



THE BAROTSELAND AGREEMENT 1964

The following is the Barotseland Agreement dated 19th May 1964 and produced by HER MAJESTY'S STATIONERY OFFICE.

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Presented to parliament by the secretary for commonwealth relations by command of her majesty - May 1964

LONDON
HER MAJESTY'S STATIONERY OFFICE
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THE BAROTSELAND AGREEMENT 1964

Following talks in London between the British Government, the Government of Northern Rhodesia and The Litunga of Barotseland; an Agreement regarding the position of Barotseland within independent Northern Rhodesia was concluded at the commonwealth Relations office on 18 th May, 1964. It is entitled, "The Barotseland Agreement 1964". It was signed by Dr.K.D.Kaunda, Prime Minister of Northern Rhodesia, by Sir Mwanawina Lewanika III,K.B.E Litunga of Barotseland and by the Right Honourable Duncan Sandys M.P Secretary of State for common wealth Relations and for the colonies signifying the approval of Her Majesty's Government.

The text of the Agreement is attached as the Appendix to this paper.
19th May, 1964.

This Agreement is made this eighteenth day of May, 1964 between KENNETH DAVID KAUNDA, Prime Minister of Northern Rhodesia of the one part and SIR MWANAWINA LEWANIKA THE THIRD ,K.B.E., Litunga of Barotseland, acting on behalf of himself, his heirs and successors, his council, and the chiefs and people of Barotseland of the other party is signed by the Right Honourable Duncan Sandys, M.P Her Majesty's principal secretary of state for common wealth relations and for the colonies, to signify the approval of her majesty's government in the united kingdom of the arrangements entered into between the parties to this agreement and recorded therein.

Whereas it was proposed that the northern Rhodesia shall become an independent sovereign state to be known as the republic of Zambia.

And where as it is the wish of the government of northern Rhodesia and of the Litunga of Barotseland,his council and the chiefs and people of Barotseland that northern Rhodesia should proceed to independence as one country and that all its peoples should be one nation:

And where, as having regard to the fact that all treaties and other agreements subsisting between her majesty the queen of the United Kingdom of great Britain and northern Ireland and The Litunga of Barotseland will terminate when Northern Rhodesia becomes an independent sovereign republic and her majesty's government in the United Kingdom will there upon cease to have any responsibility for the government of Rhodesia including Barotseland. It is the wish of the government of northern Rhodesia and of The Litunga of Barotseland to enter into arrangements concerning the position of Barotseland as part of the republic of Zambia to the place of the treaties and other agreements hitherto subsisting between Her Majesty the Queen and The Litunga of Barotseland:

And whereas on the sixteenth day of April,1964 a provisional agreement was concluded at Lusaka with purpose and it is the desire of the government of northern Rhodesia and The Litunga, acting after consultation with his council to conclude a permanent agreement with this purpose:

NOW THIS AGREEMENT WITNESSETH and it is hereby agreed between the said Kenneth David Kaunda, Prime Minister of Northern Rhodesia, on behalf of the government of Northern Rhodesia and the said Sir Mwanawina Lewanika the Third, K.B.E., Litunga of Barotseland on behalf of himself, his heirs and successors ,his Council and the chiefs and the people of Barotseland as follows:-

1. Citation and commencement

This agreement may be cited as the Barotseland Agreement 1964 and shall come into force on the day on which Northern Rhodesia, including Barotseland, becomes the independent sovereign Republic of Zambia.

2. The Constitution of Zambia

1. The constitution of the republic of Zambia shall include the provisions agreed upon for the inclusion herein at the constitutional conference held in London in May, 1964 relating to:-(a) the protection of human rights and fundamental freedoms of the individual;
2. the judiciary; and
3. the public service

and those provisions shall have full force and effect in Barotseland.

3. Administration of Justice

1. Subject to the provisions of this Agreement, the people of Barotseland shall be accorded the same rights of access to the high court of the republic of Zambia as are accorded to other citizens of the Republic under the laws for the time being in force in the Republic and a judge or judges of the high court selected from among the judges who normally sit in Lusaka shall regularly proceed on circuit in Barotseland at each intervals as the due administration of justice may require.
2. The people of Barotseland shall be accorded the same rights of appeal from the decisions of the courts of the Republic of Zambia as are accorded to other citizens of the Republic under the laws for the time being in force in the Republic.

4. The Litunga and His Council

1. The government of the republic of Zambia will accord recognition as such to the person who is for the time The Litunga of Barotseland under the customary law of Barotseland.
2. The Litunga of Barotseland, acting after consultation with his Council as constituted for the time being under the customary law of Barotseland shall be the principal local authority for the government and administration of Barotseland.
3. The Litunga of Barotseland, acting after consultation with his Council, shall be authorised and empowered to make laws for Barotseland in relation to the following matters, that is to say-
 1. The Litungaship;
 2. The authority at present known as the Barotse Native Government (which shall hereafter be known as the Barotse Government);
 3. The authorities at present known as Barotse Native Authorities;
 4. The courts at present known as Barotse Native Courts;
 5. The status of the members of the Litunga's Council;
 6. matters relating to local government;
 7. land;
 8. forests;
 9. traditional and customary matters relating to Barotseland alone;
 10. fishing;
 11. control of hunting;
 12. game preservation;
 13. control of bush fires;
 14. the institution at present known as the Barotse native treasury;

15. the supply of beer;
16. reservation of trees for canoes;
17. local taxation and matters relating thereto; and
18. Barotse local festivals.

5. Land

1. In relation to land in Barotseland the arrangements set out in the annex hereto shall have effect.
2. In particular, the Litunga of Barotseland and his Council shall continue to have the powers hitherto enjoyed by them in respect of land matters under customary law and practice.
3. The courts at present known as the Barotse Native Courts shall have original jurisdiction (to the exclusion of any other court in the Republic of Zambia) in respect of matters concerning rights over or interests in land in Barotseland to the extent that those matters are governed by the customary law of Barotseland:
Provided that nothing in this paragraph shall be construed as limiting the jurisdiction and powers of the High Court of the Republic of Zambia in relation to writs or orders of the kind at present known as prerogative of writs or orders.
4. Save with the leave of the court at present known as the Saa- Sikalo Kuta, no appeal shall lie from any decision of the courts at present known as the Barotse Native Courts given in exercise of the jurisdiction referred to in paragraph (3) of this article to the High Court of the Republic of Zambia.

6. Civil Servants

All public officers of the Government of the Republic of Zambia who may from time to time be situated in Barotseland shall be officers serving on permanent and pensionable terms.

7. Financial Responsibility

The Government of the Republic of Zambia shall have the same general responsibility for providing financial support for the administration and economic development of Barotseland as it has for other parts of the Republic and shall ensure that, in discharge of this responsibility, Barotseland is treated fairly and equitably in relation to other parts of the Republic.

8. Implementation

The Government of the Republic of Zambia shall take such steps as may be necessary to ensure that the laws for the time being in force in the Republic are not inconsistent with the provisions of this Agreement.

9. Interpretation

Any question concerning the interpretation of this Agreement may be referred by the Government of the Republic of Zambia to the High Court of the Republic for consideration (in which case the opinion thereon of the Court shall be communicated to that Government and to the Litunga of Barotseland and his Council) and any such question shall be so referred if the Litunga, acting after consultation with his Council, so requests.

10. Revocation

The herein before recited Agreement of the sixteenth day of April, 1964 is hereby revoked.

In witness whereof the parties hereto
Have hereunto set their hands in the
Presence of:

K.D.KAUNDA Prime Minister of Northern Rhodesia (Signed)

E.D. HONE Governor of Northern Rhodesia (Signed)

(Signed) IMENDA SIBANDI Ngambela of Barotseland

MWANAWINA LEWANIKA III Litunga of Barotseland

Signed by the Right Honourable Duncan Sandys in the presence of :- (Signed)
(Signed) RICHARD HORNBY DUNCAN SANDYS
Parliamentary Under Secretary of Her Majesty's Principal Secretary
State for Commonwealth Relations of State for Commonwealth Relations And for the
Colonies And for the Colonies

ANNEX TO THIS AGREEMENT

1. The Litunga and National Council of Barotseland have always worked in close co-operation with the Central Government over land matters in the past have agreed that the Central government should use land required for public purposes, and have adopted the same procedures as apply to leases and rights of occupancy in the Reserves and Trust Land areas, where applicable. At the same time, the administration of land rights in Barotseland under customary law and practice has been under the control of the Litunga and National Council in much the same way as customary land rights are dealt with in the Reserves and Trust Land areas.
2. In these circumstances it is agreed that the Litunga should continue to have the greatest measure of responsibility for administering land matters in Barotseland. It is however, necessary to examine the position of land matters in Barotseland against the background of the Northern Rhodesia Government's overall responsibility for the territory.
3. The Barotse memorandum has indicated that Barotseland should become an integral part of Northern Rhodesia. In these circumstances the Northern Rhodesia Government will assume certain responsibilities and to carry these out they will have to have certain powers. so far as land is concerned, apart from confirmation of wide powers the Litunga over customary matters ,the position is as follows:-
 1. The Northern Rhodesia Government does not wish to derogate from any of the powers exercised by the Litunga and Council in respect of land matters under customary law and practice.
 2. The Northern Rhodesia Government would like to ensure that the provision of public services and the responsibility of economic development in Barotseland are not hampered by special formalities.
 3. The Northern Rhodesia Government recognises and agrees that full consultation should take place with the Litunga and Council before any land in Barotseland is used for public purposes or in the general interests of economic development.
 4. The position regarding land in Barotseland in an independent Northern Rhodesia should ,therefore, be as follows:-
 1. There should be the same system for land administration for the whole of Northern Rhodesia including Barotseland, that is, the

Government Lands Department should be responsible for professional advice and services with regard to land alienation in all parts of Northern Rhodesia and that the same form of document should be used for grants of land (i) for Government purposes and (ii) for non-Government and non-customary purposes. The necessary preparation of the title documents should be done by the Government Lands Department.

2. The Litunga and National Council of Barotseland will be charged with the responsibility for administering Barotse customary land law within Barotseland.

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Barotseland Agreement 1964; Silozi Version

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TUMELELANO YA MULONGA WA BULOZI, MUBUSO WA NORTHERN RHODESIA NI MUSO WA GREAT BRITAIN 1964

TUMELELANO YE YA EZWA ka lizazi la 18 Kandao 1964 mwa hal'a **Kenneth David Kaunda**, Ngambela wa naha ya Northern Rhodesia, ka ku yemela Mubuso wa Northern Rhodesia, ni Mulena yo Muhulu, **Sir Mwanawina Lewanika 111**, Litunga wa Bulozhi, ka ku yemela Malena kaufela ba ba ta yola mwa mulaho wa hae, Mulonga, Manduna mane ni sicaba kaufela sa Bulozhi, ni ku nyatelwa ki Mutompehi **Duncan Sandys** Mun'oli yo muhulu ya n'a talima za silikani sa manaha a n'a li mwa tas'a puso ya England ili ku bonisa ku lumelwa kwa litukiso ze kenwi ku zona mwa hal'a mibuso ye, ili ze tatama:-

-Hailikamo ku kakanywa kuli naha ya Northern Rhodesia i ipuse ka libizo la Zambia

-Mi hailikamo ki takazo ya Mubuso wa Northern Rhodesia ni Litunga wa Bulozhi kuli naha ya Northern Rhodesia i lukuluhe ili naha ilinwi ni mishobo kaufela ye mwa teñi i fetuhe sicaba silisinwi,

-Mi hailikamo litumelelano kaufela ze li teñi mwa hal'a Queen wa England ni Litunga wa Bulozhi li ka fela Northern Rhodesia i sa fumana fela tukuluho mi Muso wa England ha u sa tola u ba ni buikalabelo fa halimu'a Mubuso wa Northern Rhodesia hamoho cwalo ni Mulonga wa Bulozhi. Mi takazo ya Mubuso wa Northern Rhodesia ni Litunga wa Bulozhi, ku eza litukiso ze ama buino bwa Bulozhi, bu li kalulo ya Zambia ili ze ka yola litumelelano ni litukiso ze nwi kaufela ze li teñi mwa hal'a Queen wa England ni Litunga wa Bulozhi.

-Mi cwale ka la 16 Lungu 1964 mwa Lusaka kwa fitwa fa tumelano ya swalelele ka ona muhupulo woo ya feliswa mi ya ba takazo ya Mubuso wa Northern Rhodesia hamoho cwalo ni Litunga wa Bulozhi kasamulaho wa ku ambolisana ni Mulonga kuli ku fitwe fa tumelano ye tiile ya ona muhupulo woo.

-Cwale ka ku ya ka tumelano ye n'e bile teñi mwa ha'a Kenneth David Kaunda, Ngambela wa naha ya Northern Rhodesia ka ku yemela Mubuso wa Northern Rhodesia ni Mulena yo Muhulu, Sir Mwanawina Lewanika 111 KBE, Litunga wa Bulozhi ni Malena ba ba ka yola mwa mulaho wa hae kaufela, Mulonga mane ni sicaba sa Bulozhi, kwa lumelwana sina cwana:-

1. *Libizo la tumelano ni makalelo a yona*

Tumelano ye i ka zibwa ka libizo la '**Tumelano ya Bulozhi 1964**'- mi tumelano ye i ka kala ku sebeza Northern Rhodesia hamoho cwalo ni Bulozhi ha li ka fumana tukuluho ka libizo la Zambia.

2. *Mutomo wa naha ya Zambia*

Mutomo wa naha ya Zambia u ta kopanya lingambolo ze n'e lumelwani ku zona ze ne li beilwe kwa lingambolo za mukopano o mutuna o n'o talima za mutomo mwa London ka May 1964 ili zeo:-

- a. Silelezo ya liswanelo za mutu ni tukuluho ya mañi ni mañi
- b. Likuta
- c. Misebezi ya nyangela

Mi zeo kaufela li ka sebeza mwa Bulozhi.

3. *Zamaiso ya Likuta*

- a. Ka ku ya ka litumelano ze batu ba Bulozhi ba ka bani liswanelo ze swana ni ba bañwi kaufela za ku ya kwa High Court ya naha ya Zambia ka ku ya ka Mulao o li teñi mwa naha, mi muatuli yo muhulu yena Judge kapa ma-Judge ba ba ka ketwangwa ku atula mwa Lusaka ba ka na ba tahanga ni mwa Bulozhi ka linako ze ñwi ha ba tokwahala.
- b. Batu ba Bulozhi ba ta ba ni liswanelo za ku inga buipelezo mwa likuta kaufela za Zambia sina ba bañwi kaufela, sina mo u bulelela Mulao o' li teñi mwa naha.

4. *Litunga ni Mulonga*

- a. Mubuso wa Zambia u ta kuteka ya ta ba Litunga wa Bulozhi kaufela ka ku ya ka Sizo sa Silozhi
- b. Litunga wa Bulozhi ka swalisano ni Mulonga sina mo ku inezi mwa Sizo sa Silozhi i ta ba yena mufelelezi mwa litaba za Bulozhi
- c. Litunga wa Bulozhi ka swalisano ni Mulonga u ka lumelwa ku ba ni maata a ku toma Milao ya Bulozhi ye cwale ka ye:-
 - i. Bulena
 - ii. Maata fa litaba za puso ya Bulozhi ye bizwa ka libizo la Barotse Native Government (ye ta zibwa kasamulaho ka libizo la Barotse Government).
 - iii. Zamaiso ya Barotse Native Authorities (Milonganyana)
 - iv. Likuta ze bizwa Barotse Native Courts
 - v. Litulo za Manduna ba Mulonga
 - vi. Litaba kaufela ze ama zamaiso ya lilalo
 - vii. Mubu
 - viii. Mishitu

- ix. Litaba za Simuluho ni Sizo ze ama feela Bulozhi
- x. Buyambi (Bundui)
- xi. Silelezo ya lifolofolo ze mwa naheŋi
- xii. Silelezo kwa mililo
- xiii. Panga ya Bulozhi ye n'e zibwa ka libizo la Barotse Native Treasury
- xiv. Bucwala
- xv. Silelezo ya likota ze betwa mikolo
- xvi. Mutelo ni ze zamaya ni ona
- xvii. Mikiti ya Silozhi

5. **Mubu**

Haili ka za mubu mwa Bulozhi ku ta sebeza litukiso zeo ze tatama:-

1. Litunga yena kasibili ni Mulonga wa hae ba ta zwelapili ku ba ni maata e ba na ni ona fa litaba za mubu ka ku ya ka Mulao wa Sizo sa bona.
2. Likuta ze n'e bizwa Barotse Native Courts li ta siyala cwalo ni maata a zona sina pili (ili ku fapahana ni likuta zeŋwi kaufela mwa Zambia) mwa litaba ze ama liswanelo ni litukelo za mubu mwa Bulozhi kakuli litaba kaufela za mubu mwa Bulozhi li zamaiswa ka Sizo, ibile fela ku ze bulezwi fa kusina se si ka palelwiswa Kuta ye tuna ya High Court ku ba ni maata.
3. Hakuna taba ya mubu ye kona ku zwa mwa likuta ze nyinyani ze bizwa Barotse Native Courts ka buipelezo ku ya mwa High Court li si ka fita mwa Saa-Sikalo.

6. **Mabeleki ba Mubuso**

Babeleki ba Mubuso kaufela ba ba ka na ba sebelezanga mwa Bulozhi i ta ba ba ba sebeleza 'pension'.

7. **Maata fa Sifumu**

Mubuso wa Zambia u ta na u sulanga mali a ku tusa mwa zamaiso ni zwelopili ya sifumu sa Bulozhi, sina mo ta tusezanga mwa mabaka a maŋwi a naha. Mi Mubuso wa Zambia u ta bona kuli mwa ku eza cwalo Bulozhi bu ta na bu fiwangwa kabelo ye swana ni libaka zeŋwi za Zambia.

8. **Musebelezo**

Mubuso wa Zambia u ta inga mihato ye swanela ku bona kuli Milao ye li teŋi mwa naha ha i lwanisi litumelano ze.

9. **Toloko**

Ha ku na ni puzo ye ama toloko ya Tumelelano ye, i kona ku pahekwa ki Mubuso wa Zambia kwa High Court ya Zambia ku yo nyakisiswa (mi kamukwa 'o cwalo High Court i ta zibisa Mubuso wa Zambia ni Litunga wa Bulozhi ni Mulonga wa hae mubonelo wa yona). Mi puzo ya mufuta o'cwalo i ta iswa fela kwa Muso ni High Court haiba Litunga ka ku lelisana ni Mulonga ba kupa cwalo.

10. **Ku feliswa**

Tumelelano ye n'e ezizwe la 16 Lungu 1964 i felisizwe kwa siyala ya la 18 Kandao 1964 ya kwa London.

Tumelelano ye i nyatezwi ni ku pakwa ki ba ba tatama:-

SIR EVELYN D. HONE
KENNETH DAVID KAUNDA
(Governor wa Northern Rhodesia)
(Ngambela wa Northern Rhodesia)

IMENDA SIBANDI
MWANAWINA LEWANIKA III
(Ngambela wa Bulozhi)
(Litunga (King) wa Bulozhi)

SIR

RICHARD HORNBY
DUNCAN SANDYS
(Parliamentary Under Secretary of State for
Principal Secretary of State
Commonwealth Relations and the Colonies)
Commonwealth Relations and the Colonies)

(Her Majesty's
for

Ze ekelizwe kwa Tumelelano

1. Ku zwa kwa makalelo, Litunga wa Bulozhi u bile ya sebelize hande ni Mubuso fa litaba za mubu, mi u lumezi kuli Muso wa Zambia u ka na u itusisa mubu o' tokwahala ka misebezi ya sicaba. Ka cwalo, Mulonga wa Bulozhi u ta sebelisana ni Mubuso mwa taba mo ka mukwa o' swana ni mo Mubuso u itusiseza mubu o' bizwa 'Reserve' ni 'Trust'. Mi luli ni haiba ku kala kwa makalelo zamaizo ya mubu mwa Bulozhi ne i li mwa tas'a Mulao wa Sizo ka mo ne i sebelisezwa ki Litunga ni Mulonga kwa swana ni litukelo za mubu ka Sizo mwa libaka zeñwi mwa naha ya Zambia ka Mulao wa mubu wa Reserve ni Trust.
2. Ka ona muinelo woo kwa lumelwa kuli Litunga u ka zwela pili ku ba ni maata a matuna mwa zamaizo ya mubu mwa Bulozhi. Ni ha kuli cwalo ku butokwa ku nyakisisa muinelo wa mubu mwa Bulozhi ha lu bapisa ni buikalabelo bwa Mubuso wa Northern Rhodesia fa mubu kaufela mwa naha.
3. Maikuto a Bulozhi a lumela kuli Bulozhi bu ta ba kalulo ya Northern Rhodesia. Ka mukwa o' cwalo Mubuso wa Northern Rhodesia u na ni ku inga maata a mañwi kuli u kone ku peta buikalabelo bwa wona. Ha ili ka za mubu kwand'a ku tiiseza maata amatuna ku Litunga fa halimw'a litaba za Sizo.

Lika li ta ba sina cwana

1. Mubuso wa Northern Rhodesia ha u tabeli ku kusufaza kwa maata afi kappa afi a sebeliswa ki Litunga ni Mulonga fa litaba za mubu ka Mulao wa Sizo.
2. Mubuso wa Northern Rhodesia u ka lata ku bona kuli litukiso za misebezi ya sicaba ni zwelopili ya sifumu sa mwa Bulozhi ha li palelwiswi ki miinelo ye miñwi.
3. Mubuso wa Northern Rhodesia u lumela kuli ku ba'nge ni lipuisano mwa hal'a wona. Litunga ni Mulonga wa hae pili Muso u si ka itusisa kale mubu kwa misebezi ya sicaba mwa Bulozhi.

4. Cwale buino bwa mubu mwa Bulozhi Northern Rhodesia ha i se i fumani tukuluho bu ta ba cwana:-

- a. Ku ta ba ni zamaiso ya mubu ye swana hamoho cwalo ni Bulozhi mwa naha kaufela ya Northern Rhodesia. Liluko la Muso le li talima za mubu ki lona le li ta na li fa likelezo za bucaziba kwa neku la ku itusisa mubu mwa Northern Rhodesia mi ha ku fanwa mubu, mapampili a fanwa ki ona a ta itusiswangwa mwa mikwa ye cwale ka:-

- i. Mubuso
- ii. Ni ye si ya Mubuso mane ni ye si yo mwa Sizo.

Litukiso za mañolo a ku fana mubu li lukela ku ezwangwa ki ba liluko le li talima za mubu

- b. Mulena yo Muhulu ni Kuta ya hae ba ta ba feela ni buikalabelo fa halimw'a mubu wa sizo mwa Bulozhi.

I hatisizwe mwa England ni ku hasanywa ki

HER MAJESTY'S STATIONERY OFFICE

Contact us

Rt Hon Mwangelwa
Clerk of the Executive Council

barotseland.government@gmail.com

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