

## **Barotseland Petitions the African Commission of Human and Peoples Rights**

By

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On 13<sup>th</sup> December 2012 the Ngambela of Barotseland, with the support of civil society organizations pursuing Barotseland independence, petitioned the African Commission of Human and Peoples Rights (ACHPR) to declare that the rights of the people of Barotseland to self-determination have been violated by Zambia following the unilateral termination of the Barotseland Agreement 1964 by the government of Zambia and Barotseland's acceptance thereof. The ACHPR was further urged to make a finding that by repudiating this unity treaty with Barotseland, the Republic of Zambia had ceased to have power over Barotseland and should, therefore, immediately put in place transitional arrangements for the sovereignty of Barotseland under the auspices of the United Nations and the African Union.

At the 13<sup>th</sup> Extra-Ordinary session of the ACHPR held on 25<sup>th</sup> February 2013 in Banjul, the Commission made a finding that the Ngambela's petition had merit and determined that the Commission should be seized with the matter and process it to its logical conclusion. The petition was formally admitted as an active matter under the title 'The Ngambela of Barotseland and Others Versus Zambia' and given a file number ACHPR/COMM/429/12/ZAM. In a letter dated 1<sup>st</sup> March 2013 addressed to Honourable Clement Wainyae Sinyinda in his capacity as Ngambela and Lead Petitioner on behalf of Barotseland, the Secretary of the Commission, Dr. Mary Maboreke, informed him of the Commission's decision and further asked him to submit forensic evidence within two months to enable the Commission proceed to the admissibility stage of the matter. This letter was also availed to the government of the Republic of Zambia.

Barotseland's response to the Commission's request for forensic evidence was delayed because it came at a time when Hon. Sinyinda had ceased his functions as Ngambela of Barotseland following political pressure mounted by the government of Zambia in a bid to frustrate his efforts of pursuing implementation of the resolutions of the Barotse National Council (BNC) of 27<sup>th</sup> March 2012. It should be noted that it is within the context of these resolutions that the Ngambela received the mandate to petition the ACHPR. Nonetheless, the civil society organizations that had been working closely with the office of the Ngambela in facilitating the implementation of the BNC resolutions had formed the Barotse National Freedom Alliance (BNFA) in March 2013 as an umbrella organization under the leadership of Hon. Sinyinda. The purpose of the BNFA is to coordinate and pursue pending matters in respect of the implementation of the BNC resolutions. In this regard, the BNFA, under signature of Hon Sinyinda as Chairman-General, submitted a 258 page document of forensic evidence and arguments to the ACHPR on 10<sup>th</sup> September 2013. In a letter dated 15<sup>th</sup> November 2013 addressed to Hon. Sinyinda with copy to the Office of the Ngambela, the Secretary to the Commission acknowledged the BNFA's offer to act on behalf of Barotseland in pursuing the petition but advised that the Commission's view was that the matter should go forward as originally formatted within the auspices of 'The Ngambela of Barotseland and Others'.

Accordingly, the Commission asked the Office of the Ngambela to submit evidence within thirty days. This was complied with.

As per Rules of Procedure of the ACHPR, the evidence and arguments submitted by Barotseland are to be forwarded to the Respondent State, the Republic of Zambia, who is given sixty days to file in their response. It is expected that the Commission will have disposed of evidence and response matters by the time of its scheduled sitting of May 2014.