would like, when the Minister does answer, him to tell us if that is in fact one of the difficulties.

I would also like to ask the Chief Secretary, Mr. Speaker, I heard a rumour today that a new house is being built in Government House grounds, I would like to know from the Chief Secretary (a) whether this is correct and (b) if in fact this house is being built for Mr. Kenyatta.

Mr. Speaker, there are three people whom I would like to congratulate for what I think were most excellent speeches, two—I am sorry to have to say it, Mr. Speaker—were from the other side. The first was the Nominated Member Sir Philip Rogers and the second one was—and I think I speak for everybody on this side—the Permanent Secretary for Agriculture who had obviously done his homework extremely well indeed. I would like to congratulate him. The third one was a new Member on this side, who brought a lot of humour to the House when he spoke, the hon. Member for Kilifi.

Now, Sir, if I may touch on the Civil Service, I would like to take the opportunity, Mr. Speaker, of thanking the Civil Service for the work that they have done for us, those who have put their whole effort into helping this country over the many, many years which have gone by. I would like to call upon the cream of the Civil Service to remain behind, Mr. Speaker, not to go and to help us to train our people and implement our localization plan and help our people forward to take over the reins of the administration and of the various departments of Government. But I think, Mr. Speaker, that the time has come when—especially the people in the Administration—must learn to get on with the people of this country in a different fashion to that of previous years. They must learn in my opinion, Mr. Speaker, to stop being the little tin gods they have always thought they were in the past and must stop being fatherly and tin can headmaster and they must now begin to be more of a type of person to give advice, help and

[Mr. McKenzie] guidance from the same level as that of the people, rather than from a high and mighty level. Also, Mr. Speaker, whether we like it or not there is some dead wood in our Civil Service. They will never accept the new Kenya and I think it is time that we started a partial compensation plan so these people can go now, Mr. Speaker, and make way for localization. I sincerely hope that the Chief Secretary will take this opportunity of telling us what Government's views are on this.

Now, Sir, I do not want to belittle at all the efforts which the Civil Service have put into their work and I think the civil servants themselves know the type of person I am talking about.

Now, Sir, my friend the Member for Nyanza Central—who was cut short at the end of his half hour—has asked me to answer the comments by the Minister for Commerce and Industries—who is not here—about tyre shoes I think it was. What he has asked me to say is that in 1959 the used shoes made of Firestone because he had fire in his heart and he was a man of iron. In 1960 he was led to believe that that was going to be a good year, Mr. Speaker, so he took upon himself Goodyear shoes, but when 1960 ended without the *uhuru* he had thought of, he then went to Britain's heavily populated, far away Chinese Colony, Hong Kong for his shoes and they are Hong Kong shoes he wears, not *apartheid* shoes. Mr. Speaker, I do not think they will wear as well as South African shoes.

I am sorry that the Minister for Agriculture has spoken because I would have liked to have asked him to use this opportunity to tell the House what is going to happen about the sugar industry in the Mulboroni/Songhor area. I am glad to hear that a certain sugar company which has operated most successfully in Kenya for many, many years has come ready and is ready now to go ahead and put up the second factory immediately in that area. I would sincerely put to the Minister that he ought to consider going ahead immediately with this factory and not wait as we have done and as I was guilty of doing as Minister, being led to believe by other companies that they would be starting up in that area. I do not think we can wait any longer. I would like to see us moving ahead with the development of sugar in that area.

Mr. Speaker, the hon. Ministers for Local Government at one stage in the debate got up either on a point of information or a point of order and said that it did not matter if ministers were not in the House, there were parliamentary secretaries who would be taking notes. On two

occasions—and the worst occasion was yesterday afternoon—there was not a single minister; on the other side when what I thought was a most important speech was being made on this side, there were only six people on the back benches and only one of which was a permanent secretary and I was very suspicious that two of those six people were asleep.

Now, Sir, if I may turn to the document known as the Estimates of Revenue, to page 3 and to ask the Minister concerned under 5 (b) (9), why he worries about licensing stage plays, cinemas, cinematographs, etc., which only bring us in £900, I think I am correct in saying that we were once led to believe in a Budget Speech that this would bring us in far more money than that. I would like to know whether in fact it is worth while collecting that. The same with shops in rural areas which is only £200 and registration of fishing craft is only £128. I would also like to ask him on this booklet which I am coming later on in my speech, what capital it is that East African Corporation—why they pay us this amount of £5,250—and what we get £3 from East African Posts and Telecommunications. At the bottom of Page 7 I would like to ask who Mr. Wabuli is, and why Mr. Wabuli is not paying us £60 this year.

Then, Mr. Speaker, I would like to go on. It may, to the Economic Survey, page 11, where it may be, has made an error. First of all, Sir, on page 11—and I hope that he has got this document—the Economic Survey, the one he has given us to read—and he says that we never do our homework—I would like to draw his notice to Meat and meat preparations, Hides and skins, Butter and ghee, and would ask him to total those three today, Sir, I think he has had £4,500,000 that it comes to an industry worth £4,500,000. Then, if he would turn to page 15, where he says, "There are now more farmers growing pyrethrum in the Scheduled Areas than any other crop except maize." Now, Sir, the acreage of maize, Mr. Speaker, in hundreds of thousands of acres, is 142, and pyrethrum is 39.7. He has forgotten wheat which is 247.9, which is the biggest of the lot. But I think that when he puts these documents out for us—I think, Mr. Speaker, if he counts up the farmers he will see this as well.

Now, Sir, also on that page he talks about 12,000 square miles of land being available in the scheduled areas. Again, later on, he contradicts himself when he comes to the square miles of non-scheduled areas.

Mr. Speaker, I would also like to ask him, concerning page 17, whether he would verify

[Mr. Khasakhala] their own district hospital with 260 beds full of patients and at the same time go out to look at the health centres and health services of the people who really need them in their locations. The time has come, Mr. Speaker, when the Health Department should ask missionary doctors who are available in the different locations to run the health centres for them, those in the locations attached to their own hospitals and a grant should be set aside to assist such work. This, Mr. Speaker, would be of great value to the people in the country and the doctors would be better used in the country than they are being used at the moment. In North Nyanza alone we have about seven missionary doctors who are attached to very small hospitals and they stay the whole day in these hospitals doing nothing else but running here and there, with some going to attend services because there is not enough work for them. But if the Ministry of Health provided some facilities of some sort of programme, for these missionary doctors to serve the people, they would do much more good than they are doing now.

Mr. Speaker, the Kakamega Hospital alone is most disappointing. They have no light, Mr. Speaker. When a patient comes to this hospital at night they go to some neighbouring European to borrow a pressure lamp so as to be able to perform an operation. Mr. Speaker, I call this a most disgraceful thing and I cannot express my feelings on it. The time has come for this House to vote some money to Kakamega Hospital to enable them to have light and electricity in that hospital. Many people have died simply because there is no light for urgent operations.

Mr. Speaker, I am very pleased now that my hon. friend, the Minister, has come in—and he can read from HANSARD my speech about his Ministry.

The Minister for Local Government and Lands (Mr. Havlock): There is a Parliamentary Secretary taking notes.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): I am taking notes very hard.

Mr. Khasakhala: Mr. Speaker, we need more nurses and more midwives trained in different hospitals. I understand, Mr. Speaker, that the Ministry for Local Government has refused to allow African district councils to support missionary hospitals which are training nurses and midwives for us.

The Minister for Local Government and Lands (Mr. Havlock): No.

Mr. Khasakhala: I should like to ask the Minister for Local Government today to do all he can to provide some funds from his Ministry to assist the missionaries who are trying to train nurses and midwives for our health centres.

Mr. Speaker, it has been most disappointing in this country that whenever a very important visitor comes to visit the Colony and see the Colony, the progress of the Colony, he is kept in Nairobi only and does not come out to the country to see what is happening elsewhere in the Colony. Because they fly by air to see developments, Mr. Speaker, they do not understand how bad the roads are. We should like them to go by road from here to Kisumu, Kakamega, etc.—

As hon. Opposition Member: Lodwar!

Mr. Khasakhala: Yes, go to Lodwar by road, if they want to, so that they can know what is happening in Kenya. The developments in Kenya are lopsided, Mr. Speaker, and the time has come when roads in other areas of this country should be tar-maced. I am sure the Minister for Works is attending to these words very carefully and he will soon do something for our roads in Nyanza. I know most of you in this House have not travelled far in Nyanza Province. There have been times when I have had to leave my own car, as a Member for my area, and leave my car somewhere far away because I cannot reach certain parts of my own constituency. How shall I get their votes, if I cannot go to them? I have 16 locations, Mr. Speaker, and I am asked to work in 16 locations. I wonder how it can be done? I think the time has come, Mr. Speaker, when the Minister for Works should devote more time to roads in other areas that the urban areas. Let us leave alone the roads in the settled areas. The roads in the settled areas are far much better than the roads in the rural areas and the time has come when he should really go out and work on these roads.

Mr. Speaker, I am glad the Minister for Education has come in now because I was just going to deal with points concerning his Ministry. It disappointed me very much, Mr. Speaker, when I was in my constituency last time to hear that a district education board was not able to meet because there was no agenda to enable it to meet.

The Leader of Government Business and Minister for Education (Mr. Ngala): Doing well!

Mr. Khasakhala: I think the Minister should discharge that board immediately because they do not know their work. The country needs eight years' education but it has not been explained.

[Mr. Khasakhala] the people how they should run eight years' education. The time has come, Mr. Speaker, when education should be transferred to the local authorities to run it, letting the Central Government to provide the funds only. But the rest of education should be run by the local authorities. I should like to see next year, Mr. Speaker, eight years' education started in North Nyanza.

The Leader of Government Business and Minister for Education (Mr. Ngala): Give us the money.

Mr. Khasakhala: Mr. Speaker, without wasting time, secondary schools should be opened to all races. In Kisumu, the Asians have set an example. The Africans have now joined the doing* very well and this example should be brought to the Prince of Wales in Nairobi; this example should be brought to the Duke of York in Nairobi. This example should be followed, Mr. Speaker, everywhere in Kenya. There is no fear. We are sitting together nowadays, we eat together. Why not learn together, Mr. Speaker? We just want to understand one another. When we sit on the same desks, when we use the same bathrooms, when we use the same dining rooms, then we shall get to know one another very well. This is the time when we should indeed, Mr. Speaker, have secondary schools opened to all people, to all the children of Kenya. We now come to Kenya as a Kenya for us all to develop. Then let us have these schools open to all people to sit in one class, and learn together without segregation.

Mr. Speaker, this Ministry of Education has a lot to do. At the head of it we have no Africans as Directors of Education.

As hon. Opposition Member: Absurd!

Mr. Khasakhala: It is most absurd. Although we have a Minister now, the time has come when we should have an African Director of Education. The Minister to do his job well as an African will, I do hope, Mr. Speaker, promote one next month.

Hon. Opposition Members: (Inaudible)

Mr. Khasakhala: Mr. Speaker, I am expressing these words because I am an Elected Member. I am not expressing them because I am sitting on the wrong side, Mr. Speaker. I am expressing the views of my people, and being an Elected Member I have freedom of expressing.

Mr. Speaker, there should be freedom to open independent schools. In my own constituency we

have well over 600 children who have gone to Uganda, to the private schools in Uganda; simply because they cannot find room in Kenya. Mr. Speaker, this money should have been used here, if they are paying it in Uganda and should have been used in Kenya to develop Kenya into a higher academic standard. I am sure, Mr. Speaker, if private schools were opened and supervised by the Government there would be no danger, Mr. Speaker. I think we all would welcome such a system provided that the Government supervised these schools very closely.

Mr. Speaker, the Minister for Education should do all he can to provide some funds for nursery schools. African children leave their homes to go to schools when they are very raw, Mr. Speaker, and are expected to stay only for one or two years for their education. I have been a teacher for the last 13 years—

An hon. Member: Well done.

Mr. Khasakhala: I know the difficulties facing the African teachers in primary schools. Some have never seen a pen, some have not seen a slate, some of them do not know some of their things, and Mr. Speaker, to teach such a child in a year to enable him to read is very difficult. I therefore call upon the Minister for Education in his Vote to provide some fund for nursery schools in the country whereby these children could get some firm education when they leave their homes and before they come to the primary schools. It would make the job of teachers much easier than it is at the moment.

Turning to another matter of education, Mr. Speaker, I praise very much the efforts which have been made by the Government by opening an adult course at Bukura, which is doing very well, and I do hope that such a system will be opened elsewhere in the Colony to develop the minds of the adult, both commercially and in agriculture, as Bukura is doing now. And, Mr. Speaker, the closing of Jeanes School would be a setback to us. I would ask the Ministry concerned to try all it can to retain Jeanes School for the adult education. Jeanes School should not be forgotten. It is the mother—if I am not wrong—of all the adult education. It is the mother of homework in this country, it is the mother of most important things that are taking place in this country, and therefore, let me say again, Mr. Speaker, closing Jeanes School down would be doing more harm to this country.

Mr. Speaker, the time has also come when teachers should be paid highly. Mr. Speaker, teachers are doing a service to this country and three-quarters of the African Elected Members—if I am not wrong—in this House are ex-

[Mr. Ayodo]

Fraser statements—then we want to know what importance they attach to the improvement of health in this country. Mr. Speaker, the time has come when money must be devoted on the deliberate expansion of medical training for people in this country, particularly Africans. We need a lot of health centres in Kenya. We need a lot of good hospitals. Before we can expect these to be successful, men must be trained and now is the time.

Mr. Speaker, I want to say something about the new district which is going to have its headquarters at Homa Bay as from 1st July this year. Mr. Speaker, we want to know—or we want the Government to tell us—what type of district headquarters this is going to be. Are we going to have a decent hospital there? Are we going to have a full post office with a public telephone which is going to connect South Nyanza with Nairobi? We also want to know when the new secondary school is going to be completed because it seems as if work is very slack on the secondary school now and the boys are squeezed into the Kisii Secondary School where they are being accommodated for the time being.

Mr. Speaker, the last point I want to make is one more communication. South Nyanza is a very remote part of Kenya and yet a part which has got wonderful possibilities. There are even people who believe that South Nyanza is perhaps the economic Katanga of Kenya. Yet the roads we have in that part of Kenya are so poor. We want to be told what plans are being made for the improvement of communications in that part of the country. We also have two islands which form a part of South Nyanza which are practically neglected by this Government.

The Parliamentary Secretary for Education (Mr. arap Moi): Rusinga.

Mr. Ayodo: And Mfangano. Mr. Speaker, there are no decent means of communication between these two islands and the mainland. Something efficient must be done now. We want some definite means of connexion between the two islands and the mainland. Mr. Speaker—

The Parliamentary Secretary for Education (Mr. arap Moi): Rusinga Island?

Mr. Ayodo: All right Mr. Speaker, one last point. We respect your ruling that no reference should be made to the composition of the present Government. But we want to make it clear, Mr. Speaker, that as long as people on that side of the House continue to refer to this Government as "African" we shall demand to be given the

right to reply. The simple truth is that it is not African.

Mr. Speaker, another correction I wish to make in haste—and here I am going to use two words in their educational sense, that is, in their most respected sense—is this. We were told only, I think, two days back that the Governor of Kenya is above politics. Mr. Speaker, I think that even a moron—I am using that word in its most respected sense—knows that the Governor of Kenya is the top representative of the Colonial Secretary in Kenya. How one can say that such a man is above politics beats me; I cannot understand it.

The Parliamentary Secretary for Education (Mr. arap Moi): Interjection.

Mr. Ayodo: Mr. Speaker, I am still using this word in its educational sense—an idiot would know or see that the present Government is dictated to by the Governor. He is everything in the present Government and if he is we fall to see how we can be told that the Governor of Kenya is above politics. Governors are only above politics, Mr. Speaker, where there are Prime Ministers, not where there are Chief Secretaries.

The Chief Secretary (Sir Walter Court): Hear, hear!

Mr. Ayodo: Mr. Speaker, I beg to oppose.

Mr. Khasakhala: Mr. Speaker, Sir, before I continue, with my speech, I wish to thank the Minister for Finance who has tried all he can throughout this difficult time to make a Budget available for us to debate at this time.

Mr. Speaker, Sir, it is most surprising to hear the Opposition attacking the present Government.

Mr. Mboya: No.

Mr. Khasakhala: Mr. Speaker, Sir, I am not to be interrupted very much if I am to speak. The Opposition failed to come forward when they were asked. Some of them have spent four years in this House since 1957 and it surprises me, Mr. Speaker, to hear the very people who have stayed here, doing nothing but promoting themselves, flying here and there and setting up many committees here and there, starting this year by trying to climb another peak in their politics by shouting Kenyatta's name for the first time, if I am not wrong. They were not able to release Kenyatta over the last four years when they were Members of this House.

Mr. Mboya: Have you been able to do it?

Mr. Khasakhala: I am not referring to Mr. Kenyatta. Mr. Speaker, in my speech, I am only

[Mr. Khasakhala]

quoting him to make them understand that they should not delay the independence of Kenya by mere words without action.

Mr. Mboya: Gramophone records!

Mr. Khasakhala: That is very nice, Mr. Speaker. Someone speaks of a gramophone record. But I wish to remind the hon. Member who has just said, "Gramophone records", Mr. Speaker, that last time he said the Union Jack would be lowered in March. He has played a better gramophone record than myself. Mr. Speaker, because the flag is still flying!

Mr. Mboya: It is flying because of you!

Mr. Khasakhala: So his is as good a record as mine. Mr. Speaker, Well, Mr. Speaker, I call upon the Members of the Opposition to understand that the present Government has taken a pattern and a true pattern to serve the people of this country and not to serve themselves. We are here as responsible men. I was elected by my own people to this House and I am not going to make the Legislative Council, I am not going to make this place, my platform for the next time to promote myself.

Mr. Mboya: Tape recorder!

Mr. Khasakhala: I am here, Mr. Speaker, to do what my people want me to do and the reason why they elected us was that they elected us to come to this House as responsible men who should do something for them. That is what we are trying to do, Mr. Speaker, for the people, not for the individuals who would like to promote themselves.

Mr. Mboya: For the Governor.

Mr. Khasakhala: Mr. Speaker, the time has come to start speaking on different points, not just babbling in this House. We have had enough jabbing here and there and we are tired of it. This is the time for us to plan for the future of this country. There is no more slow marching into independence for Kenya. Tanganyika is marching fast and we must go forward with it. Therefore, any person who thinks that we will delay that—well, there is no time for him. I am afraid. He should resign and let someone else replace him who can build Kenya into a better place.

Mr. Mboya: You cannot babble because—

Mr. Khasakhala: Mr. Speaker, if it is a matter of politics, I would tell the hon. Member for Nairobi East that I have been in politics since

1957 when I was the secretary of the Kenya Leaders' Conference which he tried to confuse although unable to do so.

Mr. Mboya: You are too young in politics!

Mr. Khasakhala: Mr. Speaker, Sir, this is a time when we should really plan for Kenya and I am now going direct to the Ministry of Health.

An hon. Member: The Minister is not there.

Mr. Khasakhala: Well, the Government is present even if the Minister is not there.

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

[Mr. Speaker (Mr. Slade) took the Chair]

Mr. Speaker, the time has come when we should in this Colony have a university of our own in which we could train doctors who are required badly by this country. The intake at Makerere College cannot give us enough doctors for our hospitals. At the moment, Mr. Speaker, I understand we have only about 100 locally trained doctors in this country. The population of this country comes to well over 8,000,000 people, Mr. Speaker. I wish the Minister for Health were here to take these notes down so that he could next time have a go at it. The time has come, Mr. Speaker, when the Royal College should start training doctors for Kenya immediately. We have a very good hospital here, Mr. Speaker, in which doctors could be trained and practice efficiently. I urge the Government to take this action into consideration and if possible to have a class opened at the Royal College next year to train our own doctors in Kenya.

Mr. Speaker, still touching on health, the time has also come, Mr. Speaker, when we should have all hospitals in this country open to all people. We are trying to march ahead as a nation, as the people of Kenya, regardless of race and colour. When we have hospitals segregated into individual races, Mr. Speaker, this divides us most. I therefore, Mr. Speaker, would be very grateful if the Minister for Health could make every effort to see that the present hospitals in Kenya are not hospitals for Asians, nor for Europeans or Africans but for the people of all races so that medical attention can be given to all equally and at the same time.

Mr. Speaker, before I go on to another point I should not forget to mention the health centres we have in our district. In North Nyanza where I come from we have a health centre in nearly every location. We have only two doctors, Mr. Speaker, at the head district hospital. I wonder, Mr. Speaker, how two doctors can manage to run

[Mr. Ayodo.] must pay a lot of attention to the quality of education in this country. The second point we must pay attention to is the quantity, and the third point I want to talk about is the democratization of the education system in the country.

In talking about the quality, Mr. Speaker, I would like to point out the fact that with the introduction of higher school certificate in Kenya we are likely to face a considerable lowering of standards in our results. Now, let us look at the higher school certificate secondary schools. In reply to this, Mr. Speaker, we would like the Minister to tell us what he thinks the importance of a good library is in these higher school certificate centres, because we realize that previously these students had a lot of privileges at Makerere where there is a good library and good laboratories, and we want the Minister or the Government to tell us what preparations or what he plans to do with regard to good libraries in our secondary schools, particularly the higher school certificate ones, and the provision of good laboratories.

Mr. Speaker, there is another aspect of secondary education in this country which I think needs consideration, and that is in planning and working to expand it, we think, Mr. Speaker, the time has come when there should be provision made for two classes of students. We know that this country needs technical men, and in planning our secondary schools we think that certain types should be set up which will cater for students with a technical mind, so that these secondary schools should have a definitely technical education or strong bias towards that. Then we should have secondary schools which cater for the more academic minds, because, I must repeat, the quality of education in this country has very long been ignored.

The last point I want to make on the quality of education in this country is that we think and believe the time has come when deliberate efforts must be made to see that our teachers and our students are told and trained to be leaders of an independent country or of a country that is shortly going to be independent.

Now, this is one of the greatest weaknesses of the system of education in this country. We know, very well, Mr. Speaker, that this is an African country, it will be dominated by Africans, but look at the educational system.

[Mr. Speaker (Mr. Slade) left the Chair]

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

What sort of training do our secondary school boys and girls get, apart from mere book work

and perhaps training in passing examinations? Mr. Speaker, we must be specific about the future of our students after leaving school, because our leaders will have to come from the secondary schools, and unless we do something now, we must say that this Government is doing us a disservice. Mr. Speaker, about the quantity—

Mr. Mboya: Mr. Speaker, Sir, I think there is not a quorum in the House.

The Deputy Speaker (Mr. Webb): You are right, Mr. Mboya. Ring the bell please. *(The division bell was rung.)*

The Deputy Speaker (Mr. Webb): A quorum is now present, you may continue.

Mr. Ayodo: Thank you, Mr. Speaker. I was going on to the second aspect of our education in the country, and that is quantity. Mr. Speaker, the time has come when we must pay a lot of attention to the number of schools which must be opened in this country, particularly for African children. We must have many more primary schools, many more secondary schools, and several more colleges in this country. Mr. Speaker, that is school education referring particularly to young men. But in talking about the quantity, I would like to refer to adults, too. Mr. Speaker, if this is an African Government which knows that independence is just round the corner, we want to know what efforts are being made, even if only to make the adults in the country literate, because if independence is just round the corner, and we know it, we see it here, what part do we expect the adults to play, if no provision is made for adult education? Adult education must be taken up much more seriously than ever before.

Mr. Speaker, I come to the third aspect of education and that is the democratization of the system. We are glad to note that the Government is beginning to realize the mistake of segregating schools, but I would like to make this point, Sir, that in these days it will not do any good to talk of evolutionary changes. Mr. Speaker, if we are to keep up with the times I think we should get used to the idea of revolutionary changes. I use this word deliberately, Mr. Speaker, because to a lot of people revolution is nothing but blood, but here I simply mean drastic changes because it will not do for the Government to come here and talk to us about evolutionary changes when the control is not ours and independence is just round the corner.

Mr. Speaker, I would also like to know how far this Government is prepared to help people who are ready to take part in, or to engage in self-help programmes. I want to take, for example,

[Mr. Ayodo.] South Nyanza, where there is an organization which is keen on the improvement of the quantity, quality and the democratization of the educational system. We have a plan in South Nyanza. I am speaking as one of the officials of the South Nyanza Parents' Association—whereby we wish to extend the secondary education system so that every division has a secondary school. We have several administrative divisions in South Nyanza, and we wish to have a secondary school in each division, and then we are keen to have one of those secondary schools, preferably, the one already being established at Honza Bay to be kept aside for particularly able students. Then, Mr. Speaker, we wish to work for an introduction of a junior college or a college in the district. I would like to know what steps or how far the Government is prepared to assist people who may want to undertake such plans. I know we are told there is no money, but I have got some suggestions which could be useful. We notice these days in the administration that the many sub-headmen who were employed some time back, because of the need of closer administration, have now been dismissed. Mr. Speaker, we think it is logical to reduce or eliminate the offices of the district officers or the district assistants and give the chiefs a little more power so that we save enough money to start secondary schools in those divisions. I think that is one of the possible ways of getting money.

Mr. Speaker, there is another aspect of education which I think the Government should pay attention to, and that is preparing students who will be interested mainly, or working mainly, for the economic development of the country. Mr. Speaker, this is very important, because most of the African students who leave school are help-keen when it comes to employment. Take the Standard VIII and the School Certificate student; there are many of them in the country. Plans should be made to enable these students to be fit for employment when they leave school.

Mr. Speaker, I come to the second point, and that is the economic aspect of our struggle for independence. I know enough has been said about the need for planning. You can get help from outside that does not matter, but there is one question we would like to ask. We hear of rumours—I do not know whether the Government is aware of these—for example that in certain areas of Kenya, take South Nyanza, that there are large iron deposits, copper is worked, there are possibilities of working gold is there, and even the existence of radioactive material is rumoured. Now we want the Government to tell us, whether they are doing something to ascertain the truth

of these rumours, because, Mr. Speaker, it is useless to talk about bringing experts from outside to plan things for us when we are not doing a thing even about ascertaining the truth of otherwise of these rumours. I see no reason why there should not be another Shinyanga in some parts of the district round about the Lake. There is no reason at all. Mr. Speaker, we should like to be told specifically what the Government thinks about the mines and the Geological Department that should be dealing with these things.

Mr. Speaker, we should also like to know what interest the Government takes in the sugar industry that the people of South Nyanza are so much interested in. Lastly, we should like to urge the Government to clear the tsetse flies in the Lambo Valley and also the lowlands of South Nyanza. We believe that there are wonderful possibilities of dairy farms being established in that area if only the tsetse fly could be destroyed. We want the Government either to tell us what plans there are or to do something about the destruction of the said flies.

Mr. Speaker, in talking about commerce among the Africans there is a demand and a cry for more loans, more and bigger loans, for the African traders and farmers also. We should like the Government to tell us what plans there are and at the same time, as provision is made for more and bigger loans, we want the Government to make plans specifically to provide education for these farmers and these traders so that when large sums of money are lent to them they are in a position to use the money profitably.

Mr. Speaker, I come to the question of defence. The Minister for Defence has just tried to convince us that something is being done to see that more opportunities are created for the people of this country to get military training. Mr. Speaker, I want to say firstly that what has been promised is hardly enough. What I thought he should have told us is what plans the Government is making for compulsory military education in this country. This is a thing that must come as quickly as possible because when we become independent we shall need men, mainly Africans, who will defend this country against British, Russian and American invasion. Mr. Speaker, there are possibilities of doing something along these lines because we have some bases in this country which could be turned overnight into military schools for compulsory education for all.

Mr. Speaker, I come to the last aspect of the Budget that I want to talk about and that is health. If this is an African Government and it believes that independence is coming very soon—that is, I assume they do not agree with the recent

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

Now, there are some considerations which I think hon. Members in this Council could look at in assessing this problem, because this is the fundamental fact which the hon. Member for North Kenya also underlined. However fast we expand and develop the economic contribution of the African areas, for many years this country will greatly depend on the production coming out from the highly developed scientific and mechanized areas, mainly under European or Indian ownership. We have got two opposite poles of thought which are destroying this element of our economy which is really very essential to us, regardless of our background, if we are really to become a worth while country when independence comes. These two opposite poles, Mr. Speaker, are really the elements in our own community which advocates a scorched earth policy, and I am thoroughly in agreement with the hon. Member opposite when he condemns it, and that element in another community which threw doubt on the validity of titles in recent speeches at Nyeri. Those two contrary elements are doing the greatest harm to this country and they set up a chain reaction against each other, each of which stimulates the other to the increasing destruction of the economic contribution of the agricultural industry. Now, I believe that both extremes have got to accept something. First of all, and I believe the speaker who has just spoken would entirely endorse what I am going to say, those elements of the European community who wish to stay in this country have got to become part and parcel of it. They have got to accept its tragedies, its excitements, its moves forward and its emotions just like anybody else, and I do agree with those Members who say that ultimately they cannot expect any particularly reserved position. In other words, a member of my community who stays this country in the back by advising the proclamation of a scorched earth policy is doing the utmost damage to himself and to our country. Secondly, I think that the members of the African community must come to accept that the really intelligent, hard-working, skilled European farmer in this country is a tremendous asset to us on the conditions which I have put forward.

Mr. Mboya? You misled them for a long time. The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, I may have misled some members of my community for a long time, but it is a very much better thing to have that said about me than to be like the hon. Member who is misleading his people all the time.

Now, Sir, I would like to say this: whatever Government is in power, whether it is a KADU Government or a KANU Government or a Government combined of both, or, Sir, a Government of the red, white and blue neckties brigade led by the hon. Member across the other side, whatever the Government is, the Government will need the economy and wealth generated from the farming community of this country, irrespective of race. I am certain that a good farmer, whatever his race, is an asset to this country.

Now, Sir, I come to —

An hon. Member: (Inaudible.)

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I would not have thought, Mr. Speaker, I was being highly controversial to the Member.

Mr. Mboya: You should have said that in 1952.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, I have had the courage over many years to say things of this sort, but I would like to enjoin upon the hon. Member the same courage.

Now, Sir, I do not really myself fundamentally believe that any solutions to the land problems and the agricultural industry of this country can be found by schemes of compensation or underwriting. I think that the basic thing to which we have to look is what is causing much of the trouble over the whole question of land in this country, and I believe one of the first tasks of this Government, and indeed it is going to be one of the first tasks of this Government, is to deal with those areas which are or have been in dispute and try to solve them as between the inhabitants who felt they had them originally, and those who are now farming them under legal title, and secondly we must make a resolute attempt to begin to develop the undeveloped areas wherever they exist. There are not a tremendous number today in the scheduled areas, but I believe an attack on the undeveloped areas, combined with an extensive settlement programme, would begin to create the atmosphere among the people who do not see a future because they have no land, which will begin to put the whole of our agricultural industry into its proper perspective. Here, I would like to say I thoroughly agree with the hon. Member for Nandi when he says that settlement schemes are no good/unless they are cheap and as simple as possible. I believe it is far better for the settler to develop the land which is allotted to him over the years by his own endeavours than that be

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

should immediately be saddled with a vast weight of a financial encumbrance round his neck from the moment he enters the land.

Now Sir—Would the hon. Member like me to give a way?

Mr. Odinga: You are not qualified to talk about land.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I imagine the hon. Member is under the delusion he is making some contribution to this debate.

Now, Mr. Speaker, I would like to end by saying this generally on the agricultural industry, if I may. I think it really is essential to keep the agricultural industry, as far as possible, out of violent political controversy. One day, hon. Members on the other side of the House, or hon. Members on this side of the House, or both together, will be undertaking the obligations and responsibilities of an independent Kenya. When that time comes—

Mr. Mboya: Very soon.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): When that time comes, and I agree with the hon. Member, then it will not matter really whether with hon. Members on the other side or this side, the basic facts which they will have to consider is that a flourishing, expanding, viable agricultural industry is the very substance upon which that independence can be carried forward into the future successfully. I would hope that as long as I am Minister for Agriculture, we shall avoid having too much purely political controversy, and that we can deal with the problems of agriculture, which affect hon. Members opposite, and hon. Members on this side of the House, in as a non-controversial a manner as possible.

Finally, Mr. Speaker, I would like to say this. It is a repetition of what I said earlier, but I am certain that I am correct. When independence comes, it will rest largely, almost entirely, upon the African people and they have in the good businessmen, traders or farmers of other races in this country an asset which many African territories have not got. I think it wise as we are so close to independence, for all hon. Members to understand that fact.

I do not believe that the people of this country will allow—strange as it may seem—economic considerations to dictate the pace of their political advance. The history of all these movements in countries which are moving to independence is

the emotions of the movement and the desire for freedom, in which many of us participate, overrides the actual restrictions in regard to money. Now, I agree with the hon. Member for North Kenya, in his very telling phrase, that we need to be economically free as well as politically free, but I do not believe for one moment that the ordinary man in this country is going to wait for independence merely because his budgets are in the red, and that is a problem which—

Mr. Cole: On a point of order, I did not say we would have to wait for economic freedom.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, no, I am sorry if I implied that you did. I was picking up the hon. Member's remarks, but if I implied that he said this, I apologize. What I do want to put to this House is we have to move forward I believe to independence. Economic considerations, if they are allowed to overrule that wish of the people, will merely exacerbate the economic problems of this country.

Mr. Ayodo: Mr. Speaker, Sir, this is the most important Budget Debate that we are having since this country was invaded by Britain in the last century. I say it is important because in this Budget Debate, since both sides of the House are agreed that this country will become or must become independent this year, it is important for us in assessing the merits or the demerits of the Budget Speech to consider how far, or what arrangements the Minister or the Government have made in trying to meet the needs of a country which we agree must become independent this year.

I will start, Mr. Speaker, by stressing what I think is our most important need, and that is the need for men. Mr. Speaker, I believe that for a country that is working for independence, the most important aspect of our work that we should pay attention to is the preparation of an army of men in every field who will take over responsibility when it comes. And this is particularly urgent in our case because I have said both sides of this House are agreed that Kenya must become independent this year.

Mr. Speaker, that brings me to a consideration of what the Government, or what arrangements the Government has made in the field of education. That is where I will start from. Mr. Speaker, in discussing this I want first to pay attention to three particular points. I want to mention the three aspects of education in this country which we must pay attention to if we are to see Kenya independent as quickly as possible, and in the surest possible way. Mr. Speaker, I think we

[Mr. Cole]

Mr. Speaker, Sir, one last point. I do consider it to have been a profusion, almost an insult, Sir, for the Minister for Finance, in the absence of any broad social security scheme in this country, to have removed the old age and dependents allowances. I beg that he will reconsider this allowance. It is a hurtful one and I would suggest, Mr. Speaker, Sir, does this country very little credit. At the same time, Sir, I believe it is a crying need that the old age people throughout this colony are properly looked after in their old age. There must be schemes which will establish and look after these old people when they can no longer do it themselves.

Well, Mr. Speaker, Sir, the more we want, the more we have to pay for it, but I do suggest, Sir, that in the absence of any long-term plan, the capital sums which we so urgently require will not be easy to come by, and further, that the people will be less and less inclined to pay their taxes merely to meet shortfalls in revenue. Nor can we, if we want our freedom—our complete freedom, political and economic—expect anybody else to do it for us in the future. May I say briefly, Mr. Speaker, Sir, the three points that I particularly wanted to make were: First, that we should resolve our difficulties together with Her Majesty's Government on the question of land in a manner equitable and fair to all parties and ensure that now and in the future sanctity of title is a matter in which we, as a people of this country, can take pride. Secondly, Mr. Speaker, Sir, that Britain should take the lead in ensuring that we are economically free at the same time as we are politically free; and thirdly, that a really long-term and comprehensive plan be drawn up to suit and to underline and to ensure that our progress is planned and orderly and efficient and successful.

I beg to support.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell). Mr. Speaker, Sir, many small points have been raised in the matter of agriculture. I will not deal with them all in this debate. I will try to answer hon. Members by writing to them where I do not touch on them in speaking.

The hon. Member for Machakos raised the question of whether a full share of the development money had gone to the Machakos District, and, as he was told by my hon. colleague the Parliamentary Secretary for Agriculture, one-third of the development money, both under the Swynnerton Plan and under the Dars Plan, has gone into the Machakos District. The results have been astonishing. When I look back, 14 years ago, at

the terrible desiccation and erosion there, at the red gashes on the hills, and the destruction of the soil, it is amazing what has been done. I only want to touch on it this afternoon because it has not only been done by the Government; it has been done by the Akamba people themselves in close association with the Government. I wanted to emphasize that point out to the hon. Member that I hoped that that close association in the productive development of the district would continue with the hon. Members who are now representing the district.

The hon. Member for Kisii raised the question of representation on boards, particularly the K.M.C. and the Pyrethrum Board. I am happy to tell the House that the Government has this under consideration, and I shall be moving, some time later in the year, amendments to the two Ordinances governing these industries which will allow for greater African representation on the Boards.

The hon. Member also drew attention to the fact that some hon. Members in this House have long noses, as opposed to other hon. Members who have shorter and squat noses. I do not think that we can be blamed for our long noses. It is entirely an environmental thing caused, I think, by nature in the desire to warm the air in a cold climate before it enters the lungs of the human being. I think that is easily borne out, because when I look at the hon. Member for the Trans Nzoia and Uasin Gishu, and the hon. Member for North Kenya, both of whom come from slightly further north in the United Kingdom than I do, I observe that their noses are slightly longer than mine. I think that this demonstrates that there is no merit or lack of merit, either amongst them or myself, for our noses.

The hon. Member for the Lamu/Tana River area, and the hon. Member, Mr. Basaddiq, raised the question of cash crops, the improvement of stock, organized marketing, and a training centre at the coast. Well, Sir, I will do my best to look at the problem of agriculture at the coast. I think that we can make progress on the cashew nut industry, and I am glad of the remarks that were made about organized marketing at the coast, because that is a problem over which we have had difficulty in the past. There is a training centre at Matuka in the coastal area.

Mr. Basaddiq: On a point of order, would the Minister tell us whether it is a farmers' training centre or just an agricultural school?

The Speaker (Mr. Slade): That is not a point of order, although the Minister may answer if he wishes.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): To the best of my knowledge, Mr. Speaker, it is an agricultural school.

The hon. Member for the Northern Province, Mr. Lord, raised the question of stock marketing from the Northern Province, and I would like to say this. It is a long standing problem in that district. One of our difficulties in dealing with it is this. If we have free marketing, or public auctions, the end result to the people concerned might not be as good as the present rather unpopular A.L.M.O. marketing system, for the simple reason that we do have problems of disease in the Northern Frontier. Now, we had a very slashing attack on the Government by the hon. Member for Turkana, Mr. Aremam, in which he said that nothing was being done in the Northern Frontier at all. That has been answered by the hon. Parliamentary Secretary. But I would like to point out that in 1960 we carried out in the Northern Frontier 124,000-odd rinderpest inoculations, 40,000 anthrax inoculations, and 30,000 blackwater inoculations. But the people of Turkana on the whole refuse to bring their cattle forward for rinderpest or contagious bovine pleuro-pneumonia inoculations. Therefore, I think that the hon. Member might direct some of his slashing attacks on his own constituents on the belief that if he were to do so he would benefit them not only economically but also help in the movement of stock from these areas to the frontier. The hon. Member for Northern Province also raised with me the question of a grazing scheme at Isiolo, and I intend to look into it. It is a long-standing plan which the Government has initiated and I will undertake to look at it for him.

Now, Sir, I would like to deal with the general aspect of agriculture. On the African front, I think we have the necessity of proceeding as fast as we can with the development of agriculture in the African areas from the economic point of view. I would say that the potential of this country is as yet hardly touched in terms of development of African agriculture. What the hon. Member for North Kenya said in regard to water supply, grazing schemes, and an addition to the agricultural wealth of the more remote and pastoral areas is absolutely true. However, we are conditioned by two factors. One is the amount of money which we can raise for these developmental purposes and the second by the pace at which we can inject new ideas into people who are fundamentally very conservative. What I do want to say to the House is I do regard it as a major part of the Minister for Agriculture's task

to stimulate enormously the productive elements in the African agricultural areas. We are at the moment, largely dependent in the economy of this country on agriculture from the European farming districts. We have made tremendous strides in the African areas; last year for instance in Central Province alone £3 million flowed into the Province for coffee, and that originated from programmes largely initiated when I first became Minister for Agriculture, carried on by my predecessor and I hope that will now be carried on again by myself. Therefore, I want to assure hon. Members that as long as I am Minister for Agriculture I believe this intensive drive on the economic development of African agriculture is absolutely vital to the long-term economic stability of the country.

Now I want to deal with two aspects of it, and then move on to European agriculture. If we can raise the funds, stimulate African agriculture, on a long-term basis there need be no unemployment in this country. The fruitfulness of the soil is such that every able-bodied person can be, as far as we can see, assimilated easily in the constructive task of development of the farming industry or in the resultant economy which will flow from it in the industrial centres. So on the African front we have a picture of steady development of agriculture with an expanding economy.

I would like now to turn to the European area. Here, Sir, I shall move on to controversial ground and I intend to do so. European agriculture is at the moment passing through a most difficult period. Indeed, unless there is some change in the climatic conditions we may well be facing a crisis. It stems from a lack of confidence in the general future of the agricultural industry. People are not developing, they are not putting money into their farms, because they are not entirely satisfied as to the security and safety of that money. Secondly, we are experiencing one of the worst droughts which I, at any rate, have known over many years in this country; right through the agricultural industry; except in so far as it does not affect certain areas in Nyanza. Lastly, we have had a series of plagues, not least of which is a double infestation of the army worm. That has not been known before and, indeed, entomologist stated that it could not happen, but it has happened. Now, the net result of that is that many farmers are desperate over their financial resources, and apart from that element in the farming community, many others are anxious indeed in regard to the future and the ploughing back of more money into their farms.

[Mr. Cole]

the small bakery, the small butcher. Every single one of these people depend upon the farmers of this country; without them they cannot prosper. Destroy those farmers, white, black or brown, and you will destroy this country long before you get the freedom you want and ask for. When you tamper with the sanctity of title you are tampering with the whole basis of honour, agreements, and trust.

Mr. Speaker, there has been a suggestion made by the hon. Member for Kisumu that there should be a tripartite conference on the question of land holdings between the title-holders of today and the African leaders of today and tomorrow, and Her Majesty's Government. I should like to say that I am completely in favour of any such approach in principle. We must find a way in which land, which is an emotional issue as well as an economic issue, and that works both ways, can be transferred amongst us in a matter which will ensure that it is fair to all the people of this country, to the European, to the African, to the Asian, and to anybody else whom we wish to invite here. The method of that transfer, naturally, Mr. Speaker, must be as comfortable as possible. That is to say, the transition between the mechanized farming, if I may put it that way, of the European and the more peasant farming of the African. It will not be so for long for I am certain that with co-operative schemes the mechanization of African farming will progress during the next five years at a pace which I believe will put to shame most other purely agricultural countries. But, Mr. Speaker, in supporting this suggestion, I must say categorically that I could not support anything which allowed Her Majesty's Government to escape her responsibilities and to shoulder them on the top of an emerging independent African Government. Were she to do so, Mr. Speaker, she would bankrupt that Government tomorrow.

Hon. Members in your opinion!

Mr. Cole: It is my opinion.

Now, Mr. Speaker, Sir, it is pointless not to be completely frank in this House. Thanks to a great deal of the statements made to which I have already referred, and thanks also to other matters which are personal and private there are many people in this country who wish to leave. Those people, Mr. Speaker, must not be restrained in this country against their will. They must be allowed to go; they must be allowed to sell their property and depart. You cannot keep people in a country at ransom; and their going will allow

of an expansion and a reallocation of land in the country.

Mr. Speaker, Sir, I would like now to go on to talk about the Budget. Now, this matter of the Budget is of course tied up with what His Excellency said about the restoration of the economy, and it is a fact, Mr. Speaker, that although we make a great deal of noise about wanting to be free we are daily securing the chains of dependence rather than of independence in our financial reliance upon Great Britain's aid. Now, Sir, Great Britain has a very great responsibility in this matter, and I submit that it is politically, morally and in every way wrong to hand over to a country, whom you must continue to support financially, the total freedom of their will. I do not see that we are achieving the freedom, the *uhuru*, that we are really looking for.

Hon. Members: Why not?

Mr. Cole: Because we are tying these financial strings.

Now, Mr. Speaker, I believe that Great Britain, instead of lagging behind in the countries of the world abroad and outside us, should take the lead amongst the countries of the Commonwealth in instigating an insurance scheme on some such lines as countries such as America, Western Germany and Japan have done. I maintain that there is a need to broaden the chain of economic dependence on which emerging countries are being held today. I would suggest, Mr. Speaker, that such a scheme would in fact restore the confidence and the respect of private investors in those rapidly emerging countries and would also establish a proper respect by those countries, and the people of those countries, for the investment which they would be receiving for, Mr. Speaker, if I understand this scheme aright, it is a scheme in which every country participating helps the other. Mr. Speaker, may I quote the President of the United States when he said in launching recently his new agency for International Development: "Authority to make firm long-term commitments is of paramount importance. Real progress in economic development cannot be achieved by annual short-term dispensations of aid and uncertainty as to future intentions." I would suggest, Mr. Speaker, Sir, that in a nutshell this country is in that very position today.

Now, Mr. Speaker, may I turn to the particulars on the Minister for Finance's speech on the presentation of the Budget. I would like to add my voice in congratulating him on what has already been described by an hon. Member opposite as "a reasonably painless extraction." That

[Mr. Cole]

is so. Nevertheless, Mr. Speaker, I am bound to say that I think that this Budget, like many others before, apart from simplifying the collection of tax, is a purely hand to mouth Budget. I can see in this, Sir, no long-term planning, and although the Minister assures us that a Committee of the Council of Ministers is the proper method and the appropriate body to be responsible for development, and also that three years ahead is as far as planning is practicable, I must be able to believe, Mr. Speaker, Sir, that the pace is too slow in this method of approach. Not only do you need large quantities of capital but I believe we need new ideas. I think we have lots of new ideas of our own in this country, but I believe that we need experts from abroad to come here to assess the situation and to assist our Government and ourselves in a really comprehensive plan which covers every aspect of our development today. Therefore, Mr. Speaker, I welcome the suggestion, contained in the speech by the Minister for Finance on the subject of the World Bank, but I would suggest, Mr. Speaker, Sir, that that does not go far enough. The matter is urgent and I beg that they will treat it with the greatest amount of urgency that they can put into it.

Mr. Speaker, Sir, the Minister for Finance has introduced a measure with which I am going in favour, just as I am in favour of getting the money wherever I possibly can.

An hon. Member: Russia!

Mr. Cole: No, I do not think I would do that because there are too many strings attached.

An hon. Member: Go to China for it!

Mr. Cole: I do not like you either.

The Minister for Finance has introduced a method whereby revenue incurred from overseas, outside this country, may be introduced into this country free of tax. This in its way will help, but I do not believe that it goes far enough, and I would urge the Minister for Finance to give consideration that if it is capital he wishes to attract, he may allow the revenue accruing to residents in this country, and who invest in locally subscribed loans, to be free of tax. I believe that that method would attract capital in much larger quantities than this revenue form of introduction that he has produced.

In the absence of a really long-term plan I find it extremely difficult to talk on the particular headings or subjects of our Budget. We need so much in every way that without that comprehen-

sive plan it seems to me useless to make very much comment. Taking education, for example, and all the facets of education, and in particular the technical side of education, we need desperately institutions which will turn out farmers, fitters, planters, or bootmakers, and all that goes solidly to make the country, alongside with, of course, our doctors, our lawyers, and all our technicians, and in particular the teachers to deal with those two broad aspects of our education. That is a must. But, Mr. Speaker, Sir, what is the good of my saying that that is a must? What is the good of any of us saying that that is a must when we do not know what we really want. We do not know what it will cost and we do not know where to go for the money. A speaker in this House, Sir, referred to cutting our coat to fit the cloth. I would suggest, Sir, that we do not know yet whether we want a short coat or a long coat, a round coat or what sort of coat— a morning coat? Well, possibly, Mr. Speaker, Sir, that I really do believe is fundamental to the planning of this country; you have got to get down to planning what you want. When you know what size of coat you want, you know how much cloth you want and you know who sells that cloth at the cheapest rate. Mr. Speaker, Sir, another aspect of this budget covered also in His Excellency's speech is the need for the expenditure of money to go further afield into our country than the environs of our towns and nodal points. The pastoral people, Mr. Speaker, Sir, are in urgent need of rural medical services, of facilities for education, of facilities to raise the carrying capacity of their land and, in general, Mr. Speaker, Sir, they must be brought up to the standards that some of their more fortunate fellows already enjoy.

Mr. Speaker, Sir, unemployment. Unemployment is connected basically with the financial state of the country, connected to the security aspect of the country, and the fate of the people in the country, and that is a matter which is vital to tackle. I see little signs of urgency on the Government side to get down to this business of unemployment. There must be schemes, Sir, which we can finance, bush clearing in the pastoral areas, road making, dam making, pipe laying, and all the rest of it. Now, Sir, another factor which I would like to mention in the question of unemployment is that the Government should, as soon as possible, remove the labour exchanges from the towns. It is wrong to attract the country people into the towns in order to look for jobs which are non-existent anyway; put them out into the areas where the labour comes from and have the thing properly controlled.

[The Minister for Defence]

with men from all over the Commonwealth, who go to Sandhurst. Sir, I am extremely regretful that so far and it is not from lack of trying—we have been unable to get an African cadet into Sandhurst. We do our best, Sir, but the response, I must admit, is not exactly overwhelming every year. Sir, we circulate all secondary schools and ask for candidates; and army officers visit these schools and give full details. Last year, Sir, 24 Africans applied for the Sandhurst course this year. Thirteen of them, unfortunately, failed to reach the requisite educational qualifications. Now—and this is the said point, Sir—of the 11 remaining only three turned up for their interview by the selection board. That I do find, Sir, very depressing and very disturbing. The selection board, Sir, I may say, is headed by the chairman of the Civil Service Commission and we also this year, Sir, had the benefit of the experience of a former instructor at Sandhurst. I am afraid, Sir, the fact is that at the moment other careers appear to be more attractive. I feel this particularly acutely, Sir, because one African from Tanganyika has just been commissioned and there is an African from Tanganyika and an African from Uganda at Sandhurst at the moment. I feel a great deal of regret that at the moment we have not got a Kenya representative.

An hon. Opposition Member: Why? Question!

The Minister for Defence (Mr. Swann): We have, Sir, done the short service Queen's Commission for *effendis*. Now, that, Sir, is a great step forward. In the old days it was the Governor's Commission, now it is the Queen's Commission. These excellent soldiers, Sir, who are generally too old—in fact, invariably too old—to go to Sandhurst, are now obtaining a three year Queen's Commission, and I think this is a very great step forward.

We also have, Sir, what I think is our greatest insurance for the future, and that is the junior leaders' course at Kahawa. It was formed, Sir, in 1958, to provide a four-and-a-half years' course of general and military education for boys between the ages of 13 and 15. Thirty-seven boys were admitted in 1958, Sir, in 1959 and 53 in 1960. This course, Sir, is run on an East African basis, that is, Uganda and Tanganyika participate as well. On the total of 131, 81 come from Kenya. The first batch, Sir, will complete their training in March and April, 1962, and 15 of them will sit for General Certificate of Education examinations in March. I have every hope, Sir, that from this number we shall be able to obtain direct entries to Sandhurst.

The hon. Member for Naandi, Sir, did raise the question of cadet forces at all secondary schools and Makerere. However, unfortunately, Sir, we are, as always embarrassed by the question of finance and, as I have already stated, we have had to make cuts in our existing services rather than extend them.

We now come, Sir, to the question of localization for the police. On 1st May, Sir, in the new Higher Training Wing at the Police Training School at Kijigoro, we did begin our first course for local inspectors whom we hoped would be suitable for advancement to gazetted ranks, that is, the rank of assistant superintendent. Of the 16 officers selected, Sir, 13 are Africans, two are Asians and there is one Arab. This course, Sir, will last for six months and on the completion of it, Sir, the successful candidates will become Acting Assistant Superintendents of the Police, and will complete their training in the field. We will continue this course, Sir, every six months.

Now, there is, Sir, another effect of this secondary channel of promotion to gazetted rank and that will be, Sir, to yield a corresponding number of additional vacancies in the inspectorate, principally, Sir, in the ranks of Inspector (Grade 1). Since, Sir, the recruitment of expatriate officers into this rank has been suspended, that will be for local officers only and they will automatically take their promotion at this lower level.

With regard to the Prison Service, Sir, two African assistant superintendents have been recently promoted and a more rapid training programme is now being carried out since the establishment of an officer training school in Nairobi. The first course, Sir, with 23 cadet officers began in January this year.

Now, the hon. Member for Mombasa West, Sir, did raise the question of the training of pilots for the Air Force. Now, at the moment, Sir, there is no local air force in Kenya, and so we have at the moment, Sir, no need for the training of military pilots. However, Sir, there is no reason why any person from Kenya should not join the Royal Air Force, and if he has the suitable physical and educational qualifications he would be enabled to enter Cranwell and be trained as a pilot.

The hon. Member, Sir, also raised the question of the Royal East African Navy. Was the Navy, he said, really necessary? Well, I think, Sir, that we must remember that as Kenya, and indeed the whole of East Africa, advances to independence they will have increasing responsibilities for their own defence after independence. Tanganyika is agreeable to retaining the Royal East African Navy until a decision has been taken about

[The Minister for Defence]

federation and the federal navy. Only the nucleus, Sir, of a navy would be necessary for the defence of this long East African coastline, and in general terms, Sir, the role would be one of mine sweeping and the control of merchantmen entering and leaving East African ports in time of war, rather than an offensive role. Hon. Members should, I think, note that Ghana and Nigeria, on obtaining independence, not only kept their navies, but in fact increased them.

An hon. Opposition Member: Maybe they want to fight.

The Minister for Defence (Mr. Swann): We now come, Sir, to the question of security. As I listen and move round the country and read the various papers which produce a large variety of news I am more and more reminded of a saying of the late Arthur Balfour. He said, Sir, "Some enthusiasm rules the world, it is a pity that so few enthusiasts can be entrusted with the truth." I have noticed, Sir, that it is a very common habit in Kenya that you first form your theory and you then take the facts which suit that theory to prove your point. I am afraid, Sir, in my old-fashioned, blundering way I prefer first to get hold of the facts and then try and draw the picture from them. In this debate we have had a variety of attacks of different natures. The hon. Member for Nairobi South has accused the Government of complacency. Last night on the adjournment, the hon. Member for Nyeri said that oath taking was caused by European farmers, and the hon. Member for Central Nyanza, Mr. Odunga, cast his eyes up to heaven and said, and I quote, that "all oath takings were figments of the imagination" and that in point of fact no oath taking was taking place at all. Well, all I can say to the hon. Member for Central Nyanza is that in recent months, Sir, no less than 52 figments of the imagination have been convicted in court. I see, Sir, that my little note which I made at the time, after these earnest protestations, was "The hon. Member doth protest too much".

Sir, with regard to the charge of complacency, I honestly would not have thought that when we announce the taking of lifting oaths and the theft of firearms that we are taking a complacent attitude or trying to conceal the truth. One is, Sir, if I may say so, well used to cynicism in Kenya from all sides, and I have often thought, Sir, that were the Archangel Gabriel to visit Kenya not only would he receive a highly critical Press, but I think, almost certainly, he would be the object of a vote of censure in this House. I can only say, Sir, that the Ministry and all those

concerned under it will continue to do their utmost and to present the true situation as they see it without fear, favour or prejudice.

Mr. Coler Mr. Speaker, Sir, and hon. Members of this House, in speaking to the Motion before us today I should like to refer briefly to and to quote from His Excellency's Speech from the Throne. The first, by chance, of the ten points which he listed in his speech reads as follows: "*Restoration of confidence and reinvigoration of the economy.*" Capital investment, however, be attracted from overseas for the expansion both of Government development plans and of the private sector of the economy. This will include the assurance of private right in property."

Mr. Speaker, Sir, there are some in this House outside who have questioned those private rights in property. There are some who have gone so far as to say that amongst the European farming community those holders of titles from Her Majesty's Government are, in fact, holding stolen property. Now, on the other hand, there have been assertions by those people of the policy which has been termed a scorched earth policy. Neither of those two statements are in the slightest degree helpful to the progress of this country. I condemn them both equally and I suggest that such statements must not be made.

Mr. Speaker, Sir, when we accepted the charge placed upon us by those who elected us in this House we did, I think, set up ourselves to be responsible people, whether we are in the Government, whether we are in the Opposition, or whether, like myself, we are neither the one nor the other. The speeches by people elected in this manner, Sir, outside this House carry a weight which those who utter them at all times be fully conscious of. They should not say things until they have thoroughly thought them out, when people say and challenge the validity of a farmer's right to own the land which he has worked, which he has invested in; and from which he has subscribed to the revenue of this country, then you are ruining the agricultural confidence of every single farmer, black, white or brown, in this country. Now, Mr. Speaker, Sir, this House, and Nairobi City, and our towns, every single one of them, are founded on an agricultural contribution, and are built by an agricultural people. To destroy confidence in agriculture is to destroy this town as surely as wild animals will if we were left alone.

A previous speaker, Sir, this afternoon referred to the fact that urban properties needed just as much security as the country properties. Naturally I entirely agree with him, and so does the small bicycle repair shop in the rural areas; so does

[Mr. Chamas Singh]

tax laws. I support the arguments put up by them, especially the argument put up by the hon. Mr. Clive Salter on this issue.

Sir, the position is that in this period of uncertainty, several people will be made to pay more, even in income tax. Take the case of child allowances. One person has given an illustration to me. This is the case of a person with three children. Before the Budget the child allowance was £240 and the education allowance £375 making a total allowance of £615. The new allowance will be £450, so that this person will have to pay additional tax on £165. Similarly, there are people who are affected by the change in the abolition of net annual values of houses. Here, another person has given his illustration to me. Take the case of a person who has spent £5,000 on his house. The annual value in his case was £185 and he paid £262 in mortgage interest, so that he saved income tax which he will now have to pay on £77.

There will also be anomalies and injustices in the case of people who took advantage of the old-age provisions of the income tax law. Take the case of a widow over 60 receiving an income of £1,000. Her allowance is now £375 and the chargeable income £525. Under the new provisions the chargeable income will go up to £775 and the extra tax will be Sh. 750. In addition she will have to pay an additional Sh. 50 in Personal Tax.

Well, Sir, I am quoting these illustrations only to show that these changes in income tax were entirely unnecessary at this time. If income tax was not to be raised, at least the old provision should not have been disturbed.

I refer, Sir, to another important matter which has been mentioned in the speech of the hon. Minister, that is the question of planning. I welcome the decision to call a team of experts from the World Bank. Now, Sir, this is a matter in which my party, the Kenya Freedom Party, has taken considerable interest in the past. At our Conference we passed a resolution in October 1960 which included this: "A long-term plan for the economic development of the country should be formulated to show to the people of Kenya and to the people of other countries the enormous opportunities that exist for outside investors and for the local population. The desirability of establishing a planning commission should be examined and a team from the World Bank should be invited to undertake an expert and detailed examination of the economic potential of the country."

This was also one of the topics included in my own election manifesto. At least one newspaper, the Sunday Post, commented favourably on the proposal that the Kenya Freedom Party made on this issue of inviting a team from the World Bank.

Lastly, there is the question of urban properties to which I wish to draw attention. We hear so much about recapturing the market in agricultural land. Why not do something about urban properties? It is true that the urban properties are not for sale in the manner that agricultural properties are, but the transactions in urban properties are at a standstill. There are no sales and no mortgages. There are believed to be people who want to acquire urban properties for building, but no finance is available. Mr. Speaker can we not consider the possibilities of making finance available for use in urban areas so that people who want to build properties or who want to buy properties can be helped to do so. That will resuscitate the market in property and will help in solving the unemployment problem to some extent, and in any case it will help in re-establishing confidence in this country to some extent.

The Minister for Defence (Mr. Swann): People who want to acquire urban properties for building, but no finance is available. Mr. Speaker can we not consider the possibilities of making finance available for use in urban areas so that people who want to build properties or who want to buy properties can be helped to do so. That will resuscitate the market in property and will help in solving the unemployment problem to some extent, and in any case it will help in re-establishing confidence in this country to some extent.

Hon. Members, Sir, will remember that in the Budget Debate last year I did say that Government was going into the question of opening the Kenya Regiment to people of non-European race. I am delighted to report, Sir, that a working party has been at work on this matter. This policy has been accepted by the new Government, and a Bill is being drafted that will be introduced to this House admitting non-Europeans to the Kenya Regiment. I would say, Sir, that I would like to make public that this measure has been warmly welcomed by the Commanding Officer, the Honorary Colonel and the General Officer Commanding East Africa, and I am sure will be warmly welcomed by Members on both sides of the House. I do not intend, Sir, to go into the details today, but the general plan will be that volunteers of non-European race will be accepted, who will carry out the six-monthly course for full-time military training at Lanet near Nakuru. Volunteers obviously will have to conform to the existing standards of age, education and physical fitness. They must, Sir, be fluent in English

[The Minister for Defence]

(particularly in technical English) in order that they can understand the technical lectures on such matters as chemical warfare, and weapon training which they will receive at Lanet. On the course, Sir, all members of the Regiment will receive absolutely identical treatment in uniform, rations, accommodation, training and discipline. On completion, Sir, of their six months' basic training they will be liable for four years' territorial service, an annual camp of 15 days and the performance of 30 drills a year. I merely say this, Sir, because it is often looked on as something of a luxury and in point of fact some people find it—when you are staying on a new profession at an early age—not always all that easy to undertake these obligations. However, I would, Sir, express my wholehearted thanks for the vast amount of detailed work which has been done on this by the hon. Member for Mombasa and the Commanding Officer of the Kenya Regiment.

Sir, the hon. Member for Mombasa West did raise the question of the size of the Security Forces in Kenya.

The Speaker (Mr. Slade): Order, order. Mr. Swann, I do not want to interrupt you, but since you have concluded your remarks on the Kenya Regiment I should like to tell hon. Members that what was undoubtedly desirable that the Minister should make a statement on the subject of the Kenya Regiment at the earliest possible date, we have notice of a Motion specifically on this subject and now the Minister tells us also that there is to be a Bill introduced. So I shall ask other hon. Members not to pursue this matter in this debate, in spite of the statement they have heard from the Minister.

The Minister for Defence (Mr. Swann): Mr. Speaker, Sir, I would now deal with the points raised by the hon. Member for Mombasa West on the size of the Security Forces in Kenya today. As the hon. Member is aware, Sir, the King's African Rifles are no longer a charge on the finances of this Colony but are now borne by Her Majesty's Government. Now, the size of the Security Forces, Sir, I freely admit, is greater than those in Uganda and Tanganyika. But there are, Sir, a large number of reasons why I should like to give to the House as to why this is so.

Urban policing, Sir, is a great deal more difficult and onerous than rural policing and you also require a greater number of men for it. There are in Kenya, Sir, far more large towns than there are in Uganda and Tanganyika.

The second, and I think the most important point, Sir, is the Northern Province of Kenya.

Now, that Province, Sir, has three international boundaries with Somalia, Ethiopia and the Sudan in addition to the boundary with Uganda. Now this, Sir, does lay a very heavy strain on both the King's African Rifles and the first line of defence which is the Kenya Police Force. Work of this nature, Sir, they have to be specially trained and equipped for the work of guarding stock, waterholes, enforcing grazing control and, most important of all, dealing with the intertribal raids across the frontier, which happen so constantly. We have had in the past, Sir, a number of raids by Melille and Galubba from Ethiopia against the Turukana and against the inhabitants of the Marabiti District. For something like the last two months, Sir, we have had something of a running battle on the Uganda frontier between the Turukana and the Duduh. Now, all these operations, Sir, which you would not find, for example, in Tanganyika are, unfortunately, necessary in Kenya. We also do have, Sir, these rather unfortunate intertribal clashes which do take place outside the Northern Frontier Province. For example, Sir, last year we had the Masai/Kamba clashes, which went on for a great length of time and necessitated the employment of a large number of police and troops. We shall be debating on Tuesday, Sir, recent unfortunate incidents on the Masai/Kisii border.

All these incidents, Sir, if they are to be nipped in the bud and bloodshed is to be avoided, do require large forces.

We also, Sir, have, unfortunately, the background of violence in our crime, due largely, I think, to the Emergency. I can assure hon. Members, Sir, that every effort is made to achieve economy, and as they will see when we debate the Police Estimates in detail that economies have been carried out. However, I must say quite openly, Sir, that I think any further cuts in our present situation, would be suicidal.

Two hon. Members, Sir, the hon. Member for Mombasa West and the hon. Member for Mandi, did raise the question of localisation. Now, the hon. Member for Mombasa West, Sir, asked for additional recruitment of men of local stock. Well, I can assure the hon. Member, Sir, that three local men have been commissioned into the King's African Rifles, one European and two Asians, all of whom were trained and commissioned at Sandhurst. We have at the moment, Sir, four Europeans and one Asian also at Sandhurst.

Now, to get into Sandhurst, Sir, a very high standard is being insisted upon by the selection board. They must, Sir, be able to compete physically, educationally and in powers of leadership

Mr. McKenzie: Mr. Speaker, Sir, would the hon. Minister tell us how much that grant is?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, this grant in the 1960/61 Estimate was £2,756.

Mr. McKenzie: Mr. Speaker, was that including Fleminging, or not?

Hon. Members: Answer!

The Leader of Government Business and Minister for Education (Mr. Ngala): This is for 1960/61.

Mr. Mhoya: Mr. Speaker, would the Minister tell us what difference there would be if it did not include Fleminging?

The Leader of Government Business and Minister for Education (Mr. Ngala): That is a different question.

Mr. McKenzie: Mr. Speaker, Sir, 1960/61 either does include Fleminging if it is able to be accepted. Fleminging was utilized in 1960/61 and that was why we spent a whole day debating it only a week or so ago. I would have thought that the Leader of the House would have known.

Hon. Government Members: Speech!

The Speaker (Mr. Stude): These questions concerning Fleminging are not relevant to the original question.

COMMUNICATION FROM THE CHAIR NOTICE OF ADJOURNMENT MOTION—MASAI-KISII CLASH

The Speaker (Mr. Stude): I have to inform hon. Members that I have received notice from Mr. Sagini of his desire to raise on an adjournment the matter of recent clashes between the Masai and the Kisii which resulted in the deaths of two Masai and one Kisii. I have allotted Tuesday, 6th June, for that matter to be raised, and it will accordingly be discussed at the interruption of ordinary business that afternoon.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of debate interrupted on 31st May, 1961)

Mr. Chanan Singh: Mr. Speaker, Sir, the quality of a Budget can be judged by the reception that it receives. One thing is quite clear and that is that the business community is very pleased with the Budget that we are discussing. That only shows, Sir,

that the business community is not affected except favourably by this Budget. There is no increase in income tax. On the other hand, the increase in indirect taxes will bring greater profits to the business community.

Now, Sir, we hear so much about taxable capacity having been reached. When people talk of taxable capacity they naturally have in mind the income tax payers, and income tax payers in the highest income group. They seem to think that the taxable capacity of the lower income groups who are affected by customs duties is unlimited and that the taxable capacity of the high income groups alone is limited. That I submit, is a wrong attitude.

First of all, Sir, taxable capacity is not something which you can measure in pounds, shillings and cents if it is a matter of opinion and it is understandable that it is only those people who are affected by income tax rates who raise a hue and cry from time to time about their tax capacity. Competent authorities think that taxable capacity is an "elusive conception". It is "a myth which is apt to engender grave errors. In the interests of clear thinking, it would be well that the phrase 'taxable capacity' should be banished from all serious discussions of public finance." This is the opinion of a person who was at one time Chancellor of the Exchequer in Britain. That person was Dr. Dalton, who has also written a popular book on public finance. Now, Sir, the people who made so much noise about taxable capacity are opposed to an increase in income tax because income tax does not enable them to increase prices, whereas customs duties can be added to prices; and that is also the reason why the lower income groups oppose indirect taxes. The views that are quite often expressed on these matters are generally one-sided. We were told by one hon. Member speaking from the Government Bench yesterday—I refer to the hon. Alomoodi—that Members of this House were asking for a shift from direct to indirect taxes. I do not know what hon. Members be had in mind, but if there are such Members they must be those who are affected by high incomes tax rates.

Now, Sir, there is need for clear thinking on this subject. Even the leading daily of these territories put it in its editorial on 29th May—I refer to the editorial in the *East African Standard*—"Bearing in mind how the Finance Minister had to raise more revenue, his proposals are well devised, in a broad sense, especially in continuing the move away from direct towards indirect taxation. Much streamlining remains to be done in the simplification of the tax structure and some

[Mr. Chanan Singh]

if his proposals, if carried into effect, will create hardships that could be avoided. The continued existence of personal tax is open to challenge and, if it is necessary, should by now be chargeable as a relief against income tax. In one direction, it is indefensible—the Sh. 15 tax payable by the poorer class of people. Why not remove personal tax altogether and, in its place, raise the duties on consumer commodities, particularly of the luxury or inessential, class, such as beer and cigarettes".

Now, Sir, if customs duties have to be raised then it is preferable that they be raised on items which are luxury items or which are inessential, but otherwise a direct tax which can be made progressive is always preferable to any indirect tax. The Colony brought out some years ago an expert to look into these questions. That was Sir Wilfrid Woods. This is what he stated in his survey "I have never discovered any but purely practical reasons for raising part of a country's revenue by indirect taxation. Theoretically everybody's contributions should be determined by 'ability to pay', but in practice it is impossible to apply this test individually to the poorer classes. So that if they are to contribute at all they must do so through indirect taxes or by tough and ready direct taxes like the poll taxes which take little or no account of ability."

Now, Sir, Sir Wilfrid was obviously of the opinion that if the poorer sections of the population have to be made to pay, then we can have but only rough and ready taxes or customs duties. But why have they got to be taxed, if they have no means of being taxed, if their ability is not there.

The present Budget seeks to realize £2 million, largely by increases in indirect taxes, customs duties and excise duties. There is no reason why the whole of this amount should have been raised by indirect taxes alone. At least one part of it should have been levied by direct taxes. There is, to my way of thinking, some scope in the income tax. If the income tax rate had been raised throughout by 10 per cent, then that would have given us at least half the amount that we require this year, but apparently the hon. Minister for Finance is convinced that it is the poorer sections of the community that ought to be made to pay more.

There was also scope for another tax like the estate duty. When the estate duty was abolished some years ago, Sir, many people felt that £250,000 was just wasted. It was good money and could have been useful at a time like this. The reduction in the personal tax of Sh. 20 to Sh. 15

is of course welcome, but it would have been far better if the hon. Minister had decided to abolish this lowest rate altogether. As it is he has reduced the lowest rate of personal tax by Sh. 5, but at the same time he has increased duties on such articles as sugar, matches, kerosene; in effect what he has given to the labouring classes with fone hand he has taken away with the other hand."

One Member from the Government Benches even suggested that it was a matter of opinion whether the price of sugar has gone up. One would have thought that was a fact of common knowledge. In fact, the hon. Minister himself stated in his speech that the price of sugar would go up by 5 cents from 57 cents to 62 cents.

Mr. Murgart Mr. Speaker, on a point of order, the hon. Member said that one Member said that it was a matter of opinion whether the price of sugar went up. I think I raised this question and I said it was a matter of opinion as to which commodities should be taxed.

The Speaker (Mr. Stude): That is not a point of order. Hon. Members must be clear on the distinction between rising on a point of order which they have an absolute right to do but must not abuse, and the right of rising on a point of explanation only if the hon. Member speaking will give way. They must not rise on a point of explanation under cover of a point of order.

Mr. Chanan Singh: Nevertheless, Sir, I am grateful to the hon. Member for pointing that out to me.

In any case, I am sure even the hon. Member would not have been able to think of a worse commodity than sugar if the price was to be raised.

There is one other point in regard to these custom duties, Sir, and that is that although the general rates have been increased by 10 per cent, the actual increase is bound to be higher because the traders will add their profits to the 10 per cent, so that the Government will take 10 per cent and the traders will take another 2 per cent, and some little rise will also be due to the habit of the business community to round off the price to the next five cents, or to the next ten cents."

Now, Sir, there are also changes in income tax, but those changes I think are entirely unnecessary; they were not needed. Some people gain and some people lose, and it is not always the same people, so that those who gain forget everything and those who lose have a grouse. In these circumstances, where was the need to make the changes he has made in income tax? Several Members have criticized the various new provisions of the Income

Thursday, 1st June, 1961

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

[Mr. Speaker (Mr. Slade) in the Chair]

PRAYERS

NOTICE OF MOTION

BRITISH GOVERNMENT DECLARATION ON COASTAL STRIP

Mr. Chanan Slagh: Mr. Speaker, Sir, I beg to give Notice of the following Motion—

THAT this Council is of the opinion that the time has arrived when the British Government should declare firmly and finally that the Coastal Strip is an integral part of Kenya.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 14

Mr. Shah asked the Minister for Agriculture, Animal Husbandry and Water Resources, in order to foster free trade, would the Minister agree to the abolition of the Maize Marketing Board and to the substitution, in its place, of a Price Stabilization Board, which would fix minimum and maximum price levels, hold reasonable stocks of maize, and buy when the price dropped below the minimum level and sell when the price reached the maximum level.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): The Maize Marketing Board was set up under the provisions of the Maize Marketing Ordinance, 1959. The objects of this Ordinance are to promote a flexible system of organized maize marketing and to create a stable price structure in the interests of producers, consumers and traders.

Before this Ordinance was passed it was considered by a select committee of the House. The hon. Member for Nairobi Central submitted both written and oral evidence to this select committee incorporating the proposals he now makes in this question. Nevertheless, the select committee recommended that the Ordinance be passed substantially in its present form.

I have had these proposals re-examined in the light of experience gained since the Maize Marketing Board commenced operations. I regret however that I am unable to accept them. The reasons for this decision are that whilst greatly favouring the trader such a system would be in the interests neither of the producer nor the consumer.

Mr. Shah: Mr. Speaker, Sir, would the Minister please agree that even the producers all over the country—most of them, the large majority—are against the retention of the Maize Marketing Board as it is at present?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): My information is the direct opposite.

Mr. Shah: Mr. Speaker, Sir, would the Minister please agree that as far as consumers are concerned they are definitely against the retention of the Maize Marketing Board which causes them to pay much higher prices for their *posho*?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, Sir, that is not my information. There may be some consumers but the generality is in the negative.

Mr. De Souza: Mr. Speaker, Sir, would the Minister agree that it is still true, that different prices are paid to different producers of maize in this country?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, Sir, the hon. Member is living in the past.

Mr. Shah: Mr. Speaker, Sir, would the Minister agree that this proposal of a stabilization board would benefit the consumers as well as producers and it would reduce the overheads as far as maize distribution is concerned?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): No, Sir, I regret to inform the hon. Member that it would not. The only element of society which would benefit by the proposals that the hon. Member put to me are the trading community, which I believe he very honourably represents. Certain in so far as the ordinary consumer is concerned the oncost to the consumer at a time when the stabilization board released maize into the ordinary market in order to stabilize the price would be higher than under the present system because the overhead costs per bag would be extended over a much smaller number of bags.

Mr. Mwendwa: Mr. Speaker, arising out of the answer, would the Minister tell this House how many officers who are Africans are employed by this Board who otherwise would be needed if this Board were abolished?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, I am unable to give the hon. Member the figures and the question is indeed another

[The Minister for Agriculture, Animal Husbandry and Water Resources] question. But I would assure the hon. Member that in the last two years a considerable reduction in the number of the officers on the Board has been effected under the beneficent influence of my predecessor and a system of using traders instead has been embarked upon.

Mr. Mwanjumba: Mr. Speaker, Sir, would the hon. Minister tell us whether the Minister for Agriculture would be prepared to allow maize from Tanganyika to come into Kenya because maize in Tanganyika is much cheaper than in Kenya?

The Speaker (Mr. Slade): Mr. Mwanjumba, that is quite another question, but the Minister can answer it if he wants to.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Well, I think I will because it might be of interest to the House. Mr. Speaker, recently in a newspaper in Tanganyika there have been complaints in a letter at the price of maize under a free system going from Sh. 17 for a bag of maize to the producer and being sold at more than Sh. 100 to the consumer, the difference being consumed or devoted to the interests of the trader. Now, I think we can therefore assume that at the present moment the purchase of maize in Tanganyika would be far more expensive than through the organized marketing of maize in this country. That is the first part of my answer.

The second part of my answer, Mr. Speaker—and you may rule that this question is getting rather far—is this. Whilst understanding entirely why the hon. Member asks the question, the basic facts are that we have this year to import maize. If I could import it from Tanganyika I would willingly do so but I am unable to do so, partly because they have a shortage themselves and partly because of the tremendous disparity in price.

No. 43

Mr. Odede (on behalf of Mr. Argwings-Kodhek) asked the Minister for Legal Affairs, why, when there is a fully qualified advocate as an elected Back-Bencher, is there no Parliamentary Secretary to his Ministry?

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Speaker, I beg to reply. The Government does not hold itself answerable to the Opposition for its political dispositions.

Mr. Mboya: Mr. Speaker, arising out of the reply, would the Minister not agree that in view of the localisation taking place, and the effort to have Africans gain experience in all the Ministries, an African Elected Member should have been appointed to this post?

The Minister for Legal Affairs (Mr. Griffith-Jones): I have nothing to add, Mr. Speaker.

Mr. De Souza: Arising out of that answer, would the Minister not agree, considering that all other Ministries but one have a Parliamentary Secretary, that it would increase confidence in the House to know that an Unofficial Elected member had brought his influence to bear on the decisions taken in that Ministry?

Mr. Mboya: Mr. Speaker, Sir, arising from the Minister's reply, would he like to have the House believe (a) that there are no Elected Members on that side capable of being charged with responsibilities of this nature, and (b) that there are no Elected Members on that side who can be confided in and expected to keep the secrets, if there are any, in this particular Ministry?

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Speaker, no rational person could possibly draw such an inference from my reply.

Mr. Mboya: Mr. Speaker, Sir, arising out of the reply, would the Minister tell the House why no African has been appointed to this post?

The Minister for Legal Affairs (Mr. Griffith-Jones): No, Mr. Speaker.

Hon. Members: Answer!

No. 24

Mr. Odede: Mr. Speaker, Sir, Mr. Sagini has sent his apologies and has asked me to ask the question for him.

Mr. Odede (on behalf of Mr. Sagini) asked the Minister for Education would the Minister explain why Mawego Technical School in South Nyanza has not qualified for grants to render it possible for the training of Grade 2 instructors?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, Mawego Rural Training Centre does receive a grant from the Regional Education Board, its students can and do offer themselves for the Labour Department's Grade 3 trade test, the passing of which is the minimum qualification required for appointment as a Grade 2 Instructor in Government institutions.

[Mr. Mathenge] these 20,000 people. With their right arms raised I asked them, "Do you want oath-taking in this district?" They said, "No." I said, "Do you condemn this?" They said, "Yes." I said, "Do you realize that oath-taking does not help us now at this stage of development?" They said, "Yes." That was the purpose.

However, the seriousness of this particular debate tonight comes because it seems as if some very senior Ministers in the Government do not rely on their channels of information which are supposed to have come from this meeting. The meeting was not tape-recorded. There is nobody who can tell me that there is a verbatim report of what was said at this meeting.

Mr. Alexander: What did you say?

Mr. Mathenge: I am coming to that second point of what I said before I sit down.

The Speaker (Mr. Slade): Come quickly to it, Mr. Mathenge.

Mr. Mathenge: What I said was this: "In this country there are some people, particularly the United Party—I was very specific—who threatened at one stage that they were going to go underground. At another stage last year in a case which was held in Her Majesty's Court in Nanyuki, it was alleged by some witnesses that they were bribed to give oaths or take oaths. Last week we had a report in Meru." By the way, Sir, I did not say that these 1,000 people were bribed to take oaths. "I think some of these people took oaths and these are the people we want to deal with. But there was a report... and I think the hon. Member for Meru on this side will bear me out on this one—... of six people who were given Sh. 200 each—"

Mr. Alexander: Who by?

Mr. Mathenge:—by one European settler. I will not mention the name here. "He took the Minister, drove them to the forests, took out his rifle, told them, 'Stay here: I am coming back.' About ten minutes after that some people—I do not remember which platoon but they were from the Army at Kahawa, maybe the King's African Rifles—arrested these people. The first charge was that these people were terrorists." I think that at this meeting at Nyeri I spent only half a minute on this reference. What I said was, "We must condemn oath-taking; we must condemn anybody who is interested in subversion in this country, be he African, European, Asian or anybody." Everybody must be condemned. That is why I

said that this element who speak, and go to a public meeting and declare that they are going to follow a scorched earth policy and get out of Kenya. This is a threat to commit us to buy them out. These people must be dealt with, just as much as the others.

Mr. Speaker, this was the subject of my speech in Nyeri. I was completely misquoted. I did not refer to the Government at any stage but I referred to these people, and I still refer to them; and I would like the Government to go into this and investigate it and find out whether these people are doing these things. This is the element, Mr. Speaker, I submit here that is going to make it very difficult for us—Asians, Africans and Europeans—to co-operate and build a Government here that will be for everybody. I think sooner they leave this country the better.

The Minister for Legal Affairs (Mr. Griffith-Jones): Mr. Speaker, Sir, the phrase of yours, including the B.B.C. report of their phrase, of this meeting at Nyeri on Sunday were not identical. I have had preliminary reports from Government sources, and on first receiving these reports on Monday, the same day that I became aware of the Press reports, I immediately directed a full C.I.D. investigation. That investigation was necessary in virtue of the nature of the allegations which had been made public, and that investigation is with a view to making detailed inquiries to ascertain with precision what was said at the meeting and with a view to considering whether or not any criminal offences are disclosed and established by available evidence, and, if so, whether the preferment of charges is warranted in the public interest. The results of this investigation will be submitted to me as soon as they are ready for my decision whether or not any person or persons should be prosecuted on the evidence disclosed thereby.

It would not in the circumstances, therefore, Mr. Speaker, be proper for me to express publicly at this stage any opinion as to what was or what was not said at the meeting. I have heard what the hon. Member for Nyeri has just said and I can assure him that, of course, in the course of the investigations he will have an opportunity to put his whole story to the investigating officers. Neither can I say, of course, Mr. Speaker, at this stage whether or not there will be any prosecution and whether or not there are any grounds for prosecution. I can only indicate that the possible offences which, on the allegations which have been made, the C.I.D. investigation must be directed to, are sedition and criminal libel. I should make it clear, however, Mr. Speaker,

[The Minister for Legal Affairs]

because I do not want there to be any possibility of misunderstanding in this case, that I speak now as Attorney-General and not as a Minister, and that all decisions which I take in this case, as in all criminal cases, I take in my capacity as Attorney-General as a wholly independent and quasi-judicial authority. It is by virtue of my deep consciousness of my responsibilities in this regard that what I have said to the House tonight in this debate has necessarily been non-committal and that I have weighed my words with care. I have been as forthcoming, indeed, with the House as I can properly be pending the completion of the investigations and my detailed consideration of the available evidence disclosed thereby.

I should like to add, Mr. Speaker, that if there is any information which the hon. Member or anybody else has of the nature which he mentioned just now, then it is (I do suggest to him and to anybody else who has similar information in their possession) their bounden duty to make it available to the authorities. I can give him an unqualified assurance that it will be fully investigated.

Now Sir, I am asked by the first speaker in this debate, the hon. Member for Nairobi Suburban, whether the allegations which are published—leaving apart the question of whether they are correctly quoted in the newspapers or not are in part or in whole true or false: I can only say, Mr. Speaker, that, so far as I am aware, if there is any allegation that the Government had been bribing Africans to take oaths, it is wholly untrue. So far as I am aware, and so far as the information in the possession of the proper authorities is concerned, I know of no instance in which European settlers, or any European settler, has bribed Africans, or put them up, to take oaths. As I say, if any person has any information of any person, be he European, Asian, African, Arab, or anybody else in this country, being concerned with illegal oath-taking, instigating illegal oath-taking, taking part in illegal oath-taking, then he must, as an honourable citizen of this country, give me that information, and I will follow it up, through the investigating agencies in the C.I.D.

I do not think, Mr. Speaker, that there is time for me to make any further comments in this debate. I apologize that I must necessarily be somewhat non-committal to the House, but it is in virtue of the responsibilities that lie on me in this special field.

ADJOURNMENT

The Speaker (Mr. Slade): That is the end of our half hour. Council is therefore adjourned until tomorrow, 1st June, at 2.30 p.m.

The House rose at Seven o'clock.

[Mr. Matano] there was oathing going on around about Meru and in the Rift Valley Province. This came from the Minister on this side. If hon. Members say that these things do not happen, do they question our Ministers—

An hon. Member: Interjection.

Mr. Matano: All right! Now, Mr. Speaker, the position is this. If we are here, we are creating a nation in this country, a new nation. We have our people and we have a responsibility to our people. Now, that responsibility is to bring them up to that sense of nationhood. If we are—

Mr. Odings: Mr. Speaker, Sir, is the hon. Member really speaking on the subject at issue or is he raising another issue?

The Speaker (Mr. Slade): The hon. Member must stick very closely to the subject which is raised in this adjournment. We only have half an hour and it is the question of what Mr. Mathenge said and whether it is true.

Mr. Matano: Thank you, Mr. Speaker. I think I am on the line because what Mr. Mathenge said he said to the citizens of this country. Now, if Mr. Mathenge implied that these things do not exist—

Mr. Mwanjumba: Mr. Speaker, on a point of order, would the hon. Member prove that he has the information which this House can rely upon?

The Speaker for Local Government and Lands (Mr. Havelock): Your tactics do not work!

Mr. Matano: Mr. Speaker, I think I shall not give in to this interruption. It is becoming a bit too much for me.

The Speaker (Mr. Slade): Mr. Matano, remember that you must refer to hon. Members as honourable.

Mr. Matano: I am sorry. Now, Mr. Speaker—

Mr. Chokwe: On a point of order, Mr. Speaker, do we not understand that we have only one Speaker for the House?

The Speaker (Mr. Slade): I hope we are not in danger of having frivolous points of order.

Mr. Matano: Thank you, Mr. Speaker. I think it is high time we prevented these things. Eight years have passed during the Emergency. They were not times of laughing. They were times of serious things. During that time I was in this country, I worked in the Rift Valley, and I speak from first hand information. If hon. Members do

not know that then they should come and I will tell them the whole thing. Those were bad days, days of horror. When the hon. Member for Nyeri went to Nyeri to speak, Sir, I am sure that the audience wanted to get a word of hope, a word of courage, to know what to do. But what did they get from him? If what he said is true they got nothing but just horror and despair, nothing to help them to see the future. That is wrong. This is no time to begin to indulge in those things: this is the time to give our people hope that we are moving forward instead of standing still. We are going to make this country a nation, and it is a privilege, in fact it is an honour for this side of the House that we have taken that stand. We are going to make this country a nation that will stand on its own.

If the hon. Members on the opposite side think that by trying to cover up what is likely to happen will help us, Sir, then that will not take us anywhere. I am here to express myself and I feel very strongly about it.

If we are going to teach our people to ignore authority, we are going to teach our people to try to say that what the authorities say is wrong, then we are really creating troubles for ourselves. We must remember that we are the people who are going to rule this country in the future. If we are telling our people to do that then they are the people who will turn their backs to us and will not listen to us. Are we going to stand that?

Mr. Speaker, I would like to finish by saying that we have a duty to perform. We have set ourselves the task of doing it well. Now, it is for the hon. Members to help us to do it well, to raise this country, to build this country, to make it a good country where everyone will be able to live.

Mr. Gichuru: Mr. Speaker, it is a great pity that every time there arises an incident in this country in these days, if there is a murder anywhere, then everybody shouts, "Manu Manu" and everybody shouts that type of language. Fortunately, events later on have been proving that these people have been hasty in their decisions long before they allowed the Government to make investigations. We have heard of two incidents in Nyeri. In one of them a headman was killed and a curfew was imposed: people suffered. People who talk like the hon. Member who has just spoken do not really understand what happens when we people in the Central Province have a curfew, only eventually to find that the murder was done—

Mr. Alexander: Mr. Speaker, Sir, on a point of order, what has this to do with what the hon. Member for Nyeri said last Sunday?

Mr. Gichuru: I am introducing my subject.

The Speaker (Mr. Slade): There is no time for long introductions. Order, order! When I am speaking other Members will be silent. There is no time for long introductions on a Motion for the Adjournment. Come as quickly as you can, Mr. Gichuru, to the point.

Mr. Gichuru: What I would like to say, Mr. Speaker, is this.

An hon. Member: *Pesi, pesi!*

Mr. Gichuru: It is not a question of *pesi pesi* I am not in a hurry. My point is this.

An hon. Member: Informers!

Mr. Gichuru: I never like dealing with informers, they are such a nuisance.

My point is this. We have never on this side of the House said that oathing is not taking place, and we have made it our point to condemn all these activities. When people are brought to such a point in their endeavours to attain their goals, such as independence and so on, certain things might be justified, but at the moment I honestly feel, and I have told my people, and I am going to repeat this in public meetings, that anyone who takes part in oath-taking, secret societies, and all type of thing, is delaying our independence. They will be delaying the day when these people cross the floor and come over here and be ruled.

Mr. Matano: On a point of order, Mr. Speaker, is it in order for the hon. Member to refer to hon. Members on this side as "these people"?

The Speaker (Mr. Slade): Please refer to "hon. Members".

Mr. Gichuru: Mr. Speaker—the hon. Member.

I understand the news that was broadcast over the B.B.C., over the radio here, which was broadcast to the whole world and which was given all the prominence in the newspapers, originated here from a certain individual.

Mr. Alexander: Let us hear the hon. Member for Nyeri!

Mr. Gichuru: It originated from an individual journalist. This morning one of the speakers on this side of the House stated that we have very little confidence in our local Press. The whole of the I understand the news that was broadcast over the B.B.C., over the radio here, which was broadcast to the whole world and which was given all the prominence in the newspapers, originated here from a certain individual.

encouraged in every way to behave well. We tell our people that we are now getting on to our independence. We tell them that they must behave well and learn how to obey the present Government.

The Speaker (Mr. Slade): Mr. Gichuru, the question is what was said at Nyeri, and was it true. We have only 12 minutes left. It is customary to allow a Minister some 12 minutes to answer. It may be that Mr. Mathenge may yet want to say something, so please make your speech very short and to the point.

Mr. Gichuru: What was said there was not true; the report that was given was not true.

Mr. Mathenge: Mr. Speaker, I think the first reference which was made by the Mover was to the B.B.C. broadcast. I happened to be, on Monday evening, listening to this broadcast with the Chief of the Special Branch of Nyeri District. I asked him, "Do you believe the report being given now in this broadcast?" That is my first evidence.

What I would like to state here, Mr. Speaker, is that I think this whole question is not what most of the hon. Members on the other side think it is. First, as I said in this morning's paper, it was completely misreporting. The people who reported this meeting were from the newspaper called the *Nation*. They had three representatives; they had a camera-man, a reporter, and, I think, a sub-reporter. These people do not understand Kikuyu. I was speaking Kikuyu. There were two reporters from the *East African Standard*. One was, a European and one was a Kikuyu who was translating to his European colleague. It is interesting to note the discrepancy between the two reports, the one in the *Nation* and the other in the well reported in the *East African Standard*. The purpose of that meeting, Mr. Speaker, was to condemn oathing. This was not done by request of the Administration. I did it purposely and I made it the first item on the agenda. I spent last Friday with the other Members from the Central Province discussing security with the Provincial Commissioner, Central Province. We decided that from then on, whether we be in Government or not, security was a problem which should be made a subject for division. Therefore we agreed that we would co-operate and do what we could, and that the Administration would co-operate and do what they could, and that the other Members on the Government side would do what they could. This was the first opportunity. If you saw the pictures in the newspaper you would see that in fact I almost gave an oath to

[Mr. Chanan Singh]

side, the hon. Mr. Pandya, now says he is in favour of a common hospital authority.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Mr. Speaker, would the hon. Member speak up, I cannot hear. I am sure the hon. Member is saying something about me of interest and I cannot hear a word.

The Speaker (Mr. Slade): Would you speak up, please, Mr. Chanan Singh?

Mr. Chanan Singh: I thought, Sir, I was speaking sufficiently loudly but I shall have to speak louder. It appears I have a microphone in front of me. I do not know if it works or not.

What I was saying was, Sir, that it appears that Members on the other side are given the right of free speech but that when it comes to taking decisions their views somehow do not count. The hon. Member, Mr. Pandya, tells us that he is not a hon. Member of the Government but is a common hospital authority, but it was not very long ago when those views were put to the test. I can only say that it is never too late to mend!

Now, Sir, in regard to the important question of the Coastal Strip, I have a feeling that the hon. Arab Member, Mr. Nassir, has taken the wrong bus, the bus that goes to Zanibar does not come this way! But that, as I have already stated, is an important subject and needs a debate to itself.

One Member on the other side, Sir, commented on the fact that Kenya is on the eve of independence but is not able to balance its budget. If this criticism had come from Members on this side of the House, it would have been justified, but to be on the Government benches and to say that Kenya is not in a position to balance its budget is, I feel, unjustifiable. The responsibility is on the shoulders of the Government itself. If it is not prepared to carry out that responsibility, it should hand over that responsibility to Members on this side of the Council.

Now, Sir, I disagree that more money is needed this year. The only question is, how to raise it. Generally it can be raised either by increasing direct taxes or by increasing indirect taxes. Now, Sir, there is a great deal of confusion on this issue. May I give a small illustration to show the difference between these two types of taxes? If you give a pinprick to a person, you see his face going on his face. But you put him under chloroform and you can cut his arm or leg off and he will not feel it. The hon. Minister for Finance has increased the price of sugar by 5 cents. The poor buyers will have to pay an extra 5 cents for every lb. that they buy will blame either the Asian

shopkeepers or the Asian manufacturers of sugar. They will not know that the extra 5 cents in the price of sugar goes to the Government. That is the main defect of indirect taxes and that is how Ministers of Finance all over the world, not only in Kenya, try to conceal their doings. In fact, one of the hon. Members on the Government side, the hon. Sir Philip Rogers, put the point in very nice language. He stated, "referring to the Minister, 'He has done it painlessly'". Indeed, he has done it painlessly.

The Speaker (Mr. Slade): Is that a good point to break off?

Mr. Chanan Singh: I think so, Sir.

ADJOURNMENT MOTION

INSTIGATION OF OATHING CEREMONIES

The Speaker (Mr. Slade): This is the hour for interruption of business but as there is a matter for consideration on the adjournment I shall call on a Minister to move this Council do now adjourn.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to move that this Council do now adjourn.

Mr. Alexander: Mr. Speaker, Sir, the British Broadcasting Corporation—that sanctified institution that has so often distorted news and information about this country of ours, Kenya—in its overseas service of 29th May in the news bulletin—

Mr. Enkaike: Mr. Speaker, on a point of order, could we have some substantiation of what has been said about the British Broadcasting Corporation?

Mr. Alexander: Yes, Mr. Speaker, I shall be delighted to lay it on the Table of this House at the earliest opportunity.

Mr. Speaker, in the news bulletin of 29th May, 1961, at 7 a.m., 8 a.m. and 1.15 p.m. local time, this is what was stated: "The British Broadcasting Corporation's East African correspondent reports that Mr. Mathenge said the mass oath-taking ceremony held recently in the Nyeri area was a put-up job by the Government and European settlers. He claimed that the 1,000 Africans who took part had been bribed to do so and that European settlers had also been perpetrating oath-taking for their own purpose."

Mr. Enkaike: And did you believe that?

Mr. Alexander: That was the British Broadcasting Corporation.

Mr. Enkaike: And did you believe that?

Hon. Members: Order, order!

Mr. Alexander: The *East African Standard* on Monday, 29th May, this year, said this: "The Member for Nyeri, Mr. J. Mathenge, said that the oathing ceremonies which were going on in Kenya were being inspired by European settlers who wanted another emergency for their own financial gain. We know that European settlers are giving people money to take oaths."

Mr. Odiga: Hear, hear!

Mr. Alexander: Mr. Speaker, when I hear the hon. Member for Central Nyanza saying, "Hear, hear," I presume he, too, would like to speak outside these statements. It went on, Mr. Speaker: "Mr. Mathenge would not elaborate on his allegation after the meeting. I cannot say anything more about these settlers, but we know." The *Daily Nation*, Mr. Speaker, on the same day said this: "They were told by the KANU Member of Legislative Council, Mr. Mithenge, that the oathing was a put-up job by the Government and the settlers. We know that oathing had been perpetrated for their own purposes by European settlers." It finishes up, "After the meeting, Mr. Mathenge told the *Daily Nation* that last year at Nanyuki a European bribed people to take oaths. 'I would not like to be more specific about other cases, but we have evidence.'"

Mr. Speaker, Sir, these nauseating allegations raise several serious and urgent questions which the Government has the timely opportunity of answering today. We and the people who rely on us, that is, those of us in this House, Sir, want a clear answer today and that means now.

First, Mr. Speaker, has the Government checked with its own independent sources of information and, if so, are the reports correct either in substance or by way of inference, or is it prepared to rely on newspaper reporters?

Fortunately, Mr. Speaker—and I am glad to see him here—we have with us today the hon. Member for Nyeri who I am quite sure, being conscious of the sense of responsibility always expected in this House, will wish to help all of us, his colleagues, Sir, in this House to come to their own fair conclusions through his himself helping by way of substantiating or otherwise the remarks attributed to him.

Mr. Odiga: What about Mr. Harris in London?

Mr. Alexander: The second question, Mr. Speaker, Sir, for the Government to answer is whether the allegations are in part or in whole true or false.

Mr. Odiga: Let Harris also do that.

Mr. Alexander: Thirdly, Mr. Speaker, if they are true—surely an unambiguous proposition but if they are true—there is a clear indication against those who have been mentioned in the allegations for which our Government has an unavoidable and immediate responsibility.

Lastly and fourthly, Mr. Speaker, if the allegations are false, the Government has the equally serious and urgent responsibility of telling us now whether there has been a breach of the law, what it is, how serious it is, what it intends to do about it and when.

Thank you, Mr. Speaker.

Mr. Matanzo: Mr. Speaker, Sir, it was on Monday, 29th October, that I read this report of what happened at Nyeri. Well, I gather that on that beautiful afternoon on Sunday the hon. Member went to Nyeri and held a meeting. It is alleged that a statement was issued in which he said the administration or the Government was bribing the African. Now, if that is true, it is for the hon. Member to withdraw that statement.

Mr. Odiga: On a point of order, Mr. Speaker, would the hon. speaker substantiate that, because in the document there is no suggestion that the Government was bribing.

The Speaker (Mr. Slade): The words read out by Mr. Alexander certainly included allegations of bribery.

Mr. Mboya: Mr. Speaker, Sir, on a point of order, is the Member not indulging in repitition?

The Speaker (Mr. Slade): Not yet.

Mr. Matanzo: Thank you, Mr. Speaker. Now, Mr. Speaker, I should like—

Mr. Odiga: Mr. Speaker, Sir, on a point of order, I think that what I heard from him was that it was suggested that it was bribery by the settlers and not by the Government. Can he substantiate that?

Mr. Mboya: Let us hear your allegations.

Mr. Matanzo: May I go on, Mr. Speaker? Thank you, Mr. Speaker, I should like just to bring to the hon. Members one point. What are we teaching our people? Are we trying to tell our people that these things do not exist? We were told here by hon. Ministers on this side that

[The Parliamentary Secretary for Finance and Development.]

we have with the economic situation in this country. He has done a splendid job and I think he deserves to be thanked for it. He has worked out his taxation policy in such a way that the richer person who can afford to pay should support the economy more than the poorer person who cannot. For instance, it has been worked out in such a way that indirect taxation has been slightly raised and the poll tax which was at Sh. 20 per head has now been reduced to Sh. 15, and it is to be hoped that in the near future, perhaps sooner than in the next three or four budgets, this lowest level of taxation will be done away with completely. Now, Mr. Speaker, I have heard a lot of criticism of the budget on two points and two points alone, and I am glad to hear that it is only on these two points One has been sugar. The hon. Member for Nairobi East just said it again, but this is really not valid because sugar has been higher in this country for more than a year of his life. It has been at 65 cents before and I presume the hon. gentleman was very pleased when it went down. Some have said that it should have gone up. Well, it is a matter of opinion. Mr. Speaker and opinion does not necessarily mean it is right. Your opinion may be yours, you hold it as you like, mine may be right. Now, Mr. Speaker, as my hon. friend, Mr. Butter pointed out we would not have raised the same amount of revenue if we had imposed tax on beer or on cigarettes and, in addition, they would have done a lot of harm to those industries which we need to support, so the tax on sugar was the justifiable tax.

Mr. Mboya: Let the beer drinkers pay more.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): At this stage, Mr. Speaker, it is very important for this country to differentiate very clearly between the recurrent budget and the capital budget. It would be foolhardy for a Government to spend a lot of money of grant loans to balance up a recurrent budget because, proverbially, you would be starving the goose that lays the golden egg, and if that goose is starved, Mr. Speaker, it will not lay eggs at all, let alone golden ones. So the side we really want to bring up by the loans or grants that we can get is the capital budget. If we are to grow healthily in this country and avoid distortions and subsequent embarrassment, we must learn to meet our recurrent expenditure such as salaries, maintenance and replacement of capital goods, interest on public debt and the like, mainly from our own revenue. We have got to tighten our belts. We must tighten our belts, Mr. Speaker, so that we can provide for these things, so that we

can learn how to run our budget in an efficient way. My hon. colleague, the Minister for Finance and Development, has really indicated the way along which you can travel towards that objective by giving us first a taxation policy that is both liberal and yielding the revenue that we will require.

I would like to say a few words on the development project. The Government's three-year development programme, 1957-60, was terminated on 30th June, 1960. Gross expenditure under this programme amounted to nearly £25 million. The new development programme for the period 1960-63, envisaging gross expenditure of more than £39 million includes additional finance obtained recently in London by our delegation, Mr. Speaker. Now, at this stage, this represents an increase of £14 million, which is a 59 per cent increase, and there is little prospect of further substantial assistance from Her Majesty's Government in connexion with the Government land reform programme. The following figures compare gross expenditure for some of the principal development activities in the periods: For instance, for 1957-60 these were the figures: agriculture, £9.92 million, roads and aerodromes, £1.54 million; in 1960-63, the total was £24.66 million. Now compare the same figures for 1960-63. Agriculture, as against £9 million, we have now got £20 million; roads, as against £3.5 million, we have got £3.9 million; education, we have now got £3 million; housing, we have got £1.8 million; local government has gone up to £2.7 million; other services have gone up to £7.3 million; a total of £39 million, Mr. Speaker, and the Opposition say we are not doing much work—£24 million to £39 million in a matter of six years. Mr. Speaker, that is a very high rise indeed, and I wish, Mr. Speaker, the Opposition would do something to help this country earn more to spend on these services which we require to improve our standard of living. The rapid expansion of the economy demands the expenditure of capital far in excess of the amounts that can be provided at the moment by the people of Kenya and the Opposition do not see this at all. They are involved in policies that are a mere waste of time and backward strokes. Therefore, we must go to our friends abroad and convince them that money provided in grants and loans for our development schemes will be used to good purpose and that we will endeavour to prevent the Opposition from wrecking this process. It is the standard of living of the people of Kenya that we require to raise as quickly as possible. We do not have in the process to

[The Parliamentary Secretary for Finance and Development.]

frighten investors; we do not have in the process to tell lies or to make statements that the speakers themselves do not believe in. We want to assist foreign investors to have faith in our Government so that they will continue to assist us in the way that we have with our development programme. But what are the Opposition doing, Mr. Speaker? Every day you look at a paper and you find some scurrilous statement from somebody who appears to have been dreaming or having a nightmare. This sort of thing is utterly irresponsible and very often you will find, Mr. Speaker, that these statements are so contradictory because it is the nature of this Opposition we have to be contradictory.

In the years 1957 to 1960 37 per cent of the money to finance the development programme came from abroad. I must repeat that, that in the period 1957-60 our development programme was financed by 37 per cent of the total expenditure coming from foreign countries, 63 per cent came from local sources. The great expansion in the size of the 1960-63 programme, together with the more difficult political conditions of the present time have now made the situation that this proportion is reversed and this must clearly be led at the feet of the Opposition. They have forced this country to borrow more money and the result that now we borrow over 70 per cent and can find locally only about 24 per cent.

Mr. Mboya: On a point of order, Mr. Speaker, the hon. Member appears to be reading a speech.

The Speaker (Mr. Slade): I have warned hon. Members that there is a Standing Order which prohibits the reading of speeches. Some allowance is made for maiden speeches, but after that the rule is enforced very strictly.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Thank you very much, Mr. Speaker, but I challenge the hon. Members on the opposite to keep all these figures in their heads and come here and say them out. What I am doing is using these notes, Mr. Speaker. If I do not use these notes to read the figures out they will say, "Oh, those figures, please substantiate".

The Speaker (Mr. Slade): That is quite in order.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Thank you very much, Mr. Speaker.

Mr. Speaker, Sir, the next item in our programme of development should really be training manpower, because to me to think of development without having the local, native people to use for the development of our natural resources

is really a shame and farcical, and this is what the Government aims at, that we should have a training programme to bring us, our people, to the standards that we want. Kenya has a reputation, Mr. Speaker, of having set a very high standard in many things and we would like at all costs to maintain this standard and we are going to do it by uplifting all the African people into these standards. We do not want any levelling down, Mr. Speaker.

I do not believe, Mr. Speaker, in developing our natural resources by the use of foreign experts. I believe, Mr. Speaker, in using, developing our natural resources by the use of foreign teachers, foreign technical teachers. They will come along and teach our people to develop our natural resources, and this is what the present Government has set out to do. It does not matter what the hon. Members on the opposite side say; we are set on this path and we are going to blaze it till the end. We are not at all daunted by interruptions from across the floor because we know very well that they are interruptions which come from men who have shirked their responsibility all along and who have the intention of shirking their responsibility, Mr. Speaker, perhaps, if I may be allowed to say so.

Mr. Speaker, Sir, we intend to give the African people of this country a very good education, to re-orientate our educational system and to follow equally well the channels of professional training to the level of the university standard. We shall not concentrate on the pure academic teaching alone which leads to white-collared jobs which, presumably, my hon. friends on the opposite side would like to see. Our country is vast; it is a beautiful country, and wants people with technical knowledge to exploit the resources for the benefit of the community. So, what we intend to do, Mr. Speaker, is to see to it that youngsters and girls who leave school after seven or eight years should be diverted according to their aptitudes to whichever line they are more inclined, whether more academic training, pure academic training, or towards technical training that will lead up to professional qualifications.

Mr. Speaker, in the process of doing this, we are sure that there will be produced artisans that our economy needs for the various works we have to carry out. For instance, in agriculture, we need men, Mr. Speaker, who know scientific farming so that the standards of farming are maintained and that the product of the land is of the highest. Similarly, Mr. Speaker, we need veterinary surgeons to look after our cattle so that all these grasslands can become grazing grounds for cattle to feed the people with meat.

[Sheikh Nassir]

been threatened long enough. But we mean to say that this is our land. We have been in this land. We have as much right as anybody, who claims to be a native of that land, and we are not going to budge an inch from our rights. We had better die honourable men than live subserviently.

In this question of our rights, Mr. Speaker, I am not looking for any confirmation from anybody who labels himself an African. This is our right and we are going to fight for it. All this trouble at the Coast is an imported trouble. Those who are indigent to the Protectorate have never been hostile to one another. It is on all this question of trouble at the Coast, Mr. Speaker, that I must criticize the Government for wrongly siting these detention camps. The detention camps at the Coast are wrongly sited. They, to a large measure, are responsible for the strained race relationships at the Coast. We at the Coast would like to live as good neighbours with our brethren in the Colony, but we will not see ourselves dominated by the people from the Colony, and when I say this I am not speaking against these people but I am being just as nationalistic as Nyerezi was when he kicked out 14,000 Kikuyus from Tanganyika.

Coming to the question of responsibility, again we have been unjustly treated. The Kenya Government goes anywhere and just gets the money, and then we are made responsible for whatever is used, largely in the Colony. I think it is high time that we should not be bundled together with the Colony in these financial commitments.

Mr. Mboya: Where would you be without us?

Sheikh Nassir: The hon. Member asked where I would be without them. I would be where we were before their coming into this House.

Now, Mr. Speaker, Sir, it is high time we had our own accounts on these loans. It is not fair to bundle up the Protectorate with the Colony. We have, for example, on these loans for trade, people of the Colony and I can quote the example, getting Sh. 20,000 in loans in the Protectorate. Now, that money could best have gone to a man from the Protectorate.

Mr. Mboya: On a point of order, Mr. Speaker, are we discussing the Budget of the Protectorate, or what?

The Speaker (Mr. Slade): In the Budget Debate, you discuss everything that appears to be of the Colony or the Protectorate with the exception of those matters which I mentioned as being already

the subject of separate debates which have been held or which are to be held in the near future. The hon. Member is quite in order.

Sheikh Nassir: Thank you, Mr. Speaker, Sir.

Now, I am just trying to use this forum because just at present, as I say, there is this mismanagement of being bundled together with the Colony. We are being penalized for the misdeeds of our neighbours in the Colony. We have been asked to foot the bill that has been largely attributable to the Emergency. We, down at the Coast, were not responsible for the Emergency. All these taxes and financial burdens that come on the Colony are bundled together with us just because it has been found to be of administrative convenience to bundle us together with the Colony. All these increased taxes, and all these expenses that have come as a result of the Emergency should be well thought over by my hon. friend the Member for Fort Hall who said here that he does not believe in collective punishment. Here are the people who are being collectively punished with others. It is on this that I think the hon. Member for Fort Hall should have come out very clearly and said that all these bills should have been heaped on those people who were responsible for the Emergency.

Mr. Mboya: You pay for your own schools.

Sheikh Nassir: That is why we say that we want our own Protectorate in order to show these people that we can run our country by ourselves.

Mr. Mboya: Go and buy land elsewhere!

Sheikh Nassir: Now, all these loans, Mr. Speaker, and all the benefits coming from these loans go to the people up-country. We do not have any major developments comparable to those in the Colony. We still, for instance, have the proverbial Lamu Road as it was some time back.

On the question of capital investment, Sir, we do believe that we need this, but our emphasis should be on internal investment; the very fact that money to the tune of £1,000,000 a year goes out is, in fact, an indication that we have money which could be used internally in capital investments.

Mr. Mboya: It does not come from the Coast.

Sheikh Nassir: Mr. Speaker, Sir, the hon. Member is saying that the money does not come from the Coast. But I think the hon. Member forgets that there is that Port which is the thing that makes them hesitant to accept the sovereignty of the Protectorate.

An hon. Member: Go back to Arabia!

Sheikh Nassir: Now, Sir, I am told to go back to Arabia. I think that the hon. Member could also go back to the Sudan.

On this question of unemployment, Mr. Speaker, we think the Government for their part to alleviate the unemployment position. We are very much concerned with its attendant effects which I have no need to enumerate here. But we say that in any schemes which the Government is initiating at this stage—that means at the stage when the Protectorate is not separate—we would like the Government to see that we get a substantial share to remedy past oversights. When we come to this question of employment, Sir, there is a tendency to confine it to the labour force and, as I said in the beginning, to black Africans. When we say that we should have our share we mean that all those in the Protectorate, who are His Highness's subjects, should have their share, their rightful share.

The question of landlessness is not only confined to the Government type of African. As I said in the beginning, we are a people with an ethnic origin different from the origin of the Government type of African, but nonetheless entitled to native rights.

Mr. Chokwe: Tribalism!

Sheikh Nassir: We say that when the British came into this land they also found us with land, the land which we have lost out of ignorance and out of ability to follow the Official Gazette. Now, in the schemes to redistribute the land to the natives I would ask the Government not to lose sight of the fact that we are also entitled to this question of land; we just our land as well.

Hon. Members: Where!

Sheikh Nassir: Mr. Speaker, I am not in any way being hesitant to hit back at all these interruptions. I am quite prepared outside this House to share a platform with anybody on this question. I see the amber light so I have not got much time. But for the information of any hon. Member, Mr. Speaker, Sir, I am prepared to share a platform with anybody, even with the best orators so long as the audience will be orderly.

Mr. Mboya: You are afraid of the audiences!

Sheikh Nassir: Schemes and loans in the Protectorate should be directed to the subjects of His Highness who equally suffer from land hunger.

Hon. Members: Question!

The Speaker (Mr. Slade): There are too many interruptions. The hon. Member only has five minutes left.

Sheikh Nassir: It has been a failure on the part of the Government not to protect the children of the soil. Too much land has been taken by the Government as Crown land which I now call upon the Government to see, in this scheme of distributing land to the people in the Protectorate, it goes into the right hands.

There is a very fallacious tendency, Mr. Speaker, to confuse the Protectorate with the Province. When I speak of the Protectorate I am just speaking of those rightful citizens—the subjects of the Sultan, and not the people outside the Protectorate, which may be the Province's.

Mr. Speaker, Sir, with these 30 minutes it is not really possible for me to cover all the ground I want to cover.

An hon. Member: Move a Motion!

Sheikh Nassir: I intend to move a Motion and I shall defend that Motion with our characteristic gallantry.

Mr. Speaker, Sir, I think I would not go to another point because I want time to finish this, and with these reservations, Mr. Speaker, Sir, I beg to support.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Mr. Speaker, Sir, thank you very much for allowing me to speak this evening.

There has been a lot of answering questions that have been raised by the hon. Members on the opposite side, and I think that the answering that has been done so far has been efficiently done and has been quite satisfactory. I do not intend to go into it again.

Most of the criticism that has come from the Opposition Members has been criticism of the budget. Most of it, I must say, has been such criticism that can be called misinformed because many of them have aimed at things and suggested things which can hardly be done in Kenya today with the present rate of economy. We all know, Mr. Speaker, that if we could, we would like to have factories to manufacture jet planes in this country so as to give people more employment and a higher standard of living but the fact is that we just cannot do it and if we cannot do it, as the saying goes, if we cannot get what we want, we have got to do with what we have. And what we have today, is a small budget of £34,000,000 recurrent—with that a country like Kenya can sort of hobble along but really you cannot do everything you want to do. I do thank my hon. friend, the Minister for Finance and Development, for the good job he did in producing a very sober budget in view of the difficulties that

[The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources]

Now, Mr. Speaker, I want to be very generous this afternoon and spare a few of my minutes which are left to other hon. Members. I would honestly appeal to them—appeal to them—to take into consideration and consider it very seriously as to where, if we were to accept their direction, we would end. My advice to them is to follow us. Let them follow our example and, of course, they will see, that in no time, all that they are murmuring for will be accomplished.

I beg to support.

Sheikh Nassir: Mr. Speaker, Sir, a few minutes ago when my hon. colleague, the Parliamentary Secretary to the Ministry of Commerce, Industry and Communications, was on his feet some of the Members from this side were getting a bit fidgety on the question of the Coastal Strip. Well, I think the time has come for it to be discussed. Much as I should like to bring up points concerning the Coastal Strip here, I would, Mr. Speaker, like to make it very clear that we, the hon. Members, do not feel that this House is competent to decide the future status of the Protectorate.

An hon. Member: Are you with us or against us?

Sheikh Nassir: What we can do is just discuss it. At any rate, I should like to thank both His Excellency and the Minister for Finance for presenting to us what they feel are the solutions to our ills and problems, both economic and political, that would entail our two countries, namely, the Colony and Protectorate. I would like to congratulate KADU for the bold stand they have bravely taken in the face of all these threats and intimidation which have come to be an accepted and common feature of our present-day misguidedly nationalistic.

Hon. Members: Sit down!

Sheikh Nassir: My thanks to His Excellency, Mr. Speaker, Sir, go to him as the Governor of the Protectorate and not as the Governor of the Colony. In this, I am not unconcerned with the Colony—I cannot be in this age of pan-Africanism—but I am just trying to make a theoretical technical point, a practical one, in other words, it is not out of any less love for the Colony but because of my greater love for the Protectorate.

Following His Excellency's speech, Mr. Speaker, Sir, one could see a very significant change. In the past, we used to speak of multi-racialism or inter-racialism and now we can see from His Excellency's speech another feature, and that is Africanism or African predominance. But on the

question of Africanism one would quite naturally ask, "Who is an African?" There has been a fallacious tendency to identify an African with the colour of his skin. This is wrong, because, Mr. Speaker, Sir, if we were to do so, I think we would, in this House, be in a position to say, for example, that the hon. Member for Nairobi East is more African than the hon. Member for Kajjido. People do have another tendency to identify an African with settlement; in other words people make one settlement as a criterion. In this, Mr. Speaker, we, the so-called Arabs, except for our culture and civilization, are more African than those who are now regarded to be Africans.

An hon. Member: Question!

Sheikh Nassir: The hon. Member says, "Question!" I am just coming on to an explanation of the point. I have, for example, a book written by the present Leader of Government Business, a book which was written in 1949 in which he made it clear that his tribesmen, the Ghitamas, are three hundred years old in Kenya.

An hon. Member: Question!

Sheikh Nassir: Now, Sir, why question Mr. Speaker, why not call for substantiation? Now, if by being in the Colony or in Kenya for three hundred years one becomes a native entitled to native rights, one becomes an African entitled to African rights, why cannot the Arabs who have been here for as long as ten times that period be regarded as natives of this place with equal rights? Why should they be threatened with evacuation in this land? We, Mr. Speaker, are no less African in this land but we are even more African in this land than, for example, the negroes are in America or the English in Australia. It is with this definition that I have to call upon the Government to approach the question of localization and Africanization schemes. It is very unrealistic, Mr. Speaker, Sir, to have a man all the way from Mozambique or from the Congo to be entitled to native rights in this country when we people who have been so long established in this country are regarded as foreigners. Just because we have that pride in our culture. Our culture is there and we make no mistake about it, we are very proud of it, and in fact we are very proud to see that at least in this part of the Colony we are responsible for certain people's culture. I would therefore, Mr. Speaker, Sir, call upon the Government, in reply, to tell us where they stand with us on this question of localization of services and Africanization of services.

Sheikh Nassir]

It is on this question, Mr. Speaker, that we feel very strongly because we get people threatening us down at the Coast.

On the question of constitutional advance which His Excellency touched upon, His Excellency was very wise to say that there is to be another constitutional advance without a conference; but we are bound to ask where the Protectorate would be.

Hon. Members: In Kenya!

Sheikh Nassir: It should be remembered that at the Lancaster House Conference the Protectorate was rightly left out, Mr. Speaker, and we know that we cannot be isolated if we are to take part in the Federation. We in the Protectorate have these conditions that are a prerequisite for any advance. They have been there for ages but we are now being bundled together with the Colony and we are unnecessarily retarded because of the misdoing of the people in the Colony. Whereas in the Colony you have the problem of races we in the Protectorate, regarding the Sultan as a symbol of our unity, do not have all these problems.

Hon. Members: Question!

Sheikh Nassir: Perhaps, Mr. Speaker, those hon. Members who shout "Question!" should be told the truth here. They do not come from the Protectorate. I have just cited an example given by the hon. Member for Kilifi who accepted in that same book that his country is 30 miles from the Coast and therefore outside the ten-mile strip and that, therefore, he has no say in the future of the Protectorate. Those people are out of the Protectorate. I call upon the hon. Member, Mr. Speaker, to produce the book, and he will see his own mistake. At that time he did so as a teacher, and he has changed his mind now that he is a politician.

While on this question of the Protectorate, Mr. Speaker, I would also like to thank the hon. Member for Machakos when he tackled this question of the £16,000. He rightly said that the £16,000 should not come from the Kenya Government. I quite agree with him, Mr. Speaker. It is wrong because the Kenya Government does not come to the treaty between Her Majesty and the Sultan or between Her Majesty's Government and the Sultan. It was very clear. No one questioned it when the hon. Member for Legal Affairs mentioned it in answer to a question in this House, when he said that the Kenya Government does not come into this matter. I do say, with the hon. Member for Machakos, that this £16,000

should have come from the British Government and not from the Kenya Government. But again, the hon. Member for Machakos should also have told us about the money that comes from Kilindini. Would he like to have it for the Kenya Government? We should have that money as well. That is why I interrupted him by saying "Exactly."

To effect this suggestion of what I have been saying I think it is high time that His Excellency implemented the Kenya Protectorate Order in Council, 1920. The Order, Mr. Speaker, is there and it is only His Excellency, according to that Ordinance, who is empowered to invoke it.

On the question of East African Federation, we have been very clear on it, and we say that we agree with East African Federation. But we would only be prepared to enter into an East African Federation with our sovereignty, and right of self-determination observed. We are only prepared to go into an East African Federation, Mr. Speaker, as a separate and independent state unit with Kenya.

An hon. Member: That is a dream!

Sheikh Nassir: Well, Mr. Speaker, I hear an hon. Member saying that that is a dream. Always things come from dreams. One starts dreaming and then one comes to the reality.

To come back to the question of constitutional advance, we see that some policies are being pursued and we want to see the policies pursued by local authorities do not infringe and are appropriate to the future of our Government. We accept the Common Market in principle, and the things coming under its orbit and within our area should be rightly tackled with us.

Now, I come to the question of law and order. His Excellency did well to stress this point. We, as I said in the beginning, at the Coast are being threatened with evacuation by people whom we regard to be as stranger in our Protectorate, as we would be in Arabia. We have rights in the Protectorate, Mr. Speaker, and I would like to make it very clear to those who think that by our patience we are cowards: We are not cowards. We have been threatened with being killed when independence comes. We have been threatened with evacuation when independence comes. We have been patient. I say that I would advise my hon. friends not to misjudge our patience for cowardice. We are not cowards, Mr. Speaker, and anybody who thinks that we are cowards I declare him to be a very poor student of history, particularly military history. This is not threat, Mr. Speaker. We have

[Mr. Mwanjumba] the Agricultural Department to try and make some sort of schemes whereby we can make use of water for grazing schemes, irrigation, and so on. But all the time we have asked to do so we have been retarded by the Ministry of Agriculture. It is very unfortunate, I must say that, it is very unfortunate. Instead, what we have is a very expensive organization. Instead of trying to solve this problem the Ministry of Agriculture has thought it right that we should have an expensive organization like the Maize Marketing Board which, to my mind, is not anything helpful to the consumers of maize because people who consume maize in the famine areas and in the areas where there is confused drought if the present Government had thought it wise they would have introduced a scheme of schemes for irrigation in order that we may grow maize or food crops without depending on rain at all. This is where the Ministry of Agriculture has failed completely and I am very sorry about it. And to add more to that you see I am told that now Kenya is divided into areas of high potential and areas of low potential; that means Kenya is divided into useful areas and useless areas and people like me are living in useless areas. I do not know what led to that but it is very unfortunate. I do not think there are any useless areas in Kenya.

An hon. Member: Interjection.

Mr. Mwanjumba: What do you mean by an area of low potential? This is simple language. To proceed with agriculture, we have several cash crops which could be introduced to countries which are drier—I am not discriminating other countries but I am saying this, as far as my place is concerned, that we have a lot of cash crops introduced in other districts which would be of very great value to us. I am told that what is going to be introduced at the next stage is that we are going to have schemes for afforestation, schemes for other things and so on. I must say that we have tried these schemes for afforestation for a long, long time, and they have become a failure. I am asking today any person who is responsible, the Minister for Agriculture, never to bring afforestation in our district because we do not like them at all, instead we would like irrigation schemes introduced in the district, instead we want to introduce schemes to plant small which is a very, very thriving crop indeed in the district, instead they would introduce other things—other crops which are capable of thriving in the drier regions.

I am very sorry that I have said it because this is a plea from people who are poor, people who

have starved year after year, people who are humble and they are only making their humble plea to the Government through me. I must say that we could do a lot with agriculture without having much reference in many things, but we think—I feel that very little is being done at all. Very little is being done.

I must mention here the maize control schemes. This maize control is bothering us very much. We have, for example, in my district and in nearby places like Moshi which usually produces a lot of maize, poor people go there to help themselves to get cheap maize. They cannot get cheap maize, they cannot cross over the border because they are prosecuted and the maize is taken and they are imprisoned, something which is extremely bad indeed. And instead of being given free maize, people who are starving, and so on, they know that they cannot get that free maize until they build roads, until they go to build the district commissioner's camps, and so on, before they can get any pounds of maize at all. It is something which is very annoying.

One other thing in these places I would like to mention is that I am told that there is a scheme called the Galana Game Grazing scheme. I know very little about this but I would ask the Government not to waste too much money with these schemes where they are trying to graze wild animals such as rhinos and so on. I wonder how much milk a rhino would produce—instead of that they should introduce grazing schemes in these areas in order to boost milk production.

An hon. Member: Interjection.

Mr. Mwanjumba: Now, Sir, we have a lot of big local areas in places between Mjito Andei and Mackinnon Road which could be brought into some sort of economic production but we know we cannot get these places because of the National Park. But I would say that the National Park is a danger to our wellbeing, whatever the case may be because I know the proceeds which come from tourism do not actually go to Africans, they go to other people.

An hon. Member: Interjection.

Mr. Mwanjumba: Then I come to education.

The Speaker (Mr. Slade): Mr. Mwanjumba—

Mr. Mwanjumba: The Minister for—

The Speaker (Mr. Slade): Order, order. Your half hour is finished.

Mr. Mwanjumba: Finished, Sir? Could I have—

The Speaker (Mr. Slade): You must finish your speech now.

Mr. Mwanjumba: I did not know it was so quick I come to the point of education.

The Speaker (Mr. Slade): Order, order. You must sit down Mr. Mwanjumba when I tell you to conclude your speech.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipi): Mr. Speaker, Sir, I rise to reply to a few points raised by my hon. friends on the Opposition Side. Before I go into the details I would like to reply to allegation made by my hon. friend the Member for Northern Province West that practically nothing was being done by the Government in the way of agriculture and water development in the Northern Frontier Province. Either my hon. friend was trying to evade the facts or trying to put in unnecessary criticism, I do not know, but for the information of my friend I can tell him that something has been done in the Northern Frontier Province. And of course, Mr. Speaker, during the past ten years the major item of expenditure in the way of water provision has been on what is called the Dixey Scheme. Now, Sir, the cost of this scheme so far amounted approximately to £400,000. Under this scheme a large number of bore-holes were drilled and 23 of these were equipped and put into use. There were also some 50 surface dams provided and on completion of the capital works programme a maintenance unit was established to construct a small number of new dams and to maintain the existing ones.

As well as the expenditure on the Dixey scheme various other works of water development were put in hand during this period. The major items being the construction of fully treated township water supplies at Marsabit, Isiolo and Garissa. The total, Sir, of £58,762 has been expended by ALDEV as follows:

I think my hon. friend will be well equipped as to the facts if he could listen carefully.

An hon. Member: Interjection.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipi): Thank you, Now on Marsabit, £24,946 was spent on (a) a pipe line on the western face of South Kuli in 1958-59 and (b) a pipe line through Marsabit Mountain which ties in with grazing schemes.

Now, also two bore-holes, pans and dams; (2) Moyale, an expenditure of £3,382 for (1) small dams, (2) equipping Buna and Solola bore-holes and (3) rock catchments, which is a new form of water conservation.

Now in his own area, the Turkana area where the hon. Member comes from the Government has spent £10,148 on water projects.

An hon. Member: Is that all?

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipi): Now, Mr. Speaker, these—

An hon. Member: On a point of order, how many boreholes are there?

The Speaker (Mr. Slade): That is not a point of order.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipi): Thank you, Mr. Speaker, these amounts which I have just mentioned were expended on flood irrigation experiments and (2) North Turkana water, an expenditure of £4,000. Now Garissa, £3,032, also Isiolo an expenditure of £4,787.

Now this, of course—there are so many other factors which might be taken into account when considering the provision of water in the Northern Frontier Province. Our advisers or the executive officer considers that, generally speaking, boreholes are unlikely to be successful for geological reasons. Furthermore the drilling equipment and maintenance of boreholes in the Northern Province are very costly and would throw an unreasonable strain on the financial resources of the area, and only limited relief would be provided. Moreover, a very much sounder form of water development in that area is that undertaken in accordance with the Dixey Scheme, i.e. provision of large pans, these have proved of great benefit to the people and are constantly being increased in number during the present planning period.

Now in the 1961/62, £14,800 land funds are available from ALDEV sources for water supplies in the Province. This does not take account of the very considerable funds available through the D.C.'s scheme sources.

Now I think I have satisfied my hon. friend—of course I would be the last to admit that all which we would all like to see is there; but at least it shows that the Government has done everything within the funds available and the manpower available to help the people whom my hon. friend represents.

Now, Mr. Speaker, if I may feel again with my hon. friend the Member for Machakos, Mr. Mulla, who also involved in trying to minimize the trouble and the amount expended for the provision of water in his district.

[Mr. Mwanjumba] which they rejected some 50 or 30 years ago. Mr. Speaker, Sir, I understand that some of them have gone to South Africa, where they cannot find room to live. I understand that some of them have gone, Sir, to Australia and so on. They forget that the land belongs to other people. Let them get security here, but they can only get security from this side of the House, not from that side, because as I say, that side of the House—this one here—is composed of many people who only contradict themselves. I am not worried, Mr. Speaker, that money is going out of this country because one would have supposed that it must do so. Why is it not flying away from Uganda or Tanganyika? Because there in Uganda the entire economy rested, well 80 per cent of the economy, rested mostly with the African people and the same is happening in Tanganyika. Therefore they have not that problem which we have here of money flying out of the country. It does not worry me, Mr. Speaker, to see that money is going from the country because I do not think that money which is flying out of the country is money which is produced by this land of Kenya. Therefore, to me I attach more emphasis on this land of Kenya rather than money which is flying away because if we get that land here today it is only a matter of a few months a matter of two years or three years when we will be able to get that money back again. My point is this today almost every Government Minister or every Government officer is flying to England or to Germany to try to borrow money for development here in Kenya.

It is this we must bear in mind that Germany and England were both overrun by the war and both of them had almost become bankrupt during the war, but because after the war they had a free hand in their own country they were able to recover themselves so quickly that they were able to borrow money from them. If we are, for instance, able to get independence as soon as possible today, even if that money has gone out of the country, we will be able to recover it as soon as possible. We can get a lot of money, a lot of capital from outside, not only from Great Britain, there are so many other countries—there are as many countries which are so friendly to Kenya that we need not be bound to get money from Great Britain alone. Provided we get that money from any part of the world there is no difficulty at all.

Mr. Speaker, Sir, I must come to the point which I raised that this unpopular Government is trying to do some injustices to suppress the Opposition, or to suppress members of KANU

or who believe in KANU. Just recently in my district, something which was unknown in the district, we had some boys who were sentenced to corporal punishment—boys who are at the age of 12 and 14, just because, I was told, they belonged to KANU, or their fathers belonged to KANU, and those boys were singing *uhuru* songs as they were going along the roads. They were stopped by one of the district officers and they were told that they must be punished because they were singing *uhuru* songs in praise of Kenya which is not praised by the Government.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Mr. Speaker, on a point of order, the hon. Mr. Mwanjumba said the boys have been given corporal punishment for singing Kenya songs, can he really substantiate this? Whether it was in a court or some other place?

The Speaker (Mr. Slade): Can you give chapter and verse?

Mr. Mwanjumba: I can give chapter and verse after this.

The Speaker (Mr. Slade): Have you got it with you?

Mr. Mwanjumba: I have not got it with me. I read it.

The Speaker (Mr. Slade): That you will produce the evidence to Mr. Okondo?

Mr. Mwanjumba: Yes, whatever he wants. This is, Mr. Speaker, Sir, a point which has given a great concern in the district in many places, that the Government is laying a very, very hard hand on people who belong to KANU and people who have been known to like Kenya's release and so on, everything is being done to try and suppress them and to try and tell them they must belong to one of the other parties.

Mr. Speaker, Sir, I do not need to take very long. I shall go ahead. In as far as land is concerned, I believe that it is this which has caused so much uncertainty in Kenya, so much uncertainty in Kenya and so on, and it is this which is causing that fright among my fellow Europeans and so on, and it is this which is causing some of them to fear and is causing Kenya to be ruled by fear, so to speak. So far as I can say, it is these people who feel frightened or frustrated by a situation which they themselves have created some 30 to 40 years ago. If they had planted good seeds here in Kenya we would be now, all of us, without discrimination being reaping the good fruits in Kenya today. But I do not think we are doing that at all because of this—whereas on the one hand we find that there are people who have always had plenty, on the other hand we find that

there are people who are actually living from hand to mouth.

Mr. Odunga: Hear, hear, hear.

Mr. Mwanjumba: There are people who suffer from year to year, all the time, and there are people who have never had any experience of any famine which has occurred in Kenya, what is this, it is not justice.

Mr. Speaker, Sir, I do not mean to say that this Kenya should only belong to Africans, no, that is far from my point. But I do say that this Africans are a very friendly people, they welcome anybody that comes, they are prepared to live with anyone at all who can make friends with him but detest anybody who tries to make himself a superior person to the Africans, anybody who is trying to make himself a political demagogue over the African. We do not like this and what I am complaining of is this, that these friends of ours who are with us here and who believe in us and who believe in Africans and who identify themselves with the Africans will have nothing to worry about at all; they have nothing to bother about, because we will do everything to protect them, whether they are in the farms or business, or own property, we will do everything to give them security for their property.

Mr. Odunga: Hear, hear.

Mr. Mwanjumba: But it is a different thing when somebody is openly against an indigenous person, when somebody openly shows aggressive attitudes against an indigenous person. Surely, this person should be protected. I should not protect such a person because he is not with me, or he is not with us, he is not in sympathy with my difficulties, he is not in sympathy with my problems at all.

We want land. We want land, there are so many people who are going about without land, there are so many people who are going about without food, without anything at all, and there are stretches of land lying idle in what we call the Scheduled Areas; there is plenty of land which is lying idle. Mr. Speaker, Sir, in what we call National Parks there is plenty of land lying idle in the Crown lands. All these problems we have today, would be simpler if land was available, made available, to these landless Africans. Just let me tell you this, in the National Parks, there is nothing which is African in the National Parks in Kenya, there is nothing which has given us so many difficulties in Kenya, especially to us people who are living in the areas around these National Parks. A lot of places are surrounded by these National Parks and it gives me pain to have to tell you the difficulties we have with

these National Parks. It has been this, in order to win dollars from America, the United States of America, this Government is prepared to torture us, is prepared to imprison us, is prepared to do anything at all if that means they can get dollars from America. It must be plainly understood that I am not saying I am in favour of exterminating game entirely, no, but which comes first—game or human requirements? As far as I can see, it seems that this Government—and I must say I am very sorry to say that—this Government is taking the wild animals to be superior to human beings because we have asked them to give us land in the National Parks, many times indeed people have been suffering from famine and so on, they have firmly refused. We wanted them to move the boundaries one or two miles away. We have asked this Government to give us access to the water which is in the National Parks and they have bluntly refused.

An hon. Member: They still refuse.

Mr. Mwanjumba: And even now, today, I am asking this.

An hon. Member: Interjection.

Mr. Mwanjumba: And Mr. Speaker, Sir, I do not mind how much money comes from America, I do not mind how much we get from America, what I mind is this, that my people are suffering. Of course, in the districts, which are run by the district commissioners and district officers, and so on, they have been so severe with people who have been living in these areas that it has shocked us to see that the Government is actually, not interested in our welfare, the Government is not actually in sympathy with our difficulties at all. We have a very big river, like the Tavo River which runs through the district and no African, nobody at all is allowed to use that waterhole because it runs through the National Parks. I wonder if there is any river in England which is never used by any human being at all? I do not know whether there are any National Parks in England but somebody can correct me on that.

Mr. Speaker, Sir, a lot has been said and just to move over I come to the question of agriculture. In Kenya and in many places in Kenya there has been a continuous drought all the time. There has been famine all the time in Kenya. What depresses us is this, that although there is this famine in Kenya, continued starvation in Kenya—people suffering—the Agricultural Department being paid a lot of money is not able to solve this problem of starvation in these areas. Kenya's rainfall is not as bad as other countries' rainfalls, we have something like 14 in. to 10 in., whereas other countries have no rainfall at all. But what is depressing us is this, we have asked

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we have with the economic situation in this country. He has done a splendid job and I think he deserves to be thanked for it. He has worked out his taxation policy in such a way that the richer person who can afford to pay should support the economy more than the poorer person who cannot. For instance, it has been worked out in such a way that indirect taxation has been slightly raised and the poll tax which was at Sh. 20 per head has now been reduced to Sh. 15, and it is to be hoped that in the near future, perhaps sooner than in the next three or four budgets, the lowest level of taxation will be done away with completely. Now, Mr. Speaker, I have heard a lot of criticism of the budget on two points and a two points alone, and I am glad to hear that it is only on these two points. One has been sugar. The hon. Member for Nairobi East just said it again—but this is really not valid because sugar has been higher in this country for more than a year; it has been at 65 cents before and I presume the hon. gentlemen were very pleased when it went down. Some have said that it should have gone up. Well, it is a matter of opinion, Mr. Speaker, and opinion does not necessarily mean it is right. Your opinion may be yours, but hold it at you like mine may be right. Now Mr. Speaker, as my hon. friend, Mr. Butler pointed out, we would not have raised the same amount of revenue if we had imposed tax on beer or on cigarettes and, in addition, they would have done a lot of harm to those industries which we need to support, so the tax on sugar was the justifiable tax.

Mr. Mboya: Let the beer drinkers pay more.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): At this stage, Mr. Speaker, it is very important for this country to differentiate very clearly between recurrent budget and the capital budget. It would be foolhardy for a Government to spend a lot of money or grant loans to balance up a recurrent budget because, proverbially, you would be starving the goose that lays the golden egg, and if that goose is starved, Mr. Speaker, it will not lay eggs at all, let alone golden ones. So the idea we really want to bring up by the loans or grants that we can get in this country and which are to grow healthily in this country and avoid distortions and subsequent embarrassment, we must learn to meet our recurrent expenditure such as salaries, maintenance and replacement of capital goods, interest on public debt and the like, mainly from our own revenue. We have got to tighten our belts. We must tighten our belts, Mr. Speaker, so that we can provide for these things, so that we

can learn how to run our budget in an efficient way. My hon. colleague, the Minister for Finance and Development, has really indicated the way along which you can travel towards that objective by giving us first a taxation policy that is both liberal and yielding the revenue that we will require.

I would like to say a few words on the development project. The Government's three-year development programme, 1957-60, was terminated on 30th June, 1960. Gross expenditure under this programme amounted to nearly £25 million. The new development programme for the period 1960-63, envisaging gross expenditure of more than £39 million includes additional finance obtained recently in London by our delegation, Mr. Speaker. Now, at this stage, this represents an increase of £14 million, which is a 59 per cent increase, and there is little prospect of further substantial assistance from Her Majesty's Government in connection with the Government land reform programme. The following figures compare gross expenditure for some of the principal development activities in the period. For instance, for 1957-60 these were the figures: agriculture, £9.92 million; roads and aerodromes, £3.54 million; education, £2.01 million; housing, £2.22 million; local government, £1.14 million; and other expenses, £5.01 million. The total was £24.66 million. Now compare the same figures for 1960-63. Agriculture, as against £9 million, we have now got £20 million; roads, as against £3.53 million, we have now got £3.9 million; education, we have now got £2.3 million; housing, we have got £1.8 million; local government has gone up to £2.7 million; other services have gone up to £7.3 million; a total of £39 million. Mr. Speaker, and the Opposition say we are not doing much work—£24 million to £39 million in a matter of six years. Mr. Speaker, that is a very high rise indeed, and I wish, Mr. Speaker, the Opposition would do something to help this country earn more to spend on these services which we require to improve our standard of living. The rapid expansion of the economy demands the expenditure of capital far in excess of amounts that can be provided at the moment by the people of Kenya and the Opposition do not see this at all. They are involved in policies that are a mere waste of time and backward strokes. Therefore, we must go to our friends abroad and convince them that money provided in grants and loans for our development schemes will be used to good purpose and that we will endeavour to prevent the Opposition from wrecking this project. It is the standard of living of the people of Kenya that we require to raise as quickly as possible. We do not have in the present to

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frighten investors; we do not have in the present to tell lies or to make statements that the speakers themselves do not believe in. We want to assist foreign investors to have faith in our Government so that they will continue to assist us in this way with our development programmes. But what are the Opposition doing, Mr. Speaker? Every day you look at a paper and you find some scurrilous statement from somebody who appears to have been dreaming or having a nightmare. This sort of thing is utterly irresponsible and very often you will find, Mr. Speaker, that these statements are so contradictory because it is the nature of this Opposition we have to be contradictory.

In the years 1957 to 1960 37 per cent of the money to finance the development programme came from abroad. I must repeat that: that in the period 1957-60 our development programme was financed by 37 per cent of the total expenditure coming from foreign countries; 63 per cent came from local sources. The great expansion in the size of the 1960-63 programme, together with the more difficult political conditions of the present time have now made the situation that this proposition is reversed and this must clearly be laid at the feet of the Opposition. They have forced this country to borrow more money with the result that now we borrow over 76 per cent and can find locally only about 24 per cent.

Mr. Mboya: On a point of order, Mr. Speaker, the hon. Member appears to be reading a speech.

The Speaker (Mr. Slade): I have warned hon. Members that there is a Standing Order which prohibits the reading of speeches. Some allowance is made for maiden speeches, but after that the rule is enforced very strictly.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Thank you very much, Mr. Speaker, but I challenge the hon. Members on the opposite to keep all these figures in their heads and come here and say them out. What I am doing is using these notes, Mr. Speaker. If I do not use these notes to read the figures out they will say, "Oh, those figures, please substantiate".

The Speaker (Mr. Slade): That is quite in order. The Parliamentary Secretary for Finance and Development (Mr. Okondo): Thank you very much, Mr. Speaker.

Mr. Speaker, Sir, the next item in our programme of development should really be training manpower, because to me to think of development without having the local native people to use for the development of our natural resources

is really a shame and farcical, and this is what the Government aims at, that we should have a training programme to bring us, our people, to the standards that we want. Kenya has a reputation, Mr. Speaker, of having set a very high standard in many things and we would like at all costs to maintain this standard and we are going to do so by uplifting all the African people into those standards. We do not want any levelling down, Mr. Speaker.

I do not believe, Mr. Speaker, in developing our natural resources by the use of foreign experts. I believe, Mr. Speaker, in using developing our natural resources by the use of foreign teachers, foreign technical teachers. They will come along and teach our people to develop our natural resources, and this is what the present Government has set out to do. It does not matter what the hon. Members on the opposite side say; we are set on this path and we are going to blaze it till the end. We are not at all daunted by interruptions from across the aisle because we know very well that they are interruptions which come from men who have shirked their responsibility all along and who have the intention of shirking their responsibility, Mr. Speaker, perhaps, if I may be allowed to say so.

Mr. Speaker, Sir, we intend to give the African people of this country a very good education, to reorganize our educational system and to follow equally well the channels of professional training to the level of the university standard. We shall not concentrate on the pure academic teaching alone which leads to white-collared jobs which, presumably, my hon. friend on the opposite side would like to see. Our country is vast, it is a beautiful country, and we are people with technical knowledge to exploit the resources for the benefit of the community. So, what we intend to do, Mr. Speaker, is to see to it that youngsters and girls who leave school after seven or eight years should be diverted according to their aptitudes to whichever line they are more inclined, whether more academic training, pure academic training, or towards technical training that will lead up to professional qualifications.

Mr. Speaker, in the process of doing this, we are sure that there will be produced artisans that our economy needs for the various works we have to carry out. For instance, in agriculture, we need men, Mr. Speaker, who know scientific farming so that the standards of farming are maintained and that the product of the land is of the highest. Similarly, Mr. Speaker, we need veterinary surgeons to look after our cattle so that all these grasslands can become grazing grounds for cattle to feed the people with meat.

[Sheikh Nassir] been threatened long enough. But we mean to say that this is our land. We have been in this land. We have as much right as anybody who claims to be a native of that land, and we are not going to budge an inch from our rights. We had better die honourable men than live servilely.

In this question of our rights, Mr. Speaker, I am not looking for any confirmation from anybody who labels himself an African. This is our right and we are going to fight for it. All this trouble at the Coast is an imported trouble. Those who are indignant to the Protectorate have never been hostile to one another. It is on all this question of trouble at the Coast, Mr. Speaker, that I must criticize the Government for wrongly sited their detention camps. The detention camps at the Coast are wrongly sited. They, to a large measure, are responsible for the strained race relationships at the Coast. We at the Coast would like to live as good neighbours with our brethren in the Colony, but we will not see ourselves dominated by the people from the Colony, and when I say this I am not speaking against these people but I say being just as nationalistic as Nyerere was when he kicked out 14,000 Kikuyus from Tanganyika.

Coming to the question of lawlessness, again we have been unjustly treated. The Kenya Government goes anywhere and just gets the money, and then we are made responsible for whatever is used, largely in the Colony. I think it is high time that we should not be bundled together with the Colony in these financial commitments.

Mr. Mboya: Where would you be without us?

Sheikh Nassir: The hon. Member asked where I would be without them. I would be where I were before their coming into this House.

Now, Mr. Speaker, Sir, it is high time we had our own accounts on these loans. It is not fair to bundle up the Protectorate with the Colony. We have, for example, on these loans for trade, people of the Colony and I can quote the example, getting Sh. 20,000 in loans in the Protectorate. Now, that money could best have gone to a man from the Protectorate.

Mr. Mboya: On a point of order, Mr. Speaker, are we discussing the Budget, the Protectorate, or what?

The Speaker (Mr. Slade): In the Budget Debate you discuss everything that appertains to the Colony or the Protectorate with the exception of those matters which I mentioned as being already

the subject of separate debates which have been held or which are to be held in the near future. The hon. Member is quite in order.

Sheikh Nassir: Thank you, Mr. Speaker, Sir.

Now, I am just trying to use this forum because just at present, as I say, there is this mismanagement of being bundled together with the Colony. We are being penalized for the misdeeds of our neighbours in the Colony. We have been asked to foot the bill that has been largely attributable to the Emergency. We, down at the Coast, were not responsible for the Emergency. All these taxes and financial burdens that come on the Colony are bundled together with us just because it has been found to be of administrative convenience to bundle us together with the Colony. All these increased taxes, and all these expenses that have come as a result of the Emergency should be well thought over by my hon. friend the Member for Fort Hall who said here that he does not believe in collective punishment. Here are the people who are being collectively punished with others. It is on this that I think the hon. Member for Fort Hall should have come out very clearly and said that all these bills should have been heaped on those people who were responsible for the Emergency.

Mr. Mboya: You pay for your own school!

Sheikh Nassir: That is why we say that we want our own Protectorate in order to show these people that we can run our country by ourselves.

Mr. Mboya: Go and buy land elsewhere!

Sheikh Nassir: Now, all these loans, Mr. Speaker, and all the benefits coming from these loans go to the people up-country. We do not have any major developments comparable to those in the Colony. We still, for instance, have the proverbial Lamu Road as it was some time back.

On the question of capital investment, Sir, we do believe that we need this, but our emphasis should be on internal investment; the very fact that money to the tune of £1,000,000 a month goes out is, in fact, an indication that we have money which could be used internally in capital investments.

Mr. Mboya: It does not come from the Coast.

Sheikh Nassir: Mr. Speaker, Sir, the hon. Member is saying that the money does not come from the Coast. But I think the hon. Member forgets that there is that Port which is the thing that makes them hesitant to accept the sovereignty of the Protectorate.

An hon. Member: Go back to Arabia!

Sheikh Nassir: Now, Sir, I am told to go back to Arabia. I think that the hon. Member could also go back to the Sudan.

On this question of unemployment, Mr. Speaker, we thank the Government for their plan to alleviate the unemployment position. We are very much concerned with its attendant effects which I have no need to enumerate here. But we say that in any scheme which the Government is instituting at this stage—that means at the stage when the Protectorate is not separate—we would like the Government to see that we get a substantial share to remedy past oversights. When we come to this question of employment, Sir, there is a tendency to confine it to the labour force and, as I said in the beginning, to black Africans. When we say that we should have our share we mean that all those in the Protectorate, who are His Highness's subjects, should have their share, their rightful share.

The question of landlessness is not only confined to the Government type of African. As I did in the beginning, we are a people with an ethnic origin different from the origin of the Government type of African, but nonetheless entitled to native rights.

Mr. Chokwe: Tribalism!

Sheikh Nassir: We say that when the British came into this land they also found us with land, the land which we have lost out of ignorance and out of ability to follow the Official Gazette. Now, in the schemes to redistribute the land to the natives I would ask the Government not to lose sight of the fact that we are also entitled to this question of land; we lost our land as well.

Hon. Members: Where!

Sheikh Nassir: Mr. Speaker, I am not in any way being hesitant to hit back at all these interruptions. I am quite prepared outside this House to share a platform with anybody on this question. I see the amber light so I have not got much time. But for the information of any hon. Member, Mr. Speaker, Sir, I am prepared to share a platform with anybody, even with the best orators so long as the audience will be orderly.

Mr. Mboya: You are afraid of the audience!

Sheikh Nassir: Schemes and loans in the Protectorate should be directed to the subjects of His Highness who equally suffer from land hunger.

Hon. Members: Question!

The Speaker (Mr. Slade): There are too many interruptions. The hon. Member only has five minutes left.

Sheikh Nassir: It has been a failure on the part of the Government not to protect the children of the soil. Too much land has been taken by the Government as Crown land which I now call upon the Government to see, in this scheme of distributing land to the people in the Protectorate, it goes into the right hands.

There is a very fallacious tendency, Mr. Speaker, to confuse the Protectorate with the Province. When I speak of the Protectorate I am just speaking of those rightful citizens, the subjects of the Sultan, and not the people outside the Protectorate, which may be the Province.

Mr. Speaker, Sir, with these 30 minutes it is not really possible for me to cover all the ground I want to cover.

An hon. Member: Move a Motion!

Sheikh Nassir: I intend to move a Motion and I shall defend that Motion with our characteristic gallantry.

Mr. Speaker, Sir, I think I would not go to another point because I want time to finish this, and with these reservations, Mr. Speaker, Sir, I beg to support.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Mr. Speaker, Sir, thank you very much for allowing me to speak this evening.

There has been a lot of answering questions that have been raised by the hon. Members on the opposite side, and I think that answering that has been done so far has been efficiently done and has been quite satisfactory. I do not intend to go into it again.

Most of the criticism that has come from the Opposition Members has been criticism of the budget. Most of it, I must say, has been such criticism that can be called misinformed because many of them have aimed at things and suggested things which can hardly be done in Kenya today with the present rate of economy. We all know, Mr. Speaker, that if we could, we would like to have factories to manufacture jet planes in this country so as to give people more employment and a higher standard of living but the fact is that we just cannot do it and if we cannot do it, as the saying goes, if we cannot get what we want, we have got to do with what we have. And what we have today, is a small budget of £34,000,000 recurrent—with that a country like Kenya can sort of hobble along but really you cannot do everything you want to do. I do thank my hon. friend, the Minister for Finance and Development, for the good job he did in producing a very sober budget in view of the difficulties that

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Now, Mr. Speaker, I want to be very generous this afternoon and spare a few of my minutes which are left to other hon. Members. I would honestly appeal to them—appeal to them—to take into consideration and consider it very seriously as to where, if we were to accept their direction, we would end. My advice to them is to follow us. Let them follow our example and, of course, they will see, that in no time, all that they are murmuring for will be accomplished.

I beg to support.

Sheikh Nassir: Mr. Speaker, Sir, a few minutes ago when my hon. colleague, the Parliamentary Secretary to the Ministry of Commerce, Industry and Communications, was on his feet some of the Members from this side were getting a bit fidgety for the question of the Coastal Strip. Well, I think the time has come for it to be discussed. Much as I should like to bring up points concerning the Coastal Strip here, I would, Mr. Speaker, like to make it very clear that we—the autonomists—do not feel that this House is competent to decide the future status of the Protectorate.

An hon. Member: Are you with us or against us?

Sheikh Nassir: What we can do is just discuss it. At any rate, I should like to thank both His Excellency and the Minister for Finance for presenting to us what they feel are the solutions to our ills and problems, both economic and political, that afflict our two countries, namely, the Colony and Protectorate. I would also like to congratulate KADU for the bold stand they have bravely taken in the face of all these threats and intimidation which have come to be an accepted and common feature of our present-day misguided nationalism.

Hon. Members: Sit down!

Sheikh Nassir: My thanks to His Excellency, Mr. Speaker, Sir, go to him as the Governor of the Protectorate and not as the Governor of the Colony. In this I am not unconcerned with the Colony—I cannot be in this age of pan-Africanism—but I am just trying to make a theoretically technical point, a practical one; in other words, it is not out of any less love for the Colony but because of my greater love for the Protectorate.

Following His Excellency's speech, Mr. Speaker, Sir, one could see a very significant change. In the past, we used to speak of multi-racialism or inter-racialism and now we can see from His Excellency's speech another feature, and that is Africanism or African predominance. But on the

question of Africanism one would quite naturally ask, "Who is an African?" There has been a fallacious tendency to identify an African with the colour of his skin. This is wrong, because, Mr. Speaker, Sir, if we were to do so, I think we would, in this House, be in a position to say, for example, that the hon. Member for Nairobi East is more African than the hon. Member for Kajjajo. People do have another tendency to identify an African with settlement; in other words people make one settlement as a criterion. In this, Mr. Speaker, Sir, the so-called Arabs, except for our culture and civilization, are more African than those who are now regarded to be Africans.

An hon. Member: Question!

Sheikh Nassir: The hon. Member says, "Question!" I am just coming on to an explanation of the point. I have, for example, a book written by our present Leader of Government Business, a book which was written in 1929 in which he made it clear that his tribesmen, the Giriama, are three hundred years old in Kenya.

An hon. Member: Question!

Sheikh Nassir: Now, Sir, why question Mr. Speaker, why not call for substantiation? Now, if by being in the Colony or in Kenya for three hundred years one becomes a native entitled to native rights, one becomes an African entitled to African rights, why cannot the Arabs who have been here for as long as ten times that period be regarded as natives of this place with equal rights? Why should they be threatened with evacuation in this land? We, Mr. Speaker, are no less African in this land but we are even more African in this land than, for example, the negroes are Americans in America or the English Australians are in Australia. It is with this definition that I have to call upon the Government in relation to the question of "localization" and Africanization schemes. It is very unrealistic, Mr. Speaker, Sir, to have a man all the way from Mozambique or from the Congo to be entitled to native rights in this country when we people who have been so long established in this country are regarded as foreigners. Just because we have that pride in our culture. Our culture is there and we make no mistake about it, we are very proud of it, and in fact we are very proud to see that at least in this part of the Colony we are responsible for certain people's culture. I would therefore, Mr. Speaker, call upon the Government, in reply, to tell us where they stand with us on this question of localization of services and Africanization of services.

[Sheikh Nassir]

It is on this question, Mr. Speaker, that we feel very strongly because we get people threatening us down at the Coast.

On the question of constitutional advance which His Excellency touched upon, His Excellency was very wise to say that there is to be another constitutional advance without a conference; but we are bound to ask where the Protectorate would be.

Hon. Members: In Kenya!

Sheikh Nassir: It should be remembered that at the Lancaster House Conference the Protectorate was rightly left out, Mr. Speaker, and we know that we cannot be isolated if we are to take part in the Federation. We in the Protectorate have those conditions that are a prerequisite for any advance. They have been there for ages. But we are now being bundled together with the Colony and we are unnecessarily retarded because of the misdoings of the people in the Colony. Whereas in this Colony you have the problem of races we in the Protectorate, regarding the Sultan as a symbol of our unity, do not have all these problems.

Hon. Members: Question!

Sheikh Nassir: Perhaps, Mr. Speaker, those hon. Members who shout "Question!", should be told the truth here. They do not come from the Protectorate. I have just cited an example given by the hon. Member for Kilifi who accepted in that same book that his country is 30 miles from the Coast and therefore, outside the ten-mile strip and that, therefore, he has no say in the future of the Protectorate. Those people are out of the Protectorate. I call upon the hon. Member, Mr. Speaker, to produce the book, and he will see his own mistake. At that time he did so as a teacher, and he has changed his mind now that he is a politician.

While on this question of the Protectorate, Mr. Speaker, I would also like to thank the hon. Member for Machakos who he tackled this question of the £16,000. He rightly said that the £16,000 should not come from the Kenya Government. I quite agree with him, Mr. Speaker. It is wrong because the Kenya Government does not come in the treaty between Her Majesty and the Sultan or between Her Majesty's Government and the Sultan. It was very clear. No one questioned it when the hon. Member for Legai Affairs mentioned it in answer to a question in this House, when he said that the Kenya Government does not come into this matter. I do say, with the hon. Member for Machakos, that this £16,000

should have come from the British Government and not from the Kenya Government. But again, the hon. Member for Machakos should also have told us about the money that comes from Kilindini. Would he like to have it for the Kenya Government? We should have that money as well; that is why I interrupted him by saying "Exacty."

To effect this suggestion of what I have been saying I think it is high time that His Excellency implemented the Kenya Protectorate Order in Council, 1920. The Order, Mr. Speaker, is there and it is only His Excellency, according to that Ordinance, who is empowered to invoke it.

On the question of East African Federation, we have been very clear on it, and we say that we agree with East-African Federation. But we would only be prepared to enter into an East African Federation with our sovereignty and our right of self-determination observed. We are only prepared to go into an East-African Federation, Mr. Speaker, as a separate and independent state not with Kenya.

An hon. Member: That is a dream!

Sheikh Nassir: Well, Mr. Speaker, I hear an hon. Member saying that that is a dream. Always things come from dreams. One starts dreaming and then one comes to the reality.

To come back to the question of constitutional advance, we see that some policies are being pursued and we want to see the policies pursued by local authorities do not infringe and are appropriate to the future of our Government. We accept the Common Market in principle, and the things coming under its orbit and within our area should be rightly tackled with us.

Now, I come to the question of law and order. His Excellency did well to stress this point. We, as I said in the beginning, at the Coast are being threatened with evacuation by people whom we regard to be as strangers in our Protectorate, as we would be in Arabia. We have rights in the Protectorate, Mr. Speaker, and I would like to make it very clear to those who think that by our patience we are "cowards." We are not cowards. We have been threatened with being killed when independence comes. We have been threatened with evacuation when independence comes. We have been patient. I say that I would advise my hon. friends not to misjudge our patience for cowardice. We are no cowards, Mr. Speaker, and anybody who thinks that we are cowards I declare him to be a very poor student of history, particularly military history. This is not threats, Mr. Speaker. We have

[Mr. Mwanjumbwa] which they rejected some 50 or 30 years ago. Mr. Speaker, Sir, I understand that some of them have gone to South Africa, where they cannot find room to live. I understand that some of them have gone, Sir, to Australia, and so on. They forget that the land belongs to other people. Let them get security here, but they can only get security from this side of the House, not from that side, because as I say, that side of the House—this one here—is composed of many people who only contradict themselves. I am not worried, Mr. Speaker, that money is going out of this country because one would have supposed that it must do so. Why is it not flying away from Uganda or Tanganyika? Because there in Uganda the entire economy rested, well 60 per cent of the economy, rested mostly with the African people and the same is happening in Tanganyika. Therefore they have not that problem which we have here, of money flying out of the country. It does not worry me, Mr. Speaker, to see that money is going from the country because I do not think that money which is flying out of the country is money which is produced by this land of Kenya. Therefore, to me I attach more emphasis on the land of Kenya rather than money which is flying away because if we get that land here today, it is only a matter of a few months, a matter of two years or three years when we will be able to get that money back again. My point is this: today almost every Government Minister or every Government official is flying to England or to Germany to try to borrow money for development here in Kenya.

It is this we must bear in mind that Germany and England were both overrun by the war and both of them had almost become bankrupt during the war, but because after the war they had a free hand in their own country they were able to recover themselves so quickly that they are now able to borrow money from them. If we are, for instance, able to get independence as soon as possible today, even if that money has gone out of the country, we will be able to recover it as soon as possible. We can get a lot of money, a lot of capital from outside, not only from Great Britain; there are so many other countries—there are so many countries which are so friendly to Kenya that we need not be bound to get money from Great Britain alone. Provided we get that money from any part of the world there is no difficulty at all.

Mr. Speaker, Sir, I must come to the point which I raised that this unpopular Government is trying to do some injustices to suppress the Opposition, or to suppress members of KANU

or who believe in KANU. Just recently in my district, something which was unknown in my district, we had some boys who were sentenced to corporal punishment—boys who are at the age of 12 and 14, just because, I was told, they belonged to KANU, or their fathers belonged to KANU, and those boys were singing *uhuru* songs as they were going along the roads. They were stopped by one of the district officers and they were told that they must be punished because they were singing *uhuru* songs in praise of Kenyatta who is not praised by the Government.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Mr. Speaker, on a point of order, the hon. Mr. Mwanjumbwa said the boys have been given corporal punishment for singing Kenyatta songs, can he really substantiate this? Whether it was in a court or some other place?

The Speaker (Mr. Slade): Can you give chapter and verse?

Mr. Mwanjumbwa: I can give chapter and verse after this.

The Speaker (Mr. Slade): Have you got it with you?

Mr. Mwanjumbwa: I have not got it with me. I read it.

The Speaker (Mr. Slade): But you will produce the evidence to Mr. Okondo?

Mr. Mwanjumbwa: Yes, whatever he wants. This is, Mr. Speaker, Sir, a point which has given us great concern in the district in many places, that the Government is laying a very, very hard hand on people who belong to KANU and people who have been known to like Kenyatta's release and so on, everything is being done to try and suppress them and to try and tell them they must belong to one of the other parties.

Mr. Speaker, Sir, I do not need to take very long, I shall go ahead. In as far as land is concerned, I believe that it is this which has caused so much unrest in Kenya, so much uncertainty in Kenya as so on, and it is this which is causing that fright among my fellow Europeans and so on, and it is this which is causing some of them to fear and is causing Kenya to be ruled by fear, so to speak. So far as I can say, it is these people who feel frightened or frustrated by a situation which they themselves have created some 30 to 40 years ago. If they had planted good seeds here in Kenya we would be now, all of us, without discrimination being reaping the good fruits in Kenya today. But I do not think we are doing that at all because of this—whereas on the one hand we find that there are people who have always had plenty, on the other hand we find that

there are people who are actually living from hand to mouth.

Mr. Odiga: Hear, hear, hear.

Mr. Mwanjumbwa: There are people who suffer from year to year, all the time, and there are people who have never had any experience of any food that has occurred in Kenya, what is this, it is not justice.

Mr. Speaker, Sir, I do not mean to say that this Kenya should only belong to Africans, no, that is far from my point. But I do say that the Africans are a very friendly people, they welcome anybody that comes, they are prepared to live with anyone at all who can make friends with him but detest anybody who tries to make himself a superior person to the Africans, anybody who is trying to make himself a political dogmatist over the Africans. We do not like this and that I am complaining of it, that these friends of ours who are with us here and who believe in us—and who believe in Africans and who identify themselves with the Africans will have nothing to worry about at all; they have nothing to bother about, because we will do every thing to protect them, whether they are in the farms, in business, or own property; we will do everything to give them security for their property.

Mr. Odiga: Hear, hear.

Mr. Mwanjumbwa: But it is a different thing when somebody is openly against an indigenous person, when somebody openly shows aggression against an indigenous person. Surely, this person should be protected. I should not protect such a person because he is not with me, or he is not with us, he is not in sympathy with my difficulties, he is not in sympathy with my problems at all.

We want land. We want land, there are so many people who are going about without land, there are so many people who are going about without food, without anything at all, and there are stretches of land lying idle in what we call the Scheduled Areas; there is plenty of land which is lying idle. Mr. Speaker, Sir, in what we call the National Parks there is plenty of land lying idle in the Crown lands. All these problems we have today, would be simpler if land was available, made available, to these landless Africans. Just let me tell you this, in the National Parks, there is nothing which is African in the National Parks in Kenya, there is nothing which has given us so many difficulties in Kenya, especially to us people who are living in the areas around these National Parks. A lot of places are surrounded by these National Parks and if given me, pain to have to tell you the difficulties we have with

these National Parks. It has been this, in order to win dollars from America, the United States of America, this Government is prepared to torture us, is prepared to imprison us, is prepared to do anything at all if that means they can get dollars from America. It must be plainly understood that I am not saying I am in favour of exterminating game entirely, no, but which comes first—game or human requirements? As far as I can see, it seems that this Government—and I must say I am very sorry to say that—this Government is taking the wild animals to be superior to human beings because we have asked them to give us land in the National Parks, many times indeed people have been suffering from famine and so on, they have firmly refused. We wanted them to move the boundaries one or two miles away. We have asked this Government to give us access to the water which is in the National Parks and they have bluntly refused.

An hon. Member: They still refuse.

Mr. Mwanjumbwa: And even now, today, I am asking this.

An hon. Member: Interjection.

Mr. Mwanjumbwa: And Mr. Speaker, Sir, I do not mind how much money comes from America, I do not mind how much we get from America, what I mind is this, that my people are suffering. Of course, in the districts, which are run by the district commissioners and district officers, and so on, they have been so severe with people who have been living in these areas that it has shocked us to see that the Government is actually not interested in our welfare; the Government is not actually in sympathy with our difficulties at all. We have a very big river like the Tavo River which runs through the district and no African, nobody at all is allowed to use that waterhole because it runs through the National Parks. I wonder if there is any river in England which is never used by any human being at all? I do not know whether there are any National Parks in England but somebody can correct me on that.

Mr. Speaker, Sir, a lot has been said and just to move over I come to the question of agriculture. In Kenya and in many places in Kenya there has been a continuous drought all the time. There has been famine all the time in Kenya. What depresses us is this, that although there is this famine in Kenya, continued starvation in Kenya—people suffering—the Agricultural Department being paid a lot of money it is not able to solve this problem of starvation in these areas. Kenya's rainfall is not as bad as other countries' rainfalls, we have something like 14 in., 10 in., whereas other countries have no rainfall at all. But what is depressing us is this, we have asked

[Mr. Paandu]

which has done nothing to stop this tendency, but make more and more violent and scaring speeches. Let me tell my hon. friend—and I refer to the hon. Member for Fort Hall—that there are Kenyans of all races, Sir, who have not transferred a single penny out of this country, and they are hoping that sense will prevail and that we will see settled conditions in this country soon, and that we will try to save this country from chaos and destruction. It is our common duty to stop the rot. We should do this to ensure our very existence. Let us pull together, Sir, on the same side instead of going on to argue so that we may, like Tanganyika, not only attract investment, but stop money leaving the country.

I was glad the hon. Member for Nairobi East was my house in India; it was built before he was born! It was built by my father

Mr. Mbaya: Are you staying here?

Mr. Paandu: Well, I am still here, my friend. Mr. Deputy Speaker, I will only sit down when I am asked by you, not by some of the hon. gentlemen on the other side.

The Development programme for the coming financial year is both bold and imaginative, not forgetting the difficult time we are passing through and that it is more in relation to this that I am making this assertion. Both the hon. Minister for Finance and the Leader of Government Business have made statements to this House which have revealed further the finances and the projects which are to be undertaken in the coming year. I think it is our duty to congratulate them for their efforts, and also the British Government for the generosity they have shown in such difficult circumstances in coming to our rescue. Now, Sir, the Minister for Finance justifies a Government committee should be responsible for development in this country and indeed quoted Tanganyika as having followed Kenya in this regard, but what she did he expect since this was done by a former Minister for Finance in Kenya. I would urge him to consider, Mr. Deputy Speaker, Sir, the setting up of an independent committee which has on it some people who know the job—and I am not showing any disrespect to the Minister—but, Sir, it needs some people who have knowledge of the economy in this country. I do hope he will consider this matter carefully.

Now, Sir, I turn to the Budget. When I was listening to the speech of the hon. Member for Embu, it seemed to me—that is yourself, Mr. Deputy Speaker—that we had both given our attention to the Budget together, for there were

many things with which I entirely agree, and that should please my friends on the Opposition Benches, because we have got something in common as far as the Budget is concerned.

Sir, the Minister, when he introduced the Budget, introduced a very important principle of self help, for only if we are seen to make the best efforts and endeavours in this direction of collecting revenue could we ever expect to have consideration of our further requirements, and that, I think, it is on such sound evidence that the British Government has agreed to come to the rescue and help us out of this difficult situation.

Sir, I would say that in many respects the Budget is a practical one, and indeed it seemed to be more reasonable than the people were led to expect. But that does not stop me from feeling that there are some of its features which are objectionable, to say the least.

Sir, my first objection is to the exorbitant increase in duty which was referred by you, Sir, the duty on galvanized corrugated sheets. I do not propose to tackle this matter from the point of view which has already been emphasized by several hon. Members, and that is the marked effect it will have on the poor consumers in this country. The only reason, Sir, the Minister has given is that these thin sheets were unsatisfactory in use. Well, Sir, my evidence is to the contrary, and the practical experience is that they are adequate and longer lasting than other sheets that is meant to protect. In addition, Sir, to its effect on the poor consumers, I wonder whether the Minister has pondered that he is almost running out of business those people who have been carrying on their business for over a quarter of a century and who have contributed so much in various ways to the economy of this country, and, has he pondered to find out whether the production of replacement goods is adequate to supply the necessities of the market which imports as much as 1,200 tons a month, and whether, Sir, he has bothered to examine the quality of these goods. Does he realize, Sir, that he has not banned completely the importation of plain galvanized sheets which can be re-reraged there which again will be unsatisfactory according to him. I do not want to go into any figures because I know they have been given to the hon. Members in this House and indeed to the Minister himself, but it must be remembered that the duty was drastically raised on the thinner sheets while the duty on the thicker sheets was, in fact, negligible.

I hope, Sir, that when he attends to this matter, he will seriously consider some of the

[Mr. Paandu]

points that have been raised by my hon. friends on the Opposition, and indeed from this side.

Other hon. Members have raised the question of the increase in excise on locally manufactured mattresses. I only want to say, Sir, at this stage, that I support the contention and in passing will only entertain the hope that the Minister will consider this matter sympathetically and be consistent in his effort at protecting local industry.

Now, Sir, I would like to query, as several other hon. Members have done, the justification for the position of the duty on razor blades with due apologies to the hon. Nominated Member who does not have to bear this at all. I am not surprised, Sir, that he supported this measure. We are on the same side and still have to differ on this important matter. The duty of two cents a blade is really excessive in view of the fact that imported blades for use by people, particularly of the low income group, the cost of 11s. 6d. per 100 pieces. Before the present duty on blades, Sir, a packet of 100 was wholesaled at Sh. 1/75. It is easy to see what effect the increase will have if encouraging the local industry in Tanganyika was an additional criterion—I think the duty of one cent should really be the maximum that should have been imposed at this stage.

Now, Sir, I am in general support of the point that has been made by several hon. Members with regard to the increase in sugar and kerosene. I do not propose to repeat these arguments which I know are well within the grasp of the Minister for Finance.

With regard to poll tax, I do congratulate the Minister in expressing his ultimate intention of abolishing poll tax for those under the lower income group, whose incomes do not exceed £10 a year, but I wish he had gone down further, that this, Sir, and reduced the tax from Sh. 20 to Sh. 10. He could then definitely next year have abolished this particular tax for the lower income group people altogether. I hope, Sir, he will look into this matter at some stage.

Now, Sir, several hon. Members, both from the other side and this side have suggested integration in our system of education in this country, and, of course, this would mean that there would be common schools as soon as possible. If I may say so, Sir, there is nothing new in this suggestion. This has been urged several times by many hon. Members in the previous Legislative Council, but I am, Sir, a little worried about the pace of acceleration that has been set by Government at this stage. They really want to demonstrate the intention and implement

such a policy. It is imperative that this policy should be accelerated and implemented in the shortest possible time. I do not propose to go into the arguments that have been put forward by several hon. Members have emphasized the value and need for understanding which is better attained by pupils at a young age and its antagonists have never really argued against the suggestion.

We have now two Parliamentary Secretaries to the Ministry of Education who should be able to launch a bold programme and make this come true as soon as possible. In the meantime, we should try to give the Minister for Education as much chance as possible to see what he proposes to do, and I hope that his being Leader of Government Business will not impede him in the work and the attention he should devote to a subject which is so vital to this country, and so, in that context, I was a little disturbed that he had moved his offices from Gill House to the more Central Government Buildings. This might not quite help in the policy of co-ordination that he must carry out as the Minister of Education.

Whilst I am on the subject of education, probably one of the Parliamentary Secretaries when he speaks in this debate will confirm or deny information which I have on good authority that there has been some reorganization of the Ministry of Education, and that one assistant director has been put in charge of primary African and European education. Another assistant director is in charge of African and European secondary education, and I think, Sir, that Asian education is being given special treatment still. I would like to know, Sir, from one of the Parliamentary Secretaries what is the reason for leaving the Asian administration in a separate compartment and allowing the others to get together.

Now, Sir, there has also been quite frequently in this House a demand for common hospital services. This is another matter that has been raised in this House before and I do hope the Minister, when he comes to speak in this debate, will tell this House what is planned and how soon he proposes to implement this policy.

It is also time, I think, Mr. Deputy Speaker, that there should be a common hospital authority and not leave it in the racial compartments that has so far been the case. When the Asian leaders, Mr. Deputy Speaker, accepted the hospital scheme, it was only, and indeed it was made clear at that time as an interim measure, and on the understanding that in the not-too-distant future there would be a common hospital authority for this country. I do hope, Sir, the Minister will

[The Parliamentary Secretary for Commerce, Industry and Communications]

Member for Kilifi, Mr. Sigiini, I see that he also is not here. This is the point. I listened very carefully to his humorous speech with great amusement but in spite of the humour he did say one or two very reasonable things. One was on the increased representation of Africans on various statutory bodies in this country. I could never have agreed with him more than that, and I fully sympathize with his idea when he said that he would like to see interested African representations on these boards. However, I have got a very unkind word to say about this. My Minister is being advised by two very important boards, the Board of Commerce and Industry and the Board of Industrial Development. We have quite a substantial African representation on these two boards. And I have got the figures here. I see that my friend, the hon. Member for Nairobi East, Mr. Mboya, is not here. He is one of the members of these boards, but since their conception he has neither attended one or none of the meetings at all. Whilst I agree and I fully endorse the suggestion that there must be increased representation of the Africans, I feel that those Africans who are entrusted with the duty of representing Africans' opinion must see that they observe their duties. They must also attend these meetings, and if they feel that they cannot they must resign and let other who can go take up those posts.

Mr. Speaker, Sir, I find my time is running short. As a matter of fact I tried to follow the last hon. speaker, Mr. Nibenya, and that I could reply to the points raised against my Ministry. However, he appeared himself to be changing all the time what he was saying so I have decided to leave that to my Minister after reading the Hansard report.

The Minister for Labour and Housing (Mr. Towett): He is not here either.

The Parliamentary Secretary for Commerce, Industry and Communications (Sheikh Alamoody): There is one last point, Sir, and this point, I think, was raised by the hon. Member for Machakos, Mr. Mwendwa. He also is not here either. I beg your pardon—He always sits on the Front Bench and now he is sitting at the back. Mr. Mwendwa said that there seems to be competition amongst people outside all wanting to come to Kenya, and why must we create artificial conditions in Kenya to attract these potential investors as long as that competition is going on outside amongst them. That is at least what I have managed to find out from his HANSARD report when I read it. However, I think, Sir, that

he should also know that investors, as I said earlier, are most shrewd people and the prerequisite to coming to Kenya, whatever the competition—When he refers to that, if he means immigrants, that is a different thing. However, if he means potential investors, they must be assured of security for their capital; they must be assured that they can transfer their capital with ease and that there is a reasonable profit to be derived from the investment. When those conditions are fulfilled, then we can get investors to come to Kenya.

Mr. Speaker, Sir, I beg to support.

Mr. Nyagah: Mr. Speaker, Sir, first of all I must say that the first two paragraphs of the Governor's speech were full of hope, and as the speech went on, one seemed to lose sight of that hope. His Excellency started by painting a very bright picture, full of encouragement, as to what Kenya could be, and as a matter of fact, if I may quote his words at the opening of his speech, he said, "We can put behind us the sad uncertainty of the immediate past. We can set ourselves to overcome the dissipation of our strength and the squandering of our potential which has been caused by political faction and obstruction and personal and party rivalries". I would agree with him; he is very right in that. However, I will be making a comment on what I think should be done if we wanted to avoid all those points which His Excellency raised as the causes which tend to pull us backwards in our advance.

His Excellency went further in his speech and said he was not going to follow the normal pattern of his predecessors in that he was going to leave the detailed policy of each Ministry to his Ministers. I hope his Ministers will remember when it comes to their turn, to give us the details of their Ministry. So far, no one can say any of the Ministers who have spoken have taken up that point.

I do hope, Mr. Speaker, that when the Minister responsible for Common Services, or whatever they are called, comes to speak, he will tell us why this Government has not informed the Government of Uganda that the Kenya Government no longer discriminates against the Kikuyu, Embu and Meru tribes, because the Kenya/Uganda railways have still got a restriction on their K.E.M. catering staff who cannot travel by train to Uganda because they belong to those tribes. That is quite true, Sir.

I do also hope that when the Minister responsible for Internal Security said defence comes to give us the details of his policy he will tell us

[Mr. Nyagah] There are any members of the Kikuyu, Embu and Meru tribes in the junior cadet course run by his Kenya African Rifles. This is not a new question. It is one I have asked from time to time.

Mr. Mboya: Discrimination!

Mr. Nyagah: Mr. Speaker, Sir, His Excellency in talking about the programmes before us said this, "I am confident that these problems can be solved with patience, common sense and goodwill". It is quite true, but we must be careful on both sides of this House to know that patience sometimes runs short. It is up to everybody, including His Excellency and his team, to try not to drain this patience. I shall suggest later, Sir, how I think patience can be trained in order that common sense and goodwill can prevail.

Talking about land development and settlement. Sir, I think what is needed is action. We have heard so much about land resettlement and land settlement. We have not got this settlement, but we have got the landless. Since about October, 1960, we have heard so much about what is going to be done to alleviate the problem of landlessness.

Mr. Mboya: Propaganda stuff!

Mr. Nyagah: The landless are interested in land to settle on and in earning their living. They are not particularly interested as to who is going to be settled or who is going to pay who. So the Government must get along and solve the question of the landless immediately.

Mr. Speaker, Sir, it was encouraging news to hear just a statement as one of the proposals by the Government in connection with education. His Excellency said, "A re-examination of the educational system in order to produce, as quickly as possible within the means which the country can afford, well-educated citizens of Kenya who can contribute to the administration and the development of the country". I hope his Ministers will take up those words, "as quickly as possible", in bringing about the re-examination of our educational system, for it is time we had a re-examination of our system so that we can accelerate the normal teacher-training system or perhaps institute an emergency kind of teacher-training system if we are going to implement a seven-year or an eight-year course for as many children as possible in this country. Not only that, but if we are to try to give informal or adult education to the largest numbers possible in this country who, unfortunately, in their early days were not getting education, or had to leave school before they could get admitted to

secondary schools, we must have a special type of teacher trained for them. This could be done with an emergency teacher-training scheme. I hope, Sir, I shall get a chance when I come to discuss the Education Vote to suggest some of the things that could be done.

His Excellency was talking about the constitution and had some hopes, but if these hopes are to be expanded and followed as quickly as possible I am sure we shall find ourselves out of this tension, out of these difficulties that we find ourselves in today. One asks, why should Tanganyika, for instance, pass us? We have always been used to the way of referring to the three territories here as Kenya, Uganda and Tanganyika. But it looks as if, by 25th December and thereafter the term is going to change to Tanganyika, Uganda and Kenya. We are not particularly happy about that. We have the material, we have the wealth, at any rate compared with Tanganyika. The Prime Minister of Tanganyika himself admitted that in his speech, I think it was, 31st May. He said that Tanganyika was not as well off in manpower, academically, or in wealth as her neighbour, Kenya. If we have those things, I see no reason why we should not make headway and make it quickly. We need rapid acceleration of Africanization at provincial level for all the departments, and I underline the word "all". The Minister for Finance and Development seemed to lay more stress on administration, perhaps, provincial administration. Even with the money allocated for that scheme of localization just over half the amount goes to administration. What about the other departments of education, the medical department, the agricultural, veterinary, surveyors and other departments? We need technicians. We do not want people to be frustrated just because they cannot get promotion or they do not get responsibilities to the same standard or in the same way as the members of the administration get them. I would ask the Ministers concerned with the various departments to make sure that they go around removing any traces of discrimination that may happen to be there. For instance, I hear that in the Surveyor's Department there are board rooms where you find labels saying "European Board Room" in fine drawing, "Asian Board Room" is the next, and then, of course, the Africans come into the next one. That is a discrepancy which is out of date. Perhaps the Ministers concerned have not looked at that, but it is one of the things that should not exist in 1961.

Local government bodies should be made uniform. Consideration should be made for more power to be given to the presidents of African district councils, even to the local people. There

[Mr. Salter]

them according to our consciences, unimpeded by any whip; and it is therefore, Sir, in that manner that I wish to make some small contribution to this debate.

Firstly, Sir, may I deal or make some observations about the speech of His Excellency the Governor. I think it would be churlish not to congratulate those who showed the initiative in forming a Government under a great many difficulties. But I will not be trespassing upon your ruling, Sir, if I say that having congratulated them I cannot in my heart agree with the terms in which His Excellency referred to them. But it was therefore encouraging to hear His Excellency say that in tackling the difficult problems that be ahead it is the intention of his Government, and I quote, "to seek the necessary advice and consultation of those outside the Government." I hope that that will be faithfully pursued, especially the consultation, because, Sir, there are many amongst us, and I refer particularly of course to my own community, who consider that their interests are not properly safeguarded, and their representations fail, on occasions at any rate, on cars that are deaf, and I will give you, Sir, an illustration.

It is nearly a year ago that some of us, realizing that the economy of this country, was plunging rapidly downhill, made representations to the Secretary of State in London to introduce certain measures which would, in our opinion, and indeed I think in the opinion of most people, tend that downward trend and bring about some confidence, some return of confidence in this country. One would have thought that the proposals we put forward were not only not controversial but indeed were capable of attracting the support of almost every reasonable citizen in this country.

It is may very briefly state the headings of those five matters we sought to introduce, Sir, they were these. Firstly, the introduction of adequate measures for the security of this country, to ensure that honest men and women could go about their daily tasks and live their lives in freedom, unmolested, and without intimidation; in other words, we asked that proper steps should be taken for the maintenance of law and order. Secondly, we asked that the rights to property which had been granted by the Crown were recognized by the British Government as inviolable for all time, and thirdly, that the conditions were recreated to enable persons who wished to sell their property, for whatever reason—it might be health, or it might be because someone had died—would be entitled to sell their property and obtain for it a fair value if they chose to do so. (In passing may I say here and now that

many civil servants were encouraged by the Kenya Government to purchase their houses, and they now find themselves possibly required to leave the Service in a short time, having that commitment on their hands.) Fourthly, Sir, we asked that there should be better conditions of service introduced for the civil servants, with clear recognition by the Government, not only of their moral but of their contractual obligations towards those servants. Finally we asked that we should be considered when there would be any change in the present Constitution. Now, Sir, apart from some concessions to some of the civil servants—and omitting for the moment, because I shall have to mention it later, the question of security—not one single thing has been done to implement in any realistic or sensible manner the other recommendations which would stimulate and stabilize our economy here in this country. It was rather like making an application for a liquor licence to a teetotal Bench. Property titles remain as they are. The Committee sitting under the Chairmanship of the Lord Chancellor has not yet uttered, so far as I know, a word. I have been told, I regret to say, by some hon. Members in this House that there is no intention at a later stage that property titles will be respected. But may I say that those titles affect the Africans who have their titles just as much as anybody else in this country. Various plans—and my hon. friend opposite know very well what they are—were submitted to encourage the economy by re-creating a market in land and property. But the conveyancers are still idle and the drawing boards of the architects are bare; and nothing seems to have been done that has produced any effect upon the economy of this country; and as for a date for the continuance of this present Constitution, nothing apparently will induce the Secretary of State or the British Government to break silence.

Now, may I pass to what is a vital matter, and that is the matter of security, and His Excellency—and I am reading from his speech—said, "The preservation of law and order—and this is one of the major problems—will include the firm establishment and maintenance of stable conditions which will facilitate the return to normal life of the few remaining persons under restriction". My hon. friend the Minister for Defence, if I understood him correctly, the other day said that the grave danger to the security in this country came from a clement of Kiluyu extremists who have a background of violence and Emergency records. If that means anything, Sir, then surely it means that the grave danger is caused by those who have been freed from detention but, in the circumstances, quite clearly

[Mr. Salter]

should never have been released at all; and here His Excellency is hoping for stability in order that he can release more. One asks, "Why were those men released in the first place?" and "Why are they continued to be released?" and "Why cannot other dangerous men be picked up and put back into detention, or put into detention if they have not been there before?"

Mr. Argwings-Kodhek: Because there are none.

Mr. Salter: Why cannot these men who are causing the danger be rounded up? There are plenty of people who can supply the names to the hon. Minister if he wishes to have them. These are matters which cause grave concern to everybody, and not least to the honest, hard-working, decent African citizen.

May I touch for a moment, Sir—and it is only for a moment, because the matter has already been ventilated—on the question of Mr. Isaac Ndirangu. No one can question the propriety of the Motion or the Adjournment. I wish to record the other night by the hon. Member for Mambasa West. But what puzzled me, listening to that debate, was the criticism that was levelled, or appeared to be levelled, against the Government, for taking steps to prevent a very serious crime. The hon. Member for Central Nyanza, Mr. Argwings-Kodhek, who I am told is the Attorney-General in the Shadow Cabinet, complained that this man, Ndirangu, has been arrested simply—mark the word simply—because, as the Minister said here, they think he was trying certain subversive activities against African Members and leaders of the Leader of Government Business. That is what he was arrested for. It appeared to cause the hon. Member some surprise; and yet, if one thinks about it, Government was doing nothing more nor less than it would have been the duty of the hon. Member as a private citizen—and as a law-abiding citizen, I hope to have done to prevent a crime, or to stifle the continuance of subversive activity.

An hon. Member: With trial.

Mr. Salter: Finally, Sir, on this subject of security—not quite finally—one has to complain again: what I might call the soothing attitude of Government. When I asked Mr. Hugh Fraser the other day about security matters he said, and indeed it has been reported in the Press, that he thought, going around the country, that the position of security was fundamentally sound. As that very time, or very shortly afterwards, 1,000 oaths were being, or were about to be given on the slopes of Mount Kenya. Now, the average citizen does not understand that sort of answer

from a responsible person. Is it that he did not know about it? If he did not know about it then why did he not know about it? If he did know about it then what on earth was the use of treating us like credulous children? We have had some of that before. You Sir, will remember that in 1952 the then Governor of this Colony, accompanied by one or more senior members of the Government, arrived in England and said, "All is well in Kenya. There is no need to worry about anything, lack of security or anything of that sort". You can read about it if you open the Corfield Report, and those of us who were here at that time will remember it. Is it not about time that this "mother knows best" sort of attitude stopped? It is manifestly in good many other aspects. But we would like to know the truth and we would like to know it because it is the only way, I suggest, that the confidence of the people in this country can be obtained and built up. This kind of complacency, if complacency it be, is quite staggering to the ordinary man in the street, and it exists in the face of those who have spent their lives in this country, those who have offered their advice to the British Government at home, who have had 40, 50 years, and in some cases even longer, in this country, and whose advice is utterly ignored. It is the attitude of "mother knows best; do not worry, everything is all right". That is something which we do not want to tolerate for very long.

Finally, Sir, on the subject of security, may I come to the remark—and I am only going to touch upon them—that are reported to have been made recently at Nyeri. I say, I am only going to touch upon them because I know that there is to be a Motion debated tomorrow night. However, there is one aspect here that I would like to mention. Those of us who have read those reports were quite shocked by the suggestion contained in them. It was only about a week ago, I think—it was quite recently anyhow—that there was a suggestion, which had been made some time before, that a certain very respected European, who is now deceased—and I refer to my old friend Group Captain Briggs—had been bribing people to talk back. That was a suggestion that was made some time ago, and it was repeated about a week ago, and it is implicit in some of the reports recently. Well, Sir, I am very glad to see that the hon. Minister for Legal Affairs is here, because I earnestly hope that he is going to have due regard to those sections of the Criminal Penal Code that concern criminal libel. I will not say any more about that subject in view of the debate tomorrow.

Now, Sir, may I pass quickly on to the speed of constitutional advance which was referred to

[Mr. Kohli]

As I said, the Congress was always in favour of the Common Roll, the Indian community in Kisumu—the Indian Association in Kisumu when its last new constitution was proposed for the Municipal Council of Kisumu they advocated the common roll and no reserved seats in spite of the fact that most of the property is owned by the Asians and the Indian Association is a constituent body of the Congress and at that time, the African councillors were against it, they wanted reserved seats.

Mr. De Souza: Interjection.

Mr. Kohli: Even now the Indian Association would welcome that. That would be a proper place for the starting of the common roll. We do not want any reserved seats there.

Now that is a positive action by the Congress, that is not sitting on the fence.

Now, Sir, I am coming to the question of land. In the scheduled areas, which are comprised of land in possession of European and Asians, the total area is 7,262,000 acres; about 70,000 acres are in the hands of the Asians. Now that is only one part of the scheduled areas out of which 25,000 acres are in the Kibos-Mwai area. Now the land in the hands of the Asians was not resalved in any way, it could pass from one race to another. Now Asians have developed the land fully. Of course, we do not want to have any more land at the expense of the Africans.

Mr. Speaker, Sir, there is the Land Development and Settlement Board, there is the Regional Board and there is the Divisional Board. Anybody who wants to have land, his application has got to go through these three boards. There are 40 Asians on any of those Boards. The Board of Agriculture of the rural areas has passed that if any one buys land in an auction soon after the auction he will have to apply for permission to the Regional Board. In my experience this is difficult. Sir, How can one bid at an auction, unless he knows that he is going to get permission? Moreover the price will not be the proper price.

The schools? The Congress believes that all schools should be open to all races and again Kisumu leads in that respect. Kisumu has built a high school with funds collected from the Asians with no aid from the Government. There are about 500 students, boys and girls and there is no restriction of admission to any race. I am glad to say there are 35 African students entered and at Kisumu there are no restrictions, that is the truth. To some of those students, I am told, bursaries are being given by the local government

of Central Nyaaza. Of course, due to lack of funds in that school there is no science laboratory. We will make efforts to provide that also, but we would welcome it if some assistance could be given by the Government in that respect.

I have one other complaint about the schools. This is about the Duke of Gloucester School. There are about 900 pupils and there are now boarding facilities.

In Sessional Paper No. 17 of 1954 this school was discussed and at that time it was stated that the right scale for the post of Headmaster or Principal is Scale A. And up to now that post has not been created. Since 1954, supercalle posts for Europeans have increased from three to four, for Africans from three to seven; for Asians it remains at two, and I would urge the Government to look into this matter and create this post also as a supercalle.

While I am on this subject of education I would also like to see that Higher School Certificate classes are opened in Kisumu. There is already boarding facilities and Government will not have to provide them. In the present school these classes can be implemented.

I have very little to say on taxation. Mr. Speaker, I believe that the broader Governmental shoulders must bear more burdens. Therefore, I would not like the lower income groups to be taxed and I would like to see the personal tax on the lower incomes reduced.

Am hon. Member: Abolished completely.

Mr. De Souza: Hear, hear.

Mr. Kohli: Mr. Speaker, I do not say we should abolish the tax completely. In fact, all taxes should be abolished if it could be done.

Hon. Members: Hear, hear.

Mr. Kohli: If it could be done, the question is that the country demands certain services which must be provided and if you have got the expenditures you cannot reduce the taxes.

I do not like the taxes on the necessities. But sugar, kerosene, matches are all necessities. Now when the taxes are on an individual's necessities, he will have to look for an increase of income, which is not easy to do. In that case he will have to cut his expenses, he will have to cut his necessities and if he cuts his necessities then his health will be impaired.

Am hon. Member: Interjection.

Mr. Kohli: Now that means the cost of living will go up. But I have got a suggestion that the cost of living can be brought down too. There

[Mr. Kohli] should be brought down. We should be no control of maize. At the present between the prices given to the grower and the price paid by the consumer—the gap is too big.

Am hon. Member: Interjection.

Mr. Kohli: Of course, the same applies to ghee. The price paid for the purchase of ghee is 70 or 75 shillings, that is by the Nyaaza Marketing Board and the price paid by the retailer to the Nyaaza Marketing Board is Sh. 100/25 and the price paid by the consumer is Sh. 102/25.

Now these marketing boards, admittedly they are formed in the interests of the producer. Well and good. But by law they should not be given any protection. So everybody should be free to buy maize, ghee and any other produce. Of course, prices can be fixed and I am sure if anybody is free to buy ghee at 70 or 75 shillings from the producer, the retailers will pay 80 or 85 shillings and the consumers will get the same ghee for 90 shillings.

Mr. De Souza: Interjection.

Mr. Kohli: Mr. Speaker, Sir, I do not wish to dwell on this subject any further.

Finally I would like to see that each person works for his own happiness and not for the unhappiness of others. If we do that we will be happy, we will be prosperous and we will have our freedom even in 1961.

Mr. Odier: Mr. Speaker, Sir, arguments have been advanced outside this House on who Kenya should get independence. I wish to tell this House that Kenya must get independence when the other East African countries are getting their independence, and that is, by the end of this year.

Mr. Odiga: Hear, hear, hear, hear.

Mr. Odier: Mr. Speaker, Sir, what this country needs is a balanced economic development so that every part of the country enjoys economic prosperity.

None of the past governments tried to do this—and I do not think that this pseudo-Colonial Government can do it. The only government that can do it is the government formed by this side of the House. And the sooner we do that the better.

Mr. Odiga: Hear, hear, hear, hear.

Mr. Odier: Mr. Speaker, Sir, agriculture is the backbone of the economy of this country and the hon. Minister for Finance confirmed this when he said that the four cash crops which con-

tribute or provide for two-thirds of our exports were coffee, tea, pyrethrum and sisal. That is what he said. But the hon. Minister failed to produce a comprehensive agricultural development programme for the next few years. I hope that when we come to discuss the Vote under the Ministry of Agriculture, he will put before this House an agricultural plan for the next few years coming.

Mr. Speaker, Sir, there are so many crops which can increase our export trade. In Nyaaza we have cotton and sugar cane and the same can be produced at the coast. If the people living in these areas can be encouraged to grow as much of these crops as possible, the country can be well off. I do not know why the Government has not encouraged the growing of these crops in these areas, but too I am urging the Government that they should encourage the people to produce these crops because they can contribute a lot to our economic development.

Mr. Speaker, Sir, the hon. Minister for Finance and the Leader of Government Business recently informed the House that a sum of £3,000,000 is to be given to this country as a loan from the British Government. I take it that this money is going to be used for buying lands belonging to European settlers who want to leave this country because they fear independence. Now these people who really only came to this country for their own benefit, should not be paid anything when they are leaving.

Mr. Odiga: Hear, hear, hear.

Mr. Odier: They should not be given that money in order to leave the country, because nobody has told them that they should leave the country.

Mr. Odiga: Hear, hear, hear.

Mr. Odier: They are leaving the country and they expect the people living in this country to repay the loan from the British Government. This means that these people want to leave Kenya and the payment on the loan to the next Government. So I suggest that such people should not be paid anything.

Mr. Speaker, Sir, when we talk of agriculture, usually we forget one side of it, and that is, the animal side. I am an animal-conscious man, therefore I urge the Government to see that they encourage Africans also to have those cattle which can produce as much milk and as much beef as possible because if that happened the country will be well off. If all African cattle were producing as much milk as European cattle, we should by now be well off economically.

[Mr. Zafred Deen]

Here I must say again in trying to clear my own position that if I am sitting in the Opposition, it is only for this reason: that I think that on this side you can only voice the feelings, the demands and the grievances of your own people, and when I say my own people, I mean all the people in the country, no matter to which race, colour or creed they belong.

Now, Sir, I want to say a few words about the Budget itself. I think this Budget, like any other budget in the past—in fact, this Budget is typical of the budgets in the past—only gives us a plan to collect revenue and then to spend it. We must cut our coat according to the cloth, and not satisfy the demands of the various departments. There has been a certain amount of extravagance and wastefulness, and I think that for a very long time no commission has been appointed to examine the wastefulness in the various Government departments. I have in mind only one Government department amongst many others. Take the case of the Transport Licensing Board. To the best of my knowledge, although you, yourself, Sir, were one of its members, this department lately has come out to the worst and most objectionable form of bureaucracy. It has not given the service to the public which is required from it. It does not even reply to the letters which are sent to its executive officers. I know it is a very serious allegation, but if it is needed, I can produce evidence that it is the general order of the day as far as this department is concerned.

I think, as so many others do, that the functions of this department are to protect the interests of the transporters in this country, and not to try to hamper its progress. We have seen lately that these controls and restrictions are gradually trying to cripple the transport industry, and my humble suggestion is that this Department should be brought under one of the Government Ministries and it should not be allowed to run independently, because it has proved itself unworthy of that. It is in small departments such as this that we can save a considerable sum of which can be used for social advancement such as education, health services, roads, and so on.

I was very much impressed by the speech of my hon. friend from Mombasa. It has been the unfortunate aspect of the Government that they have not paid much attention—which deserves attention—to areas like the Coast and the Northern Frontier District, and I, in support of the various demands which have been made, say that the Government must treat all these places equally with the other parts of this country.

Sir, finally, I would like to say a few words about the political situation which has been dealt with by His Excellency, in his Speech from the Throne. Sir, I must say these things, because I think it needs elaboration, that Her Majesty's Government has clearly and openly made up its mind that Kenya must march on the road to independence. From the various statements that we have heard from the Secretary of State and from the other responsible representatives from the British Government, no doubt is left in our minds that independence is the ultimate objective of this country. Here we must also bear in mind that when we talk of independence for Kenya, it does not mean at all that this independence will only remain in our imagination, but it is within our reach. It is difficult to speculate where it will have independence in Kenya. I can very safely say that it will be within a very short time. How short that time will be is again very difficult to say, but knowing what is going to come and what is going to happen in this country, I think it is the duty of every law abiding person, it is the duty of all those people who consider Kenya as their home, to see that they join hands together. It is most unfortunate that we see that while this country needs the help and assistance of every son of the soil, we see that we are divided into so many different parties. It is my plea, it is my earnest hope, and I urge upon all the responsible people, that they should join together, and only then will we be able to build a Kenya which will be a proper and right legacy for the future generations of this country.

Mr. Kohli: Already quite a lot has been said for and against the Budget and His Excellency's Speech. I will therefore be very brief.

Mr. Speaker, Sir, I was elected as a Congress candidate. I had the support of the Indian Congress. In my opinion, the policy of the Congress was very similar to the policy of KANU. I did ask for the support of KANU but I was refused, and KANU supported another candidate. That was their policy. I do not like that.

Now, I represented a party, and my party made a decision, and that decision was that the Congress Members, Congress Elected Members, should join the Government, whether that Government is formed by KANU and KADU together, or by KANU or by KADU. The policy was that both KANU and KADU and Congress wanted the release of Jomo Kenyatta. Now, it is a matter of opinion whether by joining the Government, or by keeping away from the Government, one could get the release of Jomo Kenyatta. Congress thought that by joining the Government we could quicker the release of Jomo

[Mr. Kohli]

Kenyatta. Both parties were keeping away from forming the Government, and I considered that much time was wasted. If the Government had been formed earlier, his release could have been that much earlier.

Now, if anybody, Mr. Speaker, says that is why Congress Members have joined the Government, then he should also see that if anyone belongs to a party, he must obey the decision of that party. Mr. Speaker, Sir, we have been accused that Congress sits on the fence. Now, by taking this decision to join the Government, I think it was a policy decision. If we had not made a decision, that would have been sitting on the fence.

Now, Sir, this Congress was established in 1914, many, many years ago, and this Congress has been fighting against colonialism, has been fighting against racialism, has been fighting against discrimination, has been fighting for Common Roll. But for the stand of this Congress, this country would have been in the same position as South Africa.

Now, Sir, I would like to see a committee formed, a committee consisting of Members from the Government and Opposition, and discussing and bringing in recommendations for bringing in the constitution based on independence, and if that is done, I am sure independence can be brought even quicker, but the question is, how to form such a committee. I believe it can be done. I observe that on both sides of the House, both Opposition and Government sides, there are members from all groups. Now, this is a very happy sign. If such a thing can happen on both sides, then I believe there is no reason why such a committee cannot be formed.

Mr. Speaker, Sir, the Congress does not want in any way to delay independence. We want independence just as much as the Africans. We do not wish in any way to come between the desire of the people of this country to achieve their independence even this year and I suggest before that stage they should unite. If they unite I am sure independence can be achieved as rapidly as possible. We Indians, we are peace-loving people. We do not like violence. We hate violence. We are afraid of violence.

As hon. Member: [Inaudible].

Mr. Kohli: We are real followers of Gandhi. We love peace. We want to live as peaceful citizens. We do not want any special rights. We want to live with no more rights and no more duties than any other citizen.

Now, Sir, it is said that a lot of money is going out of the country. Why is that?

An hon. Member: [Inaudible].

Mr. Kohli: Let us look at the reason, let us look at the cause. Let us be quite frank about it. As I said, the Asians are afraid of violence.

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

[Mr. Speaker (Mr. Slade) resumed the Chair]

Afraid of these threats of violence, and if soon after independence this violence comes, then what will happen to them? That is what they are afraid of.

An hon. Member: Interjection.

Mr. Kohli: I am afraid that some of them have the sad feelings that when they get their independence what will happen, due to violence, they will have to leave all their possessions behind them and become penniless vagrants. That is what they are afraid of. If violence comes here, they cannot defend themselves.

Now that is the reason why some of the money is going out, that if with violence we are thrown out there will be some money on which we will be able to live and will not be penniless refugees.

Now if that money is to be got back remove that fear of violence, tell the masses that there will not be any violence and everybody will be allowed to live as peaceful citizens.

An hon. Member: Interjection.

Mr. Kohli: Now, Sir, as I said, this is the main cause why the money is leaving the country, remove that and the money will come back and this is also the cause of unemployment, because nobody is putting up new buildings, new projects.

Mr. Speaker, Sir, I would like to see more and more local people appointed in the Administration, even in the Civil Service so that when independence comes there will be a peaceful taking over. I hear, Sir, that a number of doctors and health officers are leaving the Government. I suggest that we should encourage our local people, our locally born doctors-to-be, admit them in as great a number as possible and there should be no restriction on numbers for Internship in the hospitals.

I am also told that up to 1963 there is no room for students or few doctors for Internship in our hospitals. Now those boys will be soon ready as doctors and for those who were born even in this country, I suggest that room should be made for their Internship in local hospitals, then we would not have a shortage of doctors.

[Mr. Kenedy] can see and experience the benefits of *uhuru* in their own small locations.

We are probably too unsophisticated in our area to appreciate the finer points of meaning of empty phrases of *uhuru* and unity and all the other words that are given such play in the newspapers. However, I feel that unless *uhuru* means demonstrably *uhuru* to develop our area under our own administration, with as much professional guidance as we can get from the Government of the day, then of course the switching of allegiance from one Central Government to another will be a perfunctory matter as far as we are concerned.

Mr. Speaker, I beg to support the Motion.

The Speaker (Mr. Slade): I think I should remind hon. Members that there is a Standing Order which does not allow them to read their speeches. I am not wanting to interrupt Members in their maiden speeches and I would not suggest that that takes away from the merit of the speech, but I must ask hon. Members to observe this rule in future speeches.

Mr. Basadell: Mr. Speaker, Sir, the history of the Arabs in this country, and particularly coastal, dates back 1,000 years, and that is earlier than any African tribe in this Colony. At one time we played a very formidable part in the affairs of this country, but it is regretted that in recent years the role allotted to our community has been that of Cinderella in the affairs of this country. I do not know the reason for that. Perhaps we are being victimized for the mistakes of others, past and present. Perhaps our erstwhile leaders, while inclined to be reticent, were mute and inexpressive, and perhaps they were not so vociferous as the representatives of other communities. But whatever the cause may be, let it be known from now on that a new generation of Arabs has taken up the reins of leadership and are determined to stress and organize our entity so that we can play our full part, our full and rightful part, in the affairs of this country and particularly in the affairs of the Protectorate.

Now, I do not want to be misconstrued as a racialist. I am not a racist, and neither am I likely to be one. I may be a bit sectarian in outlook, but that is the order of the day. We still have not reached the stage where we could refer to ourselves as being completely non-racial. We still find that reference is made to the Luo, the Kikuyu, the Kamba and so on. Therefore, I do not think it is impertinent for me to refer to the Arabs as Arabs.

Now I would like in the first place to congratulate the Minister for Finance, together with his officers, for the very fine Budget which he has laid before this House. As a matter of course, we have got our own misgivings—I mean in this particular respect—and I would like to say that the Protectorate, like its inhabitants, has been allotted the role of Cinderella in the development of this country. Now, to begin with, we all know that the tourist industry is perhaps second or third in importance in the industries of this country and the Lamu District has got a very large potential as far as the tourist industry is concerned. It has got this potential in the form of fauna as well as things of antiquarian interest but the trouble is that there are no facilities for any tourists to visit this particular area of Kenya. Now what is the reason for that? There are two reasons: (1) lack of good hotels; and (2) good roads. Now there are people who have got the necessary cash to build the necessary hotels but they could not do so for the simple reason that there are no roads to lead to these hotels. For some time our erstwhile leader, Mr. Mackay, has been identified with this particular road. Now, make no mistake about this—I will always stress this point but in no way do I want to be identified with this particular question, but at least for those who do not know I give them this information, that because of the badness of the Lamu road an accident happened a few days ago where a bus full of passengers overturned and, as a result of which, one of the passengers died and several were injured. Now had that road been repaired, had it been in good condition, such accidents would not have occurred. Now, mind you, this is not an isolated instance; there are many such cases. The hon. Minister for Finance said in his Budget speech, and I quote him now: "In addition to the project in the Estimates it is expected that during the year £1½ million will be spent on the contractor-finance road programme", and I have every reason to believe that when the Minister replies he will be able to tell us what amount from this £1½ million has been allotted for the development and the reconstruction of Lamu road.

Another urgent development in the coast is that of the Takauungu bridge. I believe that the Road Authority has been considering this matter for some time and I need not stress at this particular moment the uses and the purpose of this particular bridge. It will not only alleviate the dangers which are caused by the winding hills of the Takauungu/Kilifi road but it will also be of some economic importance to the people of the district in particular, and I do earnestly hope

[Mr. Basadell] that when the Minister comes to reply he will be able to tell us or give us some rough idea as to when this particular bridge is going to be built.

Now, as far as this House is concerned, I believe that at the moment the tarmac is being extended from Mombasa to Ramisi to cater for the sugar factory there, but I do earnestly hope that after some time, the Government will be able to extend this road from Ramisi to Vanga. When I mention Vanga, the other difficulty experienced by the people there is that of communication. The nearest hospital to Vanga is about 30 or 25 miles away from Vanga, that is at Mombweni, and as it is there is no telephone in Mombweni, in Vanga. Now what happens if someone all of a sudden falls sick and his condition becomes very critical; there is no means of communicating with the hospital authorities at Mombweni, and I therefore feel, Sir, that something should be done in this respect.

If we look at all these projects we will find that there are miniature capital projects in comparison with the other provinces in Kenya, and if the Government is unwilling to embark upon these miniature projects, what explanation have they got to give? Does the Government mean to say that they have not got the money to embark upon these projects, when we all know that even the briefcase of the Leader of Government Business was not sufficient to carry the money from the Colonial Office, and, what is more, we all know that some more money has been promised by the Colonial Office, or does the Government mean to say that the Protectorate is less in importance to any other province in Kenya? Does the Government mean to say that the people in the Protectorate do not contribute equally, if not more, than any other province to the economy of this country? The Leader of Government Business, Mr. Speaker, Sir, said that £170,000 would be spent on the redevelopment of Thika road. Now, Mr. Speaker, Sir, shortly begins at home and I expected that since the Leader of Government Business comes from the coast, he would say something like this—that £170,000 would be spent on developing the Lamu road, or the same amount would be spent on developing the Mombasa/Vanga road. You cannot redevelop before developing; the Government wants to redevelop the Thika road, when we all know that the Mombasa/Lamu road and the Mombasa/Vanga road is underdeveloped. It is like a child who wants to run before it can even walk.

Referring to the fish industry, Mr. Speaker, Sir, for some time now there has been an urgent

need for a wholesale fish market at Malindi. This matter has been under consideration for some ten years now and the amount provided, under the development estimates is only £5,000. Frankly speaking, this amount is not sufficient at all. The actual cost of building such a market is £16,000 and when the figures are broken down it comes to this—

Wall foundations and fillings	£ 200
Superstructure, that is, actual buildings	5,200
Refrigeration equipment	6,000
Sanitary blocks, suitable applied for use by the fish market	600

Now, added together, this is £16,000, and I believe that the Minister will be able to tell us whether he is going to provide the shortfall to meet the cost of building this market.

Now, there again, we find that the loans given to the fishermen in the Protectorate are very inadequate. The figures I have available with me are as follows: The loans which were given to Malindi fishermen were 5; Kwale 2½; Lamu 4; Mombasa 5. Throughout the Protectorate there are hundreds of fishermen; these figures are very astronomical compared with the number of fishermen at the coast and this is one of the major industries which should be developed under any circumstances and at any expense, particularly as far as the coast is concerned. While talking about the fishing industry, I do not think it would be impertinent of me if I mentioned that the Mombasa village is being eaten at the moment by the sea or, to be quite precise, it is being eroded by the sea, and I feel that it is high time the Government builds a sea wall at Mombasa.

Now, Mr. Speaker, Sir, we come to agriculture which is said to be the most important industry or the backbone of the economy of this country. At the coast we lack organized marketing for the agricultural produce of the people there. The second requirement which is urgently required at the coast is a farmers' training centre. It is a fact that every province in Kenya has got a farmers' training centre except the Coast Province, which is the Cinderella of this country. There again, what is needed at the coast for the farmers is the purchase of tractors by the Government so that people could be helped. At the moment there is a scarcity of labour, and I think it would be a great help for the poor farmers there if the Government could buy tractors and then lend them to the respective farmers.

In conclusion, Sir, as I began by mentioning the Arabs, I would like once again to end by

[Mr. Odinga]

are calling the existence of this imaginary jargon as being the existence of this imaginary jargon to stop doing it, if we are to have smooth progress in Kenya.

Now, we have again been accused of making wild statements or making irresponsible statements or inflammatory statements, in our meetings. Mr. Speaker, I do not know if it is when language comes from an African that it is inflammatory and whips up discord and disunity amongst people? What about what was said by an ex-Minister of this country in London about our great leader, Jomo Kenyatta? If somebody like myself had said something similar to that somewhere outside this country, it would have met with a storm among the non-African people of this country. It would have been criticized, it would have created sensations everywhere. But now the fact is that it was made by somebody who has just been a Minister. Somebody might tell me that when he was a Minister he was a responsible man and now the fact that he has left the Ministry immediately dismisses his responsibility. That would be very queer indeed. Let me say definitely that the statement made in London by one of the ex-Ministers here called for a really strong reply and we should not allow him to get away with it. If we want unity, if we want peaceful progress in this country, if it is time the non-African members of this country leave all these imaginary charges against the African leaders, against the African politicians, and begin to be more reasonable. If they are more reasonable, we shall also be more reasonable. If they are wild and if they make inflammatory charges against us, we shall equally reply with all the language that we know in English.

Now, Mr. Speaker, let me again refer to the statements made recently by a member of the staff of the Colonial Office, Mr. Fraser, to appease the settler community in this country. That also called for a strong reply. The statement made by Mr. Macdonald, the Colonial Secretary, in London, if it was meant to appease the settler community, did not appease the Africans either. So we also must actually adopt the attitude that the settlers have adopted in order to get this appeasement.

Mr. Speaker, we have heard that the Government is studying the speech which was made by one of my hon. friends on this side of the House. I take this to be one of the biggest threats we have had from the Government. If the Government had to study the speeches of hon. Members, this was not the first speech for their study. They should have started it together with all the speeches which had been inflammatory. I know that this is an empty study, because if they were

to study something and charge somebody, they should have studied it a long time ago, especially when a Member of this House (who, I am very sorry, is not now with us here) was mentioned in a magistrates court at Nyeri as inducing some African people to commit crimes. They should have started with his speeches. The fact that they did not do that means, I am sure, that they are doing just a fruitless job which will not help them now. However, if they do it in order to frighten the Africans or to threaten the Africans, they are really very wrong indeed and they must understand that it will not actually deter us from following what we know to be correct. We shall not regret what we have said publicly, because before we say something publicly we think about it. We should only be fools to say something which we would regret later, because we know what we say are facts and we say them when we know we are prepared to defend them.

Now, Mr. Speaker, let me go a little bit further to say this, that the Government should not be worried. They have made references to the fact that the Government is probably creating some sort of image of oshaking—that is the charge—and the Government has been worried that we have been charging them wrongly. Well, the Government cannot be freed from all this responsibility. There is the possibility that such things could happen and you must understand that all the things the Macharia case uncovered are still fresh in our memories.

Now, Mr. Speaker, when somebody is murdered somewhere, then you find immediately that members of the settler community, without waiting to get the results of the investigation by the Criminal Investigation Department, draw the conclusion, "Oh, this is *Mau Mau*," or "This is a similar type of murder to the *Mau Mau* murders, and therefore this is whipped up by the African leaders," and the African leaders are charged without them waiting. Then immediately after that a delegation is sent to London with wild charges against the African leaders, saying that the situation in Kenya is rapidly deteriorating. "Things are bad in Kenya." Well, what conclusion could one draw from all these charges? What conclusion should one actually draw? A fair-minded man could easily conclude that these people perhaps knew of the plan to murder some of these people. A reasonable man could actually conclude that, immediately. If he draws that conclusion, it does not mean that he is not a reasonable man. He is reasonable, because if they did not know this, then how do they know what the root causes are before it is all investigated?

[Mr. Odiga]

flatter themselves are some of our problems, and some of our difficulties in this country. No one really sees the African case. When there have been some robberies, when there have been some murders, when there are such things, people should always dig back into their memories to find out what the root causes are, saying, "Have they got something to do with the acute unemployment in this country", or, "have they got something to do with the extreme frustration which the African suffers as a result of Government not listening to their requests?" "Are all these things the result of the African being ill-treated and being treated unjustly?" Mr. Speaker, I would warn the House, or the Government, by saying that turning back the years and coming to the conclusion that in all crimes you much charge the Africans all the time, is what actually happened when the Africans had asked and asked from 1920 up to 1952 for their rights and no one really listened to them. Later on they got out of control, they became confused, they became extremely frustrated and things got into confusion. Then people began to blame some African leaders and take them to be the root causes, saying, "Oh, Jomo Kenyatta has whipped up the whole thing," or, "Oh, so and so is the root cause," or some other man. It was only the man who had got the power of law and order in his hands who was the man who was taken to be free from blame. The people who did not have law and order in their hands were charged, made the victims and were punished very severely. I am saying that the time has come when, if we want to live happily in this country, and if we want to build an independent Kenya as we want it this year, then it is time we began to face realities and began to find the solutions to those realities—and there are many.

Now, Mr. Speaker, I do not want to be very long today on this, if I can, I shall turn to His Excellency's speech and I shall begin with his reference to the "Discussion on constituting the charges and independence. His Excellency said, and I shall quote, "I believe that in charting the course to our next major target it may well be natural and fruitful to consider some adjustments here and there within the broad framework of the constitution now being inaugurated" and he went on to say that he would discuss this with his Ministers to see if he could make those changes. Well, here, Mr. Speaker, I have again to say this. No matter what the present Government may flatter itself it is, it is just the very same Government, the colonial regime, which is being helped in its working by a few African semi-politicians. And, Mr. Speaker, some of them

flatter themselves they have taught me politics. I would only tell them that they only used me as a ladder to get where they are; now they are actually there, they ought to listen to me. But now let me warn them that however much they may flatter themselves, however much they may flatter themselves on having been in South Africa and on knowing some politics, I could tell them they have a lot yet to learn in this country. It will take them some years to come to the stage of that political maturity which is needed to bring this country to independence. Let me say that to build Kenya the present Government has not got the mandate of all the people of this country....

The Speaker (Mr. Slade): Mr. Odiga, we cannot pursue that subject any further. It was fully debated in a Motion a short time ago.

Mr. Odiga: I am sorry, Mr. Speaker, but I am just making a reference to it, Mr. Speaker, this is the Governor's speech and I am talking on the Governor's speech and making references to what he actually said.

The Speaker (Mr. Slade): I must explain to hon. Members again that the mere fact that His Excellency the Governor referred to certain matters does not bring them within the scope of this debate when they have already been fully debated on other Motions. Some of those matters have been the release of Mr. Kenyatta, the composition of the present Government, and the Fleming Report. Those debates cannot be reopened in this debate.

Mr. Odiga: Well, with due respect to your ruling, Mr. Speaker, I should say that I have actually heard many Members speaking on this. We have nothing to talk about if we are not actually to make references to them. I was just replying to what the Member opposite had spoken about just a few days ago at great length, the Leader of Government Business. I do not know whether you will rule that I should not reply on some of the points which he spoke on and which he raised?

The Speaker (Mr. Slade): I will so rule, just as I ruled that he should not reply to certain points on a similar subject made by hon. Members on the Opposition side.

Mr. Odiga: Then I shall state what he said. May I make it known....

The Speaker (Mr. Slade): Mr. Odiga, you will not pursue this matter.

Mr. Odiga: I am not pursuing it, Sir. I was just replying to one of the matters raised in the debate. The so-called Leader of Government Business raised some points of interest. He said that very soon there would be discussions....

[Mr. Butler]

I do not propose to go through in detail other hon. Members' speeches but would like to pick out one or two general points. The proposal to reduce the lowest level of graduated poll tax has been generally welcomed and it has been urged that the Government go further and abolish the lowest rate altogether, at least for persons with incomes of less than £75 or £100. As has been stated by my hon. friend the Minister and as has been stated by the previous Government, it is certainly our hope that we will move towards that position, but we cannot afford to go as far as that today. The hon. Member for Fort Hall, Dr. Kiiano, suggested that we might not, in fact, lose very much revenue if we abolished this lowest rate, and that we would save almost possibly as much on expenditure on prisons. That is a matter which we are now examining very carefully, but the evidence so far obtained indicates that a high proportion of the persons committed for non-payment of tax are released within a few days of committing after paying up, and that the amount of tax so paid exceeds the cost of the detention of those who remain for their three months by some £20,000, so I fear that if we do reduce further the lowest rate of poll tax or remove it altogether there will be very few compensating savings on the other side.

I would like to concentrate for the remainder of the time at my disposal on the reference made by the hon. Member for Fort Hall, Dr. Kiiano, to the fact that our national debt was not very high in relation to the national income, but before doing so I would like to refer to a remark made by his colleague, the hon. Mr. Njiru, which I did think was a little ungrateful. He attacked the Road Authority and said that he did not know what it was. He may be interested to know that it was the Road Authority which decided that the new road to Nyeri should run through Fort Hall and not by-pass it as the previous main road did. That decision, which was taken by the Road Authority when it was under the Chairmanship of the hon. Member for West Kenya, was attacked both in the Press and I believe also in this Council, and the Road Authority stuck to their decision, and I am sure they were right. I hope, however, that when the hon. Member travels on that fine new road he will be grateful to the Road Authority.

The largest single increase in any section of our expenditure this year is on the public debt. Almost the whole of this net increase of £661,000 relates to charges on loans that have already been raised or to the increasing charges on the Contractor Finance Road Project to which I have already referred.

The hon. National Member, Mr. Erskine, suggested that the Kenya Treasury was a cautious and conventional outfit and the hon. Member for Nairobi West suggested that we were ignorant amateurs. In fact, I think we can claim.

Mr. Commodore Howard-Williams: Mr. Speaker, Sir, on a point of information, I never used the word "ignorant", nor would I do so. I said "mere" amateurs and I stick to it!

Mr. Butler: I think the hon. Member for correcting me: "mere" amateurs and not "ignorant". In fact, I think we can claim to have shown considerable enterprise and even courage in that particular field. We have raised over £16,000,000 in loans over the last seven years. We have during the last few days put through a £3,000,000 conversion operation and I am now in a position to assure the House that this issue will be fully taken up. The position as at today is that £1,928,000 has been converted and £950,000 has been applied for by people who did not hold the stock which was being converted and who applied for more stock than they originally held.

We are operating on a narrow margin and the deficit in the Development Eschequer Account by 30th June will have risen to at least £5,000,000. Many other colonial territories approaching independence have done so with money in reserve, but I am not in the least repentant. We have now reached the position where, instead of having money in reserve, we have a deficit of £5,000,000. But that £5,000,000 has been well spent and is now represented in assets in the form of improved land, schools, hospitals, roads and water supplies which will be of permanent value to the economy of this country. But whatever professional, and I say professional, skill is applied to the task of financing this short-term deficit, we cannot allow it to run any higher, nor can we face when our revenues are declining an annual net increase in the public debt in excess of what we are having to face next year.

The economic survey suggests that with improved weather conditions, which we may well not have, the value of subsistence production in 1961 may recover to the 1959 level. It also suggests that a modest increase, perhaps 2 per cent, may be achieved in the national income in 1961. But even this modest increase will not be achieved unless a number of other assumptions are proved right. These assumptions include assuming that the price for our main export crops will remain at not less than their present level or, at least, reasonably stable; that there will be some return of confidence and some resumption of investment. An increase of 2 per cent of the national

[Mr. Butler]

income in, in money terms, about £4,450,000. The Government obtains, broadly speaking, about 14 per cent of the national income in taxation of one form or another; and although this theory can easily be attacked, assuming that we did get 14 per cent of the increase in additional taxation, the resultant sum would be about £620,000. That is less than the increase we are facing in the public debt in 1961/62 and the increase we are likely to have to face in 1962/63 in order to carry through our ambitious, but essential, development programme.

In addition to that we shall wish to find further funds for education and other services next year and we should also aim, if possible, at reducing our dependence on grant in aid and making some progress towards the day when again we shall be financially independent. I think all hon. Members realize that steps are necessary if our economy is to recover and we are again to become financially independent.

The hon. National Member, Mr. Erskine, suggested that dawn would follow the present twilight period. The hon. Member for West Kenya pointed out that twilight could be followed by darkness or dawn. The choice as to which it will be rests largely with the hon. Elected Members on both sides of the Council. The chances that it will be dawn will not be enhanced by a refusal to face unpalatable economic realities.

The Speaker (Mr. Stade): Mr. Odings, have you been allotted more than half an hour?

Mr. Odings: No, Sir. Mr. Speaker, I do not think, Sir, that I shall take more than half an hour as I have got just one or two very important matters to tackle. I have read through His Excellency's Speech and I have also gone through the Budget Speech, but before I embark on a very few points concerning these particular speeches, Mr. Speaker, I should like to be allowed to clear up misunderstandings in the minds of both Members of this House and people in this country on some statements which have appeared in the newspapers recently.

Mr. Speaker, I have been probably quoted, and accused, in many quarters of not having in my speech at Nyeri made reference to a denunciation of oath taking. Well, Mr. Speaker, I always call those people who ask me to denounce oath-taking as really very queer chaps, because they know that I do not understand what that kind of oath taking is. They know that very well. I was tried to inquire into the meaning from some of my friends whom I know very well and indeed, when I was at Nyeri I asked people from

Meru and people from everywhere else to try and get somebody to explain it to me, so that I could definitely understand what this oath taking is. I could not get anybody to explain it convincingly to me. Therefore, it would have shown the height of irresponsibility for me, simply because of rumors or because of the propaganda I hear in this House, to stand in front of people and ask them not to do this, that or the other. As a man who lives in this country and as a man also who has travelled, I know that there are many, many different kinds of oath taking. We take an oath even in this House! As an African, I know so many numerous kinds of oaths which we take according to our own tribal customs and so on. Some of them are very good, and maybe some people misunderstood them. To start denouncing something without exactly understanding what it is, and before it is explained to you exactly, would really be very silly and very queer. I hope this explanation should be enough for those people who have actually accused me of being indifferent about oath-taking. In fact, I would wonder whether all this is not created by these people or it may be the figment of their imaginations because they are so frenzied, so fearful, or because they live in a kingdom of fear, that they have begun to imagine some of these things and begun to express them, wildly sometimes, at the same time asking people whether there is not something going on which is very queer. That kind of imagination really put us, at one time, in this country in great difficulty. It put me and many people in an embarrassing position. I remember when I went out of this country that many people asked me to tell them the meaning of the word *Mau Mau*. Well, I could not actually explain it. Coming back to this country, I asked so many people to give me the meaning of the word *Mau Mau*. No one up to now has been able to give me the meaning of the word *Mau Mau*, which language does it come from? No one has ever been able to give me the correct meaning or tell me the language, whether it is some English language or whether it is a language from this country, because no one really understands.

“An hon. Minister It is Chinese!”

Mr. Odings: Well, if it is Chinese, you probably know about it, and yet you did not explain it! Therefore, I think Kenya is a queer place where people invent—particularly those people who are apt to stir up trouble in this country—some imaginary sort of word and then go on repeating and repeating it until later on people begin to doubt whether it is true or not. Mr. Speaker, it is time we stand firmly and tell those people who

[Mr. Chokwe] there is a lot of up-country people together with our own local people, and I do not want to find my friend, the hon. Minister for Education, going about with a bodyguard in a place like Mombasa, his home town. He should feel free, I therefore, call upon the Government to use all its means to bring this case before a public court and have the matter revealed to the world and let nobody be left in any doubt as to the nature of the plan and let all reasonable people condemn actions of such a nature.

During the last two months, I have been very busy in Nairobi doing union work, as well as my work in this House. Yet, every time I went home to Mombasa, I heard a lot of cries about the activities of the General Service Unit. I would have wished that the Minister of Defence were here, because I wanted to say something about his Ministry. In this country we have the King's African Rifles, the Kenya Regiment, the General Service Unit, the Kenya Police Reserve and other units which are quite competent . . .

The Minister for Local Government and Lands (Mr. Havlock): Would the hon. Member give way for a moment? Mr. Speaker, Sir, I just want to make it quite clear to the hon. Member that although Ministers may not be present they will most certainly take full regard of any remarks the hon. Member makes either by notes that other Ministers will make or from the record.

Mr. Chokwe: Mr. Speaker, it has been our feeling since we began this debate in this House on the Budget that the Ministers feel so confident that they do not want to give a little time to listen to what the Opposition has got to say. The allegation is, "Let them talk, while we do the job." We speak our minds here and if you are not prepared to come and sit here and listen to us; it does not matter, the public are here to listen.

The Minister for Local Government and Lands (Mr. Havlock): It is all recorded.

Mr. Chokwe: Why do we have a House if you depend on records? We should go and read the newspapers instead . . .

The Speaker (Mr. Slade): Mr. Chokwe, you must address the Chair.

Mr. Chokwe: —to oppose the Ministers here, not outside.

The Minister for Local Government and Lands (Mr. Havlock): I was trying to be helpful.

Mr. Chokwe: Well, I was talking about the defence services. I remember I have on record a Motion to abolish the Kenya Regiment, and

therefore I am not going to dwell on this Motion. However, it is my feeling that we have too many forces here which are employed only for the purpose of suppressing the African. It is very unfair. We have seen the police of other countries. We have been to the United Kingdom, to places like Cairo and to places like Tanganyika. Everybody is happy there to meet with a policeman, but in Kenya, what happens today? You see a policeman wearing a helmet on his head and you start dashing because you do not know what he is going to ask of you. If I go into the street now, any policeman can stop me and ask me for my labour card. I am a Member of the Legislative Council and I do not have one. You do not give me one, Mr. Speaker. They spend a considerable time on this job too; they go and wake people in the middle of the night asking for labour cards. Well, you ask us to pay tax in order to employ people to come and embarrass us; that is not fair. I hope the Government is going to see to it that the police do the job for which they are engaged.

I shall say something about the police. We are talking now about rapid advancement to self-government, but we have very few African policemen promoted to responsible positions. I should like to see today, in places like Nairobi, Mombasa, Nakuru and Kisumu, African policemen given responsible jobs. There was a feeling at one time that whenever an African policeman was promoted he was sent to the Special Branch or the Crime Branch where he does not have to wear a uniform, because it was alleged the European policemen do not wear uniforms. That is an allegation. However, I want to see more of these people in responsible positions, working along with their brothers in the service and getting the same respect as anybody else.

When we talk about independence, one of the most important things in an independent country are the armed services. How many people, how many officers, can the Government tell us, of local stock are with the services today, so that when we take over we do not have to rely on people who do not owe allegiance to this country? We need crash plans to train people in all these fields, including the running and maintenance of the armed services. There is no scheme anywhere for training local aims for the future of this country. I understand there is an East African Navy, but how strong or how effective it is I do not know. I should like to hear that from the Government.

We now pass on to the several Ministries. I have made a few notes here and shall start with the Ministry of Agriculture. Apparently the hon.

[Mr. Chokwe] the Minister for the Rift Valley is not here, the Minister for Agriculture. Maybe his Parliamentary Secretary will take notes. The hon. Minister has been Minister of Agriculture for some time and if there are any shortcomings in the Ministry of Agriculture he should be the only man to blame because his policies were not progressive enough. We talk of agricultural settlement schemes and we are interested to hear what progress has been made on these schemes. We have some schemes on the Shimba Hills and other places which have failed, but no reasons have been given for their failure and public money has been spent on these schemes. We have a scheme just now at Tana River at Galole. I do not know whether this scheme comes under the Ministry of Agriculture, but whatever Ministry it comes under, I am interested to hear what progress is being made in that area. I happened to be there at one time and I have seen a lot of work being done. However, the Government saw fit to use some restricted persons to run the scheme. I know, because I have had experience of it, that this scheme was reasonably successful because the labour of the settlers there was cheap, that is, the labour of the restrictees. But having been to places like Egypt where they mainly rely on irrigation, I feel that more could be done to get more people on these schemes. I am thinking of the irrigation system itself. We have a lot of empty spaces which, if provided with water, with sufficient water, could be used usefully for grazing. There is no reason why exploration could not be made in this field.

Again, I come to the Ministry of Health. This brings me back to one of the hospitals in my constituency. I went to see somebody who had been assaulted only to find that he had been lying on the floor for the last three hours and there was nobody to look after him, just because he did not have Sh. 300 pay before getting his treatment. A doctor who was supposed to be in charge was sent for and he said, "Well, I am busy having my lunch, don't bother me. You can wait." I have seen clinics which are run by the Ministry of Health and which remain for three weeks without medicines in them; maternity wards without tools for mothers. If this is the way to run the Ministry of Health, I think it is very bad.

Some people talk of roads. I think this comes under the Ministry of Works. Somebody was questioning the usefulness of the Road Authority. I will still question it, because I remember the road from Mombasa to Lamu is closed half the year round and the Road Authority has been in existence for how many years—ten? What do they

do? During the heavy rains you can never get to Lamu and the Minister for Tana River will bear me out. He cannot get home now. And the Road Authority has been in existence for the last ten years! Now I understand they are planning to expand the Thika Road when they do not want to make the road to Galole passable. If there is any improvement in road making just for the purpose of creating employment, the Road Authority should look at the Mombasa Road. If you drive your car from here to Mombasa, the next day you do not want to look at it. My hon. friend will bear me out. He brought his car here and it never went again!

I now pass over to the development of cooperative societies. This field has not been explored properly. We have a lot of resources in this country and I have a feeling, that with proper planning and direction, there is no reason why we should not achieve a large measure of success. There are many things we can do here which we are forced to let other people do for us. I do not think that is the right way for this country. In local government, no attempt is being made as all to instil new blood, people who owe allegiance to this country. We have some officials in local government who will just sit there to block things, who never accept any suggestions. I feel it is time that this local government was democratized to give effective representation to all sections of the community.

On the question of land, there has been a lot of trouble recently within the last two or three years, especially along the Coast, with landlords enforcing their occupation rights on lands which they do not occupy. Somebody happened to suggest that when self-government came to Kenya land would be expropriated and somebody started a move about compensation. Some thought if they could register their claim there would be no reason why they should not ask for compensation on any piece of land. You have people who live on some land along the Coast and they now call the so-called registered owners for a good number of years. However, when these people came to enforce their rights there was trouble. Well, we do not want to deny the rights of these people, but whenever there is such disturbance, I feel the Government should take the initiative in making proper arrangements for the removal of these people and settling them on Government land of which we have a lot. However, some time last year we had landlords setting fire to parts and some individuals pulling down houses and chasing them off or wiring them in, just to enforce their rights, because they required the land. This was very bad and I should not like it to happen.

[Mr. S. K. Anjarwalla]

would be quite appropriate to start by paying a very warm tribute. Thank you, Sir, for the most admirable manner in which you have, as guardian and custodian of this House, carried out your most difficult task. We do not mind, Sir, when you correct us when we make mistakes in matters of procedure, or when we step beyond our limits, for we are always conscious of the fact that you will always very zealously protect our rights in this House. I am sure the whole House endorses the sentiment expressed by me just now.

Mr. Speaker, Sir, now to refer to the Budget. The hon. Minister for Finance has tried to give protection to some industries. I think he has left out quite a few industries in Kenya which do need protection. I wonder whether the hon. Minister did investigate the question of all the industries in Kenya which need protection. I've often met business people in Mombasa, sometimes Nairobi, who tell me jhr: that they are prepared to spend a lot of money in Kenya; they are prepared to put a lot of money in Kenya but their only worry is this, whether the Government of Kenya would give them the protection they need. Personally I know of a few industries in Kenya which are running at a great loss or which are making little profit. We, if we are going to encourage local industries in this country, it would be necessary for us to give the fullest possible protection to local industries. If I may give you the example of a few industries which are really in need of protection. There is a nut and bolt factory in Mombasa which needs protection; there are one or two glass bottles factories in Kenya which also need protection; there is an absorbent cotton industry at Mombasa which also needs protection, and there are a few industries here which make ready-made garments, and I believe, Sir, that these industries also need protection.

Mr. Speaker, Sir, I now come to the question of the increase in the import duty on matches. I do appreciate that the hon. Minister for Finance has made some attempt to protect the local match industry, but I feel, Sir, that this is not enough. There is a match-box factory in Mombasa. It has just started and the owners have spent thousands and thousands of pounds putting up this industry. Now this industry cannot possibly compete with the foreign match manufacturers, for the simple reason that Kenya does not have the raw materials for the production of matches. A second reason is the infant state of the industry. Sir, if they can produce a sufficient number of matches to supply the whole country, then I think we should have a complete stoppage

of the importation of matches, even if it means that the local consumer in Kenya has to pay a little more than for imported matches. This sort of thing is being done in countries like India and Pakistan, Ceylon, Iran, where as soon as a country becomes sufficient in a certain commodity, then the importation of that commodity completely stops.

The overall effect of the new taxation policy is in my opinion going to create a great amount of hardship to the poorest, in this country. I have taken the trouble of working out how much extra the poorest family of five in Kenya will be spending every year from now onwards. The exact amount I worked out is about Sh. 47/20 a year. Details are as follows: a family of five needs about 12 lb. of sugar per month. Therefore, this family would spend Sh. 7/20 extra a year. The family uses about 20 matches a day, and therefore it would have to pay another Sh. 10 extra per year for matches. Blades would cost about Sh. 2 extra a year for a family. If they are prepared to travel at the rate of a mile a day, it is going to cost the family about Sh. 8 extra per year. Extra general duties on cloth, blankets and other necessities of life would cost a family of five at least Sh. 20 extra. Therefore, the poorest man in Kenya this year would be spending Sh. 47/20 to maintain a family of five. A reduction on indirect taxation of Sh. 5 gives no relief whatsoever.

Sir, extra duty on petrol is a hardship to all the motor-car users in this country. A car is cited like Mombasa, Nairobi, Kisumu, Nakuru, is a necessity and not a luxury. It is a necessity because in Kenya there is no respectable or efficient public transport system and, therefore, a car is a necessity to many people living in this country. It is no use comparing the cost of petrol in Kenya with the cost of petrol in England, because in England there is a highly organized public transport system, and you really do not need a car; you can do all your daily work by using public transport.

Now, Sir, to dwell on the Speech of His Excellency the Governor, I think, Sir, with due respect to His Excellency, there is hardly any substance in this Speech. His Excellency has said that "in Kenya the new Government represents the largest cohesive group of Elected Members in this Legislature and is intended to operate on proper parliamentary principles". Well, Sir, I know in proper parliamentary principles you have an executive body which is responsible to the Legislature. I wonder whether the executive body in Kenya today is responsible to this Legislature or not.

[Mr. S. K. Anjarwalla]

There is a second point which His Excellency made that was this: that the Members of this Government were ready to co-operate with others in building this country. Sir, I do not know what His Excellency meant by "others". Did he mean the Colonial Office in London?

His Excellency referred to the land settlement policy in this country when he says that "the land problems, in particular resettlement, we must have regard to the maintenance and increase of production and the needs of the landless, ... I agree" ... while taking into account the spheres of influence of tribal groups and communities". Is His Excellency trying to perpetuate tribalism in this country or is he trying to give protection to small minor communities?

Now, Sir, His Excellency referred to the minority groups. As he said, "Under this head would fall an examination of the whole future of the administration of the pastoral and nomadic tribes as well as of the rights of Europeans, Asians, Arabs and other minority communities to play their part in the life of the country". Now, this is quite a clear indication that His Excellency does want to have separate legislation in this country for the Asians, Arabs, Africans and Europeans, and this is just going to perpetuate *apartheid* in Kenya.

Mr. Speaker, Sir, Kenya has now reached a stage when the should be very conscious of her self-respect in this country and she should be very conscious of the dignity of every human being in our country and in the whole world.

Portugal has committed untold atrocities against the indigenous population of Angola. France, for the last eight years, has been killing thousands and thousands of Muslim Algerians, the subject people of the French Government. South Africa has committed untold barbaric atrocities on the African population of that country. The Government of South Africa has denied human dignity to all the millions of non-Europeans in that country. Kenya must record, very strongly, her disapproval of the policies of these countries and I call upon the Government, Sir, to order the immediate closure of the consulates of France, Portugal and South Africa and the immediate expulsion of all their staff from this country.

Mr. Speaker, Sir, this House is aware of the "secretly-earthy" policy advocated by some farmers. I do not want to say anything on that except to remind the hon. Minister for Legal Affairs of a certain provision in the Penal Code of Kenya which reads as follows—it is section 31a of the Penal Code of Kenya: "Any person

who without a lawful excuse, the burden of proof thereof shall lie upon him, utters, prints or publishes any words or does any act indicating or implying that it is or it might be desirous to commit any act, the doing or omission of which is calculated to lead to the damage or destruction of any property, is guilty of an offence liable to imprisonment for a term of not exceeding two years or a fine of Sh. 8,000". I would like to know what the hon. Attorney-General proposes to do or what action he proposes to take on this section.

The Government of Kenya has kept Mr. Makhani Singh in restriction for about eight or nine years. Mr. Singh was never tried by a court of this country. I call upon the Government of this country to release Mr. Makhani Singh immediately.

The hon. National Member, Dr. De Souza, will deal with this matter in detail and, therefore, I do not wish to dwell on this issue any more.

Lastly, Mr. Speaker, Sir, I will very briefly refer to the case of Mr. Isaac Kamau Ndirangu. From what we heard from the Minister for Internal Affairs, the life of the hon. Leader of the Government was in danger. We are very sorry to hear of this state of affairs in Kenya and we call upon the administration to bring Mr. Ndirangu to trial. We do not want violence in this country. If he is guilty of an offence, he should be punished, but if he is innocent, he should be released at once.

Mr. Chokwe, Mr. Speaker, Sir, I would have liked to see the Leader of Government Business and Minister for Education here, because I feel I want to talk more about the subject we started last night. Some people do not know my relationship with the hon. Member for Kilifi. We happen to belong to the same tribe and live in very close proximity. But the allegation that was made last night, or the statement that was made by the Minister for Defence, that my hon. friend's life was at stake, is of grave concern to me, and I would like to make it clear to the House here that the fact that this plan is alleged to have been cooked up in Mombasa, which is my constituency, does not mean that I conived in the plan. I told the House last night that I have been a victim of restriction without trial, and suffered a lot of injustice. I do not want that to be repeated on another person, but if anybody has committed any crime we feel, or I feel, and everybody, I think, has the same feeling, that that man should be properly punished and his crime should not be covered up in any way.

We have a bigger mixture of people in Mombasa than anywhere else in the country. We have a large number of Arabs living in Mombasa, a

[Mr. Mwendwa]

Let me now speak about the roads in Kitul. The roads in Kitul are in a very bad state. The Mercedes, Peugeot and Volkswagen cars have a very good record over rough roads, but the fastest car in Kitul will go at not more than 25 or 30 miles an hour, because the roads are so bad. During the rain the lorries are stuck; the buses cannot move for about four days; and I think that this Government should do something to improve the roads.

Last week when I went home I saw something being done on the Thika Road towards Kitul. It is under construction. But I would ask this Government whether or not something could be done to continue that road to Kitul. I will be very pleased indeed if that is done.

Mr. Speaker, I now go to another point concerning hospitals and dispensaries. Last week one ward in Kitul was closed. I went there with a sick child aged two. I was told by a dresser that he could not admit that child because he had had information or instructions from the medical officer not to take any more patients. The child was in a dying condition or state. I said to the man, in order that he should admit the child, that I was going to wake all the people in Kitul Township if that child was not admitted, i.e. the police, the District Commissioner, and everybody, and even the medical officer himself. He therefore admitted that child. I was told next morning by the medical officer that there are only 72 beds in Kitul. For the whole of that district they are allowed to have only 72 patients. I asked him the reason why. He said that the Government was short of money. I am asking this Government now to do something, especially for the Kitul people, because there are two serious diseases which happen to be in the Kitul District, namely, kala-azar and bilharzia. They are the most dangerous diseases in Kitul, but I think that most of the money is used in running the Land Rovers trying to find the places where the kala-azar and bilharzia are, and I think that more money should be allocated between these people for medicine.

The Speaker (Mr. Slade): You have had your 30 minutes now. You should conclude your speech now.

Mr. Mwendwa: Thank you, Mr. Speaker.

Mr. Mwaloni Mr. Speaker, Sir, I beg to move the following Motion, but before I do so, if you will allow me, I will express myself on some of the points which have already been mentioned by the hon. Members on the different sides of the House. As I am a new Member I am afraid I do not know what to say and whether there is any

obstruction, but I could not tolerate the motions and the points which have been brought up by the hon. Members of the Opposition side.

Mr. Speaker, Sir, if it is now high time that people in Kenya should cease making noises but should start doing something practical, and I must first of all thank the KADU Government or the new Government, for the step which they have taken towards forming the Government in Kenya, and all over the country, or I may say all over the continent of Africa, there are three aspects or objects which people are awaiting day and night. They are always listening to their radios, trying to learn what is going on. They are always trying to find out what this new Government has done, or what is going on in Kenya. Of course, Sir, those things are as follows:

First of all, Mr. Speaker, I would request you to allow me to speak on certain particular points, such as Kenyatta's release. Kenyatta's release has been a very great movement all over the country, and I do not need to speak about it particularly because it has been dealt with already. But I would like to mention something; and that thing is to thank the new Government for what they have done in deciding to release Kenyatta. Members of the other side are always criticizing and making noise, shouting, and using him as a weapon or as a whip to beat the Government with. But they do not do anything at all towards Kenyatta's release. But I am now saying that I am very pleased with what KADU has done, and that is the same thing. I am of the opinion that all over the country many of the people are rejoicing and supporting the Government in what they have done, because people are tired of hearing "Kenyatta, Kenyatta, Kenyatta," but seeing that no action is taken.

I think, Mr. Speaker—

The Speaker (Mr. Slade): Mr. Mwaloni, you may not pursue that subject any longer.

Mr. Mwaloni: Thank you, Mr. Speaker; I will obey your ruling.

The second thing is that the people are now waiting, as this Government has now been formed, to hear when independence is going to take place, and they would like to hear when a Chief Minister is going to be appointed, whoever he may be. You know, Sir, the people in the country are after independence, and even if the Devil will bring independence they are all ready now to receive it. They are not wanting a particular person, but they would appreciate a leader who will undertake the stable formation of a Government. Therefore, Mr. Speaker, Sir, I would urge the House today to realize that what

[Mr. Mwaloni]

is waiting for now is to hear that this new Government has taken a second step forward and that they have elected a Chief Minister; because they will not be satisfied to hear that the KADU Government has been formed in Kenya, and they would now like to hear that a step has been taken towards the African independence in Kenya and that a Chief Minister will be appointed, or someone who the people will recognise as their leader.

The third point concerns the reorganization of Africa, or localization, in Kenya. Our people would like to see that with this new Government being formed of the majority of the Africans, people are learning practically and not theoretically. People are tired of hearing that Mr. so-and-so is just an assistant so-and-so. They would like to see African leaders practically learning the work and just taking the same step and the same line towards independence.

Mr. Speaker, Sir, I would like to mention something else. I am not prepared to say much concerning the Opposition side; but I would like to mention something which is now going on. Members of the other side are now keeping on exaggerating monopolizing, encouraging trouble and revolutions throughout the Kenya provinces, and in the reserves, by saying that there is no confidence in Kenya, no so-and-so. There is no such belief. They are also saying that after independence comes to Kenya there will be no taxation. The same people are still keeping on talking of good schools, good hospitals and some progress in Kenya. What kind of Government will you have without taxes? These people are multiplying Sh. 5 up to Sh. 10 plus Sh. 10. That is encouraging people and making them worse. I do not think there is a leader who is wise enough to demand much progress in Kenya but who can still at the same time encourage people by saying that after independence there will be no taxation. I am tired of hearing these notions in this House. That is completely untrue.

Therefore, Mr. Speaker, Sir, I would like to go back to my Motion which concerns my area. Mr. Speaker, Sir, I beg to move the following Motion. As a Christian, I am urging the House on this particular point, that this House being aware that the Bukuya do not understand any other language—

The Speaker (Mr. Slade): Mr. Mwaloni, I am afraid that it is out of order altogether to move a Motion in the middle of a debate on another Motion. You can speak on the subject matter of what you want to be in your Motion, but you cannot put it in the form of a Motion.

Mr. Mwaloni: Thank you, Mr. Speaker. I do suggest to the Minister concerned with Broadcasting, that the Bukuya people of Nyanza, loyally serving the Government, are the only people in Kenya, or in Nyanza, whose language is not heard over the Kenya Broadcasting Service. Therefore, Sir, I beg to ask the Minister to do something concerning this matter.

Mr. Rawabwa: I rise to support the Budget and to commend the Minister for Finance for the wonderful way in which he presented the Budget.

As a new boy to the House, Mr. Speaker, I do not have any particular item thereon, but I would like to deal with those subjects which concern the new Government and which should be looked into and dealt with on behalf of the people concerned.

I would like to begin with the question of pastoral tribes which still cling to their old ways and have no knowledge of Western civilization or education, and which are preparing the way towards independence. We should do something for these people so that they may also face *uhuru* face to face. I mean that we, as a Government, Mr. Speaker, should carry out a literacy campaign with these people so that they may not have a wrong impression of *uhuru*.

Again, Sir, there are not enough dispensaries in these areas inhabited by these tribes, and so many people die of diseases because of there being no hospitals or because they are not able to reach the hospitals. Therefore, Mr. Speaker, I think it is our duty as a new Government to spread hospitals over all these areas so as to save the lives of these people.

Again, Mr. Speaker, the Northern Province, or rather, the Samburu District, is rather arid country where water is not available. Therefore, Sir, I wish that the Minister for Finance had doubled the figures in respect of irrigation schemes so that the people could get water from boreholes or dams.

Mr. Speaker, Sir, my hon. friend, the Member for West Rift, spoke about grazing schemes. These would be of value to the Samburu. These people, Mr. Speaker, do not have any other way of getting money; they live only on their animals. They are paying personal tax, school fees, and they need money for clothes and food. In addition to that, they are also paying grazing fees. I think that we as a Government should exempt these people from paying grazing fees.

Mr. Speaker, Sir, I beg to support.

Mr. S. W. Anjwani: Mr. Speaker, Sir, this is my maiden speech in this House and I think it

[Mr. Mwenda]

Somebody is going to say, "You cannot get away from the Commonwealth. What is this? What are we going to say? We are making ourselves prisoners without knowing."

The Minister for Finance and Development (Mr. Mackenzie): Would the hon. Member give way? Would the hon. gentleman prefer to have all the schools and hospitals closed, rather than take assistance?

Mr. Mwenda: I refuse to give way. That is not a point of order. I know that we need money, but I state clearly that although we need money it should not come at this stage. It is just an alternative, that is, you have not got money so you cannot have independence. That is what I am rejecting. Let us get it in November or December of this year or in January next year. I shall fly together with the Leader of the House to go and search for money anywhere in the world—after independence but not before. Independence is not a privilege, it is our birthright. We must have it. But if you are now going to say that we must have £14,500,000 before we get it, what is that? Where are the figures? That is the implication. When the Leader of the House went to England he said, "When I go back, this is the formula." What is this formula of his? What was contained in that formula? We have never seen or read about this formula. One of the points was, "I am going to ask the British Government to give us money to develop Kenya before independence." Anyway, what I think about this is that it is the same as if the Government were trying to tell that we have to buy our independence; that we must beg for it. And I declare that it is sheer nonsense!

Now, about the Fleming Report, I shall dwell on that now.

The Speaker (Mr. Slade): You will not dwell on that, Mr. Mwenda, we have debated it last week.

Mr. Mwenda: Actually, I was not talking about it, but I was just reminding the House on one or two points.

The Speaker (Mr. Slade): Only the very briefest reference to a subject which we have already debated in full is allowed.

Mr. Mwenda: O.K., Mr. Speaker. Well, I have just one other point. I think you thought that I have finished my points, but I have more than I can talk about.

Now, Mr. Speaker, if you will allow me I shall talk about local government. First of all, I shall mention the appointment of chiefs.

The Minister for Local Government and Lands (Mr. Havelock): That is not local government.

Mr. Mwenda: Yes. I as an African who has been actually brought up under an African chief who had been a chief for fifty years think that the time has come when the African chiefs should be elected by the people, and not actually picked up by the Government. This is wrong. Why is this wrong? It is wrong because the moment the chief is appointed by the Government he thinks that he is the only person existing in that particular location, that he is the only person who can drink in that location, and that his house should be cleaned before any other person's; and, as a matter of fact, he brings slavery to that location.

An hon. Member: Oh, fiddle!

Mr. Mwenda: In 1957, after I had been in the African District Council where I was being a chief was appointed by the Government for my location. The first thing he did was to say, "Mwenda is unable to be a councillor." I applied to be what we call a D.A. The last Minister for Health, Mr. Muimi, who was here last year, also applied to be a D.A. The Chief of the Kitui said, "None of you are able to take this position." I wonder whether Mr. Muimi was able to be a Minister when he was here last year, and I wonder whether I am able to speak English now that I am here. Do District Assistants do nothing but write letters. I am pleased that I was not one of them, although I should say that they do very much more in the field. However, I am not going to apply for that post.

So far as Kitui is concerned, Sir, I think that Kitui is the poorest district that I have ever seen. The Minister for Local Government should know that there is not one District Assistant in Kitui District at the moment. While the other districts are now fighting or going ahead to get district officers there is not a single District Assistant in Kitui. I call that a very serious thing. It should be corrected.

Mr. Havelock: On a point of order, Sir, the hon. Member said that there is not a single district assistant in Kitui.

The Speaker (Mr. Slade): Order, order! I cannot have two Members standing at once. Either the hon. Member who is holding the floor gives way or not, but there will not be two Members standing on their feet talking across to each other. Do you want to give way to Mr. Havelock to hear what he has to say?

Mr. Mwenda: I want to hear what he has to say.

Mr. Havelock: Thank you, Mr. Speaker. There is an African District Assistant, who is a personal friend of mine, serving in Matomo, in Kitui

[Mr. Havelock]

District. That is all I wanted to tell the hon. Member.

Mr. Mwenda: What I said was that there is no African District Assistant appointed from Kitui.

An hon. Member: Tribalism!

Mr. Mwenda: When you say "tribalism" like that, then you practise it. I would like to have a District Assistant from Kitui serving in Kenya, serving in Nyanza. I want him to be in the Northern Frontier Province. I want him to be in Nakuru. But he must come from Kitui. Do you mean to tell me that Kitui people do not want to eat or that Kitui people do not want to ride in cars, or that educated Africans from Kitui do not want to wear clothes like yourself, so that when you get independence all the district officers will be coming from other places. You will have another Katanga if you practise these things, I am assuring you.

Now, Mr. Speaker, Sir, it is also surprising that when the other districts have about five assistant district officers Kitui has only one; and about 20 applications for jobs as assistant district officers have been poured into the Education Department year after year. In fact, Sir, I was rejected because I was a politician. I was told that I would not be a good district officer because I am a politician. The Minister for Education told me that I would not be a good district officer because I was a politician.

Mr. Speaker, Sir, you will find that there are too many agricultural officers. Some of them are posted to a place and they are told to stay there doing nothing but sleeping and eating eggs, and are instructed to report to the office on Friday. I was speaking to one. I said, "Let us go home as you do not seem to be doing anything." He said, "I am told to stay here until Friday and then report to the office that I have done something." The Government is in fact paying that particular officer mileage allowance and a salary. There is not a single African man doing that job. I think the sooner these European agricultural officers are reduced the better.

I come to another point concerning wild animals in the Kitui District. Mr. Speaker, Sir, this is a very serious subject. Right from the beginning I have said that Kitui is a dry country. In some places people have crops; or something from their *shambas*, once in five years, in the Kitui District, or even longer. Now, I must thank the last Government—not the present Government—for making that furrow through Ukambani.

I must give thanks for that. You were not there when it was cut.

The Speaker (Mr. Slade): Mr. Mwenda, you must not address hon. Members on the other side directly. You must address the Chair.

Mr. Mwenda: Thank you, Mr. Speaker. I thank you for correcting me.

Now, Sir, this year about 30 people had *shambas* along that furrow and the *shambas* have been doing very well indeed. In fact, Sir, last season, when we had no rain, these *shambas* produced wonderful crops. I went there myself and I saw maize, cow peas, and so on, doing very well. But to my surprise, when I went back to the same place to see the quantity of crops harvested there was nothing. Those crops had been eaten by elephants. This is a serious thing, especially in Ukambani, concerning the people who have suffered from famine for quite a number of years. I think that the Government should sit down seriously and do something about it. Otherwise it is the same as telling these people, "This is the wrong place to stay." It is just the same as telling these people to go away and to stay in other places. I think that the time has come when something should be done about these elephants. When I went there last week, I met one scout while I was going round these *shambas*. He told me that they have four scouts in Kitui. The Minister for Tourism can correct me if I am wrong. They are not allowed to kill one elephant. Otherwise they killed one; whether it was by mistake or not I do not know. He told me that they are not allowed to kill. They are allowed to clear them away. How can a man clear or chase an elephant?

Hon. Members: Ha ha!

Mr. Mwenda: It is not a laughing matter. It is a very serious matter. About 200 people in Kitui are dying today because they have no food, and yet you are laughing in this House. It is a serious matter, gentlemen; it is not a laughing matter. You can laugh at my face but you cannot laugh when the Africans are dying of hunger.

The Speaker (Mr. Slade): Order! This is the second time I have had to tell you to address the Chair. If you offend again you will have to discontinue your speech.

Mr. Mwenda: I am sorry, Mr. Speaker. I was just about to lose my temper.

Mr. Speaker, I think this Government should do something to see that the people whose *shambas* have been destroyed are compensated—and right now—because these crops are really suffering.

[Mr. Wabaga]

are not employed—are taxed in some other way because this way is an injustice. I feel that these women should have a fixed amount to pay as taxes, and that you should not assess them. For, Mr. Speaker, I fail to understand how one can assess a woman who roams about in the town, on the streets, and come to the conclusion that she earns so much a year. I feel that the Government should do something about that.

Now, on the question of His Excellency the Governor's speech, I must first thank him for his speech. In my opinion, I feel that it is high time independence is achieved in this country as soon as possible. This is the only solution. The more we delay, the more these people who make a lot of noise and who struggle for power will go on confusing the public, by confusing the public we shall not get independence. They will only be working for their own ends. Therefore, I feel that independence for this country must be granted as soon as possible. Some people speak of stability and violence and the killing in this country. I feel it is high time that when we politicians condemn something—for example, violence—we should not encourage it. When I say that, I refer to the hon. Member for Fort Hall, Mr. Njiru, when he said, "No Kenyatta, no stability!" When the ordinary person in the street hears that, what do you think he can think? He says, "Well, no Kenyatta, no stability," and by so feeling he says, "We must have something to deal with these people," and something to deal with these people might be a weapon, by killing. So I say we should not encourage that.

On the question of Kenyatta, we people decided to form a Government. When we decided to form a Government we thought that it was the only solution to getting Kenyatta out and we are going to get him out. Let those people who shout and who sit in the Opposition sit there—we shall release him and they will have nothing to say.

Thank you very much, Mr. Speaker, I beg to support.

Mr. Mwendwa] Mr. Speaker, Sir, I feel I should introduce myself to this House, before I say anything. I come from that dry part of the country which is in the east of Kenya called Kitui. It has been called by those who know geography a semi-desert, although I do not agree with that. Luckily, unfortunately, I seem to share the name of Ngala with the hon. Member sitting opposite, but to save confusion—if they want to refer to me with this name—may those who know me add another "I" just to make a difference.

Now, Mr. Speaker, I want to speak a little about the Budget which the hon. Member, the Minister for Finance, called self-help. But I should call it a self-deceiving self-help, for the following reasons. It has bluffed the illiterate people; it has been put forward just with the intention of showing the illiterate public that the present Government is really doing wonders for them. I wonder if that is true? The present Government knows very well that most people in Kenya are those chaps who have been paying Sh. 20 tax, 4n order to show those people, who are in the majority actually, that the present Government is doing something, they have taken Sh. 5 off their taxes. That Sh. 5 has been multiplied by ten and they have added it to us, to the people who have been assessed at Sh. 150 per annum. I wonder whether that is a reduction of tax, as they call it? To make it worse, the very men who have been cheated or bluffed that Sh. 5 have been cut off his tax have to go to the shop and buy sugar and paraffin at another price altogether. The Sh. 5 by which the tax has actually been reduced may be put in a safe pocket and the man will try to use that Sh. 5. It will not last him a week. He has to go and borrow some more money to go and buy some sugar at the increased price. That is why I call it a mere bluff to the public; it has done nothing for the illiterate, nothing at all. The present Government wants to show the public, these illiterate people, that it is doing wonders, but it is not.

Now, look at the people who own vehicles—and I am not talking about motor cars because I have just happily acquired one—and the people who own cars, lorries and so on; they have been penalized. The increase on petrol, of course, does not do them any good. And eventually you will find that the travellers, those who use the buses, will have to pay more. Who are these people? These are the people who come to Nairobi daily to seek employment, and those are the illiterate people whom you want to cheat. Now, is that a help? It is not. This Budget has also done something else very clearly. The hon. Member—whom I call the Managing Director of Tobacco—yesterday tried to defend himself by saying that the duty on cigarettes has been very high. But I say the Government has ignored—the Minister for Finance has ignored completely—the things which we have to have every day. Anybody can live without taking tobacco, yet that has been left out. The Minister for Finance knew very well that the illiterate people, who are in the majority in this country, do not drink beer. They drink native liquor. Therefore, he left extra taxes of beer completely. Who are going to suffer? We

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the educated people or the illiterate people who do not drink beer but who are forced to go and buy sugar and paraffin at the increased price? But simply because they do not drink beer it was left out. Therefore, that is why I say this Budget is a self-destroying Budget.

Now, I come to something else. Many people have been talking about confidence in this country. In order that people may have confidence in this country there must be stability, there must be security. Good! But, honestly, who wants this country to have confidence, stability and security? Is it not we, the Africans? Why are the Kenya whites, the Europeans, asking us to have stability now in the country? Do we not like it? We love it! We must have it in our own country. Why should we be asked to give in to the House so that they can get in? Well, I am not asking you to leave. Until you find it, stay outside! I and my family find it clean and we shall stay. This country is ours; Kenya is an open country! And I do not see why Europeans should stand there and say, "Please, I want stability so that I can get in." Who wants you to get in? It is up to you to get in, if you like. If you do not like, stay out! Surely we can ask our friends, the Ghana people there—to come in, if we like. The Indians are there waiting to come to Kenya and bring money. Some other people are there and they can come in. Perhaps they can come in if you decide to go. We are not chasing you away, no, but honestly if somebody wants to leave this country, then for goodness sake, we want to know the names of those people who say that they are not going to stay in Kenya if there is no stability. We want to know their names now, pretty soon; so that we can advertise this thing, saying that 50 Europeans are leaving this country, so that other people can come. And for goodness sake, do not misinterpret me! I am not saying that I dislike the European because he wants to leave. But I am afraid this is Kenya and we people, the Africans, belong to Kenya and we want to build this Kenya so that it can attract you and other people as well. When you talk about stability, it was suggested yesterday, I think it was, that those people in England—I do not know what you call them—must be attracted from England by being offered more pay. People can come from Ghana and work in this country? Do we not want people from South Africa to come and work in this country? Of course, we do!

The Parliamentary Secretary for Finance and Development (Mr. Okondo): On a point of order, Mr. Chairman, is the speaker implying when he

uses the word "you" that all the Members on this side are Europeans?

The Speaker (Mr. Slade): That is not a point of order. He is using the word "you" generally, he is not addressing it to your Benches. It would be quite out of order for him to be addressing your Benches.

Mr. Mwendwa] I think he should know better, Sir. Now, Mr. Speaker, this is a point which is worrying me a bit. The people sitting on the opposite side have said that we must have security in this country so that we can have independence. Actually, Mr. Hugh Fraser said, "No security in this country—no independence!" He even went on to say that independence is several years off. I wonder whether the hon. Members sitting on the other side, especially the Africans, have really sat down and thought what that means? Have you not really bluffed your men? Have you not really gone astray? It was just the other day—I do not know whether we are allowed to speak the name of Kenyatta until the end of six months, because he has been dealt with, but I shall touch on it a bit, if I may be allowed by Mr. Speaker. It was just last week when we were talking about releasing Kenyatta, although the name Kenyatta seems to be disappearing now. Nobody seems to be worried, because the people opposite have really hit us on the head. However, the public is the judge. We have been told that without security this country will have no independence. The Leader of Government Business, when he was addressing us at that time, said the Government was preparing to release about seven chaps who have been detained. Yet it was only yesterday when we were talking about somebody else who had been arrested and detained. I can assure you that by the time all these seven are released there will be about ten more already arrested and detained which means there is no security, which means there is no Kenyatta. Where are we going to? That is because the Government is going to say the Government which my hon. namesake is leading. I say this is a mere bluff. It is time we stopped bluffing the Africans, the people, and the sooner the better.

Now, we have been told that about £14,900,000 is being brought to Kenya as financial aid. Who said we wanted money before independence? Who said that? How much money did Ghana get before its independence? How much did India get before their independence? I am not suggesting that we do not need money, but you sit down and discuss how much money you need when you get independence. We do not want to be tied up by these £14,900,000 when we choose whether we are going to remain in the Commonwealth or not.

[Mr. Wabuge]

you find the European child sleeping on a mattress, having good bedding, and so on. You will also find that African children do not receive good food at all. I do not mean that the standards for the European children should be lowered. What we want is the standard to go up. We do not want to lower their standards, nor do we want to lower our own standards. We want to bring all the standards up to the highest level. If it is a question of money, Sir, then let the money be distributed in equal ways. If we have schools where children of all races come together they will all have an equal share in that particular school.

Another thing, Mr. Speaker, is the trade and technical schools. You find very many children who, because they have either no money or have failed their examinations, just sit at home doing nothing. These people have not had sufficient education. They do not get any employment. I feel that instead of leaving these children to do nothing at home, a technical school should be provided, at least on a district basis, so that all the children who have not qualified to go ahead with their education should have facilities for learning how to improve their education; they can then be useful to the country, because they can work in the country, and, by doing that, unemployment can be eliminated.

I am sure that most of the speakers before me have said something about education, but I feel that, in Nakuru, we should have adult schools whereby all these people can go and receive education. They must be taught how to read and to write. One derives oneself if one says that one will govern this country one day while people do not read or write. We want to make people read and write so that they can read what is being published in the newspapers or listen over the radio. They will then never be cheated by the people in this country who are always struggling for power.

Mr. Speaker, I do not support the present set up of local government. I would very much like to urge the Minister for Local Government, together with the Government, to see that local government is democratized in order to provide adequate representation on that body. Furthermore, Sir, I find it very difficult, as the set-up is at the present moment, to understand why there are two bodies on one council, one being the municipal council, or the county council or the city council. And, as they call it, the African Affairs Department, I feel that this African Affairs Department should be abolished and that we should only have one body in every district. If it is in Nairobi or Nakuru we must have a municipal

council and not an African Affairs Department. At the time when we are working towards independence, I do not think it is necessary to have this separation with this so-called African Affairs Department. I think it is also high time that an African should have a chance to become a mayor or a deputy mayor, because at the present time you will find that there are no African mayors in this country. At the present moment you find no African. I think it is high time the country or the Government introduced Common Roll elections for Local Government in order that the Africans may also become mayors in some of the towns.

Mr. Deputy Speaker, another point is that the reason why I say the African Affairs Department should go is that it is one way the local government or municipal council has itself in trading business. For example, you go into Nakuru and you find that most of the bars in the African locations are owned by the municipality. They say that this money which comes from these bars is put into an African trust fund. I fail to understand why it is that European in the same area do not have their trust fund. I know that local authorities in the country do receive grants from the Central Government so that such councils can carry on their functions. It is no good having this trade of beer, having bars in such towns, so that Africans can have money and have their social welfare going on. I feel that this should go and Africans in such locations should be given the opportunity of running these bars.

Now, on the question of tourism, Mr. Deputy Speaker, I feel that when visitors come from abroad to this country they should be encouraged to go to any National Park which the Government runs. For example, we have Lake Nakuru where we have flamingoes and they are very attractive when you see them. So I feel, when visitors come into this country, the Minister for Tourism should encourage them to go and visit Lake Nakuru because it is one way of enabling these traders in Nakuru to do business with these visitors. Sir, I feel any visitor coming from abroad who is interested in game should be encouraged to visit Lake Nakuru in order to see the attractive flamingoes on Lake Nakuru.

Another point is on health and social affairs. Mr. Deputy Speaker, Sir, I feel that it is high time these hospitals which do receive money from the Government are open to all races. It is not necessary to have European hospitals, Asian hospitals and African hospitals. I feel the Government should do something about it so that all hospitals are open to all races. What annoys me or what disappoints me very much about the

[Mr. Wabuge]

medical facilities is that you find that in these hospitals they have African maternity wards, Asian maternity wards and European maternity wards. When an African woman wants to deliver her child, she goes to a maternity ward and after delivery she cannot be given proper treatment, or the treatment being given to her is not equivalent to the treatment being given to a European lady who has delivered a child at all. You find an African woman who has just given birth to a child is given, instead of good food, cabbages and some very tough food which is not good. So I feel that such people who have given birth to a child should be given soft food. I do not think in a European hospital after a woman has given birth she can drink this porridge or eat tough meat in such a hospital because this is one way of making her stomach bleed. So I feel all maternity cases should be treated equally and I urge the Government and the Minister for Health and Social Affairs to look into these cases and investigate them. They should find a way whereby if we have two or three maternity hospitals in one district they should be for all people in that particular district and we do not have Asian, European and African wards. When we are working towards independence, we want all people, if necessary, to sleep together in the same room, to go to the same hospital, to go to the same school because we are one society. I feel that this must be done immediately, and I urge the Government to do so. I hope the Government and the Minister for Health and Social Affairs is going to do that.

Another thing, Mr. Deputy Speaker, is about qualified doctors and nurses. I feel you find some people in the medical world who have served some department for quite a long time, instead of promoting them or giving them necessary training, either overseas or in the country, you go on grading them Grade I, Grade II and so on. You have so many grades today. I do not think these grades alone are good. I feel that instead of grading them you should give them the facility of going abroad to get the necessary training so that when they come back they will be qualified for one of the medical services. I have myself visited some of these hospitals and I find most of the work is done by hospital assistants. I think the doctor—himself can only visit the ward once or twice a day. I feel that with people who really work, people like hospital assistants, instead of doing all these services with the doctor only there to sign a document, well, I do not think it is justice at all.

[Mr. Deputy Speaker (Mr. Nyagah) left the Chair]
[Mr. Speaker (Mr. Slade) resumed the Chair]

I feel if I am sick and I go in hospital and am given treatment by hospital assistants, that the hospital assistant should be the right person to sign that document when I go out, because he is the one who has done it all. He should have to write everything and then, for signature, take it to the doctor who has not seen the sick person. So I feel it is high time the Government looked into this case and the people who are working there and who have been there for quite a long time should be given a chance to be provided with sufficient training.

Another thing, Mr. Speaker, is about the uniforms and bedding in some of these hospitals. You find that hospital sisters—(I am sorry, Mr. Speaker, Sir, I do not want to go on, because I have been given notice, but I had more to say)—Oh, five minutes, thank you. I understand I am given five minutes more. Thank you very much. I will carry on with that. Hospital assistants, you find, are given overalls or white uniforms or long trousers. I feel that this is useless. Instead of giving them these, you should provide them with better uniforms. I fall to understand why it is that doctors in such hospitals are not given uniforms. If they have any uniform at all, well, they get a better uniform which is quite different from the uniform hospital assistants have. The blankets, also, and the sheets, pillows and mattresses in the wards, I feel, should be increased. I mean, you should provide good clothing and a sick person should be given better dressings so that when they are there they can be clean people and not be given such overalls. When you go there, if you have a friend there who you know, you find it very difficult to find out where he is because the uniforms which are given out are quite useless.

Now, Mr. Speaker, Sir, on the question of Personal Tax, I feel that it is good as it has been arranged but one thing which is puzzling me is how they assess women for taxes, women who do not work. They just stay in the town and I do not know how they earn their living. You will find that one woman is being taxed Sh. 150 and another is assessed at Sh. 100. When you ask the administration how they came to such an assessment, they cannot tell you. I mean, it is very difficult to find out how much money such a lady of such a woman gets per month or per annum. So I feel something should be done about taxation of women and I ask the Government or the Minister for Finance to let these women who do not work—I mean; who

[Mr. Macdonald Welwood]

In the last few years it has been my duty to go about this country a great deal as Chairman of the Road Authority, both in the African areas and in the European areas, and pretty well everywhere. I have got the feeling in moving around that Government, itself, is so overwhelmed with the political problems continually raised in this House, and which, to a great extent over the last year, appear to have been the sole interest of hon. Members of this House, that they have failed to issue the clear directions which this country requires on all subjects that affect the lives of the people. There has been a feeling that Government is not strong and that Government is too worried to think of those problems which may seem small in this House but which are of enormous importance to the people themselves, problems of administration, problems of agriculture, and so on. I do not want to give the impression that I am blaming the servants of Government for failing in their duty; but what I do want to say is that this endless obsession with politics and the next move in the Constitution has already done grave and irreparable harm to the lives of the ordinary people of this country who are left, to a great extent, unplanned for and rudderless.

We are alive at the present time in a sort of twilight world, and whether, with the next constitutional move, we shall move to a greater darkness or into a better dawn nobody in this House can tell us. But it will depend to a great extent on the degree to which we can put first things first, the things that I have discussed, such as agriculture, the gradual progress of the people, before we move precipitately to independence. I was misquoted yesterday, as one invariably is in the Press, that I had said that I agreed with Mr. Fraser's statement that there would be several years to independence. What I said was this, that for once—and God knows it is rare—I agreed with the Secretary of State for the Colonies, when he said that the move to independence must be governed by stability and the confidence of the people and a surmise that the people of this country, when they got independence, would not let it break down in chaos. That is what I actually said and I want to repeat it in this House.

I then went on to say that in my view, having listened to the debates in this House, for the last few days, I have come to the conclusion that it will take several years to reach that stage; and I repeat that here. Nothing that I have seen here since I have been down here has convinced me that this country is in any way ripe to run itself under complete independence, because it has been perfectly obvious that the emotions and the

hatreds that are current in this House would disrupt this country if the leadership of Her Majesty's Government were precipitately removed.

[Mr. Speaker (Mr. Slade) left the Chair]

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

I think, in conclusion, that I would just say this one thing, and it is admittedly repetitive, but it is the sum of what I have tried to say. Hon. Members of this House should concentrate more on the problems of the people that they represent, and the things that are problems to those people which may not be problems to us who sit in this House, the problems of their food and their lives, their education, and above all their poverty, and to remember, as was said to me by a very old African friend of mine not long ago, that one of the few things that he was grateful for to the British Government was that when we came here it was possible for a child to move about by day or by night without fear of molestation. Let us remember in this House that that is the thing that matters most to the people of this country, that men should go in peace about their business, and that men should be fed. Those things matter infinitely more than the political nonsense that you hear talked about all over the world today, where men are concerned with ideology rather than people; for it is the people ultimately who count.

I would like to conclude with the words of Mr. Churchill, "The duty of a Member of Parliament is firstly towards his country, secondly towards his constituents, and thirdly towards his party."

Mr. Wabage: Mr. Deputy Speaker, before I say anything, I must congratulate the hon. Minister for Finance for the trouble he has taken in introducing the Budget to the House.

Very many people in this country have been talking, and still are talking, about money going away from the country. Before I go on, I would like to refer to what was just said by the hon. Member for Kenya West. He does not realise that he and his group are the people who are causing troubles in this country by making a lot of noise, by not co-operating with other people, by trying to maintain their own way, thinking that this country can never go on together with all the people; except that he wants, together with all his people, to have a separate society in one country. I must assure the hon. Member that whatever he is doing in his group they will never get anywhere, because the time has come when all the people of this country have got to

[Mr. Wabage] work together. I am very happy to see that most of the Europeans, who are intelligent and who have seen the future of this country, have left home alone, and that they are now co-operating with the Africans and Asians in this country. I wonder how far the so-called Kenya Coalition will go. The only thing for them to do is to forget the past. They send delegations abroad, saying that the British Government has got to provide them with guarantees. I must tell the House that a guarantee on black and white is nothing. The only guarantee is for a man to identify himself with the people of any given country.

Mr. Deputy Speaker, I want to say something on the question of the Ministry of Commerce and Industry. I am very sorry that the Minister concerned is not here. Neither is the Parliamentary Secretary here. Licences are issued for commercial vehicles in this country, and most of the traders who own vehicles find it very difficult to obtain their licences. It very often happens that a man has a vehicle which he wishes to exchange. When he exchanges his vehicle he is told that he cannot transfer his present licence to the new vehicle which he might have purchased. I feel that this Government, and in particular the Minister concerned, should do something in order to amend or to do away with this body. For example, Sir, in Uganda they do not have such a body, a body to issue licences to people having vehicles. It appears to me to be one way of wasting public money by setting up such a body which does not even give any revenue to the country.

Another thing in the same Ministry, Mr. Deputy Speaker, is loans. You find that small business people, particularly Africans, apply for loans. The loans are not big enough when they are granted. The loans are so small that a man in receipt of one cannot run his business properly. He finds that the loan disappears quickly because it is not large enough. I feel that the Minister concerned should provide bigger loans so that any person given a loan can have sufficient money to run his business.

My second point concerns the establishment of secondary industries. In particular, I am referring to my Constituency. You will find that Nakuru is the centre for farmers, and all the produce of the surrounding farms go there; and yet all the industries and factories are set up in Nairobi. I feel that it is high time that more industries and secondary industries should be established in Nakuru in order to absorb the unemployed people. This will assist us, and again,

it will assist the growth of the town. It is high time that the Government stopped looking exclusively to Nairobi to establish the big industries. They must spread industry all over the country because it appears as if the Government is only concentrating on Nairobi, the capital city of the country. That is doing a disservice to the country. I would recommend that the Minister and the Government should look into this question.

The second thing is the price of *posho*. *Posho* is mostly consumed by Africans. When the *posho* price is increased the people who suffer are the Africans. I would appeal to the Minister and to the Government to reduce the price of *posho* in order that an ordinary person in every area can afford to buy it to make his food.

Another subject is education. In my area, particularly, we have two intermediate schools for Africans and there is no secondary school. I feel that this is very bad because most of the school-children take their examinations; when they pass, they find that the Government says that there are insufficient vacancies for these children. They can only accommodate a certain number in any given secondary school and the rest are told that they have failed. I feel it is high time that one secondary school was provided in Nakuru. All the local authorities usually give a very lame excuse. They say that they want to build a secondary school but that the trouble is that they have not got the land. I have told them that if it is a question of land then, in my opinion, it is high time that they removed the stadium where Africans play football and build schools on that land. If we do not build schools on that land then I think that is one way of eliminating the education of the children, which is very bad indeed.

I would like to appeal to the Minister for Education, and the Government, to abolish the so-called Common Entrance Examination immediately. You will find that most children in Standard IV have been left behind because they have failed their examination. I think that the sooner they remove this Common Entrance Examination the better it will be for the country, because we want to have more people educated.

Furthermore, Sir, I would like to say that I am very glad that the Minister for Education and the Leader of Government Business has mentioned that all aided schools which receive Government money should be open to children of all races. When you have different schools for children of different communities these children do not receive equal facilities.

An African child boarder sleeps in a dormitory on the cement, whereas in the European schools

The Speaker (Mr. Slade): I do not think, Mr. Ngala, you need answer hon. Members on these points because I think I stopped every one of them, and I do not want any further discussion on this particular question.

The Leader of Government Business and Minister for Education (Mr. Ngala): I would also like to congratulate the hon. Member, Mr. Robert Mbatia, for the excellent maiden speech that he gave. Here he has touched on Jejeeves School, which I have very much in mind. I would like to see that the officer or the post mentioned in a very important post, as far as educational development of this country is concerned. This is a post which helps African music and drama, and I have taken this point in mind. In fact, the officer concerned has been posted to Kisumu secondary school where we hope his services will be available to teachers and to students who are interested in drama and African music. That is a very important aspect of African education in this country, and I will pay attention to this point.

I must say, Sir, that I was very disappointed by the hon. Member for the Northern Frontier Province, Mr. Aremam. As far as the education aspect is concerned, he does not know what is going on in his area, or does not seem to know what is going on in his area. He has mentioned that he was educated in North Nyanza. I wonder whether he has gone back to the Northern Frontier Province since leaving school in North Nyanza. It is not quite true—I was there two months ago—to say that there is no school in the Northern Frontier Province. The hon. Member must give credit where credit is worth. He even goes on to say there is not a primary school in his province. This is misleading. He knows very well the number of primary schools that are in the Northern Province. It is true, there are not enough, I am not saying there are enough, but education is such a growing aspect of this country, and no district has said to me so far "You have given us enough of education." I sympathize with the difficulties in that area, and I will do my best to co-operate with the people there and try to step up the number of primary schools or intermediate schools. In fact, four days ago I had a delegation from his province, a delegation of people from Northern Province. They said they wanted more intermediate schools. They already have intermediate schools; they want more. The Member does not seem to be aware of that. They also said that they wanted primary schools; the Member also does not seem to be aware of that. I think the Opposition should learn how to oppose.

I have much sympathy with the problem of water, and so on, in his area, and I think my

hon. colleague, the Minister for Agriculture, will deal with that point. The water problem in his area I have great sympathy with, and it is a question which we shall follow up, and I hope that my hon. colleague, the Minister for Agriculture, will deal with that point. Also, the question of grazing and so on, I hope the Minister for Agriculture will deal with that, but the arithmetic of the Member is entirely wrong. He says that a man having 200 cattle charged at Sh. 3, 200 times 3, and he gives us Sh. 6,000. I thought 200 times 3 was Sh. 600. You will get the reply from the Minister concerned on that.

Now the hon. Member, the Member for Nairobi East, Air Commodore Howard-Williams, seems to give us a very wrong picture of the recent election. The recent elections have had praise throughout the world. I have been in quite a few parts of the world since the elections, and the opinion overseas is that it has been wonderful for the Africans, and people in Kenya generally, to conduct the elections in the way they were conducted. He is a Member who lives in Kenya and who seems to be definitely refusing to give credit for the behaviour of the people during the elections. It was most orderly. To talk of corruption and so on, without giving any proof, is misleading to the country and to the House.

He also goes on to say that KADU is boosting the New Kenya Party. Now, this is not a question of boosting one another; this is a question of working together as a team, and on this side we are here for that very reason, of working together. The hon. Member talks of some people on this side not representing anybody, but from his talk I have gathered that he does not represent anybody according to the stuff that he has given the House.

Mr. Speaker, Sir, I have made it quite clear that it is the intention of this Government to bring about quick constitutional advance towards independence. I have already said that I do not want to minimize what I will say in the Motion of which I have gathered that he does not speak the old days are gone. In former days, when I was in the Opposition, I used to stand there and I attacked the Colonial Government on this side, but the constitutional stage that we have reached now is such that there are representatives here, representatives of the people of this country, who are a part of the Government, and they make up the major part. Some of the Members in the Opposition have been talking of Colonial officers. It is true we have four Colonial officers, but they are a major part—the major part of the Government here is made up of the people of this country and people elected by people of this country.

[The Leader of Government Business and Minister for Education]

Mr. Speaker, Sir, I have been amused by the speeches of the old Members on the other side, particularly the Members who were with me in Lancaster House. They never questioned the idea of a Colonial officer being a Minister during Lancaster House. It is wrong, Sir, to speak with one tongue in London and to speak with another in Nairobi. That applies to these Members of the Opposition: if these Members had anything to say, they should have said it in London. It should have been clear, but they did not, they kept quiet and now they say, "But you have some Nominated Members". Where were you when we were making up the constitution? I can excuse Mr. Njirir, he was not here, the hon. Member for Fort Hall.

Mr. McKenzie: Like you changing every eight days.

The Leader of Government Business and Minister for Education (Mr. Ngala): Not at all.

Mr. McKenzie: Release Jomo then.

The Speaker (Mr. Slade): Order, order. There has been enough excitement now in the debate, and we will leave this subject of the composition of the Government.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, I will leave the subject. I would like to say a few words on the role of Kenya in East African affairs. We, in Kenya, would like to believe that we are part of a greater territory. We would like to believe that we are part of East Africa as a whole. Therefore, we, in principle, in the past and even now, have supported political federation of East Africa. It is true that we have not reached a stage at which we can discuss details, but, in principle, we support this idea. We support the idea because we believe that, as an economic unit, East Africa is more powerful, and it will help the development of this country. But, even before we reach the stage of political federation, Sir, I believe it is possible to begin talking on the lines of some kind of co-ordination, closer co-ordination, on economic lines, and on the communication lines. This is not an issue that is between parties. I believe that it is not a party issue; I believe it is an issue that should be discussed by all people in Kenya in relation to the other people in Tanganyika, Uganda or Zanzibar, whichever party would like to come in. The idea is to have one big unit. Therefore, in all our struggles towards independence in Kenya, and towards independence in East Africa, we must keep this idea of having a big unit. The time for

breaking away from, and making smaller units, is gone; the world would like to feel that it is one big unit, and I think, my own idea is that Kenya should, in my opinion, to play a greater role in the future of East African affairs.

Sir, I would like to say a word about violence. It is no use, Sir, giving lip service to violence. It is no use for any Member to stand in this House and say that he condemns violence. That alone does not help. We must do something about it. Outside this House, day and night, we must do something about it. We must show that we can guide our people in the right way. These times are very difficult times in Kenya, but our determination is to make a success of this very difficult political period in the history of Kenya. I fully realize the dangers and risks and sacrifice involved in this political period, but we have to be guided by our faith in the rightness of our course. It is no use people making trips between Nairobi and London for a guarantee here and there. I think the time has come when people should have complete faith and trust in the leadership of this country and in the Government of this country. It is only by doing that that you can begin to feel that you are at home. Some of us are at home with KADU. All right, we have no quarrel about that. Some of us are at home with KANU; that is all right; but you cannot be in the air in the present political set-up in Kenya. Therefore, I would advise the people in this country to make up their minds, in co-operation, the spirit of co-operation, goodwill and trust in African leadership is the final solution in the situation.

Our first duty as a Government is to maintain peace and order. Everybody in this country is entitled to personal security and safety, and I hope the House will look to these standards so that the people of the country may get the leadership and the guidance that they so much need at this time. It is no use talking here in a way that will mislead the country, particularly in matters of violence because if there is any incident that brings our people to the old sad days, I will feel very disappointed, and say, if a Member who talks in this House or outside, daring to favour that kind of attitude is the enemy of quick independence.

We must move our people from the belief that independence is only achieved by violence. We are past that stage. We can now run very quickly to independence through constitutional ways. The time for using violent methods is gone, and I hope gone for ever, but there must be targets on the part of Members of this House, who are responsible to the people as a whole. This Government has a duty to fight against poverty. There is a lot of poverty among the people throughout

[The Leader of Government Business and Minister for Education]

the Government it will not be possible for my Ministry to determine in precise terms the expansion which will be possible in this or other fields of education. It has been raised by the Opposition, the question, Sir, of discrimination among teachers. The purpose of this Commission is exactly to deal with that problem. Integration of schools: I have always believed that education should be above politics or racial segregation. Our children must know one another early in their school life, so it is the intention of the Ministry gradually to integrate our schools. I am very glad that some schools have started this already on their own. The process may require a committee to advise us on how best to do it, and it may take time, but I am confident that we shall achieve it.

Mr. McKenzie: In how many years?

The Leader of Government Business and Minister for Education (Mr. Ngala): Wait and see.

Sir, going back to reply to certain Members of the Opposition who have spoken, I would like to deal with two points that have been raised by the hon. Member for Fort Hall, Dr. Kiano. Now, most of his points, I believe, will be dealt with by the Minister for Finance or the Minister for Commerce, Industry and Communications, but I think there are two points that I should touch on. He has mentioned the reduction of personal tax. In the Budget, we, as Government, have felt that it is necessary to take this step. This is a step, I understand, appreciated all over the country. The lower income group has appreciated the step of the reduction of tax, and, within the resources of this country, I have the intention, in the future, of taking similar steps if our financial resources can allow it, because I believe that the lower income group must be attended to as far as the personal tax is concerned.

The same hon. Member, Sir, has raised the question of grants-in-aid from the United Kingdom. Now this has already been dealt with by the Minister for Finance, but I would like to draw his attention to the statement I have just made; the £11 million that we have got as a grant-in-aid, it has been made quite clear that this would be spent at the discretion of this Government. Therefore, here, his allegation that we are controlled for every grant that we get from the United Kingdom, it is quite unfounded and false.

The same Member has said that in Cairo I criticised money from America, or he has implied

that, I would like to make it clear, Sir, that my statement in Cairo was not specifically directed to the Government of America or to any specific body in America, but my contention was that I believed we had reached a stage in Kenya whereby all the countries that wish to help Kenya should do it through the normal Government channels, because we have in this year, by the implementation of this constitution, reached a basis of an African Government and countries outside Kenya which would like to help this country have got to know. I think it is right that they should do it through the normal channels. I do not agree with the idea of countries from outside giving money to one individual and this money being used, perhaps, for creating chaos in the country. I understand that some of this money is being used to balance personal accounts. If it is being used to balance tribal accounts. Here we are as a country. If we get any money from outside, Sir, I believe it should be used to help the common person improve his conditions of living and not to pay so much attention to just one person and boost his own personal pocket. If it is with these convictions, Sir, that I spoke in Cairo, and I did not mind whether I was criticizing America or Russia or China, but that is my stand now: that money should be made available to the elected Government in the country, so that they can improve the conditions of the people generally in the country.

Mr. Speaker, Sir, I would like to go to my hon. friend, the Leader of the Opposition. The hon. friend has asked for a date for independence. Now, I do not want to anticipate the Motion or the substance of my Motion which I have already moved, but in moving that Motion I have made it quite clear that the Government is determined to press forward as quickly as possible with further constitutional advance towards independence. This is the wording of my Motion. When I move it the hon. Leader of the Opposition will get to know exactly what we have in mind in bringing this country to independence as soon as possible. What I did not understand, Sir, was when the hon. Member said that when we get independence in this country, we shall tear up everything, every guarantee. Does the hon. Member—

Mr. Gichuru: On a point of order, Mr. Speaker, I did not say that. I said that if the Government at the moment gives certain guarantees without our consultation, in fact if Her Majesty's Government gives guarantees without consulting us, then they will not hold good when we come into power.

The Leader of Government Business and Minister for Education (Mr. Ngala): The hon. Member is notorious for denying what he has said, and it has been shown to us.

Mr. Speaker, Sir, we are an African Government here. There is no question about it. The Opposition, Mr. Speaker, throughout last week were defeated by elected votes. It is time they kept quiet and went on being defeated by elected votes from this side. I would like to make it clear. We as a government, if we make any contract or any agreement, we cannot just break it. We employ the civil servants, officers, and so on. These people expect us to keep our integrity as a government. Therefore, talking of tearing up everything is very unfair to those people who expect us to keep our words as a government. A government must keep its word. The employees now being employed must feel safe that when Kenya is independent, they will—provided they are good and faithful servants—continue serving and getting their livelihood.

Mr. Gichuru: Land guarantees.

The Leader of Government Business and Minister for Education (Mr. Ngala): If the hon. gentleman was talking of land guarantees, he should have made it clear yesterday.

I would like to show, Sir, my very deep appreciation for what my hon. colleague and friend, Mr. John Porter, said about adult education, and his concern over adult education. This department, Sir, has come under my portfolio about two weeks ago, and I intend to do everything, within the financial resources, to help the set-up of adult education throughout the country. I think his idea of an adult education board is a very good one, and I will look into this matter.

Now, the hon. Member for Machakos, the hon. Mr. Mulli, seems to be completely out of line. He does not seem to understand what he is talking about. He said that in the Governor's speech there was an implication that the Governor was supporting KADU. Surely any person with common sense who has had read the speech has seen it. It is so clear going by implications, when everybody can read and see what is in the speech. There is nothing mentioning KADU, or there is nothing mentioning KANU, and it is very unfair to place the Governor on a political level. I think if the Member has his own KANU or KADU troubles, he should keep them to himself.

The same gentleman, Sir, goes on saying that the Government side is a minority. He forgets that the Government side has the majority of Elected Members, and this is very important. This

is very important as far as parliament making is concerned. How would you have wanted this parliament to be made up? Is it not made up of Elected Members who have been returned by the people of the country into this parliament? Some people talk of a majority. The hon. Member, Mr. Bruce McKenzie, was talking entirely on a tribal basis the other day. He was talking of Kikuyu, Wakamba, Luo and so on. That is not how parliaments are made and he knows this very well. Parliaments are made by the Members that are returned and that is what we have done in Kenya.

The Speaker (Mr. Studd): Mr. Ngala, I am afraid we cannot continue this discussion on the composition of Government now.

The Leader of Government Business and Minister for Education (Mr. Ngala): Thank you, Sir, for your ruling.

Going on, the same Member, the hon. Member from Machakos, is very much concerned with eight-year education. I have made it quite clear already, but I would like to mention to the hon. Member that his district is one of the districts that are finding it very difficult, at the moment, to make their share, and I would like him to assist in this matter. I hope he will consult with the African District Council, the District Education Board, and other people concerned so the Government can help Machakos District as much as possible.

I would like to congratulate Mrs. Abwyo for the excellent manner in which she has brought a lot of sense into this House. The two points that she made are very important. It is necessary for this country to pay attention to more development in the rural areas. This is with the idea of improving the living conditions of the ordinary people, and I think this point is very much appreciated by the Government, and also the touched on adult education, which we fully agree with.

Now, the hon. Member for Kitale, Mr. Mail, seems to think that this Government is nominated by Nominated Members, but he seems to forget that—I do not want to go back into the talks on constitution, and so on—but he seems to forget the important aspect which provides for this in the constitution, and, Sir, I do not want to go into details about that. The point is, we have invited him to join us, we have invited them to join us. The constitution says if there is any need for nomination, the Governor should have power to nominate, and that is exactly what has happened, but the nomination is very small. The elected aspect is more, and that should go into the minds of the Opposition.

[Mr. Commodore Howard-Williams]

The truth is that everyone is—literally everyone—is taking out all the money they can lay hands on, whether we like it or not. It is as well to face up to the fact that the rest will go as soon as people wake up to the implications of this Budget. It is useless to deny the issue. Where is that £100,000,000 coming back from? There is only one answer, Sir, that I can see if Kenya is to prosper. It is to resolve our differences behind locked doors. The solution is at our command. It only needs—once again—men of good will to find it.

As a true independent who hopes he has friends on both sides of the House, I see a new formula by date, that will meet the aspirations of KANU and KADU and ourselves—that is just as important if we are to have peace here and get Kenya independent soon after Tanganyika. There is a certain amount of give and take normal to such occasions. This, I believe, is without it, it is for ever off. Let me make that quite clear before my own Government, no one better. They are not going to change their minds. There is, agreed, one fly in the ointment. It is that to bring peace and prosperity to Kenya we should adopt Nyerere's policy about the land and other assets; not only to encourage, their friends to bring their capital here and the settlers to stay here under a benign rule, but to encourage more to come with their capital to create a new Kenya in its own likeness. For God's sake, Sir, I say, let bygones be bygones and prosper the image of Kenya wherein men are men and away progress prosper, within the spirit of Mr. Mboya's speech in the last Motion before the House, in the Friday Hansard. Perhaps, the House will give me one or two minutes to deal with this, Mr. Mboya said about my own Motion, "We support this Motion for no other reason than at least to be able to find out what the Government thinks. If Government Ministers think, in the lines of the Minister for Finance, who has spoken here today, then I submit their thoughts are negative and totally unhelpful". He went on, Sir, at the end of the speeches at the last session of this Parliament to say this: "Mr. Speaker, I am not used to making speeches on occasions such as this, but, Sir, I do want to associate myself with the previous speakers, specially in recognizing the significance of this last meeting this evening. This, to my mind, is the end of an era and the beginning of a new one, because not only is this the normal cod of life of a Legislature, but it is also the end of a way of life. In that the next legislature will be an entirely different body compared to that which we have had for the last 40 years or so".

Alternatively, Sir, the present leaders of Kenya will be overrun by the mob exactly as took place in the Congo. To be practical, I suggest the instant appointment of a council for a committee of three Members of this Council, one from each of the three largest groups, KANU, KADU and the Independents, to sit in constant session upstairs, in close touch of the Ministers, to try and resolve our political differences and to report back to this House. I have reason to believe, Sir, that the Europeans in Kenya would concede a great deal for political and economic stability. Some of us are of the opinion that within these terms the sooner Kenya gets its independence the better for all of us. Statelessness can change this overnight, which is why I appeal to my friends in KANU and KADU to sink their differences in sense, and see what a golden era awaits under tolerance. There in my view, Sir, lies the *via dolorosa* to early independence which does not lie on the top of Mount Kenya but here in this House. To see the image of Kenya, say I, within the bounds of stability and then spend money to publicize the benefits that will accrue to all her citizens of all races and to all their visitors; by way of her sun and scenery, her prosperity and peoples, her game and life. Make Kenya the Blackpool of the world and live handsomely on the proceeds!

But I am in danger, Sir, of trespassing on the good nature of this House, and I feel I had better say little more at this juncture, save to point the image of Kenya as it should be. Mr. Speaker, Sir, in this connexion may I once again suggest to KANU and KADU the honourable peace I firmly believe is wide open to them both, to obtain what they exact want for Kenya, and do not know it, in the remarkably near future on a dated programme. In the past mistakes may have been made, all round, but they have been made in good faith. These mistakes can be rectified by statesmen; where politicians merely try their outmoded manifestos to fan the flames which are in danger of burning up the whole of this country's prospects.

Now, Sir, to recapitulate very briefly, firstly, I applaud the Governor's speech but deplore some of the company he keeps in his present Government. Secondly, I am thinking of opening a Cornish Office of Information in America and sending a "Voice of Masses and Commonwealth" throughout the South to demonstrate the right of man, which no one in Kenya has ever denied. Thirdly, I challenge the hon. Minister for Finance to resign over the fatal regulation by which he is chasing yet more capital out of Kenya, when he should be attracting capital by

[Mr. Commodore Howard-Williams]

doing the exact opposite. Fourthly, I have given him the details of a case wherein he can exert his clemency in all fairness.

Fifthly, and lastly, I advise the House now to set up a non-racial committee of three, one from each of the three largest groups, to create an image of Kenya as we all want it to be, by way of a truce between KANU, KADU and their settler friends—and I underline the word "friends".

Mr. Speaker, Sir, as the oldest Member of this House now, I beg to support.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, in his speech my hon. colleague, the Minister for Finance, made reference to the money procured by the recent Government delegation that I led to London on financial talks. I should like to begin my short speech by making a statement on the actual amount that the delegation procured. The delegation which I led and which visited London recently procured the following amounts of money. We confirmed the availability of £3,000,000 in exchequer loans for the development programme 1961/62. We obtained £250,000 extra grant for recurrent expenditure which will be mostly spent on education. We obtained £1,500,000 extra grant for development and £1,500,000 loan for development. It is intended, Sir, to spend the last two sums amounting to £3,000,000 mainly on projects under the following heads which the delegation put forward in London: special resettlement schemes, capital development to alleviate unemployment, education and localisation.

The Government will announce the details of such schemes from time to time but meanwhile the following projects will be implemented urgently: (1) the redevelopment of the Thika Road—approximately £170,000; (2) special settlement schemes—£750,000; (3) forest development—£50,000—with a view to additional employment; (4) housing; (5) health projects; (6) education, especially secondary education, higher school certificate classes and higher education; (7) localisation and training.

It is recognized that there is still a cash gap of £2.2 million required to finance the 1961/62 development programme but the Minister for Finance and the delegation, after discussions in London, are satisfied that this money will be found.

Sir, education will benefit by £250,000 on the recurrent expenditure. I propose to spend most of this on secondary schools, higher school

certificate classes and higher education. Since the Estimates now before the House were prepared, certain developments have taken place in the spheres of higher education which, if approved by the territorial governments, may involve this Government in considerable additional expenditure. I refer to the decision of the governing council of the Royal College to bring forward the dates of establishing degree courses in Nairobi in Arts, Science and Engineering by one year; also, the wish of the governing council of the University College in Dar es Salaam to enroll its first students for the faculty of Law in 1961 instead of 1963.

In the sphere of secondary education it will be the policy of my Minister to expand facilities for secondary education for Africans as far as funds will permit. In particular, I hope it will be possible to increase existing facilities for higher school certificate for boys and to make similar provisions for girls at one or more girls' schools in 1962. It may well be, however, that the extension of secondary education may be limited in the future more by lack of qualified teachers for the secondary level than by lack of funds.

At other levels, the House is aware that it is the earnest intention of the Government to move as quickly as possible to implementing universal primary education of seven or eight years. The funds included in the present Draft Estimates will do little more than enable the Government to make its share of normal increases in increments and allow very little for expansion. Many districts are making considerable efforts through their own resources and by raising the fees to accelerate the provision of intermediate places. It is my intention to devote as much as possible of the additional funds now available to assist in this effort so that by the beginning of 1962 the number of Standard IV pupils proceeding to Standard V in the country as a whole will rise to well over 50 per cent. Many districts with a little assistance from central government should be able to achieve a figure of 60 per cent or 70 per cent. I must, however, sound a note of warning. I am already aware that certain districts are experiencing some difficulty in meeting their share of the cost of teachers' salaries as a result of the increase which followed the Fleming Report. There is at present another commission, which is examining the establishment of a unified teachers' service, the more particular problem of the remuneration of teachers. It may well be that the recommendations of this commission which are not yet known, if accepted by the Government, will also involve additional expenditure. However, until these proposals have been made known and considered by

(The Minister for Commerce, Industry and Communications)

House to see that we try as much as possible to stop all this subversive activity and move forward to our independence.

Mr. Argwings-Kodhek: Mr. Speaker, Sir, what I would like this House to know is that there are one or two points which have been raised very carefully; that Mr. Isaac Ndirangu, a faithful member of a very revolutionary organization, has been arrested simply because, as the Minister said here, they think he was trying to do certain subversive activities against African Members and leaders, and, the Leader of Government Business. When Africans apparently tell us that they are forming a Government, and by forming a Government they put their fellow Africans in trouble, then I think we are in trouble.

They must know straight from the shoulder, and we must let the people know, that there is a Government in this country now, a Government in fear. They are afraid of us.

The Minister for Commerce, Industry and Communications (Mr. Muliro): On a point of order, Mr. Speaker, does the hon. Member suggest that the Government should ignore subversion?

The Speaker (Mr. Slade): That is not a point of order. You may continue your speech, Mr. Argwings-Kodhek.

Mr. Argwings-Kodhek: Thank you, Mr. Speaker. They should know better.

Here is a man arrested, and they say he will be brought to trial. When? He should have been brought to trial long ago. He is a man who got married the other day; but that is not very serious, to these wicked men!

Mr. Speaker, they arrested him and they took him far away. The hon. Minister for Defence spoke about the Land Freedom Army. Nobody has said here that Mr. Isaac Ndirangu is a member of the Land Freedom Army. He also spoke about the administration of oaths; simply oaths, I might say. They have not told us that Mr. Isaac Ndirangu did administer any oath to anybody, or even that he threatened the Leader of Government Business. If they are honest and not afraid they know the position. Yet here is a man in fear. The Minister for Commerce, Industry and Communications normally speaks—

The Minister for Commerce, Industry and Communications (Mr. Muliro): I am not afraid of you.

Mr. Argwings-Kodhek: You are!

He normally speaks on behalf of the Government. He says that he will be brought to trial. The obvious person who could have been able to say that is on the Government benches. He has said nothing about this, Mr. Speaker. Therefore, Mr. Speaker, I would ask these people that, apart from hiding themselves, why no definite reasons can be given for these restrictions, and that apart from any right of habeas corpus they should do the obvious thing if they want to show us that they are a Government which can govern; and without that they should bring this man on oath to the court and we shall be there.

Mr. Nyagah: Mr. Speaker, Sir, I rise to protest over one phraseology that the Minister has used twice in this House.

Truly, the name Ndirangu typifies a Kikuyu name, but the Government may fall in to the danger of what they are trying to avoid, and that is subversiveness. We people who happen to come from areas which are Kikuyu, Eabu and Meru, feel very much offended every time somebody refers to a section of Kikuyu who seem to grow and live on subversiveness. I think it is high time that the Government refers to an element of people, be they white or black, who prefer subversiveness at a time, Sir, there are times we don't call a spade a spade but an agricultural implement; and the Government should be well advised.

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the 30 minutes allowed for such matters by Standing Order No. 9. I therefore adjourn Council until tomorrow, Friday, 26th May, at 9 a.m.

The House rose at seven o'clock.

Friday, 26th May, 1961

The House met at Nine o'clock.

[Mr. Speaker (Mr. Slade) in the Chair]

PRAYERS

COMMITTEE OF WAYS AND MEANS MOTION

ORDER FOR THE COMMITTEE READ

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of debate interrupted on 25th May, 1961)

Mr. Commodore Howard-Williams: Mr. Speaker, Sir, last evening, and I shall briefly recapitulate, if I may, Sir, I commended the Colonial Office for its several ten-year plans and congratulated the Government on rigging the election. I ended, as far as I recall, by going to goal. I recollect, for telling the truth, remarking that I had been advised that the first five years were the worst.

One has to remember, Sir, that the last Government stopped my newspaper called *The Independent* for no valid reason. Sir, I have never held my Cornish head low proudly than I do today as the present path progresses, and think it is high time our country threw out the British Prime Minister, Macmillan the Widdy, and his acolyte, the Colonial Secretary before Britain is the sole member of the Commonwealth she created.

What has gone before, Sir, refers to His Excellency's Speech from the Throne. Now for the Budget, which I regard as the work of amateurs, for obvious reasons which I shall give the House—the House will excuse me a moment, I must sharpen up my glasses.

Now, KADU has to bolster up the New Kenya Group; it appears they have also to stomach their official Ministers including the hon. Minister for Defence, who says the security situation is under control and yet his boss, his master, Macmillan, says the security situation in Kenya is grave, very grave. Make up your minds, gentlemen! If I may say so, Sir, therein lies the difference between a swan and a goose.

Further, the hon. Minister for Finance has just dropped the biggest financial danger in living memory, about which I am going to tell you very shortly. A man is ever known by the company he keeps. KADU is running a very odd kind of shop indeed. First, as I have said, they have the New Kenya Group, once over 45 strong and now six weak, a party that represents no one in this country, no race in this country, either African, Asian or European, no one, Sir; but had, a party that is still busy doing nothing.

is also misrepresenting us as a people. Their nepotism is wide open for us all to see. What a bed-fellow! Were it not for the strength of the Independents on this side of the House, bolstering up the Government, they would all fall down like a bunch of little children playing "Clap hands, here comes Charley."

The Speaker (Mr. Slade): Mr. Howard-Williams, I have ruled that we shall not pursue last week's debate on the vote of confidence in the Government or the composition of the Government.

Mr. Commodore Howard-Williams: Very good, Sir, I accept your ruling.

Please God, these good men and true, the Independents, will continue for the Government of Kenya tomorrow will thank them and their kind. It is well to remark, Sir, that we on this side—perhaps I had better not say that, Sir, because it might offend you!

Second, Sir, turn to the Ministers who share the responsibility of this Government. This Budget has the honour to be as bogus as the last one, wherein the present Finance Minister presented us with figures he must have known were phoney, figures that were padded to become little less than fatals. Instance, he then stated publicly that money was not leaving Kenya. He said that also earlier, denying in Britain, that money was leaving Kenya. Despite all the Opposition protests that some brokers had started to advise their clients to sell out and send their money home, yet on 27th April, Sir, he admitted that I quote from *Haveston*, page 17, half-page 17: "While I am still dealing with economic matters, there are two other points to which I must refer. The first concerns the allegation, that there has been a fall in confidence and an outflow of capital since the end of the constitutional conference. Certain statements were made while I was in London; a figure of £900,000 a week outflow was mentioned. At the time I made what inquiries I could from the authorities, both in London and in Nairobi, but by I was informed there was nothing in the situation to cause alarm. That was the false information on which he prepared this last budget. A couple of months later he was forced to admit the opposite thesis, that about £1,000,000 a month—not a year—had been leaving Kenya and to reappraise the situation. Even this figure, Sir, is understated. What a financial genius!

Emulating the hon. Member for Fort Hall, Sir, I am speaking as the self-imposed shadow Minister for Finance of the Independent Group.

The Minister for Local Government and Lands (Mr. Harlock): What a shadow.

[Mr. Chokwe]

In a district during the State of Emergency, we were told that people could not be brought to court because witnesses were in danger of losing their lives. That may be true. I do not know, but we are being informed now that there is such a danger of losing a witness because he helped the law? I would like an explanation.

It is demanded that we work in co-operation with Members of the Government in useful matters, but I have had a very long complaint from the services and the police. I do not say they are doing very bad work, but wherever you go you see or hear reports of policemen knocking on people's houses at night, or stopping people in the middle of the road and asking them to produce their labour cards. If the Minister of Labour were here—

The Speaker (Mr. Slade): Mr. Chokwe, you must keep that you are saying strictly to the subject matter of Mr. Ndirangu's deposition.

Mr. Chokwe: I am doing that because Mr. Speaker, some people have been ill-treated in Mombasa recently.

Mr. Speaker, as a result of protestations he has now been removed.

The Minister for Defence (Mr. Swann): On a point of order, Mr. Speaker, could I begin ask the hon. Member either to substantiate his accusation that Mr. Ndirangu has been restricted because he is giving evidence against the police, or else to withdraw it, Sir.

The Speaker (Mr. Slade): In this case I think it is an allegation which you can reproduce when your turn comes.

Mr. Chokwe: Thank you, Mr. Speaker.

I think I should mention at the beginning that Mr. Ndirangu is the assistant branch secretary of our organisation in Mombasa. I, as branch secretary, got him to do my work in my absence. But every regard to what has taken place very recently should be given to what Mr. Ndirangu has said, and I have put it on record that the police are investigating this matter; but I cannot understand why this man is being removed. The officers who are responsible say that he is not going to be tried. That is the only thing I am striving at. That is the only thing I want to be assured on, because although it is Mr. Ndirangu today, Sir, tomorrow it may be Mr. Blundell.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Mr. Speaker, on a point of order, is the hon.

Member in order in imputing to me subversive ideas.

The Speaker (Mr. Slade): He is not doing that. Mr. Chokwe: Thank you, Mr. Speaker. I was just implying that although an hon. Member thinks he is safe now—because he is on the Government side, tomorrow he will go in.

I understand that other hon. Members would like to say something on this matter. I would like to give them a chance.

The Minister for Defence (Mr. Swann): Mr. Speaker, Sir, hon. Members will remember that in my statement last week I did refer to the grave danger to security from an element of Kikuyu extremists who have a background of violence and Emergency records. Now, Sir, that situation, as I pointed out at the time, is a serious one; and I did point out that if we returned to violence, it is to the advantage neither of hon. Members on this side of the House nor to the advantage of hon. Members opposite.

In the last few weeks, Sir, we have picked up some 14 members of this group of the Land Freedom Army, the Rift Valley Parliament, call it what you will. They have been picked up, Sir, in Nairobi, in the Rift Valley Province and in Mombasa. They were oath administrators, and I very much regret to report, organizers of violence against certain hon. Members on this side of the House, and what is more cowardly still, against their families.

I would like to make it quite clear, Sir, that Mr. Isaac Ndirangu was not picked up because he was an officer-bearer of KANU, nor, because what was unknown to me until this morning, he was giving evidence against the police in an inquiry. He was picked up, Sir—and I will state it quite openly and he is being informed of it—with a group of other men, both in Nairobi and Mombasa, in planning violence against my hon. friend the Leader of Government Business on this side.

Sir, I must make it quite clear that every effort will be made to bring these men to court. But, Sir, I regret to say that in cases of this nature, as in 1952, owing to intimidation, it is extremely difficult to get witnesses to go to court. I take pleasure, Sir, from this procedure. It gives me no sense of satisfaction whatsoever; and I can assure hon. Members opposite that every effort will be made to get these cases to court, and also that every restriction is given the reasons for his restriction and has the right of appeal to an Appeals Committee. In this connexion, Sir, we have, since the beginning of this year, convicted five members of the Land Freedom Army to court, and they have been freed.

[The Minister for Defence]

Sir, as I have said, I speak with no feeling of triumph that one has to take these measures. But I think, Sir, with respect, that hon. Members on both sides of the House must realize that now in Kenya we have reached the moment of truth. Either, Sir, we advance by constitutional and lawful means, or else, Sir, we have the clear choice that we revert to the rule of the panga. I, of course, am quite frankly and openly in detail. At regular intervals we have to take this action. Last year it was Operation "Milltown"; now we are doing it again. Are we never, Sir, to be free of the legacy of the past, from what is really a very small proportion and number of the Kikuyu tribe?

Now, Sir, I am well aware that there are many hon. Members opposite who are just as much perturbed by the activities of these desperate men as I am; and they have openly said so to me outside this House. I would again reiterate that these men are quite as dangerous to hon. Members opposite as they are to hon. Members on this side of the House. If we return to intimidation and violence, Sir, I cannot see the future of this country. I would reiterate, Sir, that it is most distasteful to have to take measures of this nature, but I must also point out, Sir, that the Government has a duty to the decent law-abiding citizens who form the majority of the population. I must state quite openly that were the Government to take these men as hostages to take action (and what I trust will be preventative and prophylactic action) through fear of criticism, then I would be guilty, Sir, of the worst form of moral cowardice.

The hon. National Member, Mr. Enkise, this afternoon in an admirable speech I thought said that the greatest enemy to this country's advance to independence was fear. I would submit, Sir, with the greatest respect that this fear must be removed; we must remove the fear of the knife and the panga and we must advance peacefully to independence and prosperity.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, Sir, the incident that has been described by both my hon. friend the Member for Mombasa West and my hon. friend and colleague the Minister for Defence is something that cannot be overlooked by hon. Members in this Council. What we know is that at some stage in our historical evolution towards independence Africans took up arms against the established colonial rule. At that time, Sir, everybody was aware what the Africans were fighting for. But I do state that I would urge all Africans in this country, those who want to see that we move freely to independence, to eliminate violence from amongst us. The only way

in which we can do that is to be sincere and to have an open mind.

If we now administer oaths to our fellow brothers and sisters, Sir, what are these oaths for at this stage? In the past, possibly, one would say, "I am taking this oath to kill Mr. So-and-so." But at this stage, Sir, I fail to understand my own argument. I do not know how Africans at this stage can go on administering oaths. In fact, Sir, hon. Members in this House must be vigilant against oath-taking.

Mr. Odunga: Mr. Speaker, Sir, on a point of order, it is alleged that Mr. Ndirangu administered oaths?

The Speaker (Mr. Slade): On a Motion for the Adjournment, Members must speak very strictly to the particular matter, and the particular matter here is the question of the arrest of a certain gentleman without trial, not the more general issue of subversion in the country.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Thank you very much, Mr. Speaker. I do accept your ruling completely.

The point at issue is the question of Mr. Isaac Ndirangu, and when I was putting that across I understood from the speech of my hon. colleague here that actually there were some underground or subversive activities for which he was arrested. If there was no subversion then he had no subversive motives and he would never have been arrested. That was all I was going to illustrate, Mr. Speaker, and no more than that.

I would also like to thank my hon. colleague for saying that Mr. Ndirangu will be brought forward to the courts to be tried; and my hon. colleague has also said that no one who is arrested will be kept there indefinitely. He is going to be brought back and tried.

Hon. Members? None.

The Minister for Commerce, Industry and Communications (Mr. Muliro): He is going to be tried, so do not worry about it.

Mr. Speaker: I would say this, that in the last resort it is up to us, as leaders of this country at this time, to be very serious that incidents like this should never occur. The Government is not happy to take any one and to put him in detention without trial. We do not think that that is the order of the day; that could not be the way of advancement in this country. But we also regard the security of the citizens of this country as very important. Therefore, it is very important for all the hon. Members in this

[Mr. Commodore Howard-Williams] some 18 multiracial members. Appalling, Sir, I wish to make it quite clear that the dollar colonialism from America, Mr. Kennedy's present empire builder—

The Speaker (Mr. Slade): Order, order. It is not in order to criticize a friendly country except on substantive Motion moved for that purpose.

Mr. Commodore Howard-Williams: Thank you for your ruling, Sir, I think on balance I had better skip the next part of what I was going to say because I think it might get me into trouble.

May I somewhat tritely remind this House that civil war can hit Africa quicker and far worse than anywhere else probably in the world, when we should all suffer. Witness the Congo. Notwithstanding, there is a wealth of co-operation possible on all sides in this question of the government of Africa, which is better than any blend of hatred of the one to the other. Instance, we must do our best to persuade South Africa to modify her policies which I admit are highly undesirable in this year of grace. I say that, Sir, with the knowledge that the best way to do that is by our example.

The Prime Minister at home in Britain and his hot-guyseller friend, the Colonial Secretary, repeatedly claim that Lancaster House was an agreement—I give them the lie. I was present; I was not even consulted through their dupes. The hon. the Chief Secretary, who I regret, Sir, is not here today and who I gather recovering from his malady—

The Minister for Commerce, Industry and Communications (Mr. Mullro): He was not there.

Mr. Commodore Howard-Williams: Was he not? I beg your pardon. Through their dupes, the hon. the Chief Secretary and the hon. the Attorney-General, and the leader of the now derelict New Kenya Group—and not too soon—they have all inaugurated the most bogus, the most corrupt, the most dishonest election that Great Britain can ever have been associated with, an election which was content to let one European in every eight vote on that side of the House for their constituents. I purposely doubled the figure, Sir, because they excluded the registration of Europeans in the Colony—thousands of them—who are not British.

Believe it or not, they then had the nerve to cart off the ballot boxes into their hideouts, where they gloated over their catch, much as a goldfish does with its catch which it takes down into the deep water. I am not saying, Mr. Speaker,

Sir, that they rigged the ballot boxes; that would be going too far, but justice on this issue, so vital to us all, must not only be done, it must be seen to be done. Such behaviour as the reigning party in this Colony is tantamount, or was tantamount to the Conservatives walking off with several dozens of ballot boxes filled to the brim with Socialist votes, or KADU doing the same thing to KANU. Somehow, much as I feel sure that Socialists and Conservatives and KANU and KADU trust each other, the point is, would any one trust the ruling side with anything so precious as several boxes brimful of their opponents' votes, notably in Africa. I leave the question to the House.

In Britain, Sir, I observe that even cats get the vote, while out here a recent case shows quite clearly the ramifications that beset the last election, where many on both sides were admittedly shown which way to vote, and many were rolled up in lorries and told what to do. In this case, irregular votes were found to have been cast by people who had not the right to vote, and ten good votes were heaved out by a Member of the reigning Government, mark well, in an arbitrary fashion, to the considerable discomfiture of one of our hon. Members. A further 17 papers were, I am told, challenged. Extrapolate on this with some 200 candidates, there was a possibility that during the election some thousands of votes were manipulated apart from several thousands of voters who had no right to vote.

Further, Sir, we had the bogus two set constituencies, specially designed to get in a yes man or two, come the four winds of hell. Intimidation was the order of the day. There is no doubt about it, Sir, the recent election has been proven to be a phoney.

In Ghana and in Sierra Leone under our pupillage, mark well, on achieving independence the local governments of the day straightaway put the opposition inside. Does Britain agree with this? Is that the view of the Mother of Parliaments? There is need for all sides in Kenya to beware of the awful avalanche as they proceed on their way to their own Excalibur.

The Speaker (Mr. Slade): Is this a convenient time for a break in your speech.

Mr. Commodore Howard-Williams: Just one more sentence, if I may, Sir.

I would not mind going down for a stretch for expressing the truth, albeit I am told, Sir, that the first five years are the worst.

ADJOURNMENT MOTION

The Speaker (Mr. Slade): This is the time for the interruption of business, but as there is a matter to be raised on the adjournment I will call on a Minister to move that this Council do now adjourn.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

ARREST AND DETENTION OF ISAAC KAMAU NDIRANGU

Mr. Chokwe Mr. Speaker, Sir, I would like to bring to the notice of this House a matter which is of great concern at this moment. I saw it is of great concern because the action that has just taken place in my own constituency by sending one man into restriction without trial is a thing which has affected me as an individual. I was sent into detention camp for seven years without trial, and for seven years I suffered, my family suffered, my children, my everything. On the opening of this Council here, I was given to understand that Government was taking steps to bring some people home from restriction.

Now, Sir, this was only something of propaganda because I do not know on what merits these people were returned home. We have people in restriction who were together with me nine years ago. They never saw anybody's court and even today no reason has been given for their continued restriction. Some of them are about to die, it may be that is the only reason they are continually being restricted in their places so that they can never come back home.

Well, I can see here that in the Governor's speech he was concerned very much about the question of law and order. We all agree that we want law and order in this place, but it is not a law of the community when you preach law and order to yourself and do the wrong thing to the other person?

Incidentally, my friend, if I might be allowed to mention his name, Mr. Isaac Kamau Ndirangu, who happens to be the assistant secretary of our organization, that is KANU in Mombasa. I am the secretary there, and of late I have heard a lot of complaints through the activities of General Service Units and through the activities one man was killed or died in the hands of the General Service Unit.

The Minister for Internal Affairs (Mr. Swank): Mr. Speaker, Sir, on a point of order I must ask

the hon. Member to substantiate the claim that a member of the public was killed by the General Service Unit or else withdraw it.

Mr. Chokwe: Mr. Speaker, Sir, I said a member of the public died in the hands of the General Service Unit.

The Speaker (Mr. Slade): Can you establish that?

Mr. Chokwe: I have a letter here in reply to a letter addressed to the Official Commissioner of Police, Coast Province, in which I demanded an inquiry into this matter. If this was not true, he would not have sent this letter to me.

It happens that Mr. Ndirangu is my secretary who does the union work for the branch in my absence, but I fail to understand, I fail to understand when the Government or the Police Department have said they are holding a full inquiry into the matter and trying to send away some of the witnesses who can give evidence in this case. If that is the way to conduct an official inquiry I would like to know here. But that is not the question. My question is, is it going to be a part of this country's law to take people from their usual business and send them into restriction without explanation. If this man was a vagrant—I am very sorry to have mentioned this word, but I have been to other places where there are many vagrants—but there is no law to send them into restriction.

This gentleman happened to work for a firm of lawyers for a long time, and there is no reason to suspect that he was engaged in subversive affairs, and if he was I am sure that you would know subversion is a very bad thing. They are accused of it and suffer at the hands of the law, but are we going to allow information to be taken to Government and the people made to suffer without their being informed what crimes they have committed?

Mr. Speaker: I am not at all trying to defend anybody for any crime he has committed. What I only ask is that this man should be given an opportunity to defend himself for what he is said to have done. That is the question for the House and for the people of this country, when they talk of stability. This gentleman happened to have been married a few weeks back. Do you expect his wife to keep law and order? You expect us to believe that? I cannot believe it.

Referring to the speech of the Minister of Defence the other day I happen to understand that the situation of security in Kenya today is not as bad as it is meant to be or being made to appear.

(Sir Philip Rogers) been left only 20 per cent of the price that the consumer pays is taxation and this has been going on for five years. The poor consumers have been groaning under that terrible burden of taxation. The hon. National Member, Mr. Erskine, mentioned the guzzlers of tomatoes and macaroni, which surely are more luxury articles than these poor cigarettes. The hon. Member pleaded very movingly for a reduction in the taxation on these articles. Well, I would mention to him, Sir, that they only pay one-third taxation whereas these poor cigarette smokers pay 50 per cent. So I think the hon. Member will agree that you could hardly say cigarettes have been left out of the Budget. I would now let the House into a small secret. I am afraid, owing to the bad trade now obtaining—and this is quite a serious matter because cigarettes are usually looked upon as a barometer of trade—lets cigarettes are sold today than they were this time last year. If taxation is put on to products which cannot take higher taxation, the consumption must be affected because the consumers just will not pay the price. This, of course, will affect employment in the country and affect the tobacco-growing industry.

The hon. Member for Kilifi in, if I may say so, Sir, a most amusing and good-natured speech, also, I regret to say, raised the question of cigarettes, but I think I have already dealt with this point sufficiently. He also mentioned the question of company tax. I do feel I should tell him that with the serious trade slump—which is not a depression, it is a trade slump—what would happen today to commerce and industry if you increased the company tax I really do not know. It is quite essential that, as far as possible, industry and commerce should be allowed to develop and with it develop the economy of Kenya. I think the Minister is very right to leave it alone to the furthest extent he possibly can.

The other hon. Member for Fort Hall, Mr. Njiri, asked bluntly what the Road Authority was, Sir. Well, the Road Authority has been in existence for many years and I, as a member of about five years' standing, was distressed that he had not heard of us. I am afraid our impact on him must have been rather bad because we have spent many millions of pounds of his and other taxpayers' money. All I can say is that I assure him we will try and do better in the future.

Sir, I beg to support.

Mr. Aramasi: Mr. Speaker, Sir, I want to speak about the Northern Province as a whole. We are speaking about the independence of Kenya as a whole, while we forget one part of Kenya, which is the Northern Province. The people of the

Northern Province know nothing about *shambas*; they know nothing about digging the ground. Their *shambas* are their animals, but the Government does not care about the animals of the people of the Northern Province.

Mr. Odiga: Shame on them!

Mr. Aramasi: Let me speak about the animals. The other thing that was introduced into the Northern Province in 1958, if I am not wrong, were the *kodi* schemes. When these animals came into this particular part of the *kodi* scheme, the Government shoots them—

Mr. Odiga: Shame!

Mr. Aramasi:—like the animals in the bush. Those are our crops—the animals—for example, sheep, goats, cows, camels and donkeys. These schemes were put on the land. When the grass is finished in one part the animals have to migrate to another part and on these schemes they have to pay some amount to the Government. They have to pay about Sh. 3 per head. I do not know the reason why; I do not know where these Sh. 3 go to. Now, forget it! Now, while they are paying the fee for the animals, they are paying their poll tax. In a year a person might have to pay about Sh. 5,000.

An hon. Member: Sh. 5,000?

Mr. Aramasi: In a year a person might have to pay about Sh. 6,000.

Mr. Odiga: Shame!

Mr. Aramasi: If a person has many head of cattle, at about Sh. 200 each, multiplied by Sh. 3 per year, or a goat which is about 50 cents, and he has about 200 goats, then he has to multiply by 50 cents. One hundred plus about six thousand is about Sh. 600 or something of the sort, and then he has to pay his poll tax. That is why I say this, that the Government has forgotten the people of the Northern Province. It is mistreating them.

Now, let us come to the other point, which is about their particular land. Their particular land in the Northern Province is not theirs. The land of the residents, the people, is called Crown land. I do not know the reason why that land is called Crown land. When the Government found the residents, the people, living in that land, they called it Crown land. Why? I do not know the reason why. I think the Minister for Lands can tell me the reason why. I do not know. I think he is not here. That land does not belong to the owners; it is for the Government. If they want the people to move somewhere, the people have to go there, although these people were found there.

[Mr. Aramasi]

Also the district officers in my area mistreat people. If we say to the officers, "You found us here, my grandfather was buried here and my mother died here", they say, "No, this is Crown land. You have to follow what I have to say. You have to follow what I have to say because I am the district commissioner in this place".

Mr. Odiga: Shame!

The Speaker (Mr. Slade): Order, order! I think Mr. Odiga, you were here on Tuesday morning when I informed hon. Members that the cry of "Shame" is not allowed. I must ask you to observe my ruling.

Mr. Aramasi: Thank you, Mr. Speaker. Then these people are being mistreated as the District Commissioner likes or the District Officer likes. Such things should not be practised in the Northern Province at all.

Then we come to the other thing—water. I think everyone in this room knows the part of Northern Province. I think Northern Province is a dry desert. And then the Government does not care if the people who are living there get water or not. Do you know that the people used to stay where the grass was? If the grass was about two miles away, and the water is about five miles away, they have to stay there and then the women have to carry their calabashes or their pots. Then, if this water finishes, they have to stay that way. There is no food, there is no drink. If the Government knew that, at least know the map of Kenya, and if they knew that the Northern Province is a big desert, why do they not put there some machine for water?

Let me come to education. It is the last place in Kenya, the Northern Province, when we are talking about the independence of Kenya: I was lucky myself, I was educated in North Nyanza. I did not go to school in my place because there are no schools, not even a simple primary school. You cannot get them in Northern Province at all, not even a primary school or Standard IV. I did not mean that! I did not mean that! If Kenya gets independence the people of Northern Province will be on the streets—not is there a single primary school in Northern Province.

Now, I do not know whether you know the square miles of the Northern Province as a whole. I would like to give you that figure for the Northern Province as a whole. Now, I want to ask the Minister for Education to try by all means to build some schools in Northern Province so that the people of Northern Province will be equal to those of Central Nyanza, or Northern Nyanza or Nairobi here.

The Speaker (Mr. Slade): I understand, Air Commodore Howard Williams, you have been allotted more than half an hour.

Air Commodore Howard Williams: That is so, Sir. I believe I have been allotted more than an hour.

Mr. Speaker, Sir, I applaud His Excellency's speech as far as it goes. That is the way we are driven, whether we like it or not, and it is in direct line with the Hugh Fraser edict, with the Lancaster House imposition, with the Lemnox-Boyd plan, with the Lyttleton plan, with the Colonial Office plan, if any. Each of them expected to last ten years. I have never known 50 then go so quickly in my life. Sir, can you wonder—

The Speaker (Mr. Slade): Would you speak in this direction as much as you can, because of the microphone. Otherwise, your voice will be lost.

Air Commodore Howard Williams: I did not think my voice needed a microphone, but perhaps it does.

Can you wonder that our African friends do not believe in fairy stories any more? Can you wonder they expect a new constitution every year? Such has been the appalling weakness in the Colonial Office over the last five years. This is no criticism of His Excellency the Governor who must do what he is told, as the good proverb that it is because he does what he is told. It is intended, Sir, however, to criticize heads out of the Colonial Office who come into Africa for a few days, think they know all the answers, and begin to apply them in the midst of those who have been out here for their entire lives. No words of mine, Sir, can condemn enough the flagrant stupidities perpetuated in the name of Britain which makes me, Sir, all the prouder that I need not claim that I am British. To those who do not know it, I am Cornish, which means that I am what the Masai are to the Englishmen in Britain.

The United States of America, Sir, are in large part responsible for our present plight, her interference being proverbial, witness Mennon Williams. Why should we tolerate these parasites who deal so ruthlessly with their 'own' black people yet ride so roughshod over our stewardship. Witness Alabama. What a disgrace, what a *klef!* Four hundred policemen armed to the teeth to await a fly. Now they have all gone to the Mississippi to try and drown it. In the United States of America the 25,000,000 African black faces have no member whatsoever in the Senate; they have no national member in the House of Representatives, although they do have

Mr. Sagala: I am on the last topic.

The Speaker (Mr. Slade): You cannot have the last topic, I am afraid.

Sir Philip Rogers: Mr. Speaker, I should like to congratulate the hon. Minister for Finance on his speech on the Budget and particularly would like to congratulate him for once again getting a quart into a pint pot. He once again has managed to squeeze we poor reluctant taxpayers and I think has done it so effectively and fairly painlessly that really he should be more congratulated than normally one would do for a Minister of Finance when he has increased taxation to a major degree. Furthermore we must remember that he was exhorted by a number of people to do even worse things than he has and I regret to say that some of the encouragement to increase taxation came in fact from my brother businessmen who I think surely should know better. Any Minister of Finance worth his salt needs no encouragement and from what I have seen and heard and the experience I have had of our Minister for Finance, he is certainly well able to look after himself and he needs no encouragement whatsoever.

I thought that the most important part of his speech was when he warned us that we were close to our taxable capacity and that our taxable capacity was not unlimited and furthermore, sooner or later we would have to stand on our own feet, which is essential for any country and particularly for a country which is rapidly approaching independence, as we are. We must, Sir, emphatically cut our coat according to our cloth and when I look at our position today I do not think it can be overstated that it is grave indeed. A country with a revenue of little more than £30,000,000 a year facing a deficit of £4,000,000 is surely in a desperate state. It seems to me ironical at least what we are now forced to ask help from the very country from whom we are—many of us—so vociferously demanding our independence. That country is Great Britain. Fortunately for Kenya, despite I am afraid a number of rather ill-chosen and ungracious things which have been said about Great Britain and those who serve her overseas, our Civil Service here, she has once again come to our help and I think we owe her our grateful thanks. I think we also owe our grateful thanks to our Minister for Finance and his staff for extracting us so skillfully once again from the financial troubles we have got into. Several years ago we were in the same trouble, we were heavily indebted to the United Kingdom with the inevitable disadvantage which must follow with a country which

balances its budget and pays it way with grants in aid. With considerable efforts and with considerable sacrifices we managed to extract ourselves from those close embracing arms, but I do feel it most unfortunate that we are once again, a grant-in-aid country.

How has such misfortune befallen us? And how is it that so many other countries in the world—countries no bigger than ourselves and many smaller are able to pay their way? How is it that Tanganyika, a country which today has not our natural advantages is better off financially than we are? And how can we extract ourselves from the financial torments in which we are at the present time? I speak, Sir, as a businessman whose job it is to assess the business available in a country, what profit there is, to weigh all this up against the attendant risks—perhaps there will not be the amount of business that I anticipate—the economy of the country and particularly the security. That element is in many of these overseas countries the most important one, perhaps. The conditions I am afraid for security for investment do not exist in Kenya today. Our difficulties I think can be summed up very simply in three words "lack of confidence".

Now, Sir, confidence is not something that you can pull out of a hat like a magician with a rabbit, it is something that has to be based on solid grounds and something which has to be looked after carefully, has to be tended and has to be continually encouraged. We must not make a mistake about it, in Kenya today trade—and I am not talking about luxury trades, just ordinary trade—is not depressed, it is drought-bad. Our situation is serious. Our prosperity depends on that, and I am afraid it will remain bad until confidence in us is restored. We have all seen in the newspapers over the last six months or so one instance after another of countries and bodies of people and individuals saying that they have not enough confidence in Kenya to invest here. And we must face the fact that the competition for overseas investment is fierce, there are many countries in the world that are able to offer things that we cannot offer at the present time. I would like to say, Sir, that despite the very bad trade indeed which is now causing in Kenya, I personally have complete confidence in the country in the long term. I have not myself, nor has my company, moved one penny from Kenya. I do not propose to do so and, indeed, we have since Lancaster House and before spent a considerable amount of money on development. We propose to continue to do so. But I have, Sir, spent all my working life of over 30 years in Africa and with the people who live

[Sir Philip Rogers.]

In Africa, I have complete confidence in their ultimate good sense. However, even I have been a little dumbfied at some of the things which have been said and I am not, of course, talking only about those who sit opposite me, but also about other people outside this House. I feel that unless we restore confidence this country can never restore its trade and we will not be able to get the money we need for development and for our prosperity. For until confidence is restored and re-established we cannot get any new hospitals, schools, roads and, indeed, as has been seen from our sorry financial position revealed in our Budget, we cannot today even pay for the ones we have.

I should now like, Sir, to turn to one or two hon. Members' remarks. The hon. Member for Fort Hill, Dr. Kiiano, mentioned the transfer of money from Kenya and raised the question of preventing it going. Now, I agree with him that I think people who are transferring money, in particular savings, from this country are doing us a great disservice and are behaving in a shabby way when they have spent a lifetime here, and a very pleasant lifetime I am sure it has been. However, leaving the freedom to transfer cash from this country is one method of encouraging the development which, as I have said, is so essential to our country, and is one of the few ways in which Government can directly encourage investment to come to this country. Other methods must inevitably lie with leaders of all races. When we talk about investing, Sir, we must remember that the really big money is owned by people who are quite disinterested. They do not care whether they invest it in this country, in South America, in Canada or in Hong Kong. All they want to be sure of is a reasonable profit on that money and its security and being able to transfer it out of the country, or its profits only out of the country. They particularly, however, want security. Therefore, whether we like it or not, that is the position with regard to big investment and we must accept it just as every other country has accepted it.

The hon. Member also mentioned the question of loans to businessmen and others. He criticized the loan scheme for not being able to give sufficiently large sums, thus limiting development particularly to African businessmen and artisans whom the scheme is really designed to assist. Now, these comments, Sir, were rather interesting because I do remember when the hon. Member was Minister for Commerce and Industry, after considerable debate in this House, he formed a committee to allocate these loans and

asked me if I would take up the chairmanship for the Nairobi one. Indeed, I was very encouraged with the way the hon. Member helped us in this committee. As regards the amount, the hon. Member gave various figures—£50, £100 and, in another part of his speech, £150. Now whilst I do not agree that those sums are too small—there are certain traders for whom it is quite enough—there is in fact a maximum allowable of £500 for each venture and even that can be increased by reference to the Minister or the Director of Trade and Supplies. Beyond that, there are other schemes such as the Industrial Development Corporation where quite large sums of several thousand pounds can be obtained. I would also inform the hon. Member that our committee has allocated a number of loans of £400 and £500 and, as a matter of interest, I am able to give a few details of other allocations. The carpenters and furniture makers, for instance, have received average loans of £268; the butchers have averaged £233 per loan; the miscellaneous people like cycle repair shops, tea shops, greengrocers, barbers, hotels, fish traders, hardware dealers and even second-hand clothes dealers have averaged £137. We have altogether allocated just under £10,000. The committee is still very active and we are still open to requests for money.

As I have said, Sir, I was very impressed by the way in which the hon. Member when he was Minister assisted this committee and, indeed, assisted commerce and industry generally and assisted in the way to develop Kenya and help his own people. I would that he were over here continuing to help Kenya, his own people, out of languishing on the other side and wasting his considerable talents and very fine intellect on criticism such as I have mentioned and such as I will deal with further in a moment.

Mr. Commissioner Howard Williams, he is keeping faith with his constituents.

Sir Philip Rogers: We had one other mild, good-natured criticism from this side about the loans. The hon. National Member, Mr. ole Kibachii, was referring to loans, I think, outside Nairobi area and mentioned particularly cattle dealers. We have had some business in our own scheme, but I do not think we have had any cattle dealers. However, I shall certainly look into it for him and see whether we can help. If indeed that is our area.

Now, Sir, the hon. Member for Fort Hill I regret to say made a very inaccurate statement. He said that cigarettes had been left out of the Budget. May I assure him—and here, like the hon. National Member, I have to declare an interest—in emphatic terms that they have not

[Mr. Sagin] crying need of this country and the whole of Africa is education. It is high time we encouraged self-help so that we could open up day secondary schools. I know that the Government is working hard to open up more secondary schools, but it is rather a slow process.

"I now come to the point concerning the vernacular newspapers. These days, as far as I know, and I am a new man here, it is very difficult to start a vernacular paper, because the Government thinks it will be attacked. I was talking to somebody who knows a lot about this. He told me to give a sum of £500. I might be wrong in the figure. He told me to give £500 to the publisher. That is terribly expensive. It is prohibitive, in other words. I wish you could allow the papers because a democratic society needs educated people; at least people should be able to read and understand that is going on. Very often we Legislative Council Members, when we go back to the reserves, suffer there because people are so susceptible to rumours. But if the people are educated they can always read the news in the newspapers, wherever they are. They understand only rough Swahili, and the Swahili in *Tulla Leo* is polished Swahili, full of words like *libanaka*, which means 'stupid', although I hate to use that word. It makes it very difficult for them to understand it. Whenever one person is able to read it properly other Africans can gather round, and if he is a bad fellow *for God* really poison their minds sometimes. That I know very well. They can be given bad information, like stories about murders and other fearful things.

Then I come to the question that has worried me in Kilifi: Nubian gin. I do not object to drinking. I used to drink but I stopped drinking three years ago; I have never grugged this. The drink is bad because it really corrupts. It corrupts the morals of the people. It leads to things like murder, promiscuity, and a host of other bad things. It is awful. I do not know what the Minister for Legal Affairs will have to say about this because in Kilifi we do not want the sentences to be relaxed. The maximum sentence is one year and something like £30. The people in my area of Kilifi think that the punishment is not enough and that it is not a deterrent. I am worried about this drinking. Kilifi is a productive area and we are able to grow maize and *wimbe*. The inhabitants grow it and they live on it. The drink is made out of maize and *wimbe*. It is a terrible social menace and something has got to be done. I mean it. As the hon. Members for the Coast probably know, it is exported to Mombasa. It is going to mean trouble for them there. But the

hon. Members for Mombasa are probably going to help me, Sir, with the Motion in connection with nubian gin.

Then I come to another thing, and that is pauperism. I am not a Nairobi dweller, but I see these days that there are many beggars. I am inclined to think that I am in Cairo. I was in Cairo for a week and there were a lot of beggars who spoke to me in Arabic. There are a lot of local people who unfortunately mix an arm, or a leg, and they crawl along here. I think that all hon. Members know this. I wonder what the Government is doing about this. You could say, "Lawrence, you contribute towards this fund," I think I would give something. I am not a stingy person. I am generous; but I do not know what the Government is thinking about this matter. It is miserable, especially when they know that you are a Legislative Council Member. They think you have much money. I do not know what the Government is doing about this.

Then I come to the question of local government. I think it is high time that we had many more African presidents. There are a few already. We should get many more honest people to be in the African district councils. We want, as well, to democratise the local governments. That means the principle of "one man, one vote" to be applied at once. I think nominations should stop. There should be local government elections. The candidates should work hard; I worked hard to get into this Council. It was terrible. I talked and talked until my throat was hoarse.

I then come to the question of juries. I hear that it is only Europeans who have juries, and that Africans and Asians do not have them. This should stop. If it is a good thing, Sir, then we should have juries. I wonder why the Minister for Legal Affairs is not here. Will the Minister for Legal Affairs explain why this situation exists. He is not here; it is very bad.

I hear that the Kilifi and Nandi Labour Offices are going to be closed. I wonder where the employees there will take their grievance. For example, there are a lot of people employed at Macalister Mines; there are others employed in Kilifi and around Homa Bay. Sometimes you have people doing menial jobs. Some people employ domestic servants. Where will they take their grievance? I wonder whether the Minister for Labour is here to explain why they want to close these two offices.

Then I come to the Federation of East Africa. Mr. Speaker, I am one of the people who think that we should have real social tranquillity in

[Mr. Sagin]

this country and go together at once into definite independence and also fix the date for independence, and also to have the Federation of East Africa, because that would help us very very much. But I want the Federation of East Africa to be discussed here in East Africa and not in England, because people go there and are confused by the Press; and there are so many ignorant people who are inclined to confuse delegates. I think that the Federation of East Africa should be discussed here in East Africa. We would save money and time. I am looking forward to it. So often people think "These people do not want independence; they want violence," or something like that. I do not think that people are planning to kill each other. I do not believe in repercussions.

Now, Sir, I also come to the question of the railways or a tarmac road, I would like one from Kisumu to Kilifi in order not only to be able to take my car along it, but because Kilifi is a very productive area. It is a high potential area. We have Sotik on one side and then there is Kilifi from where you get things like tea, coffee, pyrethrum, maize, fruit, and even the various industries. I am not trying to say this because I come from that area but because I know the people of that area would be helped greatly if Government did something about it.

I come now on to the question of boards like the Coffee Board and the Tea Board. The Coffee Board and Tea Board have done very well. The Africans are very well represented. In the past it has been difficult but at this time they are well represented. We want the Kenya Meat Commission, the Pyrethrum Board and the Maize Board to have adequate African representation because we want them to be non-racial and not multi-racial. The Africans on these Boards should be elected on democratic lines. People should vote and choose their members. I want this because many Africans in the country do not know about policy matters in connection with pyrethrum, coffee, and so on. There should be Africans on these Boards who know what the problems are and about the allocation of quotas. They should know about the markets and world prices. They do not understand this. Suspicious will diminish if difficulties are explained to the people, through their members on these Boards.

Now, you know, Sir, I am the shadow Parliamentary Secretary for Agriculture and I have a great many things to raise. I will raise them in future, under the Agricultural Head.

I now come to the Budget. I really support Dr. Kioko, the hon. Member for Fort Hall, and the hon. National Member, Derek Egan, about the sugar tax. You know that sugar is always given to the poorest person who has the 50 cents to get it. When you put on a tax like that, you make it really difficult for him to buy sugar.

Another thing is that I am inclined to say is that there should be no personal tax for people with less than £100 income; per annum. I think it would be proper to raise the tax on companies by 50 cents or 5s. 1, rather than tax people with less than £100 a year.

I now come to the question of closed areas. We will have a Motion about these closed areas in the future. Now, Sir, this is a big subject. I really do not understand the origin of closed areas, and why some areas are called closed areas.

The Speaker (Mr. Slade): I think as you have said, there is a Notice of Motion on this subject. So do not discuss it now.

Mr. Sagin: But I want to dwell on it.

The Speaker (Mr. Slade): Not now.

Mr. Sagin: Thank you.

I now come to the question of seeing Ministers in their offices. Unfortunately, Sir, after I had been elected I went to the airport for the trip to Lodwar. I was one of the six people to go. I was actually in time, I was punctual but I was not informed so I was blamed in Kilifi about this. So I went to Eastleigh Airport but the plane had left for Lodwar so I went to the Minister for Internal Affairs and I was told that an appointment was necessary to see him. What I saw were two secretaries who were women and instead of seeing him I saw these secretaries—I do not know who they were, they were white girls. That was terrible. I was hurt. This kind of thing is very bad. I thought it was, I represent nearly 50,000 people in Kenya. I thought that was an insult. When a Legco Member cannot see a Minister, why not, he is not coming to fight him? I was thrown out of the Minister's office like a tennis ball.

The Minister should have seen me and told me what went wrong. But the way the women came to me and the way they were dodging and one came and went in and another came. It was a display of women.

Now, I come to the Governor's speech, who spoke about co-operation and a lot of things.

The Speaker (Mr. Slade): Your time is up, Mr. Sagin.

[Mr. Enkale] said that the hon. Minister for Finance, in a way which has not taken into consideration the experience of those persons engaged in commerce and industry. Now, I mentioned tomatoes—just now. Take, for instance, that particular one. Even while the hon. Minister for Finance was explaining to this House the reasons why it was necessary to put a 30 per cent—now 31 per cent—duty on imported tomato purée, even while he was explaining that to this House, the advertising columns of the *East African Standard* were advertising the sale of the machinery of the one tomato purée factory in country because, Mr. Speaker, the industry had been prematurely started and was not viable, was not industrially viable. Now, that is an example of a mistake. One does like to think that when we make mistakes—and, Mr. Speaker, we are all fallible, even myself on occasions—that we do our best to put right our mistakes. Here was an excellent opportunity for the hon. Minister to put right that mistake and return that particular duty of 30 per cent correctly calls the revenue duty of one-quarter instead of one-third. He has not done it. He is shaking his head, or he may be nodding his head, which means he is going to do it.

There are, of course, other instances. For instance, a short time ago in Tanganyika somebody started a very small macaroni industry, just one person and one factory in Tanganyika. Instantly, without any consultation with anybody, they slapped on a 30 per cent protective duty—now 31 per cent. Once again, the industry collapsed because it was not viable at the time. May be that type of industry will become viable soon, but it was not viable at the time and hon. Minister is just about to tie his feet to tell me of the wonderful denouement. The machinery was all sold to a Kenya firm who went and collected the machinery and brought it to Nairobi. But that still does not answer my point. The industry is not viable, I give way.

The Minister for Finance and Development (Mr. MacKenzie): Would the hon. Member give way for a moment. I hope I am in order in asking the hon. Member whether he would not agree that since none of these things were necessary I was taking a leaf out of the book of his hon. friends opposite who say that one should treat things that are not quite so necessary.

Mr. Enkale: Well, I get the point, Mr. Speaker! However, I shall just conclude that I was saying about this particular industry. One of these days it might become viable but at the moment it is the basic diet of one of the groups of a certain

racial origin in this country, partly indigenous partly immigrant. Those people have to pay 31 per cent duty today on the imported article instead of 22 per cent merely because of this little accident that took place in Tanganyika. That is something which could be put right almost immediately, and I hope it will be done. When the day comes when Kenya farmers are able to grow the right sort of durum wheat which will make the right sort of semolina from which the finest macaroni products can be made, then after consultation with commercial and industrial interests he can go ahead and put the duty back.

Well, after saying that, I would like to compliment the hon. Minister on the tremendous help he has given to costings clerks of Kenya, amongst whom I include myself, in adjusting all the duties so that they now become one-eighth, one-fourth, one-third and two-thirds. It does mean, as he said, in his speech, an increase in the cost of living, but it is one which I spread so broadly that I take no objection to it whatsoever, and I repeat again it helps us costing clerks very considerably. But, Mr. Speaker, I cannot understand—and here I must agree, with previous speakers on the subject—how he can possibly have seen fit at this stage in the country's economy with people starving and people so in need of the sugar which is necessary for the maintenance of their energies, that he should have increased this tax by five cents. It would have hurt me very much indeed personally if he had just put the duty on the imported article and not increased the local, but he has done both, and I would willingly sacrifice my own interests if he could possibly agree to knock off that extra five cents and leave the duty on sugar at six cents which, after all, is still quite considerable.

Mr. Speaker, on the question of direct taxation, I have very little to say. I notice that the hon. Minister is very anxious to see that persons who have sent their monies overseas and invested them should at least be encouraged to bring back the incomes they seek, and he has said to these people in effect, "I am so sorry that you saw fit to remove all your money to wherever it is overseas, but if you will kindly, whilst you are still living in this country, bring it back and spend it here, I won't tax you on it." I hope it is going to work out, but I have a feeling that might possibly encourage a few more people to send a little more of their capital overseas so as to be able to cash in on the privilege of having a tax-free income coming in from overseas.

There is only one other item which I want to mention in regard to direct taxation. It has always been, as the hon. Minister said, a very

[Mr. Enkale] said that the hon. Minister has a controversial matter, the question of the annual value of owner-occupied houses. The hon. Minister has decided to come down on one side in this controversy, and he has now taken the necessary actions which will mean that the annual value of owner-occupied houses will no longer need to be added to the gross income of the taxpayer, and he has done this for the noble reason that he, or the Income Tax department, can no longer sustain the frightful burden of working this thing out. Now, I do understand that, and I think it is extremely honest of the hon. Minister to put it in that way, but on the other hand, it is not a very good principle. It is one which might be used in the other direction, because I do not think that the hon. Minister worries very much about the difficulties which he imposes on the taxpayer very often, and if that was the good one because of this little paragraph in the bill and it means that those persons—and that means practically every householder, or most householders in Kenya—who have borrowed money to buy those houses can now no longer set off against their gross income the interest they pay on the mortgages, and three gentlemen told me at lunch today that in all of their three cases the annual value of their owner-occupied houses was considerably less than the mortgage interest which they paid to borrow the money to construct those houses, so it may well be that this is a matter which might have to be reconsidered.

I hope very much that the hon. Minister will have taken note of such points as I have made and if he finds that there is substance in what I have said, as I know he will, I would be very grateful to him if he would take the necessary action.

Mr. Komechallah: Mr. Speaker, Sir, before I go into what I am going to say, I would like first of all to congratulate the Member from the Government side who took the very courageous step of forming the Government which has enabled us to have debates in this House today. Before the Government was formed, in the streets and in the bars, there were a lot of debates about the release of Kenyatta and perhaps about the examination of the Lancaster House Constitution. I am sure that the debates in the streets and in the hotels were not fruitful, but the Members on the Government side have formed a Government which has enabled this side today to be fruitful.

Mr. Deputy Speaker, Sir, I would like to say that in the last two weeks we have had very deep and very hot debates which I think people who elected the majority of the hon. Members of this

House were not very much interested in. I hope something of interest to the people who elected the majority of our Members in this House were these: many of our people wanted to see that some new schools are built; and some new roads are opened and some old roads are repaired. Some of the points, also, are that they wish to see some health centres being established and they would like to see that there is some progress in Kenya, and I would like to mention a few points about which I think some hon. Ministers might be concerned in seeing that some few points are fulfilled.

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

[Mr. Speaker (Mr. Slade) took the Chair]

For example, in the Chief Secretary's Vote, I have seen some statements concerning famine relief, or a famine relief fund. We had proved that some people have suffered a great deal, and also they have lost some of their cattle, lost some of their stocks because of the dryness, and I would like to say that it would be a pity for Government not to try and see that such a fund is used by those tribes, and I would say that it is needed. In some other places, especially I want to say something about my personal tribe of whom I think the majority are very much affected, who have lost, some of their cattle, and now there is rain at present, there are no cattle to eat the grass to give the milk as food. I would say that it would be a great help for the Government to take a step to help those people, and I know that help has been given by the Government to those people since the beginning of the famine.

I would like also to mention a point from the side of the House: It is time now to enter the race. If you think of some other places, where education is very little. For example, I am not trying to talk about my own tribe the Masai, but I would like to talk about something which I know well, that is as I have mentioned it. That is in my part, Masai land. There are several schools and I would mention that at present there is no secondary school, not even a single one, so I would like to say that some of the people who elected the majority of our Members here would like to see that a school is built in the place where there is no school.

In Northern Frontier District as well, they might have had the idea of accession to join Somalia, but the Government has given them a headache or an idea of asking for accession. For example, I would mention that we are in need of hospitals, proper representation in this House and medical facilities.

[Mr. Matano]

Now, Mr. Speaker, Sir, as I said at the beginning I do not want to go on for a long time, this being my first speech, but at the same time I feel I could not complete my speech without thanking the Governor for his speech. I think the Governor's speech summarized everything; it summarized the position we have reached. In his speech there was hope. He did not overlook, of course, the fears that some of us have but at the same time there was a lot of hope and it gave us encouragement to look forward to a future country. This country, as he said, he had no fear whatsoever, it is going to be a country where everybody is going to be happy—people of all races—and definitely it is going to be under African domination. We as Africans being in the majority are going to rule this country but at the same time I am sure there is room for everybody. As there is room for everybody, it is time now for the Opposition to join hands with the Government and work together to make this country a happy country, not a country where people are frightened; a place we can all be proud of, so that when we go out of Kenya we can rightly boast that we are Kenya citizens, not Africans, Europeans or Asians.

With that, Mr. Speaker, I should like to withdraw.

Mr. Enslin: Mr. Speaker, I should first of all like to apologize for not having been here to have heard the whole of the speech of the hon. Member for Kwale, because it seems to me that in the words I heard him speak he possibly gave the solution of very many of the problems which face us here in Kenya today. I should also like to congratulate the hon. National Member, Mr. Porter, for his most carefully prepared and erudite speech. I listened very carefully to what he had to say and I shall read and study very carefully what he said when I come to get the Hansard. It seemed to me that in one illustration he gave there was contained an economic fact which should be examined very carefully by all hon. Members in this House. He spoke of the extra cost—how much it would come to—if only one shilling a day's worth of food were provided for every child and every human being in Kenya. I remember reading a short time ago that one shilling a day buys about 1,000 calories and that is just about the amount of extra calories required in this country by most of the people to raise their diet to a point where they will be free from the dangers that come from malnutrition. I am not suggesting for a moment that the people of this country are starving; that is not the point. But one shilling a day and an extra 1,000

calories would mean that they would all have a diet which would put up a very much greater defence against the onslaught of disease.

Now, I wonder whether hon. Members opposite can realize the significance of that illustration given by the hon. National Member? It meant, at a cost to himself, something like £120,000,000 extra per year, would be required and that, in turn, postulates an increase in national income of approximately 300 per cent. Now, it just does so happen that the wealth of a nation increases naturally, that is, without outside assistance at a maximum of about 3 per cent per annum. The figures are very similar to those of a natural increase in population. This means that without tremendous help from outside it would be half a century before we could make any real progress in this country to bring our country up to similar standards of other countries and to a standard to which we aspire.

Having said that, I think it will show the whole of my attitude towards politics in this country. We all know that under a Crown Colony system there is no possibility of generating anything exceptional in the way of an annual increase in wealth. It cannot be done, because by the very nature of a Crown Colony system—and I am not being critical of it at this stage—the maternal nature of it with Old Mother Treasury sitting there preventing us borrowing what we want to borrow, watching her child very carefully, so that we do not import more than we should, always bearing in mind that if the child cannot in the end pay its debts like the Mother, may have to—that spirit of caution itself completely inhibits that massive rise in the national income which, as has been explained by the hon. National Member, Mr. Porter, is so essential for this country. That is why I feel we must go forward as quickly as possible to independence. That is why I worry, worry tremendously, about this dreadful twilight period in which we are living. I have always loved, having lived all my adult life in this country, the tropical twilight which comes down quickly, just as the dawn breaks quickly and all at once you find yourself in daylight. Let us hope that that twilight period will collapse and day will dawn just as quickly as should happen in a white country like Kenya.

Mr. Speaker, I wonder what it is that prevents us going forward to independence? I think I can explain very, very quickly. It is fear, the spirit of fear. Here again, what is it that makes people frightened? People are frightened of the unknown and it is a tragic thing that after all these years when people of different racial origins have lived together in this country they should know each

[Mr. Enslin]

other so little that they are still afraid of each other. I think that probably explains the tremendous chasm that separates myself and a few others from the vast majority of the white people of Kenya. Perhaps I have been lucky in living in the capital city where I have at least had an opportunity of meeting people of other races and feeling out that I need not be frightened of them. Going to a system which has existed so long, too long, in Kenya, though now it is coming to an end, of geographical apartheid, so many of the white people of Kenya—and perhaps it was no fault of their own—were unable to get to know the people of other races. On the one hand they saw the indigenous people and classified them as a sort of amorphous mass called labour; and the Asian, he was the duka-wallah. It just so happens that by the natural upbringing and social system of the country from which they came a man was designated an aristocrat who owned land and there was a natural aristocracy of land. There was a tendency which has rather gone now, but it existed in England until very recently, that a man who owned land was better than a man who did not. So there you get a system growing up in one part—the settled areas of Kenya where the white people saw themselves as a race apart by reason of the fact that they stoned in that area could own land. Now, these things are gradually disappearing and I do hope the situation will appear in Kenya very quickly where all races will have opportunities of going together with each other and finding out that there is nothing to be afraid of, and there is no need for any man to fear any other man. I have always been a timid individual myself, and a lot of things frighten me very much; but I have never met any man who I was afraid of.

Now, we have come to the question of schools. Here is a wonderful opportunity where the rising generation can get together. I have been working on it, as some hon. Members may know, myself for quite a time, and we have found in our experiment that there has been nothing at all to prevent the happy integration of people or children of all races. We have had no unfortunate experiences of any kind whatsoever. Always we have found, provided the small children can get together at an early enough age, before they are indoctrinated by the breakfast-table conversation of their parents, there is absolutely nothing to be afraid of. However, I do not want to destroy the present system in order to build it up entirely anew. It is very important that we should keep the high standard of education which is now afforded to one section, the European section, of the population in Kenya. All that must

happen is that these schools—the three main groups of schools, European/Asian and the African—should be designated by the good old initials A, B and C or what have you and all racial barriers—all racial barriers—should be removed; so that the admission to the high standard schools would be open to all with the necessary academic standards and—I must say here because it is only practical to say this—to those who have the ability to pay for the ability to obtain the necessary assistance by means of a bursary. However, we must in education try to do away altogether with our extraordinary, unnatural preoccupation with colour which means very, very little in the long run in the world today with the tremendous advance in communications and so forth. I remember—and perhaps some hon. Members opposite or perhaps some of my own age group on this side will remember—the words of a lyric of about 20 years ago:—

"The object of my affection

Can alter my complexion

From white to rosy red."

I am sure hon. Members will appreciate that there are things today which can alter our attitude towards colour just as quickly as that.

Mr. Speaker referring to the hon. Minister's Budget speech, to which I listened with rapture, may I say, I was almost wishing, however, that I had been here to hear it. I think it was his first Budget speech a year ago. On that occasion he took up about half a page on HUMANISED talking about one particular subject which is very close to my heart and that was tomatoes. Perhaps, Mr. Speaker, at this stage I ought to quickly declare an interest. I suppose it ought to be a kind of umbrella interest. Whenever I am talking about anything to do with food, I am sure hon. Members will appreciate that I must have some kind of interest. Now, I wonder exactly what is Government's policy in regard to the encouragement of local industries? Quite obviously, it is something that we would all like to see. It is one of those steps which must be taken before we can begin to rise to the heights of national income envisaged by the hon. National Member, Mr. Porter. But how is it to be done? Is it to be done by Government action without thought, or is it to be done, in the words of the Control of Imports and Exports Order 1955, "after consultation with such persons as appear to him", that is the Minister, "to represent commercial and industrial interests in the Colony"? I get the impression that unilateral action has been taken by the Minister for Commerce and Industry, no doubt, in consultation

Mr. Mbatiani: Mr. Speaker, Sir, this is my first speech and I am going to make it short. While I would be very much interested to hear what has been said concerning the Government, there have been lots of allegations which have been brought against us, but I would like the Opposition Members to pause and think. We have now reached a stage of development which is very, very important in our life history here. We are here and now forming a nation and this is no time of just talking, it is time for doing something and I think Members on this side have thought about it and have felt it was time for them to do something. And here we are; we are doing something. We have formed a Government and we are going to serve this country.

In this time of our planning I think it is very, very important that we do not fall into the same mistakes that we did in the past. There are one or two things I would like to bring forward for the hon. Minister in charge of this affair to go into it carefully and not go into the same mistakes again. In the past there were areas that were termed "low-potential areas". Others were termed "high-potential areas". Now what happened was that the high-potential areas received priority, more money was poured into these areas. Development took place in these areas—and the low-potential areas were underdeveloped. I do not say they were not—they were developed, but perhaps, not to the same extent as the high-potential areas. This is, I think, a big mistake. I hope this Government this year and in the years to come will not go the same way and will not make the same mistake, but will try to correct it.

Even now, if we go round in Kenya, you find in high potential areas the schools are many, areas are developed, roads are good; I happen to come from these areas which are termed as the low-potential areas. I do not say that nothing has been done, things have been done, but not to the same extent. Schools are not as well developed as schools in these high potential areas. Our roads, for instance, most of them are shocking. Their health services are really not up to the standard that is required in this century. Perhaps the areas around Nairobi receive more attention than areas far away from the city, I think it is a mistake which I hope our Government will not tolerate. We have roads, for instance, around the coast, roads that join Mombasa and Tanga, and I think that this is a very important road and it serves the country, it keeps us going and that road, if you go on that road, you would be surprised to know that it was the road that joins two territories—Kenya and Tanganyika. I think something should be done about it. I am sure the Minister will not overlook it and will try to do something about

it, and develop it and try to make it a road that is worth while, something we can be proud of.

Then there are also other human problems. Sometimes when we talk about the resettlement of Africans our thoughts tend to be cast around Central Province mainly. There has been a lot of talk about people having no land in the Central Province, that people have nowhere to settle, that they have no *shambas*. At the same time, we forget that there are some areas where people are suffering from the same trouble. I have come across a problem down at the coast where people are landless. Now, this may sound funny, because every time people go down to the coast they go along a track of land where they see nobody but wild animals and when anybody comes from the coast and begins to talk about no land people think "well, this man is either mad or he is exaggerating something which is not important". But this is a real problem; there we have an area of land known as the East African Estates, most of it undeveloped. Nothing has been done to it. Now, around this land there are some Africans—the Digos mainly—and these people live in this land as squatters. I know of a case where people are living in a very, very small area of about 150 acres. There are about 1,000 families there. They have multiplied and now that area is too small for them and they are beginning to go out. Around this small spot there is a big estate covering almost 3,000 acres owned by one man. This man has not developed this area, and these people do not understand why they cannot go to the other side and make their *shambas*. When they go, they are regarded as squatters and they are put in prison. It is a human problem; it is a human problem that needs to be solved. I think it is time that we begin to think of buying these areas out and letting the Africans settle there and make their homes without any disturbance. If this man developed this land I would have no objection. It does not matter whether this man is an Asian, a European or what—it does not really matter very much—but I think if the land is there it should be developed. It is no good sitting on 3,000 acres of land and doing nothing about except having the joy of knowing that you own 3,000 acres. That does not help us. It does not help us and it does not help the economy of this country. We are moving forward towards a nation. We are moving forward towards a position where all resources of this country—land, people, everything—should be put to use. And the few people who are trying to be selfish and trying to sit on land that is needed

[Mr. Mbatiani] ... do. For instance, the development of drama in African schools; African children need to be able to dramatize some plays. Not everybody could do this. He is also doing something else which is very, very important and it is not something you could get any officer to do and that is the development of African music, bringing it in line with our present standards of living. This is something which not just anybody could do. It is just one person—a rare man—and this type of thing. I am afraid would be a big loss if we were to lose it with the closing down of Jeanes School. Something should be done whereby our African music may be retained. We do not want to develop in this country a nation which has not got its own feeling, which has not got its own personality. We want to bring out in Kenya here a nation that will have its own personality. We can best do it not by forgetting the old things but by trying to bring them forth, mixing them with the present and getting the best which is the real Kenya. How are we—are we forming a nation, a Kenya nation, not an African nation, not a European nation, not an Asian nation. Our aim is to form a nation which is going to be truly Kenyan. Mr. Speaker, Sir, this is a point on which I feel very, very strongly because I think in the closing down of Jeanes School we are losing something we cannot get easily. This is not just anything. There were certain things at Jeanes School that used to be done and, I am afraid, if we lose sight of them we shall be moving backwards instead of forwards.

Then I would like to ask the hon. Minister to consider "the low potential areas, as I call them, areas that have not developed very much, areas that have been neglected for some time." In these areas, the main problem, if we consider them, is, in fact, the major problem, is water. This is a time when I think we should form a big water scheme whereby people would be able to have enough water. With an adequate water supply, then we could encourage the settlement of people and we could also help with the animals that are there. The area that I come from is a semi-pastoral area and therefore one feeds a lot of animals. These animals need water and water is inadequate in those areas. Now, when I talk about my area, I am not really talking of that area only; I am talking of all the areas that have been termed "low potential areas, and this may include the Masai land. Some of my friends on the opposite Benches have been talking about Ukambani and Kitui and Machakos. I think we have one problem in all these areas and this is the problem of water. I am sure the hon. Minister will go into this question of water and have a real go at it, and make something out of it, so that in this planning period we have something to show that we are determined to make use of everything that we have.

At the same time, I should not like us to forget this very, very important aspect of our development, that is, education. Well, many, many people have talked about education. I would not like to add very much to it because I have noticed that in this House most of us are teachers and therefore we tend to repeat ourselves. We talk of one subject only, and that is education. Well, I will resist the temptation of talking too much about it but there is one aspect of it which is very important. It cannot be passed over without comment. This is the part played by Jeanes School, Kabete. It is really a great pity that this time when we are planning, it is also the time when this school is closing down. Although it is going to close down, I hope the Minister on this side will make a point of seeing that some of the good things in Jeanes School will be preserved and that we shall not lose them.

One of them is that at Jeanes School there was an officer who was responsible for drama and music. I do not want to talk about one person, but there is something; that this man has contributed which is not easy for anybody else to

do. For instance, the development of drama in African schools; African children need to be able to dramatize some plays. Not everybody could do this. He is also doing something else which is very, very important and it is not something you could get any officer to do and that is the development of African music, bringing it in line with our present standards of living. This is something which not just anybody could do. It is just one person—a rare man—and this type of thing. I am afraid would be a big loss if we were to lose it with the closing down of Jeanes School. Something should be done whereby our African music may be retained. We do not want to develop in this country a nation which has not got its own feeling, which has not got its own personality. We want to bring out in Kenya here a nation that will have its own personality. We can best do it not by forgetting the old things but by trying to bring them forth, mixing them with the present and getting the best which is the real Kenya. How are we—are we forming a nation, a Kenya nation, not an African nation, not a European nation, not an Asian nation. Our aim is to form a nation which is going to be truly Kenyan. Mr. Speaker, Sir, this is a point on which I feel very, very strongly because I think in the closing down of Jeanes School we are losing something we cannot get easily. This is not just anything. There were certain things at Jeanes School that used to be done and, I am afraid, if we lose sight of them we shall be moving backwards instead of forwards.

There was the *mandingo* of our women. Many of us do not come from homes where our mothers were educated and we know what it means to come from a home where your parents are not educated. You know it. We are trying to avoid it and we do not want our future generations to suffer from the same handicap as we did. Jeanes School tried to fill a gap which was really quite evident. When these mothers and fathers came to Jeanes School they got something. They knew what it was; they knew how important it was to wash a child after a day's work. These mothers knew how to spend their spare time. These things are important. We do not want to lose sight of them.

I do not know how this is going to be done. Perhaps I am trying to ask too much of the Minister. However, if we are going to close Jeanes School, something else should take its place. I think it is not yet too late for the hon. Minister to try and think of something that would take the place of the activities that have been going on there.

[Mr. Patel]

same social position and live in the same structure in which we, for instance, live. Mr. Speaker, Sir, I am not personally very well convinced that the dependents' allowances, which happened to be almost so trivial, about £60 per head, are likely really to have been going so high as to contribute very substantially to the income expected to be derived from this source. Nor could I make myself so easily convinced that the disallowance of old-age allowances were likely to go so far as also to contribute very substantially to the finding of money needed for the expenditure of the country.

There has been a suggestion made, as I could see, by the Minister for Finance, as to the intended increase very much in the marriage allowances, so as to justify the dependents' allowances or the old-age allowances were not really as essential or as important. But, I submit, Sir, two equally large sections of this community: I mean one, the unmarried man or single man and the other the widower, are not necessarily considered as sympathetically or as completely, as he should be along with the married man. The incidence or the result of the abolition of these two parts of allowances would certainly fall, in my humble, respectful understanding, very harshly upon the shoulders of some of these single people or widowers of the community.

I hope, perhaps, the hon. Minister might in his reply be able to find some sort of adjustment, and in the course of his reply might find it possible to give a second thought to the subject and might see his way either altogether to delete the idea of this abolition, or find some way of reducing it rather than abolishing this allowance. The old people, Mr. Speaker, and these dependents again, as the aged people, who are, surely claim to be entitled to be maintained or otherwise to be supported by their young or by the other members of the community, because of the traditional duty and the solid foundation or basis on which this society has been founded and has been handed down to present days. I do submit, Mr. Speaker, Sir, that this disregard of the old-age, or the disallowance of the allowances so far permitted for the dependents ought to be very sympathetically reconsidered and reviewed.

On that, Mr. Speaker, I would like to take my seat, but before doing so I again repeat these words of compliment to the very level-headed, sensible and balanced way in which the hon. Minister has been able to produce the Budget to meet his expenditure.

Mr. NJIRI: Mr. Speaker, Sir, I think we have heard from so many people about the position

we are supposed to be in. I understand that the Governor and the Minister for Finance did give a speech to us which we have to think about, and at this time someone has been talking about the co-operation of our country today. Mr. Speaker, Sir, I am not going to repeat the things in brief that without our national leader Jomo Kenyatta: no co-operation. Without helping the people who are really starving, I would like to say something to the Government and that is there will be no co-operation when the people are nowhere on their own soil. If we have huge numbers of unemployment, there will be no co-operation. Mr. Speaker, Sir, I think in this debate today we will find out how we will be able to exist in 1961-62. I should like to say that this Budget is a rather confused Budget. I would like to find out exactly the work of the Road Authority.

I see here on the Front Bench all the Ministers have left. I do not think, Mr. Speaker, we have a Government when the Ministers are running away from the Front. One thing I would like to say is this, Mr. Speaker, on the Government Estimates there is some analytical statements which has been put there about the question of Road Authority. Exactly what is this thing called Road Authority? The hon. Member on the other side may be in a position to tell us something because the Minister is scared and has gone. One thing is Road Authority, is wrong in principle, and it is separated from a ministerial department; in other words, I do not think any Minister is really in a position to take care of the Road Authority.

In addition, to this, Mr. Speaker, I think that Government is borrowing the money, and I think, I know, according to Government Estimates book, it is supposed to pay it back later. Who are these people in the Road Authority? They have the authority? What do they do? How could the Government go up and borrow the money without really knowing exactly how much money will be returned. I also say that increase of taxation about two cents a gallon. I think it is about £2 million on taxation. The Government is increasing taxation to the poor people and now giving the money to this so-called Road Authority. What is it supposed to do? Mr. Speaker, Sir, here we are in a position to discuss. We have been called here to be prepared and to know the money the country will be able to spend. We have been called here to swallow the figures which have been written here without enough knowledge of how the people, the lowly people are starving. Taxations are increased. As one of

[Mr. Njiri]

my hon. friends mentioned, the taxation on sugar has been increased. Sugar is something which has been used-by the people in districts all over the country.

Is the present Government planning now to destroy the ordinary people?

An hon. Member: No!

Mr. Njiri: I think I can hear one of my friends saying, "No", but I would like Mr. Speaker, to have an exact knowledge of the people who are now being touched and squeezed, the people who are earning less or about £75 a year. They were on *ukambas*, and we are told now, "We are forming the Government", and the present Government is telling us, "Let us co-operate". It is very interesting. Mr. Speaker, for us to be told to co-operate. How can a hungry person be told to co-operate? How, when the people are missing the only national leader they recognize, be told to co-operate? How can we stay for a long time being told that the Government is doing something, when the Government is ignoring, really, the people entitled to exist, even if we do not have a Government.

Mr. Speaker, Sir, this question of the Budget is breaking everything, I think that the Government side is thinking very much of how they will be able to help, but the question is how the Government is planning to help education. We mention education because it is the key to everything. So many students now have been ignored. I went through the Budget and I saw that there were two many types of schools here. I see Asian schools, African schools, European schools and Arab schools. Are we really planning to develop the country on a segregation level? I thought that the Government and the Africans had accepted one thing, Kenya education, yet now I see the plans for education, African Education, European Education. I think, Mr. Speaker, that the Government should know that we are tired of the segregation of the children who have been born here and would like to develop as the citizens of this country.

I would like to mention briefly the question of the district commissioners we have in the districts. I believe that the district commissioners are the Government's eyes. The Government said that he would like to have law and order. I think that the Government should think bigger and start training their eyes, which are the district commissioners, because in the districts today the people are scared and worried as the people who are there are not treating them as human beings. They are forced to do everything. Freedom of

expression has been ignored. Mr. Speaker, I can prove this, and I will ask the Minister for Local Government—of course he has gone—to come to me and see how the people are ignored when they want to speak to the district commissioners. They are told that we are going to pay taxes. Here we are told that we are going to pay taxes. We are told that we must help everyone so that the Government will be able to work. Mr. Speaker, Sir, I think now we are at the stage where we must say exactly what is supposed to be for the country, and unfortunately enough the colonial régime is still developing with us; our hon. Members have decided to side with the colonial régime.

Mr. Speaker, Sir, when we mention the Budget it is rather confusing. The Government is borrowing some money with political strings attached to it. Are we therefore supposed to have the guarantee of the money which has been borrowed under the colonial régime. Mr. Speaker, Sir, we are now planning to grow, and to move away from the present Government. Everyone is talking about our getting *uhuru*. We hear the people talking about the fact that we will have *uhuru* in due course and that we will have *uhuru* as soon as possible. One thing, Mr. Speaker, is the fact that the Government does not realize exactly the meaning of "in due course" or "as soon as possible". To me, Mr. Speaker, when any member said to me "in due course" I think it may be tomorrow, ten years, 100 years. It is the question of educating the Members on the other side to understand the meaning of the words "in due course" and "as soon as possible". I think we should ask the people to establish an institution for adults.

Mr. Speaker, Sir, I think that every person would like to say a few words and I would like to make it clear that without feeding the people on the streets, without thinking of the people who are landless, the Budget we are told to accept, and the speech we have been told to read and digest is useless. I wonder how the country will progress.

Mr. Porter: Mr. Speaker, Sir, although there are only a few minutes left before the time for interruption, Mr. Speaker, I do rise with great pleasure on this occasion, not only because it is an opportunity for us to review our plans for the future, both short term and long, but because it is to me a special occasion. It is the first occasion on which I have been able to address my constituents directly. I suppose at election time it is very rare for a candidate to meet all his constituents at one time, and that I never expected to do; nor of course did I expect to meet them all after the election here. One is bound to say

[Mr. Shah]

on the colour of his skin, you had, only three days ago, a very sad incident of the Patwa baby. That all arises out of this wrong foundation. Perhaps when the hospital concerned asked the parents of the baby to take away the baby from the hospital according to present rules and regulations they may be right, but what I am pointing out is when the rules and regulations, the laws of the country are wrong, they need to be changed and changed immediately; because we are on the eve of independence.

Mr. Speaker, Sir, now I would turn to taxation. In any country you can create wealth and, as far as Kenya is concerned, let me tell you there is a lot of potential wealth in this country. What it needs is exploitation of that wealth but only exploitation and creation of wealth will not do. Because if it is concentrated in the hands of few people then you will increase your problems and troubles, but what is needed is fair distribution of that wealth so the best means—or one of the best means for fair distribution of wealth is by taxation policy. The taxation policy as at present laid down by the hon. Minister for Finance is quite a wrong policy. According to that policy you are making rich richer and poor poorer. The tax should be based on one's ability to pay and the great injustice being made in this respect is the personal tax. There should not be any personal tax. It is, in my opinion, a primitive tax—

Hon. Members: Hear, hear.

Mr. Shah: And the sooner this tax is completely abolished the better. One can ask this: "What is the alternative to collect, say, about £2,000,000 which would be lost by the removal of personal tax?" I am quite prepared to suggest some alternative as well. My alternative would be first reintroduction of death duty. When the death duty was abolished by the then Finance Minister he told us this would bring us capital from outside. Has it brought any? I doubt it very much. In my opinion the people with wealth, capital, should be taxed. There is nothing wrong in that. He has collected that wealth not by his own efforts alone. When anybody earns anything they are indirectly incorporating efforts from others as well. For instance, there is an argument advanced in this country that a certain community pays that much tax, the other community pays only this much and things like that. It would say that the community only pays the tax or writes down a cheque for the tax and does not necessarily earn all that money just because of their own efforts. A person earns because of co-operation from other people of the country. If, for the sake of argument, if the labourers were not to cooperate with the farmer; how can the farmer

earn that much? If the country was, for instance, not co-operating in a vote, they would sell too much, how would a trader earn—for instance, men like me?

The Acting Chief Secretary (Mr. Griffith-Jones): And how would the consumers consume?

Mr. Shah: They can reduce their expenditure. Because of these reasons, what I was going to suggest was that you can have alternative taxes such as an increase in company tax; also you could tax more of the luxuries, including motor cars, in my opinion; and the tax on kerosene and sugar should not have been there. However, I would not like to take up much time on that because the hon. Member for Fort Hall has already dealt with that, and I fully agree with him. I would say that this tax should be abolished completely. Those who can afford it should be made to pay according to their ability, thus ensuring an equitable distribution of wealth. Another argument against increased taxes is that if you increase direct taxes too much you will drive the investors away from this country. This argument is based on false impressions. The people who come to this country do so to earn money; they do not look to the taxes as much as to the opportunities to earn money. People will not go to places where there is no opportunity to earn money, even if there are no taxes there. If there is a good opportunity in Kenya to earn money they will not mind paying Sh. 10 in the £ in company tax, because they will see that even if on a profit of £10,000 £5,000 is taken away by the Treasury, still £5,000 are left with him. Therefore, when you advance this argument that by increasing direct taxation you drive away the investors, it is a political argument and not an economic argument.

As far as duties on this gutting and riding, metal sheets and plates are concerned, my hon. friend from North Nyanza has dealt with it already so I will not repeat it but I would only say that the duty increase is about five times and the hon. Minister for Finance should reconsider it because this thing gauges galvanized iron sheets are mostly used by Africans and they would naturally like according to the changing times, to make their houses of a better type and they should be encouraged and not discouraged.

The Minister has told us during his Budget speech that he would like to discourage the importation of these sheets which are of very low quality. I do agree that this sort of thing should be discouraged at the proper time. If you are in a position where you can afford to buy only, say, ordinary bread and you cannot buy cake, and if someone insists that you must buy cake because it is better and prevents you buying a loaf of bread by increasing its value, then he is doing an

[Mr. Shah]

injustice. In my opinion, therefore, this type of sheet should still be allowed to enter for a few years to come and should be encouraged; and there should be no big burden on this importation of this item by imposition of a heavy duty.

The Speaker (Mr. Slade): Mr. Shah, you have had your allotted thirty minutes. Are you one of those speakers who have been allowed an unlimited time?

Mr. Shah: No, Sir, I have thirty minutes. Thank you.

Mr. Gichuru: Mr. Speaker, Sir, the present situation in this country is very, very uncertain. People are not sure exactly where we are going. The way has not been chartered well enough. We have not been told what to expect next. All we are asked here is that we should co-operate. We wonder as to what we are co-operating in. This lack of confidence in this country is costing us a lot of money. It is producing unemployment, and yet the Government has told us nothing as to how it is going to tackle these problems. We know very there is no confidence in this country. We know why things are going wrong. It is because the wish of the majority of the people in this land is being ignored. I am not referring back to what has already been debated, but it is my considered opinion that stability will only come until Jomo Kenyatta is released. Our next step is independence. We are very, very anxious to know when we are going to get our independence. We are pledged—we as a party—to work and work very hard for independence this year. It is unfortunate that when we were all talking the same language a few weeks ago my colleagues, the KADU members, are now helping to hinder the attainment of this objective, independence this year. Give us the date, give us this formula you talk about! If you are really interested in our getting independence this year, let us know the date! When are we going to get it? They are therefore helping—you are a party to the hindrance of our getting our independence this year.

The Speaker (Mr. Slade): Mr. Gichuru, remember to address the Chair!

Mr. Gichuru: I am sorry, Mr. Speaker. When we hear Mr. Speaker, such provocative statements as have been alleged to have been made by the Secretary of State for the Colonies, that our independence is as far away as we can possibly see, and that we have got to go through certain stages which should take very many years, we are extremely provoked.

I have been interested, Mr. Speaker, Sir, by the attitude which has been taken by the settlers in demanding recognition, or rather, in demanding their right to be given guarantees for the land titles. What has interested me in this instance is the way they have gone about it, the threats that they have made. The reason why I am interested in this is this; they being Europeans and talking to Europeans in Britain, Her Majesty's Government, they know the language; that the British people will understand, and that is the language they are using today. I am interested because we may be forced to go on this side—to use the same language while demanding our independence and the release of Jomo Kenyatta. They have not been condemned by the Government for making these threats, so I am very glad to know the method that I am going to recommend to my party to use in an endeavour to obtain our independence this year. I am quite sure that if we are to solve these two problems, if we were to be given a hint as to when we were to expect our independence, and if we were given a hint as to when Jomo Kenyatta may be released, these two would help to ease the tensions that exist here today. I understand that the Government is in difficulties in getting the land about which they blew their trumpets the other day when they went to see Jomo Kenyatta's family. I understand that they have not been able to solve that problem. So it is doubtful as to whether we are going to get our stability as soon as possible. And the words they used, "as soon as possible" in the release of Kenyatta, on which we feel definitely the stability and the well-being of this country so much depends; are not likely to come about as soon as we would have liked.

The problems as they are today are creating more and more unemployment. This unemployment is creating problems of security. Here I might pay tribute to the statement that was made by the hon. Minister for Internal Affairs. I think this is one of the first opportunities I have ever had of saying something good about him, but honestly, I mean it. It is unemployment, more than anything else; it is the economic condition of this land; more than anything else, that is producing all the stealing by force and all these other crimes that are being committed every now and then. We must remove these causes of insecurity. And unless we fulfil the first two points that I mentioned earlier, I do not see how we could be expected to co-operate with the Government, a Government in which so far, over these last eight or nine days, it looks as if we can have no confidence; a Government that votes against the Africans getting a little more money, salary,

[The Parliamentary Secretary to the Chief Secretary] coming into it on this Motion, "That Mr. Speaker do now leave the Chair". That is the Motion that has been tabled, and on which the Minister for Finance introduced the Budget. Mr. Speaker, I think this House has a debt of gratitude to pay to two people. I think as the atmosphere in this House looks more normal when it started. It is my wish that in our speeches we should express our thanks to His Excellency for his speech to us from the Throne on the opening of this Legislative Council. Anyone who gives you water, even if it is thrown from a pool, you say thank you to him because, without that water your thirst might not be quenched, I am not questioning, I am not saying whether the speech was good or bad, but I think this House should say to His Excellency for the speech he gave to us and the speech that we are going to discuss in the course of our debate, analysing point by point to see where we could perhaps improve or question or suggest alternatives.

We also owe, Mr. Speaker, a debt of gratitude to the Minister for Finance for the speech he gave us in introducing this year's Budget. The individual items in the speech we shall discuss, but I think this House must express a wish for thanks to go to the Minister for Finance for the simple way in which he presented the speech, the Budget, and for putting it in such a way that ordinary people like me understood exactly the points that the Member for Fort Hall has been touching on, the increase on various things.

Mr. Speaker, I would like to dwell on the word "co-operation" in my introductory remarks. Kenya, as has already been said, is a land of conflict. But which country has not got any conflict? Is there any country in the world that has no conflict? Are we the only country that has conflict? I think that ours is a much easier conflict than the others which I have been reading about in the Press recently. We need to co-operate—both sides of this House—to see where things have gone wrong, and to fight them. It is no good for us pointing our fingers at either the Government side or at the Governor or at the Colonial Office, without calling ourselves to attention. What have we done that would make the others change their views? What have we in this country, as politicians, and as leaders in this House, or outside, done to correct what we accuse others of doing. We say that so-and-so has done wrong. We do not say what we have done, either, to correct that wrong. Mr. Speaker, co-operation is a very difficult process in any country. Go to a home where there is a father,

a mother, and children. If there is no co-operation then there is conflict in that home. Co-operation starts really from the very bottom of human relations; and if there can be conflict and co-operation in a home, where father, mother and children belong to the same—I was going to say factory—origin, then you must expect, and that that sort of thing in a country that has got not only racial groups of different backgrounds but different tribal customs and different levels of civilization. It is with the constructive approach that co-operation becomes possible, and that constructive approach does not result from blaming others, or putting the blame on somebody else.

[Mr. Speaker (Mr. Slide) left the Chair]

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

Confidence has been mentioned, and I feel that in order to have confidence in somebody else you yourself must have confidence in yourself; otherwise there will be no foundation on which confidence could be based. From without, Africans in this country must have the confidence in their own country and feel that this is their country. We have tended to tell the world that we are not confident of this country because of the presence of some foreigners. We have tended to say that because of the presence of the Europeans and Asians in this country we, as Africans, have no confidence in our own country. I think that is wrong. If this is our country, if we are the indigenous community in this country, then why should we not have confidence in our own country? Why should we worry as though we have passports to renew. Why should we worry about foreigners or people who are visiting this country. If this is our country and we belong to it, I think confidence must be built within ourselves and it can be extended to other people.

Confidence, Mr. Deputy Speaker, is a very delicate word. What comes out of one's mouth can very easily wreck confidence in the other person. What we speak about or what we say in the Press or in this House has a very effective telling on the ears of those people who may not understand our motives. I think that before we can ask other people to have confidence in this country we must have that confidence ourselves; and I see that it is already there. It is already there and we only need to tell the people that we have it, and then we will see it spreading all over the country.

The question of unemployment not only affects the Africans but everybody who has made this

[The Parliamentary Secretary to the Chief Secretary] country their home. But Africans are affected more because they are traditionally and unfortunately so the ones who have been at the bottom of any scale or any arrangement, whether in employment or in offices. Concerning unemployment, Sir, our words may affect somebody else who may be in a position to employ ten people; it may very easily feel like reducing that number to five; and that will affect our people, the people that we are trying to help. I think from now on, when we feel like saying something harsh, either aimed at correcting a foreigner or somebody who is not indigenous to this country, we must think twice; we must think of what effect the statement we make will have on the question of unemployment; whether it will make somebody withhold employment from people just in order to wait and see what is being said by us as leaders or politicians. We must be concerned about our poverty, about our people, and the effect it will have on them as a result of what we say in public.

Law and order, and security, are other matters that I think attention has to be drawn to. Mr. Deputy Speaker, a thief, or a professional criminal, has no choice of whom to hack; if a thief or a criminal comes to your house he is no longer a human being; he has come to destroy; and he will destroy the occupant whether he be white, brown, or African. Criminals therefore must not be encouraged in any way, by any statements, or any encouragement that might come from the way we speak. If we feel that there is going to be instability, and we are leaders, then we must watch how we put it, so that it does not give the impression that we are encouraging that criminal to take his finger or his revolver to go and attack. I say that they have no choice. If you have money then they will attack you, whether you are African or not. Therefore we have got to encourage people to refrain from, or give up completely, their criminal careers, their criminal intentions, by avoiding encouragements in the way we speak. I have in mind, Mr. Deputy Speaker, such threats or ideas that there will be chaos, or that there will be no peace, or that sort of thing. If it is said by any of our leaders then they must realize how much the ignorant criminals welcome and will take that sort of lead.

I was very impressed, Mr. Deputy Speaker, with His Excellency's mention of the problem of the landless. There are landless people in this country, particularly in the African community; landless because of no fault of their own; and as the situation is at the moment the Africans who have not got a piece of land anywhere feel poorer than a

European who has no account in any bank. They suffer more humiliation and degradation by feeling that they have not got a piece of land in their own land of birth, and the schemes that have been advocated, of trying to meet that problem of the landless, have my full support; and even if it is not satisfactory to some of us, Sir, it is something that landless Africans will have. I would emphasize this point very, very strongly. This is one way of instilling confidence in our Africans, particularly those who feel that they have nowhere to claim as their own.

Mr. Deputy Speaker, touching on some of the things that were mentioned in His Excellency's speech, I come to this question of localization or, as many of us prefer, Africanization of the Civil Service. There is always a beginning, whether it be driving or swimming; some beginning has to be made. Africans have been given a place in the Civil Service which has not always offered them the opportunity of showing their capability; and I think this question must be considered very seriously and urgently. If we have to get a Civil Service with more Africans participating, and with the confidence of the country, I am very, very anxious to see this particular one speeded up; and the efforts that the Government has tried to introduce, although it is very early to say, are very encouraging. We need to do more and open the door wider.

On the question of the Constitution, I think the country wants to know what is being done about enlarging or improving on the present Constitution. This again is our *shauri*; this is our business in this House. If we in this House can start to feel that both the Opposition and the Government are co-operating in making progress in this country then the question of making another step in the Constitution of this country will be dealt with without making any reference to either the Colonial Office or going to London again for a Lancaster House Conference. We can do it here. But this must start with the two sides; and I must emphasize this. Both sides must co-operate; you know that you can co-operate with the Government without agreeing with the Government. You can do that. You can co-operate with them to prove them wrong. You can co-operate with them to help them correct their mistakes without agreeing with them. That is, I think, why there is an Opposition. I would feel very sorry if our Opposition became a rubber stamp. I would feel very sorry.

An hon. Member: And so would we!

[Dr. Kioko]

discuss these things around the table. This was one of the very reasons why we have got into such a hot situation, when His Excellency the Governor soon after the elections, without even consulting the people, and wanting to do this thing by negotiation and so on, he just went to the radio and announced: "I am not releasing Jomo Kenyatta," and so on. These things, these attempts to provoke the people are not healthy at all. For people to hear, having been hoping that negotiations would be done, that some sort of constitutional discussions would take place very soon in order to modify this one, in the hope that independence shall be achieved very soon, when people are thinking along those positive lines, somebody else comes along, and says, even if it takes place it will not be in two years or so. Let us not create unnecessary tension in this country. We already have too many. If people want to make statements about Kenya and they are not Kenyan leaders, let them discuss these matters with us and leave the Press alone in London or when they are passing by. It is getting to the point where it is a battle-of-Press released. Instead of a battle to build a country, because when people have one expectation, they must get another.

Now, Sir, let me come to another item which has to do with this Budget as well as the policies of the country. I have been concerned with so-called security measures, because, Sir, I know that the Minister is going to expect some money to be approved by us for the Ministry of Defence as well as for the administration; and I would like to put on record that my party, and I am sure every other person in this House, not only wants to denounce violence or subversion, not only do we want to denounce it publicly, we strongly do not want to see it at all, and whatever we can do to help to stop subversion in this country we shall do. But at the same time, if that is the case, and this is meant by us all—after all, it is not very long when we shall be the Government anyway, even the Africans will be ruling this country—we do not want to rule a broken-up Kenya. We want to rule a progressive Kenya, and with that in mind we will not tolerate any form of subversion. But that being the case, Mr. Speaker, let us not keep on assuming that we are negligent about the matter. Neither should we act in such a way as to allow our people to be victimized because they are suspect. If a country like this, where people are put in the victimized break, have to be put—I will not express myself because I consider it collective punishment, and I have never believed in collective punishment—but if it has to be done, it must be removed as

soon as possible, as soon as it is convenient, because it is one way we antagonize the ordinary people. It is when we antagonize the ordinary people that our influences get reduced, and there have been attempts, there have been actions which perhaps can be explained, actions which to the ordinary people have made them think they are being unnecessarily victimized. These complaints have been made in places like Fort Hall, they have been made in places like Central Nyanza, they have been made in places like Nakuru, and we must consider what is wrong with the attitude of the administration to make them suspect by the ordinary people, as deliberately wanting to victimize them, even if it is not so. We must look into that, so that we re-orientate the administrative officers so that they do not appear to be the symbols or agents of oppression as they are now taken to be in a number of districts, particularly in some of the Central Province districts and some of the Rift Valley districts. The administrative officer is closely in touch with the ordinary people that what he symbolizes to the ordinary people is what they think the Government is made of, and there must be a reason for the re-orientation of the administrative officer. I know, for example in my own district—if I may make this confession—in my own district the administration is being accused of provoking the people, of victimizing them, of being *kali*, as we say at a time when we go around and say, "Let us have peaceful relations between ourselves". They say, "How can we have peaceful relations under these circumstances?" so I am striving for the re-orientation of the attitude of the administrative officer, to remind that what they symbolize is what the people believe the central government stands for, and what they believe Legislative Council stands for; if they are going to be mirrors of Government, then they must be people who can win the confidence of the people and can win it absolutely, or go as far as they can to win the confidence of the people, and the respect of the people; and you will never get the respect of any person unless you in turn respect them. It is difficult for us to teach our people to respect Government if they do not have the feeling that Government also respects them.

Now, Mr. Speaker, having spoken rather long, and knowing that many other people also want to say a few words—I will not say like people often say, "With these few words..." after they have spoken for two hours, I will not say that, I do recognize I have spoken for rather long, but it is going to be somewhat worrying to the Minister for Finance if I let him know that because of some of these things I have mentioned, such as this taxation of the people, the attitude of some

[Dr. Kioko]

administrative officers, the fact that a high official says that independence is very far away, when at the same time we have a Government, and just very recently we moved a Motion of no confidence in it; really, it would be sheer pretence to say with these words that we support this because we do not. We do not support this Motion, Mr. Speaker. We feel it is a Budget that is going to make the people pay a little more. The Minister himself has made it clear that the cost of living is going up by 1 per cent as a result of all the expense. It is a Budget that is making the people pay more for less service. We have services being reduced, we have the cost of living being pushed up, and therefore it is a Budget that is our people to pay more for less service, and we cannot be a party to supporting such a Budget. That is one of the main reasons; the other reason is that it has penalized the very poor people in those items which they cannot do at all, such as kerosene and sugar; particularly, it has had a very bad impact on our people. Finally, although it has attempted to support the local industries, there is one local industry that I think could easily be ruined by this Budget, and I refer to the matchbox industry in Mombasa. They were able to produce matches. The industry was established last year. I had the good fortune of visiting the industry at its formation, and they are able to produce matches that have been costing 10 cents a box. That was helping them to begin capturing the market now dominated very much by the imported matches. When they calculate now what the cost is going to be, listening to the speech by the Minister for Finance, they feel that they must raise their prices from 10 to 15 cents, in which case they will be more or less in the same position as imported matches. Because the imported matches have been monopolizing the market, this is going to make it very, very difficult for this industry to survive. If extra money has to be got, that money should have been—on the basis of perhaps a increased taxation one way or the other—on the imported matches, so we can give our local industry a chance to grow instead of putting it in this violently competitive market, where there are newcomers in it, and when they do not have the capital that their foreign competitors bring in. I think we must show a little more—not a little more—I think we must show a great deal more interest in the development of local industry, and give them as much protection as we can, and I do refer to the Minister that I cannot be a party to a Budget which can easily ruin an industry which I had the good fortune

to open just last year, by miscalculations of how to get this money.

Lastly, Mr. Speaker, if there is going to be an economy, if there is going to be an economy in looking at how much money we are going to get by this or by that, I find that the Minister has not taken care of one item, and I will just refer to this quickly, because, Mr. Speaker, you have told us what the Motion is about, but I was thinking, Mr. Speaker, that if as it has been suggested in a Motion that will be coming we have to carry out these economy exercises, we should always start with ourselves. I do remember as early as 1958, before I became a Minister, I will say it again, I had suggested that perhaps there may be a case for reducing the Ministers' salaries. I think now it is not a question of a case for it. If we are going to have economy exercise, if we reduce them by 30 per cent we may find we may save a little bit more money than we are doing today, and it is more important, it is more practical, and it is more humane, Mr. Speaker, it is much more humane, to tax a Minister more than a poor man or woman in the slums of Nairobi. Therefore, Mr. Speaker, if the Minister for Finance agrees that his Budget is too much of a burden on the poor people and if he agrees, therefore, to change it somewhat—although I am not very hopeful he shall, I have known other Ministers for Finance before, they are very difficult people—but I would say, if he agrees to change this, it would be much better instead of the 2½ cents per pint with regard to kerosene, instead of taking that away from our people, let us take 30 per cent of the salaries of the Ministers instead. I think they can afford it better than a poor woman.

My Leader, the Member for Kiambu, is going to deal mainly with the matters dealing with the Governor's speech as well as the other colleagues. Therefore, I will not go into that, but just say, Mr. Speaker, that stability is very much connected with the movement to independence, and until we have complete independence and until we have Kenyatta released, we shall not create confidence in this country. Confidence will depend on Kenyatta's and on our having our independence. Mr. Speaker, therefore, I am sorry to tell the Minister for Finance that I and my group oppose the Budget and therefore oppose the Motion.

The Parliamentary Secretary to the Chief Secretary (Mr. Amalamba): Mr. Speaker, Sir, I would like to apologize to the House. I have a cold and my voice may sound a little different from my normal voice, but I will try my best to speak as loudly as can be heard with a cold.

[Dr. Kioko] and that being the case, there is what I may call a rising expectation by our people that once we have a Government of elected people those things that they have been criticizing—the Colonial Government for not doing, they will be done. This is the situation as it exists today. When we were all in Opposition—I say “all” because I see some are not in Opposition today—when we were all in Opposition I always felt, Mr. Speaker, that we did rather a good job of facing the shortcomings of the Colonial Government. We said that we did not build enough schools, they did not build enough hospitals; that they did not provide enough services. They did the things that they should have done and they have not done those that they should.

Now, Sir, as we move towards a Government of elected people, our people will expect us to perform those things that we accuse the Colonial Government of not performing and this being the first year in which we have a big group, it looks very disappointing to our people that in the year 1961 we are finding it necessary to reduce services to our people instead of increasing them. It is going to be very difficult for our people to understand. We can say it is finance, we simply did not get enough taxes, we therefore have to reduce this, we have to reduce that, but I have a feeling that the amount of disappointment that our people will undergo as a result of this is so very much that in the long run this will not improve the relationship between the Government and the people. We might call it “an economy exercise”, it is an economy exercise, but more than being an economy exercise the reduction of services has one implication which I would like clarified by the Minister—and it is no use saying that “You were a Member of the Cabinet yourself” because I think the purpose of the debate here is to clarify the matter for all the people present. I would say this, with this economy exercise, are you implying that until now you were allowing extravagant expenditure although you knew the revenue was going down, you had to tell all the accounting officers “For heaven's sake behave”? I do not think so. But that is the impression created by this economy exercise, that it has meant reductions of some services. This reduction of services at a time when we are moving towards a Government by the elected people is going to create so much disaffection in the country that the Minister for Finance, like other Ministers for Finance in developed countries will have to think more imaginatively as to how to finance these services without necessarily looking to the tax resorts only. There has been an attempt already to bor-

row some money from Britain, to get some more for three years, I understand, and get some more from the United States, or go into the position of getting some financial help from the United States, that was done in Cairo, but it is important to increase the services to this country instead of reducing them and this is one problem which should have been given a lot of thought by the Minister for Finance.

Now, Sir, if it is true, if it is true that the economy of Kenya is somewhat shaken, if it is true that we have expensive unemployment in this country, if it is true that the expected revenue to this country went down in the year because there was just not enough money collected, if all these things are true, if there is an increase in crime committed because a large number of our people are hungry, if these things are true, how, Mr. Speaker, can we reconcile that or how can we reconcile these dismal facts with the fact that “I have increased this, I have increased that”—the Minister says. This may give a rise of one per cent of cost of living which perhaps might be negligible. I could not consider that as being consistent, that if there is unemployment in the country, so many people unemployed, the income of the people has gone down and the revenue has gone down, the measures proposed by the Minister for Finance are measures which by his own explanation will increase the cost of living by one per cent—by his explanation. How can we be in a position to increase the cost of living at the time when people are so hungry, when they have no money in their pockets? I am beginning to feel that the explanation when the time comes to go and seek the money on the basis of these proposals, the money just will not be there. We shall be in a position then of expecting this money, but when we go to pick it up from the people the money just will not be there. If we are going to propose an increase in the cost of living by one per cent when there is poverty this is a contradiction of policy and sound economics. But he is in a difficult position, he has got to do the Budget for the country. But I beginning to wonder whether these routine methods, as it were, of these small countries, whether these are the best. I was even looking at our National Debt—not that I like to be in debt myself—I was looking at it and how it compares with the sort of expenditure of the revenue, and when you consider much, much wealthier countries you see that they are less worried about the National Debt than we are, I wonder why? I think, Sir, the year 1961, the year 1962 and the year 1963 are very, very crucial years, and unless we have vigorous development plans now, things will go wrong in the coming

[Dr. Kioko] year, then to hope that in 1963 things will be picking up, we shall be picking up the broken pieces of an economy. I think that as we discuss this Budget Speech as we are discussing it today, we should do so not in terms of shillings and pence but in the light of what specific plans we have for not only constructing the economy, but developing it and not only for three years but for five years as the hon. Member for Nairobi West said. It is important that we go on trying to meet the bill not only for the years 1961/62; it is important that we go beyond that and say that between now and the next five years we think such and such are the plans to be made. And if we do not know the answers, let us be humble enough and invite people who know about economic planning and economic development from other countries. Let them come and advise us so that we can have a clear-cut five-year plan, or six- or seven-year plan, because the present kind of short-term planning is planning for very little and is not going to get this country out of the rut that it is in now. And it is in a rut.

I believe, therefore, that we must be humble enough not just to have a Development Committee of Members of the Council of Ministers who are neither economists, nor lawyers, nor statisticians.

Mr. Alexander: You do not want any lawyers!

Dr. Kioko: Mr. Speaker, Sir, I have a lot of respect for lawyers. I have always wanted to be a lawyer myself, but I grew too old before I got a degree; so I always think lawyers should be around when matters of this kind are discussed, just in case we sign the wrong contract!

Now, Mr. Speaker, I believe that what we require is this. We have heard a lot about the Ministry of Finance and Development. I am even called, Mr. Speaker, if I may quote the Shadow Cabinet—I am not very shadowy, but they call me—the Shadow Minister for Finance and Development. Now, what aspect of development do we really have? Yes, we have a Committee of Development. If I asked many hon. Members in this House what it is supposed to do they would not know and they might be accused of not doing their homework. But really, it does appear that it has not had an impact in the country; it has not had an impact in the country. I believe that the planning—Government planning—is absolutely necessary now. I do remember, Mr. Speaker, that the Minister for Finance—as did his book—gave the hope that they would try to have a target for the entire economy although, he says, in a free economy it is not the Government's business to plan for the

private sector of the economy. Now, let us face one fact: as to this business of talking of a free economy and private enterprise, and so on, these are just phrases, because even the country that talks loudest about private economy and free economy, the United States, controls a lot, even of the private sector of its economy. We must not, therefore, be shy in giving a sense of direction to the leaders of the private sector of our economy. There was an element of shyness in the Minister's speech when he said that he would try his best to give an overall target for the entire economy but at the same time he was expressing shyness by not really controlling or planning for the private sector. Well, if you have a target to the entire economy, as he stated in his speech, then by that admission, by that approach, you are saying, “I will therefore, one way or the other, even look into the private sector.” For example, we have in this country things like the Industrial Development Corporation. (Mr. Speaker, I should have announced earlier that I am one of the five Members of the Opposition who have been allowed by the group to make an unlimited speech and I think that is a very fortunate position, Mr. Speaker.) I was saying, Mr. Speaker, that we have already things like the Industrial Development Corporation; we have, for example, African loan schemes, African industrialists schemes. We have had the Land and Agricultural Bank to help farmers and so on. We have had, in other words, some small—sometimes ineffective but nevertheless existing—arms of Government which were aiming at helping the private businessmen, private farmers, and private industrialists. The difficulty has been that these arms of Government that aimed at helping the private sector by economy have been, on the whole, ineffective. One of the reasons, I think, is because this country by any standards made rapid industrialization progress during the last ten years. Therefore, perhaps Government was not too worried as to which way they should strengthen the economy because by the private initiative of the people, industrialization did take place. But we have reached a stage whereby we must reconsider the role played by these arms of Government, these financial arms of Government, whether you call them the Industrial Development Corporation, whether you call them the Land and Agricultural Bank, or whether you call them loan schemes for the small businessman. If our Government is not financially strong enough to uphold an industry when the private or commercial institutions are not able to do it, then who is going to do it? I believe, for example, that the Industrial Development Corporation should really prove today to be an industrial

The Speaker (Mr. Slade): These supplementary questions are now becoming repetitive and we will now move on to the next Order.

COMMITTEE OF WAYS AND MEANS ORDER FOR COMMITTEE READ

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Resumption of debate adjourned on 16th June, 1961)

The Speaker (Mr. Slade): Hon. Members, before we proceed with this debate on the Financial Statement and the Annual Estimates I should like to advise you of the scope of the debate. The scope of this debate is in fact practically unlimited so far as Government policy and Government statements may be concerned. But there are two limitations which will apply to this as much as to any other debate. The first is that you should not pursue more than incidentally any matter which has already been debated by this Council in full. The second limitation is that you should not debate now, more than incidentally, any matter in respect of which a Notice of Motion has already been given.

Dr. Kioko: Mr. Speaker, Sir, as the Minister for Finance addressed this House on the 1961/62 Budget, it was quite clear, that although we have said again and again that the economy of Kenya is basically sound, from the remarks on the facts that he gave us, that the economy is and has been somewhat shaky. Some of the reasons given were the lack of stability and the existence of the feeling of uncertainty in the country. The Minister for Finance told us that the Government will work and will try to achieve and establish stability and restore confidence in the country. Mr. Speaker, Sir, I think it is important that before we can take a statement like that as satisfactory, and before I get into the field of analysing the various details that he proposes to add, I think it is first of all important to find out what really causes instability in the country and what causes uncertainty in the country, so that we can get some confirmation, as the Minister will be replying, as to the method in which they want to get rid of instability. We cannot get rid of instability unless we first of all make it quite clear what causes instability.

Well, Mr. Speaker, the first thing is this. As was published recently, we cannot really have complete stability in this country, and we cannot have complete certainty in this country, and we cannot have complete confidence in this country until the question of political conflict is settled. So long as there is political conflict, whether between the various communities or between the people of Kenya and

Her Majesty's Government, there will always be an element of instability in the country and also a certain feeling of uncertainty. I think therefore, Sir, that to put, as was done very recently, stability before independence is to put the horse before the cart, because the struggle for independence will always create a certain degree of instability. But, Sir, that has brought a certain degree of uncertainty and instability into the country. From what the politicians say, or from the speeches we hear in this House, or during the elections, it is what appears to be a planned demonstration of lack of faith in this country's future, by a number of people who either offer their farms on block or who say that unless their demands are met by a certain date, December, 1962, or who say that September, 1961, is the crucial date, and that assurances should be given to them about A. D. C. or D. Now, Mr. Speaker, let me put it this way: that it is really being somewhat unfair to the Secretary of State for the Colonies to ask him to give assurances about the future of the country when his control of this country is going to be short lived indeed. The assurances that he could give could only be current during the period when he has the last word. A much more practical way would be to approach the leaders of the people in this country who are likely to be holding the faith of the country and talk of the problems instead of seeking stability from a passing word given by the Secretary of State. When I say that I mean that in this country the control of the Colonial Secretary is going to end in the near future.

I would like to put it this way; that such threats are not going to help. Neither are we likely to have a Government in this country which will be interested in giving assurances to specific racial communities. We do not look forward, Mr. Speaker, Sir, to developing Kenya according to racial patterns; we want to develop Kenya as one nation, integrated and united; and when we hear, Mr. Speaker, of people requesting assurances for themselves, or as European farmers or as any other farmers, I feel, Sir, that that is the wrong approach, because this is an attempt to perpetuate the feeling of separation, the feeling of racial conflict, and it is about time people forgot to make such demands.

I think that if these points are taken into consideration, and if the question of political relations between Britain and Kenya is settled, and that is the constitutional matter, and if the question of asking assurances is given up from the point of view of going to Britain, and bringing the matter here, then we have a certain chance of restoring some stability in the country. We must therefore find out what causes instability here

(Dr. Kioko) before we keep on promising and promising that we shall restore confidence without really knowing what causes it, and in which way we are likely to restore it. When we look at the points made by the Mover we find that on this question of stability he made the remark that he had no intention of introducing exchange control with regard to financial transfers from this country to overseas.

Mr. Speaker, Sir, we have this thought, this idea. Perhaps what he says is that in order to attract prospective investors in this country, to make them invest in Kenya, they will jolly well transfer that money if they want back to their own country. I think that must have been the thinking behind this statement. But Mr. Speaker, much as I sympathize with that and Mr. Speaker, think with it for a long time, I do want to emphasize this—are we likely to fool a prospective investor by telling him he can come here when he sees that an average of £1,000,000 a month is leaving the country? This is advertising the lack of attractiveness to investors in this country and we must consider what particular way in which this aspect can be taken care of. We are not likely to get investors when we hear all the time that an average of £1,000,000 a month is leaving the country. When a prospective investor hears that he will wonder what has gone wrong with Kenya, what is the use of sending money there if in a very short time it will have to be taken away?

I have approached this first, Mr. Speaker, I have no sympathy whatsoever with the people who declare themselves Kenyans who say that they were born here, they will die here and have their bones here and at the same time have gone to the bank and transferred their money from this country to London or Bombay for safekeeping. Those people are not contributing to this country. Those people are parasites, hiding their money away until we rebuild Kenya's economy and then they will bring their money back and say "I am a Kenyan, I belong here, I have rights here." I have very little sympathy with those people who do that, because they really are not Kenyans at all. I do not believe that money made in this country by people who have declared themselves Kenyans, people who were born here and want to live here, I do not think, Mr. Speaker, that we should be so generous with them as to transfer their money from this country. I think we should find some degree of control; I think outsiders should be allowed to transfer their money as necessary, but this is too much of a luxury to allow people who have for years and years made their profits in the Fort Hare district, as is the Nyaanza district or in the Kilindi district

and today, perhaps, because of too many shouts of freedom they decide they must take this money away and hide it in Bombay or London or wherever. All things are better then they will bring it back. That kind of approach is wrong. It is the kind of approach that I think the Minister for Finance must consider. After all it is this kind of people and there are a few others who are here, who have practically brought our building societies to their knees financially. You can go to the building societies who were lending money and because of the so-called instability—the so-called political instability—people are sending their money away from this country and if the Colonial Development Corporation had not come to our aid we might have had a very difficult situation.

These are the people who do not realize that, it is not so much the politicians who are the ones creating difficulties, it is the men who have taken their money away from Kenya, although they live here. This is contributing very extensively to the uncertainty of our future. Therefore I must request the Minister for Finance to reconsider very, very seriously this question of the transfer of funds and particularly by the local citizens, because it is the worse advertisement of our situation. And we can consider ourselves the foreign investor who comes here to invest in industry and provide employment. The Minister for Finance can take company tax but really he is genuinely an outsider. This case will be different from that person who declares his heart to be here but his pocket is in Bombay or London or elsewhere. This kind of double talk is not worth anything.

Now, Mr. Speaker, Sir, I would like, when we are talking about finance to have the Minister for Finance explain to us what advantages and what disadvantages this country would get if a scheme was started for a central bank for Kenya or if the Federation is achieved for the whole of East Africa. I think, Sir, as we approach our independence matters like the central bank must be given concrete thinking today because it is so unending ourselves in a position whereby we have got our independence and we have no instrument to administer that independence.

Now, Mr. Speaker, Sir, I think we might consider the proposals one by one, and let me make this observation: today we have a primarily elected Council, we are moving towards a Government which is elected by people. It is not very long, Mr. Speaker, if I may prophesy that people who are now Ministers will not be Ministers for a very long time. We are, therefore, moving towards a Government of elected people

Mr. Katharina: Mr. Speaker, Sir, arising from the reply, I would like to ask the Chief Secretary to give an assurance that when Members of Parliament visit this country, their itinerary includes up-country areas, because taxpayers wish to see and discuss matters with them.

The Speaker (Mr. Slade): I am afraid you are disregarding what I have just said. Could you put your question in the proper form?

Mr. Katharina: Would the Minister make a statement on that, Sir?

The Acting Chief Secretary (Mr. Griffith-Jones): Of course, Mr. Fraser did tour a considerable part of the country area, and, Mr. Speaker, he flew over other parts and it is not possible for every visitor to cover the whole area of the Colony.

Mr. Commodore Howard-Williams: Mr. Speaker, Sir, why did not Mr. Fraser see me when he came?

The Acting Chief Secretary (Mr. Griffith-Jones): I do not know.

Mr. Nyagah: Mr. Speaker, Sir, arising out of the reply given by the Minister, would the Minister undertake to give an assurance that in future he will try and make sure that Members in the areas which such V.I.P.s are to visit be formally consulted and informed?

The Acting Chief Secretary (Mr. Griffith-Jones): I am sure that those hon. gentlemen of the Government who prepare these programmes will bear that point in mind.

Mr. Mweyadga: Mr. Speaker, Sir, am I to understand that Mr. Fraser had nothing to explore in the Coast Province?

Mr. McKenzie: Mr. Speaker, on a point of order, being dissatisfied with the replies the hon. Minister has given, may we discuss this with you in raising it on the adjournment?

The Speaker (Mr. Slade): Mr. Mulli is here now.

QUESTION NO. 20

Mr. Mulli asked if the Minister would state what steps he is taking to compensate for damages done by his wild animals in both Machakos and Kitui Districts.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, I beg to reply. I would refer the hon. Member to Sessional Paper No. 1 of 1959/60 entitled "A Game Policy for

Kenya", a copy of which was recently sent to him. On page 5 it is stated:—

"The Government cannot accept any responsibility for the activities of game animals and has no liability to pay any compensation for damage which they may cause. The Government will, however, within the limits of the finance available, endeavour to control game animals, scheduled as such under the Wild Animals Protection Ordinance, and, as far as is practicable, to prevent them from causing injury or damage."

One of the main functions of the Game Department is to carry out game control measures, which it does in the Machakos and Kitui Districts, as well as elsewhere in Kenya, to the best of its ability within the financial limits imposed.

Mr. Nyagah: Mr. Speaker, arising from the Minister's reply, is the Minister aware that when the Sessional Paper he has mentioned was debated hon. Members stressed that this point might come up? Would the Minister consider taking steps to review again the question of compensation?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, game is an asset to Kenya on a national basis. I see that the hon. Member's question referred to "his" animals. Now, Mr. Speaker, Sir, these animals belong to Kenya and should be used for the benefit of the country in a national way. If they are to be protected it follows that no Government of Kenya could accept the principle of wholesale compensation. The Game Department will do what it can to control these game animals. It is the intention of the Chief Game Warden to rewrite the Wild Animals Protection Ordinance, with particular reference to two points. One is to equate more nearly the rights of the owners of private land and the rights of the owners of standing crops; and secondly to equate more nearly the rights of the owners of private land with the owners of stock. This I hope will remove an anomaly by which certain parts of the population are denied the right of taking active control measures themselves. This policy has my full support.

Mr. Mulli: Mr. Speaker, Sir, the hon. Minister For Tourism states that animals are an asset to Kenya. I would agree. But does he want to suggest that the man who gets killed and the crops that get spoiled are not also assets of Kenya?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): I do indeed, Sir, I am not in any way suggesting that I wish to condone or do not feel a great sympathy for people who do suffer damage; and, as I have just suggested, I hope

[The Minister for Tourism, Forests and Wild Life] to bring in legislation which will enable those people to take more active steps for their own protection than they have been permitted under the law to do in the past. But I must repeat that wholesale compensation is not a practicable proposition for the Kenya Government.

Mr. Nyagah: Mr. Speaker, Sir, would the Minister allow the people from these areas, where wild animals are a menace, to continue to remove them in their own way until this Department or this Ministry has got into force the measures that he is contemplating?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Sir, I cannot condone any section of the population breaking the law, and that is what the hon. Member is suggesting should be done.

Mr. McKenzie: Mr. Speaker, would the hon. Minister tell us how many game wardens or officers of his Ministry he has sent to Machakos and Kitui Districts to stop the ravaging of these animals?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, the Government maintains one game warden and 24 game scouts in the Machakos and Kitui Districts. In addition the game warden receives active assistance from two honorary game wardens, one in the Machakos District and one in Kitui. It might be of interest to hon. Members to know the figure of control that were actually carried out in 1960: elephant—38 in the Kitui District and 19 in Machakos; rhino—5 in Kitui and 6 in Machakos; lion—4 in Kitui and 15 in Machakos; leopard—6 in Kitui; hippo—22 in Kitui; buffalo—2 in Kitui District and 3 in the Machakos District. All these animals were killed under control measures during 1960.

Mr. Mweyadga: Mr. Speaker, Sir, will the Minister tell the House whether he knows the number of *chambas* which were spoiled by these animals last year and those in Kitui District and what his Department is preparing to do to compensate those people who have suffered damage at the moment.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, I have not got available the figures concerning the number of *chambas* which suffered the depredations of game. I have nothing further to add on the question of compensation.

Mr. Nyagah: Mr. Speaker, Sir, would the Minister like us to give him the numbers in Kitui and Embu?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, I would be very pleased to receive the information.

Mr. Kiano: Mr. Speaker, arising from the reply, since the number of wardens and hon. wardens appear not to be enough in Kitui and Machakos, would the Minister let us know whether he has got any honorary African wardens and if not is he likely to encourage some African honorary Wardens.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, I will certainly give consideration to the question. I have pointed out that we can do whatever we can within the stringency of finance. If they are to be on an honorary basis then finance would not apply and I would certainly consider them if they could be obtained.

Mr. Mulli: Mr. Speaker, Sir, is the Minister aware that the game scouts in Kitui and Machakos have no means of movement in their daily work of controlling game?

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, I must again refer the hon. Member to the stringencies of finance. If we were able to get more money for game control we would of course be able to make our game scouts very much more mobile. But it again comes back to this overall question of money, or the lack of it, which hampers so many of the schemes we have in mind in being brought to fruition.

Mr. Mulli: Arising from the Minister's reply, in that case, Mr. Speaker, people must be given the opportunity to defend themselves.

The Speaker (Mr. Slade): You must ask a question; not make a statement.

Mr. Mulli: Would the Minister, therefore, give the people permission to defend themselves if the Government or the Minister is unable, due to the shortage of money, to protect people from these wild animals.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Arising from the implication of the question, Mr. Speaker, I have already stated that I am not satisfied with the law as it stands and nor is my chief game warden. He is bringing into being legislation to amend the Wild Animals Protection Ordinance to do just that thing which the hon. Member has suggested.

Thursday, 25th May, 1961

The House met at Nine o'clock.
[Mr. Speaker (Mr. Slade) in the Chair]

PRAYERS

NOTICE OF MOTION

FOOTBALL POOL TAX FOR SPORTS TRUST

Mr. Enkiser: Mr. Speaker, I beg to give notice of the following Motion:—

THAT this Council recognizes the continued and increasing need of organized sport and physical recreation in the lives of the citizens of Kenya and urges Government to pay the proceeds of the tax about to be introduced on the football pools to an authorized club to be used for the benefit of sport and recreation.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 4

Mr. Alexander asked the Minister for Finance and Development concerning revenue to Kenya arising from Income Tax Legislation administered by the East Africa High Commission, will the Minister elaborate on the statement by the Financial Secretary to the High Commission on 6th February, 1961, regarding measures for simplification, stating briefly what these are and when they are to be introduced?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to reply.

I would refer my hon. friend to the statement which I made on this subject in my Budget Speech.

Mr. Alexander: Mr. Speaker, Sir, whilst applauding the Minister for his timely moves on simplification in income tax, would he state what he intends to do to simplify it for the taxpayer as well as the administration?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, part of the whole exercise is, in fact, to simplify the administration of the tax all round, and I hope that the administrative measures being taken will also have some effect in simplifying the administration of the tax in so far as the taxpayer himself is concerned.

Mr. Alexander: Mr. Speaker, Sir, does the Minister realize that the measures he has recently announced in fact add a burden to the taxpayer, and would he not agree that in fact tax only

becomes complicated when it is worth the while of the taxpayer to try and avoid it legally? And will he take this into account when he reconsiders this matter?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, my hon. friend says that the measures proposed add a burden to the taxpayer. That entirely depends upon the circumstances of the taxpayer. Some taxpayers will pay a little less, others will pay a little more, under the new proposals.

Mr. McKenzie: Mr. Speaker, Sir, would the Minister let us know whether this simplification is going to ease the problem for those over-worked accountants who attempt to evade the laws of this country on behalf of their clients?

The Acting Chief Secretary (Mr. Griffith-Jones): Avoid!

The Minister for Finance and Development (Mr. MacKenzie): I shall hope, Sir, that the simplification will indeed work for everyone concerned.

Mr. Shah: Mr. Speaker, Sir, would the hon. Minister please give us an assurance that, while simplifying income tax procedure, he will take into consideration the fact that by this way he will not give the advantage to the people who can afford to pay the taxes! In my opinion, the budget—

Hon. Members: Speech!

Mr. Shah: I am sorry. Would the Minister give the assurance that these people will not benefit by this simplifying procedure?

The Minister for Finance and Development (Mr. MacKenzie): I am sure, Sir, that the administration will continue to administer the income tax in the same fair manner in which it has administered the tax in the past.

Mr. Alexander: Mr. Speaker, Sir, if the Minister is really anxious to extend the simplification, will he tell us why he has not seen fit to so arrange it that the whole of the wear-and-tear principle—the complicated wear-and-tear principle—is abandoned and the administration accepts the normal figures presented to them in the accounts of taxpayers?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, the steps announced are merely the first measure in what will, I hope, be a continuing process of simplification. However, I doubt very much whether I could convince the Commissioner to accepting all the information put in by taxpayers without any checking whatsoever.

Mr. Alexander: Mr. Speaker, Sir, if this is the first measure, will the Minister tell us when the next measures are likely to be announced?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, the further measures for simplification will be announced as and when the administration is ready to make such announcements.

QUESTION No. 21

Mr. McKenzie asked if the Chief Secretary would please inform the House what itinerary has been prepared for the Hon. Hugh Fraser's official visit to Kenya.

The Acting Chief Secretary (Mr. Griffith-Jones): I regret that this question was not answered earlier. I handed a copy of the programme of the visit to the Hon. Member on Tuesday morning, and, if it is still of interest to any other Members, I will supply copies on request.

Mr. McKenzie: Mr. Speaker, I would like to ask the hon. Minister why it was there was no time set aside in this itinerary for the Under-Secretary of State for the Colonies to have discussions with the Opposition on this side of the House.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, I do not think it is entirely true to say that there was no time set aside. I think there was some time set aside yesterday for the Under-Secretary to speak to the Leader of the Opposition, who, I understand, was unable to keep the appointment, but in general terms the purpose of the visit was an exploratory and investigatory one, and not really a political one.

Dr. Kioko: Mr. Speaker, Sir, I think from that reply, if the Parliamentary Under-Secretary had come to explore the Kenya situation might it not have been helpful, Sir, if Members of the areas he visited were present as he toured those areas?

The Acting Chief Secretary (Mr. Griffith-Jones): Sir, I can really only say that the purpose of his visit was exploratory. It was not political, and I concede, of course, that there are probably a large variety of differences of opinion as to how his time should have been occupied. In fact, his visit was cut short by a day, and I think had that not been necessary, there would have been further time for discussions with Members.

Dr. Kioko: Mr. Speaker, Sir, if the visit by the Parliamentary Under-Secretary was exploratory

would the Minister agree that Members of this House are not only interested in political matters, but also interested in economic and other matters which Mr. Fraser might have been interested in?

The Acting Chief Secretary (Mr. Griffith-Jones): I think that is probably true of some Members.

Mr. McKenzie: Mr. Speaker, Sir, may I ask the hon. Member what he did come to explore?

The Acting Chief Secretary (Mr. Griffith-Jones): I think that from the various public announcements, Mr. Speaker, that is obvious.

Mr. McKenzie: Mr. Speaker, I gather from the Press conference yesterday afternoon that he said at the Press conference that his visit here mainly arose out of a discussion I had with him in London. My discussion with him in London went further than exploration, and if exploration does not cover politics and economics, what does?

Mr. Nyagah: Mr. Speaker, Sir, arising out of the Minister's reply, does the Minister think that the programme of the Secretary's itinerary would be of any use to hon. Members when he has gone back home already?

The Acting Chief Secretary (Mr. Griffith-Jones): I appreciate that it is so and have expressed my regret.

Mr. Chokwe: Mr. Speaker, Sir, are we to understand that the Parliamentary Under-Secretary has come here to reassure the settlers as a result of the delegation in London now?

The Acting Chief Secretary (Mr. Griffith-Jones): I can only say, Sir, that it was the purpose of his visit, judging by the reception he has received it was wholly unsuccessful in that respect.

Mr. Shah: Mr. Speaker, Sir, the hon. Minister said that his visit was exploratory and for that matter the Members of the Opposition were not included in his programme, but in the broadcast which the hon. Hugh Fraser gave there included some politics as well.

The Speaker (Mr. Slade): What is your question, Mr. Shah?

Mr. Shah: Would the Minister please say that his visit was not only exploratory, but was beyond that when he referred to the Lancaster House Constitution?

The Speaker (Mr. Slade): I cannot allow supplementary questions which are speeches. They must be real questions. That applies to both sides.

[Mr. Nyagah]

Supplementary Estimate No. 2 of 1960/61 and that the Committee asks leave to sit again.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Speaker, Sir, I beg to move under Standing Order No. 139 that the business of Orders Nos. 6, 7 and 8 on the Order Paper be exempted from the provisions of Standing Order No. 9 in order to enable that business to be completed in this sitting.

Mr. Speaker, Sir, I move this because the Government would like to complete the Estimates today and also Government would like to get on to the Budget Speech on Thursday.

I beg to move.

The Speaker (Mr. Slade): I think, Mr. Ngala, in order to avoid interfering with another day's business you will have to put some time limit on that, even if it is 9 a.m. next Thursday.

The Leader of Government Business and Minister for Education (Mr. Ngala): Not later than 9 a.m. on Thursday.

The Acting Chief Secretary (Mr. Griffith-Jones) seconded.

Question proposed.

The question was put and carried.

Mr. Mboya: Mr. Speaker, may I have your attention on a point of order on Standing Order No. 119. Standing Order No. 119 refers to the Estimates Committee. Subsection (2) says: "The Estimates Committee may examine such Annual or Supplementary Estimates of the expenditure presented to the Council as it shall think fit, or by the Council, and shall report to the Council what, if any, economies it considers . . . etc. etc." At this point I should like your guidance. Is it possible to move that these Supplementary Estimates be referred back to the Estimates Committee?

The Speaker (Mr. Slade): As far as I am aware, I do not know whether the Estimates Committee has yet been appointed. That is for the Selection Committee to . . .

Mr. Mboya: It has been.

The Speaker (Mr. Slade): It has been. However, now that this business is before the Council the Motion before the Council has to proceed unless it is resolved that the Committee report progress and ask to leave to sit again with the intention that the consideration shall be deferred for some time. On the reporting of progress it can be moved that further consideration be deferred,

and you could move that it be deferred until the Estimates Committee has seen the Supplementary Estimates. That would only be if the Committee itself—the Committee of the whole Council—resolved again to report progress with a view to deferring consideration. As matters now stand, the Council is in Committee and will continue to consider these Supplementary Estimates, but it will be open for any hon. Member at this stage to move that the Council report progress for the purposes you have in mind.

[Mr. Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[J. J. M. Nyagah, Esq., in the Chair]

VOTE 24—MINISTRY OF HOUSING, COMMON SERVICES, PROBATION AND APPROVED SCHOOLS

Office of the Minister

A—Personal Emoluments agreed to.

Probation Services—F1—Personal Emoluments agreed to.

Approved Schools and Remand Homes—G1—Personal Emoluments

Mr. McKenzie: Mr. Chairman, may I ask the hon. Minister in charge of housing where the amount of £6,730 comes from?

The Minister for Labour and Housing (Mr. Towett): Mr. Chairman, I know the Opposition wants a breakdown and I will them the breakdown I have under Probation Services 18 posts B scale and you have voted £1,412.

Mr. McKenzie: On a point of order, Mr. Chairman, I do not think the question I actually asked is being answered. What I asked was where the amount of £6,730 comes from.

The Minister for Labour and Housing (Mr. Towett): Savings.

Approved Schools and Remand Homes—G1—Personal Emoluments agreed to.

VOTE 25—PRINTING AND STATIONERY

A—Personal Emoluments agreed to.

VOTE 26—GOVERNMENT COAST AGENCY

A—Personal Emoluments agreed to.

VOTE 27—MINISTRY OF INFORMATION AND BROADCASTING

A—Personal Emoluments

Mr. McKenzie: Mr. Chairman, I wonder if I may move that the sum of £9,130 be reduced by £1 to read £9,129?

[Mr. McKenzie]

Mr. Chairman, I am in a little difficulty on this one because the matter which I wanted to raise is, I think, covered in two Ministries, it was covered under the Kenya Office and here it is coming up again as Public Relations Office in London, which I presume is the one and same office, although there are various people in it responsible back in Kenya to different Ministries. I wanted to move the reduction of £1 not on A but on J1—J1 is what I want to talk on.

The Chairman (Mr. Nyagah): Would you wait until we come to that?

Mr. McKenzie: Is it possible for me to move the £1, I do not think it is, I think I must move it at this stage. If I may have your guidance, Mr. Chairman?

The Chairman: You had better wait until we come to the subhead which you want to discuss.

Mr. McKenzie: Can I move the reduction of £1 at that subhead?

The Chairman (Mr. Nyagah): Yes.

A—Personal Emoluments agreed to.

Public Relations Office, London—J1—Personal Emoluments

Mr. McKenzie: Sir, may I move the sum of £9,130 be reduced by £1 to £9,129?

Mr. Chairman, I would like to ask the Minister in charge of this Vote to whom does this £530 go? The difficulty I am in is that previously the public relations officer in London was one position, we had no agent in London. We have now moved to an agent in London with a new public relations officer to whom I imagine this belongs. When we discussed the other matters—the £400—we were told what £100 was and we are waiting for the Chief Secretary to tell us what the other £300 was I am wondering if this figure is in fact correct—either this figure must be incorrect or the other figure must be incorrect because they are both adding in my opinion to the same person. I hope I am being clear on this. Previously there was no Kenya Agent, now there is a Kenya Agent who does not come into planning. He does so as an individual but not the position.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, Sir, the Public Relations Office in London consists of—in terms of staff—two public relations officer, one secretary, one assistant information officer, one shorthand typist and one messenger. I think that is possibly why this figure is slightly larger than the other figure mentioned in the earlier context. I have

undertaken to give my hon. friend the details of the previous figure and I will undertake, if he wishes, to give him the details of the figure in this context also.

Mr. Mboya: Mr. Chairman, Sir, when we discussed the other figure we were shown—at least some attempt was made to show us the breakdown between £100 and £300. Now the question was then and still is, of the public relations officer and his staff. Now these people—does this sum of £530 go to meet increased basic salaries or is this some form of allowance. We would presume that these people are locally recruited in terms of being retained in London for the London office. Would the Minister indicate whether the £530 goes to meet an increase in the basic salary or whether it is an addition of some kind.

The Acting Chief Secretary (Mr. Griffith-Jones): I will give the hon. Member the figures but he will appreciate of course that if an officer is designated by reason of service in this country and then he is posted, in the course of service, to the United Kingdom, that does not mean that he will get a reduction of his emoluments on account of that posting. But I will give the breakdown.

Mr. McKenzie: Mr. Chairman, may I withdraw the reduction of £1 and may I ask the Minister concerned to look into this because I think something has gone wrong somewhere?

The Acting Chief Secretary (Mr. Griffith-Jones): I will—both points.

J1—Personal Emoluments agreed to.

VOTE 28—BROADCASTING

A—Personal Emoluments

Mr. McKenzie: I find myself in another difficulty in this one, Mr. Chairman, I would like to know if this £35,440, there is concerned in that amount of money being paid to use broadcast? This I am afraid is rather a difficult one and I would be prepared to discuss it with the Minister outside the House if he would be prepared to allow me.

The Acting Chief Secretary (Mr. Griffith-Jones): I would be very happy to do so, Sir.

A—Personal Emoluments agreed to.

VOTE 29—MINISTRY OF LABOUR, SOCIAL SECURITY AND ADULT EDUCATION

A—Personal Emoluments

Mr. Mboya: Mr. Chairman, could we have a breakdown of the £33,895 with regard to the

[Minister for Finance and Development] that the hon. Members opposite choose to raise in order to keep this House sitting for as long as possible. The hon. Member? No, Sir, I do not propose to give way.

Mr. Mboya: I am not asking you.

The Minister for Finance and Development (Mr. MacKenzie): The hon. Member who has just spoken said that, if the House wishes, this Opposition is perfectly prepared to keep the House sitting all night.

Mr. Mboya: That is right.

The Minister for Finance and Development (Mr. MacKenzie): The Government is perfectly aware that that is the sort of tactic that hon. Members opposite, who have no responsibilities to the taxpayers of this country for administration, and that that is the sort of thing, Sir, that one expects from an irresponsible Opposition. But, Sir, I do suggest that...

Mr. McKenzie: On a point of order, has this lecture which we are getting anything to do with A1; Vote 27?

The Chairman (Mr. Nyagah): I think I must remind the hon. Members on both sides that you are getting far off the mark. We are discussing Administrative and General Division in the Vote.

Mr. Mboya: You are following a wax pattern. Head A1 agreed to.

Head A2—Medical and Training Divisions

Mr. Mboya: Mr. Chairman, an A2—Medical and Training Divisions, is it possible for the Parliamentary Secretary or the Minister, now or later, to give us a breakdown of this sum, £137,350, in so far as the increase in basic salary and the overseas addition is concerned?

The Minister for Health and Social Affairs (Mr. Mate): Mr. Chairman, Sir, if the hon. Member will refer to the Estimates he will see all the heads under which this sum is reached. At the same time, I am quite prepared to give the various categories and grades of this class in toto as far as is possible in order that he may be satisfied.

Mr. Butler: Mr. Chairman, I can give the figures if they are required. They are as follows: increased basic salaries for the period 1st April, 1960, to 31st March, 1961—£123,980; extra overseas addition for the same period—£85,745. The gentleman opposite, Mr. Chairman, will add those two figures together and get them to more than

£189,000 which we are asking this House to vote. The reason for that is that the payments by Her Majesty's Government towards inducement pay in the last three months of this year will produce a net saving during that period of £20,270.

Head A2 agreed to.

Head A3—Other Services

Mr. Argwings-Kodhek: Mr. Chairman, would the Minister be able to give us information as to the details of these Other Services?

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): I have already answered that, Mr. Chairman. The question came from Mr. Mboya, or the hon. Member for Nairobi East, as he is now, and I have already answered that saying that the saving is arrived at from a variety of different items of which I can give him a list.

Mr. Mboya: On a point of order, the question is not about savings. It is on Personal Emoluments, A3, Other Services.

The Minister for Health and Social Affairs (Mr. Mate): Mr. Chairman, I will give them a list of the heads.

Mr. McKenzie: Mr. Chairman, what we really want is the amount from this £25,440 which head in the Other Services.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Mr. Chairman, that can be given. It will involve quite a lot of work in the Ministry, but I am sure if the hon. Member again wishes if it can be got out and given to him.

Mr. McKenzie: Mr. Chairman, I cannot accept this involves a lot of work because you have got this figure. There must be a—Oh, I am sorry. I thought the hon. and gracious lady had finished.

The Parliamentary Secretary for Health and Social Affairs (Mrs. Shaw): Yes, I am sorry.

Mr. McKenzie: Mr. Chairman, I cannot accept that there must be a lot of work involved, because you have got this figure of £25,440. They must have had against each of these services under Other Services an amount. All we are asking for is that amount under each Other Service.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I can only suggest that in reaching all these figures, of course, there are plenty of working papers that are available to the departments on which these figures are based. Of course, the Government is

[Minister for Finance and Development] quite capable of producing all the breakdowns that hon. Members opposite chose to ask for. But, Sir, the Government has also got considerably more to do with its time than to produce figures merely for the sake of producing figures. I suggest, I am quite sure, that my hon. colleagues on this side of the House are prepared, if necessary, to produce all this work, to have all this work done, get all the typing done and have everything else done; but I think I should make it quite clear to Members on the other side that the production of this information will have to give way—it will have to take its turn—and it cannot be given priority over the many far more important things which the Ministries have got to do on behalf, Sir, of the people of this country. The health services, Sir, for example, have got a great deal of work to do in providing health services for the people of this country from the money that the taxpayer provides. I suggest that it is much more important that the officers concerned in administering those services should go ahead with providing those services than by providing a great deal of detailed information which, even when it has been provided, I doubt very much whether the hon. Members will ever understand. I make that statement, Sir, because if hon. Members opposite are really interested in the matters of detail they have got the whole of the information about the basic services, about the basic scales of pay. The whole information is available in the Estimates for 1961/62 and they can get them from there. If to those they want to add the amounts—if they want to know what the amount of inducement pay is—all they need do in each case is to perform a little very simple arithmetic and then say to themselves, "Thank heaven the taxpayers of Kenya do not have to meet this money, because it is being entirely reimbursed!"

Dr. Kiama: Mr. Chairman, on a point of order, the Minister for Finance said that they were not up to 270 figures produced "for figures sake". Now, Mr. Chairman, Sir, if I may say so, this is not a rubber stamp legislature. We are here to approve Estimates based on what we can find out as far as information is concerned. I consider it wrong, Mr. Chairman, to have the implication thrown upon us that we are asking for figures for the sake of figures. I think it is important that if the Ministers want us to approve these figures in these Estimates they should be prepared to give the information. We are not asking just for the sake of the figures. It is because we require all the information before we can approve this. We are not going to rubber stamp anything.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, before I move that we report progress, I should like to unreservedly answer that question by saying that if the hon. Members opposite want figures in the Estimates for 1961/62 they have 235 pages of them—

Mr. McKenzie: We are coming to that, just wait!

The Minister for Finance and Development (Mr. MacKenzie): ...and in the Estimates for 1960/61 they have 237 pages of them; and that is a fair amount of figures for them to study; if they are really interested in this question, and not merely interested in wasting the time of this House.

Mr. Mboya: Mr. Chairman, Sir, on a point of order—

The Chairman (Mr. Nyagah): I think this time you had better allow the Minister to finish his point.

Mr. Mboya: I thought he had finished—

The Chairman (Mr. Nyagah): I do not think he has. You were going to move something?

Mr. McKenzie: Yes, Sir, but on a point of order—

The Minister for Finance and Development (Mr. MacKenzie): Yes, Sir. The time is now half past six and I would like to move that the Committee do now report progress and ask leave to sit again.

Mr. Mboya: Mr. Chairman, Sir, I wish to speak on a point of order following what the Minister had said.

The Chairman (Mr. Nyagah): Not before him! Order, order, Mr. Mboya, not before him! He has already moved that the Committee should report progress and I should like to put the question.

Question proposed.

The question was put and carried.

Resolutions to be reported.

The House resumed.

[Mr. Speaker (Mr. Slade) in the Chair]

REPORT

SUPPLEMENTARY ESTIMATE No. 2 of 1960/61—

COLONIES

Mr. Nyagah: Mr. Speaker, Sir, I am directed by the Committee of Supply to report that progress has been made on the consideration of

Mr. Mboya: Since the Minister could remember so early and clearly the Hospital Hill School can he indicate how much of the £8,000 is going to that school?

The Leader of Government Business and Minister for Education (Mr. Ngalu): That is a question very similar to the former Member's request.

Mr. Nibenger: What makes these schools special?

The Parliamentary Secretary for Education (Mr. arap Moi): Mr. Chairman, I think the hon. Members appreciate the fact that we have blind children and handicapped fellows at Thika and some are at Bungoma. I suppose that you do not object to these grants-in-aid?

Dr. Kisanu Mr. Speaker, Sir, the Hospital Hill School was included with the Special Schools. How does it compare with schools for blind children?

The Leader of Government Business and Minister for Education (Mr. Ngalu): This is one of the Special Schools, Sir, but I think that Members will remember that provision for blind children, at this stage of educational progress in this country, is a special provision because our educational system has not covered all the children that are in the country. That is why the Ministry feels that these schools are Special Schools.

Dr. Kisanu: But how does a school for children of all races compare with schools for blind children?

The Chairman (Mr. Slade): I think that hon. Members have really asked enough questions to understand the purpose of this item. Unless any Member wishes to move a reduction we will move on to the next head.

Head 13 agreed to.

Vote 21—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

Personal Emoluments. Head A1—Office of the Minister

Mr. McKenzie: Mr. Chairman, could I ask the Minister, who unfortunately was not here before this morning when we had this debate, what are the savings of £19,000 under other sub-heads.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipi): Mr. Chairman, Sir, the savings of £19,000 are the amounts which the Minister was required by the Council of Ministers to contribute to the salaries revision following a review

of expenditure and possible economies in December.

Mr. McKenzie: Mr. Chairman, what I would like to know from the Leader of Government Business—and perhaps he will appreciate why I have been asking this all the way through—is it in these Estimates, up to the present, the amount of £19,000 appears, which was agreed to be saved in the Ministry of Agriculture, while nothing is being saved in any of the other Ministries; the Ministry of Agriculture being one of the important Ministries.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): I assume, Mr. Chairman, that it was because the hon. Member opposite was less resilient than some of the other hon. Ministers on this side of the House when he was a Minister on this side of the House?

Mr. McKenzie: Mr. Chairman, that is just the kind of reply I expect from the present Minister for Agriculture.

Mr. Chairman, I would also like to know from the Parliamentary Secretary for Agriculture how the additional sum of £45,860 was found in Appropriations-in-Aid.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipi): Mr. Chairman, Sir, the additional Appropriations-in-Aid, amounting to £45,860, represents that part of the bill for salaries revision which relates to staff, the costs of which are reimbursed from the Development Vote. It is anticipated that the additional commitment to the Development Vote will be found from savings during the current financial year, but clearly additional funds will be required for the development period as a whole.

[Mr. Chairman (Mr. Slade) left the Chair.]

[Mr. Chairman (Mr. Nyaguh) took the Chair.]

Mr. McKenzie: Mr. Chairman, could the Parliamentary Secretary give us a breakdown on how the amount of £3,476 under Head D2 of Development is obtained? Is it under the Appropriations-in-Aid.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, I am pleased that my hon. friend will be only too pleased to inform the hon. Member, exactly how these savings are made if he really wishes to know, although I would have expected him, possibly, to have some ideas about this himself. But I am sure that the Ministry will be only too happy to give him the information. I do suggest, Sir, that the

[Minister for Finance and Development]

relevant point at the present stage is that there will, in fact, be savings of this amount from that source, and not the actual make-up of this particular saving.

Mr. McKenzie: It is only relevant if we know where the savings are coming from.

Mr. Chairman, I wonder if my question about the £19,000 could be answered in a proper fashion. Why is it that so far, under subhead 6—and we have had three or four Ministries now—that I am led to believe that the only Ministry which has done an exercise of economy is the Ministry of Agriculture.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I think the answer to the hon. Member's point is that there are a number of places where one comes across the phrase, "Less expected savings on sub-heads". For example, under Vote 35 there are savings. This is Vote 35—Ministry of Works, on page 38. If the hon. Member turns to that he will find that there are savings of £70,000. In various places there are savings which are shown. It would not be true at all to say that the Ministry of Agriculture was the only one which has made savings. In some cases, however—in fact in many cases—what will have happened is that the savings made have been made on personal emoluments sub-heads. That is on the very same sub-head to which most of these increases refer. For that reason they would not be shown separately. I think one thing that is often overlooked is the fact that a very large proportion of the total expenditure incurred by the Government comes from personal emoluments votes, and therefore it is quite obvious that where there are considerable savings it goes to the personal emoluments votes that offer them. To take an example from the vote we are dealing with at the moment, there are 21 personal emoluments votes in the Supplementary Estimate before the Council. It is quite possible that in addition to the savings shown on page 21 there are savings on these particular sub-heads. But of course they would not be shown here because in calculating, shall we say, the additional amounts required under Head A5 Research Division, of £30,648, what would be done would be to work out how much additional money would be needed to pay for the Fleming increase, and then deduct any savings that were arising on that Vote in order to come to £30,648, which is a net figure. Therefore, for quite obvious reasons, the total savings that may have been made by the Government during the year cannot possibly appear in these Supplementary Estimates.

Mr. McKenzie: Mr. Chairman, I wonder if, with the savings, there has been taken into account any extra expenditure which may have to be found through supplementaries for army worm, or G.M.R. arising from army worm.

The Minister for Finance and Development (Mr. MacKenzie): Sir, all the savings available up to the date of this Supplementary were taken into account when this Supplementary Estimate was prepared. A series of supplementary estimates will come before the House before the end of the financial year, and I understand that in one of those Supplementary Estimates, any provision that may be necessary for expenditure in dealing with army worm, would be made.

Heads A1, A2, A3, A4 agreed to.

Head A5—Research Division

Mr. Shah: Mr. Chairman, on A5, I would like the hon. Minister for Agriculture either to confirm or reject my information about the Plant Breeding Station now employing an officer who is an invalid, and in order to keep him there, appointing another official and another clerk. That means that it is a waste of money in the extra estimate which is being discussed now. At the same time I am given to understand—

The Chairman (Mr. Nyaguh): Does this relate to Fleming?

Mr. Shah: Yes. It refers to part of the Fleming Report concerned with the increases. I also understand that the work being done by this Station at Nairobi, in comparison with the staff kept there, is very little; and I would like the hon. Minister to go into this—if he has not already gone into it to the point to find out whether there are any anomalies and waste of money; and, if there is, he should take immediate steps to stop any further waste of money, which is very dear to our country.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, on a point of order, I would point out that the position for all research stations and other organizations within the Ministry for which this money provides additional finance, that the original principle of having these various stations was already approved by the Council last year when the main estimates for this Vote were passed. This is merely intended to cover the additional money to be paid in accordance with the Fleming Report to people throughout the Service, and with the utmost respect, Sir, I think it would be extremely difficult on occasions of this kind and possibly contrary

[Mr. Mboya] we want to know how many Asian schools are involved.

The Leader of Government Business and Minister for Education (Mr. Ngala): This is all the Asian schools.

As hon. Members: How many?

The Leader of Government Business and Minister for Education (Mr. Ngala): I can supply details to the hon. Member.

Head C1 agreed to.

Head C4 agreed to.

Goan Education—D. Grants-in-Aid

Dr. Kioko: Mr. Speaker, I just wanted to point out that I see we have grants-in-aid for Goan Education. There is no mention with regard to personal emoluments. I wonder why personal emoluments are not mentioned in Section D of Goan education.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, the point that has just been raised by the hon. Member—the answer to it is simply that under Head D—Goan education—there are no schools run direct by the Government as Government schools. The only Goan schools are, in fact, grant-aided schools. That is the reason why there are no personal emoluments catered.

Mr. De Souza: How many European, Asian and African teachers are there in Goan schools?

The Chairman (Mr. Slade): That is not relevant to this debate unless you want to know how many of each category are receiving benefits.

Mr. De Souza: That would be my next question. How many teachers are there in each race and how many receive these expatriate emoluments?

The Minister for Finance and Development (Mr. MacKenzie): I am afraid that since the Government does not administer directly any of these Goan schools this is not information which we have immediately available. But I am sure that my hon. friend would be only too glad to provide the hon. Member with this information on advice having been given that he would like to have it.

Mr. Mboya: Is it suggested that we are to appropriate £5,280 without knowing what or how many persons are going to benefit by this, merely because we do not administer these schools?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chair-

man, Sir, I am in a position to supply the number of teachers in every type of school here, but this leaves out the teachers and officers serving and employed by the voluntary bodies for the grant-aided school. In this class we have about 22 Europeans, 306 Asians, and 47 Africans.

Mr. Mboya: We are asking with regard to Vote 20 D, Goan Education, Grants-in-Aid.

The Leader of Government Business and Minister for Education (Mr. Ngala): All teachers serving in the grant-in-aid schools—I am afraid that I have not got the figures here. However, I can get this information out for hon. Members.

Mr. De Souza: How many schools does the apply to? Is it only two schools? How many grant-in-aid schools are there?

The Minister for Finance and Development (Mr. MacKenzie): Sir, as I explained before, this is not information on the number of teachers and the actual number of grant-aided schools which are involved. It is not, I am afraid, information with which we have come briefed this afternoon; but I can give you an assurance that I am quite satisfied that in reaching this estimate the officers of the Ministry concerned and the Treasury had that information available; that it was based on the full facts of the case; that the number of teachers serving and the number of schools was there. As I say, if any hon. Members wishes to have further information regarding the number of D.E.B. schools, the number of Goan schools, the number of aided schools of any kind, and the number of teachers employed in them, my hon. friend the Minister for Education will be only too happy to make them available. But I suggest, Mr. Chairman, that there are possible limits to what one can carry round conveniently in one's head, and the number of teachers in aided schools is one of those things which, so far as I am concerned, is something that I do not carry in my head.

Mr. Kioko: The question was, Mr. Chairman, whether we could have the number of Goan schools that receive these grants-in-aid. I believe that these are the sort of details we should have before we can approve or disapprove these estimates, Mr. Chairman. It is not an impossible task to know the number of such schools.

The Parliamentary Secretary for Education (Mr. arap Moi): Speaking on section D, Mr. Chairman, may I request the hon. Members to refer to the Annual Report of this Department.

The Chairman (Mr. Slade): The members involved in these grants are not relevant to this

[The Chairman]

debate unless you want them to be dissected showing that there is some differentiation between certain categories of them. Unless hon. Members are suggesting that there has been differentiation between different Goan schools, grant-aided, in their receipt of benefits under the Flemming Report, the questions are not relevant.

Mr. MacKenzie: Mr. Chairman, Government Members have not been so far able to answer, but now that perhaps other Government Members are coming in to the debate they can answer. I estimate B5 there is an original estimate of £41,500, and the sum of £13,310 is needed under this Supplementary Estimate. In the Goan Education estimate it was £42,500, and only an extra £5,000 is needed. If you come to the next one, £5,000 you will see that the proportion is very different again. Therefore it does seem to me, Mr. Chairman, that there may be some schools that have been left out and which are perhaps not accepting Flemming, because the amounts differ so much, Sir, in the initial sum of the original estimate and the percentage of the Supplementary. We want to know whether all the grant-aided schools are accepting Flemming and whether all the money that will be necessary to be given to grant-aided schools is down in these Supplementarys. How did you come to them? To have got them you must have known the number of schools in each of the categories.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, Sir, I think that has been answered already by my hon. friend, the Parliamentary Secretary. All the voluntary agencies that are running grant-aided schools have applied to be included in this scheme. With that background the Ministry has worked out the estimates, and it has been made clear that the estimates are correct.

Mr. Chakwe: Mr. Chairman, Sir, are we being led to believe that the Education Department, or the Ministry of Education, does not exercise any form of control at all over these Goan schools?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, Sir, any school that receives a grant-in-aid must do so after observing certain rules laid down by the Government or the Ministry of Education. Therefore this applies to all the Goan schools that get grants-in-aid.

Head D—Grants-in-Aid agreed to.

Arab Education—General—E1 Personal Emoluments agreed to.

Arab Education—Sir Ali Bta Salim School
F1—Personal Emoluments

Mr. Mboya: Does the absence of grants-in-aid under E1 and F1 mean that Arab schools receive no grants at all?

The Minister for Finance and Development (Mr. MacKenzie): The answer to that question, Sir, is that in so far as Arab schools are concerned they are entirely run by the Government as Government schools; and there are no grant-aided Arab schools. That is why there is no provision for grants-in-aid.

Mr. Argyyios Kodhok: It might be useful to know from the Minister if the Sultan of Zanzibar makes any contribution to the Arab schools.

The Chairman (Mr. Slade): That is not relevant to this debate.

Head F1 agreed to.

African Education. G1—Personal Emoluments agreed to.

Head G5—Grants-in-Aid

Dr. Kioko: Mr. Chairman, I just want to have an assurance from the Minister that these increases these additional sums, are as a result of the acceptance of the Flemming Report by the schools concerned.

The Leader of Government Business and Minister for Education (Mr. Ngala): Yes, Sir.

Head G5 agreed to.

Head H1—Personal Emoluments agreed to.
Special Schemes, Head H1—Personal Emoluments agreed to.

Head B3—Grants-in-Aid to Special Schools

Mr. MacKenzie: Mr. Chairman, may I ask what these Special Schools are?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, Sir, the Special Schools are schools like the Hospital Hill School and other schools that have been started all over the country.

Mr. MacKenzie: Mr. Chairman, could I have a breakdown of the accurate estimates of what amount is going to what school under B3?

The Chairman (Mr. Slade): That is, the amount of the additional money?

Mr. MacKenzie: Yes Sir. What about the £8,000?

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, Sir, I will supply that information to the hon. Members.

[Mr. Mboya]

explain to us which touch on his portfolio or Ministry. One is whether, with reference to localization, he as the person directing Establishments and generally in charge of matters concerned with localization, has taken into account, in dealing with the structure of his Ministry and especially the administration, the rapid and effective localization of that Department, thereby avoiding the expatriate officers.

The Opposition is not satisfied that the present attitude is meeting this problem effectively. We feel that the Chief Secretary has failed to meet the situation effectively. We feel that there are local people today in the Administration who are by experience and qualifications qualified to take over most of the jobs which are at the moment assigned to expatriate officers. We are not satisfied that the Chief Secretary's approach and attitude to this matter is meeting the problem as effectively as we would like to see it.

I think, Sir, at this point that we might also mention the question of recruitment of qualified Africans to the Civil Service; and here again there is dissatisfaction with the Chief Secretary's attitude and approach. It is felt on this side of the House that certain Africans, who have been recruited to the Civil Service with university qualifications, some time back, have not had the opportunity in the last few months, when vacancies were open to Africans—

Mr. Alexander: Mr. Chairman, on a point of order, is this not policy again?

The Chairman (Mr. Nyagah): I am afraid you are going away from this subhead, Mr. Mboya.

Mr. Mboya: Mr. Chairman, Sir, perhaps you might like to explain to us, if we move a vote for the reduction of the Chief Secretary's salary, what it is we are supposed to be discussing. Do we discuss how we spend this money, or what? I am seeking an explanation on this. I thought that when the Opposition or anybody moved a reduction in the salaries of Ministers it means dissatisfaction with the general running of that particular Ministry. That would include policies attaching to the various parts of the Ministry. Administration is under the Chief Secretary's Ministry. Establishments is under the Chief Secretary's Ministry, which also controls the question of recruitment and localization, and the Provisional Administration. I am not quite sure—unless you give us some guidance on this—that we are not going to be caught up by the Member for Nairobi Suburban all the time. He seeks to have studied *Erskine May* during the last two days. I am not sure that we are going to be able

to ventilate our views and especially our dissatisfaction with certain Ministries unless we can do so. I am avoiding taking the specific items in the Estimates because I thought at this stage that we were dealing with the Chief Secretary as such, as a Ministry.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, on this point I do suggest that it is not the whole compass of Government policy on each Ministry that can be canvassed in this debate on Supplementary Estimates but the policy represented in the supplementary money which Government is asking this Council to appropriate; and that is the policy of Flemming. As I understand it, Mr. Chairman, you have ruled that the House has, in fact, sufficiently developed its arguments and has given its views on the policy of Flemming, and what we are now concerned with is the detail of the Supplementary Estimates under each head in the implementation of that policy. But if we are going to canvass the whole compass of ministerial policy under each head, then we are going to be quite out of order, in my respectful submission, and we are in fact anticipating the debate on the Budget and on His Excellency's Speech, which is a policy debate.

Mr. Mboya: Mr. Chairman, Sir, these are the terms of reference of the Flemming Commission: "(a) the need to offer terms of service sufficient to attract and retain overseas staff; (b) the need to devise salary structures for the local service which the territories and Administration will be financially capable of sustaining; and (c) the special position of the High Commission and the centrally administered services."

Mr. Chairman, throughout this Report one is left with the impression that we are dealing here with a question (a) regarding the future and the security of the expatriate civil servants; and certainly we are dealing with a very central issue on the matter of policy of recruitment in the Civil Service. I would consider that the question of localization is involved, and that the whole idea of the Flemming Commission encompasses the issue involved in the structure and recruitment.

The Parliamentary Secretary for Health and Welfare (Mr. Shaw): Mr. Chairman, on a point of order—

Mr. Mboya: I am explaining a point of order, Mr. Chairman. I am quite entitled to make my views known to the House. If the hon. Member does not like it perhaps the might wait until later.

The point I was mentioning, Mr. Chairman, was that I feel very strongly that if we are denied

[Mr. Mboya]

the opportunity to discuss matters affecting the relationship between local staff and expatriate staff, the recruitment policy which is in my view very much involved in the question of localization at this point, we might, when the Budget Debate takes place, be told that since we have already discussed the Flemming Report when debating Supplementary Estimates we are not allowed to do so later. I think we would like to have your guidance on this and at least we would like to have your protection from hon. Members opposite who seem to have merely studied *Erskine May* in order to come and hinder debate.

The Parliamentary Secretary for Health and Welfare (Mr. Shaw): Mr. Chairman, my point of order really was that there was no point in discussing a point of order in order to make another policy speech. I thought you had already ruled that Flemming was out, and that we had had sufficient discussion on this morning.

The Chairman (Mr. Nyagah): The ruling I gave really was that we had discussed quite a lot of this and that enough opportunity had been given to discuss the general policy involved, and I ruled that Members should confine themselves to the votes and the heads in the Supplementary Estimate.

Mr. Mboya: With due respect, Mr. Chairman, I do not wish to challenge your ruling, but the hon. Member will remember that this morning when we raised certain matters of detail affecting various Ministries they were not really replied to; and, as I recall, in the Budget Debate we discussed general issues, but then asked that when we discussed each head we should still be free to raise matters related to that particular head. I am afraid that the Government, when we were discussing generally the question of the Flemming Report, replied to the various points that we made during that time. I thought that we were quite free, when discussing the individual heads, to bring up matters under those heads which had not been replied to or effectively dealt with.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, we did have a general discussion this morning and certain answers were given by the Government. The fact of the matter is, Mr. Chairman, that these Supplementary Estimates are related to the Flemming Report as modified and implemented by the Government, and to that only.

There will be a plethora of opportunities for my hon. friends opposite to raise any point of policy they wish. We are about to embark, if

that is not an optimistic euphemism; on the debate on the Budget Speech, and on His Excellency's Communication; the Speech from the Chair. We have reserved eight days; God help us, for that debate; and we will follow that, at the option of the Opposition, with 16 Supply days to debate individual heads. Now, I do suggest to my hon. friend opposite that it is on those occasions, and particularly on the Supply days, that they can raise matters of policy in regard to each Ministry which they have put down for debate on their Supply days. They can run through the whole gamut of Government policy on the forthcoming eight-day marathon. But, Sir, on these Particular Supplementary Estimates, I do suggest that we have had ample opportunity in the Committee to discuss the policy of Flemming and that we should now confine ourselves, and be confined to, the various items set out in the Supplementary Estimates in so far only as they relate to Flemming.

The Chairman (Mr. Nyagah): Members must confine themselves to heads under discussion or under debate. They may not discuss the general policy of the Ministry at this stage. They may only discuss the policy involved in the actual increases, as put forward in the various heads.

Mr. Alexander: Mr. Chairman, on a point of order, you are now morning rule that any more policy on Flemming was out of order under this Motion?

The Chairman (Mr. Nyagah): I did not rule discussion on the Flemming Report out of order, but I said the Members must confine themselves to the actual heads. They have ventilated their views enough; their view has been heard on what they think of the policy of the Flemming Report.

Mr. Shah: I was going to say that, as you have just now reminded us, you, Sir, did not order out discussion on the Flemming Report, but in your opinion there was a lot of discussion which had taken place. But in my opinion the discussion on the Flemming Report, if it were taken as a separate question, would have taken a few days instead of a few hours; and since the discussion on the Flemming Report has not been enough I would say that an opportunity should be given to the Opposition—

Mr. Alexander: On a point of order, Mr. Chairman, is the hon. Member entitled to challenge your ruling? You have ruled so far as policy of Flemming goes we have had enough debate. He is now challenging that ruling, as I understand him.

[Mr. Butler] We have not sought additional provision at all, because there are savings within that vote which make it unnecessary for us to come to this Council for supplementary provision. In general, however, where we show savings for passages and leave expenses it does relate to the three months period 1st April to 30th June, during which half the cost of the passages for designated officers will be met by Her Majesty's Government.

Mr. McKenzie: It would be easier if he answered this question. Could he possibly give me a breakdown into scales of this £2,593. Perhaps it is all 11 scales, they do not take overseas leave.

Mr. Butler: Sir, I cannot give him the exact details. The total provision for personal emoluments in this vote and the original Estimates was £31,644, and he will see for himself that probably the greater part of the increase relates to the more senior staff.

Mr. McKenzie: Seeing that the hon. Member cannot tell us that, Mr. Chairman, could I ask that it be obtained for us and be given to us at some later date.

Mr. Butler: Mr. Chairman, I am always very ready to answer any questions that are put forward by the other side, but normally the House has been good enough to agree that the Government's sums are normally reasonably accurate. The adjustment to salaries of each officer whose personal emoluments are affected has been carried out in accordance with the conversion tables that are attached to the Establishment Circular No. 11 that has been laid on the Table of this Council, and I feel, therefore, and I hope he will agree, that he can trust us to do our sums right and that if we do our sums wrong the Controller Audit General, who is a servant of this House, will bring it before the Public Accounts Committee.

Mr. McKenzie: Mr. Chairman, what I am trying to get out of the hon. Member is why there are no passage and leave expenses. We have gone further and further afield in trying to find out why there are not—Perhaps I could know on what side of the House why there are no passages and leave expense has been saved under this Vote.

Mr. Butler: Certainly, Sir.

Mr. Chokwe: Mr. Chairman, we would like to know the proposed savings.

The Chairman (Mr. Nyagah): Would you like to repeat that question again, Mr. Chokwe?

Mr. Chokwe: We would like to know the proposed savings.

The Acting Chief Secretary (Mr. Griffith-Jones): No, Sir.

NOTE 7—OFFICE OF THE CHIEF SECRETARY
Head A—Personal Emoluments

Mr. Chanan Singh: Mr. Chairman, I propose that Vote 7 be reduced from £315,462 to £315,461.

I think, Sir, that this is the Ministry that controls the Establishments Division, so if anybody is in doubt with regard to the application of the recommendations of the Flemming Commission, it can be raised under this Vote.

Now, Sir, may I make clear that many of us on this side of the House feel that whatever the Government says about expatriate officers and overseas officers, it is all a question of giving more money to some and less to others: so from that point of view I feel that there are certain categories of staff who need more consideration than has been given to them. I see one of the principles governing the grant of overseas addition is that the appointment of an officer should have been approved by the Secretary of State for the Colonies. I understand, Sir, that there is a small class of staff who joined in the thirties or in the twenties and whose appointments were approved by the Secretary of State for the Colonies. I believe this is a fact that was stated in their letters of appointment. That class is a *dyng* class. There are very few of them left in service. Can we be told whether it is possible for this small class to be reconsidered for the award of overseas addition.

There were officers who were appointed in the early thirties or late twenties whose letters of appointment stated that "your appointment has been approved by the Secretary of State," or words to that effect. That is no longer done, but I believe there are some such officers still in service. Is the Government prepared to reconsider their decision with regard to this small class of officers.

There is another category to which I wish to draw attention. In the thirties, a "local" service was introduced both for Asians and for Europeans. Quite a few Europeans joined this local service. Apparently they were not "overseas" staff. At the same time there were a number of non-European officers who were in the overseas service and who continued to enjoy the same terms. Since, these local Europeans have been accepted into the category of expatriate officers, but there are Asians who were at that time in the overseas service and are now regarded as locally domiciled staff. I think there is a little injustice here that needs looking into.

[Mr. Chanan Singh]

The third point I wish to make is in regard to this crucial date of 1st October, 1954. I believe that it is the date when Her Majesty's Overseas Civil Service came into force. Now, Sir, it is a fact which is well known to all of us that non-European officers were not admitted into this service; therefore this date should not be regarded as relevant with regard to non-European officers. I think that the matter in so far as it concerns non-European officers should be regarded as one of doing substantial justice. If it is decided that a certain category of staff belongs to the expatriate class then all officers in that class, irrespective of whether or not this date applies to them, should be given the overseas addition.

There is one other class of officer which I wish to mention. I believe the Flemming Report deals with the permanent members of staff. There is a large number of staff on daily terms of service. On all past occasions it was usual to apply the recommendations of a Civil Service Commission to permanent staff first and then to extend them to artisans. It has been usual in the past to increase the rate of daily pay when a Commission has made recommendations. I believe that nothing so far has been done with regard to artisans now in the service of the Government. Does the Government intend to review the scale of daily paid staff and to increase them proportionally?

Sir, I see that the Flemming Report also deals with the question of house allowance. Do I understand that the question of house allowance has been permanently deferred? That is, will the civil servants continue to be paid assistance in regard to housing, or has this matter been only temporarily deferred?

Question proposed.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, with regard to the various categories of officer which my hon. friend has mentioned, I think I can point out in general now certain matters, and if he wishes to raise the particular cases, or cases of particular categories of officer, I would be grateful if he could do so afterwards so that we could discuss them if necessary. But, broadly speaking, in regard to designation, designation lies with Her Majesty's Government. There are certain principles of eligibility for designation but the actual designation lies with Her Majesty's Government by virtue of course of the fact that they are bearing the cost resulting from designation.

So far as the date 1st October, 1954, is concerned, that was, as he stated correctly, the effective date of the commencement of the White

Paper inaugurating Her Majesty's Overseas Civil Service, which set out the nature of the obligations which Her Majesty's Government in effect recognized in respect of the categories of officer to which that White Paper applies.

In so far as Europeans or non-Europeans are concerned, if they were prior to that date in the category known as "expatriate" officer, and converted with inducement therefore under Liddbury, then they would be eligible; speaking broadly and generally, for designation; and race would not enter into the matter as either a bar or a qualification.

So far as artisans are concerned, I think I am right in saying that there is other machinery for determining their wage levels. The Government does not do it unilaterally.

I am not sure that I can remember whether there are any points I have not answered.

Mr. Mwanjumbwa: I would like to ask a question of the Chief Secretary. Can he tell us what actually determines the number of administrative officers in any one region; say, a district or a province, because the impression I have, and that many people have, is that sometimes there are too many administrative officers in a district; and sometimes, to my surprise, they have so little to do, that they do the work of subchiefs or chiefs. My question is, is it the geographical size which determines the number of administrative officers or the population of the district or the region concerned, or all of these factors? I have some experience of one small district of about 70,000 people which is administered by seven administrative officers.

The Chairman (Mr. Nyagah): Order, order! Are you now trying to speak on the policy or you just confining yourself to the Vote.

Mr. Mwanjumbwa: I am just getting on until I come to the point of reduction.

The Chairman (Mr. Nyagah): Well, just get it straight, without making lengthy explanation.

Mr. Mwanjumbwa: Well, I would say, Mr. Chairman, Sir, that the time has come for this Council to save money on the Administration. We feel that there are too many administrative officers in some regions, and also that there are too many vehicles attached to every administrative officer. We feel that the time has come for some sort of reduction, Mr. Chairman, and I would suggest that we reduce the Vote by 20 per cent.

Mr. Mboya: Mr. Chairman, there are just a few points that I would like the Chief Secretary to

[Mr. Alexander]

the main point of order I am raising and asking for your ruling—under each of these heads the money to be Voted is merely the money resulting from the policy of Fleminging. The detail has already, or this Council has had an opportunity of discussing the details when the Estimates for 1960/61 were debated. As an example, Mr. Chairman, under this heading, Personal Emoluments, £251,379, has already been and the detail of it, or an opportunity to debate the detail, has already been available to this Council, and I would ask your ruling, Mr. Chairman, whether it is right and proper that in the circumstances of this Vote and these Supplementary Estimates that any detail under each heading can be discussed.

Here, I would just like to quote for a moment from *Erskine May*, 16th Edition, page 738, where it says, "But if the Supplementary Estimate is merely to provide additional funds required in the normal course of working of the services for which the original Vote was demanded, only the reasons for the increase can be discussed and not the policy implied in the service which must be taken to have been settled by the original Vote." The original Vote, we have the opportunity to discuss the details under each heading, and I would now like to have your ruling, not only as regards any discussion of policy but as to whether we are entitled to discuss any further details under each of these headings.

The Chairman (Mr. Nyagah): On that point of order which has been raised, it is in line with the ruling I made this morning. A question may be asked without moving such a Motion, but they must not be questions which lead to debate. I would also remind Members that they will have an opportunity of raising all the points at present being discussed when the main Estimates come up for consideration. So here, Members should confine themselves to the actual details of heads we have here.

Mr. Mathenge: I was really confining myself to what we have here, Supplementary Estimates, and I think the last speaker has quoted very correctly from *Erskine May* that we should deal only with matters that concern the Supplementary Estimates, not further policies under the Estimates.

Mr. Alexander: On a point of order, Mr. Chairman, have we not dealt with the matter and you ruled it this morning concerning the Supplementary Estimates. That is the policy of Fleminging and you have ruled that we should have general—

The Chairman (Mr. Nyagah): Members must be given an opportunity of considering each Vote.

Mr. Mathenge: I was considering Vote No. 2, and I was considering paragraph No. 1, What I wanted to ask the Minister was this, the Minister for Legal Affairs: under this paragraph you have payments which I suppose under Fleminging would be termed overseas addition. Well, whatever it is, which would include—may I quote here?—"and for other expenses in connection with the administration of justice in the Colony, including payments to assessors, counsel, jurors, and witnesses." What I want to know please, that to people who are known as assessors, counsel, jurors and witnesses, unless we understand them to be a category of who would qualify under this particular category of expatriate servants, I do not see why they should appear in the Estimates, or if they do appear, I consider it discrimination, because why should—

The Acting Chief Secretary (Mr. Griffith-Jones): On a point of order, the hon. gentleman is reading from the ambit of the main Vote. There is nothing in this Supplementary Estimate dealing with witnesses, counsel, jurors or assessors, and I can assure him those people do not qualify for overseas addition.

Mr. Mathenge: It should not be in the paper.

Mr. McKenzie: Mr. Chairman, I do not know whether the hon. Minister has got £1 left or not, but I would like to take this opportunity of congratulating him as being the only Ministry that has come forward in these Supplementaries for the sum of £1, and I sincerely hope he gets that £1!

Mr. Chairman, I would like to ask him, under Appropriations in Aid, how come it was that in his Ministry's estimate or the estimate at the beginning of the year they are, in fact, 18 per cent out. I get that by the extra amount that is coming in under 'Appropriations' in Aid under Fees of Court being £36,000. Could I ask him how it came about that such a large error of 18 per cent was made?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, Sir, this increase in Appropriations in Aid in respect of Fees of Court amount of litigation, particularly civil cases. There has been a considerable increase and there has been a considerable increase in the output of judicial work, with the result that the original, as he puts it, "guesstimate" has proved to be a considerable underestimate. But the extent to which the litigious propensities of our people will be indulged in the course of any one year must be, I fear, a guess.

Mr. McKenzie: Mr. Chairman, do I take it that we managed to pull in an extra £36,000 with all the people whom he told us earlier on he had not been able to fill vacancies with? Therefore, would he be prepared to say that if he could fill the vacancies this year we may be in the hope of getting, say, £70,000?

The Acting Chief Secretary (Mr. Griffith-Jones): As a "guesstimate", yes.

Mr. De Souza: Mr. Chairman, is there a ruling that we cannot discuss this question now, or may I supplement what my hon. friend has said?

I do not quite understand what the ruling really is.

The Chairman (Mr. Nyagah): That was the ruling.

Mr. De Souza: Is that a ruling? It is a ruling that I cannot request.

The Chairman (Mr. Nyagah): It is out of order. The question was put and negatived.

Head A agreed to.

Heads H1 and J agreed to.

VOTE 5—EXCHEQUER AND AUDIT

Head A—Personal Emoluments

Mr. McKenzie: Mr. Chairman, I would like to ask under Appropriations in Aid, how these Appropriations in Aid from the High Commission, the Railways and the Posts and Telecommunications were saved. I would like to know in what section of those three services were these savings made.

Mr. Alexander: Mr. Chairman, on a point of order, back to *Erskine May* 16th Edition, page 734, it says, "On the other hand a Committee of Supply may not discuss the application of Appropriations in Aid." May I have your ruling on that? May I have your ruling, Mr. Chairman, whether it is in order that the Minister should be requested to answer the question?

Mr. Chairman, would it help if I read the whole—

The Chairman (Mr. Nyagah): The answer to that, Mr. Alexander, is that in the past I understand discussion has been allowed on this one as long as it does not lead to a very lengthy discussion.

Mr. Butler: Mr. Chairman, the hon. National Member, Mr. McKenzie, asks how the savings has arisen on Appropriations in Aid. There are no savings on the Appropriations in Aid; there

are increases. There are increases because part of the salaries for the staff in the Exchequer Audit Department was spent by the East Africa High Commission, East African Posts and Telecommunications and East African Railways and Harbours, and when the salaries went up we had to have an increased contribution from these three organizations.

Mr. McKenzie: Mr. Chairman, it is incredible how people alter when they cross from one side of the House to the other. Mr. Chairman, I would like to ask the Minister if he would tell us what the savings are under the Passages and Leave Expenses. For instance, are these more vacancies in Government which could not be filled? If so, what are they?

Mr. Butler: The answer to this one is, Sir, that one is, Sir, that with effect from 1st April under the overseas aid scheme half of the cost of the passages of designated officers will be met by Her Majesty's Government and the savings arise for that reason.

Mr. Alexander: Mr. Chairman, on a point of order, I understood you to rule earlier on that it was quite competent for a reduction in the vote to be moved, but as the detail in these Estimates this Council has the opportunity of discussing in the 1960/61 Estimates, that there should be no more detailed discussion, but a Motion to reduce the figure that you ruled in order, as I understand it.

The Chairman (Mr. Nyagah): It is quite in order to ask a question in seeking an answer without going further into very complicated, lengthy details.

VOTE 6—CIVIL SERVICE COMMISSION

Head A—Personal Emoluments

Mr. McKenzie: Mr. Chairman, may I ask how come there are no passages and leave expenditure paid in this one?

Mr. Butler: The answer, I believe, Sir, although I stand to be corrected on further investigation, is that none of the very small number of officers employed by the Civil Service Commission will be going on leave between 1st April and 30th June this year.

Mr. McKenzie: Mr. Chairman, could I ask the hon. Member who has just sat down, if that is the case, in all the other Ministries where it does appear, because I do not want to ask the same question every time.

Mr. Butler: I could not say if that answer would apply in all other votes because in certain votes

[The Acting Chief Secretary]

will, of course, recall that Librery inducement element. They are not getting, though, the overseas addition. That is the answer to the best of my knowledge, without precise details.

Dr. Kiiso: Mr. Chairman, I should like the Minister for Legal Affairs who is also the Attorney-General to comment a bit on the first paragraph of this Vote which says that the Supplementary Estimates include among other things the payments to assessors, counsel, jurors, witnesses. I should like to find out why it is that up to now in a country which is being turned over nearly to the African majority Kenya finds it possible to provide trial by jury for one racial community and not for the other. I should like him to express his opinion as to why it is possible to have perhaps European persons tried by jury but not the members of other communities. Is this an indication that members of the other communities do not warrant such a trial, or is it a question of the expenses? Why should we be able to put aside money to provide jury trial for one community but not for the others? When we are paying taxes we do not have African taxes and European taxes or Asian taxes. We just have taxes on the basis of income. I think this smacks of race discrimination in the worst form, and to describe it in terms of lack of sufficient money would not be satisfying because it is not satisfactory to us to integrate us as taxpayers but separate us when the services are being dished out by this Government.

Mr. Chanan Singh: Mr. Chairman, before the Minister replies, I should like to raise one other matter. He stated in his earlier answer that advertising took place partly through the Law Society. What happens as far as I am aware is that all appointments to the magistracy and to Crown counsel's posts are reported to the president of the Law Society personally, but not the Law Society. He is only asked to say whether a particular applicant whom it is desired to appoint is a suitable person. He is not told of the other applicants who are rejected for the post, and the president of the Law Society naturally can do no more than say that if the Attorney-General considers that applicant suitable, then he must be suitable. What our complaint is is this, that these jobs are not advertised and there is no opportunity for people to apply. Whenever people do apply, Minister give us an undertaking that in the future no appointments will be made overseas and, secondly, that all appointments to the magistracy and the Crown Law Offices will be advertised?

The Acting Chief Secretary (Mr. Griffith-Jones): I will certainly give the second assurance. So far as recruitment overseas is concerned, I will give the assurance that we will certainly not recruit overseas if we can recruit to our needs locally. Indeed, I do not think the matter is likely to arise in acute practical form because we have not been able to recruit from overseas for some time already.

However, on the point of the references to the president of the Law Society, I am grateful to my hon. friend for mentioning that because I have, had, and the Government has had, great assistance from successive presidents of the Law Society in confidentially reporting from a professional point of view on applicants. I will, as I have already said, look into the matter of paid advertisements because, somehow or other, the people who were appointed must have heard of the vacancies. I am not quite sure, but, if my hon. friends rule out every avenue of communication with them... well, then we are, so to speak, on the net of telepathy which is not an entirely satisfactory basis on which to recruit to a judicial service.

On the point raised by my hon. friend regarding juries, I would remind him that I think we have a Motion coming up on the subject at which, no doubt, we shall canvass the whole subject. If the last ten days have been any example, at great length and excessive length, I would also remind him that it is not so very long ago that there was a debate in this House on the question of juries and the practical considerations militating against a universal jury system were presented to the House. I will not go over the whole ground again; but I do remember that there were some statistics, and one of them—I hope I am not inaccurate in quoting it—does remain in my mind and that was to the effect that if we had a universal jury system, whereas at the moment we have 12 Supreme Court Judges, under a universal jury system we would require somewhere over 150. It would be rather expensive.

Dr. Kiiso: With regard to that point, Mr. Chairman, I must speak and I hope my friend will reply. In the first place, there is no use my friend reminding us of a Motion which is coming because we are required to approve the Supplementary Estimates today and, therefore, whatever is raised during the debate on the Motion as far as universal juries are concerned, that does not deter us from discussing this item today.

Secondly, if it is a question of the difficulties with regard to the number of Supreme Court Judges which may be required in the country, or

(Dr. Kiiso) financial difficulties, then I must be satisfied today I can be a party to approving this particular Vote, as to why it is under these particular terms they have to divide the people of this country into separate races, give some facilities to one race and not to the other. If we have these difficulties, for heaven's sake let us share them equally for all communities, but not classify people on the basis of their race and at the same time pretend that we are fighting for integration of the people in the country. Therefore, I do not think I can be put off by being told that some time ago we discussed this, that there is a Motion coming. We have a vote today, to approve or disapprove with regard to this Vote No. 2, the Judiciary and it is necessary for Government to say to us why it is that under these difficulties implied in the reply given to me by the Minister for Legal Affairs, why it is we must consider it possible for one race and not for the other, and why we cannot integrate the people together. We must make a bold statement. I mean a bold statement one of these days away from risk—

Parliamentary Secretary for Health and Welfare (Mr. Shaw): On a point of order, I do not remember in previous debates of this Council questions being made on Supplementary Estimates. Is that out of order?

The Chairman (Mr. Nyagah): I think the hon. and gracious lady has raised a point of order which is quite correct, and I would like to take this opportunity to remind the Members that under Standing Order 112, section 3, they are allowed to move a resolution to the total amount of a Vote and they may not, when the subhead to which it relates is under consideration. I would also like to remind hon. Members that in a debate of the Supplementary Estimates last year, December 21st, a ruling was given in this House by Mr. Speaker, and to quote just a section of it which is relevant to this point of order raised. This is a quotation from a ruling given by the Speaker of the House of Commons, Westminster, and it says this: "As a general rule for Supplementary Estimates, it is in order to discuss only the particular items which constitute the Supplementary Estimates and the subheads of the original Estimates can only be referred to so far as they are involved in the fair discussion of the points contained in items asked for in the Supplementary Estimates. Of course, it is quite wrong to raise on a Supplementary Estimate the whole question of policy involved in the original Estimate and, as I have stated, discussion is

properly confined to the items on the Supplementary Estimates." I cannot then allow debate on Vote unless a Motion to reduce the amount is moved.

Mr. Kiiso: Mr. Chairman, Sir, I do want to pay my respects to the hon. and gracious lady, for reminding me of the rules of the game. It is only that it matters so much to me that I do beg to move, Mr. Chairman, that we reduce by £1 the amount allocated for the Judiciary department because of the opinions and observations made by the previous two statements, which I do not have to bore the House with. But it is essentially the statement that we do have the jury trial for the European race and assessors for the African community, and the status of the two are not in any manner comparable, and I do believe that the day has come for Kenya to be integrating the services given to the people of this country, not on a racial basis or communal basis. Therefore, Mr. Chairman, with your permission, I move the Motion that we reduce the Estimates given here by £1.

Question proposed.

Mr. Mathenge: Mr. Chairman, I would like to second this Motion, and in so doing I would like to support the principle behind it. I agree with you, Mr. Chairman, that the rulings of other Chairmen and other Speakers that during the Supplementary Estimates we do not discuss policy over the previous Estimates, if I do not think this particular body of Estimates constitutes a very important part in our history; I mean, this is a special step being taken to induce a certain group of people to work here in Kenya; and, therefore, I think this is particularly relevant for us to discuss, but I am not going to go against the ruling, Mr. Chairman.

I would like to take just a technical point. Under these Estimates there are included payments to assessors, counsel, jurors and witnesses. I suppose these payments are payments in relation to overseas addition.

Mr. Alexander: On a point of order, Mr. Chairman, may I seek your ruling on a wider implication in what we are now involved in? As I understand it, the whole of these Supplementary Estimates is to bring into effect the results of the Flemming Report and the policies brought by the Government. That is not all. This morning, Mr. Chairman, you ruled that there has been sufficient debate, in your opinion, on the policy of Flemming and you ruled that there would be no further debate on these Estimates concerning the policy of Flemming. Going from that point, Mr. Chairman, to the whole question—this is

[The Speaker]

urgent and worthless unless it is answered quickly, then I do feel that Ministers should take a very early opportunity to say whether or not they are going to answer the question, and if they are going to answer it what the answer is.

When I suspended Council this morning the Council was in Committee, of the whole Council and the consideration by the Committee will now continue.

[Mr. Speaker (Mr. Slade) left the Chair.]

IN THE COMMITTEE

[U. J. M. Nyagah, Esq., in the Chair.]

SUPPLEMENTARY ESTIMATE No. 2 of 1960/61—
COLDY

VOLE 2—JUDICIAL**A—Personal Emoluments**

Mr. Chanan Singh Mr. Chairman, in view of the very special position the Judiciary occupies I think this particular Vote should be in some other Vote—if it were possible I would propose an increase in this Vote.

Mr. McKenzie: Friends in the same Trade Union!

Mr. Chanan Singh: I feel whatever happens in other departments, at least in the Judiciary there should be no differentiation. If two magistrates have the same qualifications, do the same work, there should be no difference in their salaries. Obviously the question of experience is involved, but if a magistrate does the same work and has the same qualifications but gets, say, £500 less than his colleague, then I think it does affect his prestige. I personally think the Government should consider this matter carefully and see if they cannot make an exception in the case of judges and magistrates—there are no judges involved but there are magistrates, some of whom are "designated" officers and others not.

Mr. De Souza: I am one of those on the Opposition side who are keeping a watchful eye on this department, the Ministry of Legal Affairs and, I think, Mr. Chairman, I might be permitted to make some few observations about this department.

Sir, the English law brought into this country is, of course, one of the greatest contributions that Britain has made to Kenya and to many parts of the world. But I feel in its application in Kenya there is the likelihood of a certain amount of misunderstanding, because even when the principles of law are of the highest order, its application cannot be done properly—magistrate

and judges can only apply law in relation to the facts in a particular case. In this particular matter therefore they are guided by their environment, their experience of day to day matters, their ideas of sense of values and people that they try, their understanding of the background and mentality of the witnesses in the dock or in the box. So I feel, therefore, in this country it is absolutely essential that there should be more magistrates who know the people that they are trying—in other words that there should be more non-European magistrates. It is absolutely essential to do this because not only must justice be done but it must seem to be done and I do think it a great shame that in the whole of Kenya today—and I believe I am right—there are only two non-European resident magistrates, both of them are Indian and both of them are in Nairobi.

If this country is in a state of transition, if this country is going to be independent before long, I think it is absolutely vital that we should engage, rapidly, a large number of magistrates in all parts of the country who have a better appreciation of the people whom they are going to try and the people whose evidence they are going to listen to.

This, I must repeat again, no reflection on the magistrates who are at the present moment trying people in this country but I feel if this is going to be a transitional period we must have a career programme for education to increase the number of magistrates of non-European origin in this country. I think only one point needs to be said about that, the hon. gentleman the Minister for Legal Affairs said this morning that vacancies for magistrates were advertised. Sir, with the greatest respect I have been, and so have two other hon. and learned friends been in this country for many years and I have never yet seen an advertisement for a vacancy either for a Crown Counsel or a vacancy for a magistrate in this country. I would like to know exactly how many magistrates have been engaged in this country in recent years who are not domiciled in this country. We all know that there are more than 300 members of the Bar in this country.

The Chairman (Mr. Nyagah): Do you wish to discuss any more policy on this subject?

Mr. De Souza: Maybe I can finish this now very briefly then. Without going into the whole subject matter of my statement, may I finish what I wanted to say—finish this point about the magistrates?

I would like to say I believe there should be a greater number of persons—particularly the sons of the country who should be appointed quickly. There should be open competitive examination

[Mr. De Souza]

for the recruitment of magistrates and Crown counsel. There are a large number of advocates in this country who have not got as much work as they would like to do and I feel that no more persons should be engaged either as magistrates or Crown counsel from abroad, certainly not on any expatriate terms, as there are a large number of lawyers in this country specially qualified to do these jobs quite easily. In fact, I was told recently by a friend of mine that when he qualified as a barrister, after many years of service with the Government, as a leader, he went to the Colonial Office in England and asked for a job as a magistrate or for a job in the Attorney-General's Office. He was told that he should come down to Kenya and apply. When he came back to Kenya he was told he should have applied at the Colonial Office. This, of course, is a wrong state of affairs. In view of your ruling, Sir, I do not want to say any more just now, but I think this is a very important point to be taken.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, Sir, I entirely endorse the principles underlying the sentiments expressed by my hon. and learned friends opposite regarding the need to increase as rapidly as possible the local element in the magistracy and indeed throughout the judiciary. There are certain—perhaps I might describe them as this—cynical factors to be taken into account. The rewards of private practice tend or have at any rate in the past tended to exceed by a considerable amount the rewards of Government service. That has been a limiting factor and indeed I am not sure about the magistracy but certainly within my own organization I have lost officers to private practice by the temptations of the potentially very high fruits of labour to be obtained in private practice as compared with Government service. It is a fact that we have been trying to recruit additional local candidates for both the judiciary and for my own organization. I think, perhaps it is not very well known that, for instance, in my own chambers at this present stage there are, I think it is, five non-European local Crown Counsel and there are five or six European local Crown Counsel. There has, therefore been already considerable progress made in that direction.

As regards the point made by my hon. and learned friend who spoke first that we should make an exception in regard to the judiciary, I fully appreciate the reasons underlying his suggestion. In many ways I have great sympathy with it: some people might call it professional bias! But the fact of the matter is, Sir, that one must preserve the relativities in a hierarchical structure such as in the Civil Service and the

Judiciary and that if one starts making exceptions there is no rational or logical point at which to draw the line. Therefore for the consistency of the pattern of the Civil Service, I greatly regret that I cannot agree that an exception should be made. I do assure the hon. gentleman, though, that very considerable, long and anxious consideration has been given to this particular problem. I also assure the hon. gentlemen, both of them, that it is Government's policy to increase the intake from local resources into both the legal and judicial services. I am sure that they would agree that we must not abandon all standards for that purpose. We must seek to obtain the best possible material, and I am sure that we have got to compete with the rewards in private practice which in many ways are perhaps slightly illusory, particularly when one considers what are sometimes called the hidden emoluments of Government service. However, I think that, in general at any rate, on this matter we are all headed in the same direction.

Mr. Mboya: Mr. Chairman, would the Minister state—because I do not think he has replied to one of the questions asked—whether in fact there have been local advertisements for the post of magistrates and Crown counsel? Secondly, arising from what he has said, would he indicate of the five Africans and five local Europeans—five or six local Europeans—in his own chambers the point of conversion? What I am trying to get at is, are the local Europeans converting as local staff or as expatriate staff with overseas addition? I know the Africans would automatically convert as local staff. Would he indicate what is the position with regard to the six Europeans in his chambers?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, with regard to advertisements, I have been clearly under the impression that we have advertised, but I think it may, may that the advertisement has taken the form of reference to the Law Society which, as hon. Members know, is fully representative of the profession. I think that the so-called advertisement has been canvassed through the Law Society. I will check the facts, though, and explain them to my hon. friends. In any event, I shall make sure that the post is certainly advertised in the future. As I say, we want the recruits if we can find them.

On the second point, the officers concerned are converting as local staff. Some of them—indeed it may be all of them—were appointed by the Secretary of State's appointment board post-Liberty, post-1954, with inducement and they

Chokwe, De Souza, Erskine, Gichuru, Dr. Kiso, Messrs. Mathenge, Muti, Mbatya, McKenzie, Mohamed, Mulla, Mwanjumba, Mwendwa, Njiri, Ntengah, Odada, Odinga, Sagol, Shah, Chaman Singh.

Notes.—Mr. Abwao, Sheikh Alamoody, Messrs. Alexander, Amalamba, Butter, Cleasby, Griffith-Jones, Havelock, Hennings, Jamidar, Jasho, Jeneby, Keen, Khawakha, Kilelu, Kohli, Konechalla, MacKenzie, Macleod, Malison, Marston, Matano, Muliro, Murgor, Ngala, Pandya, Patel, Porter, Sir Philip Rogers, Messrs. Rurumban, Sagoo, Seroney, Swann, ole Tipiti, Towett, Wabuge, Webb.

(Resumption of debate)

VOTE 2—JUDICIAL

The Chairman (Mr. Nyagah): In view of the fact that Members have had a reasonable time now in which to debate the principles of the Fleming Report I must ask hon. Members to try to confine their comments strictly to the Vote or Head under discussion.

A—Personal Emoluments

Mr. McKenzie: Mr. Chairman, on a point of order, I would like to know at what stage you would like us to raise items which are on the page but which are not under the three heads mentioned, in other words on Appropriations-in-Aid, and also on leave expenses and other sub-heads, I would just like to have a ruling on the procedure. Is it intended to take them or not? May I, with your permission raise them under A, please Mr. Chairman?

The Chairman (Mr. Nyagah): You may raise them under discussion.

Mr. McKenzie: Mr. Chairman, what I would like to know from the Minister is, under C, Passages and Leave Expenses, how these were saved from what categories in the Ministry; also where there are savings under other sub-heads of £6,000 would be agreeable to let us know what those sub-heads are that they save money on.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, Sir, the £815 saving under the heading of Passages and Leave Expenses represents half the cost, I am informed, of passages to be met by the United Kingdom Government for expatriate officers. As regards the other sub-head, the figure of £6,000 mentioned, this, I am instructed, refers to unstaffed staff vacancies, mainly due to the inability to recruit staff, and also certain vacancies for training staff.

Mr. McKenzie: Mr. Chairman, have amongst been made available for those vacancies in Fleming? For instance, if you manage to fill those vacancies will the amount available in these Supplementary Estimates fill them or not, and pay them the extra amount of money?

The Acting Chief Secretary (Mr. Griffith-Jones): I understand not. These are calculated as savings, reducing the amount of the supplementary estimate on the basis of Fleming. As the hon. Member will see, in fact the total vote which we are asked to vote under this Vote No. 2 is £1, the amount for the Vote being made up with savings and appropriation-in-aid.

Mr. McKenzie: Mr. Chairman, on appropriation-in-aid, I wonder if the Minister would expand on what is meant by "other Government" on account of the Court of Appeal.

The Acting Chief Secretary (Mr. Griffith-Jones): Yes, Mr. Chairman, it is the contribution of the other territories towards the cost of the East African Court of Appeal. The members of the Court are, of course, on Kenya conditions of service, but the other territories contribute to the cost of the court.

Mr. McKenzie: Would the Minister tell us what the posts were that were not filled under the £6,000?

The Acting Chief Secretary (Mr. Griffith-Jones): I am afraid that I have not got that much detail.

Mr. Chaman Singh: Mr. Chairman, the hon. Minister has spoken of vacancies. I do not know what those vacancies are. But there is one type of vacancy which has worried us for some time. Is there any reason why vacancies for magistrates, for example, are not advertised?

The Acting Chief Secretary (Mr. Griffith-Jones): I think I am right in saying that they are advertised and that we have had a number of applications.

Mr. Chaman Singh: But I do not think they have been advertised locally.

The Acting Chief Secretary (Mr. Griffith-Jones): We have had a number of local appointments.

Mr. Chaman Singh: But if people apply they are told there are no vacancies.

The Acting Chief Secretary (Mr. Griffith-Jones): I think the position is that certain applications have been made and that some appointments have been made, as a result of local

[The Acting Chief Secretary] advertisements. Some applicants have been unsuccessful, Sir, in the selection.

Mr. Chaman Singh: That is not so because they are told there are no vacancies.

The Acting Chief Secretary (Mr. Griffith-Jones): I am not entirely convinced that they have been told that. I think they have probably been told that they have not been selected for the vacancies.

Mr. Chaman Singh: Would the Minister look into this matter, because I am not aware of any local advertisements. If the vacancies have not been advertised would he undertake to advertise them in future?

The Acting Chief Secretary (Mr. Griffith-Jones): I do assure the hon. gentleman that to the best of my knowledge and information they are advertised, and I think that one is about to be advertised. I am pretty certain in my own mind that vacancies in the past have been advertised locally.

Mr. Chaman Singh: May we be told where, Mr. Chairman?

The Acting Chief Secretary (Mr. Griffith-Jones): In the Gazette.

The Minister for Finance and Development (Mr. MacKenzie): I beg to move, Mr. Chairman, that the Committee do now report progress and beg leave to sit again.

Question proposed.

The question was put and carried.

The House resumed.

[Mr. Speaker (Mr. Slade) in the Chair]

REPORT

1960/61 SUPPLEMENTARY ESTIMATE No. 2

Mr. Nyagah: Mr. Speaker, I directed by the Committee of Supply to report that progress has been made on the consideration of the 1960/61 Supplementary Estimate No. 2, and ask leave to sit again this afternoon.

The Speaker (Mr. Slade): What is the date for consideration?

Mr. Nyagah: This afternoon, Sir.

NOTICE OF ADJOURNMENT MOTION

The Speaker (Mr. Slade): Before interrupting business I should inform you that I have received notice from Mr. Chokwe of his desire to raise on an Adjournment the matter of one Isaac Kamau Ndirangu, the Branch Assistant Secretary, KANU, Mombasa Branch, who was arrested on 20th

May, 1961, and sent to Lamu, where he is now restricted without trial. I have allotted Thursday, 25th May, for this matter, and it will therefore be raised that evening on the termination or interruption of business.

The time has now come for the interruption of business, and I suspend the business of this Council until 2.30 p.m. today.

The House rose at thirty-five minutes past Twelve o'clock and resumed at thirty minutes past Two o'clock.

UNANSWERED QUESTIONS—THE MATTER OF

Mr. McKenzie: On a point of order, I would like to ask the Leader of Government Business what the procedure is going to be on important questions which are asked by hon. Members on this side of the House. On the 16th of this month the question was put by myself asking if it would be possible for the Deputy Chief Secretary—we knew the Chief Secretary was away, unfortunately, ill—whether Government would let us have the itinerary of Mr. Hugh Fraser's visit to Kenya. I have checked up and this question was sent out from the offices of the House on the 17th. I am sure when hon. Members do see this itinerary they will see for themselves why this itinerary was not tabled. I would like the Leader of Government Business just to say what Government is going to do in answering urgent questions, the answer of which has been printed but not made available for hon. Members on this side.

The Leader of Government Business and Minister of Education (Mr. Njala): Mr. Speaker, Sir, a visit of Mr. Hugh Fraser, the Under-Colonial Secretary, copies of the itinerary have been made clear to the House and the country and I am in full sympathy with the idea of getting the Members to discuss any issue they would like to discuss with Mr. Hugh Fraser if they feel it is the view of the country and if the Member who put up this question would like to discuss this particular thing with me this afternoon I am prepared to discuss it with him.

Mr. McKenzie: Mr. Speaker, on a point of order—

The Speaker (Mr. Slade): I regard this as a point of order. I think enough has been said to raise the point, although I do not think the Leader of Government Business has really answered it.

Hon. Members will realize that no Minister is ever under any obligation to answer any question. Nevertheless, where a question is especially

[Mr. Chanan Singh] "locally domiciled". For example, if there is an officer who was recruited in the United Kingdom, who has lived in this country for 30 years, who has bought a farm in this country, built a house in this country, his children were born here, and his children are still living here—can such an officer still be called an expatriate officer or can he be regarded as excluded from the term domiciled?

The other expression used by the hon. Minister for Finance was "officers recruited overseas". Then he explained himself by excluding officers recruited in India. Now, either you apply the overseas addition to officers recruited "overseas" or you do not. If you exclude people recruited in India and Pakistan, but apply the addition only to officers recruited in the United Kingdom, then obviously you are making a racial discrimination and in any case, is the Minister sure that only officers recruited overseas have been given the overseas addition, because I know that is not so. Until quite recently, quite a large number of Europeans recruited in Kenya, some were expatriate officers, some were accepted as members of Her Majesty's Overseas Civil Service and are now regarded as overseas officers or expatriate officers. Will the Government make up its mind and say what they really mean by expatriate officer? It is no use referring us to a definition which is arbitrarily confined to give financial assistance to certain classes of officers.

Now, we have also been told that some of these officers, perhaps all of them, are entitled to compare their positions with officers like them in the United Kingdom. Now, Sir, without meaning any disrespect to members of the overseas service, I think that argument is not sound. It is not so easy for a person to get into the British Civil Service. There is very severe competition; whereas members of the overseas Civil Service have just to walk into the Colonial Office and they get a letter of appointment. There is no competitive examination for entry into the Colonial Civil Service, whereas there is a competitive examination for entry into the British Civil Service. There are so many anomalies which give rise to injustices because they do not stick to the meaning of these terms.

I know the case of two young men. One happened to be born in Kenya and the other born in India, his parents were presumably on leave or holiday. The child born in India entered Kenya when he was still an infant. Both of them studied at the same school, both passed their matriculation together, both went overseas to study

medicine, both came back together, both did their internship together in a local hospital, both appeared before the same selection board of the Secretary of State, and both were picked together for the Service and both were given inducement pay together. The child, who just happened to be born in India, was regarded, later on, as an expatriate and the child who happened to be born in Kenya a locally domiciled person and he has been refused overseas addition.

Well, Sir, this only means that if a person has lived in Kenya for 25 years, he is a Kenyan, but if he has lived in Kenya for 24 years he is not, he does not belong here! Should this not be related to the domiciled status of the family? If the family belongs to Kenya, then there is no reason why you should regard children of that family as other than locally domiciled. There is another rule: the family may be settled here, it is completely settled here, have invested everything, land here and not in the United Kingdom, but still the head of the family was a member of the expatriate service, his children irrespective of whether or not they have their homes here have no overseas status in any other country, are also given the advantage of this overseas addition. What justification is there for that? What meaning does the Government intend to apply really to these terms, locally domiciled and recruited overseas? Not only that, it was very easy for Europeans born in Kenya to enter service and be members of Her Majesty's service, whereas membership of that service was—I do not know what the position is there—until recently denied to the most senior officers of the Civil Service so long as they were not Europeans.

Then, Sir, there is the human aspect of the matter. A child goes to England, studies at a British university, and several of his friends study with him. He comes back to Kenya and takes up employment. Another child also comes out and takes up service here. They have the same qualifications, they are doing exactly the same work, but the child of the British parents gets more. Now what really is the justification for this? Does the Government accept the principle of equal pay for equal work or not? It is not use saying you accept the principle of equal basic pay for equal work, because the expatriate can buy motor cars and clothes and whips with his overseas addition just as well, so it is no use talking of "basic pay". Equal pay for equal work means equal pay in terms of hard cash.

Now, has the Government really made up its mind as to what it wants to do? Does it not

[Mr. Chanan Singh] accept the principle of equal pay for equal work?

I now formally move the amendment which I have handed over.

The Chairman (Mr. Nyagah): I will put the Amendment that Vote 1—The Governor be reduced from £2,609 by £1 to £2,608.

Amendment proposed.

Mr. Mboya: Mr. Chairman, Sir, I support the proposals, especially because I have not at any time been convinced that the recommendations of the Fleming Report were conceived in the interests of this country. I believe that, to a large extent, they are the outcome of panic and insecurity among the civil servants and their ability to exert pressure on the present Government to secure better terms, especially to try and do so before we have established in this country a government that will truly be concerned to take over the responsibilities of the future. I believe that what the Minister said a few minutes ago really applies, and that is that these recommendations are geared to meet the needs of the overseas civil servants, although in the terms of reference there is in subclause (b) "the need to devise salary structures for the local service which the territories and Administration will be financially capable of sustaining".

Now, Sir, there is, in my view, a major contradiction here. In the first place we are told that as far as the Overseas Civil Service is concerned what is important is the need to offer terms of service sufficient to attract and retain overseas staff; in so far as the local service is concerned the whole emphasis is on our ability to pay certain salaries, to meet these expenses.

Now, Sir, it is true that Her Majesty's Government have offered to assist in meeting the extra cost in respect of the overseas addition for the expatriate Civil Service, it is true that they are going to help with the—they are going to assume full responsibility for the overseas addition to the basic salary for expatriate officers and then they are going to bear that part of the cost of the pension and gratuity payable to an expatriate officer for his retirement and, then where appropriate pay to an expatriate officer's allowance in respect of education for children and so on, but we have to meet part of the costs for leave passages. We have got to share equally with the British Government the cost of the compensation scheme that may be introduced as a result of constitutional changes. I suggest that there is an element, however large or small it may be, of an element of responsibility on our part which is

involved as a result of these recommendations. The point I want to make, however, is that whereas many of us appreciate the need for some time to come for expatriate civil servants in this country, we do not believe that this particular approach is the best approach. It is true that Her Majesty's Government have pledged to help us for the next ten years but our approach would be more the emphasis on giving contract terms for those civil servants that we consider Kenya really needs from outside this Colony. This does not necessarily have to recognize Britain as the only recruiting centre. We might decide for various reasons to emphasize recruitment from countries other than Britain, if in these countries there are qualified persons whose standards are such—whose kinds of economy are such as to fit in more easily with our own conception of things to come, we want to be free to feel that every individual contract that we draw up with expatriate civil servants will be drawn up in such a way to meet our immediate needs, but if we have this standing approach of ten years of Her Majesty's Government's pledge, ten years in which we are tied down to this stratagem, as it were, I think we will find it very difficult to convince contract staff to accept something less than what is going to be provided and which is going to be paid in this particular case on the basis of standards in Britain. I think it is particularly poor that the arguments advanced here in support of the overseas addition and in support especially of the review of the salaries of expatriate civil servants, the arguments advanced here are to bring the salary scales in Kenya in line with the changes that have taken place in Britain. Much as I sympathize with the expatriate civil servants, I think all of them must realize that they have come to work in Kenya. I am not saying that we can overnight do away with all the expatriate civil servants but I do not believe that the panic which had existed in the last few months has been especially justified. I think in anticipation of constitutional changes certain groups in the Civil Service in this country are trying to exploit our present situation to secure the best possible terms. It is quite true they went over to Britain, they have been pressing for these changes and their main argument has always been "What is our security when political changes take place". Very few of them have argued that it is necessary to bring them up to the same standard as their counterparts in Britain, nor do I think that Kenya with her economic background as a growing and young country should be committed to meeting the standards that exist in Britain or for that matter any other country. We may lose a certain

[Mr. Sagali]

I want first of all to oppose something the hon. Member for Elgon Nyanza said. He said that this Government is the majority. We are disturbed. We are the majority party.

I want him to know about the constituencies. He has manufactured real trouble for Kajjido and Narok. They are very sparsely populated areas. I do not have statistics, but I am sure I could get them and prove my case. The hon. Member for Elgon Nyanza does not seem to be aware of the fact that the Masai area and others are over-represented. Indeed, the areas are sparsely populated. I have a location in Kitui, Kiituu, which has over 100,000 people, including young people. It is not a question of vast areas; it is a question of the population.

Another thing he talked of was that a Legco Member receives lucrative pay. I do not think it is lucrative. I think if somebody is not very careful in Legislative Council he will end up being a pauper. We have to do many things for the allowance and even the Sh. 200 for the allowance is nothing. We must be very careful. As a new Member in this House, Mr. Speaker, I am beginning to wonder, because it seems as though we are gambling. Probably one of these days somebody might say that two plus two is 50. It is all-twisting words, and to on. It is just like bingo.

Now then—Come to the definition of democracy, Mr. Speaker. I thought it was government by majority. I know that there are a lot of concepts of, and definitions given to the term democracy. But here, when we are dealing with the Westminster kind of democracy, I think it is government by the majority. The majority will govern and we want the majority in now. Please, there are masses of people behind KANU. KANU is the national majority party. Let us not deceive ourselves. You are really thwarting or frustrating the wishes of the majority.

I feel that we should really know the nature of this Government. Sometimes, because I have not been here very long, I might use words which might be unparliamentary. Should I call it a fake or a so-called Government? It is a miscellany of all sorts of things. It is most unfortunate because the masses are behind KANU. Really, this is a fact.

Another thing is the fact that the African vote should be predominant. It is predominant now when we have this mixture? It is very difficult for me to define this when I want to know what this Government is. It really puzzles this country.

I think the representatives of all the people of Kenya should govern the country, but because the Africans are in the majority, their voice should be predominant on account of number and not colour. I do not care whether you are green or blue. It is a question of humanity: if you are a human being you are a human being.

I now turn to the movement trying to fight colonialism, which we hate. I think colonialism is a species of slavery, and we are determined to get rid of it. We shall not rest until we have done it. This is bound up with the cause of the nationalist movement, and that is Kenyatta. Now, you go on delaying it, and this is what causes instability and uncertainty among all people. Let him come out!

When I came from the United States of America in 1959 I heard of a thing called the Kenyatta cult. I asked, "What is this cult?" Now, who is responsible?

The Speaker (Mr. Slade): Mr. Sagini, I regret to say that I cannot allow repetition in this debate of what we discussed yesterday. A brief reference to the issue of Mr. Kenyatta is permissible, but not a resumption of yesterday's debate.

Mr. Sagini: Anyway, Mr. Speaker, I will be short. I will leave out something.

What I was referring to was the fact that you create all kinds of oracles, an oracle at Maralal and another oracle at Lodwar. This brings confusion into the country, and then instability and all its accompanying problems.

Another thing I would like to mention is the formula which we were talking about the other day. I am not going into it, but it makes people wonder, "What is this formula between our hon. Member for Kitui and Macedoed? It is very mysterious. What is this formula?" Probably we here are to blame, or the Press. I do not know which is wrong. But these are the things that force us to question this secret deal. You know what a human being is; he tries to unravel the secret. He says, "What is this mystery? What is this thing?" It is very, very difficult to unravel and even to explain to people in my constituency, Mr. Speaker. That is why we really shall not have confidence in this Government.

Then, for example, we want peace. I do not want anybody to be killed in this country. I think the quicker we get to independence, and have a Federation of East Africa, the better. How are you going to plan to proceed with this movement for the Federation? How are you going to get the dates fixed. Uganda is nearly there; Tanganyika will already be free this December. These are the problems.

Hon. Members: Speak up!

Mr. Sagini: I am talking about the Federation of East Africa.

Hon. Members: We cannot hear!

Mr. Sagini: Well, you should see a doctor about your ears.

Well, I do not want to bore you with a long speech. I think the sooner you people resign and let us form the Government the better.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): Mr. Speaker, Sir, I would ask Members of the House to cast their minds back, if only for a few weeks, to the time when the formation of a Government was being difficult and it was, at least, doubtful as to whether a Government was going to be able to be formed. I wish to analyse, for a moment, the needs that stemmed from that time, and the alternatives which were open to the country. There were two overriding needs at that time which are equally present today. They were first, that the economic stability of this country should be restored. The hon. Member for Nairobi, speaking yesterday, cast doubt as to whether the formation of this Government gave those conditions. I would add that the cardinal enemy of investment is uncertainty, and Mr. Speaker, Sir, there is nothing more uncertain in this world than a country without a Government. The second overriding necessity was consideration of the question of the maintenance of law and order. The Member for Nairobi, again in his speech this morning, stated that stability and security and the maintenance of that security is too difficult for this Government to undertake. The Member for Nairobi went so far as to suggest that the formation of this Government had caused the lack of security. I would ask Members of this House to consider which is the more likely—this lack of security in which we find ourselves, the formation of a Government that is a week old, or the failure to form a Government over the previous few months. If I may make a brief reference, Mr. Speaker, to yesterday's proceedings, I do not believe that any Member of this House, deep in his heart, believes that the formation of this Government has not hastened the removal of Jomo Kenyatta to Kiambu. Such, Mr. Speaker, were the needs: stability and security. What were the alternatives before us? The first was the formation of a Government predominantly staffed by KANU. I felt no finger at those Members of KANU who left themselves unable to take part. I would have wished that they had not made themselves promoters of their statements and had fought for what they believed in from the Government side.

but that is another question. The fact remains that they felt unable to take part. The second alternative was the formation of a Government by men of good will who were prepared to work for the good of the country. The Member for Nairobi referred to this Government in its component parts. He suggested that there were members of KADU, the New Kenya Party, the Indian Congress and independents.

Mr. Alboya: And Civil Servants.

The Minister for Tourism, Forests and Wild Life (Mr. Marrian): And civil servants I would agree, and he questioned how these diverse elements, Mr. Speaker, could possibly work together. I suggest to him that in this endeavour there is the spirit of co-operation which perhaps has never been fully understood by the Member for Nairobi. It is my fervent wish that this quality will, in time, be added to his many undeniable talents. The third alternative was that there should be a Government either by nomination or by decree. It was suggested in yesterday's debate that His Excellency the Governor was bluffing on this question of carrying out Government by decree. I believe that allegation to be incorrect and shows a total ignorance of His Excellency's character. There has been a lot of talk about the support in the country, or lack of it, for this Government. My hon. colleague, the Minister for Commerce, Industry and Communications, has dealt most adequately with the support and he has exploded the allegation from the Opposition that this Government is not representative. The figures roughly of the Elected and Nominated Members, if I may repeat them, are 31/27 and six or seven on the Cross Bench. That appears to me to be a perfectly reasonable justification for Government bearing in mind what I have said about the inability of members of the Kenya African National Union to take part, and bearing in mind the fact that I do not point a finger at them for making good an election pledge, I would have thought that they would have welcomed this Government rather than no Government, and for a long period of time I very honestly believed that that was the responsible attitude of the Opposition and I am somewhat surprised to find that it has changed. It has been suggested that this Government has not got the support of the common man, the people. Again, I would ask hon. Members opposite, if any of them were a farmer or a trader or a poor worker or an unemployed person, whether he would prefer no Government than a Government given towards the solution of his problems. Last night I took a member of my constituency home with me; he had listened to this debate. I asked him if he had been interested and he said that he had.

[Mr. Mboya]

It was open to us to tell our people not to accept it, but we made every effort to tell our people to accept the Lancaster House Constitution. I hear Members saying, "Oh", but that is a fact. The record of public meetings when we returned home prove very conclusively that we did say—

The Parliamentary Secretary for Health and Welfare (Mrs. Slaw): Interjection.

Mr. Mboya: If the hon. Member for Kericho will pay attention for a change, or the tribal Member for Kipipigi, that is half of all the votes received by that side.

Mr. Speaker, to get back to my point, we want—The Member accuses me of saying at the Airport that the Constitution was out of date. I did say so. I said so drawing that authority from a document signed by the present Leader of Government Business, presented to the Colonial Secretary, on the evening before Lancaster House concluded on behalf of all the 14 of us and in the presence of the Colonial Secretary and the Governor, in which we stated and warned that a Lancaster House Constitution could not last, that the only way to enable us to study it effectively was to agree beforehand to a post-elections committee, that events would take place in the next few months which would render it out of date. It is so easy for those things because perhaps they were not issued out at the Press conference, but this was the document on which we based our acceptance of the Lancaster House Constitution and on which we were going to base our approach at Lancaster House. If therefore I said that the Lancaster House Constitution was out of date, or is out of date, I was repeating the unanimous expression of all the 14 Elected Members. We said we would give it a trial; we warned that it could not go very far because it fell very short of the aspirations of our people. We, in April of last year, agreed to give it a trial as we promised we would. We allowed or approved the participation of a number of the part of our effort to give meaning to the pledges that we had made. Mr. Speaker, we also said Kenya's release; we called for reform in local government and other things, and warned that these things should take place as soon as possible as part of creating that atmosphere that would be necessary in the increasing period. We warned in the document, in the memorandum, that events in Africa were moving so fast that a Constitution could not stand still, and there should be room in Kenya, in the Kenya situation, for changes to

anticipate these events rather than to be dictated by these events. That has been the position which most of us have taken consistently since we came back, and which I submit even the present Leader of Government Business has held on to until a few weeks ago.

Mr. Speaker, whilst at Lancaster House we anticipated that certain changes would be taking place in Africa. We anticipated that our own people would urgently begin to demand independence. We also anticipated that it would be difficult to treat Kenya as an island in the wake of the rapid changes that were taking place all over Africa, and in East Africa generally. We anticipated that it would be difficult to calm down the people in the wake of all these changes, tremendous political changes, to calm down the people of Kenya and tell them that they were an exception to the rule, and lastly, we anticipated, Mr. Speaker, that, if tried, to advance reasons such as the present here of the European settler or Asians, as reasons for not having rapid constitutional or political changes, that would be creating graver conflicts rather than removing conflict. Which African in the street is going to love a European or an Asian when he is told that the only reason he cannot advance as fast as his friend in Tanganyika it because there is a European settler and an Asian here whose difficulties he must understand? Are you creating the atmosphere for him in which to love or to hate? I submit that the moment you make an effort to show that the European's presence and the Asian's presence in this country is the reason for Kenya's slow progress towards independence, that you make the European and the Asian the object of hate and frustration, and there cannot be harmonious relations. You would be regarded as an obstacle rather than as a help. He is supposed to be regarded as a help. That is what he would like to be. He has a contribution to make. He would like to make that contribution, but you cannot make that contribution if you are regarded with suspicion, dislike and hate.

Mr. Speaker, there are people who would say, "Oh, yes, but this is not the only reason. There are other reasons: economic development, education". But, Mr. Speaker, those reasons are no longer valid. They are no longer valid even where the British Government is concerned, because if they were, would Britain have granted Somalia land? Are they better off educationally? Of course not! These double standards cannot oppress our people with the fairness of mind or the logic which some people would like us to believe there is in the British Government's approach. Educationally,

[Mr. Mboya]

my very good friend, Mr. Nyerere admitted the other day, at the Tanganyika National Assembly, that Tanganyika is far behind us.

The Minister for Local Government and Lands (Mr. Havelock): The Congo, too.

Mr. Mboya: Indeed, so is the Congo, but I refuse to agree with the Minister for Local Government that the Congo is the product of the incapacity of the Africans to govern. On the contrary, it is the result of Belgian colonial rule.

Mr. Speaker, the question, therefore, on this particular point is what we wish to achieve. Is it the desire to create the atmosphere in which we can engender better race relations and harmony, create confidence and security for all, or are we merely satisfied to embark on another stage of experimentation with all the dangers that go with it? Our submission is that Kenya has had enough of experimentation. Since 1954, we have been experimenting, and experimenting on what account? Merely on the desire to accommodate certain temporary but meaningless wishes of certain sections of our community, I believe, Mr. Speaker, that the ordinary European, the ordinary Asian, in this country, is more interested in his own personal security for himself, for his family, for his children, more interested in the security of his property, in his right to go about our streets as a full citizen and to enjoy the benefits of being a member of this community. I do not believe that he is interested in holding on to the remnants of European domination or colonialism.

If European leaders will reflect this genuine, sincere and honest desire of their community, we would have less problems, we would move much faster. Similarly, Mr. Speaker, if all the Asian leaders would reflect—I say all, because I do not believe that they all do it—if all the Asian leaders would reflect the honest feelings, the genuine feelings of the Asian community, there would be no room for conflict. Unfortunately, in interpreting those feelings and even in interpreting the resolution of their own organization, they have a difference.

Mr. Speaker, Sir, we have tried the Lancaster House Constitution. We had a Caretaker Government which lasted one year. During that whole period the atmosphere that prevailed in this country was that of the Lancaster House Constitution, or rather that of the interpretation of its meaning and its effects. Mr. Speaker, I refuse to agree that it is logical to remain static merely because some time in February, 1960, an agreement or a constitution was drawn up and we cannot move, regardless of the changed circumstances, until that constitution, according to some

people, works. Mr. Speaker, this country cannot be placed in the dilemma, merely because someone wants to satisfy in his own mind that some arrangement made one year ago must work in the context of circumstances that exist then, but which do not exist today. Are we not logical enough? Are we not practical enough, to be able to say to ourselves, yes, in 1960 these were the conditions, this was the background, these were the circumstances? At that time, this arrangement was the best, but in 1961, all this has changed and we, too, must accommodate the new situation, the new circumstances, now prevailing.

The Speaker (Mr. Slade): Mr. Mboya, I would remind you of the gist of your Motion, which is that the spirit and letter of the Lancaster House declaration should be fulfilled, not that it should be ignored.

Mr. Mboya: Mr. Speaker, the spirit of the Lancaster House Constitution was that this country would have a predominant African voice, that there would be recognition for the majority wishes of the country, that it would begin a parliamentary democracy for this country. Mr. Speaker, I submit that neither of these are being met now, and I am merely advancing the argument, in my view, to justify our position, that this country cannot have confidence in this Government since it fails to meet those expectations, those hopes, or that spirit which was then created at Lancaster House.

It was also, Mr. Speaker, a point on the Lancaster House declaration that Kenya was starting to move forward and this movement in our submission should be based, not on some static decision, but on the practical assessment of every situation as it changes in our country. There was no date fixed for the duration of the Lancaster House Constitution. The Colonial Secretary was pressed many times in the House of Commons to state how long the Lancaster House Constitution would last. Would it be for a day, for two nights, for a year, for four years? Mr. Speaker, Sir, the Colonial Secretary refused, on all occasions, to be committed as to how long the Lancaster House Constitution would last. There are efforts now to secure a commitment that it must last when at Lancaster House all of us refused to be committed as to the length, the duration, of this Constitution. Mr. Speaker, the House is aware, and the country is aware, that in the past it has been the practice to say this Constitution will last for so long. At Lancaster House, we all came to the conclusion that we would not commit ourselves in advance as to how long the Constitution would last. What is the normal,

[The Speaker]

urgent and worthless unless it is answered quickly, then I do feel that Ministers should take a very early opportunity to say whether or not they are going to answer the question, and if they are going to answer it what the answer is.

When I suspended Council this morning the Council was in Committee; of the whole Council and the consideration by the Committee will now continue.

(Mr. Speaker (Mr. Stale) left the Chair)

IN THE COMMITTEE

(J. J. M. Nyagah, Esq., in the Chair)

SUPPLEMENTARY ESTIMATES No. 2 of 1960/61—
COLONY

VOTE 2—JUDICIAL**A—Personal Emoluments**

Mr. Chanan Singh Mr. Chairman, in view of the very special position the Judiciary occupies I think this particular Vote should be in some other Vote—if it were possible I would propose an increase in this Vote.

Mr. McKenzie: Friends in the same Trade Union!

Mr. Chanan Singh: I feel whatever happens in other departments, at least in the Judiciary there should be no differentiation. If two magistrates have the same qualifications, do the same work, there should be no difference in their salaries. Obviously the question of experience is involved, but if a magistrate does the same work and has the same qualifications but gets say, £500 less than his colleague, then I think it does affect his prestige. I personally think the Government should consider this matter carefully and see if they cannot make an exception in the case of judges and magistrates—there are no judges involved but there are magistrates, some of whom are "designated" officers and others not.

Mr. De Souza: I am one of those on the Opposition side who are keeping a watchful eye on this department, the Ministry of Legal Affairs and, I think, Mr. Chairman, I might be permitted to make a few observations about this department.

Sir, the English law brought into this country is, of course, one of the greatest contributions that Britain has made to Kenya and to many parts of the world. But I feel in its application in Kenya there is the likelihood of certain amount of misunderstanding, because even when the principles of law are of the highest order, its application cannot be done properly—magistrate

and judges can only apply law in relation to the facts in a particular case. In this particular matter therefore they are guided by their environment, their experience of day to day matters, their ideas of sense of values and people that they try, their understanding of the background and mentality of the witnesses in the dock or in the box. So I feel, therefore, in this country it is absolutely essential that there should be more magistrates who know the people that they are trying in other words that there should be more non-European magistrates. It is absolutely essential to do this because not only must justice be done but it must seem to be done and I do think it a great shame that in the whole of Kenya today—and I believe I am right—there are only two non-European resident magistrates, both of them are Indian and both of them are in Nairobi.

If this country is in a state of transition, if this country is going to be independent before long, I think it is absolutely vital that we should engage, rapidly, a large number of magistrates in all parts of the country who have a fuller appreciation of the people whom they are going to try and the people whose evidence they are going to listen to.

This is, I must repeat again, no reflection on the magistrates who are at the present moment trying people in this country but I feel if this is going to be a transitional period we must have a crash programme for education to increase the number of magistrates of non-European origin in this country. I think only one point needs to be said about that, the hon. gentleman the Minister for Legal Affairs said this morning that vacancies for magistrates were advertised. Sir, with the greatest respect, I have been, and so have two other hon. and learned friends been in this country for many years and I have never yet seen an advertisement for a vacancy either for a Crown Counsel or a vacancy for a magistrate in this country. I would like to know exactly how many magistrates have been engaged in this country in recent years who are not domiciled in this country. We all know that there are more than 300 members of the Bar in this country.

The Chairman (Mr. Nyagah): Do you wish to discuss any more policy on this subject?

Mr. De Souza: Maybe I can finish this now very briefly then. Without going into the whole subject matter of my statement, may I finish what I wanted to say—finish this point about the magistracy?

I would like to say I believe there should be a greater number of persons—particularly the sons of the country who should be appointed quickly. There should be open competitive examinations

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for the recruitment of magistrates and Crown counsel. There are a large number of advocates in this country who have not got as much work as they would like to do and I feel that no more persons should be engaged either as magistrates or Crown counsel from abroad, certainly not on any expatriate terms, as there are a large number of lawyers in this country specially qualified to do these jobs adequately. In fact, I was told yesterday by a friend of mine that when he qualified as a barrister, after many years of service with the Government, as a leader, he went to the Colonial Office in England and asked for a job as a magistrate or for a job in the Attorney-General's Office. He was told that he should come down to Kenya and apply. When he came back to Kenya he was told he should have applied at the Colonial Office. This, of course, is a wrong state of affairs. In view of your ruling, Sir, I do not want to say any more just now, but I think this is a very important point to be taken.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, Sir, I entirely endorse the principles underlying the sentiments expressed by my hon. and learned friends opposite regarding the need to increase as rapidly as possible the local element in the magistracy and indeed throughout the judiciary. There are certain—perhaps I might describe them as this—cynical factors to be taken into account. The rewards of private practice tend or have at any rate in the past tended to exceed by a considerable amount the rewards of Government service. That has been a limiting factor and indeed I am not sure about the magistracy, but certainly within my own organization I have lost officers to private practice by the temptations of the potentially very high fruits of labour to be obtained in private practice as compared with Government service. It is a fact that we have been trying to recruit additional local candidates for both the judiciary and for my own organization. I think, perhaps it is not very well known that, for instance, in my own chambers at this present stage there are, I think it is, five non-European local Crown counsel and there are five or six European local Crown counsel. There has, therefore been already considerable progress made in that direction.

As regards the point made by my hon. and learned friend who spoke first that we should make an exception in regard to the Judiciary, I fully appreciate the reasons underlying his suggestion. In many ways I have 'great sympathy with it: some people might call it 'professional bias'. But the fact of the matter is, Sir, that one must preserve the traditions of a hierarchical structure such as in the Civil Service and the

Judiciary and that if one starts making exceptions there is no rational or logical point at which to draw the line. Therefore, for the consistency of the pattern of the Civil Service, I greatly regret that I cannot agree that an exception should be made. I do assure the hon. gentleman, though, that very considerable, long and anxious consideration has been given to this particular problem. I also assure the hon. gentlemen, both of them, that it is Government's policy to increase the intake from local resources into both the legal and judicial services. I am sure that they would agree that we must not abandon all standards for that purpose. We must seek to obtain the best possible material, and I am sure that they are sufficiently pragmatical to realize that we have got to compete with the rewards in private practice which in many ways are perhaps slightly illusory, particularly when one considers what are sometimes called the hidden emoluments of Government service. However, I think that in general at any rate, on this matter we are all headed in the same direction.

Mr. Mboya: Mr. Chairman, would the Minister state—because I do not think he has replied to one of the questions asked—whether in fact there have been local advertisements for the post of magistrates and Crown counsel? Secondly, arising from what he has said, would he indicate of the five Africans and five local Europeans—five or six local Europeans—in his own chambers the point of conversion? What I am trying to get at is, are the local Europeans converting as local staff or as expatriate staff with overseas addition? I know the Africans would automatically convert as local staff. Would he indicate what is the position with regard to the six Europeans in his chambers?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, with regard to advertisements, I have been clearly under the impression that we have advertised, but I think it may may be that the advertisement has taken the form of reference to the Law Society which, as hon. Members know, is fully representative of the profession. I think that the so-called advertisement has been 'sanctioned through the Law Society. I will check the facts, though, and explain them to my hon. friends. In any event, I shall make sure that the posts certainly are advertised in the future. As I say, we want the recruits if we can find them.

On the second point, the officers concerned are converting as local staff. Some of them—indeed it may be all of them—were appointed by the Secretary of State's appointments board post-Lidbury, post-1954, with inducement and they

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localization in dealing with this subject today. I myself submit that it is relevant and I find that there is a big gap in the Government policy and I am led to believe that in reaching these decisions there is not the realistic approach that in my view would have been necessary.

Mr. Chairman, another point on which I would like the Minister to make a statement is the position of temporary civil servants. I would like to know, in converting to these new terms what the position is going to be (a) with regard to all these women who have been working as temporary civil servants and (b) with regard to people who have been working as temporary civil servants—pensioners who have been working as temporary civil servants. On this regard I would like to know if the Minister has the information of how many African pensioners have been employed in the Civil Service as temporary civil servants and what scope there is for them, how many give an indication of the European civil servants and those on pensions, if they are going to convert in any way to either the Permanent Local or Overseas Civil Service in translating these recommendations. I have been reading the circular, and I cannot myself establish exactly how this is going to affect them. I have seen argument about the recruitment of women overseas and what policies are going to be adopted, but I am not clear that the matter has been firmly decided upon as to whether they happen to be entitled to an overseas addition—I am referring to women recruited from overseas. I would also like to know the position of women employed in the Civil Service locally here who have until now been on temporary service.

I think I will stop there for the time being and hear what the Minister has to say.

Mr. McKenzie: Mr. Chairman, Sir, I find myself in a little difficulty on this one and I would like some information from the opposite side before we go to a vote on this one. I think the Minister for Finance—who is not in at the moment—must realize, although I appreciate this is not legislation—that this is a new House which has gone on from an old House, therefore, I think he has got to be prepared to go over some of the old ground for the benefit of the new Members. I think it was also very wrong of him to stand up and say that the overseas addition will have no bearing whatsoever on the taxpayer. It will have a bearing for the simple reason that a great number of Government Statutory Boards are following the line of the overseas addition and that money to pay the personnel of the statutory boards comes out of the producer's

pocket, or the taxpayer's pocket, so it is very wrong of him to say that the overseas addition does not have any effect on the taxpayer. It has a very, very great effect on the taxpayer.

The Minister for Education—who is also out at the moment—I think that he got hold of the wrong end of the stick on what my hon. friend the Member for Machakos said on this side. I think the point my hon. friend was trying to make was that it was very difficult for anybody to become a civil servant through the exaristie system if he is not a person domiciled in the United Kingdom or is a person belonging to the United Kingdom. That is the point he was trying to make and I appreciate the answer which was that people of other countries can come into the Civil Service machine but I would venture to say that the people from other countries only come in to the Civil Service machine if, those people are not obtainable in the United Kingdom. For instance, I would like to ask the Minister for Finance in what foreign newspapers do we ever advertise for our civil servants? When I say foreign I mean outside the Commonwealth.

Now, I did ask the question which was not answered about the district commissioner's duty allowance. What I would like to know and I think it is paragraph 29 of the Flemming Report, what I would like to know, Mr. Chairman is what is this duty allowance for and why is it that a district commissioner has a special duty allowance and none of the Government officers in the field have it? Now, what comes to my mind is that today I would say in certain provinces the district agricultural officer has just as much to do with entertaining V.I.P.s from overseas as the district commissioner. I would also go further to say that the district agricultural officer is becoming more and more the close friend of the people in those areas—even more so than the district commissioner. So I would like to know what this allowance is for, and why the district agricultural officer does not get it—he may be able to get it, I do not know.

The other one, Mr. Chairman, is medical allowances. This is in paragraph 90 (c). I would like to know what the present position is with civil servant medical officers accepting private practice fees, that is both the medical officer and also the so-called consultant or specialist. I would also like to know if this embodies somebody like the veterinary officer.

The next one, Mr. Chairman is 70 (d). How all of a sudden have the Puisne Judges in Kenya come up to a higher salary than, for instance, the Permanent Secretaries of the Ministries? I maintain that the Permanent Secretaries of some

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of our bigger Ministries are just as important to this country as the Puisne Judges, in fact, I was going to say, perhaps even more important.

Now, in Flemming we are told that no consideration has been taken of the salaries of unofficial Ministers. I wonder if the Leader of Government Business would take this opportunity of telling us just what the salaries and allowances of unofficial Ministers are going to be? It is tied up more or less with Flemming. At the same time I wonder if he would be good enough to tell us whether Parliamentary Secretaries are also included, whether they have been discussed or not.

Now, I come to the point of the E scale. What worries me very much, Mr. Chairman, is this. When you look at the Flemming recommendations you will find that in your S scale, for instance if you look at segment 1 (a), it is Sh. 322 a month. Am I correct in saying that a man in that segment with quarters gets Sh. 311 a month and without quarters gets Sh. 322 a month; in other words, that there is a difference of Sh. 11 to cover quarters? Now, I should also like to ask this question on the E scale, which is far more important than the S scale. I see that the difference in the E scale between the person getting free quarters and having to pay for quarters is the negligible amount of Sh. 11. Now, I should like to ask Government what type of accommodation do they think a married man with two children can get for Sh. 11 a month. It does seem to me that Government have gone seriously wrong in the lower scales, that is, mainly in the B scale which is the first and perhaps the most important scale of this Civil Service, especially if we are going to move, as Government maintain we are, to localization.

Now, I should also like to ask Government if they have considered at all under the educational part of the report educational help, let us say, for an agricultural officer, who is living, let us say, at Galoli, a married man with two children, or, say, an agricultural officer living at the Shimba Hills Settlement Scheme, again a married man with two children going to school. I should like to know whether Government have considered—and I am not being racial at all on this, because we have agricultural officers now of all races and assistant agricultural officers—or contemplated at all as to what they can do to help these people who are on a very low salary and maybe have three or four children whom they have got to educate.

I should also like, Mr. Chairman, to give warning that when we come to each of the heads I

do intend asking each Minister if he will give us, as the Minister in charge of the Governor's Vote has given us, a breakdown of the various amounts. I think I am going to go one further and ask them if they can give us, to bring out a point which has been raised by hon. Members on this side, a scale breakdown on them as well.

Mr. Chairman, I have some other points which I think I had better leave until the Ministers opposite have raised these, but I do sincerely hope that the Minister for Health will answer that one on medical practice as to whether they can accept money for private practice or not.

Mr. Zafrud Dean: Mr. Chairman, I shall be very brief. We have already been told that the Government has spent this money and I know that by sheer vote majority it will be carried. However, I want to make this point, that I think it would be a very serious dereliction on the part of Members of this side of the House if we approved the Flemming Report. Therefore, I very seriously ask that all references to the Flemming Report in these Estimates should be deleted completely. However, the Flemming Commission was definitely asked—as they told me in the oral evidence which I gave to them—that all past anomalies and injustices would be adjusted. Since they have not done that in the report, I think they have failed in their duty, as have many other commissions and committees in the past. Therefore, Sir, I do not know whether this could form a part of the amendment, but I should like with your permission to know whether I could move an amendment that all references to the Flemming Report be deleted in the Estimates.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, Sir, I believe I am right in saying that we are debating an amendment by my hon. and learned friend to reduce the Vote No. 1 by £1 by way of protest against the fact that the Flemming Report has not been debated. I propose, Sir, to confine myself, unlike most speakers, to the precise point of relevance.

Of course, in normal circumstances an important document like the Flemming Report would have been debated. I entirely agree that it would be desirable that it should be debated. It so happens that, as hon. Members may remember, the last Legislative Council was dissolved shortly before Christmas last year in order to allow the process of elections to start. The Flemming Report was published fairly early in the new year when the House was in dissolution. Only recently has the new Legislative Council assembled.

Now, I do most humbly apologize for the fact that the Flemming Report was not laid as soon

[Mr. Mboya] number of civil servants by failing to give the exact terms that they might get in Britain, but we are sure that all these civil servants will go back to Britain and all of them get jobs? Because that is what is being suggested when we say "We must meet every aspect of the standards or the terms that they would enjoy in Britain". Are we sure that all of them would get jobs in Britain? We are not. Some of them may not even qualify for a job in Britain, some of them may not get jobs in Britain and so on, we cannot just be asked to be pegged to a British standard on an assumption that every civil servant in Kenya is going to get a job in Britain if he went back today. I am sure that if we let them go quite a few of them might not go back to Britain, quite a few of them may get jobs elsewhere and some of them might even want to still stay here. So it is this approach. Mr. Chairman, that I find to be so contradictory and also to fail to recognize our country's own position and circumstances.

Mr. Chairman, those of us who have read this Report, and Establishment Circular No. 18 are convinced that the beneficiaries from both the Flemming Report and the Circular that arises from it, in the Supplementary Estimates are going to be mainly the European staff. There is no doubt about that. Look at the increase proposed percentage-wise. The lowest paid men are going to get only 74 per cent. The highest paid men are going to get a 30 per cent increase in their salaries. In conversion there are Africans who are entitled to inducement pay, they have not been told how they convert. Their counterparts who were equally entitled to inducement pay will convert to the expatriate terms which means a much higher salary than the African or Asian and then the criterion is most interesting. The criterion here is that when you are an African automatically you are not an expatriate civil servant. We accept that, an African should not expect the overseas addition. When you are an Asian then of course it is immediately assumed that the standards in Asia are so low that you do not even have to be considered. When you are European, then of course you have the right to decide whether you want to be an overseas— an expatriate civil servant or whether you are going to be a Kenyan civil servant. Mr. Chairman, we feel that this criterion is so vague that in fact it renders the whole question of local Civil Service and Overseas Civil Service meaningless. If a European born in this country, continuously claiming to be a Kenyan is going to be given the privilege of deciding whether he is an overseas or an expatriate civil servant, then I think the

Asian or any other non-indigenous person should have similar rights to decide.

Now supposing an Asian was born in Britain and he at present lives there—

£ The Acting Chief Secretary (Mr. Griffith-Jones): I thank the hon. Member for giving way but he is following a false trail here. No officer has the right to decide whether he is expatriate or non-expatriate, the point is whether he is a designated officer or only entitled to local salary. It is decided, of course, by rules laid down, he has no option in the matter.

Mr. Mboya: Mr. Chairman, we may use different words, we may use the word "designated officer" as the Ministry for Legal Affairs would like, it still comes down to the argument I was making, in order to be a designated officer an African would not be designated, according to the regulations here.

The Minister for Finance and Development (Mr. MacKenzie): On a point of order, the hon. gentleman said that an African could not be a designated officer. In fact I should like to tell him that there is one African who is designated.

An hon. Member: The exception that proves the rule.

Mr. Mboya: Mr. Chairman, we would very much like to know who this African is and whether he is indigenous to Kenya or not and what the overseas addition he is entitled to, could we know?

The Minister for Finance and Development (Mr. MacKenzie): I am afraid, Sir, I cannot give the hon. gentleman the name of this African, but he is entitled to exactly the same conditions and terms as any other designated officer.

An hon. Member: Interjection.

Mr. Mboya: And entitled to the overseas addition? Well, Mr. Chairman, this bears out my point, this is a matter of expediency. Only a few moments ago the Minister for Legal Affairs said categorically, I thought, that local indigenous people should not expect the overseas addition.

The Acting Chief Secretary (Mr. Griffith-Jones): I said he could not opt to be designated.

Mr. Mboya: Mr. Chairman, this raises the important question of domicile. Is this particular man, this particular exception to the rule, is he regarded as a domiciled person or not a domiciled person?

The Acting Chief Secretary (Mr. Griffith-Jones): The point is, Sir, that domicile, which is my hon. and learned friend opposite well knows, is a legal matter of considerable complexity, has

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been enquired in this particular revisionary clause and obviously we cannot apply the strict legal rule of domicile, we would probably have an innumerable number of declaratory actions by persons to ascertain where their domicile is, whether of origin or of choice. The criteria are laid down, and are indicated, in paragraph 16 of Circular No. 18, on page 5 of that Circular, and in paragraph 16, which defines the designated officer and sets out the criteria by which designation is decided.

Mr. Mboya: Mr. Chairman we will still be waiting to know who this officer is and we intend to follow this up. They have still gone to the Ministry to find out I think.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, I do suggest that it is a bad principle for this House to bandy names of civil servants across the Floor. If the hon. gentleman wishes the name, it will be made available to him. Normally, though, I think I am right in saying that both in this House and certainly in the Commons House of Parliament at home civil servants' names are for the most part not banded across the Floor of the House.

Mr. Mboya: I am sure there would be no objection to our being told what office this man holds if you do not want to reveal his name, when he was appointed—

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, we are ready with the information. I should merely say that the officer concerned—as a matter of fact I know his name, but in conformity with what my hon. friend has just said, I think it would be quite wrong that the name of a particular civil servant should be banded around this House, but I can say that the officer concerned is an education officer.

Mr. Mboya: He is an education officer? I hope we can have the name.

Mr. Chairman, as I was saying, I find this contradiction in the Flemming Report and in the whole approach of the present Government in handling this matter. One matter on which the Government have made very little if any statement is the question of the relationship between what we call the designated officers, or those who will be entitled to the overseas addition and the officers on contract terms, for two tours, I think that is the suggestion here.

Now it seems that the Minister does not see the relationship between what he calls the expatriate officer and what in our view would ultimately become our responsibility when this country has

its own government and employs overseas persons on contract terms, which as I have said would be the emphasis of our approach. Now it cannot be denied that if you have on the one hand expatriate civil servants on the basis of the agreement between this country and Her Majesty's Government, drawing a certain sum of money or a certain salary, that those officers we would recruit in future on contract terms would at least look forward to terms similar or perhaps even better than those that are going to be provided under this agreement. It is all right to say that the Colonial Office has been very generous and is going to pay this and that for us, but I think we must not forget that very soon we are going to have to take certain responsibilities and we cannot merely be dependent on the Colonial Office or the British Government's generosity. Our own relations with Britain may be circumscribed by what attitude we form in trying to formulate our foreign policy and I do not believe that it is safe, it is wise or sound, to base our future policies for the next ten years on this kind of promise. I think it would have been sounder to approach the whole problem on the basis of (a) what would happen after independence to expatriate civil servants in terms of compensation or in terms of losses they may suffer when we localize the Civil Service. I think that is a sounder approach than having this kind of commitment for the next ten years.

In the Flemming Report there is a chapter dealing with localization. To my mind localization is relevant in discussing the Flemming Report and the programme that is covered by these Supplementary Estimates and yet we see that on page 25 in paragraph 20 they make no recommendation on localization because they do not think any general advice is needed and because the necessary detailed studies either have been or soon will be put in hand by the administrators.

Now I believe that if we are dealing with the question of the future of the expatriate civil servant, which must surely stem from the fact that we will expect to have our own local civil service and that we have a certain programme of developing that local service and replacing the expatriate civil servant, that this Report and the Government's own statement to this House should have made certain aspects of localization clear. The question of the conversion just now on the new terms has affected Africans and the indigenous people and also the Asians and is very definitely relevant to what the Government attitude is with respect to building a local government service. We are not sufficiently satisfied that the Government has brought out its own views on

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"locally domiciled". For example, if there is an officer who was recruited in the United Kingdom, who has lived in this country for 30 years, who has bought a farm in this country, built a house in this country, his children were born here, and his children are still living here—can such an officer still be called an expatriate officer or can he be regarded as excluded from the term domiciled?

The other expression used by the hon. Minister for Finance was "officers recruited overseas". Then he explained himself by excluding officers recruited in India. Now, either you apply the overseas addition to officers recruited "overseas" or you do not. If you exclude people recruited in India and Pakistan, but apply the addition only to officers recruited in the United Kingdom, then obviously you are making a racial discrimination, and in any case, is the Minister sure that only officers recruited overseas have been given the overseas addition, because I know that it is not so. Until quite recently, quite a large number of Europeans recruited in Kenya, some were even born in Kenya, were accepted as members of Her Majesty's Overseas Civil Service and are now regarded as overseas officers or expatriate officers. Will the Government make up its mind and say what they really mean by expatriate officer? It is no use referring us to a definition which is arbitrarily contrived to give financial assistance to certain classes of officers.

Now, we have also been told that some of these officers, perhaps all of them, are entitled to compare their positions with officers like them in the United Kingdom. Now, Sir, without meaning any disrespect to members of the overseas service, I think that argument is not sound. It is not so easy for a person to get into the British Civil Service. There is very severe competition, whereas members of the overseas Civil Service have just to walk into the Colonial Office and they get a letter of appointment. There is no competitive examination for entry into the Colonial Civil Service, whereas there is a competitive examination for entry into the British Civil Service. There are so many anomalies, which give rise to injustices because they do not stick to the meaning of these terms.

I know the case of two young men. One happened to be born in Kenya and the other born in India, his parents were presumably on leave or holiday. The child born in India entered Kenya when he was still an infant. Both of them studied at the same school, both passed their matriculation together, both went overseas to study

medicine, both came back together, both did their internship together in a local hospital, both appeared before the same selection board, both the Secretary of State, and both were picked together for the Service and both were given inducement pay together. The child, who just happened to be born in India, was regarded, later on, as an expatriate and the child who happened to be born in Kenya a locally domiciled person and he has been refused overseas addition.

Well, Sir, this only means that if a person has lived in Kenya for 25 years, he is a Kenyan, but if he has lived in Kenya for 24 years he is not, he does not belong here! Should this not be related to the domiciled status of the family? If the family belongs to Kenya, then there is no reason why you should regard children of that family as other than locally domiciled. There is another rule: the family may be settled here, completely settled here, have invested everything they have earned during life in Kenya, bought land here and not in the United Kingdom, but still if the head of the family was a member of the expatriate service, his children, irrespective of whether or not they have their homes here and have no homes in any other country, are also given the advantage of this overseas addition. What justification is there for that? What meaning does the Government intend to apply really to these terms, locally domiciled and recruited overseas? Not only that, it was very easy for Europeans born in Kenya to enter service and be members of Her Majesty's service, whereas membership of that service was—I do not know what the position is now—until recently denied to the most senior officers of the Civil Service so long as they were not Europeans.

Then, Sir, there is the human aspect of the matter. A child goes to England, studies at a British university, and several of his friends study with him. He comes back to Kenya and takes up employment. Another child also comes out and takes up service here. They have the same qualifications, they are doing exactly the same work, but the child of the British parents gets more. Now what really is the justification for that? Does the Government accept the principle of equal pay for equal work or not? It is not use saying you accept the principle of equal basic pay for equal work, because the expatriate can buy motor cars and clothes and whisky with his overseas addition just as well, so it is no use talking of "basic pay". Equal pay for equal work means equal pay in terms of hard cash.

Now, has the Government really made up its mind as to what it wants to do? Does it not

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accept the principle of equal pay for equal work?

I now formally move the amendment which I have handed over.

The Chairman (Mr. Nyagah): I will put the Amendment that: Vote 1—The Governor be reduced from £2,609 by £1 to £2,608.

Amendment proposed.

Mr. Mboya: Mr. Chairman, Sir, I support the proposals, especially because I have not at any time been convinced that the recommendations of the Flemming Report were conceived in the interests of this country, I believe that, to a large extent, they are the outcome of panic and insecurity among the civil servants and their ability to exert pressure on the present Government to secure better terms, especially to try and do so before we have established in this country a government that will truly be concerned to take over the responsibilities of the future. I believe that what the Minister said a few minutes ago really applies, and that is that these recommendations are geared to meet the needs of the overseas civil servants, although in the terms of reference there is in subclause (b) "the need to devise salary structures for the local service which the territories and Administration will be financially capable of sustaining".

Now, Sir, there is, in my view, a major contradiction here. In the first place we are told that as far as the Overseas Civil Service is concerned what is important is the need to offer terms of service sufficient to attract and retain overseas staff; in so far as the local service is concerned the whole emphasis is on our ability to pay certain salaries, to meet these expenses.

Now, Sir, it is true that Her Majesty's Government have offered to assist in meeting the extra cost in respect of the overseas addition for the expatriate Civil Service, it is true that they are going to help with it—they are going to assume full responsibility for the overseas addition to the basic salary for expatriate officers and then they are going to bear that part of the cost of the pension and gratuity payable to an expatriate officer for his retirement and, then where appropriate pay to an expatriate officer's allowance in respect of education for children and so on, but we have to meet part of the costs for leave passages. We have got to share equally with the British Government the cost of the compensation scheme that may be introduced as a result of constitutional changes. I suggest that there is an element, however large or small it may be, an element of responsibility on our part which is

involved as a result of these recommendations. The point I want to make, however, is that whereas many of us appreciate the need for some time to come for expatriate civil servants in this country, we do not believe that this particular approach is the best approach. It is true that Her Majesty's Government have pledged to help us for the next ten years but our approach would be more the emphasis on giving contracts for those civil servants that we consider Kenya really needs from outside this Colony. This does not necessarily have to recognize Britain as the only recruiting centre. We might decide for various reasons to emphasize recruitment from countries other than Britain, if in those countries there are qualified persons whose standards are such—whose kinds of economy are such as to fit in more easily with our own conception of things to come we want to be free to feel that every individual contract that we draw up with expatriate civil servants will be drawn up in such a way to meet our immediate needs, but if we have this standing approach of ten years of Her Majesty's Government's pledge, ten years in which we are tied down to this straitjacket, as it were, I think we will find it very difficult to convince contract staff to accept something less than what is going to be provided and which is going to be paid in this particular case on the basis of standards in Britain. I think it is particularly poor that the arguments advanced here in support of the overseas addition and in support especially of the review of the salaries of expatriate civil servants, the arguments advanced here are to bring the salary scales in Kenya in line with the changes that have taken place in Britain. Much as I sympathize with the expatriate civil servants, I think all of them must realize that they have come to work in Kenya. I am not saying that we can overnight do away with all the expatriate civil servants but I do not believe that the panic which had existed in the last few months has been especially justified. I think in anticipation of constitutional changes certain groups in the Civil Service in this country are trying to exploit our present situation to secure the best possible terms. It is quite true they went over to Britain, they have been pressing for these changes and their main argument has always been "What is our security when political changes take place". Very few of them have argued that it is necessary to bring them up to the same standard as their counterparts in Britain, nor do I think that Kenya with her economic background as a growing and young country should be committed to meeting the standards that exist in Britain or for that matter any other country. We may lose a certain

[Mr. Muliyil]

A man like that works far harder than a district commissioner in this country. A district commissioner in this country has a host of district officers and a lot of chiefs who actually do the work. But over there, they do not have as many assistants. The same goes for many other officers who work in the United Kingdom as opposed to those who actually work in this country, and who have so many assistants.

The next thing, Mr. Chairman, that I would like to say is regarding the question of these expatriate officers. Her Majesty's Government has agreed to meet the cost of their increased salaries, their pensions, and so on—and so forth. I would like to know why a Government like Her Majesty's Government, it is so keen and so interested to pay for the services rendered to another Government altogether. I mean, I am not opposed to the idea. I appreciate the fact that they do realize that we are in difficulty in so far as money is concerned, but I would like to know the reason why they are so interested. Are there some strings which are attached to this? We hear there is a guarantee of ten or more years, or something like that, but we would like to know actually why, because this has not been explained.

Again, Mr. Chairman, I would have thought that the people whom we would like to keep in Kenya, the people whom we would like to work in Kenya are the people who would come to this country and work so that the country may develop, but not the people who should come to this country because they are being induced to come and stay here and work in this country.

Yes, I hear my colleague correcting me, the word is reduced. I suppose it is even more than that.

We should not lure people to come into this country if they do not want to come and work in this country. I think it is high time the Civil Service was staffed by people who work in this country for the love of working here and people who are proud to see the country going forward to full independence. I agree entirely, I fully support the suggestion that staffing of the Civil Service is in a way racial. The hon. Member who spoke, I forgot who it was, said that there were no Africans who have qualified as expatriate officers in this country. I know of one who is a very highly qualified man; he does not come from either East Africa or West Africa, but he comes from somewhere else in Africa; he is highly qualified and he was very interested in joining the Kenya Civil Service, but he was deterred. There are many hundreds

of them, especially from a country like South Africa. There are men and women who are qualified and who would qualify to come and work in this country. Today there are hundreds in West Africa, in Nigeria, especially, working in the Nigerian Civil Service and for the Nigerian Government, and who are doing marvellous work there. Mr. Chairman, if there was no discrimination at all I would have thought that these vacancies would be open to all men everywhere who would be prepared to come and work in this country.

I therefore, Mr. Chairman, feel that something must be done. The fact that people from a certain country are the people who come and work in this country must be allured. Again, I would also like to insist that the Chief Secretary gives us the breakdown of the Civil Service in racial groups.

Again, Mr. Chairman, before I sit down I would also like to say that we, or I and my colleagues on this side of the house, are not fully convinced that these Supplementary Estimates are fully justifiable.

The Leader of Government Business and Minister for Education (Mr. Ngala): Mr. Chairman, Sir, I think I would like to correct the Member who has just sat down on some of the points he made. In his plea, he should have made it quite clear in his allegation that district commissioners do not work as hard as some officers in the United Kingdom. I do not know what sort of officers he is comparing district commissioners with in the United Kingdom, because as far as I know there is not such a category of officers who could be compared with the district commissioners here. Therefore, I think my main stand is that this comparison is quite unrealistic and it is completely unacceptable as far as I am concerned. Also, I would like to make it quite clear that we have made it very certain that, as far as the recruitment is concerned, we only go in for recruitment where it is absolutely this country who can do the job. Otherwise, we do not go out and look for people to come to this country to work.

Now, you misled the House by suggesting that recruitment is only confined to the United Kingdom. This is quite untrue. We are open; it is necessary to recruit our people from different countries, and we are open to countries that would be prepared to make their people available for service here. The fact of the matter is, the countries mentioned like Nigeria and Ghana, these countries are still recruiting from other countries themselves, and they are still recruiting

[The Leader of Government Business and Minister for Education]:
from the United Kingdom to fill in posts in their Government. Therefore, I doubt whether these countries like Nigeria and Ghana would feel it suitable for them to let us have their people here, but if they think so, I think, as I said, the door is not closed to these countries at all.

The Member has asked why Her Majesty's Government is paying the expatriate allowances. Now, I think the House appreciates the assistance that we are getting, because, without this assistance, this country would not be able to pay for the quality of the service that is being given by these officers, and it is necessary that these officers are here to work and give the service that they are giving to the people generally, and if the United Kingdom Government is helping us with these salaries, I think the Member should be thankful instead of being critical.

The Member seems to think that the time has come when we should not have some of these officers. Mr. Chairman, I think we must be realistic. If you look at the Ministry of Health itself, can the Member tell us that he has got the sort of people at the top who can even operate on the heart, who can come from this country without getting assistance from overseas? We need these people and they must be here to help us build and do the work they are doing. If you do not have a doctor who can operate on the heart here, you will have to fly some of our people to the United Kingdom, to Australia, or to other places for operations, but the Government feels that such people are here. If we cannot pay for them and Her Majesty's Government is paying for them, however temporary this arrangement is, it is still helpful and we are grateful for it, and the Member himself should be grateful for the action which has been shown.

The Chairman (Mr. Nyagah): I am very anxious we should get moving in view of the ruling that I have given before. I have given you the opportunity to discuss. I would like us to get moving to the relevant heads. Vote 2, Judicial.

Mr. Chanan Singh: I thought we were discussing Vote 1, I have a proposal to make.

The Chairman (Mr. Nyagah): Is this a proposal or an amendment?

Mr. Chanan Singh: I want to move an amendment to the vote.

The Chairman (Mr. Nyagah): Go on, Mr. Chanan Singh.

Mr. Chanan Singh: Mr. Chairman, I want to move that the Vote 1 be reduced by £1 as a

protest against Government accepting the Estimates without the approval of the Council.

The vote under discussion, Mr. Chairman, relates to His Excellency the Governor and his staff. We have not yet reached the stage where His Excellency would be constitutional head of the country. He is still the head of the Executive Government and also the representative of Her Majesty the Queen. I should have expected that His Excellency would see to it that no injustices was done to classes of British subjects. The very idea of an indentured pay, that was introduced on the recommendations of the Lidbury Report (and that has now been replaced by the overseas addition), was to keep the old racial differentials in being. Although a small number of non-Europeans were given Inducement pay and are now being given overseas addition; that small number does not enable us to say that the arrangement is not racial in character. The fact is that only a negligible number of non-Europeans benefit from this new arrangement so that to all intents and purposes, the arrangement is racial, and I feel His Excellency should have seen to it that this racial discrimination was avoided.

Sir, the hon. Minister for Education has just spoken and he seems to have changed his views within the last few months. I have a statement here, it was issued by him and the Deputy Leader of KADU on the Flemming Report. It was published in the *East African Standard* of 18th January, 1961. I shall read the first few paragraphs of this summary of the statement issued by these two gentlemen: "KADU's Leader and Deputy Leader, Mr. Ngala and Mr. Mulloy, yesterday rejected the Civil Service Salaries Commission's recommendations and warned the Government not to accept them. In a joint statement on behalf of the party they said that KADU has had a thorough discussion about the national problem set aflame by the recommendations of the Commission. It was almost certain that proposals would not be accepted in their present form by a Legislative Council with an African majority."

Well, Sir, this Council now has an African majority. We want to know if the hon. Minister for Education has changed his views.

Sir, we have been told by the Minister for Finance that the "locally domiciled" officers are excluded from the principle of overseas addition. Is that in fact so, Sir? What is the meaning of domicile? The hon. Minister for Finance can have the guidance of the Minister for Legal Affairs. I am sure he can ask him what "domiciled person" means, and we want to know the exact meaning the Government attaches to this phrase

[The Chairman]

Fleming Report; I think that discretion on the principles of that Report are in order.

Mr. Shakh: Mr. Chairman, Sir, I am not fully satisfied with the explanation given by the Minister, the reason being first that the opportunity has not been given to the representatives of people to discuss the Report which has been accepted by the Government and which commits the country not for one year alone but for a very long time to come, and according to the draft agreement which I have read it is the British Government which will be giving the Kenya Government the help in that respect up to 1971, and not beyond that. That means that if that is accepted—and we know that as usual the Government steamrolling process is there—the future independent Government of Kenya will have to carry the burden of this increment from their own pockets. Now, that being so, there is no reason why this increment should have been back-loaded from 1st April, 1960, and when the Minister says that there is no racial discrimination, Sir, he can try to explain and give his own interpretation, but it is very clear in this Fleming Report which clearly gives the impression that there is a clear racial discrimination.

I would like to quote, Mr. Chairman; from page 31: "The question of 'overseas' addition will not arise for persons recruited from Asia for the reason that we have given in paragraph 24, namely the attractiveness of basic salaries. For candidates of European descent it may sometimes not be altogether obvious whether they should or should not be regarded as established in East Africa, but in such cases it should not be difficult to apply the considerations quoted in paragraph 22 by asking a borderline candidate who claims overseas status—Is there some other part of the world in which you would naturally look first for employment because it is your home country?" Now, Sir, this last sentence is an indication that any candidate of European descent would naturally in order to gain more advantage make more use of this sentence, and he can always say, "Yes, I have some other part of the world where I can look first to as my home". By that way he can always be entitled to expect expatriate status and thus gain about 30 per cent or so extra salary. In principle, to establish two types of salary is very wrong for the reason that you will be paying more salary to those people whose loyalties are to some other country than Kenya, and you will be paying lower salaries to the people whose loyalties are to this country. That fact will affect the morale of the local civil servants. For that reason

I still feel that Government is not justified in giving one other excuse that they have already accepted the Fleming Report. They should have given the opportunity, and I still feel that they should still give an opportunity for discussion of the Fleming Report, as it is, because I feel that the Fleming Report itself contains gross injustice to local civil servants.

So far as expatriates are concerned, the Minister said that all who have been put in expatriate grades are expatriates. But I have been told that there are some civil servants of European descent who have lived in this country for a very, very long time and some of whom might have been born here, yet still, somehow or other, they are taken as expatriates. If that is so we can see the reason why this Report was perhaps so hurriedly accepted.

Mr. Chairman, the reason given by the Minister that all the amount of overseas addition will come from Her Majesty's Government from the United Kingdom does not justify the creation of discriminatory measures in this country. What we see is that as far as this Supplementary Estimate is concerned, all the money is going from the Kenya Treasury to the civil servants in a discriminatory way. What we get is overseas addition from the United Kingdom Government to the Kenya Government, not direct to the civil servants. That means that although some of the grants will be received by the Kenya Government the Kenya Government will be acting just because we get some grants from the United Kingdom Government to perpetuate or rather to come back to the old days of racial discrimination. For that reason I, at least, do not feel that this Supplementary Estimate as presented should be voted for by the Opposition.

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Chairman, I think there is still some misunderstanding which I will try and hope to clear up. The fact of the matter was that, perhaps over the last two years or more, there has been considerable dissatisfaction in the Civil Service particularly perhaps among the expatriate ranks whose salaries here had lagged behind those of their counterparts in comparable positions of responsibility in particular in the United Kingdom. Now, it is a fact that all the East African Governments became extremely concerned on this score and there was a considerable danger at one stage that quite a considerable element of the expatriate services of all the three mainland territories would disintegrate.

What, then, was the problem that faced the Governments? If they had reassessed local salaries

[The Acting Chief Secretary]

on the basis of salaries which would retain expatriate officers they would have been committing the country to an expenditure on its Civil Service at an artificially inflated level. They would have been condemning the taxpayer of this country to pay salaries at levels assessed not by local circumstances but by extraneous circumstances in other countries. That would quite obviously have been wholly wrong. This country must not be saddled with expenditure on its Civil Service which in the first place it could not afford and which in the second place would be excessive, that is to say, out of line with local factors.

Now, accordingly, the basis on which the Fleming Commission examined the whole structure of salaries, and on which it founded its Report, was to establish a common level of basic remuneration founded on conditions in this country, in this area of this region. That is why it is assessed basic salaries. Those are salaries payable to everybody, basic salaries, to everybody in the Service; and those levels of salaries are assessed by local conditions and factors. But those salaries would not have related those expatriate officers whom, I think, we are all agreed, the country needs, and will continue to need for some time, until it can develop its own human resources sufficiently to service its own needs in the public service. Still less would those salaries have been able to attract any further expatriate technicians and professional personnel which could not be found locally. I do not think I need remind the House that we only recruit overseas now when it is impossible to meet our needs locally.

Therefore, the Fleming Commission in the Fleming Report drew that distinction; a common pattern of basic remuneration irrespective of race or any other factor, and for expatriates Her Majesty's Government in the United Kingdom stepped in and said, "We appreciate that to pay the salaries of expatriate officers, if the country is not going to be deprived of those staff it needs, and virtually to find it impossible to recruit any further ones she may need in the intervening period until she is self-sufficient, then Kenya and the other territories will require aid in this respect."

Therefore, under the system of overseas additions with education allowances which are, of course, a heavy item of expenditure for expatriate officers, to educate their children in their home countries, those additional elements being designed to retain expatriate officers, and to enable further ones to be recruited if they should be necessary, are to be paid by Her Majesty's

Government. Now, no question of race as such enters into it; but quite clearly the bulk of expatriate officers are European. There are a considerable number—I cannot quote the figure off-hand—but there are a considerable number of Europeans in the Civil Service who will not qualify for these expatriates' supplements, and allowances. I do not know what the percentage is. I am informed by my hon. colleague there are some 2,000 including those in temporary service.

There may well be—

An Hon. Member: (Inaudible).

The Acting Chief Secretary (Mr. Griffith-Jones): May I just continue to develop this argument. There may well be some non-European officers who, not by reason purely of their race but by reason of the circumstances of their original recruitment to their service, qualify, whereas some Europeans will not qualify. I think I heard an hon. Member mention pensions. May I make it clear that Her Majesty's Government has undertaken the cost of that element of pensions which is derived from the overseas addition.

The fact of the matter is that for those overseas supplementary emoluments, to use real bureaucrats, Her Majesty's Government are footing the bill. In many cases, particularly in the "super-grades", the basic salaries are slightly reduced, and in the case of expatriate officers of course that means some saving on balance to the country. Her Majesty's Government have also undertaken to pay half the cost of passenger. Hitherto this Government has had to undertake the full cost of passages. So there is in the Overseas Service Aid Scheme, which is a very generous scheme on the part of Her Majesty's Government and the British taxpayer, there is in no sense racial discrimination, but a realistic appreciation of the needs of this country and a realistic generosity in attempting to save this country expenditure which would be beyond its means and which, if it had been left to this country to pay throughout the service, would have crippled it for the future.

Mr. Maiti: Mr. Chairman, Sir, first of all I would like to disagree with the hon. Minister for Legal Affairs who has just said in his speech that the salaries of expatriate officers in this country are far behind the salaries of their opposite numbers in the United Kingdom. First of all before one assesses any salary, one must consider the conditions for the amount of work that particular officer does. I would like to give a small illustration. Take an officer in the United Kingdom who is equivalent of a district commissioner in this

The Minister for Finance and Development (Mr. MacKenzie): The hon. Member says, "Question", and I ask him why he remained a Member of the Government which accepted that. I ask that of the hon. Member, Sir. He was a Member, as was another hon. Member opposite, of the Government which accepted all this, and I ask him, Sir, how he can now come up and ask questions.

Mr. Mboya: You ask the Leader of Government Business why he changed . . . ?

The Minister for Finance and Development (Mr. MacKenzie): No, Sir; it was merely on that particular point. Sir, I submit that the question of overseas addition is not one that seriously concerns this House.

Mr. MacKenzie: Question!

The Minister for Finance and Development (Mr. MacKenzie): It does not concern the taxpayers of this country—

Mr. MacKenzie: Question!

The Minister for Finance and Development (Mr. MacKenzie): Who are not being asked in any way to contribute towards it—

Mr. MacKenzie: Correct!

The Minister for Finance and Development (Mr. MacKenzie):—and I suggest that there is no question whatsoever of discrimination in so far as the taxpayers of this country are concerned.

Mr. Zafred Dreni: I assure the hon. Minister that I have read the report. I do acknowledge that I am probably not very well aware of the figures that are contained in the report; but I maintain once again that the Fleming Report as it stands today and, consequently, the Estimates which we are being asked to approve from the front word to the last contains nothing but discriminatory measures. I would ask the Minister if he would give us the breakdown of the figures of the Civil Service. It would be clear then and no one will be kept in darkness, as you will find that a certain racial group enjoy all the benefits, whereas the others do not. I am not a racialist and I do not see why certain people should have been given all these advantages. But, Sir, the nature of this discrimination becomes obvious when you find that probably no African at all comes under that particular category to which I am referring. I think it is most necessary that we should have these details so that the Members may know what they are approving.

Mr. Mboya: Mr. Chairman, before the Minister replies, there is an obvious flaw in his arguments,

and I should hate to think that merely because the British Government is assisting in paying the overseas addition we are denying the opportunity of discussing it fully and expressing ourselves. There are three aspects to this question which the Minister cannot ignore. The first one is that the overseas will naturally affect the salaries paid to expatriate officers of various qualifications and professions and will affect in this country private industry or other big employment agencies and so on. That may affect our own economic situation, and I think it is only fair that we should be free to express ourselves and try to relate it to our situation here. You cannot base the overseas addition or the salaries for expatriate officers on some artificial basis of salaries in the United Kingdom. It has got to have regard to the realities of this country.

The second point is this, Mr. Chairman, that the overseas addition or the expatriate's salary will also have some effect on local staff, the people who are recruited locally; the relationship between the expatriate's salary and that of the locally recruited person has got to be taken into account. For this reason, too, I consider that we have a right to demand a supplementary question on the computation of the overseas addition.

Thirdly, Mr. Chairman, we should like to know for how long the British Government is committed to paying this overseas addition. Is it a question of a commitment of one year, two years, or for all time? If tomorrow we take over responsibility and we have to maintain a number of these so-called expatriate civil servants who, I suppose, would be called upon to take over the responsibility. The level of salaries having been established including the various other emoluments or benefits, it would pose for us a difficulty if, for example, we found it necessary to review the situation and bring the salaries down.

Lastly, Mr. Chairman, there is the point made by my friend. We should like to know, for example, how many Asians or people of non-European origins are included in this category of expatriate civil servants? What benefits has the non-European element of the Civil Service derived from the implementation of the Fleming Report? We should like to know from all this material how much—give us a breakdown, for example—if any is going to go to the non-European element of the Civil Service, the Asians, for example, and the Africans who were appointed by the Secretary of State in the past.

Now, these are relevant questions and the Minister cannot merely say, "Because the British

[Mr. Mboya] Government is paying the money you have no right to ask for or be given a full explanation?"

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I am afraid I disagree entirely with what the hon. Member says in respect of these matters. However, to deal with the point that he raised—the first one—he obviously was either not present or not listening to the debate in which I believe I remember he took part, but he can obviously not have been listening to much of the speeches that were made from this side of the House when we discussed the overseas agreement with Her Majesty's Government again on the 16th December. I think it was, of last year, when the House was told that the agreement with Her Majesty's Government would, in the first instance, be for ten years and that they would accept the full cost of the overseas addition during that period.

As regards, Sir, the question of what happens to locally domiciled people in respect of overseas addition, the answer there, Sir, is that it does not exist. The overseas addition is to be paid to people who are recruited overseas and to people whose normal place of residence is overseas. It is not, Sir, intended that this should have anything to do with people who are normally resident in this country. There is obviously, Sir, no need to pay overseas addition to people whose normal place of residence is Kenya. So far as they are concerned, Sir, the criterion for fixing the levels of pay is what the local cost of living is, what the local employment conditions are, what the state of the market is, and things like that, in this country. It was, for that reason, Sir, that the Tanganyika Government, in my opinion—and I say so with utmost respect—not unwisely, decided that they would deal with their local civil service by having a purely local salaries commission. I think we were told at the recent meeting of the Central Legislative Assembly that that committee is now sitting and I believe possibly it may, in certain circumstances, reduce the salaries of local civil servants in that territory. The Fleming Commission did not come to those conclusions here in Kenya. It decided that there was something to be said for a small increase in basic rates and their consideration of that was based entirely on local employment conditions.

So far, however, Sir, as the overseas addition is concerned—and I am not sure, as I say, that it is very concerned in this debate and I should be very glad to have your ruling on that matter—the only criterion that can possibly have any relevance at all is what the market value is of the person concerned in the country from which

he is being recruited. That, Sir, is the criterion that was applied by the Fleming Commission; it is the one that has been accepted by the Government of Uganda, by the High Commission and by the Government of Tanganyika which, of course, as the House knows, is now and was at the time enjoying a self-responsible government. At any rate, at that time the Tanganyika Government accepted this position; as has the Government of Kenya.

Sir, the hon. Member mentioned the possible effect of the overseas addition on local conditions on the recruitment by local firms of people from overseas. I think, Sir, that there the answer is that at the present moment a commercial firm recruiting somebody from overseas has to go by what the market price is for getting the man, and that is the basis of the Fleming recommendations.

So far as local salaries are concerned, as I say, Sir, of the local salaries is the basic salary that is reflected in Estimates; it is the basic salary that the taxpayers of this country have to pay. I do not believe for one moment that expatriate salaries are going to have any effect on the local salary structure.

As regards the question of whether there are any people other than expatriate officers who are enjoying the overseas allowance, as I said, the answer is quite obviously that there are not. I do not think there are any expatriate Africans at the moment serving in Kenya; there may be at some future date. If there were I have no doubt that they would come into the scheme if it could be shown that the rate of pay in their own country was considerably different from the rate of pay in Kenya. In so far as the present time is concerned, however, I do not think that that will be found to be any justification for paying them the higher levels which are based on United Kingdom standards. The same, I think, applies—and if hon. Members have read the Report, they will have seen—to expatriate officers recruited in Asia. The basic rate of pay here is considerably higher than that in most countries in Asia already; and therefore there would be no justification in paying overseas addition to attract overseas officers to come here.

That, Sir, is the basic reason for these scales of pay, and that explains what the hon. Members opposite describe as discrimination, but what I would call is merely accepting the facts of economic life.

The Chairman (Mr. Nyagah): Mr. MacKenzie, in view of the fact that we are discussing the

[Minister for Finance and Development] as soon as possible, and September is the earliest date on which the World Bank can send the Mission.

COMMITTEE OF SUPPLY

Order for Committee read.

[Mr. Speaker (Mr. Stude) left the Chair]

IN THE COMMITTEE

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

SUPPLEMENTARY ESTIMATE No. 2 of 1960/61— COLONY

The Minister for Finance and Development (Mr. MacKenzie): Mr. Chairman, Sir, I beg to move that a sum not exceeding £2,349,340 be granted to the Governor on account for, or towards, defraying the charges of Supplementary Estimate No. 2 of 1960/61.

Sir, it may help hon. Members who were not Members of the last Council if I were to say a few words about this Supplementary Estimate before we proceed to the details. On 16th December last year I proposed a Motion in the following terms:

THAT this Council notes that in the event of the Government accepting either fully or in modified form recommendations of the Salaries Commission involving increases in the salaries of civil servants, the Government proposes to authorize the payments, either in full or in part of such salary increases from the provision already made in the 1960/61 Estimate pending reference to the new Legislative Council after the elections.

Sir, the reason for moving that particular Motion was that the Government realized that there would be no Legislative Council sitting in the early months of this current year. It was also known at that time that the Fleming Commission on salaries, which has been dealing with the salaries of all officers in Kenya, Uganda and the High Commission territories, and with the salaries of expatriate officers only in Tanganyika, would report very early in the new year. In actual fact, they reported in January, and it was felt that it would be wrong if the Government were to suspend action on that Report for an indefinite period. It was, therefore, decided by the Government that it would be a useful thing to obtain an expression of opinion from the previous Legislative Council regarding its intention to take such action as it thought fit on implementing the Report. In the event, Sir, my Motion was carried without debate, and unanimously, there was no opposition to the Motion. In the circumstances, the Caretaker Government

thought fit to implement the Fleming Report, and indeed did so almost in toto.

Now, Sir, the Estimates that are at the moment before the House contain the money that is required to finance the implementation of the Fleming recommendations with effect from 1st April, 1960, which was the date recommended by Fleming for bringing his recommendations into force. That date, Sir, was accepted by all the Governments concerned, including Her Majesty's Government, whose contributions towards the total cost of Fleming is in gross the greatest single contribution. The Estimates before the House, Sir, amount to £2,349,340. I think it would be useful for all Members to know exactly what that Estimate contains. In the first place it contains the amount required, the additional amount required, to finance the increases in basic salaries for all civil servants for the period from 1st April, 1960, to 30th June, 1961, that is a period of 15 months. Hon. Members, I am sure, have all had a copy of the Report, and they realize, of course, that the Fleming recommendations are in two parts, the first basic covering all civil servants and the second covering expatriate civil servants, nowadays known as designated officers, only.

The second thing that this Supplementary Estimate does is to cover the difference between the old inducement pay for expatriate civil servants, that is their old basic pay plus inducement pay level, what we regarded as their salaries until the Fleming Report was adopted, and their new total level of salaries, that is, the new basic pay plus overseas addition. That is really, the amount, the difference between the old inducement pay and the new overseas addition. That is provided in this Estimate for the period 1st April, 1960, to 31st March, 1961. That is the period before the new technical assistance scheme was brought into being by Her Majesty's Government. I should say, however, that although the provision for that sum is in this Estimate, it will not, in fact, impose any additional charge on the Kenya taxpayer, since Her Majesty's Government have accepted responsibility for paying that sum and have, indeed, paid the money over to the Kenya Government. It is already in the expenditure, so that there will be no additional expenditure to be met by the people of this country in respect of that part of the addition, which incidentally amounts to about £1 million.

Sir, there is the period from 1st April, 1961, to 30th June, 1961, that is the present quarter, during which the full technical assistance scheme will be in operation. For that period Her Majesty's Government will be paying the whole

[Minister for Finance and Development] of the overseas addition payable under the Fleming recommendations and that includes a certain amount of the present inducement pay; and therefore there is a considerable saving in respect of expatriate officers during the last quarters. It is as a result of that saving, because Her Majesty's Government are meeting this part of the pay, that that is one of the main sources of savings that are mentioned in various parts of this Supplementary Estimate.

I think, Sir, that that covers the general points which are in this Estimate. I should make it clear, Sir, that the House is not being formally requested to approve the Fleming salaries. What it is being asked to do is to provide the additional finance required to finance the payment of such salaries.

The second point I should mention is that as regards the expatriate part of the Service, the designated officers, the House will have an opportunity of debating that when the Overseas Service Bill comes before this House at a later date, Sir.

Sir, I beg to move.

The Chairman (Mr. Nyagah): Mr. MacKenzie, has the Governor signified his consent?

The Minister for Finance and Development (Mr. MacKenzie): I am very sorry, Sir. Yes, he has.

Question proposed.

VOTE 1—THE GOVERNOR

Mr. MacKenzie: Mr. Chairman, Sir, I would like to say that this was down to be debated first of all last Thursday, and it was only on Friday morning that the Fleming Report was put in Members' pigeon-holes, as was the famous Circular No. 18, known as the "Skinner" Circular. Now, I think it is very, very wrong indeed, Mr. Chairman, for Government to have put down these Estimates for discussion last Thursday before either Fleming or this Circular No. 18 had been circulated to the House.

Mr. Chairman, I would like to ask the Minister for Finance, arising from what he has just told us, if he could give us not only a breakdown by Ministries, but also if he could explain to this House the difference, which is in the Fleming Report but which is very, very difficult to understand, between the A, B, C scales, the E, F and Z scales and the N, PB, PG, PR, P1 and P2 scales. We on this side of the House find it very difficult indeed to work out the different breakdowns in the Ministries of the different amounts of money we are being asked to vote, and I would especially like to know from the Minister for Agricul-

ture, when we come to his Estimates, the breakdown of that amount of money to those scales, because this does make a very great difference to the Civil Service which hon. Members on this side of the House are thinking of to run the country in the years to come.

Also, Mr. Chairman, I would like to know from the Minister why the Fleming salaries go back to 1st April, 1960, yet leave passages and education allowances only go to 1st April, 1961. Would it not have been better to have had your leave passages and education allowances put back to September or October, 1961?

He has told us that there are the three breakdowns of this amount; yet he has not told us the breakdown of the amount. What I would like to know from him is the additional amount, on basic: what is it from July, 1960, to June, 1961? He then told us about the technical scheme. I would like to know what the amount is of the technical scheme from April, 1961, to June, 1961.

Before we get on to discussion vote by vote—I see that the Chief Secretary is unfortunately still indisposed to consider if it could be explained what is meant by the D.C.'s allowance? I would also like to know what the difference is between us accepting these Supplementary Estimates and not accepting the Fleming recommendations; when surely if we accept this Supplementary Estimate we are, we are not committing ourselves to Fleming.

The Minister for Finance and Development (Mr. MacKenzie): I will deal first, Sir, with the hon. Member's last point, I think he is aware, or should be aware that, of course, the Government is already fully committed to Fleming, the last Government thought it essential to accept the principles of Fleming and has in fact implemented the payments and payment has actually been made. So that I agree entirely that in bringing these estimates forward the Government is asking the House to commit itself to something to which the Government has not only committed itself but on which it has taken action in accordance. I should say, with a unanimously voted resolution of the last House of which many Members opposite were Members and of course had they felt this was an unsatisfactory thing to do I am quite sure that they would have voted against it at that time.

Sir, as regards another of the points made by the hon. Member, I am not quite sure whether this arises under Vote 1 or whether indeed I am in order in speaking on this matter, but another point that he mentioned was what was the amount of the technical aid in the period 1st April, 1961,

[Mr. McKenzie]

with a deputation with Members from the Back Benches—hand obtained for us. When asked what this amount is we are told on this side, Mr. Speaker, that we must wait for the Budget debate. Well, now, Mr. Speaker, the Minister for Finance has given his speech which we are going to debate in the Budget. Surely, if they knew—and I do not think they do know the true amount because we have heard so many different amounts, but if they did know—the true amount, why did the Minister for Finance not tell us in his Budget speech so that we could debate it? Are they going to wait until he replies at the end so that we cannot debate that amount, or are they going to tell us?

Over and above that, Mr. Speaker, we on this side have put down a question on that matter and they have not taken the opportunity yet of answering it.

Now, it is obvious to me, Mr. Speaker, that they are going to be on that side a very peculiar Government which is going to withhold information as long as it is possible to do so for the simple reason that they are afraid that the organized Opposition on this side—

Hon. Members: Shame! Shame! It is an organized Government.

Mr. McKenzie: Now, Mr. Speaker, in the last few minutes that are left I would like to prove to the House that with the speeches we have had from the other side they have not given us enough evidence to clear in our own minds this position of confidence in their Government. Now, Mr. Speaker, there are six main points which they have not been able to substantiate on why we should have confidence in them. Firstly, they have not substantiated that they are not a minority Government. They have substantiated quite correctly that they are more in numbers as Elected Members than there are on this side; but they do not have on that side the voice of the great Kikuyu tribe, the Luo tribe—

Hon. Members: Tribunal! Tribunal!

Mr. McKenzie: Wait a minute!

The Acting Chief Secretary (Mr. Griffith-Jones): Or the McKenzie tribe!

Mr. McKenzie: —or the Wakamba tribe, nor do they hold the main popularity of the voters and the people of Mombasa, Nairobi or the Rift Valley.

Now, Mr. Speaker, as I have said, they quite rightly hold the major number of Elected Members, but they do not represent the people—

Hon. Members: Hooray!

Mr. McKenzie: But what they fail to do because of the gerrymandering of the constituency boundaries, is to represent the majority of the people. And that they cannot deny.

An hon. Member: (Inaudible) (Interpolation.)

Mr. McKenzie: I was in the Government, it was a collective Government, and I accepted the responsibility of my colleagues who were in the majority, if you would like to know.

Mr. Mathenge: Done by that Minister there!

Mr. McKenzie: Secondly, Mr. Speaker, we maintain on this side that the present Government cannot and are incompetent to negotiate any further constitutional advance on behalf of the peoples of Kenya. The reason for that, Mr. Speaker, has already been put up by hon. Members behind me in that they represent the minority of the Asians, the minority of the Europeans and the minority of the Africans.

Now, thirdly, Mr. Speaker, they are not in a position to offer the guarantees which are so necessary to this country for financial investments from overseas other than Her Majesty's Government. The only way that they could guarantee is with Her Majesty's Government's blessing and with Her Majesty's Government's guarantee and so on.

Hon. Opposition Members: Beggers!

Mr. McKenzie: Mr. Speaker, Sir, I do not know whether I heard correctly, but I wonder if I heard an hon. Member telling me to shut up?

Hon. Members: No! No!

An hon. Government Member: We enjoy it!

Mr. McKenzie: Thank you, Sir!

An hon. Government Member: You have a sense of humour!

Mr. McKenzie: Mr. Speaker, the fourth point is that the present Government cannot offer any security and stability. And this is the point that I personally, as a National Member, am most concerned about: the Government sitting on the other side cannot in the eyes of the people of Kenya, or the eyes of the people of the world, give us security of title as land owners and plot owners.

Hon. Government Members: Nor can you!

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): What would you do about it?

Mr. McKenzie: Mr. Speaker, Sir, the hon. Minister for Agriculture has been out the whole morning. It is no good his coming in at one minute to go and starting blowing off like a bullet.

Hon. Members: Shame!

Mr. McKenzie: If the hon. Minister for Agriculture would like to discuss this matter with me in two minutes' time or after we have a Division, if we do have one, I am quite prepared to do so.

Mr. Mboya: He is up to his old tricks!

Mr. McKenzie: Mr. Speaker, I now come to the last point which we on this side maintain, and this is something which they will find out in the next month. They will find out that they are incompetent to negotiate stages of progress in an East African Federation which is so necessary to this country. They will find that out. Mr. Speaker, the proof of the pudding is in the eating thereof, and only time will tell.

Now, my last point, Mr. Speaker, is this. This Government have for the last three days told us that they are a Government, that they accept collective responsibility, that they are welded together as a team and that they are the Government of this country.

Hon. Government Members: Yes! Yes!

Mr. McKenzie: You agree? I am pleased that they are agreed, Mr. Speaker. If they are all that, I ask one thing of them: release Jomo in seven days!

DIVISION

The question was put and Council divided.

The question was put and—negated by 44 votes to 25.

ATES: Messrs. Anjarwalla, Areman, Argwings-Kodhek, Ayodo, Chokwe, De Souza, Erakine, Gichuru, Dr. Kiako, Messrs. Mathenge, Muti, Mboya, McKenzie, Mohamed, Mulli, Mwangi, Mwenda, Njiri, Njunge, Nyagah, Odele, Odiga, Sagal, Shah, and Chaman Singh.

NOTES: Mrs. Abwao, Sheikh Alasmody, Messrs. Alexander, Amalamba, Basaddig, Blundell, Butter, Griffith-Jones, Havelock, Hennings, Jamidar, Jumbo, Joneby, Keen, Khasakhala, Kilelu, Kohli, Ols Kuschelab, Kathurima, Lord, MacKenzie, Macleod, Malson, Marrian, Malano, Mate, Madira, Margor, Sheikh Nassir, Messrs. Ngala, Okondo, Pandya, Patel, Porter, Sir Philip Rogers, Messrs. Rurumban, Sagoo, Seroney, Mrs. Shaw, Messrs. Swann, Ote Tapis, Towett, Wabuge, and Webb.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. Council is therefore adjourned until Tuesday, 23rd May, at 9 a.m.

The House rose at forty-five minutes past Twelve o'clock.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Deputy Speaker, I accept the point of order made by my hon. friend, and I say "This much" to him. The Government is going to create the conditions where we avoid a Congo completely in this country. The hon. Members of this House will check the speeches of the hon. Member tomorrow from HANAUARD and then they will see where the relevancy of my argument is. So much for my friend, the Member for Nyeri.

My hon. friend, the Member for Nairobi East, in opening his speech went on to quote the history of the past, closing his speech with all the loquacity and verbosity that he could manage. However, the truth is this—and I am going to quote the facts we agreed to at Lancaster House to dispel the views of anyone in this country that the Government which was going to be formed in Kenya at this stage was going to be a Government which was predominantly African. Unless the hon. Member was not there, I think he would have been the last person to say that. I am now quoting, Mr. Deputy Speaker, from the proceedings at Lancaster House under "The Legislature": "There should be in the Legislative Council 65 Elected Members. 43 of these would be elected on a common roll and 12 would be National Members". That is all it says—65 Elected Members. On the executive side, "The Council of Ministers should consist of 12 Ministers with an Arab representative having the right of attendance. There should be an official majority in the Council of Ministers and an appropriate division might be four official and eight unofficial Ministers. The unofficial posts should be filled by four Africans out of 12". Is that a predominant vote in the Council of Ministers, Mr. Speaker? Four Africans, three Europeans and one Asian—unofficial? And they hon. Members say in this House we should have a predominant voice in the Council of Ministers. We are now doing so. We are going to discuss this and have a predominance of African votes in the Council of Ministers. But you have failed to come over, that is your trouble!

Now as to the results of the round-table conference which the hon. African Members at that time agreed to, and the hon. European and Asian Elected Members agreed to, the African Elected Constituency Members said this, and this is what was summarized after argument—"The African Constituency Elected Members, although having reservations particularly in relation to the level of the franchise, the proportion of African Ministers and the position of the National Members, were prepared to accept the proposals as the next stage in Kenya's constitutional develop-

ment". They were not to be the final stage, Mr. Speaker, in that the 14 African Elected Members were prepared to accept the proposals as the next stage in Kenya's constitutional development. Yes, that had been decided before. The hon. Member, the Leader of Government Business, went and made very strong reservations to the Colonial Secretary. The statement by my hon. friend, the Member for Nairobi East, (Has he sneaked out again? All right!) The Member for Nairobi East has now said—and we have the memorandum... The Member for Nairobi East at that time pulled the jacket of the hon. Member, the present Leader of Government Business. When he was rejecting it, he said, "Let us accept it".

Hon. Members: Shame!

Mr. Mboya: Mr. Speaker, Sir, would the Minister please state which document he is referring to?

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, when the Colonial Secretary presented us with the document we analyzed that document very seriously and to a large extent. Then we made very strong reservations, that because of X, Y, Z we did not accept those proposals. We felt we could make a better deal by so saying. Then the Colonial Secretary came to us and said, "Look, gentlemen, I asked you to note that I did not ask you to reject or accept. If you do not, if you reject it outright, as you have done, I am withdrawing this Paper. Go back to Kenya and after six months I will send a constitutional expert to come and examine the position and set up recommendations to me, and thereafter I will act". Then my hon. friend jumped up first to say, "Look, we are accepting it before Mr. Ngala's presence". And the hon. Member also, behaving like a chameleon, was the first person to reject the same constitution at the airport here. Having been the first to accept it, he was the first to reject it, and everybody else sings the tune.

Well, that was all about that as they were at the round-table conference at Lancaster House for those who did not go. The hon. friend also says you cannot govern this country unless it is with the consent of the people. Precisely so. Are these not people? These are not goats on the other side. They are the people; they were elected. A majority was fought over you and that majority won us the right to govern the country. You see our idea, Mr. Speaker: my colleagues on the other side, if they are interested in this country, should become more responsible, more mature in their outlook, and they should not use the word

[The Minister for Commerce, Industry and Communications] "people" as if they have the sole monopoly of that word in the vocabulary. If anyone is determined to wreck and create instability and insecurity of persons in this country, the Government is going to see to it that that person is wrecked before.

Hon. Members: Wreck! Wreck!

The Minister for Commerce, Industry and Communications (Mr. Muliro): You have made more wrecks! If you go out and behave irresponsibly, the Government have the right to take away the passports of irresponsible citizens.

The hon. Member also said Africa is moving to independence and Kenya is no exception. Of course Kenya is no exception. The only exception is the hon. Member for Nairobi East, who is delaying independence; he is delaying Kenya's independence making Kenya an exception to the rule simply because he says, "Unless people wear my strait-jacket, I won't go with them". And the hon. Member for Central Nyanza is pulling the other way—contradiction and confusion—as the great and hon. Member for Central Nyanza. Oh yes, you have a lot of contradictions, hon. Member. The beads you wear are from Hong Kong, the cloth is from Manchester and the rubber shoes you wear are from South Africa.

The Speaker (Mr. Slade): Will the hon. Member address the Chair and not hon. Members direct.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Thank you very much, Mr. Speaker. The hon. Member's beads are from Hong Kong, the hon. Member's cloth is from Birmingham, and the hon. Member's shoes are from South Africa.

Mr. Odings: On a point of order, is it correct to comment on other people's dress?

The Speaker (Mr. Slade): It is not out of order to refer to the dress of hon. Members, so long as the reference is not offensive or insulting.

Mr. Shah: On a point of order, I would like the hon. Minister for Commerce to substantiate that the hon. Member for Nyanza Central is wearing shoes from South Africa.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, Sir, I am a very responsible citizen of Kenya and I would never make an irresponsible statement which I could not substantiate. I said the rubber shoes from which his shoes are made—

Mr. Shah: Mr. Speaker, Sir, I don't think the hon. Minister for Commerce has been able to

The Speaker (Mr. Slade): It was a point of order, but I did not think it sufficiently serious to follow up.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Thank you very much, Mr. Speaker, for your ruling.

The hon. Member for Nairobi has also alleged to have no confidence in the present Government, but they have formed a Shadow Cabinet. By the very fact that one forms a Shadow Cabinet, Mr. Speaker, one presupposes that there is a Government. A Shadow Cabinet forms a counter to an established Cabinet.

The Shadow Government was formed long before the Motion came before this House. So, Mr. Speaker, I feel the hon. Member for Nairobi East is only frustrated and seems not to know what he is doing. All that the hon. Members must know is the truth the Lancaster House presupposes and was very clear that the Kenya Legislative Council was going to have an elected majority as against a nominated majority in the House. The Lancaster House agreement also, Mr. Speaker, said very clearly that if the Governor did not get a sufficient majority to work his Government, to work his Government, the Governor was free and was at liberty to nominate such a number as he wished to form the Government; to give the Government a majority. Mr. Speaker, that is very constitutional, and the elected majority on this side, as I told hon. Members before—if they have faith in blackmail maybe—I have told him before that the Elected Members in the Government side are 34; and they have a majority of four over them, so that is the figure. More are coming over from that side than this side, Mr. Speaker. Mr. Speaker, it was also clear that there would be more African spokesmen in this Government, and true, there are 37 Africans in the present among the Elected Members, and if only those Members on the opposite side—the shy ones, who came in on independent tickets and they were so harassed to join the hon. Members across—came on this side, Mr. Speaker, we would have had a completely elected House, but because of their shyness, their fear to show their responsibility, their fear to move towards independence, it made them sit there and hence the Governor had to elect Members.

Also, Mr. Speaker, the hon. Member for Nairobi East says that Government cannot go on. Right, does the hon. Member think that the hon. Member for Nairobi East is not the Governor of Kenya. No, Sir, the truth is that this Government is very competent, and whatever the

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conditions that would give room for people to have optimism that there would be security. I would say that we would then have the chance to develop. However, Mr. Speaker, I believe firmly that until you do destroy the Government now existing you cannot then create the conditions whereby you can move forward. We would not be then moving backwards. I think I would lay the whole blame for the existing conditions with regard to security on the fact that the Colonial Office, Her Majesty's Government, the Governor, and K.A.D.U., were prepared to take this step to form this Government.

My last point, Mr. Speaker, refers in particular to the Leader of Government Business. About two weeks ago I happened to be in London with him. For a long time as spokesman for his party, and now for the Government, or so I assume, he has made many statements to the effect that he would like to see Kenya move quickly towards independence, that he would like to see Jomo Kenyatta released, and that he would like to see so many other things done that the Opposition also wants. He has also made statements that he would like to invite anybody, who was prepared to go over, to cross the floor, and to come from outside in order to join that Government and make it a broadly based Government. I would like to quote from a newspaper report that appeared immediately after the delegation left London where it had been expected to negotiate for money. This quotation is not a direct quotation from him. This refers to words that he is supposed to have said and that his delegation are supposed to have said. My only reason for introducing this one is that I feel that either he believes in the sentiments which are expressed here, or if he does not, he should correct them. I think it also gives an insight as to what sort of a Government this side is going to be in the very near future. I think, Mr. Speaker, that this would be relevant to our Motion and our declaration of no confidence in that Government. I will quote only one paragraph. This statement is supposed to have been written by one of the prominent journalists in London. "Members of Mr. Ngala's Government expect that Mr. Kenyatta will be brought to his house—but still under restriction, though free to see his friends and political supporters—in less than three months. From that moment they believe that the date for his release will change to a demand for him to become the next Chief Minister". Now to come to a more important part of this paragraph. While Mr. Ngala's Government will work for Mr. Kenyatta's release they will treat him as a political pawn: once he is free, Mr. Ngala's Government will be

out to capture the leadership of nationalism before that time". Mr. Speaker, if Members on the opposite side would like to see the cutting I will lay it on the Table.

The Speaker (Mr. Slade): Mr. Mathenge, we cannot pursue this one any more I am afraid. It is too much of the subject matter of yesterday's debate.

Mr. Mathenge: Mr. Speaker, I did not want to raise matters that were particularly relevant yesterday, but I did want to draw the fact from that quotation, Mr. Speaker, that this is the intention of that Government. I think when we speak of no confidence in a Government we are allowed to speak on what they are and what they intend to be and what they were. Here I was trying to adduce that from them. I should like to challenge the Leader of Government Business to deny that he—

The Speaker (Mr. Slade): No, I said that we cannot accept that record as relevant to this debate.

Mr. Mathenge: Mr. Speaker, I accept your ruling. However, to finish, I should like to challenge them with some other words which are my own words. I should like to challenge the leader of KADU and the supposed Leader of Government Business to tell us on this Motion whether he really believes in his heart of hearts that he is helping Kenya by creating an undemocratic Government by claiming to be leading our Government while he is not in fact leading a Government, because I think the Minister for Legal Affairs is leading this House really; by trying to use propaganda as his means to establish himself in Government and his party and the rest of it—and one of the cases was the one that was ruled out of order, but there have been many other cases; whether he really believes, having been a leader of the African Elected Members during the Lancaster House Conference, that the conditions then stipulated at Lancaster House that the African voice would be predominant in this House and in Government and now having a minority African group within his Government, that these conditions are fulfilled today; whether he feels so confident that he can now move forward and try to use all the practices that he has been applying to split the other side of this House to to set some people across to his side and whether he really believes that this would be our Government and would lead us to the next stage of constitutional changes and to independence? I should like to tell him that we do not believe that that is so. We do believe that this Government does not fulfil the conditions of Lancaster House. We do believe that if Kenya is

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going to be saved from trouble for a long time—and I might believe in some words said by the Secretary of State for the Colonies a few days ago, that Kenya will damn well not be like another Congo. If one would believe that that would be true, I would like to ask those Members on that side of the House whether they do believe that that could not happen here unless you associated as the Government on that side with the majority of the people of this country who are on this side. I would like to know what measures he is taking. In seconding this Motion, I do believe sincerely that his Government now, as constituted, is a crime to Kenya, to Kenya's peaceful progress, to independence, to constitutional development in a peaceful and smooth manner. I think this Government is a Government that will have to be destroyed before Kenya can start then talking about moving to—

The Parliamentary Secretary for Health and Welfare (Mrs. Shaw): Shame!

Mr. Mathenge: If it is the Member, I think, from Kericho who talks about "Shame" I have just referred to the party to which she belongs as the party that is destroying Kenya. It is a party of opportunists who do not believe anything one way or the other; it is a party of people who do not have principles—

The Parliamentary Secretary for Health and Welfare (Mrs. Shaw): Oh, question!

Mr. Mathenge:—and it is a party of people whose life is as long as the life of that Government which is on that side which will be only a few weeks. And they will not have a future in Kenya. I believe, Mr. Speaker, that today, for the first time Kenya is saved from this ridiculous situation whereby you have a minority Government and a majority Opposition party; whereby you make up your Government at this stage, May, 1961, with 14 Nominated Members and a group of Civil Service Ministers who are dedicated in fact to working against even the Leader of Government Business on the principles—

The Acting Chief Secretary (Mr. Griffith-Jones): Question!

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. de Tipsis): On a point of order, Sir, can the hon. Member please substantiate the fact that this Government is packed up with 40 Nominated Members?

Mr. Mathenge: Mr. Speaker, I said 14. I do not know if the hon. Member listened carefully. I would refer him to the Governor, I think to

know how many Members are Nominated, if he does not know. Or he had better look behind him and see how many are Nominated. Mr. Speaker, I am going to sit down, I am seconding this Motion, but I do feel very strongly, Mr. Speaker, that this Government must be destroyed before Kenya can have Government that—

An hon. Member: Threat!

Mr. Mathenge: It must be destroyed as a Government. I am not attacking any particular part of it, but as a whole Government it must be destroyed before we can move forward to further stages in constitutional development.

Mr. Speaker, I beg to support.

Question proposed.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, Sir, I have listened to the speeches of the Members of the opposite benches and the hon. Members have failed completely to prove their point. Since they have completely to prove their point, the Government rejects this Motion *in toto*.

Mr. McKenzie: We did not expect you would agree!

The Minister for Commerce, Industry and Communications (Mr. Muliro): Mr. Speaker, what are the facts of the state of things in Kenya at present, the state of the Elected Members on the opposite side and the state of the Elected Members on the Government side; the state of the Elected Members per province in that group and the state of Elected Members per province in this group? I am going to establish right now that the Government has a majority of Elected Members.

[Mr. Speaker (Mr. Slade) left the Chair]

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

Not only that: I am also, Mr. Deputy Speaker, going to establish the fact that in most of the provinces the Government has the elected majority in those provinces. Of Nyanza Province, for instance, with a total of 11 Elected Members, six are in the Government and five are in KANU on the Opposition side. In the Rift Valley, Mr. Deputy Speaker, the total is six with five in the Government, none in KANU and one Independent, my hon. friend the Member for Western Kenya. From Nairobi and Nairobi Suburban there is a total of ten Members; four are in Government, three are in KANU and three are Independent. In Central Province there is a total of eight Members; one is in the Government, six are in KANU and one is Independent. My

[Mr. Mathenge] In the history of Kenya, I am not referring to the arguments in the debate yesterday; I am only quoting.

The Speaker (Mr. Slade): You must speak to Motion, and nothing else.

Mr. Mathenge: Thank you, Mr. Speaker.

What is relevant, I think, to this Motion is that we, on our side, as KADU, and the other Members on the other side who now comprise the Opposition, believe that responsibility means responsibility to your people. To us, Mr. Speaker, responsibility to our people at this moment would mean responsibility to the wishes that they express at this particular moment.

Mr. Speaker, speaking now directly to the Motion, we have a Government which has been termed in words which have exercised the minds of so many people who are supposed to be the experts in this, in trying to define what it is. Opposite to us we have a group of people who are called adult men. To me they are the Government only because they happen to be sitting in that group, not because they have any mandate either from the people, as we would wish, or from this Council, and not because they are a Government, which would be termed correctly a colonial Government or a British Government governing now here, without a certain measure of democratization in the country. They are to my mind a sort of makeshift conglomeration of people who in constitutional history, so far as Kenya is concerned, will be termed, I think, in the future, as making the saddest moment in the development of Kenya, from a colonial to an independent State.

The Minister for Commerce, Industry and Communications (Mr. Muliro): Wait and see!

Mr. Mathenge: The Minister for Commerce and Industry tells me to wait and see. I have waited all the time for the British Government to grant us some measure of responsibility to run this country. When a measure of that was given to us, Mr. Speaker, who asked for it? The chances that this country had were not only to move from this stage, but to the next stage, which is independence, on a firm basis of stability. But that same Minister and his group, KADU, asked for it.

Mr. Speaker, I believe that if Kenya is going to develop now, stably, and to move confidently to independence, then this is the moment when it requires a Government that has got the confidence of the majority of the people of this country. We have a Government that does not fulfil those conditions.

I would not like to repeat what the Mover said, but, Mr. Speaker, I am sure that I would just like to point this out. Who are the Government now and what powers do the various groups have within that Government which we are told is the Government of the country? Mr. Speaker, I see on the opposite side a group of people who first are or can be categorized in their racial origin; a minority of Africans who happen to be the predominant majority of the people of this country, and a majority of other immigrant groups who happen also to be a very small minority of the people here.

There has been a lot of talk about the fact that the voice of the African people must be predominant in a Government to be formed under the Lancaster House Constitution. Mr. Speaker, submit that the majority voice, the largest voice, in this Council is African. But the largest voice in the Government opposite to us is not African. Not only are they few in numbers, but it makes us sometimes, as we saw yesterday, wonder whether they are really heading that Government.

Mr. Speaker, I was very surprised yesterday, and I think most Members on my side were very surprised yesterday, when we found or saw the incompetence of some of the gentlemen who were supposed to be either Ministers or Parliamentary Secretaries, who did not even know how to move an amendment and who had to ask for advice; and it actually seems to us, and we are convinced that they are being led by the Civil Service Ministers who are on that side.

We have heard a lot of talk about KADU at some time announcing, "We are the Government. It is no longer a colonial Government; we are now ruling Kenya." Yesterday they even today the Minister for Legal Affairs, and even today I think they will continue begging for advice and directions as to how to govern in their Government. I do not know what the term "Leader of Government Business" means in the present context. I do not think it means as much as we are led to believe. The precedent of other territories in Africa has been regarded where, when other similar territories have advanced constitutionally, they have had Leaders of Government Business with practically the same powers and same terms of reference as a Chief Minister, such as in the Government which you had in Tanganyika last year. But yet the Leader of Government Business seems to do nothing else but take the notices given by the Chief Secretary who is the Leader of the House; and I would like him to confirm or deny that one. Yet they claim, and fool us, "Here we are, we are going ahead; we have a wonderful

[Mr. Mathenge] Government which is being led by a majority of African people".

Mr. Speaker, I understand that one of Mr. Mzee's juniors, one Mr. Fraser, came to this country yesterday and that he remarked somewhere, "We have a Government in Kenya which is widely representative of the African people". Who are the African people? The Minister for Commerce, Industry and Communications—and I do not know what else could be added to him—was all the time interjecting and asking yesterday, "Who are the people?" I would like to ask, in order to find out, who are the people that this Government represents?

The Minister for Commerce, Industry and Communications (Mr. Muliro): You!

Mr. Mathenge: The Member for Elgon Nyanza cannot represent me because I am in this Council representing myself and the constituents of my constituency. On that side they have less than 20 per cent of the electorate support. There are 10 nominated Members. We have a group known as the New Kenya Group, ridiculously so, because to my mind, Mr. Speaker, it a group which is going to be extinct very soon. It is a group which has been led by a friend of mine, Mr. Blundell, who thought that here he had a wonderful chance to build a nation in his own image. Kenya is not going to be built in Mr. Blundell's image.

The Speaker (Mr. Slade): Mr. Mathenge, I think you have learnt that when you refer to hon. Members you must refer to them as "honourable". Please try also to refer to them by constituency rather than by name.

Mr. Mathenge: Thank you, Mr. Speaker. I will try to remember. As yet I do not remember all the hon. Members in this House. There are so many groups and types that I find it so difficult to remember. I will refer to him as the Minister for Agriculture and the Member for Rift Valley. But, Mr. Speaker, I submit that Kenya is not going to be built in the image that has been chosen by the Minister for Agriculture who is also the Member for Rift Valley. I have a suspicion that he is still trying to wangle his way to persuade KADU to build it that way. I do not know how much support he has got yet, but I would like to assure this House that Kenya will be built in the image that the African people—and I would like to emphasize the word "African" here—have. We may not know the exact form that it will have. It will not be built in the image of the Colonial Secretary or Her Majesty's Prime

Minister, or the Governor of this country, or Mr. Blundell.

The Speaker (Mr. Slade): Mr. Mathenge, I do not think you paid attention to what I said to you just now. Did I not ask you to refer to hon. Members as hon. Members, and, if possible, to avoid referring to them by name?

Mr. Mathenge: Thank you, Mr. Speaker. I thought I was referring to all the hon. Members by their categories and their constituencies. But I have particularly referring to other people, who happen not to have been Members here, like the Governor—I do not know what else I can call him because he is not a Member of this Council—and the Secretary of State. But I will try to stick to the rule.

However, Mr. Speaker, the point I was going to make was that there seems to be one big fundamental misconception of what Kenya would be or should be in the future. Some people in this country seem to give themselves the duty—and to claim that duty—to create conditions and to create an image of what this country should be. I do not think that I should deny anybody that right. All I was doing was stating a fact as I believed it, and I think that we believe on this side that Kenya will be built, and that the future independent Kenya nation will be built, in all forms and ways which will be determined by the wishes of the African people.

To leave that point and to go further, Mr. Speaker, I would like to mention here that at the Lancaster House Conference there was a very great effort made to try to get an agreement among the groups that were then represented there. Some measure of agreement was reached, but before this agreement was reached, I think, Mr. Speaker, that very important statements were then made by the various groups that were represented there, and very important statements were then made by the Secretary of State for the Colonies, who is still the present Secretary of State for the Colonies. It is very difficult to find out what was the direction of the major recommendations of Lancaster House apart from the actual statements in the final Report, but I think we can get guidance from what the Secretary of State said when he introduced that Conference as to the future policy of Her Majesty's Government concerning Kenya. I will refer, if you will allow me to quote, Mr. Speaker, from one paragraph from the official records of that Conference, where the Secretary of State said that firstly, "If people of all communities in Kenya, both Africans who form the great majority of the population, and others, are able and willing to

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logical deduction from this refusal to commit ourselves, refusal by the Colonial Secretary to commit himself? My submission is that the logical deduction from it is that we all anticipated that certain things would happen in the meantime which could lead all of us to agree that the Lancaster House Constitution must now be modified or must be scrapped. We all, including the Colonial Secretary, knew that we were not in control of those conditions that must change from time to time and which determine whether this Constitution can last or whether it should be scrapped, and it is this, Mr. Speaker, that I am trying to demonstrate, that that belief at Lancaster House was a logical, reasonable and practical approach to this situation. But today, we have abandoned this logical, practical and reasonable approach and are beginning to insist on a semi-negative, dangerous approach, that we will try, whether you like it or not.

Mr. Speaker, another aspect to which I have already referred, but which I would like to deal with in some slight detail: one of the reasons advanced for trying to work this Government is that Kenya needs economic progress, that we need development and we need stability. Now, Sir, if that is the submission of the Government, of those who wish to run the Government, then I suggest that we are justified in asking them to show in what manner and form the mere establishment of this Government is going to bring about economic progress, stability and development. Where are the guarantees? Even now this same Government, through their Ministers, in the last few weeks are consistently failing the country, so that so far there are dangers that stability is not going to be possible, that confidence is not yet theirs, that economic progress is not going to be possible. In this morning's paper we see the headlines of what the Colonial Secretary said in the House of Commons only last night. What hopes, Mr. Speaker, has Kenya? Is it not a fact that everybody in this country, all the people, the majority of the people in this country, the Europeans, the Asians, whom it is suggested this Government is going to help by giving them security and confidence, are the first to say that it does not give that confidence and feel that they are confident, that there is security. Do they?

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

Mr. Mboya: Do they? You do not speak for them because they never elected you.

Mr. Speaker, Sir, the hon. Member is forgetting that right now there is a delegation of Europeans who claim to speak for Europeans in the United Kingdom asking for security and confidence. Mr. Speaker, if the Member is capable of giving them confidence, why did they leave him in Nairobi?

Mr. Speaker, let us face the facts of this situation. It is not going to help us—it has never helped us in the last four years—to indulge on wishful thinking. You can have any amount of wishful thinking, but that is not going to generate confidence and stability, and why is this so? It is because—again everyone in the streets will tell you—this Government does not enjoy the support of the majority of the people of this country. Of course, I concede readily that all my colleagues on the opposite side are Elected Members like myself, I concede to them that they have been duly and constitutionally elected in their constituencies, Mr. Speaker. As individuals, there are constituencies, just as I do for mine, but that is not confidence in Government. It is not the basis of confidence in this Government as a government, for the country is not dependent on whether the hon. Leader of Government Business has the confidence of his constituency. He does not govern not speak from it, he governs at all. He does not speak from the Front Benches of Government for his constituency; if he speaks for Government at all, he would be speaking for Kenya, and the question is whether the majority of the people of Kenya have confidence. It is not a question of whether the majority of the Kilifi electorate have confidence in the Members; this is not a Kilifi Government, it is a Kenya Government. I agree it is not a Nairobi Government, and that is why I am not there, because I never all along believed it was a Nairobi Government. I have believed it was a Kenya Government. If Mr. Speaker, I would be on that side, and perhaps I would be.

Now, Sir, the elections that were provided for in the Lancaster House Constitution had some meaning. The results are clear, the people spoke and you either believe in those elections, you either believe that the people spoke, or you do not. You cannot have it both ways. You cannot choose and pick, when they elect you, you say, of course, "I am their Member, I have their confidence", and when you are told "Yes, Sir, but the whole country has not supported you" then you say, of course, "Mine is enough".

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Mr. Speaker, if my friends on the opposite side believe that their election is meaningful, then they must believe that the results of those elections interpreting the wishes of the Kenya people, are meaningful. You cannot believe in one, and refuse to believe in the other. If they do not believe that the results of the elections for the whole of Kenya are meaningful, then they do not believe that their own election is meaningful, and it is no use coming here to shout platitudes about democracy, about being democratic, if you are not prepared to accept the democratic decision of the people, and the people's democratic decision in this case, which should leave no doubt in anybody's mind—it is a 70 per cent decision—was very clear, very clear.

The Minister for Local Government and Lands (Mr. Havelock): Nonsense!

Mr. Mboya: I hear two Ministers shout "Nonsense!" I suggest, Mr. Speaker, the issue can be settled very easily, when they speak, by producing the figures of the votes, the returns, and work them out. I am sure they will know what I am talking about.

An hon. Member: Interjection.

Mr. Mboya: You do not even know that. What nonsense!

Mr. Speaker, the result of the elections, in terms of the popular vote, is clear, the result in terms of the total number of seats is clear. The Lancaster House declaration, that there would be a predominant African voice in the Government, is clear. The Lancaster House declaration that the movement would be towards democracy is clear. The Lancaster House expectation that certain things might change in the course of the year, is very clearly demonstrated in the Colonial Secretary's continuous and consistent refusal to declare any period of time for the Lancaster House Constitution.

Let us now look at this and summarize the situation. I submit, Mr. Speaker, that a certain part of this Government has not given Kenya confidence, has not given Kenya stability, has merely created a new situation, and another period of argument, of disputes, of conflict and further and further erosion of confidence and insecurity. This Government cannot deny that. Yet, in this House, there is present a number of black, white, brown faces on the opposite side, including, of course, our good friend, Mr. Kirpal Singh Sagoo—but, Sir, it is not the presence or absence of those faces that matter. It is the question of whether this country has at last got a Government, which I know it desires, which will

give it confidence and stability, and our submission is that it has not. We talk of economic development. Our Ministers flew to the United Kingdom the other day to ask for money, to come back and be able to tell us there is now going to be further development. The trumpet was sounded before they left here, that they were going to bring back prosperity and hope for our unemployed, for our education-thirsty children, and for development generally. We had £25,000,000 sterling. When they came back, not even they knew how much they brought back. Mr. Speaker, what else can demonstrate the Colonial Office's own doubts, than the fact that the Ministers came back with different figures each?

Mr. Speaker, let us analyse this Government now. It consists not of one party, not of one opinion, not of one policy; it consists of many parties, in fact, some of them are no party Members. It consists of civil servants, it consists of men and women nominated by the Governor with a very definite order, "Vote as I say, or quit!"

An hon. Member: Does that apply to KANU?

Mr. Mboya: That applies to the Nominated Members: "Vote as you are told!" Well, the KANU Members vote as KANU says and KANU speaks through those same Members or properly constituted meeting of KANU. But as for the 14 Nominated Members, the 14 Nominated Members—if it is necessary we can produce documents to show what the Governor's orders are—it is: "Vote as I say or quit! You are a Member at Her Majesty's pleasure, not at the pleasure of your people. Do not vote as your people say; vote as I say, or quit!" If you are a civil servant and you are nominated, you do not have to resign your Civil Service Job. You are merely seconded to the Legislative Council and you continue to be a civil servant, enjoying all the emoluments and allowances and continuing service. So this, Mr. Speaker, is another career for civil servants. And these are the people, Mr. Speaker, whom it is suggested, we should recognize as spokesmen for our people.

Mr. Odunga: Shame!

Mr. Mboya: People who have been brought into the House to make sure that the Government wins on all votes, on all issues: that is their job. Mr. Speaker, and, Mr. Speaker, let me say this. As individuals I like some of them very much, those whom I know, and so there is no question of individuals involved in this. I am speaking of the thing, the machine, the set-up, not the individual. Mr. Speaker, this has been clearly demonstrated in the last two days. We know that this Motion, if not accepted by this Front Bench;

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basic thing remains: so long as it is colonialism, whatever the changes in its manner, in its approach, in its tactics, it still it not our government. It still does not draw its authority from our people. He still cannot claim properly and rightly to speak for our people. Mr. Speaker, this is the essence of this Motion. We are saying to the House that the Government now in this country, whatever the forms, whatever the changing tactics, whatever the composition, is still basically a colonial government. And we in this age and time feel that this country rightly and properly deserves a government that draws its authority from the majority of its people.

Mr. Speaker, what I am saying now is borne out not merely by what the Opposition stands for, not merely by what 70 per cent of the people in the last elections decided by popular vote, but also by what (jointly) all of us—the 14 African Elected Members in 1958, the eight African Elected Members in 1957—firmly stood for in our opposition to the Lyles-Hoyd Plan and in our opposition to the Lenoxx-Hoyd Plan. I am, therefore, myself, quite convinced that whatever may be the differences of opinion today, between me or my colleagues and our friends opposite, that we have before agreed on this approach. We have before agreed that colonialism must go.

When we have these efforts back to 1957, we opposed the Lyles-Hoyd Plan. Why did we do so, Mr. Speaker? We did so because we said at the time that this Government was not representative of our people. It did not draw its authority from our people. It could not speak for our people. Of course, Mr. Speaker, there were African Ministers in the Lyles-Hoyd Plan, but still we said that the mere presence of African Ministers was not enough; that they must have a real voice in the direction of the affairs of this country; that they must be representative of the majority of the people of this country. That was the criterion then and this criterion I intend to apply today.

In 1958, when we rejected the Lenoxx-Hoyd Plan, there had been improvements in the Lenoxx-Hoyd Plan. We had, out of the plan or constitution, an increase in African representation from eight to 14 in this House. We had declarations, other promises, but we still said that it did not meet the urgent aspirations of our people. In 1958 we believed, and in 1957 we were to have in this country a government that drew its authority from them; a government that was fully representative of our people and a government that represented or was the spokes-

man for the majority of the population of this country. We rejected at the time colonial domination or colonialism. We rejected at the time European domination in the Government or racism and we demanded a democratic form of government based on parliamentary democracy. This, Mr. Speaker, was three years ago or, shall I say, four years ago. Nothing has happened in the last four years to change our views on this. If anything, everything that has happened has increased our desire for independence. It has created an impatience in the hearts of our people for complete independence and freedom. It has created a greater urge that they should realize this right to self-determination. If, therefore, there is a change in our approach, and if it follows these trends, then my submission is that today we should be seeking urgently the establishment of a government of our own people now.

Mr. Speaker, most of us are intimately aware of the events that took place before we went to Lancaster House. From 1957 we, the African Elected Members, refused to participate in the Government, in the Council of Ministers. Why did we refuse to participate in the Council of Ministers? We said—and publicly so—that the reason was that we did not feel that we would be in a position effectively to influence policy in the Council of Ministers. The reason we said so was because there was a predominance of Europeans, a predominance of colonial civil servants and, of course, the Governor, as usual, still held his veto power. In 1958 we similarly decided not to participate in the Government. We rejected Ministers when offered them and stayed out of the Government, again for similar reasons. Mr. Speaker, we want to explore whether these reasons on which in 1957, 1958 and 1959 we made certain public declarations, and took certain positions publicly, have changed so far.

In 1958 and 1959, Mr. Speaker, all the Elected Members, including my colleagues on the opposite side, firmly and jointly demanded that the only way we could meet the aspirations of the African people was to introduce a government that would meet these aspirations; a government, therefore, that would be acceptable because of the difficulties at the time, we demanded that there should be a round-table conference. Our demand for a round-table conference was constantly jeered at, it was rejected and our position was ridiculed by the Colonial Secretary then, by some Members of the Government in this House, and by some people of the public in this country. Mr. Speaker, it is almost similar to what is happening today; I remember when we said that the Lyles-Hoyd Plan was null and void and that we would not participate in it

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in 1957, the Colonial Secretary of the time said this was a sterile challenge. "This Government will govern whether the Africans like it or not. This Government will govern whether the Elected Members join the Council of Ministers or not." Mr. Speaker, similar statements were repeated in 1958; similar ones were repeated in 1959; we have heard the same cry in 1960; and we are hearing it now in 1961. But we know that changes have come to be because you cannot—whether you like it or not—ignore the feelings of the people of this country. You cannot, whether you like it or not, govern this country unless with the agreement of the people of this country. You cannot, whether you like it or not, however strongly based, *viridivis* the army, security forces or even money, govern unless with the consent of the people. It is on this that any country that pretends to be a democracy must base its government.

We are not, therefore, unduly worried about assertions of the capacity—or ability—of this Government to govern. We are not unduly worried about the assertions of individual Ministers that they are going to govern regardless, or unduly worried about the pronouncements of the Colonial Office of their ability to continue to govern. For we know, in the end, that what is going to determine the issue, is what our people are willing to accept. It is our submission that we are not willing to accept anything short of complete independence; that our people are not willing to accept the present arrangement as a proper basis, as a satisfactory basis, for government in this country. Mr. Speaker, it has been the firm declaration of Her Majesty's Government, of the Ministers on the opposite Benches, and also the genuine desire of the peoples of this country that the outcome of any arrangement in government in this country should be the establishment of stability of peace, of hope, and of progress. Mr. Speaker, it is on these standards that we are going to be able to judge whether, in fact, Government is governing satisfactorily. If it cannot bring about that atmosphere of confidence, of stability; if it cannot ensure progress and security and confidence; Mr. Speaker, it can continue to govern because it is a Government drawing its authority from Whitesall, but it cannot claim to be a satisfactory Government. It cannot claim to have the confidence of the people of this country. Perhaps it is too early to say, according to Members on the opposite side, but we have every reason to make this submission, that already all the pointers show that it has failed and it will fail to bring about the confidence and the stability which it set out to achieve.

Consequently, it must ultimately come back to the point which we are trying to bring forward, and that is to win the confidence of the people, to work through the authority drawn from the consent of the people.

Mr. Speaker, before we went to Lancaster House, we made several demands. These were firstly that there must be a declaration by the British Government, a declaration to the effect that this country was not going to be another South Africa, another Rhodesias partnership with multiracialism and all the other "isms", but that it was going to be a democracy based on one man one vote, drawing its authority from the majority wishes of the people of this country, based on the majority wishes of the people of this country. In this and in this alone we saw the security, the future progress and stability of this country. We were all unanimously agreed—the 14 African Elected Members—that this and this alone was going to be the answer, and the lasting answer, to our continued instability, continued friction, and continued lack of confidence.

We also said that in terms of time the time had come when a movement should be made immediately towards responsible government, at least as a minimum, pending complete independence. We aimed at trying to achieve at that conference, as a minimum, responsible government. Now, I do not need to go into the account of the Lancaster House Conference itself. Much has been said about it in the Press; much recrimination has come up in the last few months. You accepted it; you now reject it. You have committed yourself; you have now refused to work it.

Mr. Speaker, I remember in the debate which ended yesterday the Leader of Government Business pleaded that my friend, the hon. National Member, Mr. Erskine, had forgotten a certain link. May I suggest that those who are condemning our position or our stand in refusing now to take part in this Government and to co-operate with it have also forgotten a certain link, a link which I am sure the Leader of Government Business and his colleagues on the opposite side who took part in this Lancaster House Conference will remember, *vis-à-vis* the important link in our position, *vis-à-vis* the Lancaster House Constitution. If it is true that we, the African Members at Lancaster House, accepted the Lancaster House, the so-called Lancaster House agreement, with reservation, we made clear our reservations. We made clear our position; that we would try and sell the Constitution as according to that pledge given to the Colonial Secretary we did sell the Constitution. It was open to us to go back on it.

[Mr. Maconochie Welwood] the present Minister for Works should have some support on this matter.

I would like to say at the outset that I have the greatest sympathy with the points that have been put by the hon. Member. However, I would like to say this, that the contract finance scheme was got out at a time when we considered it was absolutely vital to get certain roads of the Colony bitumenized. The only way we could raise the money was to get contractors who were prepared to lend it to Government for a period, which is one of the reasons why that contract finance has not proved cheap. Naturally, we had to give the contractors every opportunity to do the roads in their own way to lower the cost. It was their money and not, in fact, the money of the Colony. It was their money that they were lending the Colony.

There is one other point I would like to make concerning the question of hand labour on roads generally. The Minister for Finance approached me about a year ago about the possibility of doing certain of the earthworks on the Thika Road by hand labour because of this unemployment position. That was gone into. As I am no longer Chairman I do not know the result, but I believe it to be probable that a considerable amount of that work will be done by hand labour to mitigate unemployment. But without trying to dampen any idea of using hand labour, as I am in favour of it, I think I should point out some of the difficulties because they are not all financial.

One of the difficulties of using hand labour is that the employment of very large numbers of labour, apart from the cost of camps, is that they require men to run them who are used to handling hand labour on that type of work, and those men are more and more difficult to get. I think it can be overcome, and must be overcome, for all the reasons that the hon. Member has given. The situation is now so serious as regards unemployment that even if it costs more we shall have to do it. But, nevertheless, it would be very unfair if I did not point out the difficulties under which the Minister for Works labour in trying to achieve this.

As regards roads in African areas where there is unemployment, the matter is far easier, because there they can come from their homes and work on roads. It is when you are working on main roads that you have to establish camps and get people to look after them and that is not only costly but administratively extremely difficult. But where there is a big cutting, like on the Thika

Road, it may well be possible that hand labour may be used instead of machinery.

Mr. Mulli: Mr. Speaker, there is no point in talking any more on the question of the fact that there is quite an acute problem of unemployment here in Kenya. I think that the stability which the Government is looking for today is to be found in so far as trying to get employment for some of these people who are suffering today. Here is an opening where something can be done. I think that one of the reasons why the World Bank or external investors like to put into the country is to help in developing the country. I think that if more men are employed in these schemes that would actually help to retain money in this country; whereas if we have more and more machines it automatically means that money goes out of the country and goes out, because you buy spare parts from outside the country, but not within the country; whereas if these people were paid salaries it automatically means that they will spend it here in Kenya and will do things, engage in business, and that will bring more money into the country.

By saying that, Sir, I do not quite mean that I oppose mechanization. I do not. But certainly these are difficult times. We must think and try to strike a mean. I happen to come from a part of Kenya where one of these roads is being constructed, and now and again I pass through there, and what do I see? I see no work being done, for practically a whole week. Why? Because the machines are out of order; there are no properly qualified mechanics to repair these machines; and as a result they keep on tampering with them day after day, and no work is done. More expensive but I think in the long run, in view of the fact that we have not got mechanics, and that we sometimes have to wait for spares to come from abroad, it is more expensive to have to use these machines rather than employ human labour.

Mr. Speaker, I am not going to talk much more on this because I see that the time is fast being spent.

With these few words, Mr. Speaker, I second the Motion and hope that the Minister for Works will consider this very, very seriously and try as far as possible to employ human labour.

One thing, though, that I would like to ask is, will the Minister tell us how much money is actually involved in as far as the use of this machinery is concerned as opposed to how much money would be used if human hands are employed, not actually to replace the machinery but as many as would be possible. Again, how many

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roads are actually at the moment being considered for construction, and what is the target, say, for the next financial year? How many roads does he hope to have completed by the end of, say, the next financial year?

Thank you, Mr. Speaker.

The Minister for Works (Mr. Jamidar): Mr. Speaker, Sir, I would like to answer some of the points made by the Opposition, while expressing my very deep gratitude to the hon. Member who spoke immediately after the hon. Mover, for his attempt to answer part of the hon. Mover's difficulties.

Sir, as the hon. Mover is aware, or should be aware, having been in this Government only a few weeks ago, the Government is conscious of the seriousness and the gravity of this problem and at the same time is extremely sympathetic to the point of view which he and his friends have put forward. Naturally, there are certain practical difficulties in the way, and I would like once again to mention them before this House so that this problem can be understood in its proper perspective, as regards the unemployment situation.

Whilst not trying to minimize the importance of this problem, I would mention this, which has already been said before, and which has already appeared in a printed document, that the unemployment problem was in fact less serious in July, 1960, than in July, 1959, there having been an increase of 4 per cent over the 1959 figures in general employment. Nonetheless it is not my intention to try to state now that the Government is not conscious of this serious problem; it is just the contrary. As I stated earlier, the Government would like to help in this particular respect to the extent of which it is possible, compatible, with sound economic principles and within the bounds of reason and practicability.

Sir, the difficulties of substituting entire machine labour by human labour is firstly that if that were attempted it would take a very much longer period of time to complete the roads which we need so urgently, and secondly the overall cost of such a method would be about 60 per cent over and above what we are spending on the roads at the moment. In very rough calculations, if we are going to spend £4,500,000 on the roads it would probably cost us £7,000,000 to do this entirely by hand labour. The funds are limited, and that of course has been brought to the attention of this House time and again, and the Government must try to make these funds go as far as they possibly can be made to go.

Speed, as I said earlier, is also most essential, and, thirdly, Sir, the standards required are likely to deteriorate if you are going to use all hand labour in place of machine labour. The international bodies which make funds available for these purposes do insist on a certain adherence to standards, certain definite standards. If our work is going to fall far below the standards set by these bodies which finance our projects then it is most likely that these funds will not become available.

Certain projects, however, at the moment are being examined with a view to the use of hand labour; and the hon. Mover of this Motion will be gratified to learn that the Road Authority, which is now the responsibility of my hon. colleague the Minister for Commerce, Industry and Communications, drew the attention of the local authorities to the desirability of finding work for unemployed persons on the roads, in July, 1960. At the same time, in the new projects that we have at the moment under consideration, we are giving very sympathetic consideration to this matter that as far as possible for earth works and stone work we should employ hand labour in place of machinery.

As regards the contractor-finance programme, it must be remembered that these projects and contracts were concluded in 1958, and it is not possible at this stage to make any very drastic or major changes in this particular respect; and, as I pointed out earlier, it could not even have been attempted. We cannot insist on the contractors employing a particular type of labour or a particular type of method, particularly when it is going to cost, as I said, 60 per cent over and above what it would otherwise have cost, and expect them to accept our terms in the agreements.

Sir, it is unlikely that these roads could ever have been commenced, or could ever be completed, if these particular methods were not employed for raising the contractor-finance and giving this amount of liberty to the contractors to utilize the best methods they have for the completion of the roads. Nonetheless, Sir, I would like to repeat at this stage, as I have stated earlier, that we are sympathetic and to the extent to which it is possible within the limits of the funds available to the Government, this matter will be considered and we will do our best to provide as much employment as possible to the hand labourers.

Thank you, Mr. Speaker.

Mr. Nyagah: Mr. Speaker, Sir, I would like to say a few words on this Motion. I understand

[The Speaker]

to substantiate that I have asked him to do so in the first instance privately outside this Council and the hon. Mr. Mboya to inform me in due course whether Mr. Keen has satisfied him. For the moment the matter must rest there as regards what Mr. Keen said yesterday. As regards what Mr. ole Tipsis has said just now, I think what he said was in very much more general terms. It was a less detailed allegation. He has produced one piece of paper which is relevant at least to his suggestion that Mr. Odinga's pronouncement on Mr. Kenyatta as a leader of the African people was not altogether supported by Dr. Kioko, and I do not think he can be called upon to do any more. You must judge what he said in the light of the piece of paper which he produced.

Dr. Kioko: Mr. Speaker, may I request that the piece of paper which was read by the hon. Member for Narok be laid on the Table, because it later refers to our leader, Mr. Jomo Kenyatta.

The Speaker (Mr. Slade): Yes, it should be made available.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipsis): Thank you, Mr. Speaker. I would now like to ask my hon. friends opposite to be really very sincere and to try to recollect their previous utterances. In a way it has become more or less a sort of game of trying to distort the facts as they are. Now, where will this sort of game take us? I think the main concern of everybody in this country is the release of Mr. Jomo Kenyatta. The tactics and the manoeuvres which some of us see adopted by the Opposition are very, very negative indeed. It is all very well and good shouting "Release him now", but on the other hand doing practically nothing except shouting and inciting people and bringing destruction to the country. We were warned yesterday when somebody tried to raise an alarm that there will be no peace. There will be no peace. Who are the sufferers if there is no peace in this country? It is our people, and our people have suffered more than enough. What we want now is to wish to work for the good of this country, to further the constitutional development, and to release Mr. Jomo Kenyatta immediately.

Hon. Members: Now!

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipsis): Do not shout too much. Much fuss has been made in this House that the Government excuse is very lame, because they rely on the building and the completion of the house. Might I ask, Mr. Speaker, what prevented my hon.

friends, previously for the long nine years during which Mr. Jomo Kenyatta has remained in restriction, at least building one for him, and taking the initiative, until we, the KADU, have announced that we are going to build a house for him. Then they jump up and run away from Nairobi to Riruta, taking with them Pressmen and cameramen, to show them a house, have the house photographed, while they pose, saying, "This is the offer we are offering to Kenyatta". What prevented you from doing that before? We gave you the lead anyway, and I ask you to follow it now, until Kenyatta is released.

The Speaker (Mr. Slade): Mr. ole Tipsis, sit down, please. This is the second time I have had to ask you to address the Chair. It is utterly out of order to address hon. Members across the floor. Please do not do it again.

The Parliamentary Secretary for Agriculture, Animal Husbandry and Water Resources (Mr. ole Tipsis): Thank you, Mr. Speaker, I think I must face you because they are provoking me to point a finger at them. Sir, I think they are provoking me. Most of them know my temper, they know how heated I can become.

Now, somebody also from the Opposition Benches. Sir, went to the extent of saying that our Leader, the Leader of Government Business, is being used as a gramophone to play His Master's Voice in releasing the seven of our brothers. Now, what a nonsense can this be, please. Do you really want to tell me that Mr. Ngala was wrong in using his influence within the Government to get the rest of our brothers who have suffered long enough, released from isolated and remote places to their homes in their locations to our own provocation. We did release them; I wonder what were you doing towards their release.

Now, Mr. Speaker, the other thing is this: they keep on trying to refer to us as stooges, imperialist agents, but now these people really, unless their mentalities serve them wrongly—I do not know—they must at least by now realize that we represent our people and we are not going to give ourselves in to be steamrollered by them in the way they like which is to lead our people into another time of hardship and chaos.

Now, they went to the extent of saying, the hon. Member, Mr. Mboya, went to the extent—

Mr. Mboya: On a point of order, is it right for a member to use the name?

The Speaker (Mr. Slade): It is usual to refer to Members by their constituencies, if you can remember them. It is not always possible in a

[The Parliamentary Secretary to the Chief Secretary]

problems that would follow his release. The other was to release Kenyatta into a country that had not got a Government. Hon. Members will remember the two political parties, KANU and KADU, going to see the Governor several times to ask him to reconsider the way he put his priorities. The Governor's priority was Government first, Kenyatta next. The political parties were for Kenyatta first, Government next. Those were the two issues with which this country was faced, and as there was going to be no move on either side, the country—and by the country I mean the majority of the people in the country—had to consider whether to launch this Kenya into chaos and disaster, which I have heard Members of the Opposition advocate, or to have a peaceful transitional period into a peaceful progressive Kenya. That is the question I am not going into the question of whether Kenyatta was fairly tried or whether he was fairly convicted. The issue was whether we should form a Government first or release Kenyatta first. That was the decision that this country had to make. Mr. Speaker, things were deteriorating to the extent of Members of this House being asked to resign so that fresh elections could be held in order to bring sensible people who would come and settle this childish sort of mess. Those were the alternatives before us. The Governor said that if no co-operation were forthcoming he would rule this country by decree, to my understanding, this would have been the worst thing for Kenya in the circumstances, or rule it with a majority of civil servants sitting on that Front Bench. That is out of date for Kenya. We no longer look to civil servants alone as Ministers who would carry this country along. We wanted to bring into being a state of affairs where all the people of the country would co-operate and share in the formation of a Government and in the affairs of this country.

Mr. Mboya: You are a stooge.

The Parliamentary Secretary to the Chief Secretary (Mr. Amalemba): Even you are a stooge!

Mr. Speaker, I am speaking with very controlled emotions. I would not like to repeat what I felt had already been stated in this House. But, Mr. Speaker, rule by Decree would have launched us into chaos. What would have happened? This House would have been suspended. The Governor would have taken powers unto himself and done everything as he liked. What would have followed? Demonstrations and perhaps something

would have happened; somebody would have been killed; and we would have been back into the Emergency again. But that we do not want. The alternative, therefore, was to get into the Government and to get Kenyatta released. I advocated this. I got the support of my people in North Nyanza to have a Government formed and to release Kenyatta.

Mr. Speaker, some of us are not very old. We can still remember our nursery rhymes. Do you remember that we used to sing, "London is burning, London is burning", and finishing up by saying that we did not have water. That is a defeatist sort of attitude. I would like us to grow up and say perhaps that London is burning but that we are doing something, that we are fighting the fire.

Slogans have been displayed, "Release Kenyatta", but they are addressed to nobody. Who will do the releasing? The Governor does not want to take such responsibility on himself without a Government to help him. Somebody had to do something positive. Release Kenyatta: who is to do that? This Government has now taken that upon itself, and although the Government is only seven days old a lot has been done already.

The Motion that has been amended has got everything that the Opposition wants. It says that the Government are making all possible efforts to free and let go the Government has made all possible efforts and we have got some answers.

An hon. Member: Interruption.

The Parliamentary Secretary to the Chief Secretary (Mr. Amalemba): Yes, you can interrupt that in any way; it can mean anything.

If the Opposition are trying to delay the efforts that the Government is making to release Kenyatta then they should tell us straight: they should say, "Please do not do anything. We would still like him to be retained or restricted". But we are doing something and I am sure that within a very short time something is going to happen, and we shall show action and not just words.

While we are trying to save this country from chaos, yesterday the hon. Member for Kiambu was either intimidating or threatening. He said, "Without Kenyatta there shall be no peace". Mr. from this House? Is this being generated here because it is not our understanding of the outside facts. They say, "Do something, for goodness sake, but do not go on talking". Now, if the Opposition are generating the no peace campaign then we would like to be told.

[The Parliamentary Secretary to the Chief Secretary]

The other point, Mr. Speaker, is the question of having chaos. Some people rejoice in having chaos. I do not know whether they understand what chaos is. Mr. Speaker, if there is any chaos in this country I would put the whole blame on the hon. Members who are advocating it now, because I know that none of these hon. Members would suffer if there were any chaos. It is the ordinary people in the country who would suffer. Do we really want to bring our country into chaos so that the small people, people who are innocent, people who not understand what is meant, should suffer. Do we want the country in that situation?

Hon. Members: No!

The Speaker (Mr. Slade): Order, order!

The Parliamentary Secretary to the Chief Secretary (Mr. Amalemba): I have a voice that can shout even louder than the voices that I hear on the opposite side. If it is a measure of voice and a competition of who speaks loudest, Sir, I would say that I was a sergeant-major in the army!

Mr. Speaker, I tried to refrain from interrupting other hon. Members because I wanted to hear their points. If my points are piercing and very very heavy to listen to, then they should just keep quiet and take them like men!

Mr. Speaker, I would like to end by urging on the hon. Members of this House to generate a positive and progressive attitude towards this effort of releasing Jomo Kenyatta. The hon. Member for Kiambu wanted to know why his offer of a house was not accepted. Mr. Speaker, that was a short-term approach. We want Jomo Kenyatta to come into a long-term policy with his own land and his own house. It will take the shortest time that any builder can do it in, and there are people to do that. If this House has got the backing of both sides, as I see from the debate, then we are not acting against the release of Jomo Kenyatta. Both sides are agreed that he should be released. If we are all agreed that he must be released then please give us the time to do it, and it will take the shortest time if you allow us to do it than if you stand in our way when we want to get him out.

I beg to oppose the amendment.

Mr. Mboya: Mr. Speaker, Sir, a lot has been said in this debate since yesterday but with very little to the point, either on the Motion by the Government or in reply to the amendment by the

Opposition. Perhaps it is time that we brought the Motion back to where it should be, and the amendment into its proper perspective. What is the Government Motion? The Government Motion is—

That this House notes with approval the progress made by the Government in returning the large numbers of detained and restricted persons to normal life and that the Government are making all possible efforts to the end that Mr. Jomo Kenyatta and all other such persons may be released as soon as possible; and calls on everyone, both in this House and throughout the country, to co-operate in establishing and maintaining stable conditions and assured security so as to enable these objectives to be achieved without delay.

Now, it is necessary to analyse the meaning of the Government Motion because it is on that analysis that we were able to establish the difference between us and the Government on this issue. There is no doubt that the Motion by the Government states that in some unstated period—tomorrow, six months, one year, two years—Kenyatta will be released. Now, every fool on the streets in our country knows that Kenyatta will be released one day. That is never the question.

The Governor makes a condition for that release: two conditions, in fact. One is the assumption implied in the Motion that Kenyatta is a risk, a danger to security; the second assumption is that unless we can guarantee peace and stability, then Kenyatta cannot be released.

Now, Mr. Speaker, let us go back to the debate yesterday and ask ourselves what, in fact, Government speakers have put forward in defence of this policy. The Mover of this Motion yesterday made two main points; one is that the Opposition leaders or Members are only shouting Kenyatta's name, but they are not sincere. Now, Mr. Speaker, supposing we agree that nobody on the Opposition is sincere. Is that a reason for this Government to continue to restrict Kenyatta? And is the Government suggesting that the reason they are restricting Kenyatta is because we are insincere? Mr. Speaker, it would be a most foolish and a most stupid argument. I hope they do not wish to advance it. The second point given by the Mover of the Motion was that K.A.N.U. leaders had produced Kenyatta badges and sold them, but Kenyatta had not received the money. Now, Mr. Speaker, there are two points. The Mover made no effort, no attempt, to prove to the House that in fact badges had been sold and that Kenyatta had received no benefit. We should have challenged him, and indeed I do

[Mr. Ndiege]

accept the amendment as it stands now and put forward another Motion saying that this Council passes an amendment so that when Kenyatta is released he can come into this Council. That is exactly what he should have done, unless the other side is contradicting itself.

Now, another point is this point of the Governor's that he does not know what Kenyatta thinks and, therefore, he should not release Kenyatta and the rest of it. I am surprised when the opposite side really agreed with the Governor, because I understood before they were not in agreement. Their advice should have been to go and see Kenyatta. He never bites human beings; he never eats Governors. Go and see him, talk to him, you will find him reasonable. Let him come and rule this country, full-stop! And now they go on doing other weird things which we do not understand. I am afraid that the people who are not being employed now because of this instability in the country will take a very serious view on the other side of the House if they learn, as I am sure within a short time they are learning from our speeches, that this lack of employment is mainly caused by such people as themselves delaying the release of the right leader who would be appreciated and lead this country in such a stable manner that every investor in the world would consider coming to Kenya and investing, giving more employment for these people. So many more vacancies would have to be filled that one might consider importing labour!

Mr. Speaker, Sir, time has gone and I have already said that the more time we waste the more public money is spent. I am a businessman and I am a raiser; I believe in saving. I suggest instead of going on with this debate the other side of the House should be respectable and fair and ask its leader to stand up and say that he has accepted the amendment and we will close this and tomorrow get on with other business, instead of continuing with this one thing. I have very many points here, but I do not think I need to go on with them because I think I have already made the points. And, after all, I do not need to go on because some of the points I was going to make were covered, in general, by the other fewer points I have mentioned.

However, before I sit down Mr. Speaker, I must say that this country requires development and when a country requires development I think it is time every bit of money in that country is saved for the purpose of development. Therefore, I beg to support the first amendment by our side and I hope the other side will not be ashamed

but will be very courageous and take the right steps.

Mr. Mate: Mr. Speaker, Sir, under Standing Order No. 64, I beg to move that the Mover now be called upon to reply.

The Speaker (Mr. Slade): Since the question before the Council at the moment is the question of an amendment to which there is no right of reply, this Standing Order puts us in a slight difficulty. We must in fact adapt it to an amendment. It will have to take the form, "That the question of the amendment be now put". I do not regard that as an infringement of the rights of Members since it is the side who moved this amendment who now propose the closure. However, it will, of course, mean that if this question of the question being put is carried there will still be scope for debate on the original Motion, or on the Motion as amended, until someone further calls for a Motion that the Mover be called upon to reply.

Well, I will now put the question that the question of the amendment be now put.

Question proposed.

The question was put and negated.

DIVISION

Hon. Members: Divide!

The Speaker (Mr. Slade): Hon. Members are entitled to insist on a Division, but I would suggest, when you are seeking a closure to save time, that you are not saving time by having a Division, and it may be better if you continue the debate on the amendment with a view to shortening the ultimate debate after the amendment.

Hon. Members: Divide!

The Speaker (Mr. Slade): If ten Members want a Division, you may have a Division.

Hon. Members: Divide!

Council divided.

The Speaker (Mr. Slade): Before proceeding with the Division, I shall put the question again so that you can be sure what you are voting for and secondly in case any of you have had second thoughts on the matter, which is a procedural matter. The question that I am putting to you is that the question of the amendment be now put. That does not mean to say the amendment is approved or disapproved but it means that we decide whether or not the debate on the amendment shall continue.

[The Speaker]

The question was put and Council divided.

The question was negated by 41 votes to 26.

AYES: Messrs. Abgalne, Anjarwalla, Areman, Argwings-Kodhek, Ayodo, Chokwe, De Souza, Gichuru, Dr. Kiano, Messrs. Mate, Mathenge, Mati, Mboya, McKenzie, Mohamed, Mulli, Mwanumba, Mwendwa, Njiiri, Nthenge, Nyagah, Oiede, Odinga, Sagiol, Shah and Chanan Singh.

NOES: Mrs. Abwao, Sheikh Alamoodo, Messrs. Alexander, Amalemba, Butler, Cole, Evans, Griffith-Jones, Havelock, Hennings, Jamidar, Jasho, Jeneby, Keen, Khasakhala, Kilelu, Kohli, ole Konchellah, MacKenzie, Macleod, Maisori, Marrian, Matano, Sheikh Mubashshamy, Messrs. Muliro, Murgor, Ngala, Okondo, Pandya, Patel, Porter, Sir Philip Rogers, Messrs. Rurumban, Sagoo, Seroney, Swann, ole Tipis, Towett, Wabuge, Webb, and Welwood.

The Speaker (Mr. Slade): This means that the debate on the amendment will proceed.

ADJOURNMENT

The Speaker (Mr. Slade): We now come to the time for the interruption of business. I therefore adjourn the Council until tomorrow, Thursday, 18th May, at 2.30 p.m.

The House rose at thirty-five minutes past Six o'clock.

[The Parliamentary Secretary for Finance and Development]

had to arrange for Mr. Kenyatta to stay at Mr. Richard Opar's house because certain hon. Members, who are today called "honourable", could not put Mr. Kenyatta up in their houses; but now that he is out of the way they are all crying and screaming. "I love Kenyatta better than thee." What a small number of Members have said. Mr. Speaker, "Kenyatta and I were known to each other and I did not stay when Mr. Kenyatta was arrested." I would like to ask these people, Mr. Speaker, one question. When these arrests were carried out, where were they? Were they hiding in certain places, or were they sending reports containing information to certain quarters? How is it that they did not suffer the fate that I suffered? The ideas these gentlemen have of integrity, of their own integrity, and of the integrity of certain people in general, is certainly very different from my own opinion of integrity; and I maintain this because of the way they have conducted their affairs all along.

The last thing I would like to say is that while these gentlemen carry on and continue opposing the release of Mr. Kenyatta to this House in Gatundu, we are doing the work, the only work, that can bring Mr. Kenyatta back to his house. While they are shouting and screaming around the countryside, Mr. Speaker, we are busy working and I shall not be surprised when Mr. Kenyatta is released, if these gentlemen—these very honourable gentlemen—turn up in this House and say, "Oh, what a very horrible thing you gentlemen have done." You will see that this will happen. We are working firmly towards this objective, and those gentlemen are consistently opposing us. I want this House to know that this opposition is being recorded, and they should not at some later date ask us to produce in this House records to show that they did in fact oppose the release of Mr. Kenyatta.

Thank you very much, Mr. Speaker. I beg to move the amendment.

Mr. Speaker (Mr. Slade): Mr. Okondo, I may have misunderstood your amendment because of not having a very complete wording here. Were you proposing that the original Motion should be altered after the words "as soon as possible" by substituting the words you say, or were you proposing that the words of the amendment should be altered by deleting the words "Now and unconditionally" and putting in the words "as soon as possible", etc.?

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Mr. Speaker, Sir,

I propose that the amendment be deleted, by deleting all the words after "be amended by" and by substituting in the place thereof, and inserting in the Motion after the words "as soon as possible", and urges that Mr. Jomo Kenyatta return to his home in Gatundu as soon as the house has been completed".

The Speaker (Mr. Slade): I am afraid that that does not make sense. The amendment starts with the words "as soon as possible" and then goes on "and urges that Mr. Jomo Kenyatta be returned . . .", etc. You must leave in either the words of the original Motion that ended "as soon as possible" or the words of the amendment after putting out "now and unconditionally". However, perhaps we could consult Mr. Griffiths-Jones in order to make this clear.

The Acting Chief Secretary (Mr. Griffiths-Jones): The trouble was, of course, the amendment was not moved as an amendment, and therefore we had to draw our amendment in the form which we assumed my hon. friend opposed in order to move the amendment. I am not suggesting that there is anything wrong in this. What I am suggesting is that the hon. gentleman who moved the amendment left out just four words. He begged to move "That this House, being convinced", which is not in the form of an amendment which we point out. That is the point, Sir. The amendment to the amendment which my hon. friend, the Parliamentary Secretary to the Treasury, has just moved was to the effect that all words in the amendment after "be amended by"—because presumably they must have suggested, the hon. Mover of the amendment must have suggested, that the Motion "be amended by", and therefore it is suggested that all words after the opening words, the formal words of the amendment, be omitted and our words substituted therefor.

The Speaker (Mr. Slade): So the Motion should be "That this House as soon as possible".

The Acting Chief Secretary (Mr. Griffiths-Jones): No. With respect, Mr. Speaker, I think the purpose is that the amendment be amended by deleting all words of the amendment after "be amended by". Surely there must have been a Motion that the original Motion "be amended by".

The Speaker (Mr. Slade): I had better explain, I think, the difficulty we are in. We had a Motion originally "That this House notes with approval", etc. Now, the proposed amendment is that that be amended by deleting all words after "That this House" and substituting some other. Now, the

[The Speaker]

amendment suggested is to amend that amendment by deleting all words after "be amended by", and substituted what I have before me. To do that you will get eventually a Motion "That this House as soon as possible".

The Acting Chief Secretary (Mr. Griffiths-Jones): But may I further explain, Sir, if you delete all the words of the amendment after all the words "as possible", the amendment to the amendment should follow there, by substituting in place thereof the words inserting in the Motion, the original Motion, after the words "as soon as possible" the words "and urges etcetera".

The Speaker (Mr. Slade): Thank you. Now I have the intention quite clear, but that is, as I said before, of course, not an amendment to the amendment but another amendment of the original Motion. I was wrong in procedure in saying that we could take that further amendment now. Since it is not an amendment of the amendment already proposed, we shall have to continue with the question of the amendment that has already been proposed on that side of the Council. I must explain I am afraid that afterwards, if the amendment is not carried with the result that the words it seeks to delete stand part of the Motion, I cannot entertain another amendment which proposes that some words are taken out again.

We proceed now with the Debate on the amendment which has already been proposed as a question.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): On a point of order, Mr. Speaker, it is possible to move an amendment to the amendment which you have now ruled is before the House, another amendment. That is perfectly possible?

The Speaker (Mr. Slade): Oh yes.

Mr. Nthenge: Mr. Speaker, Sir, first of all I thank the side of Government very much for bringing this Motion, but I am afraid they did not do it the proper way, because as they say the intention is to have Kenyatta out. What is the whole idea of having a delay? If you want to speak all you need to do is go in and speak. The other small excuses brought here are just a waste of time, and probably it is being done for the sake of making the House sit longer, probably for some people, or for most of their side, to accumulate money; and as this—

The Parliamentary Secretary for Health and Social Affairs (Mr. Shaw): Mr. Speaker, on a point of order, that is a most improper suggestion.

I would be grateful if the hon. Member would withdraw.

The Speaker (Mr. Slade): What was the suggestion, I did not hear it.

Mr. Nthenge: I was suggesting that this House, that Members of this House, are given allowances when they remain in the House per day. Bringing long and unnecessary things is just spending money for nothing. Therefore, these things are simple, both sides of the House may release Jomo Kenyatta. What is wrong with him coming now? If he came now, the atmosphere would be such that he would be followed by the whole of the country.

The Speaker (Mr. Slade): I have already told hon. Members that it is very wrong to impute improper motives to any other Member, and if you are imputing that any hon. Member is speaking longer than he need simply to get more allowances that is an improper motive, and you must withdraw it.

Mr. Nthenge: Mr. Speaker, Sir, do you realize I also get an allowance. I am worried about public money being wasted.

The Speaker (Mr. Slade): I must ask you to make it clear, Mr. Nthenge, that you did not suggest any particular Member is making a long speech simply for the purpose of getting allowances.

Mr. Nthenge: Mr. Speaker, Sir, I did not mean to do so, I did not mean it.

The thing is that now we seem to be wasting time for nothing because the opposite side agrees that Kenyatta should be out. Now, the point seems to be the time of the delay. All the time I have been listening, I have never been able to detect a reasonable suggestion to why he should not come out now, because, by amending their Motion, it means we more or less agree. The motive is all right, but it should be done in the best way.

Now, our amendment simply says, let Kenyatta come quicker. What is wrong with his coming quicker? We have simply been wasting time for nothing. Instead of having another Member to say "I move another amendment", or bring another Motion for nothing, I think they should have just said they agree with the amendment and closed the business. Then Kenyatta comes out and leads this House, if that is the agreement of both sides. To me it looks as if the excuses, as I have understood them, have been just excuses which are based upon nothing; for example, somebody suggests that money does not go to Kenyatta from the budget. It was never suggested that the budget

Mr. De Souza: I will come to that point in a minute, Sir. There are two points in regard to that. The first is that he was not convicted on the evidence he gave at Kapenguria; but he was convicted for something different, but what did the Government do. They should have conducted an inquiry into the trial of Jomo Kenyatta and released him at once because there was obviously a very important part of evidence which was given by a self-confessed perjurer. For that the Minister for Legal Affairs himself put him in jail, so the magistrate was definitely wrong—he was not an honest witness. On that basis alone Jomo Kenyatta should have been released, the least that could have been done was that an inquiry should have been held into his conduct of this case; an inquiry should have been held into the conduct of the trial, and that, Mr. Speaker, Sir, is what I believe will be done one day when this country is free. I will not go, Sir, into the question as to why Rawson Macharia said he had given this evidence, but obviously it was in such circumstances as to make him a completely untruthful witness. Now, there have been statements that this case of Jomo Kenyatta was decided in the Supreme Court and in the Privy Council and that is why we must accept the finding. Sir, the Supreme Court made a finding of fact, but as is known to all lawyers they cannot interfere when a magistrate says that this finding of fact is based on the demeanour of a witness and that is the ground on which the Crown fought the appeal and they won, because the magistrate said his finding was based solely, and I quoted here every one of them, on grounds on which everyone of the witnesses was disbelieved, solely on demeanour.

The Acting Chief Secretary (Mr. Griffith-Jones): That is so, The hon. Member himself read from the record that the magistrate said: "I cannot remember the name of the witness—'On his answers and his demeanour I do not believe it'". How does one believe or disbelieve a witness otherwise than by his answers?

The Speaker (Mr. Slade): It is not strictly a point of order. The hon. Member, the Minister for Legal Affairs, will have an opportunity of answering anything in this speech in due time.

The Acting Chief Secretary (Mr. Griffith-Jones): I naturally accept your ruling, but the hon. Member had made a statement which was totally incorrect and was, therefore, misleading the House.

The Speaker (Mr. Slade): It is quite right to challenge a statement as a point of order if you are asking the Member to substantiate it, but it is not correct to contradict it as a point of order.

The Acting Chief Secretary (Mr. Griffith-Jones): In a point of order I ask him to substantiate the point he has just made, that the magistrate disbelieved every witness solely on demeanour. I ask him to substantiate that.

Mr. De Souza: Nine out of ten witnesses were disbelieved solely on the question of misdemeanour—I ask my learned friend to state any other trial where this happened. All right, the second question, Sir, is that this case is supposed to have gone to the Privy Council and the Privy Council decided that Jomo Kenyatta was guilty. Nothing of the sort—the Privy Council never heard this appeal. All that happened was they refused leave to appeal which is a totally different thing. They never went into the facts of this case because, as you know, Sir, you as Speaker know very well that the Privy Council only interferes with a judgment in a case if the facts in law are such that they have been channelled into directions which are so different that it would make a great difference to the law of the country as such. They did not go into the facts of this case, and they are not really interested because they say, and quite rightly, that, on questions of fact, your Court of Appeal is your Court of Appeal in your country, and not us. They only look to the very broad aspects of law involved. They did not find, in this particular case, whether Jomo Kenyatta was guilty or innocent, that they were not interested in. They found that there was no departure from the law. Now, Sir, I submit that this alone is enough for my learned friends opposite, the hon. Members opposite, to join with us in this Motion, to support the amendment, to make sure that Jomo Kenyatta is released now and unconditionally.

I have got two other points to make. The reason why Jomo Kenyatta is supposed to be detained is on the ground of security, and only on the ground of security. Now, what security do they envisage? On the one hand they do not expect that Jomo Kenyatta will come here personally and wield a panga and kill people, surely. What they expect, or what they are afraid of, so they say, it is that he might give advice to people that is harmful to the country. Now here we have an occasion when a man is taken out from his home and kept in restriction some 100 or 200 miles away, and at the same time we have this comedy, or tragedy, of aeroplanes full of reporters going down there, when he is asked to take part in politics and to state his opinion to the rest of the world by means of newspapers, television, reporters, and radio commentators, who are asked to listen to every word he says and take them down, and report to the world. His

(Mr. De Souza)

Excellency the Governor raised this as one of the strongest grounds against releasing him, that he has not taken part in politics. Now, how can you have your cake and eat it, too? If he is a person who is supposed to be a danger to politics, a danger to the security of this country, then why do we insist that he gives advice to Members and Ministers and to the Press and to the country as such?

There is another reason why I am sure the Government is convinced that he is not a danger to security, and that is because they tell us at the same time that they will release him very shortly. If he is not a danger to security within three months the why is he a danger today? Do they expect anything miraculous to happen between now and two or three months to change him or anybody else in the country? Obviously they have very strong reservations and I submit that the grounds of security are not very strong. In fact the Government has no ground at all.

Now, Sir, I come to two other points on the question of stability. The hon. Member has stated quite clearly—and I do not want to go into it in very great detail except to say this. After the elections were over we saw in this country a very happy state of affairs as far as race relations were concerned. We thought that at last Kenya had crossed the bridges and that we were going to start an era where race did not matter and where people could work with love and brotherhood to build up a new country. I say, Sir, with all respect and all sincerity that the Government's refusal to release Jomo Kenyatta has brought an unhappy state of affairs back to this country. They have brought back all the racial ill-will and hatred that existed in this country for so many years, and I for one feel that the sooner they correct that state of affairs the better.

Sir, I want to read the Government Motion because I have a feeling that the hon. gentleman has got something very seriously wrong. It reads "That this House notes with approval the progress made by the Government in returning the large numbers of detained and restricted persons to normal life and that the Government are making . . ."—and this is the important point—". . . all possible efforts to the end that Mr. Jomo Kenyatta and all other such persons may be released as soon as possible".

Sir, either these gentlemen on the Front Bench are Members of the Government or they are not. Either they make Government policy or they do not. Either they are Ministers or they are stooges because they do not need to make all possible efforts to the end of releasing Jomo Kenyatta.

because if they make Government policy and have Government policy within their control, they could release him straight away.

What are these important things that you are doing? You say that Jomo Kenyatta is going to be released. Is there a house for him? Is Kenya completely barren of houses? Sir, I believe that this story about building a house is the biggest joke that has ever been perpetrated by anyone. There has been a formula about building a house—they can put brick upon brick and then take them down again in these hard times.

Sir, the Government is like a carriage or a ship of state being pulled by two teams of horses in two different directions, and I submit, Sir, that they are both pulling it in the wrong direction.

With these few words, Sir, I beg to second.

Question of the amendment proposed.

The Speaker (Mr. Slade): I am of the opinion that the matter of this amendment is not conveniently severable from the matter of the original Motion, and so debate on the amendment may include debate on the matter of the original Motion; but any Member who speaks to the amendment will not be entitled to speak again after the amendment has been disposed of. Any Member who has already spoken in this debate will not be entitled to speak to the amendment except as regards new matter raised thereby.

The Parliamentary Secretary for Finance and Development (Mr. Okondo): Mr. Speaker, Sir, I beg to move that the amendment be amended by deleting all the words after "be amended by" and by substituting in the place thereof and inserting in the Motion, after the words, "as soon as possible," the following words: "and urges that Mr. Jomo Kenyatta be returned to his home at Gatundu as soon as the house which the Government has agreed to build has been completed."

Mr. Speaker, Sir, this House, this afternoon—

The Speaker (Mr. Slade): From a point of view of procedure, Mr. Okondo, I think you said this was an amendment to an amendment. Now, as it proposes to remove the first amendment altogether and to start again on an amendment to the original Motion I cannot treat it as an amendment to an amendment; I must treat it as an alternative amendment. It is another amendment to the original Motion. But in that light you can speak to it as such, as an amendment to the original Motion. It is, in my view, an amendment which should be taken first as between the two amendments. You may continue to speak, Mr. Okondo.

[Mr. Nasaly]

as distinct from the Colony and/or any other country?

(ii) What is the racial (African, Arab, Muslims, non-Muslims and European) breakdown of (i) above?

(iv) If the answers to the above or part thereof are not available just now, how quickly—by expressing the period of time—can the Government have them ready?

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

(i) As regards the first part of the question, no population figures are available for the Protectorate of Kenya. In the last census (1948) no separate population figures for the Protectorate were produced, the reason being that the boundaries of the census areas did not correspond with the gazetted boundaries of the Protectorate.

(ii) Every person born in the Protectorate is a Zanzibar subject by birth and owes his allegiance to His Highness the Sultan. There is no such thing as allegiance to the Protectorate, and I would refer the hon. Member to section 3 of the Zanzibar Nationality Decree, 1952, which states that every person born (whether before or after the commencement of this Decree) within the Dominions of His Highness the Sultan shall be a Zanzibar subject by birth. In addition, every person born in the Protectorate is a British Protected Person and, as such, owes some allegiance to the Crown.

(iii) In view of my answer to the first part of the Question it is impossible to give a breakdown of the population into the groups suggested by the hon. Member.

(iv) I cannot say how long it would take to produce the statistics required. It may be possible to devise the 1962 census so as to give this information, but no decision has been made in any detail on how the census will be conducted next year.

Mr. Mboya: Mr. Speaker, Sir, arising from the reply, and in view of the implication or implied meaning in the question that the Coastal Strip is a country apart from Kenya, would not the Minister agree that it is time the hon. Member was disillusioned and the Government made it very clear that the Coastal Strip is an integral part of this country?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, Sir, I have some respect for

the legal and constitutional position, and under the 1895 Agreement between Her Majesty's Government in the United Kingdom and the Sultan of Zanzibar, the administration of the Sultan's possessions on the mainland, that is to say, within the Protectorate of Kenya, was entrusted to officers appointed by Her Majesty. But the Agreement specifically stated that the sovereignty of the Sultan in such territories was not affected.

Dr. Kioko: Mr. Speaker, Sir, arising out of the original reply, as many of us are not lawyers, Sir, could the Minister tell us whether or not the legal residents of the Protectorate of Kenya are Kenyans?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, in so far as the Protectorate is administered with the Colony of Kenya by officers appointed by Her Majesty, and in so far as there is not yet any citizenship law of Kenya, it is a little difficult to answer that supplementary with precision. The fact remains that the Protectorate remains part of the dominions of the Sultan who retains sovereignty over that part of his dominions but it is administered under the 1895 Agreement by officers appointed by Her Majesty.

Dr. Kioko: Mr. Speaker, I am sorry to pursue this further, but the Minister indicated that the sovereignty of the Sultan of Zanzibar is over the Protectorate. Which is more sovereign—the sovereignty of Her Majesty or the sovereignty of the Sultan?

The Acting Chief Secretary (Mr. Griffith-Jones): Her Majesty has no sovereignty over the Protectorate as a matter of law. Her Majesty has rights of administration over the Protectorate entrusted to her by the Sultan under the 1895 Agreement.

Mr. Mathenge: Mr. Speaker, Sir, arising from the last answer of the Minister, on part one of the question, in view of the fact that this country is engaged with many planning projects, and the fact that this type of census is concerned with this planning, would the Minister indicate when he is prepared to introduce a new census for Kenya. This will be important because of our present development. On number two—

The Speaker (Mr. Slade): We will take one question at a time. We will wait for the Minister to answer that one first.

The Acting Chief Secretary (Mr. Griffith-Jones): Next year, Sir.

Mr. Mathenge: In view of the fact that the conditions which existed in 1895 are now so changed, and in fact politically and even constitutionally, would the Minister indicate what the Government thinking is on this one, and whether we should have a full-scale conference with the Sultan of Zanzibar to abrogate this agreement now?

The Acting Chief Secretary (Mr. Griffith-Jones): Sir, an agreement is an agreement, and is to be honoured until it is altered by mutual agreement. As was made clear at the time of the Lancaster House Conference, Her Majesty's Government, which is a party to this agreement, and not the Kenya Government, stands by the 1895 Agreement.

Mr. Mboya: Mr. Speaker, Sir, arising out of the reply, would the Minister state whether this Government endorses the views expressly publicly and often by the Leader of Government Business in respect of the Coast Strip, in other words that it is an integral part of the country, and, secondly—

The Speaker (Mr. Slade): One question at a time!

The Acting Chief Secretary (Mr. Griffith-Jones): Geographically, Mr. Speaker, the Coastal Strip, if hon. Members are not aware of it, is contiguous to the Colony of Kenya.

Mr. McKenzie: Mr. Speaker, arising out of the original reply, would the Minister say whether it is legally and constitutionally correct to have allegiance two ways, one to the Sultan and one to the Crown.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell): Well, you have it.

Mr. McKenzie: Mr. Speaker, I wonder if the hon. Minister would substantiate that remark?

The Acting Chief Secretary (Mr. Griffith-Jones): Sir, it is a fact of international law.

Mr. Chanan Singh: Arising out of the original reply, will the Minister agree that allegiance is owed in return for things done by the Sovereign. Is the Minister in a position to say what the Sultan does for the people of the Coastal Strip.

The Acting Chief Secretary (Mr. Griffith-Jones): Sir, the Sultan of Zanzibar possesses the sovereignty over the Coastal Strip. Sovereignty implies allegiance.

Mr. Mboya: Mr. Speaker, Sir, is the Minister in a position to make a statement as to where the sovereignty of the Sultan of Zanzibar stems from?

The Acting Chief Secretary (Mr. Griffith-Jones): From the Sultan, oddly enough.

Mr. Chokwe: Mr. Speaker, may we be told if the Government is aware of the fact that there are people in the Coastal Strip who are not Asians, Arabs, Africans or Europeans?

The Acting Chief Secretary (Mr. Griffith-Jones): Mr. Speaker, we are aware of that, certainly, just as China is not exclusively populated by Chinese.

The Speaker (Mr. Slade): We have had enough supplementaries on this question. I apologize to Mr. Shah for having overlooked his question.

No. 8

Mr. Shah asked the Minister for Finance and Development, in view of the amount of money leaving this country through Football Pools, and the element of gambling involved, would the Minister please state whether he proposes to introduce legislation to abolish pools.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I beg to reply:—

No, Sir.

Dr. Kioko: Mr. Speaker, arising out of that reply, is the Government continuing gambling by the introduction of this 10 per cent?

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, I did not notice whether the hon. Member was here yesterday, but, if so, he cannot have heard what I had to say in the Budget Statement.

Dr. Kioko: Mr. Speaker, Sir, I was asking the Minister whether he was condoning gambling by allowing it to go on.

The Minister for Finance and Development (Mr. MacKenzie): Mr. Speaker, Sir, if the hon. Member had been listening yesterday afternoon he would have heard that the Government, actually yesterday, published a Bill to bring this form of betting under control.

Mr. Alexander: Mr. Speaker, Sir, is it not a fact that every country which has attempted to abolish football pools has failed miserably? Would the Minister not agree that that being so it would be best to use the funds that can be derived by Government from this source for the promotion of amateur sport and the welfare of all the people?

The Minister for Finance and Development (Mr. MacKenzie): I have noted, Sir, my hon. friend's remarks.

[Minister for Finance and Development] to date before they go. It will be noted that the provisions in the Finance Bill will come into force on an appointed day. This will enable these changes to take place simultaneously with those necessary in the Income Tax (Amendment) Act.

My final proposals regarding taxation relate to Personal Tax. Our direct tax structure has often been criticized on the grounds that persons with incomes between £200 a year and about £1,000 a year all tend to pay at a flat maximum rate of only Sh. 150 a year. I think that there is some merit in this criticism. I propose, therefore, to introduce a further graduation into this tax and to impose a rate of £10 for all taxpayers in receipt of incomes in excess of £400 a year. Some members may think that I should have gone further in this direction and I gave serious consideration to this possibility. It must, however, be borne in mind that most of the people concerned have to bear other direct statutory impositions. I regret that I am unable to propose any set-off of all or part of this tax against income tax, but many of those in the lower income tax brackets will benefit from the adjustments contemplated in respect of the Married Allowance and owner-occupied houses.

Another criticism which has been levelled at the Personal Tax is that the bottom level is too high for people in receipt of incomes not exceeding £120 a year. It is not, of course, true that this imposition, which at present brings in less than £1 million a year or one-eighth of our total expenditure on education alone, bears harshly on the very poorest people, since there are well-known provisions for remission in cases of indigence. Nevertheless, I believe that we should aim at a general reduction at this level with a view to its eventual elimination. Two years ago we took the first step by reducing the rate from Sh. 25 to Sh. 20. I now propose that as from 1st January, 1962, the rate should be further reduced to Sh. 15. With an overall deficit to finance, I regret that I cannot go further than this now. I am, however, advised that if all those who should be paying Personal Tax co-operated with the Administration in doing so, appreciably more revenue would be available from these sources and I might then be able to achieve my objective of exempting all persons with incomes below, say, £200 a year from the operation of this tax.

The net effect of my two proposals in respect of Personal Tax will be to reduce the yield in 1962 by approximately £70,000.

I have no further proposals to make in respect of direct taxation.

Hon. Members will recall that my taxation proposals are designed to bring in additional revenue of £2 million. On the assumption that the recommendations of the Raisman Commission are approved and come into force on 1st July, this will leave me with a remaining gap of something in excess of £2 million. The exact amount must depend to an appreciable extent on future revenue trends.

Her Majesty's Government have included in their Estimates for 1961/62 a sum of £2 million which will go some way towards meeting the current year's deficit. I have already noted that the remainder of that deficit, which is likely to amount to nearly £1 million will be made good by a further grant-in-aid and I have received an assurance that similar provision will be made at the appropriate time to cover the deficit for the coming year. Overall, it seems likely that after making allowances for the cost of the Raisman recommendations for unavoidable additional expenditure items which crop up every year and for the extra grant towards educational services Her Majesty's Government will, during their financial year 1961/62, provide some £4 million over and above the £2 million already included in their Estimates for recurrent assistance to this country. This will bring the total level of assistance to be provided to Kenya by Her Majesty's Government during the current United Kingdom financial year to some £18½ million, which exceeds 10 per cent of the monetary part of our gross national product. The Colonial Development Corporation's investments in Tea Development and Land Settlement and guarantees our loans from the International Bank for Reconstruction and Development. The total comes to well over £20 million. I hope that the House will join me in expressing to Her Majesty's Government and the British taxpayer our most grateful thanks for this generosity.

Mr. Speaker, the past year saw a financial setback. What I have said today shows, however, that the economy is basically sound and that the conditions for progress are present. The Government is determined to make the best of those conditions and to lead the country forward to a prosperous independence.

Mr. Speaker, Sir, I beg to move.

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

Question proposed.

INTERRUPTION OF BUSINESS

The Speaker (Mr. Slade). In accordance with custom, this debate will now be adjourned until

[The Speaker] another day, of which you have already had notice.

ADJOURNMENT

The Speaker (Mr. Slade). There being no other business on the Order Paper Council now stands adjourned until tomorrow, Wednesday, 17th May, at 2.30 p.m.

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

Wednesday, 17th May, 1961

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

[Mr. Speaker (Mr. Slade) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR POSITION OF THE CROSS-BENCHERS

The Speaker (Mr. Slade). Hon. Members, I am informed that certain Members would like to establish their position as Cross-benchers; that is to say, as Members who are independent of both the Government and the Opposition, and free to side with either of them on any particular issue. They will doubtless declare that position very soon by what they say in this Council; but the arrangement of the seating in the Chamber is such that there are not actually any cross-benches.

Therefore, without presuming to dictate where any hon. Member shall sit, I would suggest that we regard a few seats at this end of the Opposition Benches, near the Chair, as reserved for those Members who wish to adopt the position of Cross-benchers. I understand that, in fact, some such arrangement has already been made.

NOTICES OF MOTION

DOUBLE-DAY SITTINGS

The Leader of Government Business and Minister of Education (Mr. Ngala). Mr. Speaker, Sir, I beg to give notice of the following Motions:—

THAT this Council agree to sit on the mornings and afternoons of Tuesday, 23rd May, and Thursday, 25th May, 1961.

SUSPENSION OF STANDING ORDERS (114b): PROCEDURE ON FINANCIAL STATEMENT

THAT Standing Order No. 114b be suspended to the extent necessary to enable the debate on the Financial Statement on the Annual Estimates to be extended to eight days exclusive of the Mover's speech and reply.

LIMITATION OF DEBATE

THAT speeches in the debate on the Financial Statement on the Annual Estimates be limited to 30 minutes except in the case of three Members of the Government side in addition to the Mover and five Members of the Opposition whose speeches shall not be so limited.

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while they will leave some people a little better off, others a little worse off, their overall effect on the revenue will be negligible.

For some time it has been felt in certain quarters that our income tax structure is too complicated. This is a matter of opinion and it can well be claimed that our legislation is simpler than that in the most developed countries. Examination of the problems has also indicated that it is difficult to avoid complications without giving rise to anomalies and inequalities as between one taxpayer and another. The fact remains that our present legislation can only be administered with the assistance of considerable numbers of experienced expatriate staff. Such staff will be less easily available in the future and it is in any case our policy to introduce more local people into all branches of the service. With this in mind the Commissioner has, at the request of the East African Governments, reviewed existing legislation and procedure to see what can be done without unduly affecting the basic structure and introducing too many anomalies and inequities.

The examination shows that there is relatively little which can be modified in those provisions of the Management Act relating to the computation of profits. It is proposed, however, to introduce a Bill in the Central Legislative Assembly this year to provide, for example, greater uniformity in the rules governing relief for capital expenditure and for the exclusion from assessment upon employees of the value of minor benefits in kind or in the form of services. The Bill will also contain several procedural changes aimed at lightening the Department's task.

Two major changes are proposed relating to the scope of the tax. First, provision will be made to confine the charge to tax to income accrued in or derived from East Africa and as from 1st January, 1961, overseas income will be excluded from the charge even when remitted to East Africa. This will not only relieve the Department of the complicated work of assessing overseas income but may encourage residents who do not at present bring their overseas investment income here to do so in future with resulting economic advantage to this country and no significant loss to the revenue.

The second major change relates to the taxing of the annual value of owner-occupied houses. This is a controversial measure in respect of which equally strong arguments can be adduced both for and against. Equity as between taxpayers has hitherto led us to favour the taxation of annual value. This has, however, entailed a great

burden of work in ascertaining costs and assessment. The present and foreseeable staffing position of the Department makes it unlikely that this burden can be sustained in the future. I propose therefore that as from 1st January, 1961, the annual value of owner-occupied houses should no longer be included in the owner's taxable income. It follows, of course, that any mortgage interest paid in respect of the house will not be allowed as a deduction from the owner's other taxable income. This conforms with the existing provision for relief in respect of interest paid by a taxpayer.

The considerations relating to owner-occupied houses do not apply when an employee lives in rent-free quarters provided by his employer. Such a benefit of employment will therefore remain chargeable to tax but will be measured in future by the amount of the employee's income and not by reference to annual value.

The present form of tax deduction in respect of the cost of passages to destinations outside East Africa for purposes of health or recreation involves the Department in much investigation to safeguard against a very small basic risk. At present the deduction is limited to a maximum of three double journeys in respect of the taxpayer, his wife and all his dependent children once in two years. I now propose that as from 1st January, 1961, this deduction should be allowed without limit as to the frequency of journeys and that it should extend to each dependent child, but that it should be subject to a limit of £100 in respect of each journey outwards and each return journey as compared with the present relief of £150.

Two changes are proposed in the relief relating to wear and tear deductions in respect of capital expenditure on assets used in producing income. The present initial allowance of 20 per cent. will be withdrawn as from the year of income 1961 from non-commercial vehicles, such as private cars used for business purposes. I also propose to limit the wear and tear deduction to what it would have been had the car cost not more than £1,500. The absence of an initial allowance will not reduce the total relief granted over the life of the vehicle but will merely reduce the amount granted in the first year.

Authoritative opinion has suggested that the encouragement given to mining by our tax legislation is not so generous as that provided in other countries and does not provide the necessary incentive. In recognition of the marginal nature and consequent risk in mining in East Africa income tax relief for capital expenditure is in practice normally given on the basis of the very

[Minister for Finance and Development]

short-estimated life—in many cases as short as one year. It is proposed to write this into the relief provisions in specific terms for certain classes of marginal productive mining.

The measures which I have mentioned so far will be governed by amendments to the East African Income Tax (Management) Act. Those which I shall now mention will be covered by appropriate clauses in the Finance Bill since they relate to rates and allowances and come therefore within the jurisdiction of this Council.

It has been suggested that some form of depletion allowances should be adopted to provide an incentive for undertaking the exceptional mining risks in East Africa. This would involve administrative complications. I have therefore decided that the incentive can best and most simply be achieved by a special rate of tax applicable to the profits of these marginal producers. A company rate of Sh. 4 in the pound will be included in the Finance Bill for mining companies in this class.

The major field for simplification lies in the personal allowances granted to individual taxpayers. It is here that the demands of equity require complicated legislation and add to the administrative burden. Simplification on the other hand leads to rougher justice. I believe that in present circumstances we must be satisfied with rougher justice. I am, however, satisfied that in the proposals which I shall now make equity has been maintained even though some taxpayers may have to pay marginally more than in the past.

My first proposal is that the Married Allowance which now varies between £500 and £700 for individuals with a total income of between £500 and £1,500 a year, should be fixed at £700. Next, I propose to merge the Education Allowance with the Child Allowance which will in future be based on the age of the child thus providing a gradation according with the likely increase in educational costs as a child grows up. The Education Allowance will therefore be abolished and the Child Allowance, restricted to four children as at present, will be as follows:

£75 for a child under 6 years of age on 31st December in the year of income;

£100 for a child who is 6 but under 12 on that date;

£150 for a child who is 12 but under 19;

£250 for a child at a university or similar post-secondary educational establishment; or serving under articles or indentures.

I also propose to extend the Child Allowance to cover a child who is over 19 but is totally incapacitated either mentally or physically. In such a case the allowance will be £150. The existing conditions, for example, that the child's own income shall not exceed £75, will continue to apply in all cases, but there will be no restriction of the allowance by reference to scholarship income of Government grant. I am advised that this proposal will provide a major contribution towards simplifying the assessment of individual taxpayers. Comparison with previous allowances shows also that it does substantial justice.

The present personal allowances granted to non-resident persons other than those living in the United Kingdom, involves unnecessary complication and I propose that it should be nil except for an individual who is chargeable to tax in respect of any pension derived from East Africa. In such cases the allowance will be £250 or the amount of the pension, whichever is the less.

A further worthwhile administrative saving will be made by providing that the actual amount of life insurance premiums shall be deductible as a personal allowance where the total income of the taxpayer does not exceed £2,500 and the annual premiums do not exceed £200 in total. In other cases, the existing life insurance relief provisions will continue to apply.

Apart from these modifications in the field of personal allowances, I propose to abolish the existing age allowance and the allowance for dependents and the housekeepers. It is very difficult to confirm the bona fides of many claims to the Dependent Allowance, and its abolition will materially simplify the Department's task. As regards those dependents maintained by married persons whose income is under £1,500 per annum, the proposed increase in the Married Allowance will offset this withdrawal in whole or in part. As regards incapacitated dependents who are children of the person maintaining them, their inclusion in the new Child Allowance will represent improvement in relief from the present figure of £60 to £150. So far as the age allowance is concerned, those married taxpayers entitled to it at present will also benefit from the increase in the Married Allowance; many of them will also benefit from the abolition of the tax on annual values, so there is some consolation to be found in my other proposals for the loss of this particular relief.

These changes in the income tax provisions will be broadly self-balancing. Since they will operate from 1st January, 1961, they will only affect the 1961/62 revenue in the case of persons who leave East Africa and are assessed up

[The Minister for Finance and Development] general rate, this, as well as affording assistance to an important Ugandan industry, should produce additional revenue of about £5,500.

Kenya can now produce its requirements of boxes and of many other packing materials locally. I propose, therefore, to impose duty at the assisted rate on wooden boxes, including tea-chests. I also propose to encourage the local production of corrugated cardboard, cartons, cardboard boxes and paper bags by admitting materials for their manufacture duty free and by applying the assisted rate of duty to those articles of this type which are being satisfactorily produced locally.

Manufacture of printing ink started in Kenya in September last. I am advised that in addition to providing excellent materials, valuable technical assistance is now readily available to the printing trade. To assist this industry certain printing and stencil inks will, in future, bear the general rate of duty with an alternative specific duty of cents 30 per lb. As some printing ink will still be imported the Exchequer will benefit to the tune of some £15,000. I am advised that the effect on the end cost of printing will be negligible. It will to a certain extent be offset by two small amendments designed to encourage the local printing of showcards and advertising pictures recommending local products.

For a long time a local firm has struggled to manufacture vernacular gramophone records in competition with various neighbours. All too frequently, however, the efforts of local artists have been recorded on tapes which were then sent for processing elsewhere. I hope to correct this position by the imposition of a specific duty of Sh. 1 per record. The alternative *ad valorem* duty remains at the general rate.

Two final measures intended to stimulate local industry are, first the imposition of a specific duty of Sh. 3 per dozen, with an alternative *ad valorem* duty, on hand scrubbing brushes and boof brushes, and, secondly, an amendment to tariff item 175 which should encourage the local production of signs and nameplates.

As usual the opportunity has been taken to make a number of tariff amendments, largely of technical significance only, which are detailed in the Financial Statement.

I now turn to measures primarily designed to increase revenue. Hon. Members may have wondered why I have so far referred to assisted and 22 per cent. The reason is simple. After prolonged reflection, I have decided that the most equitable way in which to meet a major por-

tion of the country's additional needs at a relatively small cost to the taxpayer is to make a small general increase in *ad valorem* duties. From midnight, therefore, the assisted rate of 11 per cent will be raised to 12½ per cent, the general rate of 22 per cent to 25 per cent, the protective and revenue rate of 30 per cent to 33½ per cent and the revenue rate of 60 per cent to 66½ per cent. In certain cases this has necessitated consequential increases in specific rates of duty. Details are contained in the Financial Statement. I calculate that this should bring a further £840,000 into the Exchequer in the course of a year.

A relatively small increase in the duty on goods in general use brings in the largest return to the revenue. For example, an import of one cent per lb. on sugar yields just under £100,000. From midnight tonight the rate of customs duty will be raised by cents 5 per lb. to bring the total import to cents 11 per lb. or Sh. 11 per cent. Excise duty will be similarly increased from Sh. 6/72 per hundredweight to Sh. 12/32 per hundredweight. This should produce between them £488,000. The retail price of sugar will rise from cents 57 per lb. to cents 62.

The item governing potable spirits has considerable resilience. I have, therefore, decided to raise the duty on such spirits as brandy, whisky, rum and gin from Sh. 145 per proof gallon to Sh. 160. This is equivalent to an increase of approximately Sh. 2 per bottle of the better-known brands of spirit, or just under 10 cents per tot. This measure should produce an additional £125,000 in a full year. As complementary measures, it is necessary to raise the duty on liquours, Tariff Item 28 (b), from Sh. 126 to Sh. 140 per imperial gallon, and the excise duty on spirits from Sh. 120 to Sh. 130 per proof gallon, with a consequential benefit to revenue of some £2,000.

My next four proposals in the field of customs and excise, while individually of little significance, will benefit the revenue by some £130,000. A new Tariff Item 69a for razor blades, imposing a duty of 2 cents per blade or 25 per cent *ad valorem*, whichever is the greater, should bring in a further £15,500. An increase from 11 per cent to 25 per cent in the rate of duty on imported paint should produce some £60,000 in revenue and benefit the local paint industry, which can already supply most of the territorial needs. An increase of 10 cents per lb. on tyres and tubes should give me a further £25,000. Finally, by this category, by imposing a duty of Sh. 10 per 7,200 matches, with a consequential increase in excise duty to Sh. 6/50 per 7,200, I should secure £33,000.

[Minister for Finance and Development]

At the present time the duty on kerosene in Kenya is 20 cents a gallon. In Uganda it is 40 cents. I am informed that one result of this differential has been a considerable amount of smuggling from Kenya into Uganda. As a further measure of interterritorial co-operation I now propose to close the gap by increasing the Kenya rate of duty to 40 cents a gallon. This will benefit the revenue by £80,000. Its effect on the end price of the product—24 cents a pint—will be negligible.

The House will remember that last year we imposed import duty and consumption tax on light diesel oil used in road vehicles equal to that on petrol. We also made a small increase in the consumption tax on petrol. In spite of this the consumption of these products in 1960 increased by 3 per cent in the case of petrol and 12 per cent in that of gas oil. In these circumstances I feel justified in making a further effort to balance our Budget in proposing a further increase of 10 cents a gallon in the customs duties on both these products. This is estimated to bring in £230,000.

In the same context I have given further consideration to the consumption tax which at present stands at 35 cents a gallon for both petrol and diesel oil. Without arguing the pros and cons of hypothetical revenue, I have always felt that an Authority which is in receipt of special sources of income designed to meet its expenditure should not also have to receive subventions from general revenue. With this in mind, no provision has been made in this year's Estimates for a special grant to the Road Authority. It has also been necessary, in view of the other demands on our general loan funds, to reduce the capital grant to the Road Authority. These two measures would cost that Authority £175,000 in a full year. It would be unfortunate if its important work, which has, of course, significant employment implications, were to be reduced accordingly. To avoid this I propose to increase the consumption tax on petrol only by 10 cents a gallon. This will furnish the Road Authority with a sum equal to the grants from general revenue which are being withdrawn.

These two measures will, between them, increase the cost of petrol by 20 cents a gallon and that of gas oil by 10 cents. This is less than a cent a mile in most cases. In terms of ton-mile for freight it is negligible. The total taxation on petrol will still only be Sh. 1/30 and that on gas oil Sh. 1/20. This is still much below the level of duty in many countries. For example, in the United Kingdom, the duty on gas oil and petrol is 2s. 6d. a gallon. Our road users can-

not therefore regard themselves as intolerable burden.

The refunds to agriculture and other industries which provision was made last year extended to the additional 10 cents on gas oil. The special *ex gratia* refund to certain other consumers will also apply, on a previous occasion my hope that the Kingdom authorities who have, I been working on this problem for would shortly be able to produce a method of distinguishing between road vehicles and that used for other purposes. A new item in *The Times* of states that as from the 1st July gas the United Kingdom for purposes of fuel oil will be required to have them and a colouring added to assist in the evasion of duty. I propose a similar action could be taken in Kenya. If so we could dispense with the refund with all its administrative and other inconveniences. I will keep the House informed.

I am advised that the taxation provisions mentioned, which will in accordance with usual practice be brought into effect from midnight tonight, should only increase the National Income index and the Nairobi cost-of-living index by less than 1 per cent. They will add £2 million to the Customs and Excise full year, bringing the total to a little over £10 million. This is, of course, less than the above the original estimate for the year. Since the gross national product in 1959 was 4 per cent higher than in 1958 the Government appreciate that, in percentage terms, the burden of indirect taxation is no greater than would have been in 1960/61 if the rate for that year had been achieved.

For some time I have been anxious to control pool betting. A Bill in today's Official Gazette, providing for the licensing of pool promoters and their agents, and the taxation of pool bets at the rate of 10 per cent of each bet. The tax on bets in Tanganyika and Uganda will be removed. Government after deduction of the collection, but we hope that a balance or so will remain to be credited to the Exchequer for the general benefit of the country. If this Bill is enacted we shall incidentally ascertain accurately the amount of money flowing from the country as a result of growing betting activities.

My proposals in respect of income tax designed primarily to simplify admini-

Justus Kazet ole Tipi.
Wafulu Wabuge.
Anthony Francis Michael Webb.
Laurance Robert Maconochie Welwood.
Zafrud-Dera.

COMMUNICATION FROM THE CHAIR ARRIVAL OF HIS EXCELLENCY THE GOVERNOR

The Speaker (Mr. Slade): Hon. Members, it is the pleasure of His Excellency the Governor to attend this sitting. He will arrive at the building at 3.30 this afternoon. I shall therefore interrupt business at or before 3.20 p.m. and I shall suspend the sitting until 3.45 p.m. However, our ordinary business will be renewed after His Excellency has left the Chamber.

PAPERS LAID

The following Papers were laid on the Table:—

East African Meteorological Department Annual Report for the year 1st July, 1959, to 30th June, 1960.

East African Literature Bureau Annual Report, 1959-60.

Annual Report of the East African Agricultural and Fisheries Research Council, 1960.

Royal East African Navy Annual Report, 1960.

East African Railways and Harbours Annual Report, 1960.

The Education (Fees in Government African Schools) (Revocation) Rules, 1960.

The Education (Grants-in-Aid for African Schools) (Amendment) (No. 2) Rules, 1960.

The African Teachers' Service (Contributory Pensions Fund) (Amendment) Regulations, 1961.

The Education (Fees: Technical and Trades Schools) Revocation Rules, 1961.

The Non-African Schools (Grants-in-Aid) (Amendment) Rules, 1961.

The Examinations (Local Entry Fees) (Amendment) Regulations, 1961.

(By the *Leader of Government Business and Minister of Education (Mr. Ngala)*)

Report of the Working of the Civil Service Commission for the year 1960.

The African Courts (Fees and Fines) (Amendment) Rules, 1961.

Sessional Paper No. 1 of 1961: Amendments to the Standing Orders of Legislative Council.

(By the *Chief Secretary (Sir Walter Coutts)*)

Appropriation Accounts, Other Public Accounts and the Accounts of the Funds for the year

1959/60—together with the report thereon by the Controller and Auditor-General.

1960/61 Supplementary Estimate No. 2.

Cereals and Sugar Finance Corporation, Nairobi: Balance Sheet and Accounts, 30th June, 1960.

Estimates of Expenditure of the Colony and Protectorate of Kenya for the year ending 30th June, 1962.

Development Estimates for the year 1961-62. Economic Survey, 1961.

East Africa: Report of the Economic and Fiscal Commission (Rainsman Report).

The Price Control (Sugar) (Amendment) Order, 1961.

The Price Control (Sugar) (Amendment) (No. 2) Order, 1961.

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

The King's African Rifles (Appointment, Promotion, Pay and Allowances) (Soldiers) (Amendment) Regulations, 1961.

(By the *Minister for Internal Affairs (Mr. Swann)*)

European Agricultural Settlement Board of Kenya: Report for period 1st April, 1959 to 31st March, 1960, and Annual Accounts.

Department of Agriculture Annual Report, 1959. Vol. II: Record of Investigations.

Central Province Marketing Board: First Annual Report, Balance Sheet and Accounts for the financial year ended 31st July, 1960.

Mombasa Pipeline Board: Report and Accounts for financial year ending 30th June, 1960.

Nyanza Province Marketing Board: Fourth Annual Report, Balance Sheet and Accounts for the financial year ended 31st July, 1960.

The Kenya Meat Commission (Grading) (Amendment) (No. 2) Regulations, 1960.

The Hide and Skin Trade (Amendment) Rules, 1960.

The Agriculture (Advances against Guaranteed Minimum Return Rules), 1961.

The Pyrethrum (Amendment) Rules, 1961.

The Guaranteed Minimum Return Advances (Interest) Rules, 1961.

The Dairy Industry (Licensing of Retailers) Regulations, 1961.

The Dairy Industry (Inspectors) Regulations, 1961.

The Dairy Industry (Cess on Retailed Milk) Regulations, 1961.

The Guaranteed Minimum Return Advances (Interest) (Amendment) Rules, 1961.

The African Produce Improvement and Inspection Rules, 1961.

The African Produce Improvement and Inspection (Amendment) Rules, 1961.

The Agricultural Settlement Trust (Notification of Advance) Rules, 1961.

The Water (General) (Amendment) Rules, 1961.

The Dairy Industry (Prices of Dairy Produce) Regulations, 1961.

The Dairy Industry (Sales of Producers) Regulations, 1961.

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

Weights and Measures Department Annual Report, 1960.

The Scrap Metal (Amendment) Rules, 1960.

The Control of Essential Supplies (Sugar, Jute and Sisal) Order, 1961.

The Methylated Spirits (Export Exemption) Rules, 1961.

(By the *Minister for Commerce, Industry and Communications (Mr. Mullroy)*)

Annual Report of the Ministry of Housing, Common Services, Probation and Approved Schools, 1960.

Central Housing Board Annual Report, 1960.

Labour Department Annual Report, 1959.

The Wages Regulation (General) (Amendment) Order, 1960.

(By the *Minister for Labour and Housing (Mr. Towett)*)

Rules for the Administration of the Crown Estates Development Fund.

The Valuation of Crown Lands Rules, 1960.

The African District Council of Kiambu (Eligibility of Candidates) Rules, 1961.

The African District Councils and African Local Council Candidates (Amendment) Rules, 1961.

The African District Councils (Staff) (Amendment) Rules, 1961.

The Survey Regulations (Amendment) Rules, 1960.

The Land Control Regulations, 1961.

The Land Control (Application for Consent) Rules, 1961.

The Land Control (Special Areas) Regulations, 1961.

(By the *Minister for Local Government and Lands (Mr. Havelock)*)

The Aberdare Royal National Park (Amendment) Regulations, 1961.

(By the *Minister for Tourism, Forests and Wild Life (Mr. Marrian)*)

Printing and Stationery Department Annual Report, 1959-60.

(By the *Minister for Works (Mr. Jamidar)*)

NOTICES OF MOTION

The Leader of Government Business and Minister of Education (Mr. Ngala): Mr. Speaker, Sir, I beg to give notice of the following two Motions:—

RELEASE OF JOMO KENYATTA AND OTHERS

THAT this House notes with approval the progress made by the Government in returning the large number of detainees and restricted persons to normal life and that the Government are making all possible efforts to the end that Mr. Jomo Kenyatta and all other such persons may be released as soon as possible; and calls on everyone, both in this House and throughout the country, to co-operate in establishing and maintaining stable conditions and assured security so as to enable these objects to be achieved without delay.

CONSTITUTIONAL ADVANCE

THAT this Council recognizes and appreciates that the Government is determined to press forward as quickly as possible with further constitutional advance towards independence and firmly believes that with goodwill and co-operation by all it will be possible to advance within a few months to the appointment of a Chief Minister and a larger proportion of Elected Members in the Council of Ministers.

SESSIONAL COMMITTEE: APPOINTMENT OF

The Chief Secretary (Sir Walter Coutts): Mr. Speaker, Sir, I beg to give notice of two Motions:—

THAT in accordance with Standing Order No. 118 the following Members be nominated as Members of the Sessional Committee:

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132 Mwea Division Chiefs' Standing Orders, 7
133 Closing of Kisumu Secondary School, 8, 9
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136 Responsibility Allowance for African Headmasters, 6
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140 Carful Report—Memoranda and Oral Evidence, 40-49
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151 Sugar Factory Rules, 1960, 890-891
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153 Elections—Polling and Non-Intimidation, 1198-1200
154 Careers of Locally Recruited Civil Servants, 891-893
155 Customs Duty on Glass Bottle Containers, 1323-1324
156 Kara-Suk as one Tribe, 1011
157 Cinematograph of Film Freedom, 1194-1195
158 Commissioner for Cooperative Development, 1324-1325
159 Local Purchases by Government Departments, 1323-1324
160 Undistributed Income Tax and Economic Development, 1326-1329
161 Receipts and Costs of Undistributed Income Tax, 1329-1331
162 Prevention of Grants to Animals, Ordinance, 1325
163 Illegal Development in Molo Township (unanswered)
164 Site for Hospital Hill School, 1195-1197
165 Foreign State-owned Commercial Enterprises (unanswered)
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144 Statement "Masters of Kenya" by Minister of Commerce and Industry, 1463

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(Member for Rift Valley)

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Legislative Council Elections Bill, The, 1020, 1027-1031, 1036
Police Bill, The, 817-818
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Vases Pension Bill, The, 917-938

Rogers, Mr. P. J., C.B.E.—

(Nominated Member)

- African Business: Ministerial Reorganization, 440-442, 448
Sessional Paper No. 10 of 1959/60 and Mr. A. G. Dalglish's Report on Unemployment, 1354-1358
Visit of Vice-President of Portugal, 838

Rubin, Mr. C. W.—

(Nominated Member)

- Native Lands Registration (Fort Hall District) (Special Provisions) Bill, The, 1037-1038

Sagoo, Mr. Kirpal Singh—

(Nominated Member)

- Salary Scale of all Police Ranks, 501-502
Review Law of Capital Punishment, 701-702
Vases Pension Bill, The, 940-941

Select Committee, Appointment of—

- Vases Pension Bill, The, 944-945, 1080, 1200-1202

Shaw, Mrs. A. R., O.B.E.—

(Member for Nyanza)

- Adjournment Motion—Temporary Terms of Service for Civil Servants, 648
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Smith, Mr. P. H.—

(Nominated Member)

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[Mr. Swynnerton]

a capital charge per acre of between £50 and £100 is as much as an irrigation scheme can carry, as much as an irrigator can carry, and repay interest.

But, Sir, there must be a high-priced cash crop to repay that. It is an interesting thing, Sir, in the United States that when an irrigation scheme is developed the first crop they go in for is growing corn, in our country maize, because instead of growing 50 bushels to the acre, they can grow about 150 bushels to the acre. But, Sir, in the United States they have generally in their granaries one year's supply of surplus corn, I think it is 1,500,000,000 bushels. Therefore, the first thing that an irrigation scheme does is to add to the world's surplus of maize. As the farmers get back their money on that, as they develop they start to diversify. They will start bringing in processing plants and the first processing plant, Sir, is the cow, or beef cattle. They can convert their maize, they convert their lucerne into beef and milk and therefore keep them off the market. Later on they will go in for other cash crops, such as sugar beet or vegetables and so on to develop processing industries. In the first years, therefore, they are likely to produce crops which are in surplus supply anyway. As time goes on they are able to diversify and therefore keep those surplus crops off the market. The Minister has very rightly said, that we must concentrate on high-priced cash crops for which there is a market. There is no point in our developing irrigation schemes in order to add to the maize in this country and to export at a loss. I would therefore ask the Mover of this Motion to be reasonable in his economic estimates related to irrigation. If the Minister irrigating an acre is £100 a year, as the cost of maize has just indicated, because you have got to pump water up 1,700 feet and then run it down the other side, that rules it out completely. We can only do that sort of thing, let us say, in time of emergency when we want to find employment for people and we do not have to recover that capital cost. But if the charge to the irrigator is more than about £10 a year, then he finds it quite uneconomic to irrigate and the money put into the capital development of an irrigation scheme will be lost when it closes down.

Mr. Speaker, Sir, I beg to support.

The Speaker (Mr. Slade): As it is so near the time for interruption of business I think I must call on the hon. Mover to reply.

Mr. Commodore Howard-Williams: Mr. Speaker, Sir, to begin with I would like the House to have my view that the hon. Minister did not produce a single argument to counter what I had said, except where he agreed with me. He drew a red herring across the whole

issue to begin with, by referring to Lake Rudolf which I had mentioned at the very inception of my speech which was something which I said was, of course, doubtful but which we wanted to explore, or wanted him to explore. He agreed that irrigation helps the people who live here—that was an important agreement, one which I suggest we are very right to sustain. He said, also, Sir, that one has got to study the crops we can grow, and he went into the sugar business where he said that our possibilities of exporting sugar were limited by an international agreement. But—I see he is shaking his head.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Speaker, I thank the hon. Member for giving what, I did say was that under the Commonwealth Sugar Agreement you could only sell under that Agreement 10,000 tons from East Africa. The world market is an open market and the price on the world market is a very, very low price.

Mr. Commodore Howard-Williams: I referred specifically in what I said to the fact that we should try and sell sugar—export sugar to the local market, not to the Commonwealth market, to the Congo mostly, and to other local parts of East Africa.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Saturated.

Mr. Commodore Howard-Williams: He said there were certain things you cannot grow but I said initially that I would propose that we had an agronomist to tell us what we could grow. I particularly specified that.

He mentioned that there were a lot of human problems, but the point that I hoped I had made was that we should be wise to put these people on what was going to become their own land. No one succeeds so well as doing something for himself. I, personally, stressed the point that we should certainly see that the people themselves benefited. It might take ten years or so for them to own their land through a cess on their crops, but that was important.

He also said, Sir, that the United States of America was not interested in this project on the Tana River.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Speaker, I must ask the hon. gentleman—the hon. Member—once again to please get his facts correct. I never said the United States of America were not interested. I said we had had a visit from the largest agricultural company in the world and they, at this stage, were not

[The Minister for Agriculture, Animal Husbandry and Water Resources] interrupted. Although they are pretty mighty they are not as mighty as the United States of America.

Mr. Commodore Howard-Williams: I am sorry, Sir, but I thought he said that. Would he please tell me whether that firm was the largest firm in the world or was it in the United States of America?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): No, but they have great interests in the United States of America.

Mr. Commodore Howard-Williams: Well, Sir, if they are not interested would he please allow me the pleasure of introducing him to someone who might be interested?

Again with rice, I put out the point that I thought that rice could be fed to pigs. I did not know definitely but I thought that was an important point which was one way of getting rid of our surplus rice. He talked in terms of 3,000 acres and then got on to 3,000,000 acres fairly smartly, and took the opportunity to come at me about my facts.

He also mentioned, Sir, about conserving water into dams but he did not mention the most important part of my speech which was that the water from these dams must be piped; it is not sufficient to put it into canals, you have such a vast waste of water.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Interjection.

Mr. Commodore Howard-Williams: I beg your pardon? Now he said, Sir, that I virtually agreed to tear up international agreements. I think, Sir, that when the new Kenya gets its independence and East Africa gets its independence they will be completely independent of the Agreement which we have negotiated.

The Minister for Local Government and Lands (Mr. Havlock): No, no!

Mr. Commodore Howard-Williams: Well, that is my belief. I am standing my ground on this point because His Excellency the Governor said something about the agreement of the Maasi and the Sultan of Zanzibar, I think you will find that when they get their independence they will be able to do what they please with agreements—at their peril. I do not say they will do it quite irresponsibly. I would like to thank the hon. Minister for his courteous offer to take me—of all people—with him in an aeroplane down to Hala

and I look forward to going there on condition that he brings me back. I will not take more than another minute or so, Sir.

He also courteously said he would take me to the Kano Plain. I thank him, Sir, for the offer of certainly considering the prospect that this committee will be formed, and the prospect particularly of my friends being represented on it on the basis of 50:50. I cannot, as I have said before, commit my friends but I think you will find that something practicable will be done for Kenya that way.

Now, Sir, I have one point and one point only remaining; I am going to conclude on it because it is an important point. The Minister said that we could over-produce milk and butter and we had to be careful. I personally think, Sir, that that was a most retrograde remark. To think that we have got 6,500,000 people in this Colony who could only be developed by milk and butter if they could only have access to it! For heaven's sake we can never produce enough and so it is that something is very wrong in the State of Kenya because I frankly think that we have got to devise ways and means of getting that milk and that butter to the Africans.

I accept, as he does, that we do not want millions of tons of butter.

With those few words, Sir, I beg to move.

The question was put and carried.

MINISTERIAL STATEMENT

TERMINATION OF LIFE OF COUNCIL

The Acting Chief Secretary (Mr. MacKenzie): Mr. Speaker, Sir, this is a solemn occasion and it is also in rather a sad one in which we come to say goodbye to our Council at the end of this Council.

Sir, we have had many debates in this Council, we have had our disputes, we have had our divisions, we have had our frustrating moments and we have also had our exhilarating ones. But, Sir, I think that during the life of the Council, as happens in all assemblies of this kind, there does come into being a certain corporate spirit which one finds not only on the Floor of the House but also in the other precincts of this Chamber. I think, Sir, we can all say that as this Council has sat, we have on many occasions, despite all our apparent differences and the real differences that there have been between us, we all have been conscious of the fact that we are all Members of this House and that we have had a very great duty to bear towards all the people of Kenya.

Sir, in spite of everything, of all our debates, I think that on the whole we have grown to love this place and to enjoy the benefit that takes

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[Mr. Commodore Howard-Williams] our country, Kenya, Uganda and Tanganyika are unable to get together on such a simple basis. The potential is as vast as it was in America and in Russia, China and India. Surely, there is enough prospect to justify this initial high level enquiry?

I cannot commit these gentlemen, of course, in that I am not one of them; but I will hazard that they would go 55/4 with Government on the cost of the independent enquiry. I suggest, as long as the results of that enquiry were considered as confidential between them and the Government, and they were adequately represented.

In conclusion, Sir, may I respectfully suggest that Government at this stage merely notes my Motion, awaits the arrival of these gentlemen during January, and discusses the matter with them bearing in mind—and here is the important point which I hope Members will not overlook—that the population of Kenya will rise during the next decade from some 6,500,000 persons, which it now has, to some 9,000,000. I wish to underline that fact because there is something we have got to do something about. If we are going to lake care of those extra 2,500,000, Africa has somehow got to turn from scrub farming to intensive farming, exactly as Britain has done. If she is to survive with honour, I have discussed these important issues with the hon. Minister for Agriculture who showed me and my friend that he had a real grip of the past and the present. But has he enough vision for the future? There is the nuance, Sir. We shall be better able to judge after he has spoken.

I beg to move.

Sir Charles Mhakhami: Water, water everywhere!

Mr. Mboya: Mr. Speaker, Sir, in seconding this Motion I do not claim to be a water expert, myself, nor am I claiming to have studied the points in as much detail as my friend, the Mover of the Motion, in fact I might confess that there was a time when I heard him mention this suggestion and just laughed it off. But in the course of some discussions I have become convinced that there is something in what the hon. Mover of the Motion has to tell this House. I think it would be unfortunate if Members were inclined to laugh it off, or to think that this is a ridiculous suggestion. Perhaps this is what is wrong with our present situation, that there has not been as much courage and imagination to try and tinker in such problems that face us. People will think of other countries that have faced similar situations. Israel is one—from a desert to a prosperous, now prosperous, country. It has been done through efforts, courage and imagination. Above all, they have been willing to think, even to

dream, and from those dreams and ideas have emerged a state to which many of us today go to see the examples of what can be done by small men from a poor country, in some cases from a desert. Some of us go to copy, to learn, to come back and perhaps feel enriched with the experience. I am aware that currently the Minister for Agriculture is preparing to send in Israel a group of persons from this country who, it is intended, will see for themselves the developments that have taken place and come back with those experiences to help us, in our development of agriculture. There might have been days when no one thought that this desert would develop into the present prosperous State of Israel. There might have been days when someone laughed it off as a ridiculous idea: as a dream, that anyone could have irrigated this area and produce from it the fertile land which it is today.

Similarly, Sir, those who have looked at or studied the history of the United States will recall the conception of the idea of the Tennessee Valley Authority. Yes, the situation may be different, but there were those who thought this was a ridiculous idea; there were those who thought the Tennessee Valley Authority was a dream that could never come true. But we know that the Tennessee Valley Authority has become an institution in itself and that today it forms one of those legends in the Americas which is referred to from time to time when they want to show how much imagination and courage can do for a country. I am not trying to say that perhaps everything that has been put forward by the Mover of this Motion will be achieved by this country. But I am trying to point out that certainly there is merit in thinking about these things and in trying to find out for ourselves whether in practical terms such projects and programmes could not be conceived for this country. Some parts of this very Continent which have hitherto been regarded as useless—dry deserts—have today flourished. From the surveys that have been made from the imagination of the countries concerned we have seen some of these areas transformed into the most potential economic factors in the development of those areas. One weakness that, I think, was adequately revealed, by the Royal Commission in respect of East Africa was the very small degree of survey that had been done of the natural resources and potential in our countries. There is so much of the old-fashioned idea of being just contented with what we already have. There is so much attempt by our economists to convince us that the future for this country lies merely in agriculture and that that agriculture that we must look forward to is based in the Highlands and in European enterprise, and so forth. There is too much of accepting things as they are without

[Mr. Mboya]

very much desire, as it were, to explore and produce new ideas, new ways.

I think the challenge in this Motion is not so much only what the Mover has put forward; not so much in the figures that he has so carefully worked out; but more in the imagination, in the desire to explore further, which is contained in the Motion. It is this that we should like to see the Government, when it replies to this Motion, discuss a little bit more fully. What are the Government's plans for irrigation? What are the Government's plans for using our resources, the rivers, the lake, for the development of this country? Is it merely a question of assuming or accepting that the Kano Plains will always remain dry when we know that every rainy season these plains are so flooded that no one can live on them? The question is, what are we trying to do to develop such areas. We know of the dry lands within and around such rivers as the Tana River, as the Athi River, and the question before the House is for the Government to be able to state what, if any, plans they have for this kind of work. It is this challenge, Sir, that this Motion poses to the Government merely to want to deal with those remarks or those figures that have been put forward by the hon. Mover of the Motion. The main question here is to see what, if any, plans the Government have in respect of programmes of this nature. A few minutes ago we were discussing unemployment and in the course of this the hon. Minister for Finance took the opportunity to say so much about irrelevant issues such as what we, the British, have done for you since we came here and that kind of thing. Mr. Speaker, we do not want to live in the past. We are not going to build this country on history, and what the British have or have not done in the past is of no importance. What is important is what we are thinking of doing in the future. What is important is how we are thinking of meeting the challenge of the future. Soon this country must depend on itself; it must be independent politically. But this political independence is incomplete unless it is accompanied by a state of economic—at least relative economic—Independence. It is this challenge which I believe this Motion offers to the House here today. It is for this reason that I have felt it necessary that we support this Motion, if for no other reason than at least to be able to find out what the Government thinks. If Government Ministers think in the lines of the Minister for Finance, when he spoke here today, then I submit their thoughts are negative and totally unhelpful.

I beg to second.

Question proposed.

The Minister for Agriculture and Water Resources: Mr. Speaker, Sir, it is about the last 18 months, ever since the Government has been in office, that they have been in the hon. Member who moved this

Motion. Members: Hear, hear!

The Minister for Agriculture and Water Resources: You have only got to wait

Mr. Speaker, the hon. Member is correct when he puts it this way, and he must get me to want us to take heed of what he says—therefore he has facts correct when he discusses the problem as this with such the Rotary Club and in articles.

Now, Sir, I have heard and I am pleased from the hon. Mover's point of view from Lake Rudolph. An example of what he must get now, Sir, is that the hon. Member could irrigate an area of 1,000 even if the area is 1,000,000 acres—in fact 3,000,000 acres—but let us say that it could irrigate 3,000,000 acres of the water of Lake Rudolph is completely unsuitable for normal use. It has gone to the trouble, Mr. Speaker, that the hon. Member has in Motion in getting figures and statistics not only from the Fisheries Department, but also of a fact that we could get a good crop of water shows a pH of 9.5 and an alkali content of 2,700 parts in an excess sodium figure of 1.5, 1,000,000. Now, Sir, the water of Lake Rudolph is a diluted solution of soda and contains a good deal of chlorine for the human inhabitants of the very severe indeed, and all one has to do is to pipe the water to Lake Rudolph and you will see stiffening of the joints and general discomfort of the people receiving this water. Mr. Speaker, I am not an example of whom people publicise, although there is a lot of publicity, but they are not yet forward or try to overstate their case when consulting them with technicians.

Mr. Alexander: Interjection.

[Mr. Swynnerton]

a capital charge per acre of between £30 and £100 is as much as an irrigation scheme can carry, as much as an irrigator can carry and repay interest.

Dut, Sir, there must be a high-priced cash crop to repay that. It is an interesting thing, Sir, in the United States that when an irrigation scheme is developed the first crop they go in for is growing corn, in our country maize, because instead of growing 50 bushels to the acre, they can grow about 150 bushels to the acre. Dut, Sir, in the United States they have generally in their granaries one year's supply of surplus corn, I think it is 1,500,000,000 bushels. Therefore, the first thing that an irrigation scheme does is to add to the world's surplus of maize. As the farmers get back their money on that, as they develop they start to diversify. They will start bringing in processing plants and the first processing plant, Sir, is the *gwo* beef cattle. They can convert their maize, they convert their lucerne into beef and milk and therefore keep them off the market. Later on they will go in for other cash crops such as sugar beet or vegetables and so on to develop processing industries. In the first years, therefore, they are likely to produce crops which are in surplus supply anyway. As time goes on they are able to diversify and therefore keep those surplus crops off the market. The Minister has very rightly said that we must concentrate on high-priced cash crops for which there is a market. There is no point in our developing irrigation schemes in order to add to the maize in this country and to export at a loss. I would therefore ask the Mover of this Motion to be reasonable in his economic estimates related to irrigation. If the cost of irrigating an acre is £100 a year, as the Minister has just indicated, because you have got to pump water up 1,700 feet and then run it down the other side, that rules it out completely. We can only do that sort of thing, let us say, in time of emergency when we want to find employment for people and we do not have to recover that capital cost. But if the charge to the irrigator is more than about £10 a year, then he finds it quite uneconomic to irrigate and the money put into the capital development of an irrigation scheme will be lost when it closes down.

Mr. Speaker, Sir, I beg to support.

The Speaker (Mr. Slade). As it is 15 near the time for interruption of business I think I must call on the hon. Mover to reply.

Mr. Commodore Howard-Williams: Mr. Speaker, Sir, to begin with I would like the House to have my view that the hon. Minister did not produce a single argument to counter what I had said, except where he agreed with me. He drew a red herring across the whole

issue to begin with, by referring to Lake Rudolf which I had mentioned at the very inception of my speech which was something which I said was definitely doubtful but which we wanted to explore, or wanted him to explore. He agreed that was an important agreement, one which I suggest we are very right to sustain. He said also, Sir, that one has got to study the crops we can grow, and he went into the sugar business where he said that our possibilities of exporting sugar was limited by an international agreement. But—I see he is shaking his head.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Speaker, I thank the hon. Member for giving way, what I did say was that under the Commonwealth Sugar Agreement you could only sell under that Agreement 10,000 tons from East Africa. The world market is an open market and the price on the world market is a very, very low price.

Mr. Commodore Howard-Williams: I referred specifically in what I said to the fact that we should try and sell sugar—export sugar to the local market, not to the Commonwealth market, to the Congo mostly and to other local parts of East Africa.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Saturated.

Mr. Commodore Howard-Williams: He said there were certain things you cannot grow but I said initially that I would propose that we had an agronomist to tell us what we could grow. I particularly specified that.

He mentioned that there were a lot of human problems, but the point that I hoped I had made was that we should be wise to put these people on what was going to become their own land. No one succeeds so well as doing something for himself. I, personally, stressed the point that we should certainly see that the people themselves benefited. It might take ten years or so for them to own their land through a cess on their crops, but that was important.

He also said, Sir, that the United States of America was not interested in this project on the Tana River.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Mr. Speaker, I must ask the hon. gentleman—the hon. Member—once again to please get his facts correct. I never said the United States of America were not interested, I said we had had a visit from the largest agricultural company in the world and they, at this stage, were not

[The Minister for Agriculture, Animal Husbandry and Water Resources] interested. Although they are pretty mighty they are not as mighty as the United States of America.

Mr. Commodore Howard-Williams: I am sorry, Sir, but I thought he said that. Would he please tell me whether that firm was the largest firm in the world or was it in the United States of America?

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): No, but they have great interests in the United States of America.

Mr. Commodore Howard-Williams: Well, Sir, if they are not interested would he please allow me the pleasure of introducing him to someone who might be interested?

Again with rice, I put out the point that I thought that rice could be fed to pigs. I did not know definitely but I thought that was an important point which was one way of getting rid of our surplus rice. He talked in terms of 3,000 acres and then got on to 3,000,000 acres fairly smartly, and took the opportunity to come at me about my facts.

He also mentioned, Sir, about conserving water into dams but he did not mention the most important part of my speech which was that the water from these dams must be piped; it is not sufficient to put it into canals, you have such a vast waste of water.

The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. McKenzie): Interruption.

Mr. Commodore Howard-Williams: I beg your pardon? Now he said, Sir, that I virtually agreed to tear up international agreements. I think, Sir, that when the new Kenya gets its independence and East Africa gets its independence they will be completely independent of the Agreement which we have negotiated.

The Minister for Local Government and Lands (Mr. Havelock): No, no!

Mr. Commodore Howard-Williams: Well, that is my belief. I am standing my ground on this point because His Excellency the Governor said something about the agreement of the Masai and the Sultan of Zanzibar. I think you will find that when they get their independence they will be able to do what they please with agreements—at their peril. I do not say they will do it quite irresponsibly. I would like to thank the hon. Minister for his courteous offer to take me—of all people—with him in an aeroplane down to Hols

and I look forward to going there on condition that he brings me back. I will not take more than another minute or so, Sir.

He also courteously said he would take me to the Kano Plain. I thank him, Sir, for the offer of certainly considering the prospect that this committee will be formed, and the prospect particularly of my friends being represented on it on the basis of 60/40. I cannot, at I have said before, commit my friends but I think you will find that something practicable will be done for Kenya that way.

Now, Sir, I have one point and one point only remaining. I am going to conclude on it because it is an important point. The Minister said that we could over-produce milk and butter and we had to be careful. I personally think, Sir, that that was a most retrograde remark. To think that we have got 6,500,000 people in this Colony who would be developed, by milk and butter, if they could only have access to it! For heaven's sake we can never produce enough and we must show that something is very wrong in the State of Denmark because I frankly think that we have got to devise ways and means of getting that milk and that butter to the Africans.

I accept, as he does, that we do not want millions of tons of butter.

With those few words, Sir, I beg to move.

The question was put and carried.

MINISTERIAL STATEMENT.

TERMINATION OF LIFE OF COUNCIL.

The Acting Chief Secretary (Mr. MacKenzie): Mr. Speaker, Sir, this is a solemn occasion and it is also rather a sad one in which we come to say goodbye to one another at the end of this Council.

Sir, we have had many debates in this Council, we have had our disputes, we have had our divisions, we have had our frustrating moments and we have also had our exhilarating ones. But, Sir, I think that during the life of the Council, as happens in all assemblies of this kind, there does come into being a certain corporate spirit which one finds not only on the Floor of the House but also in the other precincts of this Chamber. I think, Sir, we can all say that as this Council has sat, we have on many occasions, despite all our apparent differences and the real differences that there have been between us, we all have been conscious of the fact that we are all Members of this House and that we have had a very great duty to bear towards all the people of Kenya.

Sir, in spite of everything, of all our debates, I think that on the whole we have grown to love this place and to enjoy the benefit that takes

WRITTEN ANSWERS TO QUESTIONS

No. 125

Mr. *Oziaga Oziaga* (Central Nyanza) to ask the Minister for Agriculture, Animal Husbandry and Water Resources:—

(a) Would the Government state what action it is taking to provide water for people in the dry areas of Central Nyanza?

(b) Is the Government aware that dams constructed have not remedied the position since they did not hold any water?

REPLY

(a) In the 1959/60 financial year, with the aid of a grant of £1,000 from the Land Development Board (Non-Scheduled Areas) on a £ for £ basis with the local people through their locational councils, a considerable number of protected springs and wells have been provided in Central Nyanza in the North Gem, South Gem, Seme and North Ugenya locations. For the 1960/61 financial year, the Board has offered to grant the district a further £2,000 on a similar £ for £ basis for other small water supplies.

In addition, during 1959/60, 16 dams and tanks were constructed in the Asambo, Sakwa, North Ugenya, Alego, Samia and Kisumu locations by the Dam Construction Unit operated by the Land Development Board (Non-Scheduled Areas), and all these works have proved satisfactory to the local people and authorities. All these dams have filled to capacity. The finance for the work was provided by another Land Development Board (Non-Scheduled Areas) grant of £2,500 on a £ for £ basis. An offer was made to all locational councils to participate in this programme, but I regret to say that only these locations I have mentioned were prepared to find the necessary matching funds. Indeed, at one stage, when the lack of interest of the locational councils indicated that no progress would be made, the Central Nyanza African District Council provided a grant of £1,000 to assist the district.

For the future, the Central Nyanza African District Council has agreed to take a £15,000 loan from the Land Development Board (Non-Scheduled Areas) in order to develop water supplies in co-operative areas. A draft plan has been prepared and so far 14 dam sites have been approved and surveyed, and clearance work has begun in the Bondo Division. Eleven further dam sites have been given a preliminary examination in Alego and Bunyala locations. An examination has yet to be carried out in Samia, North Ugenya, Seme and South Gem locations in con-

nexion with the programme, but the preliminary selection of dam sites will begin in the near future.

(b) The hon. Member's statement that the dams constructed in Central Nyanza do not hold water is only partially correct. A considerable number have been constructed over a period of years and are holding water.

However, he is right in so far as 12 dams are concerned. Six of these are in Samia location, two in Alego and four in Sakwa. The reasons for the failure of these dams to hold water is being investigated and it is hoped to remedy the situation.

No. 139

Mr. *Nyangab* (Member for Nyeri and Embu) to ask the Minister for Internal Security and Defence:—

(a) How many K.E.M. boys are in the Junior Leaders Course at Kahawa or any other Army establishment?

(b) How many members of the K.E.M. tribes have applied (i) successfully, or (ii) unsuccessfully for the Sandhurst Officers' Training?

REPLY

(a) There are no Kikuyu, Embu or Meru boys in the Junior Leaders Course at Kahawa, or in any other Army establishment.

(b) One hundred and sixteen members of the Kikuyu, Embu and Meru tribes have applied for selection as cadets of the Royal Military Academy at Sandhurst. None has yet been successful in his application.

No. 142

Group Captain *Briggs* (Member for Mount Kenya) to ask the Chief Secretary:—

Concerning the remarks attributed to the Minister for Labour when speaking in Mombasa to the effect "That the movement of 600 men of the Duke of Wellington's Regiment to reinforce the strategic reserve in Kenya was unnecessary" and "That when an African Government arrived the strategic reserve would have to leave the country."

Will the Chief Secretary say whether these statements are in accord with Government's policy and, if not, how they are reconcilable with the principle of collective responsibility?

REPLY

The remarks were not made by the Minister while speaking at a public meeting in Mombasa, but when answering questions on labour matters at a press conference in the Minister's Mombasa Office.

The statements referred to the policy of some future Government and not to that of the present Government, and, therefore, the question of collective responsibility does not appear to arise.

† No. 144

Group Captain *Briggs* (Member for Mount Kenya) to ask the Chief Secretary:—

Whether the Government is aware of the statement attributed to the Minister for Commerce and Industry to the effect that "We, the Africans, are on the threshold of being the masters of Kenya" and if this represents the views of the Government?

REPLY

The Government is aware of the statement attributed to the Minister for Commerce and Industry, who went on to say, "Let us resolve that we shall be responsible masters, conscious of the economic needs of the country, free from racialism, tribalism and sectional interests."

I regard this statement as no more than saying, in general terms, that Kenya is likely, in due course, provided certain conditions are fulfilled, to attain self-Government followed by independence under a Government consisting predominantly of Africans. This is in accordance with the views of the Government.

