

Warn and caution statement on current maneuvers by the BRE and the GRZ on the matter of Barotseland statehood

by the BNFA Executive Committee

Following a number of media comments by a supposedly Spokesperson for the Barotse Royal Establishment (BRE) concerning the quest by the people of Barotseland to bring to a close the issue of the illegal occupation of Barotseland by the Government of Zambia since 1969 when [the Barotseland Agreement 1964](#) was terminated and, in particular, in the aftermath of the Position Statement of the BRE published in the Post Newspaper of October 22, 2015, the Barotse National Freedom Alliance (BNFA) wishes to set the record straight as follows:

1. We want to make it clear that our understanding of the current situation regarding steps and direction to be taken on the matter of [the Barotseland Agreement 1964](#) is that the Barotse National Council, which is the highest policy making body of Barotseland to which all our institutions are subordinate, took far reaching policy decisions embodied in its [Resolutions of March 27, 2012](#). It is also our view that all steps that have been instituted by the office of the Ngambela of Barotseland since those [Resolutions](#) were passed, including submitting a petition to the African Commission on Human and Peoples' Rights (ACHPR) and application for membership to the Unrepresented Nations and Peoples Organisation (UNPO), are in line with those [Resolutions](#) and, therefore, draw sanctity from them.
2. It is an established fact (that is, verifiable by record) that the supreme governance structure in Barotseland is the 'Litunga-in-Council' in which the term 'Council' denotes public participation in decision making process facilitated by authenticated representatives of the people from all strata of society. We note that the Katengo Legislative Council established in 1945, but made disfunctional by the Zambian government in 1965, was an elective body that carried the mandate of the people of Barotseland and that until it is reinstated as was directed by the Barotse National Council of March 27, 2012, all major policy decisions regarding the future of Barotseland as from that date can only be validly made by the said Barotse National Council. Accordingly, the decision on the future of Barotseland was made by the [Resolutions](#) of the said BNC of March 2012.
3. We wish to state that the body called the 'Barotse Royal Establishment' (BRE), as record will show, is an institution created by the Zambian government under the reign of President Kenneth Kaunda following his illegal proscription of the Katengo Legislation Council and the Barotse National Government that was appointed there from. The BRE does not feature in any of the authoritative statutes that had defined the governing authority of Barotseland prior to Kenneth Kaunda's diabolic schemes of 1965 to 1969 when the Barotseland Agreement 1964 was mutilated to disposes the people of Barotseland of their institutions of governance. As a matters stand, there is no better indicator of the fact that the BRE is an impostor institution than the Barotseland Agreement 1964 where no mention of it is made. It was created and has been promoted as a smoke screen intended to hoodwink the public that Barotseland has a traditional institution of governance when in reality the BRE has no ability to exercise executive authority in Barotseland without sanction of the Zambian government. To this end there is very little that the BRE can do outside the will of the government of Zambia.

We now turn to in-depth analysis of the scenario characterizing status of the Barotseland impasse as of today:

4. Since its unconventional and illegal act to unilaterally terminate [the Barotseland Agreement 1964](#), the Government of Zambia has treated the demands of the people of Barotseland to revisit that decision with contempt, most often taking draconian measures against proponents of Barotse autonomy and self-determination that was embodied in that noble independence treaty. This stance has been exhibited by all past administrations of the Republic of Zambia without exception, and notwithstanding that the validity of the peoples demand and the relevance of [the Barotseland Agreement 1964](#) in keeping the unitary state of Zambia intact were never in doubt. The Zambia state's arrogance in this respect has been sustained by the fact that Barotseland had not been in a position to cause irreparable damage to the illegal set up of the Republic of Zambia, which has persisted in the aftermath of termination of the independence unity treaty.
5. The illegal grip over Barotseland by the Government of Zambia was made possible by the demolition of the legitimate and popularly elected Barotse governance structure, the Katengo Legislation Council, which the Kaunda government sent into disarray by combination of unconstitutional action of passing of [the Local Government Act No. 69 of 1965](#), threats of military action against Barotseland, arrests and detention of some uncompromising leaders of Barotseland under the cover of the State of Emergency Regulations and several acts of political chicanery leading to formal proscribing of [the Barotseland Agreement 1964](#) by [constitutional amendment](#) in 1969. Meanwhile, the Litunga, rendered ineffective by loss of an elective legislature and working government, became a captive of the Zambian government unable to establish stable links with the remnants of Barotseland Resistance to illegal Zambian Rule. This state of affairs persisted over the years, but the resentment among the people in respect of the withdrawal of Barotse autonomy has never died. Better organized resistance emerged with the end of the one party state dictatorship in 1991 and grew in strength with bolder and louder demands for restitution.

With better organized civil society organizations, pressure for popular action augmented by the timid Barotse Royal Establishment grew. But it was not until the year 2012, when the Litunga Lubosi Imwiko II was under threat of dethronement orchestrated by President Michael Sata's regime that the BRE yielded to the push for holding the Barotse National Council. Under the able tutelage of a newly installed Ngambela, Honourable Clement Wainyae Sinyinda, that historic gathering held on 26th and 27th March 2012 made far reaching [Resolutions](#) that set Barotseland on a 'war footing' to regain legitimacy as a sovereign entity which became due upon the termination of [the Barotseland Agreement 1964](#) back in 1969, but has remained begging due lack of cohesive action occasioned by popular mandate. Needless to mention that in the absence of elected government the Barotse National Council, a meeting of all traditional leadership structures of Barotseland as supported by organized civil society, is the supreme policy making organ of Barotseland—the sole surviving organ for that matter—to which all institutions are subordinate, including the Litunga and the BRE.

6. The Barotse National Council of March 2012 took the policy decision to the effect that Barotseland accepted the termination of [the Barotseland Agreement 1964](#) and would no longer pursue its restoration, thus freeing herself from the shackles of Zambian rule, and would thenceforth set on a path to establishing sovereignty through formal, legal and peaceful

disengagement from Zambia. The Barotse Government, led by the Ngambela was particularly mandated to take all necessary steps to ensure effective implementation of the Council's [Resolutions](#) and further that the Council be reconvened as time went by to review progress and, where necessary, set other bench marks to enhance the rate of progress. On the basis of those [Resolutions](#) the Ngambela submitted a petition to the African Commission on Human and Peoples' Rights (ACHPR), asking that body to make a finding that termination of [the Barotseland Agreement 1964](#) was a violation of Article 20 of the African Charter upon which the Zambian Government must cease to have authority over Barotseland. The Ngambela also took a step to submit an application for membership to the Unrepresented Nations and Peoples Organisation (UNPO) to have Barotseland benefit from the advocacy acumen this organization renders to oppressed and marginalized communities in various countries of the world.

7. The petition to the ACHPR, submitted in November 2012, has been overseen by the office the Ngambela even after the departure of Honourable Sinyinda. The BNFA was formed in March 2013 when it became apparent that the ejection of Honourable Sinyinda from office was orchestrated by the Government of President Sata after realizing its error in antagonizing the Litunga and set on a path to frustrate the implementation of [the BNC Resolutions](#) to which Honourable Sinyinda was committed. Realizing that in the absence of Honourable Sinyinda the BRE would once again lapse into a comma and let [the BNC Resolutions](#) go unattended to, the civil society groups created the BNFA, to which Hon Sinyinda was invited as Chairperson General, to provide technical support to the Office of the Ngambela in the prosecution of the matter at the ACHPR as well as UNPO membership. We wish to put it on record that while the work of compiling the evidence and arguments in respect of the petition at ACHPR has been borne by the BNFA all formal correspondence with the Commission, including filing of documents, has been done by the BRE representative appointed to warm the seat of the Ngambela prior to installation of a substantive office holder. As at March this year, the matter had progressed to a stage where the government of Zambia, as Respondent to the petition was compelled to submit counter evidence and arguments in support of its claim of legitimate authority over Barotseland, to which the office of Ngambela responded to close the phase of submissions on admissibility of the petition and set the stage for proceeding to the Commissions assessment on the merits of the case upon decision on its admissibility.
8. In respect of membership of UNPO, all we will do for now is to put on record our amusement arising from the fact that Mr. Lubasi Nalushuwa, who is Induna Kalonga and a signatory to the recent BRE statement denying knowledge of UNPO membership, was a signatory to the application for membership by Barotseland sent to UNPO Headquarters in April 2012, soon after the Barotse National Council that mandated the Ngambela to seek international intervention into the Barotseland issue.
9. It has come to our attention that the government of Zambia, under the leadership of President Edgar Chagwa Lungu, has brought pressure to bear on the BRE to forestall processing of the ACHPR petition to the merit stage and that steps have been instituted to render the matter to go into abeyance while dialogue on the Barotseland question commences locally for a supposedly home grown solution. While the exact actions taken in this respect shall become visible only after the ACHPR activity report is released to us after formal submission to the Heads of State and Government of the African Union, it is very apparent from the haste actions by both the BRE and the Zambian government that there is pressure on them, on account of the

petition and attendant concerns being expressed by the leadership of the SADC region, that a solution to the issue is found before the African Union steps in.

10. In respect of press statements now pouring in from the BRE we wish to advise this traditional leadership structure not to practice excessive economy on the truth but learn to call a spade by its correct name. The BRE is now adopting a stance portraying that it has not been part to the actions that have been taken at the ACHPR and UNPO. Most importantly, the fact that these actions have been taken within the authority and mandate of [the BNC Resolutions](#) of March 2012 is being played down by the BRE. This is a display of irresponsible leadership which is most unfortunate. Record will show that the originating application for the petition to the ACHPR was submitted by the Ngambela and co-signed by Head Indunas of District Kutas and members of civil society. For this reason, the ACHPR has titled it as **Communication 429/12: The Ngambela of Barotseland and Others versus the Republic of Zambia**. The BNFA applied to be enjoined as part of the 'Others' after its formation when the petition had already passed the Seizure stage and progressing to submissions on Admissibility.
11. We take this opportunity to dispel the notion that the current offer of dialogue by the Government of Zambia as supported by some elements of the BRE is an act of benevolence by any of them. We have stated above that in the past the Zambian authority ignored the issue of Barotseland because the proponents of Barotseland independence had not yet been organized to a stage where they could threaten the integrity of the boundaries of the failed unitary state of Zambia, which the Zambia state itself has already destroyed. This situation was drastically changed by the Barotse National Council of March 2012 combined with the tenacity of rejuvenated Barotse nationalist organisations and, as a bonus, the emergence of Honourable Clement Wainyae Sinyinda as Ngambela, even though short lived. It should be easy for the BRE to realize that their new found value in the eyes of the Government of Zambia rests in the hands of those who have caused panic in the said government. The earlier they admitted this fact, the better for all concerned.
12. More importantly, we wish to caution all those currently running around in circles claiming this and that mandate and/or authority that the Barotse National Council had set the benchmarks for progressing this matter forward to which all institutions of Barotseland are bound. In this vain, it is our utmost hope that an occasion shall not arise where some actions, even when well intentioned, will not end up being declared null and void for want of competence by the actors.