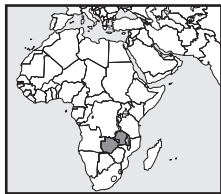


No war but many victims



Inhumane policies inflicted on Zambian society by Western institutions and states have combined with ill-fated local policies, escalating poverty levels and HIV/AIDS to make it virtually impossible for ordinary citizens to live in dignity. Life in Zambia is a far cry from human security, an expensive paradigm for most children, women and men.

Women for Change - Social Watch Project

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Most Zambians' lives are marked by insecurity. A series of misguided policies have combined with other factors to make it impossible for people to enjoy a sense of security. The main policy failures are:

- Government failure to implement its Poverty Reduction Action Programme (which has since been suspended) and to introduce a Poverty Charter taking a holistic approach to addressing issues of hunger and reversing escalating poverty levels.
- Failure of the free market policies to ensure competitiveness of Zambian products on international markets.
- Government failure to meet the economic benchmarks set for qualification for the Highly Indebted Poor Countries Initiative and to cut the coat according to the cloth, which resulted in a lack of fiscal discipline, leading to budget overrun.
- Inadequate policies to significantly reverse growing HIV/AIDS rates.
- Prolonged proceedings in the case of the petition filed contesting the result of the 2001 presidential election, which has created a climate of political insecurity in the country.
- Continued corruption and misgovernance on the part of political leaders in the present administration, especially during by-elections.
- Government failure to respond to numerous calls for specific legislation and effective action against gender-based violence.

Socio-economic forms of insecurity

The greatest insecurity derives from a series of failed economic and social policies. According to the United Nations Development Programme (UNDP),² more than 63% of Zambians have a daily income of less than USD 1, and 72% are living below the national poverty line. Newly released government statistics from the Central Statistical Office (CSO)³ confirm this grim reality.

The influx of the "new poor" (using CSO terminology) and urban workers who have been made redundant on to the streets already overcrowded with the unemployed is a direct result of the Government's blind faith in unbridled capitalist policies. Sharp rises in the numbers of poor households prove the absurdity of the notion of Western market policies over indigenous models. Misguided strategies like wholesale privatisation⁴ and economic liberalisation have led to forced unemployment (in 2000, the overall unemployment rate was 50%),⁵ which has an unequal impact on different social groups; rural people, especially women, are hardest hit. In urban households unemployment and the prospect of an insecure future translate into increased domestic violence in which women and children are the main victims.

Attempts to try and reverse the economic decline by adopting policies friendly to foreign capital have only added to the difficulties facing the economy. Innovations in the area of international trade, like the African Growth and Opportunities Act (AGOA)⁶ under which some countries in Sub-Saharan Africa have had a selected group of their products granted free access to the US market (in exchange for adopting US policies), have not yielded results. Biased bilateral agreements like the AGOA and the entire multilateral trading framework have not benefited the country in any significant way.

State security over human security

On the other hand, the State is relatively secure. An example of this is the recent treason judgement⁷ which clearly proved the priority given to state security over the security of individuals. In this judge-

ment the Supreme Court went out of its way to prove its eagerness to protect a corrupt state system. In October 1997 a group of disgruntled military officers (calling itself the National Redemption Council) made a badly organised and unsuccessful coup attempt against President Frederick Chiluba. President Chiluba, who was the plotters' main target, was by his own admission not even ruffled by the attempt to overthrow him. Nevertheless, the country's most senior law lords still sentenced 46 of the accused to death by hanging. Zambian penal law still punishes crimes of treason, murder and aggravated robbery with the death penalty.

It is interesting to note that, among the other observations made in its appeal judgement, the full bench of the Supreme Court stated that a changeover in Government should only take place as the result of an election. This statement is an important reaffirmation of democracy. However, the judges failed to acknowledge the fact that President Chiluba himself had created the conditions for the soldiers' attempt to use force to remove him. They were aware of this when they presided over the post-election petition filed against Chiluba's election in 1996. The petition included serious allegations regarding illegalities and grand corruption during the election.⁸ President Chiluba's actions constituted a two-pronged attack on the principle of free political expression. He reformed the Constitution to get rid of political opponents who were mounting a serious challenge to him and used his second term in office to consolidate his means of reaping the rewards of corruption. The opposition had no chance against him.

The second observation that the judges made in the course of the trial was that they had played their part: the only option left for the defendants was to seek a presidential pardon. This declaration

4 The Zambia Privatisation Agency is currently working on the privatisation of the following companies: the Mukuba Hotel, Monarch (manufacturing and engineering metal products for the construction industry), Zambia Telecommunications Limited, Indeni Petroleum Refinery Limited, Nitrogen Chemicals Limited, Kafue Textil Limited, Zambia Electricity Supply Corporation, Maamba Collieries Limited, Engineering Services Corporation Limited, Zambia Postal Services, Zambia Educational Publishing House, Mulobezi Railway, Zambia State Insurance Corporation, Kafue National Park. www.zpa.org.zm

5 www.nationmaster.com

6 Signed on 18 May 2000 by 37 Sub-Saharan countries (out of a total of 48).

7 The People v. Captain Lungu & Others. Unreported. Supreme Court of Zambia. 2003.

8 "The result is that Zambian citizens are plagued by restrictions on freedom of expression and assembly, intimidation of those in the legal system and harassment of opposition parties," said Peter Takirambudde, Executive Director for Human Rights Watch/Africa and one of the authors of the report. "Some of these abuses are the legacy of the Kaunda years, but in many cases human rights violations are the results of new initiatives by the Chiluba government. We are particularly concerned at increasing government efforts to undermine the NGOs and the judiciary. They are essential foundations of any democracy." Human Rights Watch (NY) Africa, 8 December 1996. www.hartford-hwp.com/archives/37/030.html.

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2 www.undp.org/hdr2003/indicator/cty_f_zmb.html

3 www.zamstats.gov.zm

surprised court watchers, who considered that in effect the country's highest law lords were washing their hands of the matter and instructing the defendants to present themselves before the very politicians whom they were challenging. This was seen as surprising because a court with the power to issue judicial resolutions cannot surrender its authority to the President (who can only issue political ones). Furthermore, even though the judges' statement refers to the constitutional prerogative of mercy, it can be misconstrued to mean that the President is part of the judiciary (which obviously goes against the principle of the separation of powers). This case illustrates the insecurity that those who try to engage in politics are likely to face.

The State Proceedings Act (SPA) is a piece of legislation that gives the State carte blanche to deal with individuals without any control from the courts. For example, court orders cannot be issued against the President, even if he has personally violated the Constitution. Under the SPA, writs are rendered void simply at the mention of the President or the executive branch. While the spirit behind the bill of rights enshrined in the Constitution is that it must act as a shield against state intrusion in individual liberties and freedoms, neither this bill nor the Constitution have precedence over the SPA. However serious the alleged breaches or irregularities may be, the President is (technically and practically) out of the reach of the courts.

This is what happened in the "malaria case".⁹ In this case, an opposition leader, Brigadier-General Godfrey Miyanda, made an urgent court application seeking to obtain an *ex parte* order against Zambia's current President, Levy Mwanawasa, as first respondent, and the Attorney General as second respondent. The order sought to restrain the President from going ahead with a planned press conference at which he intended to make changes to his Cabinet in order to include opposition MPs, including some from Miyanda's party. To evade the court order, all the President needed to do was to cite the SPA as empowering him to act with absolute discretion in carrying out his functions.

Effect of corruption on human security

Corruption is yet another factor seriously threatening human security. Chiluba is finally in court facing 160 charges including corruption, bribery, abuse of office or plain theft.¹⁰ However, proving these charges will not be easy. Corruption being what it is, the case is likely to be complicated and protracted. One of the charges relates to accusations that the former President and his senior Chief of Intelligence diverted USD 29 million of state funds meant for the installation of state-of-the-art security systems in high-profile government buildings.

This project was not budgeted for and none of the officials at the Ministry of Finance at the time know where the money went or how much was involved. Projects like this were used to siphon off millions of US dollars into private accounts. This case is just one example of how little political will there is within the State to tackle corruption.

The current regime under President Mwanawasa, which has formally charged ex-president Chiluba, is not itself free from corruption. For instance, Mwanawasa has been accused in a highly controversial case of abusing his former position as Vice President to allocate to himself University of Zambia lands without following established procedures. His attempt to try and clear his name has instead left a trail of doubt regarding his integrity. Although it has been suggested that this claim is stale, and that it is a case of sour grapes since those making the accusations have no hard evidence, the fact of the matter is that a claim involving land cannot be stale. The African philosophy of law incorporates the idea of the imprescriptibility of crimes. As long as the University's stolen land is not given back, the accused will continue to be viewed as thieves.

Second, the tactics employed by Mwanawasa in his election campaigns are at present the subject of a presidential election petition case, instituted against him in the Supreme Court by opposition politicians. During election campaigns, Mwanawasa teams openly dished out food to the electorate, used state resources, bribed opposition officials, etc. He has also used the lure of development projects to pressure the electorate into voting for him.

Third, he has personally shielded his wife, Maureen Mwanawasa, from facing a probe in Parliament for using state funds in her "charity work".

Finally, apart from the legal action taken against Chiluba, during his two years in power Mwanawasa has not formulated any policies or introduced practical measures to stamp out corruption. In other words, his high-sounding anti-corruption rhetoric has not been applied in practice.

Gender policies and human security

A range of social and economic factors contribute to the insecurity affecting Zambian women and violate their human rights. The Government has developed no strategies to protect women from gender-based violence, be it at state or community level. Consequently, women are subjected to harassment on the street - such as being forced to undress in public if they wear short skirts or long trousers - on the grounds that they are offending public morals. Patriarchal attitudes like these are commonplace and openly fostered by the lack of concern for the issue in policy-making.

Even more disturbing, a number of women have been murdered by unknown assailants in public places, such as streets and parks. Not one of these murders has been resolved by the authorities. Women for Change and other pro-women's rights groups have frequently demonstrated to demand state action against murders of women. However, the police either ignores the demands or fails to initiate investigations at all. In the few cases that

have been pursued, the investigations are half-hearted and yield no results.

Women also face gender-related violence at the hands of family members. Domestic violence has become the daily norm. Although there is a lack of research into the incidence of domestic violence, a survey published in 1998 by the World Health Organisation (WHO) revealed that 40% of women interviewed reported that they had been subjected to physical abuse by their husbands or partners in 1997. A study undertaken by the Young Women's Christian Association (YWCA) in 1999 found that a majority of women stated that gender-based violence was a common occurrence in their relationships and that this violence most often took the form of rape, beating, stabbing, burning, murder and threats of murder. The same study discovered that recorded cases of domestic violence had increased by 253% between 1998 and 1999.¹¹ There is no specific penal law on this issue, and the Government apparently does not consider itself responsible for ensuring the protection of the majority of the population - that is, women. Similarly, women suffer a great deal of insecurity in the social and economic spheres. For instance, rural women have no reliable access to resources. The most basic resource - land - is out of reach for most rural women due to prohibitive customs and traditions that discriminate against them. State policies contribute to discrimination against women by not explicitly targeting such practices and traditions, thereby perpetuating female poverty and insecurity.

Conclusion

Even though the country has not formally been at war since independence in 1964, prevailing conditions affecting human existence are equivalent to those in a country at war. Most of the factors inhibiting the enjoyment of human security are linked to both the international context and the local regime. Natural phenomena account for the rest.

Zambia has acceded to the six main UN human rights treaties, a feat some developed countries are yet to achieve. Similarly, the Constitution has a bill of rights even though this is restricted to only civil and political rights. Economic, social and cultural rights have not been given a place in this Westminster-style Constitution. Nevertheless, this is not the key problem. It is the implementation of these rights - defined in international and domestic legislation - that still eludes Zambia. In spite of the establishment of a democratic system of government in 1990, and the first democratic elections in 1991 (following 17 years of authoritarianism) Zambians have little possibility of exercising their political and civil rights. With respect to their material rights, they are even worse off. Inhuman policies inflicted on the population have sealed the fate of the majority Zambians. With hunger stalking them, human security is an expensive paradigm for most children, women and men. ■

9 Brigadier-General Godfrey Miyanda v. President Levy Mwanawasa and Attorney General. Unreported. High Court of Zambia, 2003. See also: *The Times of Zambia*, 6 February 2004. <http://allafrica.com/stories/200402060378.html>

10 *News 24.com*, 18 October 2003. www.news24.com/News24/Africa/News/

11 World Organisation Against Torture (OMCT), www.omct.org