

Forbes

Democracy Is Under Challenge In Zambia

By: Doug Bandow – January 11, 2013

Zambia, like many African nations, suffered a dearth of democracy while gaining statehood. Independence leader Kenneth Kaunda created a one-party state which took years to overturn. Yet concern is rising over the current government's willingness to play the undemocratic tricks of the past.

Africa has been enjoying a renaissance. The decolonization movement freed Africans from foreign rule in the 1960s, but civilian dictatorships and military juntas soon dominated politics while dirigiste and socialist economic policies entrenched poverty. The most unfortunate countries—Sudan, Zaire, Liberia, Burundi, Rwanda, Somalia—suffered war and collapse.

Tragedy persists in some nations, but an increasing number of African states have adopted democracy and taken a more market-oriented path toward prosperity. Such as Zambia. Kaunda was voted out in 1991. His successor, former labor leader Frederick Chiluba, left office voluntarily though under a cloud, accused of corruption and abusing the political process.

The next two presidents were members of Chiluba's Movement for Multiparty Democracy, but in 2011 Michael Sata of the Patriotic Front defeated incumbent Rupiah Banda. The PF also won a plurality in parliament. Zambian politics seemed almost normal.

However, the Sata government increasingly is using its powers for ill. South Africa's Mail & Guardian recently reported: "Opposition leaders arrested, youth meetings banned, political rallies blocked by riot police, allegations of judicial interference and ministerial corruption, smear campaigns in government media and threats and lawsuits against journalists are not part of the image most people have of Zambia, supposedly one of Africa's most peaceful democracies."

Members of the diplomatic community have begun to speak out, earning a rebuke from President Sata, who publicly directed "the minister of foreign affairs to address the issue of diplomats meddling in internal affairs of the country." Ironically, while outside government Sata met with foreign diplomats, seeking their support.

Opposition figures complain that the president, nicknamed "King Cobra," is dragging the country back to a one-party system. Sata's ultimate intentions are impossible to divine, though before splitting from the MMD he served Chiluba and promoted the latter's unsuccessful attempt to amend the constitution to allow for a third term. Sata also is close to Robert Mugabe, the authoritarian and violence-prone president of Zimbabwe who has wrecked that once prosperous and democratic state.

The government contends that it is merely responding to two decades of MMD rule. And, indeed, prior MMD governments were accused of some of the same practices. Sata himself was arrested as an opposition leader.

Vice President Guy Scott acknowledged that some government officials might be “over-zealously” enforcing government restrictions, but suggested that was just politics: “People are being slightly over the top about this and their analysis is a little bit neurotic. African politics can be a bit of rough and tumble, this is normal. I myself was arrested while in opposition for defaming the president.”

However, “everyone does it” is a poor excuse for political repression. Anyway, Nevers Mumba, who heads the MMD, rejected the claim “that Sata and the PF are merely doing to us what we did to them when we were in government,” contending that opponents then could “criticize and organize freely and they did so every day. Now we cannot even hold a meeting inside a room without fearing arrest.”

He argued to me that what appears to be a government campaign of intimidation results from the regime’s fear of its own failures: “This crackdown flows from the fact that the PF has been unable to deliver on its campaign promises, and it is increasingly clear that it is impossible for them to deliver on these promises. Their great fear is that the opposition will expose this truth, so they are attempting to silence us by unlawfully violating our freedom of assembly.”

Others speculate that President Sata is ill, or even dying, and the PF is seeking to weaken the opposition before any leadership transition. But the reason really doesn’t matter. Hakainde Hichilema, president of the United Party for National Development charged last month that “This country is deteriorating by the day and being run like a dictatorship.” That was shortly after he was arrested for the second time for allegedly defaming the president. He told me last week that “A government that does not respect the rule of law is very dangerous to its citizens, and it is clear from recent conduct that officials of the PF government regard themselves as above the law.”

In fact, he had just been arrested on what looked to be dubious political charges when I met him last August on a visit to Zambia. Since then his legal problems have multiplied, as have those of Mumba. The two opposition leaders have eight arrests between them and, according to the Mail & Guardian, are “now facing a string of charges including corruption, defamation and unlawful.” The government also has targeted the former president Banda and his son, Henry.

Particularly worrisome is the government’s reliance on the colonial Public Order Act to limit meetings as well as demonstrations. Such practices inevitably undermine free expression and democracy. Michelo Hansungule, a Zambian professor teaching human rights at the University of Pretoria, decried what he saw as “flimsy grounds for arrests,” telling the Mail & Guardian: “The legislation is being used to deny basic rights of freedom of assembly. This is a reversal of our democratic gains.”

The Sata government is revising the constitution, which understandably has generated public interest. The Young African Leaders Initiative, inspired by the Obama administration, organized meetings to discuss the document, only to be threatened with “stern action” by Justice Minister Wynter Kabimba for talking about the constitution without a member of the drafting committee being present. YALI board secretary

Mundia Paul Hakoola complained to the Mail & Guardian: “This is intimidation at the highest level.”

The government also is abusing its domination of the media. The Zambia National Broadcasting Corporation as well as Daily Mail and Times of Zambia are state-owned and have been manipulated accordingly. PF officials directly pressure journalists who effectively work for the government; when I visited Zambia I met with one who had lost his job for political reasons.

The Post, the country’s largest paper, is private, but the personal financial interests of the owner-editor appear to rest with the government. Journalists Paula Todd and Douglas R. Grant dismissed the paper’s pretense of independence: “It has become a virtual house organ for the PF, even more partisan than the government-owned Times and Daily Mail.” Other smaller, independent and opposition sources face regulatory barriers and legal pressures, which, editors told me, limit their reach. Most threatening are “hefty libel claims and closure threats” from government officials, according to the Mail & Guardian.

Last fall the Coalition for the Defense of Democratic Rights was formed as a self-described “legal defense alliance ... in response to increasing harassment and interference by the authorities.” The CDDR includes representatives of civil society as well as from the political opposition.

In January the group petitioned the Commonwealth, made up of former British colonies, to refer Zambia to the Commonwealth Ministerial Action Group and launch an independent investigation. To back its plea CDDR released the report, “Zambia: Violations of the Harare Declaration by the Government of President Michael Sata and the Patriotic Front Party.”

The paper is an indictment, so it naturally places the government’s actions in the worst light. Nevertheless, there is much reason for concern. For instance, Sata has favored his own tribe, the Bemba, in government appointments, even though the country is made up of 73 different tribes. His administration attempted to use a legal technicality to disband the MMD, the leading opposition party.

President Sata has issued government contracts to and placed control of government companies under friends and allies, leading to what CDDR calls a “captured economy.” The government has expropriated private firms, including the telecommunications company Zamtel. Justice Minister Wynter Kabimba declared that the government would “not shy away from repossessing all previous state firms.”

CDDR presented evidence of “politically motivated persecution of democratic opponents” through “repeated arrests of opposition figures on false pretenses, defamation, and fictitious accusations of criminal activity levied against opponents of the state.” Obviously it is difficult to judge the legitimacy of any particular legal charge, but so far the government’s effort has led to few trials and convictions. Simply claiming an offense can inflict political damage and discourage further public involvement.

The report also warned of an “existential threat” to the “rule of law and judicial independence.” The PF pledged to fill the judiciary with its members and President Sata suspended three judges involved in a case involving the Post’s owner-editor. The Justice

Minister complained of “a dictatorship of the judiciary” which needed to be “nipped in the bud.” He even threatened to dissolve the judiciary if necessary.

Moreover, the government has favored Commissions of Inquiry controlled by party figures to investigate alleged corruption under past MDD governments. Yet according to the website *Zambian Watchdog*, Neo Simutanyi of the Centre for Policy Dialogue complained that the commissions “are a waste of public funds” that have not “produced positive results.”

Ironically, while candidate Sata campaigned against claims of past MMD corruption, President Sata has impeded investigations of its own members. He even insisted that the Anti-Corruption Commission receive his permission to investigate cabinet members.

According to CDDR, government media controls have compromised freedom of expression. The Post’s owner-editor has benefited financially from his support for the PF and several Post staffers have been appointed to government positions. Control at state-owned media organs is more direct. Said CDDR: “Now reporters and editors reportedly regularly receive phone calls from State House demanding that certain stories are killed before they are printed.” President Sata has filed \$3 million worth of defamation lawsuits against the independent *Daily Nation*. Last year the defense minister threatened to shut *Zambian Watchdog*. Journalists have been arrested while covering the arrest of opposition politicians.

CDDR concluded its report with an appeal for Commonwealth intervention: “These violations of Commonwealth values without impunity are destroying the constitutional separation of power and its check and balances on the power of the presidency, creating real fears and uncertainty over Zambia’s future as a democracy.”

Robert Amsterdam, attorney for Rupiah Banda and the CDDR, told me: “Given this government’s established pattern of using violence and ethnic hate speech as a political strategy, we should be very concerned over what could happen next.” He urged action before “another democracy is ruined in Africa.”

Zambia is no dictatorship. But the trend is worrisome, and goes beyond the tendency of all politicians every where to manipulate power to their advantage. The UPND’s Hichilema, who faces multiple government prosecutions, warned: “Everyone talks about Zimbabwe, but never about Zambia. We hope the world does not wait until there is bloodshed here before they take any action.”

President Sata and other political leaders should peer into the future and resist the authoritarian temptation. All sides should agree to circumscribe powers which can be abused by any party in power. Otherwise the future for Zambia could be ugly indeed.

U.S. and Europeans influence is limited; it never is easy, no matter how well-intentioned, to impose change on another nation. However, the nations of southern Africa, led by South Africa, helped forge a political compromise in Zimbabwe which reduced the violence. They also have kept Harare on the road toward elections later this year. Pretoria should take the lead in sending a similar regional mission to the Sata government.

Liberty is precious and is best fostered within a democratic political system. These freedoms are in danger of slipping away in Zambia. That would be unfortunate for Africa, which has been moving away its repressive past.

The loss of liberty would be particularly tragic for the Zambian people, who merely need look next door to Zimbabwe to see the future awaiting them if the worst came to pass. The CDDR report offers a moment for all parties in Lusaka to pause and take stock. There still is time to act before “another democracy is ruined,” as Amsterdam put it.