

1935

38003/2

CO 533/453

38003/2

KENYA

Ethiopian - Sudanese frontier

— Border Courts.

Previous

23003/1/24

Subsequent

1926 file

38003

C.S.

Underwood.
(State)
Chapin.
Lukan.

1. Governor Bygone 31 Jan / _____ 22 February 35
Lukan, a copy of a report on the first meeting of the
Turkana - Merille - Dongoro Border Court, furnishes his views
thereon ^{substantively} for further action.

The first session of the Lukiko was not a great success. 13 cases were considered, 4 were settled, 5 referred to the Appeal Tribunal, and 4 adjourned pending further investigations. It is significant of the attitude of the Merille Elders that a unanimous decision was reached in the one murder charge against the Turkana, but in the 3 murder charges in which the Merille were the defendants, no decision was reached. This is said to have been due largely to the refusal of the Kenya Government's representative to entertain the Merille claim in respect of losses inflicted by K.A.R. in the operations in June 1933. A report of the operations is flagged on 3015/1/33.

The Merille claim in respect of this incident, compensation for 116 ^{Merille} killed and for the loss of 4894 cattle and 7582 sheep and goats.

It is now proposed, with Captain Whalley's full agreement, to ask His Majesty's Minister at Addis Ababa to represent to the Ethiopian Government the desirability of modifying the Agreement so as to confine the Court's activities to future disputes. (By the terms of the Agreement, the Lukiko deals with claims which arose subsequent to the 1st August 1927. All rights to claims prior to that date were waived.)

(A copy of the Agreement is flagged on 25002/1/34)

As regards Kenya's outstanding claims for raids in 1928 and 1929, amounting to £37,753, the Governor would be prepared to abandon those provided the Ethiopian Government would liquidate a claim of £3,300 in respect of a raid in September 1933. Abandonment

of the major claim would be on the ground that retribution for Turkana losses before September 1933 had been exacted by the military action in June 1933. We are asked to make representations to the Foreign Office on those lines. ? Action may be deferred pending consultation with Mr. Glenday at the end of this month.

(A copy of the despatch has been sent to Mr. Glenday and Mr. H. H. H. H.)

A. H. H. H.
28/5/35

Kijana's proposition as to the usefulness of the Border Court has been abundantly justified. The root of the trouble is probably to be found in (P) on p. 11 of Mr. Horgan's Report.

I agree that a talk with Mr. Glenday next week would be a very useful preliminary to writing to H.O. ? by when he calls.

H. H. H. H.
28/5

I cannot help forming the impression that the people in Kenya are expecting too much from the very first meeting of this so-called Border Court. Nobody ought to have expected that a gathering of this kind would function in a manner consistent with our ideas of a diplomatic conference or court and they have got to put up with things as they are. It is admitted

3
admitted that there are some signs of the court functioning with some degree of success in respect of minor incidents and, if they begin this, ^{it is 6 or 7 April 35} ~~then~~ they will go on.

The suggestion to drop the old claims prior to 1933 is, I think, a good one. The claims are no doubt abundantly justified, but there is ^{even} ~~also~~ less doubt that we shall never get a halfpenny out of Abyssinia, and it is on the whole better now that we have got a sort of a court to prop the old claims and let the ~~the~~ court start with a fairly clean slate on which it can make marks.

I agree that we had better consult with Mr. Glenday before we say anything to the F.O.

J. S. H. H.
1.3.

The papers were intercepted for a conversation with Mr. Glenday this morning at which Mr. Flood, Mr. Freeston and I were present.

In Mr. Glenday's opinion the Border Court will never be practicable. In fact, it constitutes a menace because, whereas the Kenya tribesmen (Turkana) are controlled, the Abyssinian tribes (Merille) are well armed and quite uncontrolled. Meetings of Kenya and Ethiopian tribal leaders invariably result in friction. The intransigent attitude of the Merille elders is largely due to pressure from the young Merille warriors who are given to spear blooding. Any decision against the Merille is met by demands for reprisals. In short, Mr. Glenday, whose views are well known to the Governor, considers that it would be the best possible

thing

thing if the Border Court agreement could be dropped at the earliest opportunity, and if future negotiations could be carried out by direct contact between local representatives of the two Governments (i.e. the British Consuls at Maji and Mega, assisted by District Officers, and the local representatives of the Central Ethiopian Government). He thought that the Governor's proposals were in the nature of a face saving measure to help H.M.'s Minister at Addis Ababa and Captain Whalley, but he was quite prepared to agree that they should be tried.

C.H. Rossmith

2.4.35.

Mr. Gledhill's views deserve the fullest weight; he knows more about actual conditions on the Border than any man in Kenya (or London). But, as he himself remarked, they are already familiar to the Governor, and it would be a mistake in writing to F.O. to introduce any expression of Mr. Gledhill's opinion in contradiction of Sir Joseph Blythe's own recommendation.

Yes that would do and would be very unfair to Mr Gledhill who made it quite clear that the Governor's view must go.

? Copy to F.O., saying that Sir J. Blythe endorses Gledhill's view, & asking that, if Sir J. Blythe sees no objection, H.M.'s Minister at Addis may be requested to make representation to the Emperor as suggested by Sir J. Blythe in para. 6.

Director
2/4

Yes. Mr. Gledhill has convinced me. I was of opinion that the Court might develop and might be some use. But conditions are such that it can't be unless Abyssinia can exercise tight control over its tribes which won't happen for years if ever.

he want too much of the Court and Abyssinia can give too little.

J.T.W. Gledhill

2-4

Yes. Action proposed by the Federation at once. Like the League of Nations, it is not able to preserve it. We may get some help in a local difficulty but Ethiopia has not Italy & Ethiopia has fallen far of an inch.

J.P.W.
3/4/35

2
F.M.

To F.O. (para 1)

Was 10/4/35

Foreign Office 29 April 35.
Trans. copy of file from H.M. Rep, Addis Ababa
requesting obs. on No. 1.

DESTROYED UNDER STATUTE

6.7 Jan

SD 1/5

DM

Extract from The Times of 16 April 35
Regd. in accordance with minute of 17 April 35 on 22265/30

DESTROYED UNDER STATUTE

6.7 Jan

SD 2/5

DM

Reply to No. 2 has not yet been received

9/8/35

News that 3 months have passed
since the 70. telegraphed to
Addis Ababa for Sir S. Barton
views on No. 1. We might
in return 70. 4.

C.A. Brown

Hardly an effective moment to

received.

by in 3 months

9/8/35

11/11

Foreign Office 15 Aug 35

Trans. copy of despatch from H.M. Representative Addis
Ababa furnishing obs. on No. 1 enclosing copy of report on
the Border Court meeting, also despatch enclosing a copy of a note
to the Ethiopian Govt of F.A. regarding the Border Court.

Sir S. Barton's note to the Ethiopian
Government - (see flag A) - shows quite clearly
the grounds on which the Kenya Government is
prepared to accept M.T. £33,000 in liquidation
of their claims for raids up to September 1933,
namely, to enable the Border Court to reassemble
with no past claims for murder to consider.
Copies of the other correspondence in No. 5 have
been sent to Nairobi, but it is not clear that a
copy of Sir S. Barton's note has been sent to the
Acting Governor.

Copy should be sent together with
copy of No. 2, and at the same time we might invite
reference to Sir S. Barton's despatch to the Foreign
Office of the 8th of May - (see flag B) - in which
he submits "that the time has now come when the
demarcation of the whole frontier between Kenya
and Ethiopia should be undertaken as soon as
possible in the interests of good relations between
the two Governments." I submit draft for consen.

C.A. Brown 19.8.35

I agree

Thacker 20/8

To Kenya, Conf (6) (nos 2 + incl 6) 21.8.35

lft to 70.

7000 3.0. (ref 6)

1/11/35

18/11

28/8/35

26 AUG 1935

8. A/ld. Secretary str. Conf. — 13th Aug 35.

Trans. copy of despatch to H. M. Minister, Arctic Alaska
enclosing copy of report by the Comd, Turukana District, regarding
a second meeting of the Board, & furnishing same. Cherson.

The meeting of the Comd

was to have been held on

successful but before

the Comd F.O. L.F.

for it

W. J. Jan 1935

W. J. Jan 1935
5/11/35

9 To FO. (1088) aka 6/9/35
RM

10. Col. Sec. - 3 p - Conf. — 16.10.35

Two copies of despatch KHM 113 Minister at Arctic Alaska
regarding the possible re-appointment of
Fildarson Babre Marion to the command of the
Lode Rudolf area.

Copy to FO. 4. inf.

Ref. 9.

W. J. Jan 1935
9/11/35

11 To FO. (1088 + encl.) aka 12/11/35

1500-12
6



CONFIDENTIAL.

THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
NO. S/A. XAF. 42/1/2/67.
AND DATE

16 October, 1935.

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and, with reference to the former's Confidential note No.S/A. XAF. 42/1/2/IV/61 of the 13th August, has the honour to transmit, for information, the accompanying copy of a despatch, No.A.XAF.42/1/2/IV/66 of the 15th October, which has been sent to His Majesty's Minister, Addis Ababa.

(16)

Copy of mail to F.O. (11)

Paul

15 October, 1955.

Sir,

I have the honour to refer to paragraph 1 of Captain Whalley's despatch No.44 of the 17th August regarding the recent changes in the administration of the Maji Province of Ethiopia, from which it is observed it may be the intention of the Provincial Government to recall Fitaurari Haile Marian from Namurupus and to reappoint Fitaurari Gabre Marian to the command of the Lake Rudolf area.

2. You will be aware that the command at Namurupus has been the subject of much correspondence in the past, and of repeated representations by yourself to the Ethiopian Government.

In particular I would invite reference to my despatch No.A.XAF.42/1/2/III/78 of the 12th October, 1954, in which the adverse effect which Gabre Marian's return to Namurupus would have on affairs on the frontier was emphasised.

You will also be aware that this official has always been regarded by this Government as having been to an extent responsible for the massacres of Turkana tribesmen by the Gelubba near Todenyang in September, 1953.

3. Since

HIS MAJESTY'S MINISTER,

BRITISH LEGATION,

ADDIS ABABA.

3. Since his return to Hamarupus, Fitaurari Haile Mariam has been responsible for a considerable improvement in the relations not only between these two tribes, but also between the local British and Ethiopian officials; and evidence of this is to be found in the comparative success of the second meeting of the Border Court held in July of this year.

4. I trust that you will continue to make such representations to the Emperor as may be possible in the present difficult circumstances with a view to securing the retention of Haile Mariam at Hamarupus.

I have the honour to be,

Sir,

Your most obedient servant,

J. BYRNE

Brigadier-General,
GOVERNOR.

8 9

CONFIDENTIAL.



THE SECRETARIAT,
NAIROBI,
KENYA.

RECEIVED
- 2 SEP 1935
C. O. REGY

WHEN REPLYING
PLEASE QUOTE
No. S. / A. XAF. 42/1/2/IV/61.
AND DATE

August, 1935.

No 1

The Acting Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and, with reference to Sir Joseph Byrne's despatch No. 31, Confidential, of the 22nd February to the Secretary of State, has the honour to transmit, for information, the accompanying copy of the Acting Governor's Confidential despatch No. A. XAF. 42/1/2/IV/59 of the 10th August to His Majesty's Minister, British Legation, Addis Ababa, with enclosures.

=====

by A. F. O. (9)

Pas

10
KEHYA

NO. A.XAF. 42/1/2/IV/59.

CONFIDENTIAL.

10 August, 1935.

Sir,

No1
E.L. 6N05.

I have the honour to refer to Sir Joseph Byrne's despatch No.51, Confidential, of the 22nd February, to the Secretary of State, a copy of which was enclosed in this Government's Note No.A.XAF. 42/1/2/IV/15, Confidential, of the 23rd February, and to paragraphs 2 and 3 of your despatch No.54(15/34/35) of the 8th May to the Secretary of State for Foreign Affairs on the subject of the Turkana-Merille-Donyiro Border Court.

2. I now enclose a copy of a Report which has been received from the Officer-in-Charge, Turkana District, regarding a second meeting of the Board held on the 6th, 8th and 9th July.

No1

It will be observed that the deliberations of the Board were confined to current and minor claims on the lines proposed in the correspondence referred to in paragraph 1 above, and that the results establish the position in regard to the Board's functions as set out in Sir Joseph Byrne's despatch of the 22nd February.

There can be no doubt that the more friendly atmosphere which was apparent during the session is to an extent attributable to the more conciliatory attitude adopted by Fitaurari Haile Marian; and you may consider it desirable to invite the

HIS MAJESTY'S MINISTER,

BRITISH LEGATION,

ADDIS ABABA.

the Emperor's attention to the recent improvement in the relations between not only the representatives of the tribes concerned, but also between the local Ethiopian and British officers, which is so greatly in contrast with the previous situation and experience of this Government.

File No 5

S, The results of the recent session indicate the desirability of an agreement being reached as early as possible on the points referred to in your despatch of the 8th May to the Secretary of State for Foreign Affairs, and I shall be glad to learn whether any reply has yet been received from the Central Government. If no reply has been received it would be much appreciated if you could see fit to press for an answer.

I have the honour to be,

Sir,

Your most obedient servant,

A. DE V. WA

ACTING GOVERNOR.

COPYOffice of the Officer in Charge,
Turkana District,
Kapenguria, 25th July, 1935.The Hon'ble the Colonial Secretary,
NAIROBI.BORDER COURT.

I am forwarding a report from the District Commissioner Lodwar on the Court recently held at Todenyang with Fitaurari Haile Mariam and his son, together with the return of cases dealt with.

2. I think you will agree that to reach finality in 6 out of 9 cases is a remarkable achievement, and a great improvement on the results of the last Court. The success of this Court is, I think, largely due to the very different personnel which represented Abyssinia.

3. Haile Mariam seems only too anxious to establish cordial relations with us. Ras Guetacho is hardly so helpful, and his deputy, Dejezmatch Ergate is usually very obstructive.

4. In one respect only is comment offered. The Ethiopian officials arrived very suddenly at Namaraputh, and it was not until they were there that we knew that they wished to hold a Court. It would help considerably if some notice of their intentions were given in the future.

(Sd.) C.E. Thompson.

Officer-in-Charge,
Turkana District.

Copy to D.C. Lodwar, ref.his 112/1/Vol.VII/66 of 18.7.35.

Office of the District Commissioner,
Turkana District,
Lodwar, 18th July, 1955.

The Officer-in-Charge,
Turkana District,
KAPENGURIA.

REPORT OF THE PROCEEDINGS OF A MEETING OF
THE BORDER COURT HELD AT CONSUL'S ROCK ON
6TH, 8TH AND 9TH JULY, 1955.

Acting under the instructions contained in para 3 of your ADM.2/1/55 dated 25th June 1955 I proceeded, in company with the District Officer Lokitaung, to Todenyang on 4th July for the purpose of holding a meeting of the Border Court with the Abyssinian Authorities who had, as you are aware, rather suddenly appeared for this purpose.

2. On 5th July Fitaurari Haile Mariam, accompanied by his son Lij. Demissie came to Todenyang to discuss with the District Officer and myself the cases which were to be heard by the Court which, it was decided, should hold its first meeting on the following day.

3. On 6th, 8th and 9th July meetings were held at Consul's Rock there being present on the three occasions - in addition to the 4 officers mentioned in the preceding paras - 5 Turkana Elders (including Chiefs Ekal and Lochumpa and 5 Donyiro and Merille Elders (including Chief Dabbo of the latter tribe). There were also present in addition to a fully armed Abyssinian bodyguard of about 11 soldiers, not more than 20 of the general public.

4. 9 cases were down for hearing - 4 new cases, and 5 postponed from the previous Lukiko.

5. Of the 9 cases for investigation before the court I am glad to be able to report that 6 were finally disposed of leaving 3 for the next session. The appendix

shows

shows the judgments and action taken in each and every case.

6. I think that the Lukiko may be claimed as having been distinctly more successful than its predecessor if for no other reason than that there was a complete absence of bad feeling between members. There seemed to be a genuine desire on the part of the representative elders to come to definite and amicable agreement in the cases brought up for discussion, and as has been shown in para 5 above they were definitely successful in their efforts. At the close of the last meeting one and all spoke of their desire for peace and the discontinuance of eternal stock thieving.

7. In conclusion, it would I think, be only fitting to bring to your notice that the utmost cordiality existed between the officers of this Government and Fitaurari Haile Marian. The dignified courtesy of this official did much to bring about the better feeling which I believe characterised this Lukiko.

8. It was impossible to hold a meeting of the Appeal Court in the absence of both Dejazmatch Regate and H.B.M.'s Consul.

(Sd.) H.G. Gregory Smith.

DISTRICT COMMISSIONER.

Copy to:-

The District Officer, Lokitaung.

No.	Date of hearing	Plaintiff.	Defendant	Cause of Action.	Judgment of Native Council.	Remarks
5	18/1/35	Lomakwor s/o Lochwer Merille Chief Dabbo.	(1) Lochumpa s/o Nauthe Chief Lochumpa Turkana (2) Atana s/o Lokowg Chief Lochumpa Turkana.	Theft and unlawful possession of 24 sheep and goats - the property of the plaintiff. At Lumian on 25/12/34.	-	See H/1/21 Vol. 2 (P.S.O.) Postponed pending further investigation. 25/1/35. (Sd.) P.S. Osborne. D.O. Balance of 2 sheep handed over to Chief Dabbo before the Lukiko on 6/7/35. (Sd.) J.W. Cusack. (22 sheep and goats having previously been returned on 30/1/35, and receipt acknowledged by Lij Demissie.) (Sd.) J.W.C.
6.	18/1/35	Korinyang s/o Luyawi Ngwatela, Turkana.	(1) Unknown - Donyiro (2) Chief Tutchia.	Theft of one cow in May 1934 and unlawful possession by Tutchia.	Cow is in possession of Tutchia, Chief of Donyiro, at Lokruwa Topothan country, and will be returned as soon as possible. Case one of straying not theft.	Case finished cow to be handed over as soon as possible. 18/1/35. (Sd.) P.S. Osborne. D.O. Fit.H.M. to write acknowledging this. (Sd.) P.S. Osborne. See H/1/18. (Sd.) P.S.O. Cow received before the Lukiko on 6/7/35. (Sd.) J.W. Cusack. D.O.
7.	18/1/35	Dabbo s/o Lomoramoi Merille.	Etninyon s/o Ngwatela. Turkana.	Theft of 4 sheep.	-	Postponed pending further investigation. 25/1/35. (Sd.) P.S. Osborne. D.O. 4 sheep handed over to Chief Dabbo before the Lukiko on 6/7/35. (Sd.) J.W. Cusack.
11.	22/1/35	Keriwo s/o Lokwar Donyiro	Chief Lochumpa Turkana	2 camels strayed and finally reached Lochumpa's manyatta where they still are. July, 1934.	-	22/1/35. Postponed pending further investigation. NO notice whatsoever of this case was given until the day of hearing. (Sd.) P.S. Osborne. D.O. 22/1/35. 8/7/35. Postponed pending receipt of further information. (Sd.) J.W. Cusack. D.O. 8/7/35.
12.	22/1/35	Gurale s/o Adokoko Merille	Unknown Turkana	Theft of 7 head of cattle near Meyen - December, 1935.	-	Postponed pending further investigations. See H/1/17 Vol. II 22/1/35. (Sd.) P.S. Osborne. D.O. Postponed for xx of fresh Merille witnesses by D.O. and report to next Lukiko. (Sd.) J.W. Cusack. D.O. 9/7/35.

No.	Date of hearing	Plaintiff	Defendant	Cause of Action.	Judgment of Native Council.	Names of Elders.	Remarks.
14.	6/7/35.	The Lukiko asked to decide the nationality (whether Donyiro or Turkana) of one Lokale, remitted to the Lukiko for the answer to this question by H.M.'s Consul, Maji and the Maji Chilot; and brought before the Lukiko by Fitaurari Haile Mariam.	(Sd.) J.W. Cusack.		Unanimous decision of Elders that Lokale is a Turkana, Section Nyssigie, whose father was named Ebei and whose mother Eberu. (Sd.) J.W.C. D.O. 6/7/35.	Lochumpa. Ekal Emonyang Zalinga Loyoto Dabbo (M) Tucha (D) Natare (M) Agafari (D) Lokwar (M)	Lokali himself agrees that he is a Turkana as decided by the Elders and that he will live with his section in Turkana country. (Sd.) J.W.C.
15.	6/7/35	Loyeli s/o Lokulan Merille - Section Amonyabuk.	Erype s/o Lokwii Turkana - Sec. Ngwatela, Chief Ekadille (?)	Theft of a rifle, a coat and a bandolin of ammunition, containing 56 rounds.	-	As in Case 14.	Postponed pending further investigation (vide H/2/4 & Vol.I.) (Sd.) J.W. Cusack. 6/7/35.
16.	8/7/35.	Lokale (Merille) Chief Amonyabuk.	Kachada (Turkana) Chief Lokwaras.	Misappropriation of 2 head of cattle, contrary to tribal custom (marriage dowry)	Unanimous decision for Defendant who is held to have lawfully by native custom obtained the cattle from his mother.	As in Case 14.	Kachada retains the two head. (Sd.) J.W. Cusack. 9/7/35.
17.	9/7/35.	Alai Engomo (Turkana) Chief Lochumpa.	Chief Dabbo (Merille)	Recovery of 2 camels strayed into Merille.	Elders unanimously agree that camels did so stray. (Sd.) J.W.C. D.O. 9/7/35.	As in Case 14.	* Chief Dabbo accepts responsibility and agrees to search for and return camels. (Sd.) H.E. Gregory Smith. DISTRICT COMMISSIONER.

Notes:

- * Since the Lukiko meeting information has been received from the District Officer Lokitaung that these two camels have been handed over to the Plaintiff.

C. O.

Mr. *Sumner* 19/10/35
Mr. *Lee* 20/10/35
Mr. *Freeman* 20/10/35

387007/3/35

17

Sir C. Parkinsson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.



26 August, 1935

Sir,

I have etc. to acknowledge

DRAFT for comment

Kenya

Conf. (5)

C.A.G.

(H)

the receipt of Sir Joseph Byles,
Confidential despatch No 31 of
the 22nd of February, containing
his proposals for the
modification of the Turkana-
Merille - Somira Border
Court Agreement, and to
transmit to you a copy of
a letter which my
predecessor caused to be sent
to the Foreign Office asking
that His Majesty's Minister
at Addis Ababa should be
instructed to make
representations to the

Ethiopian

To 70.
19/10/35 (2)
18/10/35
19/10/35
P.A.

copy to 70

FURTHER ACTION.

copy to 70-LF

Ethiopian Government as desired
by Sir Joseph Byrne.

2. Sir Sidney Barton has been in communication with the Ethiopian Government, as will be seen from the despatch accompanying copy of his Note, dated the 13th of July, but so far as I am aware, the Ethiopian Government has not yet responded.
3. I take this opportunity to invite your attention to Sir Sidney Barton's despatch No 54 of the 8th of May, a copy of which was sent to you direct. In the seventh paragraph of the despatch he submitted that the time has now come when the demarcation of the whole frontier between Kenya and Ethiopia should be undertaken in the interests of good relations between the two Governments. I agree that it is most desirable that the frontier should be demarcated as soon as possible, but I consider that no useful purpose would be served at present by pressing the ~~the~~ Ethiopian Govt with this object in view, and I have no doubt that you will agree. I have etc.

In any further communication on this subject, please quote
 No. **J8389/521**
 and address—not to any person by name, but to—
 "Under-Secretary of State," Foreign Office, London, S.W. 1.

5
18

THE Under-Secretary of State for Foreign Affairs presents his
 compliments to **the Under Secretary of State**
 for the Colonies and, by direction of the Secretary of State,
 transmits herewith copy of the under-mentioned paper.

Foreign Office, **14**
 August 13, 1935.

RECEIVED
 AUG 19 1935
 C. O. REG.

Reference to previous correspondence?

Colonial Office Letter No **38003/2/35**
 Sept 10. No 2

Description of Enclosure.

Name and Date.	Subject.
From H. H. Minister at Addis Ababa No 54 of May 8 No. 87 of July 13	Kenya Ethiopian frontier affairs

copy incl of 13/1/35 & Kenya (6)

Similar letter sent to

ADDIS ABABA;

8 May 1935.

Sir,

E.L. & Nos
No 1

As instructed in your telegram No. 111 of 26th April I have the honour to furnish my observations on Kenya despatch No. 31 of 22nd February to the Colonial Office on the subject of the Border Court.

2. I agree that for the reasons set forth in that despatch it is desirable that an attempt should be made here to induce the Ethiopian Government to pay compensation for the Turkhana tribesmen killed in the raids by Gelubba tribesmen near Todenyang in September 1933 and that if this is obtained steps should then be taken here to modify the Border Court agreement so as to confine its activities to future disputes.

3. I will take up the question on these lines with the Minister for Foreign Affairs at an early date, but in view of the number of frontier matters already pending and of the preoccupation of the Ethiopian Government with their dispute with Italy I fear that some delay must occur in reaching a settlement, which intrinsically should commend itself to the Emperor as tending to relieve his Government from at least one embarrassment.

4. The Governor's covering despatch does not deal with the remaining suggestions for the future as put forward by the District Commissioner Turkhana on pages 12 and 13 of the enclosure, namely

(b) Withdrawal of cases of loss of life caused by inter-tribal raiding;

(c) Withdrawal of cases of theft;

/(d)

The Right Honourable Sir John Simon,

G.C.S.I., K.C.V.O., M.P.,

etc., etc., etc.

(d) Abolition of the Appeal Board.

but I am definitely not in favour of these suggestions - at least at this stage of our experience - if only because (b) and (c) are contrary to the principles which for some years past we have been endeavouring to apply on the Somaliland and Sudan frontiers in the settlement of inter-tribal raids by means of frontier meetings at which British and Ethiopian officials and tribal chiefs attend, and in the case of (d) because the Appeal Board has never been tried.

5. In view of the difficulties and expense involved in the administration of warlike tribes astride well-drawn or ill-defined frontiers, it is obvious that time is required to accustom the primitive type of official employed by the Ethiopian Government to the technique of co-operation, which for the same reason should be as uniform as local conditions permit, and in the case of the particular sector of frontier under consideration an investigation into the administration of Haji province is at present being carried out by a special representative of the Emperor at my request. If this investigation produces results it may be hoped that a better type of Ethiopian official will be available to continue the experiment of the Border Court in a manner less disappointing than that which characterized its opening session.

6. On the sector of the Kenya frontier east of Lake Rudolph there is now available the report of His Majesty's Consulat Negs, copy of which formed the enclosure to Kenya despatch No. 88 of 15th April to the Colonial Office. The Gelubba tribe grazes on both sides of Lake Rudolph and the issues involved in the presence of an Ethiopian post and Ethiopian tribesmen on the east side of the Lake are, as the Governor points out in his despatch to me of 3rd April, comparable to those involved in the area with which the

/ border

NO 31
38004/15
on case

(d) Abolition of the Appeal Board.

but I am definitely not in favour of these suggestions - at least at this stage of our experience - if only because (b) and (c) are contrary to the principles which for some years past we have been endeavouring to apply on the Somaliland and Sudan frontiers in the settlement of inter-tribal raids by means of frontier meetings at which British and Ethiopian officials and tribal chiefs attend, and in the case of (d) because the Appeal Board has never been tried.

5. In view of the difficulties and expense involved in the administration of warlike tribes astride well-drawn or ill-defined frontiers, it is obvious that time is required to accustom the primitive type of official employed by the Ethiopian Government to the technique of co-operation, which for the same reason should be as uniform as local conditions permit, and in the case of the particular sector of frontier under consideration an investigation into the administration of Haji province is at present being carried out by a special representative of the Emperor at my request. If this investigation produces results it may be hoped that a better type of Ethiopian official will be available to continue the experiment of the Border Court in a manner less disappointing than that which characterized its opening session.

6. On the sector of the Kenya frontier east of Lake Rudolph there is now available the report of His Majesty's Consul at Naga, copy of which formed the enclosure to Kenya despatch No. 88 of 15th April to the Colonial Office. The Gelubba tribe grazes on both sides of Lake Rudolph and the issues involved in the presence of an Ethiopian post and Ethiopian tribesmen on the east side of the Lake are, as the Governor points out in his despatch to me of 3rd April, comparable to those involved in the area with which the

Border Court has to deal on the west.

7. I am drawing the attention of the Ethiopian Government to the fact that the post at Bania which they have established for the control of the Gelubba in pursuance of the agreement with us of February 1933, has been wrongly located on the British side of the frontier, but I venture to submit that the time has now come when the demarcation of the whole frontier between Kenya and Ethiopia should be undertaken as soon as possible in the interests of good relations between the two Governments.

8. The recent completion of the demarcation of the British Somaliland frontier and the experience gained by that operation would seem to render the present time suitable for raising the question with the Ethiopian Government who have already, in 1931, expressed their desire to proceed by stages to the complete demarcation of all their frontiers with us, and I have the honour to submit this recommendation for your favourable consideration.

9. I enclose copy of the report received by me from His Majesty's Consul at Maji on the Border Court Meeting, and I am sending copies of this despatch to Nairobi and Maji.

I have the honour to be,

With the highest respect,

Sir,

Your most obedient, humble servant

(Sd.) S. J. H. J. H. J. H.

British Consulate,
Maji,
S.W. ETHIOPIA.

20th March, 1935.

Sir,

I have the honour to transmit to you herewith copies of the report of the District Commissioner, Turkana, on the first session of the Lokiko at Lake Rudolf, together with the Provincial Commissioner's report forwarding the documents to the Hon'ble Colonial Secretary Nairobi. I have the honour to inform you that the Provincial Commissioner, Turkana Province is now designated Officer-in-Charge, Turkana District.

2. I desire to make certain observations which are not covered by Mr. D.L. Morgan's report, and it would be redundant for me to make remarks on the running of the Lokiko as this has been so admirably and fully dealt with by Mr. Morgan in his report.

3. During the meetings of the Lokiko it was evident that the method of permitting Chiefs to give their decisions did not coincide with the ideas of Dejazmach Regate or the Amhara in general; at one time the Deputy Governor seemed determined to settle matters himself, or not at all. However certain progress was made, and, in my opinion, although the meeting cannot be described as a complete success, as a first meeting, it achieved more than at one stage in the proceedings seemed possible.

4. Inter-tribal relations on the border appeared to be on a far more friendly footing than hitherto; in fact my own

friendly

Sir Sidney Barton, K.C.V.O., K.B.E., C.M.G.,

etc., etc., etc.,

British Legation,

Addis Ababa.

friendly reception in Gellaba and Nyangatom country, for the first time, left but little to be desired.

5. It would appear that Dejzmach Regate and his soldiery thought they were losing prestige by the Lokiko, and it is only to be expected that an official of Dejaz. Regate's temperament should attempt to regain prestige by petty quibbling and interference with the first thing on which he could lay hands, viz, inter-tribal trade which was of a satisfactory, friendly and voluntary nature. Many petty and annoying incidents were produced by Dejaz. Regate and his soldiery, but fortunately we were able to dispose of them in a fairly satisfactory manner locally.

6. The Gellaba murderers of the Turkans fishermen in the incident at Todenyaung in September 1933, were not produced as promised. The Gellaba Chief Amunyabok was produced and made a statement before Mr. Morgan, Dejaz. Regate and myself (Vide Appendix C, Extracts of the Lokiko Register page 2, Case No.4, in Mr. Morgan's Report). It would appear this action is being taken in connection with a document to which Dejzmach Mangasha Yilma obtained Gellaba and Nyangatom signature in 1932. The English translation of the original document reads:-

We, the Chiefs of the Gellaba (Atto Masai, Amunyamuk, Aba Gurrach, and Debbo, four of us in all) and we also, Chiefs of the Bume of Nyangatom (Loteng, Lokwar, Agafari and Lotinga, four of us in all), Totalling 8 chiefs signatures, have agreed to the following:-

1. That we shall not quarrel nor fight with the Turkana in the future, neither will we do any bad acts towards them.
2. If in the future any members of our tribe kill others, or raid, we have agreed to pay back all the cattle and to produce the guilty persons and hand them over to our Government.
3. That if we Chiefs are unable to hand over the guilty persons, and are unable to return the stolen cattle we have agreed that our Government, or Shum (D.C.) appointed to our areas, can punish all of us

according

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according to the damage done and we have agreed and signed hereon.

4. We further have agreed and signed by inserting our thumb prints on the document that we are responsible for our own actions and those of the members of our tribes, and all our agreements will be written and remain in three places i.e.

One with the Governor of Maji
One with the Gellaba Chiefs
One with the Bume Chiefs.

Signed the 6th Miazia 1924 (or 15th April 1932) and written at Namoroputh Post.

In the early stages of negotiations with Ras Guetatcho and Dejaz. Regate it appeared they had no knowledge of this document to which I brought their notice in August 1934, and it was finally necessary to translate an Amharic version, and it was handed to the Governor at his own request. It would now appear that this Mangasha regime document has recently been brought into force for the Ethiopian tribes.

7. Whilst I was in Nairobi undergoing dental treatment I attended several discussions at the Secretariat in connection with the Lokiko. It appeared from the discussions that the Kenya Government are prepared to abandon all past Turkana Claims for compensation up to and including the King's African Rifles action at Lowanagippi, provided a token payment is paid for the Todenyaung massacres, this would allow the Lokiko to reassemble with no past claims to consider. I stated at the Nairobi discussions that I thought the chances of obtaining a token payment from the Ethiopian Government a possibility in view of the facts that it could be conclusively proved that the murders took place during Fitaurari Gabri Marian's reappointment to Namoroputh, after the Central Government's definite promise and undertakings to you that this Officer would never again be allowed to depart from Maji for Namoroputh. I beg to draw your notice to Mr. Morgan's report, Appendix C case 4 and you will see that the

Gellaba

Gellaba Chiefs admit to having killed 16 Turkana at Todenyaung, out of a total of 38 claimed for and checked by British Officials. Fitaurari Gabre Mariam was undoubtedly to blame for the massacres, and adopted the most unaccommodating and unfriendly attitude towards the British Officials both before and after the incident. Ras Guetatcho, himself, told Fitaurari Gabre Mariam in Mr. Champion's and my presence in August 1934, if he (Gabre Mariam) failed to produce the murderers of the Turkana the Ras would hold him responsible for the whole affair. Certain Amhara soldiery from Namoroputh stated they had counted 16 Turkana corpses, out of a total of 25 claimed at Todenyaung, but the massacre of some other 13 Turkana at Mayen and another locality were omitted as the Gellaba and Nyangatom Chiefs stated they knew nothing about these two separate actions, and refused to listen to witnesses.

8. I venture to request that you will consider the following. I suggest that as the Gellaba have admitted to the murders of 16 Turkana at Todenyaung that the Ethiopian Government should pay to the Kenya Government, in cash a token payment covering all the past maladministration by their administrative Officer Fitaurari GabreMariam who could have prevented the Todenyaung massacre had he desired to do so: had GabreMariam been unable to control the Gellaba the least this Officer could have done was to warn the Kenya Authorities of the possibility of a raid, in order that they could make preparations for the defence of the unarmed Turkana fishermen. It is quite certain, and beyond question that Fitaurari GabreMariam made no attempt to control the Gellaba and failed to inform the Kenya Authorities of the likelihood of a raid by the Gellaba which he knew would probably be the result of the Turkana having killed 5 Gellaba at Natade in the first place. You will notice that the Todenyaung massacre took place after the signature of the document by Gellaba mentioned in the

foregoing

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foregoing para.6. It should be remembered that the Turkana murderers of the Gellaba at Natade were arrested and are now serving their term of imprisonment somewhere between Nairobi and Mombasa, I believe in the vicinity of Lake Magadi; on the other hand the Ethiopian administrators have taken no action with the Gellaba except to temporarily bind them to a document signed in Dejaz Mangasha's regime and have generally applauded their retaliatory act.

I beg to suggest that the token payment should be based on the value of a human life as \$1,000, and that the total amount, which should in no way embarrass the Ethiopian Exchequer, should be £2,000.

9. I am certain if such a course were adopted, frontier affairs on the Lake Rudolf frontier would improve once the cause of incessant friction i.e. past claims for compensation, was removed from the Lokiko. This would allow the Lokiko and Chiefs to reassemble with a clean slate, with all causes of bitterness removed. It should be remembered in 1932 that the Turkana Chiefs are alleged by the Gellaba Chiefs to have agreed to abandon past claims for compensation, and they only rallied at a meeting with Mr. Champion a day later again demanding compensation for the past actions of the Gellaba.

10. The Lokiko may not function in the accepted or generally understood sense for some time to come, but I am confident it will be of the greatest benefit for bringing the tribes together and allowing them to air any inter-tribal grievance they may have in a constitutional way.

11. One incident took place, during the session, which tended to revive old bitterness, was the fact that a Turkana who possessed no property or stock, stole 26 sheep and goats from Chief Debbo's (Gellaba) herds. It proved impossible to apprehend the thief or stolen stock for trial and return at the session, but both were eventually found, the thief has been

dealt

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dealt with and the stock was returned to Chief Debbo, whom I saw personally on my return journey to Maji, and Debbo expressed his satisfaction and gratitude to the Kenya authorities for their actions.

The Turkana tribesmen on the frontier are in the unhappy state of having suffered several years very severe drought conditions and much tribesmen's stock has died, leaving numerous very poor and stockless people who may cause trouble in future thieving. It is hoped the Kenya Government will introduce tribal responsibility for such type of thefts if and when, they do take place, in order that the Ethiopian tribesmen may not be the losers merely because the actual thief has no property or stock.

12. I beg to refer you to my telegram No.10 which reads:-

Begins:- My telegram No.10 reference your telegrams No.2 and No.3 The Amharic text differs materially from translation in the sense that Amharic clearly states that claims for compensation for property and stock only are to be heard by Lokiko. Instructions received by Regate do not correspond with paragraph 4 of agreement regarding loss of life caused by inter-tribal raiding. Was this intended query. Ends.

The Emperor's telegram through you to Dejazmach Regate at Lake Rudolf omitted to mention the loss of human life, and Regate's interpretation of the instruction was that no case for the loss of human life for the past or future could be investigated or dealt with by the Lokiko. This is most unsatisfactory and I beg to assure you that only very definite instructions from the Central Government will make the Deputy Governor change his view. I am sure that loss of human life can be determined by the Chiefs in Lokiko for the future, provided the case is dealt with immediately after the deaths have taken place, and the delay in hearing the case is not unduly postponed. I shall be very grateful if you will kindly endeavour to arrange that instructions are sent to Ras Guetatcho

Guetatcho or Dejaz. Regate in the above sense, if you think fit.

I hope the days of large organized raids are past, but it is necessary to provide the Lokiko with the means for dealing with cases of sporadic murders carried out by young tribesmen for spear-blooding. It must be remembered that the year 1934 has been a year of peace on the Rudolf frontier, and it is earnestly hoped by bringing the Chiefs and tribes together three or four times a year in the future, that these most desirable conditions will continue.

13. I have the honour to transmit herewith some photographs taken by me during the session, they may be of interest and explanatory notes have been written on the reverse.

14. There is one difficulty which presents itself to me, it is the fact that there are now no Kenya Officials in Turkana who have had any actual experience of the Lokiko, or its preliminary negotiations, and it seems most desirable that matters should be settled on the basis of a token payment from the Ethiopian Government for past maladministration on the Turkana frontier. I am confident that with the removal of all causes of friction from the Lokiko i.e. past claims that the system holds out excellent promise for the future of peaceful and friendly relations.

I have, etc.,

(Sgd) R.C.R. Whalley.

H.B.M's. Consul, Maji.

Copies to:- Khartoum, Nairobi and Entebbe.

Copy.

(3389/52/1)

No.87 (15/41/35)

His Majesty's Minister at Addis Ababa presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the under-mentioned documents.

British Legation

Addis Ababa.

13th July, 1935.

Reference to previous correspondence:

Addis Ababa despatch No.54 of 8 May 1935.

Description of Enclosures.

Name and Date.

Subject.

To Ethiopian Minister for
Foreign Affairs, No.64 of
13 July 1935.

Kenya-Ethiopia
Frontier Affairs.

Addis Ababa.

July, 13, 1935.

Sir,

I have the honour to inform Your Excellency that the Government of Kenya Colony, having given a close study to the antecedents and the results of the Border Court held on Lake Rudolf from the 15th December, 1934, to the 26th January, 1935, have now requested me to bring the following to Your Excellency's notice.

1. Your Excellency will recollect that the Lake Rudolf meeting was the outcome of a long period of unrest on the frontier which had seriously disturbed the Government of Kenya. The convening of the Border Court was our mutual attempt to improve relations in that quarter. The results of the meeting, although not without promise for the future, were small. I feel certain that a glance at the report on the meeting which Hajj Muhammad Legette has no doubt submitted to Addis Ababa will show Your Excellency that the Court was only able to deal with a fraction of the claims outstanding between the Kenya and the Ethiopian tribes concerned.

2. The reason for the smallness of these first fruits of our joint effort to consolidate friendly relations between our frontier tribes was apparent to the British representatives who attended the Lake Rudolf meeting.

It was that many years of accumulated wrong-doing had overburdened the minds of the participating tribes, and that suspicion of the past prevented the tribes from considering

His Excellency
Salotelegata Harek, K.C.S.I.,
Minister for Foreign Affairs
of the Ethiopian Government.

/s/

with a quiet mind the smaller affairs of the present. Accordingly the Government of Kenya have formed the opinion, which I share, that unless an attempt is made to clear away from the path to reconciliation the accumulated encumbrance of old grievances and injuries, there can be little hope for the future.

4. Being convinced that some form of cancellation of the past is the best policy, the Government of Kenya have been considering what contribution they can make to such a settlement. They have reminded me that their unpaid claims for raids in 1928 and 1929 amount to £51,791, and that subsequent raids, on the subject of which I have not ceased to make representations to His Majesty The Emperor and to Your Excellency's Ministry, have raised the claim to £77,835. They nevertheless have authorized me to make to the Ethiopian Government the offer which I will now set forth.

5. The Government of Kenya insist that compensation should be paid to them by the Ethiopian Government in respect of the 36 Turkana who were massacred near Todenyang in Kenya on the 8th, 9th, September, 1933, by the Gallas. Particularly increased by this wholesale massacre of men, women and children, the Government of Kenya point out that, at the time of the slaughter Fitaurari Gabre Marian was in charge of the Ethiopian post at Hamoropus and that this official, against whose appointment to Hamoropus I had repeatedly protested to the Ethiopian Government was in a position, had he so desired, to give warning to the British military post at Todenyang in time to allow adequate precautions for the protection of the Turkana to be taken. The Government of Kenya (and I may add myself) have never heard of any serious attempt on the part of the Ethiopian authorities to take measures against the perpetrators of these massacres, although Ras Getache in August, 1934, in the presence of His Britannic Majesty's Consul at Maji, told Fitaurari Gabre Marian that he should produce the murderers of these Turkana or himself assume the responsibility for the affair. Such inaction the

Government of Kenya contrast with their own speedy action against the Turkana murderers of S Gellab in the previous incident at Natade on September 7th, 1933, which criminals are now serving terms of imprisonment in Kenya jails.

6. Your Excellency will find a record of partial investigations of these Turkana and Gellab murders at Todenyang and Natade in the joint report of the representatives of our Governments present at the Lake Rudolf meeting.

7. The Government of Kenya feel that, whatever else they sacrifice in their desire to obliterate the past, they must require compensation in the Todenyang affair. I have therefore the honour, on behalf of the Government of Kenya, to submit to the Ethiopian Government an application for the payment of N.Y.£38,000 in respect of the 38 Turkana lives lost in that affair. From this figure the Kenya Government are willing to deduct N.Y.£8,000 bloodmoney for the five Gellab lives lost in the preceding Natade affair mentioned at the close of paragraph 5 above, thus leaving the net Kenya demand at N.Y.£30,000.

8. The Government of Kenya request payment of this sum as a token. If it is paid they are willing to waive all their former claims and consider Turkana losses before that date as cancelled out by the losses inflicted on the Gellab by the British military action at Lomnagippi (near Adington) in June, 1933, which formed the subject of correspondence ending with my note No.11 of the 26th January, 1935, to Your Excellency.

9. To Resume:- The Government of Kenya formally request the payment of N.Y.£30,000, the balance due in respect of the massacre at Todenyang, in return for which they are prepared to wipe out their long account of claims up to September, 1933, thus allowing the Border Court to re-assemble, when eventually it is able to do so, with no past claims of compensation for murder to consider. I earnestly request Your Excellency to weigh the justice of making to the Government of Kenya this

/token

taken payment of K.S. 500,000, a sum which that Government have purposely cut down to a minimum in order not to embarrass the Ethiopian Treasury. I repeat that, if such a payment is made, the Government of Kenya are prepared to waive all their former claims and thus clear the Turkana-Gallab ^{to be} account for a fresh, and it is ^{to be} hoped more propitious, start.

I avail myself of this opportunity to renew to Your Excellency the expression of my high consideration.

Sgd. S. Barton.

2
34

C. O.

Mr. Grossmith.

Mr. *Frederick*

Mr.

Mr. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C. D.
R 8 APR
D 9

Downing Street,
10 April, 1935.

Answered by No 5
Sir,

I am etc. to refer to the

letter from this Department of the
6th of October 1934 (Reference 230037
1/34) and previous correspondence,
regarding the establishment of the
Turkana-Merille-Donyiro Border Court,
and to transmit to you to be laid
before Secretary Sir John Simon a
copy of a despatch from the Governor
of Kenya in which he comments on the
results of the first meeting of the
Court.

2. It will be observed that
negotiations in respect of the loss
of human lives were unsuccessful for
the reasons explained in the second
paragraph of the despatch, and that
with the full agreement of His
Majesty's Consul at Maji, Sir Joseph

DRAFT.

UNDER SECRETARY OF STATE,
FOREIGN OFFICE.

No 51
230021/34

From Gov. Kenya

Copy to Kenya (6)

FURTHER ACTION.

Byrne suggests that His Majesty's Minister at Addis Ababa should be asked to represent to the Ethiopian Govt. the desirability of modifying the Border Court Agreement so as to confine the Court's activities to future disputes.

3. The Governor's views and suggestions with regard to the settlement of the Kenya Govt.'s claims in respect of the raids of 1928 and 1929 and subsequent raids are set out in the sixth paragraph of his despatch. Sir Philip Cunliffe-Lister endorses those views and I am accordingly to ask that if Sir John Simon ^{has} no objection, H.M. Minister at Addis Ababa may be requested to make representations to the Emperor as suggested by Sir Joseph Byrne.

4. As regards the massacres of Turkana Tribesmen near Todenyang in September 1933 and the military action in June of that year to which reference is made in the sixth paragraph of the Governor's despatch, I am to invite reference to the letter from this

Department

C. O.

- Mr.
- Mr.
- Mr.
- Mr. Parkinson.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shackburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

No 97
30/11/33

Department of the 3rd of November, 1933 (Reference 3015/1/33).

I am, etc.

J. E. W. FLOOD

DRAFT.

FURTHER ACTION.

KENYA.

No. 31.

CONFIDENTIAL.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
13-MAR-1955
C. O. REGY

22nd February, 1955.

Sir,

No 52

23003/1/21

I have the honour to refer to correspondence concluding with your despatch Confidential (2) of the 6th October last regarding the establishment of the Turkana-Merille-Donyiro Border Court.

2. The first meeting of this Court was held between the 15th December, 1954, and the 25th January, 1955, and I enclose a copy of a Report by the District Commissioner, Turkana.

It will be observed from the Report that, though the results of the meeting show some signs of the Court functioning with some degree of success in respect of minor incidents, negotiations in respect of the loss of human lives broke down, partly on account of the refusal of this Government's representatives to entertain a claim by the Merille in respect of losses inflicted upon them by the King's African Rifles at Lonwanagippi in June, 1953, and partly owing to the fact that consideration of past claims had the inevitable effect of causing such ill feeling amongst the Elders of the Court and the tribesmen.

MAJOR THE RIGHT HONOURABLE

SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1

Copy of a.m.c. to F.C. (2) Approved (6)

tribesmen concerned as to jeopardise any hopes that might be entertained for the settlement of inter-tribal disputes through the medium of the Court.

No 95,
30/5/53

5. As regards the military action at Lomwanagippi, reference is invited to Mr. Moore's despatch No. 156, Confidential, of the 26th September, 1955. You will, I am sure, agree that no claims in respect of casualties inflicted on retreating raiders by pursuing troops can be entertained.

4. In regard to past claims, you will be aware from previous correspondence that this Government has never been sanguine as to the effectiveness of the Court as an instrument for the settlement of any but minor disputes, and it will be seen that the results of the first meeting have been so disappointing as to justify this diffidence.

No 48
23/6/53

5. Opportunity has been taken of the presence in Nairobi of His Majesty's Consul and the District Commissioner, Turkana, fully to discuss the position, and, in all the circumstances, it is now proposed, with Captain Whalley's full agreement, to ask His Majesty's Minister to represent to the Ethiopian Government the desirability of modifying the Agreement, a copy of which was enclosed in Mr. Pilling's despatch No. 117, Confidential, of the 17th August, 1954, so as to confine the Court's activities to future disputes.

It is still a matter for considerable doubt whether the Court will function satisfactorily,
even

5.

even subject to the proposed modification of the Agreement; and it is in fact more probable that the sphere of its utility will in the end prove to be limited, at any rate for some time to come, to effecting a periodical point of contact between the tribes concerned with a view to promoting more friendly inter-tribal relations. I must, however, make it clear that serious difficulties may easily arise in connection with these Courts if, in the presence of large meetings of inimical natives, a partisan attitude is adopted by either the British or the Abyssinian Officers. I hope it will be possible to avoid friction on this account, but it will be necessary for the British Officers to uphold their prestige and it is the case that Abyssinian officials have been more than suspected of connivance in raids. Functionaries such as Fitaurari Gabbra Mariam, to whom I shall refer later, would soon ruin what this Government must continue to regard as an experiment.

This Government is, however, reluctant, especially in view of what appears to be a genuine desire on the part of the Emperor to improve relations between the two Governments, completely to abandon the original proposal, and is therefore prepared to continue the experiment on the lines now proposed, at any rate until further experience has been gained.

In reaching this decision consideration has also been given to the opinion expressed in your

No 52.

your despatch of the 6th October, 1934.

23003/1/34

6. In regard to the major claim of £31,791 for raids in 1928 and 1929, which figure has been increased by subsequent raids to £57,755, the Officer-in-Charge, Turkana District, has suggested that, could pressure be exerted upon the Ethiopian Government to liquidate the claim of £35,000 or £3,300 in respect of the massacres near Tedenyang in September, 1935, details of which are contained in Mr. Moore's despatch of the 26th September, 1935,

No 95.

3002/1/39

referred to above and in my despatch No.175, Confidential

No 1.

23003/1/34

of the 20th December of that year, claims prior to that incident could reasonably be abandoned on the ground that retribution for Turkana losses before that date may be considered to have been exacted by the military action referred to in paragraphs 2 and 3 above.

While reluctant to abandon earlier claims the justice of which has been clearly established in previous correspondence, I am nevertheless prepared, having regard not only to the extreme improbability of ever securing satisfaction (see for instance paragraph 2 of the Foreign Office letter enclosed in your despatch of the 6th October last) and also to the fact that the existence of these disputed claims must militate against the consolidation of more friendly relations between the tribes concerned, to acquiesce in this arrangement on payment of the smaller amount by the Ethiopian Government. Should

No 50

23003/1/34

No 52.

23003/1/34

you

5.

you concur, it will be appreciated if you will request the Foreign Office to make representations accordingly.

It would appear probable that the present is a time when the Ethiopian Government might be inclined to adopt a conciliatory attitude towards this reduced claim, the settlement of which should no longer impose an undue burden on the Ethiopian Exchequer.

7. In further connection with this claim, I would invite reference to paragraph 6 of Mr. Moore's despatch of the 26th September, 1955. At the time of these massacres Fitaurari Gabbra Marian was in charge of the Ethiopian post at Namurupus, and there can be little doubt that this official was in a position, had he desired, to give warning to the military post at Todenyang in time to have allowed adequate precautionary measures to be taken. This, coupled with the fact that he had been reinstated at Namurupus in the face of the repeated protests of His Majesty's Minister at Addis Ababa should, it is suggested, afford a useful lever for exerting pressure on the Ethiopian Government.

No 95
2003/1/53

8. Generally, it is significant that there is no evidence of any serious attempt on the part of the Ethiopian Authorities to take measures against the perpetrators of these massacres, whereas the Turkana responsible for the preceding murder of Merille at Natade were arrested by this Government and adequately

adequately dealt with shortly after the event, see my despatch No. 54, Confidential, of the 5th April, 1954.

No 54


23003/1/54

9. I am communicating a copy of this despatch, with enclosure, to His Majesty's Minister at Addis Ababa.

I have the honour to be,

Sir,

Your most obedient, humble servant,



Brigadier-General,

GOVERNOR.

REPORT ON
LUKIKO SESSION
DECEMBER 13TH 1934 - JANUARY 25TH 1936

43

PRECIS OF EVENTS AT LUKIKO SESSION

December 15th 1934 - January 25th 1935.

- December 15th 1934. Dejezmatch Regate and Fitaurari Haile Marian arrive Namara, uth.
- " 14th " Mr. Osborne, District Officer, Lokitaung at Todenyang.
- " 15th " Fitaurari Haile Marian visits Todenyang for a discussion regarding submission of claims.
- " 20th " District Commissioner Turkana arrives Todenyang.
- " 22nd " Captain R.C.R. Whalley, H.B.M's Consul at Maji arrives at camped Consul's Rock
- Preliminary meeting held at Consul's Rock Present:- District Commissioner Turkana, District Officer Lokitaung, H.B.M's Consul, Dej: Regate, Fit: Haile Marian.
- " 23rd " Meeting with Ethiopian Authorities Todenyang. Merille claims handed in.
- " 24th " First meeting of Lukiko. Dej: Regate informed that Merille claim regarding losses incurred during K.A.R. action at Lowwangippi in June 1935 could not be considered by the Lukiko.
- " 27th " Second meeting of Lukiko.
- " 29th " Notification received from Dej: Regate that Merille Elders refused to attend Lukiko and that he had referred the matter to Addis Ababa by telegraph.
- January 5th 1935. Dej: Regate receives telegram from Minister for Foreign Affairs requesting particulars of the locality, losses and causes of action of Lowwangippi affair.
- " 7th " Dejezmatch Regate telegraphs his reply to the wire received from Minister for Foreign Affairs. All further meetings of the Lukiko suspended.
- " 16th " Dejezmatch Regate receives telegraphic instructions from the Emperor to resume the session.
- " 18th to 24th " Meetings of the Lukiko.

January 25th 1955. Makiko Session ends. Register of cases examined and signed by District Commissioner Turkana and Dejezmatch Regate

" 26th " District Commissioner Turkana, District Officer Lokitaung and Captain Whalley leave for Lokitaung. Dejezmatch Regate and Fitaurari Haile Maria leave Namaraputh for Maji.



CONFIDENTIAL.

Reference No. 112/1/Vol. VII/1.

Office of the District Commissioner,
Turkana,
Lodwar, 2nd February, 1935.

The Officer-in-Charge,
Turkana District,
KAPENGURIA.

FRONTIER AFFAIRS.

In confirmation of my W/T. No. TDG. 19 dated 23rd January, I beg to report that the "Lukiko" Session ended on 25th January, and I have the honour to submit this detailed memorandum of the negotiations and proceedings which took place at Lake Rudolf between 13th December 1934 and 25th January 1935.

A. RESUME OF EVENTS.

On the 13th of December 1934, Dejesmach Regate, Deputy Governor of Maji, accompanied by Fitaurari Haile Mariam arrived at Namaraputh, and Mr. Osborne, District Officer Lokitaung, reached Todenyang on the morning of the 14th.

2. Fitaurari Haile Mariam visited Todenyang on 15th December and briefly discussed the preparation of the Merille claims which he stated would be completed and handed in without delay. The Turkana claims, which had been prepared in August, had been forwarded to Namaraputh on 10th December to await the arrival of the Ethiopian Authorities.

3. I received information by wireless that Captain Whalley, His Britannic Majesty's Consul

..at Maji

at Maji was expected to arrive at the Lake on 18th December, and I accordingly left Lodwar on the 17th December for Todenyang. Owing to the lorry breaking down I did not reach the Lake until the 20th. Captain Whalley arrived on the 22nd December, having been delayed some days by heavy rains.

4. I had arranged with Dejezmatch Regate to hold a preliminary meeting at Consul's Rock on the 22nd, and on Captain Whalley's arrival we discussed details of procedure for the Lukiko Session. I drew the attention of the Dejezmatch to the fact that the Merille claims for compensation had not yet been received and he informed me that the list would be ready by the next day.

5. On 23rd December, Captain Whalley, Dejezmatch Regate and Pitaurari Hails Marian lunched at Todenyang. Before returning to Namarapath the Dejezmatch handed in the Merille claims.

6. The first meeting of the Lukiko was held at Consul's Rock on 24th December. A suitable Court House had been erected some time previously for the sittings of the Lukiko. A small hut had also been built by the Ethiopian Authorities.

11. A second meeting was held on 27th December.

7. On 28th December, at the request of the Dejezmatch, I confirmed in writing the decision that the Merille claim for losses incurred during the operation conducted by the King's African Rifles at Lowwanagippi in June 1955 could not be .. entertained.

entertained by the Lukiko.

8. In a letter dated 29th December, the Dejematch informed me that the Merille Elders refused to attend the Lukiko in the event of this claim being barred from consideration. The Dejematch added that he had referred the whole matter to the Minister of Foreign Affairs, Addis Ababa, by telegraph.

9. On 5th January, a reply was received by the Dejematch from Addis Ababa requesting particulars of the locality, losses, and causes of action of the Lowanagippi affair. The Dejematch telegraphed his reply on the 7th instant, and in the meantime all further meetings of the Lukiko were suspended.

10. On 16th January, the Dejematch received telegraphic instructions from the Emperor to resume the session and meetings were held from 18th January to the 25th January. On the completion of the Session all decisions, which had been recorded in the Registers, were signed by Mr. Osborne and Fiteurari Haile Marian, and the records were finally examined and signed by the Dejematch and myself.

11. On 26th January, the Dejematch and Fiteurari left Namaraputh for Maji. I returned with Captain Whalley and Mr. Osborne to Lokitsung on the same day.

Before leaving, Fiteurari Haile Marian stated that he would be returning to Namaraputh

in four months time and that his son Atto Demissie would be left in charge.

B. PREPARATION AND SUBMISSION OF CLAIMS.

In accordance with paragraph one of the Agreement drawn up and signed on 26th July 1954, by the District Commissioner Turkana and Dejezmatch Regate, the Turkana claims for hearing at the first session of the Lukiko had been prepared in August, and in this connection I would refer you to my letter No. 112/1/44 Vol. VI dated 9th August 1954.

2. In view of the importance attached to early exchange of respective lists of claims it was intended that a preliminary meeting should have been held in October between the District Officer Lokitsung and Fitsurari. Unfortunately Fitsurari Haile Marian left for Maji at the end of August, and the absence from Namaraputh of any responsible Ethiopian Official rendered this arrangement impossible. The claims were therefore not submitted until the return of the Fitsurari, shortly before the Lukiko session.

3. It was quite evident from statements made by Fitsurari Haile Marian that no attempt had been made by the Ethiopian Authorities to draw up the Merille claims in time to allow a reasonable opportunity for examination before the Lukiko session.

On his arrival at Namaraputh, Dejezmatch Regate summoned the Merille Chiefs, and it was not until ten days later that he was able to produce the list of claims. A summary of the claims is attached.

.. The marked

Turkana
claims.

Merille
claims.

Appendix A.

4. The marked resemblance between the Turkana and the Merille lists leaves little doubt that originally the Dejezmatch had no conception as to how a document of this character should be prepared.

5. The inclusion in the list of a claim for compensation in respect of Merille losses incurred during the King's African Rifles' action at Lowvanagippi in June 1955, was the subject of immediate representations to Dejezmatch Regate. I would refer to my W/T. No. TDG.2 dated 23rd December, and your W/T received on 26th December approving of the action which I proposed taking in the matter.

6. I informed the Dejezmatch verbally at the first meeting of the Lukiko and later, at his request, in writing, that this claim could not be entertained for hearing by the Lukiko. The events culminating in the action were fully explained, but it appeared that the Dejezmatch was quite unable to discriminate between an inter-tribal raid and a Government action undertaken against raiders in British territory. He was absolutely convinced that the whole incident was simply an unprovoked attack by the Turkana, who were assisted by British troops and machine guns. I further pointed out to Dejezmatch Regate that Ras Guetacho was similarly informed that this claim was invalid by the Provincial Commissioner at the meeting held in April, and added that when Fiteurari Gabre Marian raised the question of compensation in October 1955, he was

.. definitely

definitely told by the District Commissioner Turkana, that this claim could not be entertained by the British Government. (Vide para 20 of my letter No. 112/1 Vol. IV dated 12th October 1935).

7. I was later notified by the Dejematch in writing, that, as a result of this decision the Merille refused to attend the Lukiko meetings, and that he had referred the matter to Addis Ababa for instructions.

8. In consequence of this it was impossible to continue the work of the Lukiko, and after an exchange of telegrams with Addis Ababa, the Dejematch received explicit instructions from the Emperor to resume the Lukiko session. The telegram instructed the Dejematch that only claims entailing loss of stock or property were to be considered and that claims for loss of human lives would be the subject of discussion between the two Governments.

9. These instructions were clearly contrary to paragraph four of the Agreement, and it would appear possible that they were intended only to refer to the Lowwangippi incident and any other similar Government actions.

10. The attitude of the Dejematch, however, was that no case involving loss of life from any cause could be considered by the Lukiko. The question did not arise, as apart from the Lowwanagippi affair there were no outstanding claims for loss of life remaining for consideration

... after

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... after

after the receipt of the Emperor's telegram, is informed the Dejematch that his interpretation of these instructions could not be accepted as a principle for the future .

11. I append for your reference copies of telegrams despatched and received in connection with the foregoing paragraphs.

C. DETAILS OF CERTAIN CASES CONSIDERED BY THE LUKIKO.

During the Session thirteen cases were considered by the Lukiko, of which four were settled, five referred to the Appeal Tribunal, and four adjourned pending further investigation.

With regard to the cases which were adjourned, it should be mentioned that as they were not included in the Merille list of claims and only brought up during the Lukiko meeting it was not possible to investigate the alleged facts nor call in essential witnesses.

2. A schedule setting out details of the cases, is attached.

3. In order to illustrate more clearly some of the difficulties which arose during the considerations of the claims by the Lukiko, I propose to report fully on the facts of certain cases.

CASES NOS 1 - 4.

These cases concerned the murder of five Merille by Turkana and the massacre of thirty-eight Turkana at Todenyang, Meyen and Loruth,

... all of which

Appendix B.

Appendix C.

all of which occurred on 8th/9th September 1955.

2. The murder of the Merille at Hatade was quickly disposed of as the Turkana Elders admitted the facts without discussion, and judgment was entered accordingly.

3. On the Turkana claims coming up for hearing, the Merille Elders took up the attitude that they had never heard of the killing of thirteen Turkana at Loruth and Meyen but they admitted, after hearing the evidence of two Ethiopian soldiers, that sixteen Turkana fishermen had been murdered at Todenyang in retaliation for the Hatade incident. Further, they strongly asserted that as the Turkana were the aggressors they had no claim for compensation against the Merille. In this attitude they were supported by Dejesmatch Regate.

4. The complete refusal of the Merille Elders and the Ethiopian Authorities to accept the identificatory evidence by the relatives and Elders of the murdered people, while believing the uncorroborated and atently untrue statements of unreliable Amharan witnesses, clearly indicated the uncompromising attitude which they were intending to adopt throughout the session.

CASE No. 9.

Details of this case are given in order to illustrate a difficult problem which must frequently arise during the consideration of inter-tribal stock thefts.

.. The accused.

3. The accused, a Turkana, who had lived for many years among the Merille, attracted attention by the considerable numbers of stock with which he returned from the Gelubba raid on the East side of the Lake in 1939. Fearing that his life was threatened he made for Turkana, and, when near the Frontier, came across nine Merille camels which he took with him. No trace could be found of the thief who has no property nor relations in Turkana.

5. In the course of the consideration of this case, there was no dispute that one of the camels had been killed and eaten by the thief, and one had been handed back to the Ethiopian Authorities : the fate of the remaining seven was, however, strongly contested.

4. The underlying principle brought out by this case was the Ethiopian and Merille contention that the Turkana tribe should be held responsible for all thefts committed by Turkana, who have spent a greater part of their lives living among the Merille.

5. The Turkana attitude was that these people were living outside tribal jurisdiction and consequently refused to accept any responsibility for their misdemeanours.

6. I made it clear to the Dejezmatch that, while every effort was made to trace and arrest such offenders and return all stolen stock which could be found in their possession, I was unable to accept his view that the Turkana as a tribe

... should be

should be compelled to make compensation in such cases.

7. It is desirable to emphasize the difference between a theft of the nature described above, and one committed by a Turkana living under tribal authority but without the means to return any stock which may have been killed or lost through his action. Even if he is arrested and the remainder of the stolen stock in his possession handed back, his inability completely to compensate the Merille owner tends to promote inter-tribal friction. If the Chief and Elders of the thief are made responsible for his offence, not only will this source of irritation be removed but they themselves would naturally make every effort to suppress such petty thefts on the Border.

8. No comments are necessary in respect of the remaining cases.

D. OBSERVATIONS ON THE LUKIKO SESSION.

I have to submit the following observations on the Lukiko as an instrument for settling inter-tribal claims, in the light of experience gained during the recent Session.

(a). It became quite clear from the first meeting that the consideration of past claims would inevitably give rise to bad feelings between the Elders of the Lukiko, and consequently the tribes, thus jeopardizing any hopes that might be entertained of settling inter-tribal disputes through the medium of the Lukiko

... The complete

-11-

- (b). The complete lack of trust shown by the Merille and Turkana Elders in one another was most marked, and rendered anything in the nature of an agreement on facts very difficult.
- (c). The witnesses called in during the consideration of cases were not believed by either the Turkana or Merille Elders. This is well illustrated by a remark made by Fitaurari Haile Mariam during one of the meetings:- " Naturally we cannot believe the Turkana: they are the enemies of the Merille".
- (d). The court can never develop into a true "Lukiko" in the accepted and generally understood sense of the word.
- (e). It is probably impossible for Merille and Turkana Elders to be completely impartial when deciding claims between their tribes.
- (f). The whole conception of the Lukiko was entirely foreign to both the Ethiopians and the Merille, thus making procedure very difficult.

2. APPEAL BOARD.

I am of the opinion that the referring of claims upon which the Lukiko were unable to come to a decision, to an Appeal Board consisting of the District Commissioner Turkana and the Governor of Maji with His Britannic Majesty's Consul at Maji, as mediator, would serve no useful purpose, and recommend that it should not be proceeded with. I am convinced that the Ethiopian Authorities would make no attempt to be unbiased during the hearing of inter-tribal claims.

E. SUGGESTIONS FOR THE FUTURE.

With regard to the future of the Lukiko, I am of the opinion that certain alterations will have to be effected in the original agreement if the principle of settling Merille and Turkana claims through its medium is to be established.

2. I beg to submit the following recommendations for the future:-

- (a). The consideration of past claims for compensation should be excluded from the purview of the Lukiko.
- (b) Claims for compensation in respect of loss of lives caused by inter-tribal raiding, as distinct from murders, should not be considered by the Lukiko, as such cases are definitely beyond the powers of the Elders.
- (c) The Lukiko could never, for some time to come, be anything other than a Council of Chiefs and Elders to assist the local administrative authorities in settling minor cases .

On the Frontier, cases of theft have to be dealt with without delay, and could not be left over until the next meeting of the Lukiko, possibly some months ahead.

I do consider, however, that a Lukiko on these lines would probably prove of value in maintaining peaceful relations between the tribes, providing that matters, which at present cause bitterness, i.e. the consideration of past claims, be removed.

.. If a

(d). If a Lukiko on these modified lines is adopted, provision for an Appeal Board is neither necessary nor desirable. In the event of the local Kenya and Ethiopian authorities being unable to come to an agreement on any particular case, the facts would have to be referred to the respective governments.

F. CONCLUSION.

It is quite clear that the settlement of claims for compensation in respect of loss of life and stock suffered by either the Turkana or Merille in the past will never be effected through the Lukiko. It is almost impossible, as I think it can be readily understood, for the Merille to co-operate in the working of a tribunal which they know must give judgment against them for a very large amount.

It was rumoured, during the Lukiko Session, that Dejezmatch Regate had told the Merille that if they agreed to any of the Turkana claims they would be called upon to pay the compensation. This naturally had the effect of making the Merille more determined to resist any efforts to consider past claims.

2. If the Merille contention that all past claims should be cancelled in accordance with their interpretation of the peace ceremony and the Turkana insistence on reparation for the Todenyang massacre could be reconciled by some method other than through the Lukiko, I would
... strongly.

strongly recommend that this should be considered at the earliest opportunity. Further delay to obtain compensation of any kind will undoubtedly affect our prestige on the Frontier and any efforts to settle future disputes between the tribes by constitutional methods would probably prove abortive.

D. Morgan.

DISTRICT COMMISSIONER.

9.

Ten head of cattle, one thousand four hundred and forty-two sheep and goats were taken June 1933 from people of Loting - Donyiro (Bums).

Total cattle, sheep and goats.

<u>Cattle</u>	<u>24 Goats and sheep</u>
4894	7582

Note

In the original claim the names of the owners who lost stock are given .

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APPENDIX B

No. 1.

Telegram from Regate to Minister of
Foreign Affairs Addis Ababa dated 28.12.24.

"Emperor sent me telegraphic instructions to complete Lake Rudolf Conference in friendly and successful manner. Deputy of Turkana Province Mr. Morgan said that the case regarding 110 Gelluba killed at Lowwanagippi cannot be heard by the Lukiko. The Gellab state that if losses of our lives cannot be heard in the Lukiko we will not appear but will refer the matter to our government. Therefore work has ceased. I have sent written proof to Ras Getacho, it can be obtained from him. I request that this message be handed to Emperor.

No. 2.

Telegram from H. B. M's Consul to Minister
Addis Ababa.

—No. 1.

Reference Regatis telegram for Foreign Minister. Ethiopians have never and I doubt if they are now able control Gelluba whose stock is again situated in Sudan and Juron River. Regate is afraid act according to document and now adopts strong support of Gellubas refusal attend Lukiko. Regate obstructively rude and non-co-operative during brief session in which cases partly completed leaving balance favourable to Kenya eleven lives lost. Lowwanagippi affair carried out by K. A. R. and not covered by clause four of agreement as Ras informed by Provincial Commissioner long ago. Submit that

recalcitrant Gellaba chiefs are instructed to attend Lukiko for completion of cases and investigation into others. Nothing has been done regarding Gellaba murders apart from usual prevarication although Deji Abeba now on Bako bank of the Omo and experiencing great difficulties with Gellaba stock collection from Regates Gellab.

No. 3.

Telegram from Minister of Foreign Affairs Addis Abeba to Dejematch Regate, dated 1.1.55.

Reply to No. 1

The affair of the 110 Gebubba people killed at Lowwanagippi. Inform us as soon as possible in whose country, year and reason.

No. 4.

Telegram from Dejematch Regate to Minister of Foreign Affairs dated 6.1.55.

Reply to Nos 3 & 4

Gellaba and Bume were asked the cause of quarrel. They replied that action took place on our ancestors land where they are buried and which we inherited. They were our huts and ~~suribes~~ Just before dawn whilst women and children slept were attacked. They are still there. It is impossible to state whether Turkana Gellab or Bume because there is no boundary delimitation has been done. ^{It} Subit that Emperors judges are sent to mark it. Fight took place June 1953

No. 5.

Telegram from Emperor to Dejematch Regate, dated 12.1.55

Regarding the report of the Gellab about their murdered people. We are informed in writing by the British Minister that they were killed by British Troops and Officers. Therefore

the two governments will discuss about this. You should only discuss and finish all claims between the tribes concerning stock and money. The same has been sent to Ras Guetacho.

No. 6.

Telegram from H.B.M's Consul to British
Minister Addis Bah Ababa

Minister's wire
of 12.1.55 con-
taining para-
phrase of
No. 5.

---No. 5.

Amharic text differs materially from trans-
lation in sense that Amharic clearly states that
claims for compensation for property and stock only
to be heard by Inkiko. Instructions received
by Regate do not correspond with paragraph 4 of
the Agreement regarding loss of life caused by
inter-tribal raiding. Was this intended?

APPENDIX C.

EXTRACTS FROM THE LUKIKO REGISTER .

ELDERS OF THE LUKIKO

TURKAMA

- Lee Humpo
- Khal
- Titin
- Kragai
- Kwanyang

MERILLE

- Atemeni
 - Dabbe
 - Agafari
- DOMBO
- Tutofin
 - Katari

(All cases are entered in the Register in Amharic and signed by Fitawurari Haile Mariam)

No.	Date of hearing	Plaintiff	Defendant	Cause of action	Judgment	Remarks.
1.	24.12.34.	Chief Amenyak for Merille	Turkama Tribe	Murder of five Merille killed by Turkama at Entada by night on Sept. 5th 1933	Unanimous decision for Plaintiff as follows:- Five Merille were killed by Turkama at night at Entada.	Sd. P. S. Osborne D.O. 27.12.34
2.	27.12.34	Turkama Tribe	Merille	Murder of three Turkama at Neyen on Sept. 1933	Elders unable to come to decision	Matter to be referred to Appeal Tribunal Sd. P. S. Osborne D. O. 27.12.34

No.	Date of hearing	Plaintiff	Defendant	Cause of action	Judgment	Remarks.
3.	27.12.34	Turkana Tribe	Merille Tribe	Murder of ten Turkana at Lornath (Lambel) on Sept 9th 1933	Unable to come to a decision.	Matter to be referred to Appeal Tribunal Sd. P. S. Osborne D.O. 27.12.34.
4.	27.12.34.	Turkana Tribe	Merille Tribe	25 Turkana killed at Tedenyang on 8th/9th September 1933	Partial decision only reached Merille & Denyire Elders agree to the deaths of 16 Turkana only.	Case to be sent to Appeal Tribunal Sd. P. S. Osborne D.O. 27.12.34

NOTE

Two Ethiopian soldiers Weldo Gergis and Abeba Chale called as witnesses deposed to having seen and counted 16 corpses in the fishing village on the bank of the river.

Sd. P. S. Osborne D.O.
23.1.35

Made in my presence

Sd. G. L. Morgan
District Commissioner
21.1.35. Turkana.

EXPLANATORY NOTES

Statement of Chief Amunyabek of Shala tribe (Gellaba)

Dejma Regate:- to Amunyabek.

The other day when asked you said that the Turkana attacked your tribe and killed at night 50 of your (Turkana) men and that your men followed the Turkana tracks and killed 16 and wounded 3 Turkana at Tedenyang. You know the Turkana on being questioned admitted to having killed 5 Gellab first. Now make your statement.

Chief Amunyabek states

The Turkana came first and killed 5 of my tribe at Katade. Then many of my tribe followed the tracks of the Turkana and killed 16 and wounded 3 Turkana at Tedenyang.

Read over and admitted correct before me this twenty-first day of January 1935 (or 13th Tir 1927)

Consuls Rock, Lake Rudolf Sd. R. G. R. Whalley

No.	Date of hearing	Plaintiff	Defendant	Cause of action	Judgment	Remarks.
5.	18.1.35	Lomkuar a/o Leokuar Merille Chief Dabbo.	1. Leokumpa a/o Hautie Chief Leokumpa Turkana. 2. Aboma a/o Lokub Chief Leokumpa Turkana	Theft & unlawful possession of 24 sheep & goats the property of the plaintiff at Lunian on 23.12.34		See H/1/21 Vol 2 P.S.O Postponed pending further investigation. Sd. P.S. Osborne D.O. 25.1.35
					<u>NOTE</u> -	Twenty two of the stolen stock in this case were recovered on 26.1.35 and handed over to the Ethiopian Authorities.
6.	17.1.35	Kerinyang a/o Loyawi Ngewatela Turkana	1. Unknown Donyire 2. Chief Tutchia	Theft of one cow on May 1934 & unlawful pos- session by Tutchia.	Cow is in possession of Tutchia Chief of Donyire at Lokruva- Togithaw country & will be returned as soon as possible. Case one of straying not theft.	Case finished cow to be handed over as soon as possible. Sd. P.S. Osborne D.O. 18.1.35 Fit. M. to acknowledge this. Sd. P.S. Osborne D.O.
7.	18.1.35	Dabbo a/o LemoFano Merille	1. Bininyon a/o Ngewatela Turkana	Theft of 4 sheep.		See H/1/18 Vol. 2 P.S.O. Postponed pending further investigation Sd. P.S. Osborne D.O. 25.1.35.

Date of hearing	Plaintiff	Defendant	Cause of action	Judgment	Remarks.
18.1.35	Wangire a/s Imu	1. Chief Dabbe Merille 2. Leragei a/s Merille	Theft & unlawful possession of eight camels - the property of the complainant stolen in Sept. 1933	<p>1. Lukiko unanimously agrees that the 8 camels strayed away from their owner & came to Dabbe's manyatta where they stayed for some months.</p> <p>2. Lukiko disagrees on following points: (a) Merille Elders say that the camels were regained by Turkana or govt. in June 1933 operations. (b) Turkana Elders deny that they were returned & affirm that they are still in Dabbe's manyatta. Case one of straying not theft.</p>	<p>Sec. 41/6 Vol. 2. P.S.O.</p> <p>Unable to come to a decision.</p> <p>Referred to Appeal Tribunal.</p> <p>Sd. P.S. Osborne D.O. 21.1.35</p>

No.	Date of hearing.	Plaintiff	Defendant	Cause of action	Judgment	Remarks.
9.	21.1.35	Amugaito s/o Lorupamai Merille Chief Amoybuk	Lakolonyei s/o ? Tarkana living in Merille country.	Theft of 9 camels in December 1933	Lakike unanimously agrees that 9 camels were originally stolen by Lakolonyei of which (1) one camel was returned to Bel: Hapke Walde (2) one camel was killed & eaten by Lakolonyei. Balance of 7 in dispute Tarkana say that these 7 were returned to their owner. Merille deny that these 7 were returned to their owner.	See H/A/17 Vol.11 Number originally given to me by Bel:Hapke Walde is changed by common consent from 8 into 9 Sd.F.S.Goberne D.G. 21.1.35 Referred to Appeal Tribunal Sd.F.S.Goberne D.G. 21.1.35.
10.	21.1.35	Lokule s/o Evokimo Tarkana.	Amuggalim s/o Loomstommi Merille.	Theft of 8 camels which strayed from Lakaled into Merille country. April 1933. Of originally 8 camels one was re- turned leaving balanc- e of 7; later new- born one of the latter gave birth thus restoring the original balance to 8	Unanimous decision of Lakike that 8 camels be returned to Lokule by Amuggalim of these eight (a) 4 were returned in front of the Lakike (b) FISH.M. agreed to see that the remain- ing four should be sent back as soon as possible. Case one of straying not theft.	See H/A/16 Vol. 2 Decision reached 4 camels handed back Sd.F.S.Goberne D.G. 21.1.35 24.1.35 Three camels and 1 bull received in full payment of the 4 camels outstanding. Sd.F.S.Goberne D.G. 24.1.35.

NOTE

No.	Date of hearing	Plaintiff	Defendant	Cause of action	Judgment	Remarks
11.	22.1.35	Kariso a/o Lohar Dergire	Chief Lechupa Turkana.	2 camels strayed & finally reached Lechupa's mangalla where they still are July 1934		22.1.35 Postponed pending further investi- gation No notice whatso- ever of this case was given until the day of hearing. Sd. P.S. Osborne D.O. 22.1.35.
12.	22.1.35	Gurale a/o Adhoko Nerville.	Unknown Turkana.	theft of 7 head of cattle near Noyon December 1933.		Postponed pending further investigation See. 4/1/17 Vol. 11 Sd. P.S. Osborne D.O. 22.1.35.
13.	22.1.35.	Lared a/o Sraganael Nerville	Itthaken a/o Malama	Theft of 13 sheep from Hansharisoret in January 1935.	Unanimous decision 11 sheep & 1 kid were for plaintiff. 11 sheep & 1 kid handed back on the Lukiko. to be handed back, accused was not captured.	Sd. P.S. Osborne D.O. 22.1.35

Cases Nos 1 to 13 seen

Sd. D.L. Morgan
District Commissioner
Turkana.

The above written in Amharic
and signed by Rajematch Regate.

General Book
at Lukiko 22.1.35.