

Shrinking space in Zambia: Time for action

Policy Briefing, March 2019





Youth demand accountability for the use of public funds as the 2019 government budget is presented (ActionAid).
 Cover photo - Police officers surround a protestor from an opposition party during the last elections (Salim Dawood).

Introduction

Zambia has earned a reputation as one of the continent’s most stable democracies ever since it returned to multi-party rule almost 30 years ago. However, outside observers and local activists agree that this tradition is now under serious threat, with attacks on freedom of expression and association increasing rapidly - as shown in the timeline below. When President Lungu declared a state of emergency in 2017, the Zambian church warned that the country was “not far from dictatorship”, while the following year, political scientists Bratton, Dulani and Nkomo concluded that “the country faces a choice of futures between democratic deepening and authoritarian backsliding.” [1]

ActionAid believes that democratic deepening is the right choice for Zambia. Our experience, spanning five decades of work across 45 countries, shows that poverty and exclusion are only overcome when people living in poverty are able to organise, claim their rights and hold their governments to account. Without freedom of expression, association and assembly, this is impossible. What is more, these rights also provide an important avenue for people “to peacefully speak out, contribute their talents, share their ideas and help society work towards solving its problems,” as former UN Special Rapporteur Maina Kiai puts it. [2]

The civic and political space that Zambians possess under the constitution is a hard-

won product of anti-colonial struggle, and has been key to the progress made since then towards overcoming poverty and exclusion in our country. ActionAid Zambia therefore commissioned this research to inform strategies to defend and expand our precious democratic rights and value. It is based on focus group discussions with 75 civil society organisations, media houses, youth and women's groups across six provinces. The research team also met with political parties at district, provincial and in some cases also at national levels. [3] Finally, we interviewed over 20 individual human rights defenders, including four from other African countries to provide a regional perspective.

Findings

Our research shows that a wide range of factors contribute to “shrinking political space” in today's Zambia, including economic discrimination and social media manipulation as well as legal harassment.

Law enforcement authorities can call on a range of statutes that give them very broad powers to silence free expression and limit freedom of assembly. Some of these laws, like the 1930 Penal Code, were first used by the British to crack down on anti-colonial movements. Others, such as the NGOs Act, Independent Broadcasting Act and proposed Cybercrime Act, were recently introduced to regulate and restrict newer forms of speech and association.

More subtle use of technology and social media complements the visible hand of law enforcement. Software used by repressive governments to hack activists' mobile phones has been found in Zambia.[4] Our respondents said that social media is regularly used to launch threats and smear campaigns, often under veil of anonymity or false names. Women activists have been subject to particularly toxic misogynistic attacks. Frontline Defenders further argues that the distinction between civil society and political parties has been deliberately blurred: “Any critic of government corruption, policies, or political appointees is labeled ‘opposition’ and usually suffers abuse as a result.” [5]

Respondents alleged widespread use of state resources and government programmes to reward party loyalists and punish those perceived as opposition supporters.

And finally, our respondents also reported allegations of invisible but widespread economic pressure, such as the denial of market stalls, bus stands, student loans, and government jobs and contracts to alleged opposition supporters, and the use of social

protection and empowerment schemes to reward party loyalists. It was, however, beyond the scope of this research to substantiate these allegations.

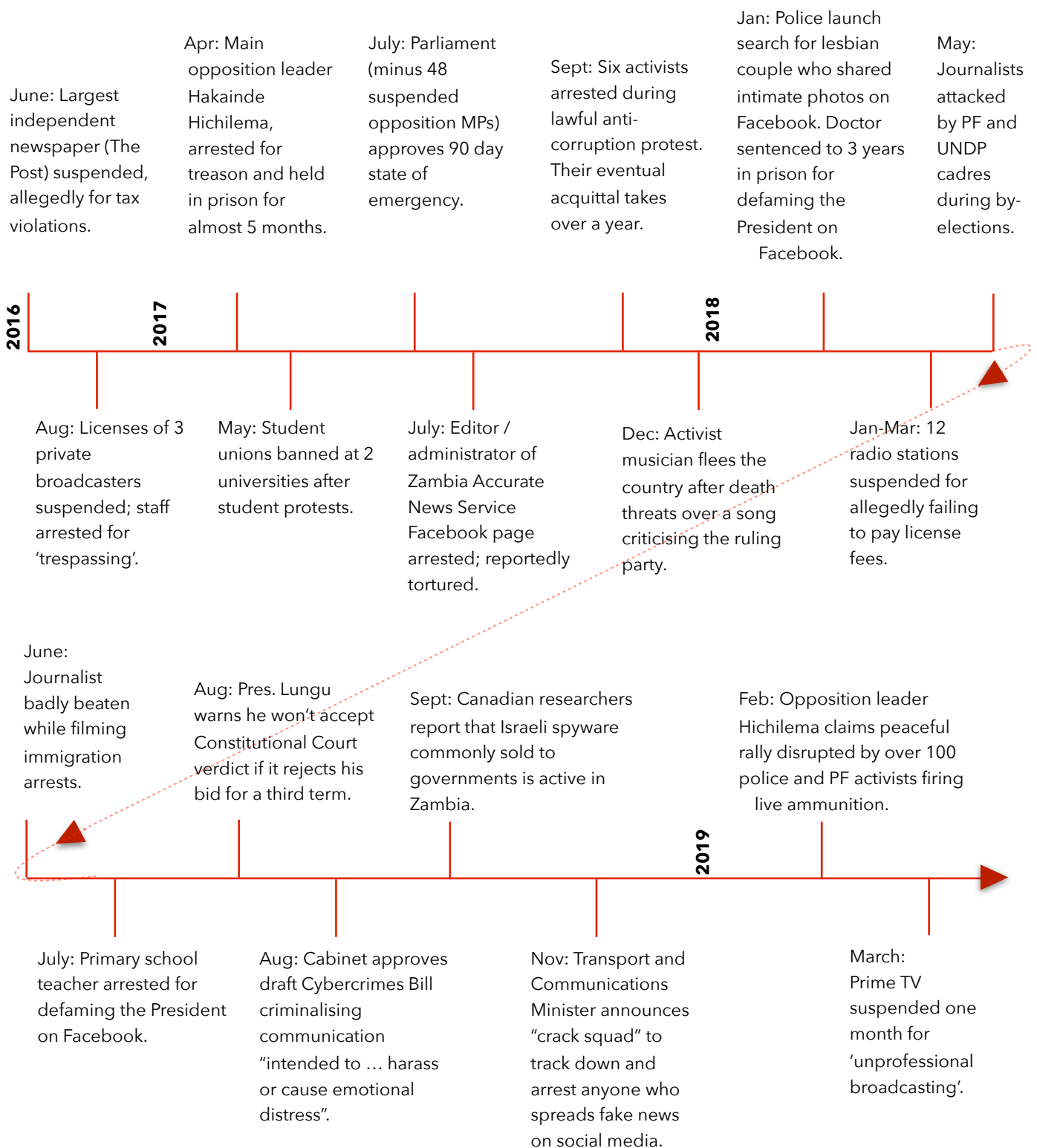
Drivers: A fusion of party and state?

It is important to better understand the drivers behind these diverse forms of legal, economic, and social harassment. Should they be understood as an insecure government reacting in an *ad hoc* manner to perceived threats - or is there a coherent vision underpinning all of these incidents?

Some of our respondents argued that the ruling party may be engaged in a systematic project to recreate the ideological and practical fusion of party and state that characterised the era of Kaunda's United National Independence Party (UNIP). The constitution of the ruling Patriotic Front party quotes directly from UNIP in declaring that "the Party is the supreme organization and the guiding political force in the land". The PF constitution goes on to say that "all the public institutions, State-owned enterprises and popular mass and similar organizations" shall be "led by persons who are members of the Party and who are uncompromisingly committed to achievements of the Party." [6]

In addition to the perceived moves towards party capture of state-controlled resources and social programmes, our respondents cited other actions that might be seen as taking Zambia back to a deliberate fusion of party and state: for example, the banning of student unions in the wake of campus protests; closure or suspension of private media outlets not amenable to government control, and denying government advertising revenue to such outlets; starving opposition of coverage in state-controlled media; and the alleged enforced early retirement or transfer of government employees based on perceived party or tribal affiliations.

These trends need further research, well beyond the scope of our study. But whether perception or reality, the idea that party loyalty is becoming a precondition to benefit from state resources or to engage in the public sphere may do great damage to Zambians' faith in the democratic process. Indeed, a key finding of our research is that the actions the government is taking, worrying as they are, may not be as harmful in the long run as how people respond to them.



Growing Repression in Zambia: Timeline

Spaces closed, or spaces abandoned?

Globally, experts often talk about the closure of political space in terms of the authorities *taking away* spaces for expression and organising. But our research also revealed a second, and ultimately more harmful, trend underway in Zambia - where people start voluntarily *abandoning* those spaces, out of fear or disillusionment.

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Even in parts of the country where police don't generally interfere with CSO activities, some CSOs are now afraid to convene public meetings due to reports of police breaking up such meetings elsewhere. Seeing peers being threatened with de-registration, loss of funding, or even arrest if they speak out on human rights issues or advocate for policy change, some NGOs decide to confine themselves to

"safe" service delivery work. Many government officials are also fearful: journalists told us that many routinely refuse to comment on matters within their portfolio lest they get into trouble. Even reading out government documents verbatim on radio or in public meetings may attract a police warning against inciting the public, we learned.

"Online journalists and bloggers increasingly write anonymously to avoid harassment or the threat of legal action, particularly on issues regarding politics and corruption involving government officials," Freedom House reports. "More social media users also restrict their communications to a private circle instead of sharing information publicly." [7]

Among ordinary Zambians, the proportion expressing a need to "be careful what they say about politics" rose by 10 percentage points, from 62% to 72%, between 2012 and 2017, while only about a third now feel safe to criticise the President and only one in five feel able to criticise the army. [8] Apathy or passivity and lack of information often reinforce one another: for example, we commonly found low participation in Ward Development Committees, coupled with a mistaken belief that only members of the ruling party can sit on these committees, whereas the guidelines (which have not been publicised) say no such thing.

In contrast to self-censorship and withdrawal from the public sphere, an opposite reaction among some activists is to respond in kind. It's not just police and ruling party politicians who have been resorting to violent attacks on journalists, the use of defamation suits as a way to silence criticism, and the creation of fake Facebook pages or



Zambian clergy demand mining companies pay adequate taxes to the government (ActionAid).

social media smear campaigns: some opposition politicians are engaging in these tactics too. [9] In this increasingly polarised and toxic landscape, there is a risk that Zambia's hard-won democratic traditions will give way to "winner takes all" politics fought between elites, destroying the space for informed debate on policies that will benefit all.

Nevertheless, although civil society organisations and human rights defenders lack resources and experience to deal with state repression, there are many examples of groups starting to respond creatively and positively to the new challenges and opportunities they face. For example, during the cholera epidemic that monopolised national headlines last year, activists used the #CholeraWatch hashtag as a campaign tool to focus attention on failing public water and sanitation services. And one NGO has launched a fact-checking project to fight fake news. [10] There are many other examples, all deserving of support and amplification.

What's more, ordinary Zambians still believe strongly in democracy: according to the most recent Afrobarometer surveys, nine in 10 prefer it to any other form of government, more than anywhere else in Africa. [11] Our research suggests that with better coordination and support, civil society could build on this foundation to create a transformative strategy: one that goes beyond defensive action, and seeks to engage ordinary citizens of all stripes in a shared project of deepening democracy to better serve all of the people.

Recommendations

At this critical juncture in Zambia's history it is critical for civil society and development partners to:

1. **Get coordinated:** A transformative, "big tent" strategy for deepening democracy requires that civil society groups have effective ways to work together across sectoral and geographic silos. Our respondents submitted that this is currently a big gap: there are limited to no genuine platforms for NGOs to share information and facilitate collective action to galvanize citizens' agency at national, provincial or local levels, and this hampers the influence and impact of civil society as a whole.
2. **Get prepared:** Among the steps that would build civil society resilience are:
 - Establish a mechanism for support, defence and protection of human rights defenders, including support towards legal fees, bail and police bonds; health; and evacuation facilities.
 - Build a better knowledge base. Individual cases of repression should be documented and shared in way that helps civil society, media and international development partners understand and monitor the overall pattern and causes of shrinking civic and political space. Allegations of systematic discrimination in the allocation of state resources, jobs and contracts should be fully investigated. In addition, a legislation tracker would alert civil society to existing laws and upcoming bills that could impact negatively on civic and political space, and help groups coordinate around opportunities to amend, repeal or challenge such laws.
 - Distill this knowledge base into a practical civic education toolkit. The toolkit would equip citizens and law enforcement officials with better understanding of their constitutional rights and legal entitlements and obligations, as well as what to do when those rights are denied.
 - Provide training in specific skills such as digital security, mobilisation and networking online and offline, policy advocacy, and public interest litigation.
3. **Go back to the grassroots:** there is need for a fund to strengthen and develop community-based organisations and networks and support grassroots mobilisations, particularly in rural areas where civil society organisations are thin on the ground. A mapping of active and inactive CSOs in rural districts would be a good starting point.
4. **Involve women and youth:** The shortage of youth and women in civic platforms and elected institutions robs our public sphere of much needed energy and ideas, while also denying women and youth the chance to push for change to make economic policies

and public services more inclusive and engendered. A capacity building programmes for potential women candidates (across all political parties) focusing on media relations, resource mobilisation, campaign messaging, etc. could be a necessity to break the barriers.

5. **Seize the opportunity** of the upcoming 2021 elections to develop a shared non-partisan agenda for change that transcends party lines, energising and bringing together a wide range of grassroots groups as well as national civil society organisations. This may start with identifying and advocating for the critical enablers of a peaceful, fair election, such as an accountable and transparent electoral system, well-funded Electoral Commission, effective voter education, affirmative action to encourage women and youth candidates; and measures to ensure a free flow of facts and ideas and fight the spread of fake accounts and disinformation. The elections also provide an opportunity to seek cross-party manifesto commitments on issues such as reforming the Independent Broadcasting Authority; repealing or amending harmful colonial legislation; strengthening the Council of NGOs to enable it to carry out its statutory mandate; and making public services and social programmes more effective in the fight against poverty, inequality and gender discrimination.

Conclusion

“Zambia is a country in urgent need of development to alleviate the mass suffering of its people. Development in Zambia, however, is not just about service delivery. It also entails the opening up of society to a plurality of views in order to enhance development outcomes.” - Mutesa [12]

While it is critical to continue and even step up efforts to defend core civic and political rights, reacting against restrictive measures is no longer enough. As VanDyck observes, “What is needed are grassroots efforts to empower, mobilize, and grow constituencies before the next crisis emerges.” [13] Ever since the days of anti-colonial struggle, the fight to expand civic and political space has gone hand-in-hand with the fight for a more just and inclusive Zambia. Deepening democracy requires tackling the root causes not only of political disempowerment, but also the causes of economic and social exclusion - such as worsening poverty, growing income inequality, dysfunctional public services and deep-seated gender discrimination. [14] Much like the liberation movements of old, Zambian civil society today faces a historic challenge: to engage citizens in developing a vision of pluralistic politics and an accountable, open government that can build a Zambia where, in the words of the Seventh National Development Plan, no one is left behind. We hope that this study has provided some useful recommendations for civil society to move forward together on this critical task.

End Notes

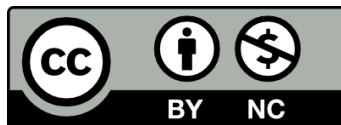
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- [3] This included Forum for Democratic Development (FDD), PAC, Patriotic Front (PF), United Party for National Development (UPND) and Movement for Multiparty Democracy (MMD). We selected among the political parties with representation in the National Assembly, as well as political parties that participated in by-elections from 2016 to date. A special interview was also conducted with the People's Party as a former Election Chairperson for MMD.
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- [9] Frontline Defenders, *op. cit.*
- [10] Freedom House, *op. cit.*; see also Alliance for Community Action's fact-checking project at <http://acazambia.org/category/factchecking/>
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- [14] For recent data on worsening poverty, growing inequality and the economic exclusion of women and youth see e.g. World Bank, 2017, *Jobs Diagnostic Zambia*, vol. 1: Analytics, <https://www.tralac.org/images/docs/11749/zambia-jobs-diagnostic-volume-1-analytics-world-bank-2017.pdf>

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