



Submission to the UN Office of the High Commissioner for Human Rights
Universal Periodic Review during the 42nd session of the Republic of Zambia

Suppression of non-violent movements for the restoration of the Barotseland Agreement

Unrepresented Nations and Peoples Organisation (UNPO)

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1. The Unrepresented Nations and Peoples Organization submits this brief report related related to the Universal Periodic Review of the Republic of Zambia. The report highlights continued concern with the repression of non-violent activists for Barotseland in Zambia.

Background

2. Barotseland is the traditional land of the Barotse and comprises the upper Zambezi Valley, in Southern Central Africa. Nowadays, the Barotse territory falls largely within the borders of Zambia and coincides with the delimitations of the Western Province of Zambia. Mongu is the administrative and commercial capital of Barotseland, while the traditional winter and summer capitals are Lealui and Limulunga. These are the homes of His Majesty the Litunga.¹



3. The Barotse are traditionally a diverse people. The Barotse nation was born when Ayuli migrants from the Congo settled along the Zambezi River in the 15th century. They were joined by migrants from South Africa, Angola, Zimbabwe, and Namibia. As many as 38 ethnic groups can be found in the region, in a state of cohabitation (for an overview of these groups, please see above). Each ethnic group has its own dialect or language; however Silozi – a hybrid language, influenced by the many ethnic languages of Barotseland (the main influences being the Luyana and Kololo languages) – serves as lingua franca. It is spoken by approximately 722,600 people and is taught in primary and secondary schools. English is also spoken by a portion of the Barotse population and used mainly for official purposes.
4. The upper Zambezi Valley is a floodplain, providing the Barotse with fertile land. Naturally, their livelihoods are mostly reliant on wetland resources. Barotseland’s economy is based on combined crop farming, livestock keeping, fishing and natural resource exploitation. The Barotse also benefit from the floodplains being somewhat of a tourist attraction. Natural resources include oil, gas, diamonds, rubies, emeralds, gold, copper, iron, quartz, limestone, cobalt, uranium, diatomite, silica sand, and salt.
5. Up until 1964, Barotseland was a fully-fledged national State with a rich cultural heritage derived from centuries of existence and traditions. However, it was incorporated into Zambia as a violation of the 1964 Barotseland Agreement.²

¹ See UNPO Member Profile, Barotseland, available at <https://unpo.org/members/16714>.

² UNPO, Barotseland: Kenneth Kaunda's Birthday Shouldn't be Celebrated (April 30, 2020) available at <https://unpo.org/article/21857>

6. As part of the independence constitutional arrangements for Northern Rhodesia, in May 1964 in London, Kenneth David Kaunda, then Prime Minister at the head of the Self Government of Northern Rhodesia signed the Barotseland Agreement with the Litunga of the Lozi people Sir Mwanawina Lewanika III. The Barotseland Agreement of 1964 recognised the Litunga of Barotseland (Bulozi) as the principal local authority for the government and administration of Barotseland, with powers to make laws of Barotseland in respect to matters such as land, natural resources and taxation. The Barotseland Agreement 1964 was abrogated and cancelled by the Zambian Republican Government (GRZ) through the Constitutional (Amendment) Act of October 1969.³
7. On 23rd October 2010 and 14th January 2011 a series of riots occurred related to the restoration of the Barotseland Agreement. Ultimately these led to the round-up of activists, including non-violent human rights defenders under charges of treason.⁴ This began a period of intensified persecution of those seeking self-determination for the Barotse people, in particular the restoration of the Barotseland Agreement. For example, in 2013, 84 people were arrested from several districts of Western province and charged with treason, though ultimately all were released.⁵
8. In 2014, three leaders were once again rounded up, charged and sentenced for treason for non-violent activism for the restoration of the Barotseland Agreement. In December 2014, Likando Pelekelo, Afumba Mombotwa and Inambao Kalima were arrested and later tried and convicted for treason felony by the Zambian High Court. After a highly questionable trial, the three were sentenced to 10 years imprisonment with hard labour in March 2016.⁶

Update on the situation in Barotseland

9. The period since the last UPR for Zambia has seen additional regressions on the treatment of Barotseland activists and some very limited positive change.
10. On the positive side, a dialogue between the Barotse Royal Establishment (BRE) was opened in 2018 on some limited aspects related to the Barotseland Agreement.⁷ In July 2021, the BRE welcomed a ruling of the Constitutional Court to recognize the rights of certain Paramount Chiefs in traditional governance.⁸
11. Nonetheless, efforts continue to be taken to frustrate attempts at self-determination of the Barotse people and the restoration of the Barotseland Agreement even when taken by non-violent actors acting in accordance with their democratic rights. At the UNPO's General Assembly in March 2022, the UNPO's member organization the Barotse National Freedom Alliance (BNFA) reported that efforts to suppress non-violent self-determination activists

3 Bull, Mutumba Mainga (2014) "Reserved Area: Barotseland of the 1964 Agreement," Zambia Social Science Journal: Vol. 5: No. 1, Article 4., Available at: <https://scholarship.law.cornell.edu/zssj/vol5/iss1/4>

4 Ibid.

5 UNPO, Barotseland: Leader Afumba Mombotwa Captured by Zambian Police (December 8, 2014) available at <https://unpo.org/article/17760>

6 UNPO Barotseland: Prisoner of Conscience Falls Ill in Detention (October 11, 2016) available at <https://unpo.org/article/19547>

7 Lusaka Times, Barotse Royal Establishment now ready for negotiations on the controversial Barotseland Agreement of 1964 (April 16, 2018) available at <https://www.lusakatimes.com/2018/04/16/barotse-royal-establishment-now-ready-for-negotiations-on-the-controversial-barotseland-agreement-of-1964/>

8 Lusaka Times, The Barotse Royal Establishment delighted with the ruling of the Constitutional Court (17 July 2021) available at <https://www.lusakatimes.com/2021/07/17/the-barotse-royal-establishment/>

continued, stating as follows:

“The political and human rights space in Barotseland continue to deteriorate. The new regime continues to use subtle tactics to oppress, suppress and clamp down on the freedoms and rights of the Barotse. The Zambian government is using a foreign entity—Africa Parks—to manage vast pieces of land of Barotse game parks to deny the people control of their land and resources and on mission to inscribe the Barotse flood plains as a world heritage site by UNSECO using the World Wide Fund for nature and Zambia National Heritage Conservation Commission thereby consigning the Barotse into a state of perpetual deprivation, further denying them control of their land, cultural, economic and social development as well as curtailing any efforts of seeking legal redress. A recent attempt by the Barotse to meet and discuss the listing of their land as a world heritage site in their political capital of Lealui was stopped by police using brute force. Mention of Barotseland is forbidden in Zambia Parliament and government. No advocacy is allowed in Barotse interests and Barotse self-determination while all oppressive and suppressive tactics are given a platform. This is despite Zambia’s undertaking before the African Heads of states to restore the Barotseland Agreement 1964.”

12. Furthermore, the status of the Barotseland political prisoners worsened since the last UPR. In May 2018 it was reported that the three leaders had been released owing to international pressure.⁹ However, subsequent information indicated that they were to remain in custody.¹⁰ Furthermore, in September 2018 the Supreme Court of Zambia, hearing an appeal on the convictions of Likando Pelekelo, Afumba Mombotwa and Inambao Kalima extended their sentences from 10 years to 15 years. In its ruling, the Supreme Court appears to have justified the extension of the sentence merely on the basis of the fact that the defendants lodged the appeal.¹¹
13. In November 2019, Zambian President Edgar Lungu announced publicly that he had pardoned Afumba Mombotwa, among four others, only for his Minister of Home Affairs, Stephen Kapyongo, to announce a few hours later that Afumba's pardon had been reversed. Subsequently, one of the three leaders, Likando Pelekelo, died in prison.¹²

Recommendations

14. In light of the above, the UNPO makes the following recommendations to the Republic of Zambia:
 - Release all political prisoners detained for non-violent action seeking the self-determination of the Barotse people, including the restoration of the Barotseland Agreement
 - Ensure that those seeking self-determination of the Barotse people may freely participate in public life in Zambia, including ceasing all efforts to criminalize those who work for self-determination through non-violent means.

9 UNPO, Barotseland: Activists Released After International Intervention (May 10, 2018) available at <https://unpo.org/article/20794> .

10 UNPO, Leaders of Barotseland Continue to be Imprisoned in Zambia (November 30, 2018) available at <https://unpo.org/article/21258>

11 UNPO, Barotseland: Jailed Independence Leaders Receive Additional Sentences (September 17, 2018) available at <https://unpo.org/article/21089>

12 UNPO, Barotse Political Leader Dies in Zambian Prison (August 17, 2020) available at <https://unpo.org/article/22033>

- Open a wide-ranging dialogue with the Barotse people regarding self-determination and restoration of the Barotseland Agreement, including processes to ensure adequate control over economic, social and cultural development in accordance with Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights.