

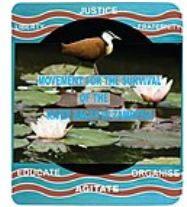
# The River Races: The Untold Story of Zambesia

2026





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# **The River Races: The Untold Story of Zambesia**

2026

## **Submitting Organisations**

### **Stichting Unrepresented Nations and Peoples Organization (UNPO)**

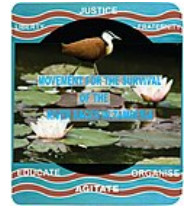
The Unrepresented Nations and Peoples Organization (UNPO) is an international, nonviolent, and democratic membership-based organisation. Its members include indigenous peoples, minorities, unrecognised States, and occupied territories that have joined together to defend their political, social, and cultural rights, as well as their right to self-determination. The peoples of Zambesia have been a member of the UNPO since 2020.

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### **Movement for the Survival of the River Races in Zambesia (MOSURIRAZA)**

MOSURIRAZA is a nonviolent membership based organization advocating for the restitution and self-determination of Zambesia. Its main objective is to empower the voices of the Zambesian people both nationally and internationally and raise public awareness of the history of Zambesia.

[www.zambesia.com.na](http://www.zambesia.com.na)



## Executive Summary

This report examines the historical and legal basis for the restitution or recognition of the pre-colonial territory known as Zambesia. Prior to the colonial partition of Africa, Zambesia existed as a territorial and socio-political entity inhabited by riverine communities connected to the Zambezi River system.

Following the decisions made during the Berlin Conference, the territory of Zambesia was placed within the British sphere of influence through an Order in Council issued on 9 May 1891. However, despite this declaration, Zambesia was never formally proclaimed as a colony or protectorate.

The absence of formal proclamation resulted in the administrative fragmentation of the territory, which was later absorbed into the modern states of Zimbabwe, Botswana, and the Caprivi Strip now attached to Namibia.

This report is jointly prepared by UNPO and MOSURIRAZA. The views and analysis expressed reflect the positions of both organisations and do not necessarily represent the individual position of either organisation alone.



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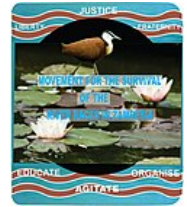
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Zambesia, historically known as Sebitwane country, Makololo country and Sekeletu country, was a nation dating as far back to the sixteenth century, before the British and the German protectorates were instituted in 1884 and 1885 respectively. The names Sebitwana and Sekeletu originate from former kings of the Makololo people. Dr. David Livingstone, the missionary, abolitionist, and explorer, used these names when referring to the people of the region as Zambesians. Zambesia, as he called it, was the first region in Southern Africa that he visited in 1849.

During the Berlin Conference, the Zambezi Region was demarcated as a German sphere of influence. While the territory was never colonised, it became a part of German South West Africa (now Namibia). Today, under the Namibian state – which inherited colonial-era borders – Zambesia's territory is encompassed within the contested Zambezi Region, a narrow strip of land in the country's northeast, bordered by Angola and Zambia to the north and Botswana to the south.

Today, approximately 300,000 Zambesians live across the region, with around 100,000 residing in Namibia's Zambezi Region. Despite its significant population, the area has the lowest annual per capita income in the country and suffers from high levels of poverty and unemployment.

In the face of these violations, Zambesia has advocated for their right to restitution and self-determination despite being excluded from the political and international platforms through which they can make their cause known. This issue has been exacerbated by the erasure of Zambesia's history and removal from maps of Southern Africa today, largely due to the consequences of the British and



German colonial authorities in the region, and not recognising the British order in Council dated 9 May 1891.

The challenge now presented to the peoples of Zambesia, which this strategy seeks to address, is how to raise awareness and make the case of Zambesia known again to the international system. As will become apparent in deeper discussions throughout this report, the current international and regional systems are primarily state-centric, having been shaped in the aftermath of the World Wars. Similarly there is at present no mechanism focusing solely on the right to self-determination. While the right to self-determination is an enshrined right under international law, the current international system, including the UN, is based on the principle of 'territorial integrity' – a principle which often stands in tension with the right of peoples to self-determination. As a result, these legal frameworks do not readily provide mechanisms for the questioning of borders and state boundaries, which often leaves unrepresented peoples at a disadvantage, particularly in the context of arbitrary colonial borders and boundaries.

## **II. Historical Background**

Prior to European colonial expansion in Southern Africa, Zambesia existed as a geographical and socio-political region connected by riverine systems and trade networks along the Zambezi River basin.

During the late nineteenth century, European powers convened at the Berlin Conference to divide the African continent into spheres of colonial influence. As a result of these arrangements, the British Crown declared Zambesia to fall within its sphere of influence through an Order in Council dated 9 May 1891. This declaration effectively recognized the territory administratively; however, the failure to formally proclaim Zambesia as a colony or protectorate created a legal anomaly in colonial governance.

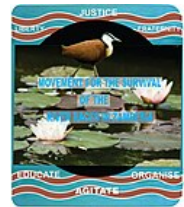
Subsequent colonial restructuring divided the region across multiple administrative territories, which ultimately evolved into modern states including Zimbabwe and Botswana, while a portion remained attached to Namibia through the narrow corridor known as the Caprivi Strip. This fragmentation effectively erased Zambesia as a recognised territorial entity.

## **III. History of Zambesia**

### ***a. The Impact of Colonisation on Zambesia***

Along the Zambezi River in the region formerly known as Barotseland (present-day Zambia), the Barotse Kings were recognised as the traditional rulers of the Lozi people. Sometime between the sixteenth and eighteenth century, Ngombala became chief of the Lozi with his chieftaincy extending to the tribes along the Zambezi River south of the Leyalui village – including the Ba Subia, the Yeyi, Mabukushu, Bakgalagadi, Qciriqu, Batawana, Shua-khoe. In the first half of the nineteenth century, the Makololo people led by King Sebitwane migrated from area to area in Southern Africa, known as Basutoland. The Makolo chieftaincy over the Kingdom continued until 1864 when the Barotse rose up against the Makolo, under King Lutangu Sipopa, regaining their former power.

Over the course of time, more European explorers and missionaries eventually began to arrive in the region, due in part to the trade in ivory. Between 1849 and 1855, Dr. David Livingstone, accompanied by

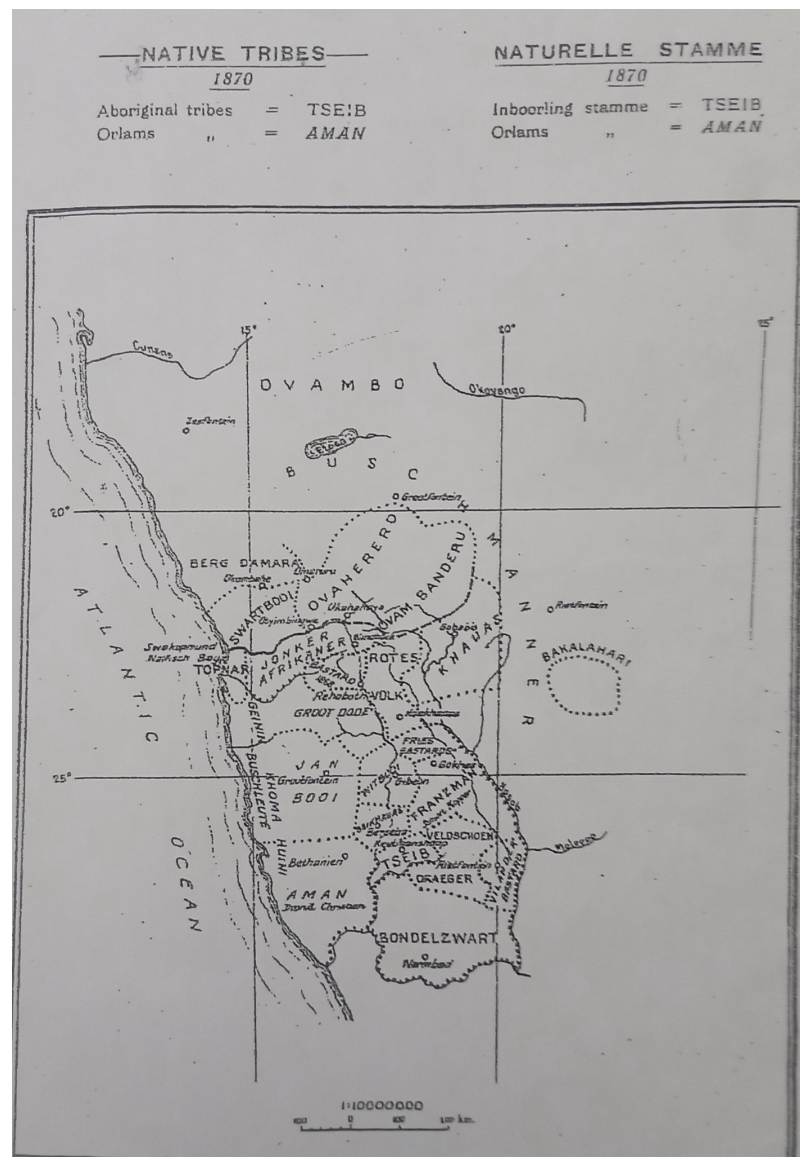


Messrs Oswell and Murray, arrived as guests of King Sebitwane at Linyanti (the capital of Zambesia) on the banks of the Linyanti River (Chobe River Nkasa rupala island). In 1850, Livingstone traveled west towards Angola, with the assistance of King Sebitwana, returning in 1853. Livingstone reports to have found an established and functioning administration under which he lived for six years while undertaking expeditions to the West when he visited Luanda in Angola.

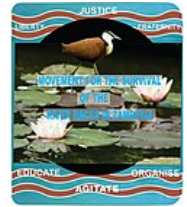
During his time in Southern Africa, Livingstone further traveled to the Indian Ocean, toward present-day Mozambique, when he encountered the largest waterfall in Southern Africa on the Zambezi River known as *Shangu Namutiti Ma* by the local people, and later named Victoria Falls by Livingstone after Queen Victoria.

While the arrival of colonial powers in Africa had far-reaching consequences, it is important to recognise that Southern Africa already had a long history of intra-regional migration, cultural exchange, and complex social systems prior to colonial intervention. The Zambesia region, in particular, was a well-established area with its own functioning administrative structures prior to the arrival of colonial powers. This included a King and an administration structure involving advisors, an army, and a kotla (court) where cases could be adjudicated. These systems of governance continued to operate even after the British South Africa Company expanded into the Southern African interior.

By the late nineteenth century, European settlers (from Germany, Britain and Norway) began to increase their authority in the region. Before this point, there was little involvement of settlers in the region, save for the presence of Afrikaner settlers between the late 1600s and 1700s. Thus with the arrival of European settlers, particularly from the 1860s, the region saw growing European influence in the local trade, including whaling, ivory and cattle and the introduction of firearms.<sup>1</sup> The increased influx of European settlers escalated tensions in the region between settlers, Indigenous Peoples and minorities.



<sup>1</sup> History of Namibia, Britannica. <https://www.britannica.com/topic/history-of-Namibia>



In 1884, the German colonial authorities declared South West Africa a protectorate, as depicted in the figure below.<sup>2</sup> During the colonial period, Germany was allotted a strip of land by Britain in order for it to access the Zambezi River, and that strip was referred to as the German sphere of influence. It was never fully administered or incorporated into the colony, remaining under a British sphere of influence.

### ***b. The Berlin Conference of 1884-1885***

The impact on Zambesia and its arbitrary division did not result from direct colonisation, but rather from the geopolitical maneuvers of European powers in the late nineteenth century. As the British and German colonial authorities sought to expand their political and territorial control, the regions in Southern Africa were divided to accommodate their competing expansion interests. Tensions between Germany and Britain also increased as both aimed to secure more territory and control on the continent, ultimately contributing to the convening of the Berlin Conference in 1884-1885 between European colonial powers.

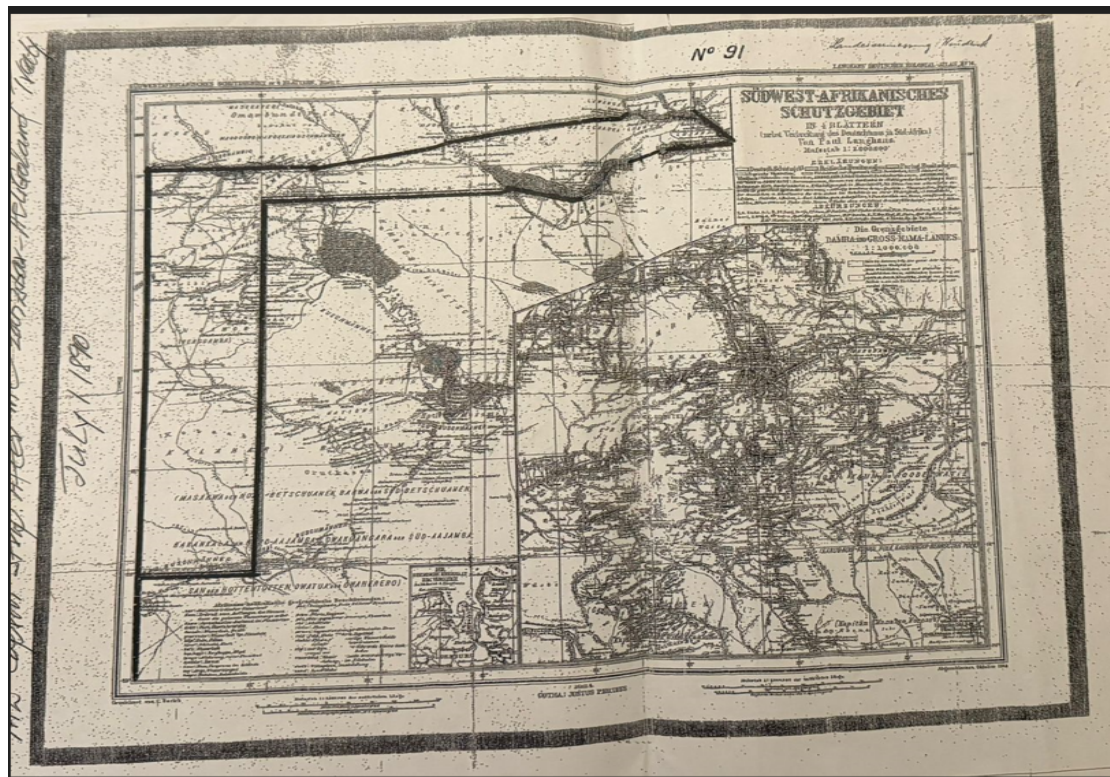
The Berlin Conference brought together representatives from fourteen states – Germany, Austria-Hungary, Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Portugal, Russia, Spain, Sweden and Norway, the Ottoman Empire, and the United States – to regulate colonial claims in Africa. The resulting General Act of the Berlin Conference formalised the Scramble for Africa whereby European powers divided the continent among themselves, without the consent of African leaders or communities. This conference resulted in various outcomes, with far reaching consequences for the African continent as a whole, particularly with regard to the formalisation of colonial territories and borders – most of which are still recognised today. Some of the outcomes most relevant to Zambesia are highlighted below, including the determining of boundaries for Germany and Britain's spheres of influence.

#### **Anglo-German Treaty (Heligoland-Zanzibar Treaty, July 1, 1890)**

During the Berlin conference, Germany and Britain entered into negotiations to temporarily settle the colonial disputes and define their respective spheres of influence in Africa. This gave rise to the Anglo-German Treaty signed by Germany and Britain five years later, on 1 July 1890.

Article 3 of the treaty specifically set out Germany's sphere of influence in South West Africa, rather than establishing a formal protectorate. See figure below for a map depicting the boundaries of Germany's sphere of influence as of 1890.

<sup>2</sup> Namibia, Sinqobile Makhathini (2024). African Transitional Justice Hub. <https://atjhub.csvr.org.za/namibia/>

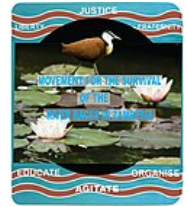


Among other things, this resulted in the creation of the additional strip of South West Africa (the Caprivi Strip or the Zambezi Region), a narrow corridor of land attempting to link German South West Africa with German East Africa (now Tanzania) using the water ways of the Zambezi river.

In the course of negotiations, Germany requested access to the Zambezi River through Britain's sphere of influence to establish a potential trade route between German South West and East Africa. Per the Treaty, Britain agreed to grant Germany the narrow strip of land enabling access to the Zambezi Rivers and thereby connecting German West Africa with German East Africa. Although not initially forming a part of the former South West Africa, the Treaty gave Germany access to the Zambezi River via the Caprivi Strip – a decision which excluded those peoples already living and existing in Zambesia. At this point in history, the concept of the right to self-determination had not yet been included in any international treaties or conventions in the international community. While it was gaining traction in conversations amongst Western and European states and the period of decolonisation, it was not universally applied. European powers tended to use the idea of nationality to justify colonial rule, to the exclusion of Indigenous (and other minority) peoples deemed not yet ready for self-government. Ultimately, Germany's trade route was never successfully established – the Zambezi River section near Victoria falls was unnavigable – and the project was abandoned before the First World War.

### The British Protectorate

At the Berlin Conference, Britain also agreed to extend its protectorate to Shosong, the then capital of Bechuanaland (Botswana), in response to requests from the local Tswana tribes who sought protection

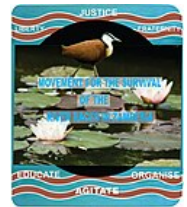


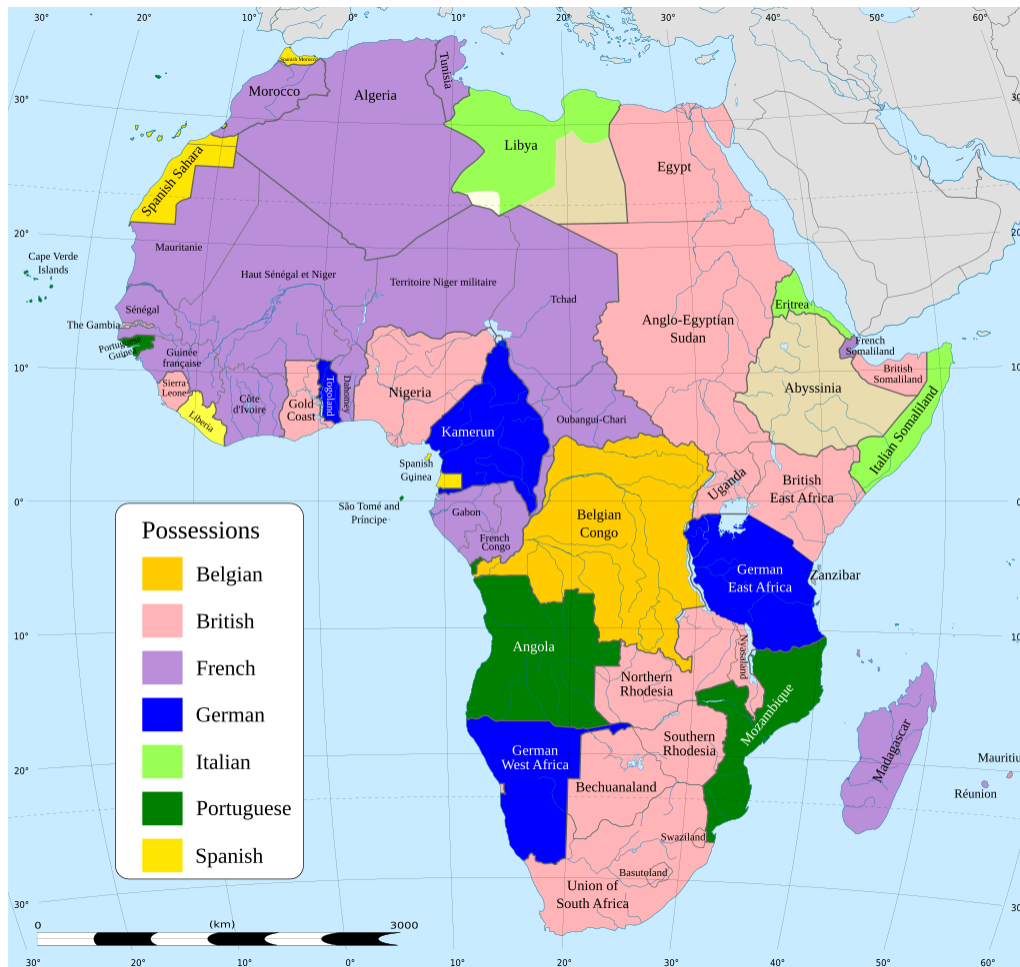
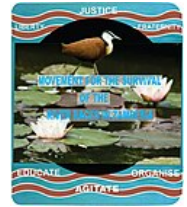
against threats from both the Afrikaners and the Germans. This decision led to the 22nd degree of latitude south being established as the northern boundary of the Bechuanaland Protectorate.

In other parts of the region, Matabeleland (Zimbabwe), ruled by Chief Lobengula (son of King Mzilikazi), piqued interest from German and Boer concession seekers due to its gold resources. Although the British were reluctant to annex the territory directly, due to the high costs, they feared increasing Boer and German influence. In 1888, Sir Hercules Robinson (the High Commissioner to South Africa) authorised Mr. Moffat to negotiate a treaty with Lobengula. On 11 February 1888, Lobengula agreed not to cede land or enter treaties with foreign powers without British approval. It was emphasized that the treaty was vital to prevent Zambesia from falling under foreign control that could threaten British interests.

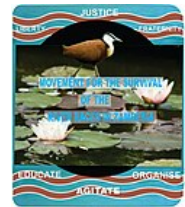
As a result of negotiations between those states at the Berlin Conference, and particularly the Anglo-German Treaty, Britain's sphere of influence in southern Africa was defined as the territory north of the Bechuanaland Protectorate and the Limpopo (or Crocodile) River, south of the Zambezi River, west of the Portuguese province of Sofala, and east of the 20th degree of longitude. The declaration of a sphere of influence was intended to serve 1) Matabeleland, 2) the water ways of the Zambezi River, and 3) the neutrality of Nyassaland from foreign interference. The British sphere of influence was a notice to foreign nations that they ought not to interfere in the territory, however, it fell short of a formally declared protectorate. The sphere of influence would nevertheless enable the British to make such a declaration at any point, without giving just grounds of complaint to foreign nations. See figures below for a map of the continent following the '*Scramble for Africa*', dividing territories and the division of territories by European states and protectorate and spheres of influence over Bechuanaland.

At this point, it is worth noting that a protectorate and sphere of influence entailed different consequences. A sphere of influence and a protectorate are similar in the sense that both can be defined as a "country" or territory. The difference between a protectorate and a sphere of influence is that in a protectorate the colonial power has jurisdiction, with a territory being placed under the formal protection and control of a stronger state. A sphere of influence, on the other hand, is where a colonial power has economic or political privileges, but does not formally govern the territory, which remains under local rulers.

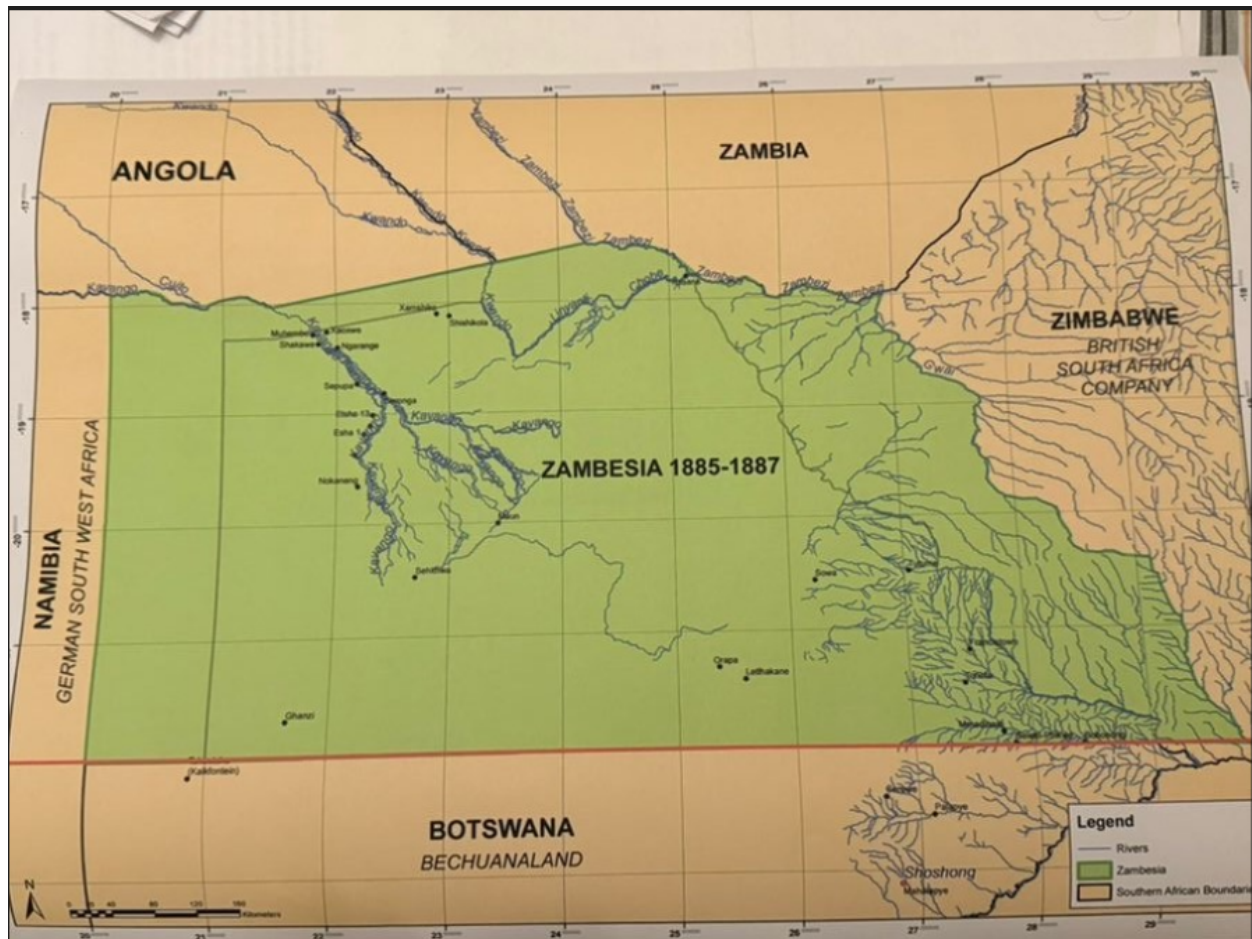
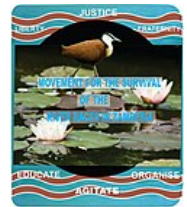




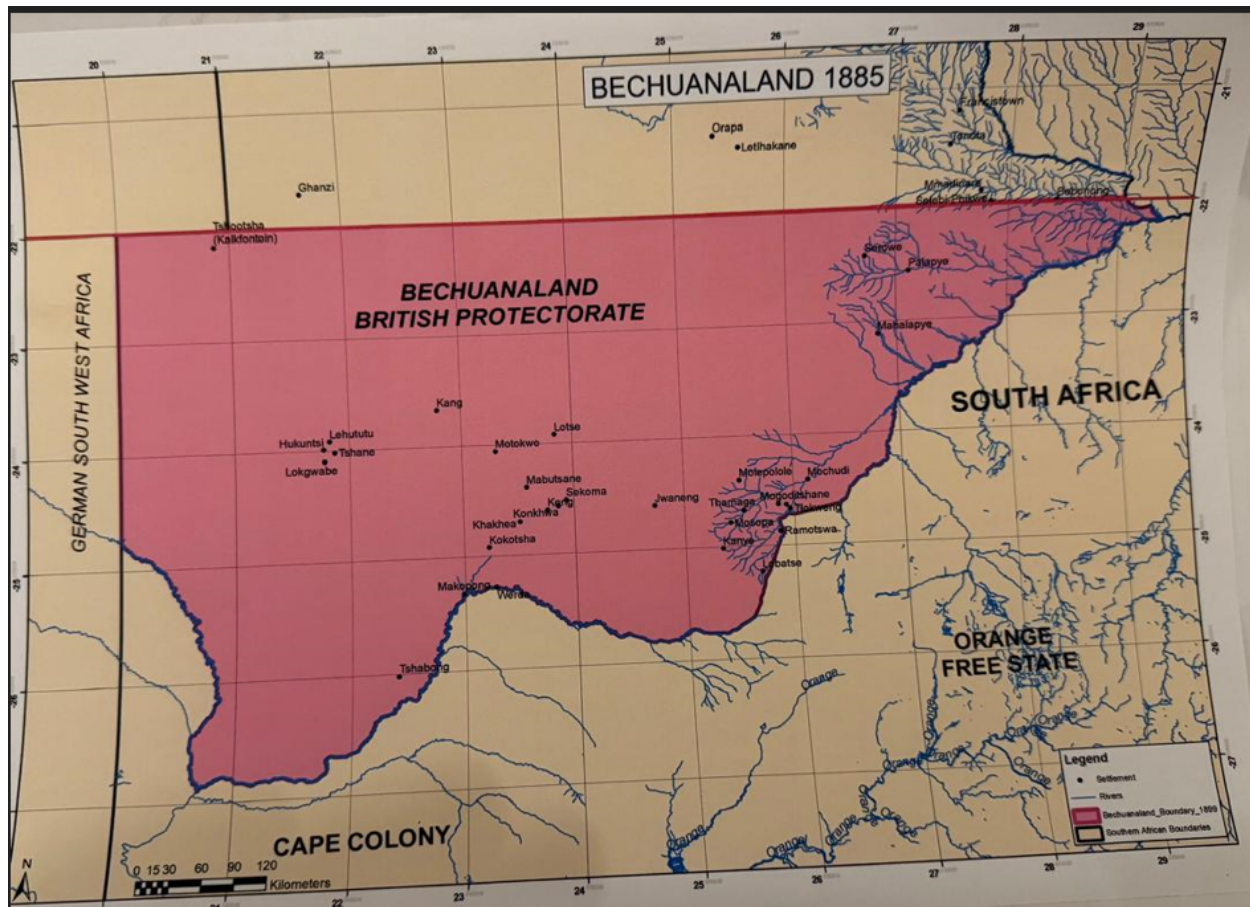
The 1890 Anglo-German Treaty and the consequences of negotiations during the Berlin Conference in 1884-1885 arbitrarily divided Southern Africa into German and British colonial territories and spheres of influence, establishing borders which did not take into account indigenous inhabitants, their geography, history and indigenous lands. See map below for different protectorates and possessions by European powers.



Consequently, the Zambesia region became fragmented across different territories, including the British protectorate of Bechuanaland, the German colony of South West Africa, and former Northern Rhodesia (now Zambia). Zambesia was never formally declared a British protectorate in spite of having a British Order in Council, and therefore was not officially colonised. Without international recognition or clear administrative boundaries, it became vulnerable to competing territorial claims from neighboring countries and was eventually removed from official maps. See map below of Zambesia.



These colonial boundaries were maintained and inherited by the newly independent states of Namibia, Botswana and Zambia, still failing to take into account the historical territory of Zambesia. Similarly, the Zambezi region (which was never formally a colonially administered territory and not a part of the German South West Africa), became incorporated into the Namibian state upon its independence. It is also noted that in the context of the territorial boundaries of the former Bechuanaland Protectorate, as defined by the British orders, the territory did not historically extend beyond the old colonial boundary of 22 degrees south latitude. See figure below. The inclusion of Zambesia's territory into Namibia or Botswana today thus extends beyond the historical boundaries of the spheres of influence.

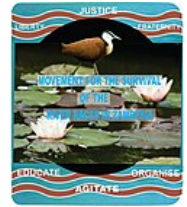


### c. *A New International Order: The League of Nations and United Nations*

Prior to World War I, Britain expanded its sphere of influence in the region without formally declaring new protectorates. During 1914-1915 and in the wake of the First World War, troops from the Union of South Africa invaded and occupied South West Africa as part of a conquest of German colonies in Africa. Although Germany managed to re-attain most of the land, after the First World War, the Treaty of Versailles (1919) sought to address the administration of former German Colonies. Although this treaty aimed to address the former German colonies, it did not necessarily mark the end of colonial occupation in the region.

The Treaty of Versailles and the end of the First World War prompted the establishment of the League of Nations (LoN) in 1920 by nation states. This was the first intergovernmental organisation established 'to promote international cooperation and to achieve international peace and security', also known as the predecessor of the United Nations (UN).<sup>3</sup> The Covenant of the League of Nations established the Mandate System, aimed to supervise territories that were formerly German and Ottoman colonies. According to the Mandate System, mandatory powers were responsible for administering former colonies

<sup>3</sup> The League of Nations, UN. <https://www.ungeneva.org/en/about/league-of-nations/overview>



that were not yet ready to 'stand by themselves under the strenuous conditions of the modern world' and were therefore to be administered under the tutelage of '*advanced nations*'.

The Union of South Africa was afforded '*mandatory power*' over South West Africa, effective as of December 1920, through which it extended its unequal and racial based Apartheid laws onto the region instead, motivated by the rich minerals including uranium, vanadium, lithium, tungsten, as well as diamonds. In consequence, the South African Apartheid government enforced widespread segregation, economic and political control, and dispossession of land from native groups.<sup>4</sup> While it is understood that the additional strip of Southwest Africa did form under the former German colony, under the rule of apartheid South Africa, authority was illegally extended over the strip.

The LoN remained active until 1946 when the 46 member states came together to officially dissolve the organisation. The UN was created by the UN Charter which came into existence on 24 October 1945 with the purpose of maintaining international peace and security, to develop friendly relations among states, to promote international cooperation, and to serve as a centre for harmonizing the actions of states in achieving those goals. It was also at this time that the right of self-determination of peoples became enshrined in international law through the UN Charter.

Throughout this transitional period, the Union of South Africa continued to exert its authority over the region. As a result, the 1960s saw rising internal resistance from groups like South West Africa People's Organisation (SWAPO), while pressure from the international community on apartheid South Africa also increased. By 1966, the UN terminated South Africa's mandate and placed Namibia under its direct responsibility until it gained independence.<sup>5</sup> Namibia was accordingly included on the list of Non-Self-Governing Territories in 1966. Inadvertently, this included the peoples of Zambesia in the region as well.

South Africa nevertheless continued to illegally occupy the region, impose apartheid laws, implement policies of *bantustanization*, and exploit resources. On various occasions the UN demanded independence for Namibia and the end of colonial occupation. This international and internal resistance was, however, largely centred around 'ending white-minority rule, not commemorating the past' thereby further limiting the dialogue about a history of colonialism in the region as well as the implications it had for Indigenous Peoples and other minorities.<sup>6</sup>

#### **d. Decolonisation and Its Limits in Southern Africa**

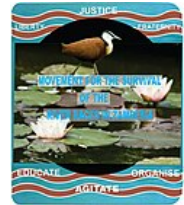
SWAPO's resistance and advocacy for the independence of Namibia persisted through the 1970s and 1980s and was overwhelmingly interpreted as a liberation struggle focused on the national independence and self-determination of Namibia. As a result, the liberation struggle failed to include the vast Indigenous Peoples and ethnic minorities in the region in its decolonisation efforts, including that of Zambesia.

<sup>4</sup> *Namibia*, Singobile Makhathini (2024). African Transitional Justice Hub. <https://atjhub.csvr.org.za/namibia/>

<sup>5</sup> *Namibia*, UNTAG. <https://peacekeeping.un.org/mission/past/untagS.htm>

<sup>6</sup> *Genocide and the Politics of Memory in the Decolonisation of Namibia*, Fabian Krautwald (2022). Journal of Southern African Studies.

<https://www.tandfonline-com.proxy-ub.rug.nl/doi/pdf/10.1080/03057070.2022.2127587?needAccess=true>



Under the supervision of the UN Special Committee on Decolonisation (see section 10.a for in-depth discussion of the committee), the UN eventually began engaging with SWAPO in 1976.<sup>7</sup> The UN Special Committee on Decolonisation is believed to have played an important role in the decolonization of Namibia. Although South Africa's mandate was terminated in 1966, South Africa continued to illegally occupy the territory until 1989, just before its independence. In 1984, while the Special Committee primarily focused on the broader issue of Namibian independence, and the impact of South Africa's continued illegal occupation, racial policies and imposition of neo-colonial institutions on the people of the territory in defiance of UN decisions, it did take cognisance of the impact on indigenous inhabitants in Southern African, particularly as a result of resource exploitation.<sup>8</sup>

Between 1989 and 1990, the UN Transition Assistance Group (UNTAG) was deployed in Namibia as a peacekeeping force and to monitor the peace process. The UNTAG engaged with SWAPO to ensure the early independence of Namibia through free and fair elections under the supervision and control of the United Nations.<sup>9</sup> It was agreed that UNTAG would create the necessary conditions for elections of a Constituent Assembly. Once elected, this Assembly would be responsible for preparing a constitution for an independent Namibia, scheduled to come into existence in early 1990.<sup>10</sup>

In August, 1989, the Special Committee decided to send a visiting mission to Namibia to monitor the decolonisation process and to observe the election preparations and process. The Special Committee reaffirmed the legitimacy of colonial peoples' struggle for self-determination and independence. It noted that specialized agencies and UN organizations must provide moral and material assistance, including information on decolonization, election preparations, and procedures. In its reporting, the Special Committee broadly referenced 'colonial peoples' without clearly defining who this encompassed and to what extent that included the Indigenous communities. As a result, the diverse communities and Zambesians became grouped under a single category of 'colonial peoples', which risked overlooking their distinct histories and identities.

After prolonged national resistance and international pressure, South Africa's remaining troops withdrew from Namibia in November 1989, after 70 years of occupation. At the same time, elections for a new Constituent Assembly took place without incident and were certified free and fair by the Secretary-General's Special Representative.<sup>11</sup> The population at the time was approximately 1.3 million, however, given the voting age population it was estimated that more than 701,000 voters were registered and approximately 350 polling stations established to vote for a new Constituent Assembly which would serve as the basis for Namibia's first independent parliament. Statistics indicated that there was a 97% turnout, however no data was recorded on the composition of the voters and how many of them were Indigenous Peoples.

<sup>7</sup> *Namibia*, UN (1989). Yearbook of the United Nations 1989, pp 789-811.

<https://www.un-ilibrary.org/content/books/9789210601740s009-c003/read>

<sup>8</sup> *Recent Activities of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*, UN Department of Political Affairs, Trusteeship and Decolonization (1985).

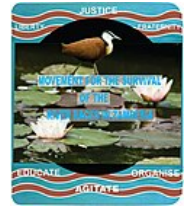
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<sup>9</sup> *Namibia*, UNTAG. <https://peacekeeping.un.org/mission/past/untagS.htm>

<sup>10</sup> *Namibia*, UN (1989). Yearbook of the United Nations 1989, pp 789-811.

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<sup>11</sup> *Ibid.*



1989 was named the end of colonialism in Africa as a result of Namibia beginning its process toward independence. In 1990, Namibia gained its independence, following which it joined the Commonwealth, the UN, and the OAU (now AU). The fragmentation of the Southern African region, however, was never reversed in the course of the decolonisation process. As such the Zambesian territory continues to span across various different states in Southern Africa today.

Since the so-called end of the colonial era, Zambesia has advocated for their right to restitution and self-determination, and continues to do so. Under International law the right to self-determination is recognised both in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and can be understood as the right of peoples to determine their own destiny and to have a voice in the form of their economic, cultural and social development, including their political status.

#### **IV. Current Political Context**

Zambesia's territory was unilaterally incorporated into what became known as the contested Zambezi Region (or Caprivi Strip) in Namibia and is geographically isolated from economic hubs. The Strip is thus a district falling within the territory of Zambesia. Its capital, Katima Mulilo, on the Zambezi River, historically relied on barges and canoes for cross-border traffic to Sesheke, Zambia, due to a lack of bridges. Today, Zambesia's territory is administratively split between East Kavango and Zambezi. Their unique challenge stems from historical fragmentation without full colonisation, leaving them neither fully colonised nor integrated into current states.

On the African continent, Indigenous Peoples are some of the most vulnerable and marginalised groups, with a lack of recognition exacerbating their experience of human rights issues. Zambesians identify themselves as Indigenous Peoples of Zambezi Region, however the Namibian State recognises them as *Namibians from the Zambezi region*. This limited recognition and lack of Indigenous status has posed an obstacle to the peoples of Zambesia who continue to face significant challenges in maintaining their cultural identity and accessing economic opportunities on par with other Namibian citizens, while also lacking those international legal protections that are critical for indigenous peoples.

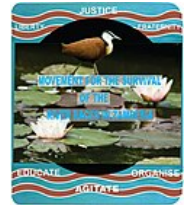
Although the region is rich in minerals, including diamonds and uranium, a legacy of Apartheid and colonialism in Southern Africa has left high socioeconomic inequalities. Namibia is reported to be one of the most unequal countries in the world with 'relatively high poverty, lagging human capital, and poor access to basic services'.<sup>12</sup> In 2021, the unemployment rate was reported to be around 33.4%, with youth unemployment over 46%.<sup>13</sup>

The abundance of resources in the region has fostered exploitative practices through engagements with multinational foreign enterprises, often marginalising locals, minorities and Indigenous Peoples, such as Zambesians, who bear the brunt of the resulting negative impacts.

##### **a. Political Participation and a Lack of Indigenous Status**

<sup>12</sup> *The World Bank in Namibia*, World Bank Group (2025). <https://www.worldbank.org/en/country/namibia/overview>

<sup>13</sup> *Namibia Decides*, Ndumba J. Kamwanyah (2024). <https://www.rosalux.de/en/news/id/52762/namibia-decides>



As highlighted above, Zambesians are not recognised as Indigenous Peoples by Namibia, but rather as *Namibians from the Zambezi region*. Namibia's Constitution prohibits discrimination on grounds of ethnic or tribal affiliation, however it does not explicitly recognise the rights of Indigenous Peoples or minorities. At present, there are no national legal frameworks directly dealing with Indigenous Peoples in the country. While Namibia voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, it has yet to ratify the ILO Convention 169 specifically addressing the rights of Indigenous Peoples. As the Namibian government does not legally recognize or use the term Indigenous Peoples, it instead refers to these groups as marginalised communities or formerly disadvantaged Namibians.

Historically, and even through Namibia's independence process, the voices of Indigenous Peoples were limited, resulting in position and collective needs being excluded from the peace process to a significant degree. Today, the lack of official Indigenous status excludes the peoples of Zambesia from benefitting from the protections afforded under international law and has led to their underrepresentation in political processes and the erosion of their cultural and economic rights.

Zambesia's exclusion from political participation has resulted in the dispossession of traditional lands, undermining their livelihoods and cultural preservation. This is most evident in lack of infrastructure and land dispossession in the Zambezi Region.

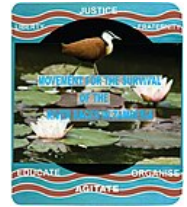
In 2019, Namibia prepared a draft White Paper on the Rights of Indigenous Peoples. While it was emphasised that this White Paper was thoroughly scrutinised by marginalised communities and all relevant stakeholders, the Zambesians (as well as other minority groups like the Rehoboth Basters) who identify themselves as indigenous to Namibia, were not included in the process.<sup>14</sup> The Paper endeavours to ensure indigenous participation in the political sphere as well as highlights the need to consult Indigenous Peoples regarding matters that concern them on the principles of free, prior and informed consent.<sup>15</sup> The Paper also aims to address the historical injustices and disadvantages which specific Indigenous Peoples in Namibia have faced, thereby increasing their current levels of poverty, inability to access education, or life expectancy to name a few. Zambesia's lack of indigenous recognition has meant that they were excluded from this political process and from benefiting from those provisions and commitments made in the White Paper.

## ***b. Natural Resources and Environmental Degradation***

Zambesia is a region rich in resources, with fertile soils and adequate rain fed crops expanding throughout the whole territory. The fourth largest river on the African continent, the Zambezi River, flows through Zambesia, granting the territory vast and strategic access to one of the most important water sources in the region. As a result of this rich water source, Zambesia's neighbouring and occupying countries have been exploiting Zambesia's resources for their own benefit for decades, as well as depriving Zambesians from exercising control over the Zambezi River, making them dependent on these countries.

<sup>14</sup> Joint Submission to the UN OHCHR Universal Periodic Review, 38th Session: Republic of Namibia, UNPO (2020). [https://unpo.org/wp-content/uploads/2024/05/JS5\\_UPR38\\_NAM\\_E\\_Main.pdf](https://unpo.org/wp-content/uploads/2024/05/JS5_UPR38_NAM_E_Main.pdf)

<sup>15</sup> *Ibid.*



The Indigenous peoples of Zambesia face a significant threat to their food security due to a lack of control and consent over their traditional lands and territories. A prominent example occurred in 2019, when Namibia Oriental Tobacco CC, a local entity owned by a foreign multinational corporation, was granted a lease for 10,000 hectares in the eastern Zambezi Region. This land is intended for a tobacco plantation exclusively for export. The parcel of land is located outside Katima Mulilo, the capital of the Zambezi Region, and it is communal land within the jurisdiction of the Mafwe Traditional Authority. The largescale tobacco farm will also draw water from the Zambezi River.

The Namibian government approved the land lease despite it directly contravening Articles 17 and 18 of the WHO Framework Convention on Tobacco Control, an agreement to which Namibia acceded in February 2006.

Indigenous peoples from Zambesia residing in the area strongly opposed the project arguing that the area should be used to grow food, since the region has suitable fertile soils and suffers from widespread poverty and hunger. In addition to hindering the region's food security and sovereignty, the project also has health, ecological and environmental repercussions, including biodiversity loss, soil erosion and water pollution. Although opposition from local communities delayed the project for five years, they were ultimately unsuccessful in preventing the development of the tobacco plantations.

A similar situation was observed in 2020. A Canadian-based oil and gas company Reconnaissance Energy Africa, also known through its subsidiary ReconAfrica, announced it would conduct drilling explorations in the Kavango Basin within north-eastern Namibia and north-western Botswana, which was approved by the Namibian government. The company was afforded a petroleum exploration licence for oil and gas which entitles it to obtain a 25-year production licence as well as potentially frack an estimated 120 billion barrels of oil across an area of unique, unspoilt ecosystem, larger than Belgium.<sup>16</sup> The company was granted rights to conduct oil and gas prospecting activities in the Kavango West Region which has led to the construction of roads in sensitive ecological areas, the resettlement of several villages and, according to local people, the dropping of the water table in some areas, making it difficult for people to access potable water.<sup>17</sup>

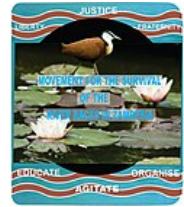
The area, which encompasses a licensed region of more than 34,000 square kilometers, is a famous UNESCO World Heritage site and home to a diverse ecosystem of plants and animals. The drilling projects are endangering not only what National Geographic describes as 'one of the planet's most diverse ecosystems' but also negatively impacts more than 200,000 people, including the indigenous Zambesians. The drilling projects posed a further risk to the natural water supply of the region, with concerns of fracking and wastewater contamination, endangering the largest inland delta of the world.<sup>18</sup> Despite the pushback from local communities and NGOs, the Namibian government has maintained that the exploration activities will not cause any negative impacts on the ecosystem. Namibia's environmental commissioner has even approved ReconAfrica's request to drill in the wildlife reserve until June 2025. In

<sup>16</sup> *ReconAfrica: ecocide in the Kavango Basin*, Esther Stanford-Xosei.

<https://www.stopecocide.earth/quest-blog/reconafrika-ecocide-in-the-kavango-basin>

<sup>17</sup> *The Indigenous World 2024: Namibia*, IWGIA (2024). <https://iwgia.org/en/namibia/5355-iw-2024-namibia.html>

<sup>18</sup> *Zambesia: UNPO condemns oil and gas company ReconAfrica's interest in exploiting resources of the Kavango Basin*, UNPO (2022). <https://unpo.org/zambesia-unpo-condemns-oil-and-gas-company-reconafrikas-interest-in-exploiting-resources-of-the-kavango-basin/>



response to the decision, several community committees and forestry organisations laid an appeal to the Minister of Environment and Tourism to review and rescind the decision allowing the company to continue its exploration activities.<sup>19</sup>

Other examples include oil exploration projects in the Kavango Basin, an environmentally sensitive, biodiverse area, and pivotal water source within the Southern Africa region and falling along the territory of Zambesia. Similarly, with the region's rich uranium resources, approximately 35 uranium exploration licences have been issued by the Namibian government, covering an area of 3.3 million hectares. Many of the uranium prospecting sites are located across the Stampriet Transboundary Aquifer System, which stretches for 87,000km<sup>2</sup> across Namibia, South Africa and Botswana. The prospecting sites can be found among 29% of this 87,000km<sup>2</sup> area, causing many to worry about the risk of contaminating the supply of clean water.<sup>20</sup>

In 2024, a project for the development of a Trans-Zambezi Railway to connect Namibia (along the Zambezi Region), Zambia, Botswana, the Democratic Republic of Congo, and Zimbabwe has been proposed to link new mines and mining activities along the railway network. The project is emphasised as being of importance to an iron project in Botswana close to the Namibian border.<sup>21</sup> The Namibian government approved the Railway Extension, which will run from Grootfontein-Rundu-Katima Mulilo (the capital city of the Zambezi Region). Developers note that the railway will open up a transportation system for the delivery of potential iron products, such as iron concentrate, iron pellets, potential direct reduced iron products, and Ferrosilicone (FeSi), throughout central, eastern and southern Africa as well as international markets.<sup>22</sup> The transnational railway which will run directly through the Zambezi region and is likely to infringe upon the land of the indigenous Zambesians in the region and causing widespread displacement and land loss. Moreover, it is likely that the transnational mining network railway will have consequences for the natural environment and the social/cultural heritage of Zambesians, many of whom are concerned that the railway construction will threaten built heritage and cultural sites.<sup>23</sup>

### **c. Lack of Infrastructure and Isolation**

Whilst Zambesia's geographic location provides it with major bargaining opportunities, it is also the reason behind some of the challenges Zambesia has to face. Within Namibia, Zambesians living in the Zambezi Region are isolated from the rest of the country and face severe consequences as a result. This area remains largely rural with little development compared to the rest of the country, and the needs of the local population are often ignored. Furthermore, while projects are being put into place to develop a transnational railway, they tend to exclude Indigenous communities, prioritising multinational partnerships with the state instead.

<sup>19</sup> *ReconAfrica drilling in wildlife reserve, raising environmental concerns*, Mike Mwenda (2023).

<https://www.lifegate.com/reconafrika-drilling-wildlife-environmental-concerns>

<sup>20</sup> *Giant freshwater aquifer in southern Africa is under threat from mining*, Surina Esterhuyse and Anton Lukas (2025).

<https://theconversation.com/giant-freshwater-aquifer-in-southern-africa-is-under-threat-from-mining-232183>

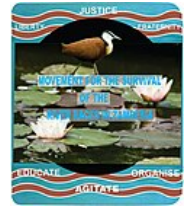
<sup>21</sup> *Trans-Zambezi Railway important for iron project*, Chamwe Kaira (2024).

<https://www.observer24.com/na/trans-zambezi-railway-important-for-iron-project/>

<sup>22</sup> Ibid.

<sup>23</sup> *Feasibility Study for the Trans-Zambezi Railway Extension Grootfontein-Rundu-Katima Mulilo*, Republic of Namibia Ministry of Works and Transport (2022).

[https://tsodiloresources.com/i/pdf/2%29\\_MRTechno-Trans\\_Zambezi\\_Rly\\_Ext.\\_Namibia-Draft%20Feasi.pdf](https://tsodiloresources.com/i/pdf/2%29_MRTechno-Trans_Zambezi_Rly_Ext._Namibia-Draft%20Feasi.pdf)



The rural isolation of the Zambezi Region exacerbates the issues experienced, further contributing to widespread poverty and limited access to healthcare and education due to the lack of critical infrastructure and economic opportunities. The Zambezi Region is reported to be one of the most underdeveloped areas in Namibia. There is not a single railway connecting the Zambezi Region to the capital of Namibia, Windhoek – the political and economic hub of the country. On top of this, there is no access to higher learning education nor referral hospitals in the region, leaving Zambesians in a very vulnerable position.

Those living in the Zambezi Region try to survive by fishing, hunting and working the land, but the job creation is very weak and the public investments are scarce. Despite possessing a huge potential in the agricultural, tourism, transport and logistics sectors, the region is underdeveloped and poverty-stricken. According to the Poverty Mapping Report launched in 2015 by the National Planning Commission (NPC), the poorest regions in the country are the rural northern regions of Kavango, Oshikoto, Zambezi, Kunene and Ohangwena with more than one third of the population in these areas being poor.<sup>24</sup>

#### ***d. Freedom of Expression, Association and Assembly***

Despite Namibia's Constitutional protections, and its obligations under international law, minority groups and the Indigenous Zambesian Peoples often face disproportionate restrictions when advocating for their rights, including restitution, self-determination and greater political inclusion. Their efforts are often met with accusations of threatening national unity and security concerns.

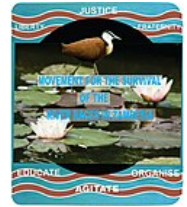
The Namibian Constitution guarantees all persons in Namibia 'freedom of speech and expression' and 'freedom to assemble peaceably and without arms'. However, Article 21.2 of the Constitution also states that the fundamental freedoms can be subject to reasonable restrictions imposed in the name of national security, sovereignty, national integrity, public order, decency or morality. This provision has been used by Namibian authorities to limit Zambesians' freedom of expression when it comes to sharing their political views with the public and expressing their desire to freely choose their own political status.

However, and while the right to self-determination does not grant an automatic right to independent statehood of any peoples who seek it, the right to believe in and seek independent statehood through non-violent and lawful means is protected under international human rights law. This principle was recently reinforced by the Economic Community of West African States (ECOWAS) Court of Justice in its decision regarding the arbitrary detention of representatives of Western Togoland. The Court acknowledged that individuals advocating for self-determination cannot be criminalised or arbitrarily detained solely for expressing such views.<sup>25</sup>

Due to the limitation of freedom of expression, association and assembly representatives of Zambesia advocating for their rights of restitution and self-determination, are compelled to limit and conceal their

<sup>24</sup> Joint Submission to the UN OHCHR Universal Periodic Review, 38th Session: Republic of Namibia, UNPO (2020). [https://unpo.org/wp-content/uploads/2024/05/JS5\\_UPR38\\_NAM\\_E\\_Main.pdf](https://unpo.org/wp-content/uploads/2024/05/JS5_UPR38_NAM_E_Main.pdf)

<sup>25</sup> UNPO Celebrates ECOWAS Decision In Favour Of Western Togoland, UNPO (2025). <https://unpo.org/unpo-celebrates-ecowas-decision-in-favour-of-western-togoland/>



gatherings. Unable to hold public meetings or demonstrations on political matters, they must often rely on online discussions to avoid possible repercussions.

In July 2018, a public meeting organised by the Caprivi Concerned Group, another pro-independence movement, was disrupted by the police and six leaders were arrested. The leaders were detained at Liselo village, some 10 kilometers outside Katima Mulilo, after the police allegedly received information that a meeting was meant to discuss the secession of the Zambezi region from Namibia. The group appeared shortly after in court on charges of sedition and incitement to commit public violence. While the detained individuals were denied bail, they were eventually released after four days.

Similarly, in October 2019, police in the Zambezi Region stopped a planned demonstration by members of the United Democratic Party (UDP), which previously advocated for the independence of the Zambezi Region. The party was outlawed in 2006 as it was seen as the political wing of the Caprivi Liberation Army (a group involved in a secessionist uprising in 1999). In response to outcries about stopping the planned demonstration, the regional police commissioner at the time stated in the media that the 'Zambezi region is a part of Namibia and there is nothing else to discuss. Therefore, we will not allow them to demonstrate today or tomorrow because there is no Caprivi strip, there's only Namibia'.

### **e. Arbitrary Arrests and Detentions**

As indicated above, those peacefully advocating for Zambesia's right to restitution and self-determination have regularly faced arrests and repression by the Namibian police department. The arbitrary arrests of Zambesians has been an ongoing and longstanding issue. One prominent example is the arrest of approximately 300 people by Namibian authorities in 1999, known as the 'Caprivi Treason Trial'.

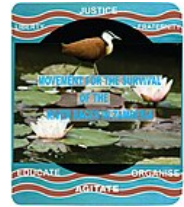
These 300 individuals were arrested as a result of a secessionist uprising by members of the Caprivi Liberation Army (CLA). In order to raise attention to their call for liberation, the CLA launched an armed attack on government forces and buildings in the regional capital of Katima Mulilo in the Caprivi region of north eastern Namibia on 2 August 1999. It was reported that the group attacked the police headquarters, the local offices of the Namibian Broadcasting Corporation, an army base and an immigration post.

In response, the Namibian authorities conducted large-scale arrests on suspicion of participating in the attack, sympathising with the secessionists or assisting them to plan or launch the attacks. Those arrested accordingly included members, and suspected members, of the CLA.<sup>26</sup> The detainees were charged with high treason, sedition and murder, among other things.

During their detention, most detainees reported torture, both at the time of arrest and during interrogation, including being systematically punched, hit with rifles and beaten with sjamboks by members of the security forces, and later denied medical treatment.

The process of bringing the victims to trial was arduously slow and the majority could not afford legal representation and were denied state-appointed legal aid until June 2002. The majority of those arrested

<sup>26</sup> *Namibia: Justice delayed is justice denied: The Caprivi treason trial*, Amnesty International (2003).  
<https://www.amnesty.org/en/documents/afr42/001/2003/en/>



were in custody for a period of almost four years, while facing long prison sentences if convicted.<sup>27</sup> Although the bail hearings for those arrested were conducted in September and October 1999, by early 2003, approximately 122 detainees still remained in custody awaiting the resumption of their trial for the aforementioned charges.

After repeated delays, the trial was scheduled to resume in October 2003. Despite being in contravention of those rights guaranteed in the ICCPR, the African Charter on Human and Peoples' Rights, the Namibian Constitution, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – governing the rights of prisoners and the right not to be subjected to arbitrary detention or undue delay in trial proceedings – Namibia's High Court only delivered its judgment in December 2015.

The *Caprivi Treason Trial* has been marked as one of the longest and largest trials in the history of Namibia. During the course of the protracted trial, in 2013, forty-three accused were discharged; in 2015 thirty-five were acquitted and thirty convicted, and 24 died while in custody. Many of the accused appealed their convictions over the years. In the most recent finding and after more than 20 years in custody, in 2024, seven of the accused (who had appealed their convictions in 2013) were found guilty on charges of, inter alia, high treason.<sup>28</sup> During Namibia's 2016 Universal Periodic Review, Austria requested Namibia to provide adequate compensation to those absolved from the charges and who had spent long periods in remand detention.<sup>29</sup>

Despite the controversy raised as a result of Namibia's delayed trial proceedings, in 2018, a meeting organised by the Caprivi Concerned Group (another self-determination movement in the Zambezi Region) was disrupted by the police and six of its leaders were arrested. Although those arrested were released four days later, they were charged with sedition and incitement to commit public violence and initially denied bail.<sup>30</sup>

## V. Conclusion

Zambesia, as this report has sought to demonstrate, functioned as a country in existence long before colonialism, a distinct territory with its own people, identity, and systems of governance. The arbitrary division of territory and creation of borders across the African continent, culminating in the decisions made at the Berlin Conference and the failure to recognise the British Order in Council dated 9 May 1891, has led to the fragmentation of Zambesia across several states and the vast historical erasure of its people and their history.

Today, approximately 300,000 Zambesians continue to live across the region, identifying themselves as an Indigenous Peoples deeply rooted in the rivers and surrounding land that have defined their culture, traditions, and way of living for centuries. Yet they remain unrecognised, facing widespread lack of

<sup>27</sup> *Ibid.*

<sup>28</sup> *Seven found guilty in second Caprivi treason trial*, Werner Menges (2024).

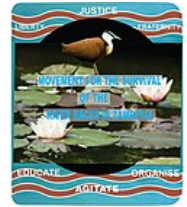
<https://www.namibian.com.na/seven-found-guilty-in-second-caprivi-treason-trial/>

<sup>29</sup> *UPR of Namibia - Second Cycle, Thematic List of Recommendations.*

[https://upr-info.org/sites/default/files/documents/2020-09/upr24\\_namibia\\_recommendations.docx](https://upr-info.org/sites/default/files/documents/2020-09/upr24_namibia_recommendations.docx)

<sup>30</sup> *Zambezi residents denied bail on sedition charge*, the Namibian (2018).

<https://www.namibian.com.na/zambezi-residents-denied-bail-on-sedition-charge/>



recognition, resource exploitation and environmental degradation, lack of infrastructure and isolation, and the ongoing limitation of their culture, language, freedom of speech and political participation.

The peoples of Zambesia have continued to advocate for their right to restitution and self-determination despite being excluded from the political and international platforms through which they can make their cause known. It is the hope of this report that, by bringing the history of Zambesia to light, the peoples of Zambesia and 'The River Races' can once again be placed on the map, and that their long-standing rights to recognition and restitution can begin to be addressed.



## German History in Documents and Images

Volume 5. Wilhelmine Germany and the First World War, 1890-1918  
Anglo-German Treaty [Heligoland-Zanzibar Treaty] (July 1, 1890)

This treaty temporarily settled colonial disputes between Germany and Great Britain. It recognized Tanganyika as a German colony; in return, the Germans abstained from further encroaching into British Kenya. The agreement ceded Heligoland, an island off the coast of Schleswig-Holstein in the North Sea, to Germany. Because the treaty appeared to abandon German colonial claims to much of east Africa, it unleashed a storm of nationalist protest at home.

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The undersigned:

Chancellor and General of the Infantry von Caprivi,

Legation Councilor at the Foreign Office Dr. Krauel,

Her Britannic Majesty's Ambassador Extraordinaire and Plenipotentiary Sir Edward Baldwin Malet,

Chief of the African Department of Her Majesty's Foreign Office Sir Henry Percy,

have, on behalf of their respective governments, reached the following agreement after deliberating on various issues pertaining to the colonial interests of Germany and Great Britain:

### Article I

In East Africa, Germany's sphere of influence is demarcated thus:

1. To the north by the line that commences on the northern bank of the mouth of the Uмба River, runs directly to Lake Jipe and, after passing along the eastern shore and around the northern shore of that lake, crosses the Lumi River and bisects the territories of Taveta and Chaga. Skirting the northern slope of the Kilimanjaro range, this line continues to the point on the eastern shore of Lake Victoria Nyanza that is intersected by the 1st degree of south latitude. It crosses the lake on this parallel and follows it to the border of the Congo Free State, where it terminates. It is understood, though, that the German sphere of interest on the western side of the aforementioned lake does not include Mount Mfumbiro. Should it turn out that this mountain lies to the south of the aforementioned parallel of latitude, the line of demarcation shall be drawn so as to exclude the mountain from the German sphere of interest; but the line shall nonetheless terminate at the previously described point.

2. To the south by the line that starts on the coast of the northern border of Mozambique Province and follows the course of the Rovuma River to the point where the Messinge flows into the Rovuma. From here the line runs westward on the parallel of latitude to the shore of Lake Nyasa. Turning north, it continues along the eastern, northern, and western shores of the lake until it reaches the northern bank of the mouth of the Songwe River. It then continues up that river to its intersection point with the 33rd degree of east longitude. The line continues along the river until its closest point with the border of the geographical Congo Basin as described in Article I of the Berlin Conference and marked on the map appended to its ninth protocol. From here the line runs directly to the previously described border, follows this to the point of intersection with the 32nd degree of east longitude, turns and continues directly to the meeting point of the northern and southern branches of the Kilambo River. It follows that river until it enters Lake Tanganyika.

The course of the planned border has been specified in accordance with the map of the Nyasa Tanganyika Plateau that was officially drawn up for the British government in 1889.

3. To the west by the line that coincides with the border of the Congo Free State between the mouth of the Kilambo River and the 1st degree of south latitude.

In Southwest Africa, Great Britain's sphere of influence is demarcated thus:

1. To the south by the aforementioned line running from the mouth of the Uмба River to the point on the border of the Congo Free State intersected by the 1st degree of south latitude. It includes Mount Mfumbiro.

2. To the north by the line that, beginning on the shore of the northern bank of the Juba River, runs along this bank and traces the border of the area reserved for Italian influence in Gallaland and Abyssinia. It extends to the Egyptian borders.

3. To the west by the Congo Free State and by the western watershed of the Upper Nile Basin.

#### Article II

To implement the demarcation line as described in the previous article, Germany shall withdraw from its protectorate over Witu in favor of Great Britain. Great Britain agrees to recognize the sovereignty of the Sultan of Witu over the area extending from Kipini to the point opposite the Island of Kweihu defined as the border in 1887.

Furthermore, Germany shall give up its protectorate over the coastal area bordering on Witu and extending to Kismayo. It shall also renounce its claims both to the territories on the mainland north of the Tana River and to the islands of Patta and Manda.

#### Article III

In Southwest Africa, Germany's sphere of influence is demarcated thus:

1. To the south by the line that commences at the mouth of the Orange River and continues up its northern bank to its intersection point with the 20th degree of east longitude.

2. To the east by the line that commences at the aforementioned point and follows the 20th degree of east longitude to its intersection point with the 22nd degree of south latitude. The line

then traces this degree of latitude eastward to its intersection with the 21st degree of east longitude, follows this degree of longitude northward to its intersection with the 18th degree of south latitude, runs along this degree of latitude eastward to its intersection with the Chobe River. Here it descends the thalweg of the main channel until it meets the Zambezi, where it ends.

It is understood that under this arrangement Germany shall be granted free access from its protectorate to the Zambezi by means of a strip of land not less than twenty English miles wide at any point.

Great Britain's sphere of influence is bounded to the west and northwest by the previously described line and includes Lake Ngami.

The course of the planned border has been specified in general accordance with the map officially prepared for the British government in 1889.

The fixing of the southern border of the British territory of Walvis Bay shall be subject to arbitration unless both powers reach a border agreement within two years after the signing of this treaty. Both powers agree that, as long as the border issue is unresolved, not only passage but the transport of goods through the disputed territory shall be free for subjects of both powers. They also agree that their subjects shall be treated equally in every respect in this territory. No duty shall be levied on goods in transit and the territory shall be deemed neutral until such time as this issue is resolved.

#### Article IV

##### In West Africa:

1. The border between the German protectorate of Togo and Great Britain's Gold Coast Colony begins at the border mark determined by both powers' commissioners during negotiations on July 14 and 28, 1869. It extends northward to the parallel circle at 6° 10' north latitude. From there it traces this degree of latitude westward to the left bank of the Aka River and ascends along the thalweg to the parallel of latitude at 6° 20' north latitude. It follows this degree of latitude westward to the right bank of the Dchawe or Shavoe River and runs along this bank to the parallel of latitude defined by the intersection of the Deine River and the Volta. It then traces this degree of latitude westward to the Volta. Here it ascends the left bank of the Volta to the neutral zone agreed upon in the Treaty of 1888 that starts at the junction of the Dakka River and the Volta.

Both parties agree upon conclusion of this treaty to withdraw all their civil servants and employees from the territory that is assigned to the other by the borders defined above.

2. After it has been satisfactorily proven to both governments that no river exists on the Gulf of Guinea corresponding to the river that is marked on maps as the Rio del Rey and mentioned in the Treaty of 1885, a provisional borderline shall be adopted between the German territory of Cameroon and the adjoining British territory. This borderline shall start at the head of the Rio del Rey Creek and run directly to the point at roughly 9° 8' of east longitude marked as "Rapids" on the British Admiralty map.

#### Article V

It is understood that treaties or agreements concluded by, or for the benefit of, one of the two powers in the areas north of the Benue River shall not interfere with the other power's right to engage in trade, freely and without duties, on routes to and from the shores of Lake Chad. Both powers are obliged to report to each other all agreements that they reach in the territories between the Benue and Lake Chad.

#### Article VI

Any correction of the demarcation lines described in Articles I to IV that becomes necessary due to local requirements may be undertaken by agreement between the two powers.

It is understood, in particular, that commissioners will meet as soon as possible to undertake such a correction with regard to the borders described in Article IV.

#### Article VII

The two powers agree that they shall not interfere in the sphere of influence assigned the other by Articles I to IV. They shall not, in the other's sphere of influence, make acquisitions, sign treaties, accept sovereign rights or protectorates, or prevent the other from expanding its influence.

It is understood that companies or individuals subject to one power shall not be permitted to exercise sovereign rights in the sphere of influence assigned the other, except with the consent of the latter.

#### Article VIII

Both powers agree to apply the provisions of the first five articles of the General Act of the 1885 Berlin Conference in all areas of their territories located within the free trade zone described in this Act and to which its first five articles are applicable on the day of the conclusion of the present treaty. According to these provisions, trade is free; shipping is free on lakes, rivers, canals and their ports for both flags; unequal treatment as regards transport or coastal trade is prohibited; goods of either origin shall not be subject to taxes other than those raised to cover trade-related outlays, unequal treatment excluded. Transit duty may not be levied, and monopolies and privileged commercial treatment may not be granted.

The subjects of both powers have the right to settle freely in either power's territories, provided that these are located in the free trade zone.

It is understood, in particular, that, in accordance with these provisions, the transport of goods by both sides shall not be subject to any obstacles or transit duties between Lake Nyasa and the Congo Free State, between Lake Nyasa and Lake Tanganyika, on Lake Tanganyika, and between this lake and the northern border of both spheres of influence.

#### Article IX

Trading concessions, mining concessions, and property rights that companies or private persons subject to one power have acquired within the sphere of interest assigned the other shall be recognized by this latter power insofar as their validity is satisfactorily proven. It is

understood that concessions shall be pursued in accordance with valid local laws and regulations.

#### Article X

The missionaries of both powers shall enjoy full protection in all territories in Africa that belong to one of the two powers or are in its sphere of influence. Religious tolerance, freedom of all forms of worship, and freedom of religious instruction shall be ensured.

#### Article XI

Great Britain shall bring to bear her full influence on the Sultan of Zanzibar to facilitate an amicable agreement by which the Sultan unconditionally cedes to Germany the Island of Mafia and his territories on the mainland (including dependencies) that are referred to in the existing concessions of the German East Africa Company. It is understood that His Highness shall receive fair compensation for the loss of revenue resulting from this cessation.

Germany agrees to recognize the British protectorate over the remaining territories of the Sultan of Zanzibar, including the islands of Zanzibar and Pemba. Germany will also recognize the British protectorate over the territories of the Sultan of Witu and the adjacent territory extending to Kismayo, from which the German protectorate will be withdrawn. It is understood that, if the cessation of the German coast has not been made before Great Britain assumes its protectorate over Zanzibar, Her Majesty's government, upon establishment of said protectorate, shall use all its influence to induce the Sultan to make the cessation as soon as possible in return for fair compensation.

#### Article XII

1. Pending approval by the British parliament, Her British Majesty shall grant sovereignty over the Island of Heligoland and all its facilities to His Majesty the German Kaiser.
2. The German government shall grant natives of the ceded territory the right to choose British citizenship by a declaration to be made by themselves or, in the case of underage children, by their parents or guardians before January 1, 1892.
3. Natives of the ceded territory and their children born before the day on which this treaty is signed shall be exempt from compulsory military service in the German army and navy.
4. The currently valid local laws and practices will remain unchanged wherever possible.
5. The German government agrees not to raise, until January 1, 1910, the customs tariffs currently in force in the ceded territory.
6. All property rights acquired by individuals or existing corporations in Heligoland under the British government shall remain intact. Any obligations linked to these shall pass to His Majesty the Emperor of Germany. The term "property rights" includes Lloyd's signaling rights.
7. The rights of British fishermen shall remain unaffected, including the right to anchor in all weather, take on provisions and water, make repairs, transship goods, sell fish, land and dry nets.

Berlin, July 1, 1890

von Caprivi  
R. Krauel  
Edward B. Malet  
H. Percy Anderson

Source: Das Staatsarchiv, *Sammlung der offiziellen Aktenstücke zur Geschichte der Gegenwart* [The State Archive, *Collection of Official Documents Relating to Contemporary History*]. Leipzig, Verlag von Duncker & Humblot, 1891, vol. 51, p. 151.

Translation: Adam Blauhut

PROCLAMATION.<sup>1</sup>

BY

HIS EXCELLENCY SIR HENRY BROUGHAM LOCH, &amp;c., &amp;c.

DATED 4th SEPTEMBER, 1891.

**Preamble.**

WHEREAS by my Proclamation of the 10th day of June, 1891, I did proclaim and declare that certain offices should be created, and certain administrative regulations should be in force within the parts of South Africa bounded by British Bechuanaland, the German Protectorate, the Rivers Chobe and

<sup>1</sup> Repealed so far as inconsistent with the Proclamation of 27th September, 1892.

PROCLAMATIONS.

Zambesi, the Portuguese Possessions and the South African Republic, and declared by Her Majesty's Order in Council of May 9th, 1891, to be under the protection of Her Majesty the Queen:

And whereas the British South Africa Company is empowered to make Ordinances within the Territories under its control, and has since the issue of my said Proclamation made Ordinances which have been approved by the Secretary of State under the 10th Article of the Royal Charter granted to the said Company providing for the establishment of a Police Force, the regulation of trade, and other administrative matters, and the administrative provisions of my said Proclamation of the 10th day of June, 1891, are therefore no longer required in respect of the said Territories under the control of the British South Africa Company:

Now, therefore, under and by virtue of the powers, authorities, and jurisdictions conferred upon and committed to me by Her Majesty, I do hereby proclaim, declare, and make known as follows:—

**Limitation of area in which Proclamation of 10th June, 1891, is in force.**

1. Except as hereinafter provided the operation of my said Proclamation of the tenth of June, 1891, shall be and the same is hereby limited to those Territories lying to the south of the River Zambesi, and to the west of Guay, Tati, and Macioutsie Rivers and of the South African Republic, which are at present under the administrative control of Her Majesty's High Commissioner for South Africa.<sup>1</sup>

**Certain sections to be in force throughout the limits of the Order in Council of 10th June, 1891.**

Provided that those provisions of my said Proclamation which relate to the administration of justice, the solemnization of marriage, the occupation and ownership of land, and the validation of concessions and grants (being the provisions contained in the Articles numbered 3, 4, 8 to 22 inclusive, 43 and 45 of my said Proclamation) shall continue to be of full force and effect throughout the whole of the Territories declared as hereinbefore mentioned to be under the protection of Her Majesty the Queen.

**Officers appointed by the High Commissioner in B.S.A. Co.'s territory to hold Office during pleasure.**

2. Every officer appointed by the High Commissioner within the Territories under the control of the British South Africa Company shall hold office during the pleasure of the High Commissioner, and his appointment shall be deemed to commence from the date of notice of such appointment given by the High Commissioner in the *Government Gazette* of the Colony of the Cape of Good Hope, or in such other official Gazette as may be hereafter established for the Territories comprised within the limits of the said Order.

**Commencement of appointment; Chief Magistrate in certain cases to have the powers of a Resident Commissioner.**

3. Whenever a Chief Magistrate is appointed by the High Commissioner for any part of the Territories within the limits of the said Order, and there is not for the time being a Resident Commissioner within that part, either because a Resident Commissioner has not been appointed, or because the office has become vacant, or the Resident Commissioner is absent from that part, or is incapable of performing his duties, then in any such case every such Chief Magistrate shall have within that part of the said Territories for which he has been appointed the jurisdiction and powers of a Resident Commissioner under the aforesaid Articles numbered 3, 4 and 8 to 21 inclusive of my said Proclamation of the 10th day of June, 1891, and shall also have the jurisdiction and powers of a Resident Commissioner under my Proclama-

<sup>1</sup> See Section 5 of Proclamation of 27th September, 1892.

PROCLAMATIONS.

tion of the 30th day of June, 1891, published in the Cape of Good Hope  
*Government Gazette Extraordinary* of the 2nd day of July, 1891.

This Proclamation shall come into force from the 5th day of September,  
1891.

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APPENDIX D.

ENGLAND'S AUTHORITY IN SOUTHERN ZAMBESIA.

The following order in Council has been published in the *London Gazette* :—  
At the Court at Windsor, the 9th day of May, 1891.

*Present.*

The Queen's Most Excellent Majesty, Lord President, Lord Steward, Earl of Coventry.

Whereas the territories of South Africa situate within the limits of this Order, as hereinafter described, are under the protection of Her Majesty the Queen :

And whereas by treaty, grant, usage, sufferance, and other lawful means Her Majesty has power and jurisdiction in the said territories.

Now, therefore, Her Majesty, by virtue and in exercise of the powers by "The Foreign Jurisdiction Act, 1890," or otherwise in Her Majesty vested, is pleased by and with the advice of Her Privy Council to order, and it is hereby ordered as follows :—

I. The limits of this Order are :—The parts of South Africa bounded by British Bechuanaland, the German Protectorate, the Rivers Chobe and Zambesi, the Portuguese Possessions, and the South African Republic.

II. The High Commissioner may on Her Majesty's behalf exercise all powers and jurisdiction which Her Majesty, at any time before or after the date of this Order, had or may have within the limits of this Order, and to that end may take or cause to be taken all such measures, and may do or cause to be done all such matters and things within the limits of this Order as are lawful, and as in the interest of Her Majesty's service he may think expedient, subject to such instructions as he may from time to time receive from Her Majesty or through a Secretary of State.

III. The High Commissioner may appoint so many fit persons as in the interest of Her Majesty's Service he may think necessary to be Deputy Commissioners, or Resident Commissioners, or Assistant Commissioners, or Judges, Magistrates, or other officers, and may define from time to time the districts within which such officers shall respectively discharge their functions.

Every such officer may exercise such powers and authorities as the High Commissioner may assign to him, subject nevertheless to such directions and instructions as the High Commissioner may from time to time think fit to give him. The appointment of such officers shall not abridge, alter, or affect the right of the High Commissioner to execute and discharge all the powers and authorities hereby conferred upon him.

The High Commissioner may remove any officer so appointed.

IV. In the exercise of the powers and authorities hereby conferred upon him, the High Commissioner may, amongst other things, from time to time by Proclamation provide for the administration of justice, the raising of revenue, and generally for the peace, order, and good government of all persons within the limits of this Order, including the prohibition and punishment of acts tending to disturb the public peace.

The High Commissioner in issuing such Proclamations shall respect any native laws or customs by which the civil relations of any native chiefs, tribes, or populations under Her Majesty's protection are now regulated, except so far as the same may be incompatible with the due exercise of Her Majesty's power and jurisdiction.

V. Every Proclamation of the High Commissioner shall be published in the *Gazette*, and shall, from and after the expiration of one month from the commencement of such publication, and thereafter until disallowed by Her Majesty or repealed or modified by any subsequent Proclamation, have effect as if contained in this Order.

VI. Her Majesty may disallow any such Proclamation wholly or in part, and may signify such disallowance through a Secretary of State, and upon such disallowance being publicly notified by the High Commissioner in the *Gazette* the provisions so disallowed shall, one month after such publication, cease to have effect, but without prejudice to anything theretofore lawfully done thereunder.

VII. The Courts of British Bechuanaland shall have in respect of matters occurring within the limits of this Order the same jurisdiction, civil and criminal, original and appellate, as they respectively possess from time to time in respect of matters occurring within British Bechuanaland, and the judgments, decrees, orders, and sentences of any such Court made or given in the exercise of the jurisdiction hereby conferred may be enforced and executed, and appeals therefrom may be had and prosecuted in the same way as if the judgment, decree, order, or sentence had been made or given under the ordinary jurisdiction of the Court.

But the jurisdiction hereby conferred shall only be exercised by such Courts, and in such manner and to such extent, as the Governor of British Bechuanaland shall by proclamation from time to time direct.

VIII. Subject to any proclamation made under this Order any jurisdiction exercisable otherwise than under this Order, whether by virtue of any Statute or Order in Council, or of any Treaty, or otherwise, and whether exercisable by Her Majesty, or by any person on Her behalf, or by any Colonial or other Court, or under any Commission, or under any Charter granted by Her Majesty, shall remain in full force.

IX. Judicial notice shall be taken of this Order, and of the commencement thereof, and of any Proclamation made under this Order, and published in the *Gazette*, and of any Treaties affecting the territories within the limits of this Order, and published in the *Gazette*, or contained in papers presented to both Houses of Parliament by command of Her Majesty.

X. This Order shall be published in the *Gazette*, and shall thereupon commence and come into operation; and the High Commissioner shall give directions for the publication of this Order at such places, and in such manner, and for such time or times as he thinks proper for giving due publicity thereto within the limits of this Order.

XI. The Orders in Council of the twenty-seventh day of January, one thousand eight hundred and eighty-five, for the establishment of Civil and Criminal Jurisdiction in Bechuanaland, and of the thirtieth day of June, one thousand eight hundred and ninety, providing for the exercise of Her Majesty's jurisdiction in certain Territories in South Africa, shall continue in force until the commencement of this Order and be thereupon revoked, but without prejudice to anything lawfully done thereunder, and any Proclamation theretofore issued under the said Orders shall continue in operation until repealed or altered by any Proclamation of the High Commissioner under this Order.

XII. Her Majesty may from time to time revoke, alter, add to, or amend this Order.

XIII. In this Order, unless the subject or context otherwise requires,—

"Her Majesty" includes Her Majesty's heirs and successors.

"Secretary of State" means one of Her Majesty's Principal Secretaries of State.

"High Commissioner" means Her Majesty's High Commissioner for the time being for South Africa.

"Treaty" includes any existing or future Treaty, Convention, or Agreement between Her Majesty and any civilised Power, or any native tribe, people, Chief, or King, and any regulation appended to any such Treaty, Convention, or Agreement.

"Gazette" means any official Gazette published by authority of the High Commissioner, and until such Gazette is instituted, means the Cape of Good Hope Government Gazette.

C. L. PEEL.

1891  
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