

1.0 EXECUTIVE SUMMARY

From submissions received the following are the findings and conclusions of the Commission:

1.1 **Intent and evolution of the Agreement.**

The Barotseland Agreement 1964 is a successor treaty to the treaties subsisting between the British Crown and the Barotse Monarch, relating to the Protection status of Barotseland, prior to independence. The Agreement incorporates the territory and people of the former Protectorate of Barotseland into the nation of Zambia, and transfers all obligations and rights of the British Crown with respect to Barotseland to the Government of Zambia, effective 24th October 1964. The authority of the Zambia government over Barotseland is, therefore, derived from and legitimized by the Agreement. The Agreement further provides terms and conditions on which governance in Barotseland is to be conducted by both the Zambian Government and the Barotse Government.

The unitary nature of the Zambian State is derived from the fact that two constituent territories, i.e. the Protectorate of Barotseland and the Protectorate of Northern Rhodesia signed this treaty to become one independent Sovereign Republic. This principle is enshrined in paragraphs 2 and 3 of the preamble to the Agreement. This principle was further reflected in the legal instruments that gave birth to the new Republic, that is, Article 125 (1) of the Northern Rhodesia Independence Order 1964, which promulgated the Independence Constitution, and Section 1 of the Zambia Independence Act of 1964. Both these legal provisions arose as a direct consequence of the Barotseland Agreement 1964.

1.2 **Conclusion:**

Barotseland is a part of Zambia and remains so only as a consequence of the Barotseland Agreement 1964. Failure to implement the Agreement amounts to frustration of the Treaty which gives rise to questions about the legitimacy of the Zambian Government's authority over Barotseland and jeopardises the continued existence of unitary state.

2.0 AUTHENTICATION

The Commission has had sight of copies of the Agreement as presented by some of the petitioners. The original copies may be viewed at relevant Government Registries and Archives.