

Barotseland Boundaries--The facts as established by recorded history

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1. Introduction

This article discusses the thorny issue of the boundaries of Barotseland by exposing archive documents which help decipher the boundaries of the territory as at midnight 23rd October 1964, when the Republic of Zambia came into being by transformation of the former British Protectorates of Northern Rhodesia into an independent nation. Further, the archive documents are discussed by laying out their intent and demonstrating how they relate to the evolution of the boundaries of Barotseland as they exist today. This is preceded by a brief account of the status of Barotseland: firstly, as a constituent part of Northern Rhodesia; and secondly, as an integral part of Zambia up to 1969 when the unitary treaty cited as **the Barotseland Agreement 1964** was arbitrarily and unilaterally terminated by the government of Zambia.

2. The unitary nature of Northern Rhodesia and Zambia.

In 1890, King Lewanika and the British South African Charter Company (BSAC), the latter acting for the British Crown, signed a protection treaty. The treaty also conferred commercial rights within Lewanika's territory to the BSAC. Under the terms of the treaty part of Lewanika's territory east and south of the Machile and Kasaya rivers was offered to the BSAC for mineral prospecting, mining and other commercial enterprises (concession areas) while the rest, referred to as the Barotse valley (Reserve), was reserved from the company's commercial activity. The Barotse Reserve and the concession areas were brought under the administrative jurisdiction of the British Crown in 1899 by way of an **Order-in-Council**. The BSAC served as the agent of the Crown and appointed an administrator for the territories. These territories were officially called Barotseland-Northwestern Rhodesia. The 1890 treaty was super ceded by a new treaty signed by King Lewanika and the BSAC in 1900 whose intention was, in addition to the terms of the 1899 treaty, to highlight it as a treaty of alliance between King Lewanika and Queen Victoria of the United Kingdom, a factor that was omitted in the 1890 treaty.

In addition to Barotseland-Northwestern Rhodesia which was acquired by treaty, the BSAC had also taken possession of another territory to the east through 'Certificates of Claim' issued to the company by the Colonial Secretary. This method of land acquisition was resorted to after it became clear to both the BSAC and the colonial office that there was no personages of the status of Lewanika of Barotseland with whom concessions could be raised within areas stretching from the Kafue river to the western frontier of the then Nyasaland territory and the Germany possessions to the east of Lake Tanganyika. In total six certificates of claim were issued for segments of the area that was later placed under a single administrative jurisdiction called North-Eastern Rhodesia by way of the North-Eastern Rhodesia Order-in-Council of 1900.

Northern Rhodesia was established in 1911 for the purpose of bringing the above mentioned territories—Barotseland-Northwestern Rhodesia and North-Eastern Rhodesia—acquired by the BSAC north of the Zambezi River under one jurisdiction for administrative convenience. Meanwhile, the 1900 treaty reserved powers over land and local (customary law) in the Barotse Reserve to the Barotse King through which Barotseland maintained her autonomy throughout the colonial period. In 1953 Barotseland was proclaimed a Protectorate thereby making her one of few African nations that was never colonized.

The treaty and subsequent concessions between the Crown and the Litunga (King) of Barotseland were due to terminate at independence, thereby creating conditions for separation of Barotseland from Northern Rhodesia as part of the independence process. However, political maneuvering by both the British government and the Northern Rhodesia nationalists who were running the transitional government caused a new agreement to be signed between the Northern Rhodesia government and the Litunga. This new agreement, cited as [the Barotseland Agreement 1964](#), was intended to facilitate granting of independence to Northern Rhodesia as one country, with Barotseland retaining its autonomy within an independent Northern Rhodesia styled as the Republic of Zambia. The main motivation for pushing for this agreement has been usually stated by both the British and Zambian authorities as Barotseland's poor economic status which rendered its transformation into a separate state unviable. The truth, however, lies in the complexity of the dissolution process for Northern Rhodesia that would have ensued if a unitary treaty had not been secured as a prelude to the independence process.

The scenario of independence accompanied by the terminating [Lewanika Concessions](#) posed serious questions relating to those parts of Northern Rhodesia which were not part of the Barotseland Protectorate but were formerly granted to and held by the British Crown on the basis of the concessions. In present day terms, the concession areas cover much of Southern Province and some parts of Central Province. There was also the matter of the Copperbelt Province, which had been transferred to the suzerainty of King Lewanika by the British government at the height of the latter's race for acquisition of territory against the Belgians. The Belgians had taken possession of the Congo basin and were poised to expand their sphere of influence southwards. In this regard, the transfer of the Copperbelt Province to King Lewanika was to put the Province under the cover of the treaty the British had with him, which treaty commanded international recognition and in effect secured the British claim to the said territories. It is obvious that returning the areas—concession areas and the Copperbelt Province—to the jurisdiction of the Litunga at the expiry of the colonial concessions without the express will of the populations concerned was not politically tenable, owing to the fact that the populations therein had lost touch with the Barotse system of governance during the colonial period. However, there was the legal question of what the alternatives were and this question remains valid today.

Notwithstanding the foregoing, Barotseland has not displayed any territorial claims over the concession areas and the Copperbelt Province, within the context of seeking their return to the Litunga's jurisdiction. However, those who are opposed to Barotseland's actualization of statehood, and even put up resistance during the time when the demand was limited to

regional autonomy within Zambia, have always been quick to misinterpret the actualization of Barotse statehood as a quest to annex areas outside what used to be the Barotseland Protectorate, now infamously called Western Province of Zambia. The Barotse Authorities are very much alive to the fact that territories are attached to people and humans cannot be bundled back and forth in a manner that borrowed furniture is returned to the previous owner. Therefore, it goes without saying that the actualization of Barotseland statehood as constituted in the former Barotseland Protectorate cannot be tied to the return of the concession areas and the Copperbelt Province. The final position of those areas is a matter to be determined by the concerned populations and, in as far as the issue goes, the economic attachment to the areas is simply an entry in the balance sheet of the reparation process between Barotseland and the other state parties to the dissolution process. Avoiding this process was, indeed, the main reason [the Barotseland Agreement 1964](#) was muted.

Nonetheless, the strategy that was designed to avoid the dissolution of Northern Rhodesia as it transformed into the independent Republic of Zambia was soon to be scuttled by the very government charged with the responsibility of protecting the elements providing for the continued existence of the unitary state even before it could take root. This was so because the rulers of the new state had not been properly tutored on the principles of international treaties and power sharing. Without much thought to the consequences of their diabolic acts, which focused only on absolutism, they set out to dismantle [the Barotseland Agreement 1964](#) within one year of independence. Their final act of terminating the agreement in 1969 technically ceded Barotseland from Zambia and the coveted unitary state has only continued to exist as an illegitimate entity awaiting formal dissolution at the behest of the people of Barotseland. With an understanding of how the unitary state came about and ended, I now focus on the issue of the boundaries of Barotseland.

3. Boundaries of Barotseland as told by the Archives.

The archived documents, or extracts thereof, may be viewed by aid of the provided links. A brief about each document is given under each subheading to give a synopsis of the content and intent of the document.

- i. [The Barotseland/Northwestern Rhodesia Order-in-Council 1899](#):- The first statute establishing British jurisdiction over Barotseland following the Lochner Treaty of 1890 between Lewanika and the BSAC. Note that the western boundary at the time was taken to be the Zambezi River because the dispute with the Portuguese over the extent of Lewanika's country westwards had not yet been resolved and the British decided to play it safe in proclaiming their area of jurisdiction. The dispute, wherein Lewanika placed his western frontier at 20 degrees east meridian while the Portuguese claimed that Lewanika's country did not extend beyond the 24 degrees east meridian, was settled by way of international arbitration treaty between Britain and Portugal signed in 1903.

King Emmanuel III of Italy was appointed Arbitrator in 1904 by mutual agreement of the parties and delivered his award in 1905. It would appear that King Emmanuel resolved the issue by applying the law of averages, and placed the boundary at the 22 degrees

east meridian. That award established the vertical line defining the western boundary between Barotseland/Zambia and Angola in present day maps.

- ii. **Lewanika Concessions**:- the 1900 concession shows, at paragraph 2 that the Butoka territory was part of the Barotseland kingdom which was 'given' for the use of the British Crown, as represented by Cecil Rhode's BSAC, for as long as the treaty of alliance subsisted. The 1909 concession reflects that areas east of the Barotse Reserve were granted on concession to BSAC in that year. The extent of the said area is only determined by establishment of what constituted the 'Mashukulumbwe Country' as stated in the 1899 Order-in-Council.
- iii. **'Rhodesia' Map 1906**:- Note that all the three territories acquired by Cecil John Rhodes north of the Limpopo River were named after him and only distinguished by geographical location in relation to each other. The unique one was Lewanika's country which carried the prefix 'Barotseland' on account of the fact that it's acquisition arose out of a treaty with a sovereign authority over the territory and thus its original identity was merged with the 'Rhodes' tag.
- iv. **The 1910 Amalgamation Memorandum**:- The plan by Cecil Rhodes to merge the two territories north of the Zambezi was mooted much earlier than happened but was delayed by the special conditions relating to Lewanika's territory which could not be arbitrarily thrown into the merger. The process to get Lewanika to accept the merger was concluded in 1910 as seen from this document. Most important, however, is that the narrative description of the Barotse Reserve as given **at page 3 of the memorandum (attachment to cover letter) under clause 7.**
- v. **The Northern Rhodesia Order in Council 1911**:- This is the amalgamation statute that created the boundaries of Northern Rhodesia, the fore-runner jurisdiction to Zambia. It is clear, from **section 4 of the Order**, that in terms of geographical extent, Northern Rhodesia is exactly what Zambia is (or was up to 1969). So Barotseland became part of Northern Rhodesia in 1911 and there has never been a Northern Rhodesia that was not inclusive of Barotseland, save that the latter maintained its autonomy within the unified jurisdiction for administrative convenience right up to independence and thereafter. It must be emphasized at this point, therefore, that **the Barotseland Agreement 1964 (BA'64)** was treaty between Barotseland and Northern Rhodesia allowing for the continued unified territory of Northern Rhodesia as it converted into the independent Republic of Zambia. Barotseland could not have joined a territory to which it was already a part and, if the **BA'64** had not been signed, Northern Rhodesia would have been dissolved into its former constituent parts (pre-1911 situation)—Barotseland, concession areas and Copperbelt Province, and North-Eastern Rhodesia or some configurations thereof—which would have proceeded to independence separately.
- vi. **The Northern Rhodesia (Barotseland) Order in Council 1953**:- This is the statute that conferred protectorate status on Barotseland. This step was taken to enhance the self-

governing status of Barotseland in view of the anxieties created by the coming into being of the Federation of Rhodesia and Nyasaland, which the Litunga felt would erode his powers over his territory. However, Section 3 made clear the status in regard to the relationship with the rest of Northern Rhodesia. More importantly, the boundaries of the Barotseland Protectorate were put on record and, it should be noted that at that time the Balovale District had been extracted from Barotse jurisdiction via a concession by Yeta III while the Machile Forest Reserve, inclusive of Mulobezi, was placed under Livingstone District via the 1926 concession that facilitated commercialization of the forest through its lease to Zambezi Saw Mills. The 1953 map of Livingstone District reflects the machile forest as part thereof, but the forest is labeled as “Yeta’s Forest’.

- vii. **The Northern Rhodesia (Barotseland) Order-in-Council 1963**:- This was passed with the sole objective of altering the boundary between the Barotseland Protectorate and Southern Province following the expiry of the 1926 concession of Machile Forest. The Order returned the area in question to Barotseland by amending the Schedule of the 1953 Order. Note the differences in the opening sentences of the boundary narration in the 1953 and 1963 schedules, with the latter including the ‘Y’ beacons that defined the southern edges of the forest.