

POSITION STATEMENT OF THE BAROTSE ROYAL ESTABLISHMENT ON THE BAROTSELAND AGREEMENT 1964—THE MYTHS AND THE REALITY

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It has become necessary to further elaborate some cardinal views arising from reactions to the statement put up by the Barotse Royal Establishment (BRE) on the question of Barotseland Self-determination vis-à-vis [the Resolutions](#) passed by the Barotse National Council of March 2012. In this respect I address 6 points as follows:

1. Principal Party to [the Barotseland Agreement 1964](#)

The parties to [the Barotseland Agreement](#) are elaborately named at paragraphs 1 and 3 of its preamble. There are two principal parties to [the Agreement](#), who are the Government of Northern Rhodesia (later Zambia) and Barotseland, but the stake holders constituting Barotseland are itemised. There are five stake holders constituting the Barotseland side of [the Agreement](#) and these are the Litunga, his heirs and successors, his council, the chiefs of Barotseland and the people of Barotseland. [The Agreement](#) clearly states that the signatory on behalf of Barotseland, the Litunga, was acting on behalf of all the five stake holders, including himself, who constitute the Barotseland side to [the Agreement](#).

What stands out very clearly from the foregoing, as confirmed by the text of [the Agreement](#), is that the institution called 'Barotse Royal Establishment' is not listed among the parties to [the Agreement](#). It was not an institution of governance at the time [the Agreement](#) was signed and was created by the Kenneth Kaunda administration after termination of [the Agreement](#), for the sole purpose of providing a check against popular uprising against the government's machinations in dispossessing the Barotse of their nationhood. However, if an argument about who of the five stake holders on the Barotseland side is principal as compared to the others is to arise, the logical and straight forward answer is 'the people of Barotseland' for the simple reason that the other four stake holders are derivatives or offshoots of the people on whose behalf they act and serve. Without the people of Barotseland there would be no Litunga, no heirs and successors, no council, no chiefs and there certainly would have been no [Barotseland Agreement 1964](#). From public records, it is clear that the people of Barotseland have always interacted with the Litunga in charting their destiny via the Council of Barotseland and, by 1945, this Council had become elective and, therefore, popularly mandated. As independence approached in the early 1960s the principle of universal adult suffrage was applied in the election of the Council, elaborately called the 'Katengo Legislative Council'. [The Barotseland Agreement 1964](#) was signed by the Litunga upon decision and advice of the Katengo Legislative Council that was elected by the people of Barotseland in 1963. In similar fashion all previous agreements and treaties, going as far back as 1890, were signed by the Litunga upon advice of the Council, composed in conformity with the dictates of the time. Therefore, it is a matter established by practice or convention that major decisions affecting Barotseland are processed by the people through their representatives in Council after which they are laid before the Litunga for assent and action. The institution of the Litunga has no mind of its own independent of, or at variance with, the aspirations of the people.

[The Barotseland Agreement 1964](#) also defines the governing authority as the 'Litunga and his Council', a phrase which appears on all its pages. As asserted above the Council is a popularly mandated body and, therefore, the term 'Litunga and his Council' sits very well with the silozi definition of government wherein it is said 'Mulonga ki mulena ni sicaba'. Accordingly, it is untenable for the Barotse Royal Establishment to equate itself to Mulonga because it cannot pinpoint the sicaba component in its composition.

2. Theme and Intent of the [Barotse National Council Resolutions-2012](#).

The gist of the [Resolutions](#) passed by the Barotse National Council held on 26th and 27th March 2012 (BNCø2012) is that Barotseland should separate from Zambia and seek to do so via legal, diplomatic and political routes. In recognition of the fact that the elected Council had been mutilated by the Zambian regime in the sequence of its violations of [the Barotseland Agreement 1964](#) during the period 1965 to 1969, and as a way of ensuring adherence to democratic processes leading to the establishment of a free and independent Barotseland, the BNCø2012 passed Resolution No. 8 calling for the reconstitution of the elected Katengo Legislative Council. In recognition of the fact that the BRE is not a fully-fledged instrument of governance, the BNCø2012 passed Resolution No. 10 calling for the modernisation of the Barotse government. Over and above the forgoing, Resolution No. 9 instructs the Barotse government to put in place transitional arrangements for Barotseland's self-determination.

The BNCø2012 was comprised in representatives of grassroots traditional administration structures, the District Kutas, the Namuso Kuta and was augmented by civil society organisations. It was presided upon by the Ngambela in the presence of members of the Litunga's Privy Council. In the absence of the popularly elected Katengo Legislative Council, there was no better way of assembling a representative body for Barotseland than what transpired at the BNCø2012. It should also be put on record that civil society had been pressurizing for holding of a national indaba, known as Pizo, since the year 2000 to accord the people an opportunity to pronounce themselves on the impasse created by the Zambian government's unilateral termination of the Barotseland Agreement 1964. The BNCø2012 was, therefore, ultimately the Litunga's way of acceding to these overtures.

As a consequence of and as fully mandated by the BNCø2012, the Ngambela took the matter of Barotseland's self-determination to the African Commission of Human and Peoples Rights (ACHPR) for resolution on the basis of the provisions of the African Charter. Alongside this action, the Ngambela made an application for Barotseland to be admitted as a member of the Unrepresented Nations and Peoples Organisation (UNPO). Records indicate that both the Ngambela's petition to Banjul and the application to UNPO were done with the concurrence of the Litunga. Alarmed by these developments the government of Zambia kicked into motion its time-tested methods of destabilizing Barotseland's efforts to secure statehood through its unholy alliance with the Barotse Royal Establishment. The ensuing behind-the-scenes maneuverers by government eventually led to unbearable frustrations on the part of the Ngambela, Mutompehi Clement Wainyae Sinyinda, causing his resignation. This development created a vacuum in the implementation of [the BNC'2012 Resolutions](#) and had it not been for the vigilance and determination of civil society organisations who converged under the Barotse National Freedom Alliance (BNFA), which Mutompehi Sinyinda graciously accepted to lead, all the initial efforts to implement [the BNC'2012 Resolutions](#) would have gone to soil as the Zambian government would have wished. After the departure of Mutompehi Sinyinda from office of the Ngambela there has not been any initiative by the BRE to advance the implementation of [the BNC'2012 Resolutions](#), save that civil society through the BNFA has, with immense difficulties, managed to cajole the remnants within the Namuso Kuta to persist with the petition to the ACHPR up to the time of submissions on admissibility. As matters stand today, signs are such that more government pressure has been brought to bear on the BRE to steer the ship of Barotseland away from the course set by the BNCø2012. Under these circumstances it boggles the mind how the BRE can claim to be following democratic practice. It is a fact that since the passing of [the BNC'2012 Resolutions](#) there has not been another session of the BNC, not even the Privy Council, to review progress made towards the fulfilment of [the Resolutions](#).

The issue of who has mandate to implement [the BNC'2012 Resolutions](#) has been raised. Firstly, the people made [the Resolutions](#) and, therefore, responsibility for implementation vests in the people through the mandated organs. If the BRE claims responsibility for implementation it must show that responsibility by displaying what it has achieved so far in advancing the people's aspirations in that regard. We need to see progress made in the implementation of [the 12 Resolutions](#) - each one of them. It is not acceptable for anyone to claim responsibility for implementing [the Resolutions](#) just for purposes of ensuring that they are not implemented. Meanwhile, inability to implement is in itself

surrender of responsibility for implementation, no one should cling to a responsibility whose duties they are unable to perform.

3. BNC Resolution No. 2 – Protecting the Litunga from Disrepute.

There is a persistent tendency to twist the interpretation of this resolution and project it as implying that the holder of office of the Litunga has leeway to do as he pleases while remaining immune from scrutiny and/or criticism. Unfortunately, even if this had been the intent of the resolution, which it was not, it is not possible in today's world for an institution that delves into activities which impinge on the people's rights and interests to stay clear of public criticism and scrutiny. For this reason, surviving monarchs the world over manage to stay out of public scrutiny by shying away from being the driving force of management of public affairs and choosing to play the role of titular leaders only. As a matter of fact, this is how the Litungaship has operated from time immemorial but the intervention of twin governance over Barotseland that introduced an external authority complementing the Barotse government has tended to supplant the latter while projecting the Litunga as sole decision maker over Barotseland affairs. This has inevitably exposed the Litunga to public criticism and ridicule whenever issues turn sour. The Ngambela (a commoner), and not the Litunga, has always been the head of government in Barotseland.

The responsibility of protecting the Litungaship from criticism rests with everyone in Barotseland, including the holder of Office of the Litunga through the integrity of his actions and activities. In life, reputation, respect and honour are earned through a person's actions and achievements and this is more so for both people who genuinely occupy public office and those who purport to do so.

4. UNPO membership and Consultations with the BRE

There is deliberate ambiguity being promoted in respect of how the BRE views or interprets the issue of Barotseland's membership of UNPO. On one hand it is being admitted that senior officials of the BRE did apply for membership of UNPO and further that the fact that Barotseland is a member of this organisation is not in dispute. On the other hand, it is being asserted that UNPO has not been engaged in tackling Barotseland's quest for self-determination and that the BRE was not consulted if indeed such an engagement has occurred.

Firstly, UNPO is not a legal or consulting firm that gets engaged by a client. It is a member-based organisation whose activities are driven by the members through an elected executive called the Presidency and an administrative secretariat based in Brussels and The Hague. Membership is open to stateless nations like Barotseland and other peoples seeking control over their destiny and community affairs, and it is secured by application tendered to the Presidency by a representative body from the said nation or community. In the case of Barotseland, the BRE in conjunction with civil society organisations, applied for membership but the BRE failed to prosecute the application to the end. If the BNFA had not taken the initiative just as it did with the ACHPR petition, the application for UNPO membership would have fallen through for lack of follow-up action. Some organisations issue out certificates to members as symbol or proof of membership. UNPO issues out a flag to members in exchange of the members' own, to symbolize their membership and the member signs the UNPO covenant as commitment to the organisation's principles couched around the tenets of nonviolence, respect for human rights, democracy, rule of law and environmental protection.

There is adequate evidence to dispel the claims that the BRE was not consulted on UNPO and other issues relating to advancing the implementation of the BNC's 2012 resolutions. Most of this evidence is written and copies thereof are in the hands of some senior members of the BRE who today claim not to have been consulted. The BNFA activity report presented by way of seminar to the Saa-Sikalo Kuta on 10th September 2014, in which far reaching recommendations on wide ranging matters were raised and in which the BRE's input and advice was sought, stands out in this respect. Needless to mention is the fact that the Namuso Kuta shied away from tackling the issues raised in that report, notwithstanding their request for the report to be availed to all District Kutas, which the BNFA did, on

the understanding that a meeting of all Kutas will be summoned to determine their position on all matters raised, which never happened. It is possible to attest to the several trips made by the BNFA leaders to Namuso to follow up on these issues but ending up being marooned under the muzauli tree in front of the Kuta building because indunas were busy with what they considered to be more important matters, such as the ceremonial installation of village headmen. This would happen even when the call on the Kuta by the BNFA envoys was pre-arranged and appointments secured. Surprisingly, during the week-long ceremonial installation of village headmen when it was not possible for the Kuta to attend to the issue of Barotseland self-determination, the Zambian Minister of Community Development arrived and the important issue of village headpersons was shoved aside for the Kuta to attend to the Minister and the goodies in his carriage. This is a pointer to how low the issue of Barotseland self-determination is placed on the Kuta's priority list. So, if the BRE was not consulted on UNPO, it is because indunas made sure the consultations did not take place. In the meantime, conclusion of the UNPO membership programme was pending and had to be attended to.

Notwithstanding the foregoing, we need to ask:- if membership of UNPO is not in dispute, how is it that the symbol of that membership - the flag - is such a big problem?

5. The BRE and [the BNC'2012 Resolutions](#)

[The Resolutions](#) of the Barotse National Council of 26th and 27th March 2012 constitute a policy proclamation by the people of Barotseland from the highest organ of authority of the nation, the Litunga-in-Council, and are binding upon all those who regard themselves as institutions of governance in Barotseland, at whatever level. The role and power of the Council is elaborated in section 1 herein, and it is unnecessary to belabour the fact that a group of 2 or 3 myopic and subservient Indunas cannot constitute an authority equivalent to the Council as to cause the Litunga to make surgical changes to the purpose and intent of those [Resolutions](#). It is not democratic for a lower organ to act at variance with a superior body.

6. Dialogue with Government of Zambia

The anticipated dialogue, if indeed it is in the offing, is not born out of government benevolence but results from pressure mounted by the people, especially the efforts made to engage continental and international bodies in resolution of the Barotseland impasse. The petition to the ACHPR is very cardinal in this respect and it has caused the government of Zambia to reconsider its uncompromising stance of the past 50 years. Without these efforts there would be no talk of pre-dialogue consultations by the BRE today because no dialogue would be in the offing. It is, therefore, a display of ingratitude or lack of understanding of issues for anyone to portray civil society groups who have played a pivotal role in getting the issue of Barotseland to its current level of recognition as anarchists. More importantly, the dialogue should be based on the benchmarks set out by the BNC'2012 as doing otherwise would be contemptuous to the people.