



BAROTSE NATIONAL FREEDOM ALLIANCE

September 8, 2021

President Hichilema Hakainde
State House
Lusaka

Dear Mr. President,

INVITATION TO SIGN PCA SUBMISSION AGREEMENT

We take cognizant of your assumption of the Presidency of the Republic Zambia and thereby becoming the new oppressor of the people of Barotseland. The Barotse National Freedom Alliance does not participate in Zambia election process and restrain ourselves from commenting on the outcome. Nonetheless, we regret participation of our people and commend those who did not get involved as well as those, who having registered as voters restrained themselves from participating. We have, for some time, closely monitored your position on the Barotseland Agreement 1964, where you have clearly downplayed the unilateral abrogation of the said agreement by the Zambia government in 1969 and the acceptance thereof by the Barotse in 2012. We have further followed how you postulate on the “United Zambia”, “One Zambia One Nation” and how you cheat that “what the Barotse want is development”.

It is clear, Mr. President that you intend to follow the footsteps of your predecessors, particularly late President Kenneth Kaunda, to annihilate Barotseland and continue suppressing and oppressing the Barotse. We take it that you carefully arrived at this decision after consulting your legal advisors. We ask you to come to terms with the grim realities that the unitary state of Zambia is but an illusion. President Kaunda is not the founder but destroyer of the unitary state of Zambia. We don't know of any other country whose government abrogated the agreement on which it was founded. Barotseland has been and continues to be a self-governing territory. We do not seek development from you or anyone else. In fact, the Zambia state came into being out of the Barotseland Agreement 1964. Mr. President, if you believe that Zambia has a legitimate claim over the territory of Barotseland, we challenge you to sign the PCA submission agreement immediately.

The genesis of the unitary state of Zambia lies in the formative stages of its forerunner jurisdiction—the Northern Rhodesia Protectorate, which was an amalgamation of two distinct territories. These territories are the Barotseland-North-Western Rhodesia and the North-Eastern Rhodesia, the former having been built on the basis of the treaty of alliance between King Lewanika of Barotseland and the British Monarch signed in 1900; and the latter out of a claim by the British Crown. Meanwhile, the amalgamation of these territories for administrative convenience only were preceded by negotiations between the British government and King Lewanika, leading to a memorandum of 24th November 1910 in which Barotseland's status within the joint jurisdiction of Northern Rhodesia was spelt out.

In conformity with the principle of *pacta sunt servanda*, the treaty and all concessions between the Litunga and Her Majesty the Queen of the United Kingdom were due to terminate at independence in 1964, on account of the fact that the latter's jurisdiction over Northern Rhodesia was ceasing. This situation was to render the amalgamation of the territories comprised in Northern Rhodesia invalid, as well as disengage the Protectorate of Barotseland from the jurisdiction of the successor authority to Her Majesty's government in Northern Rhodesia.

To save Northern Rhodesia from disintegration, the Barotseland Agreement 1964 was signed by the government of Northern Rhodesia then led by Mr. Kenneth Kaunda Prime Minister, Sir Mwanawina III the Litunga of Barotseland, and Mr. Duncan Sandys Her Majesty the Queen's representative. The intent of that Agreement was to preserve Northern Rhodesia as a unitary jurisdiction as it converted into the Republic of Zambia—the basis of the unitary state of Zambia and the slogan "One Zambia One Nation" on one part; and retain Barotseland's status as an autonomous territory therein on the other. The power sharing arrangements and the limitations of the Zambian government in respect of exercise of power in Barotseland, were spelt out in that Agreement. The constitutive statutes of the Republic of Zambia, namely the **Zambia Independence Act 1964** and the **Zambia Independence Order 1964**, acknowledged and set out to preserve the provisions of the Barotseland Agreement at Sections 1 and 8 for the former and Section 20 for the latter.

The Barotseland Agreement 1964 is above the Zambia constitution, it was the foundation of the unitary state of Zambia and the only bedrock upon which rested the jurisdiction of the Zambian government over selected affairs pertaining to Barotseland. Its unilateral termination by the Zambian government, therefore, not only reinstates the precarious situation that Northern Rhodesia found itself at the threshold of its independence but, more importantly, freed Barotseland from Zambia and its governance and administrative structures. This is the current situation at moment Mr. President.

The decision to separate Barotseland from Zambia was done by the Zambian government through its founding President Mr. Kaunda through, firstly, the enactment of the **Local Government Act No. 69 of 1965**. This was done with impunity in violation of the Barotseland Agreement 1964 (special reference to Clause 4(2), 4(3)(f) and 8), the Zambia Independence Act 1964 (special reference to Section 8) and the Zambia Independence Order 1964 (special reference to Section 20). When a party to an Agreement violates the terms therein, it frees the other from the obligations of the said Agreement. This position is affirmed by Articles 60 and 70 of the **Vienna Convention on the Law of Treaties**, to which Zambia is a signatory. In this respect, the unitary state of Zambia was in effect stillborn.

Secondly and more importantly, the Zambian government chose to terminate whatever responsibilities and legal status it could have acquired over the territory of Barotseland through the enactment of the Constitution of Zambia (Amendment No. 5) Act 33 of 1969, an action taken without the consent of Barotseland, the other party to the Agreement that was terminated by that constitutional amendment. By unilaterally abrogating the Barotseland Agreement 1964, the government of Zambia forfeited whatever responsibilities and legal status it may have acquired over the territory of Barotseland.

It is a matter of public record that the people of Barotseland have, since the willful action by the government of Zambia in mutilating the Barotseland Agreement 1964 through orthodox amendments of the Constitution of Zambia in 1969, striven over the years to have that action reversed so as to restore legitimacy of the status of Zambia as a unitary state, as well as recover their rights of autonomy. These overtures have, at best been met with ridicule from successive Zambia governments.

To this end a perusal of the reports of all the **Commissions of Inquiry** set up by government at various stages to solicit for views of the public during amendments to and reviewing of the Constitution of Zambia, prove that the people of Barotseland had put up spirited submissions in favor of reinstatement of the Barotseland Agreement 1964 in the Constitution of Zambia. In between the Commissions of Inquiry political action by various segments of Barotse society to build up pressure for the respect of Barotseland's rights have been met with brute and naked force by the Zambian government.

It was against that back ground that the peoples of Barotseland, through the March 2012 Barotse National Council (BNC), resolved to accept the repudiation of the Barotseland Agreement 1964 and, thereby, set in motion the process of separating the territories of Barotseland and the rest of Zambia. Mr. President, we expect you to respect the decision of the Barotse. As it were, your government has no legal claim on Barotseland. The elections that are held in the territory of Barotseland are but a fraud.


In view of the foregoing, Mr. President, you have no mandate to engage the people of Barotseland in any manner other than that of working out the disengagement process. What remains is a peaceful dissolution of the unitary state of Zambia, allow the Barotse their full self-rule and full human rights—freedom of assembly, freedom of speech, freedom of association and to govern themselves. We also ask you to release the Rodger Chongwe Commission of Enquiry Report.

In this regard, we advise you Mr. President to refrain from interfering in the governance of Barotseland and drawing any revenues from the said territory. We have no further intentions to engage with you outside the aforementioned process. If you are still in doubt, we stand ready to engage with you at international fora.

We the undersigned present the foregoing matters for Your Excellency's urgent consideration and action.

Endorsement

Mukwae Wabei Siyolwe
CHAIRPERSON-GENERAL

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Maybin Mubita Sikwa)
DEPUTY CHAIRPERSON-GENERAL).....
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Katukula Mwiya)
SECRETARY-GENERAL).....
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George Mubita)
CHAIRPERSON DIASPORA).....
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Sinonge Lutangu)
CHAIRPERSON YOUTH).....
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Mushenywa Namukolo)
CHAIRPERSON LUKULU).....
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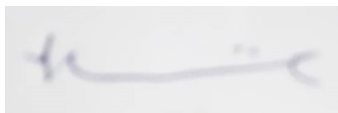
Kafulo Kabuyana)
CHAIRPERSON LIVINGSTONE).....
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Robert Samufumwa)
CHAIRPERSON ITEZHI TEZHI).....



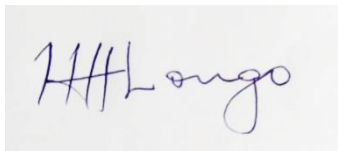
Ronald Swansea
CHAIRPERSON SHANGOMBO

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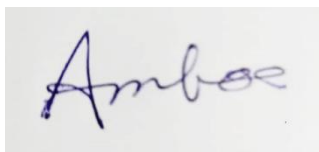
Sililo Susiku
CHAIRPERSON MONGU

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Stanely Muhongo
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Albert M. Moore
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Kaselo Kahilu
CHAIRPERSON SENANGA

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