

INSTITUTE OF CURRENT WORLD AFFAIRS

Democracy in the ashes of a dictatorship?

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Lusaka, Zambia
April 1993

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Dear Peter:

The hands of the wall clock stood at 7:20 when 16 heavily guarded men, arrested under Zambia's state of emergency, filed into the courtroom. Hundreds of supporters in the gallery greeted their arrival with chants: "Freedom! Freedom! Freedom!" That's the slogan of the United National Independence Party (UNIP), which governed Zambia from independence at 1967 until it lost the nation's first free and fair multi-party elections in 1991. These UNIP stalwarts are hypocrites. During former president Kenneth Kaunda's reign, police arrested hundreds of political opponents and held them without trial. Many suffered torture under Kaunda's government, an East European-styled repression dressed up in a high-minded philosophy called Humanism. The tables have turned.

The detainees include one of Kaunda's sons and all are UNIP members supposedly linked to the "Zero Option" plan, an agenda of sabotage and terrorism to regain power. A second document also came to light, a "Radical Programme of Action for UNIP." The plot to undermine Zambia's fledgling democracy proposed inciting riots, strikes, armed revolt, and even rape of visiting Europeans to destroy foreign investors' confidence. For the past two years, Zambia has been governed by President Frederick Chiluba, a trade unionist who united opposition parties under the Movement for Multi-party Democracy (MMD) to end Kaunda's despotic rule. Prior to his electoral triumph, Chiluba himself had been detained without charge, as were four of his present cabinet ministers.

The sedition trial advanced at a ludicrous crawl. The clock remained stuck at 7:20 as hours of tedium stretched into days. Every morning, all the prisoners in the dock had to be identified and arranged in chronological order of arrest. The commanding officer of the prisons would then testify that his charges were in sound condition. "Yes, my lord, they are in good health, still." The detainees had told the press of beatings and degradation, though they seemed more like boisterous schoolboys to me. Each morning they arrived for the trial singing, dancing and flashing fingers in a "V" for victory, the UNIP symbol. Then the court would get down to business: hours of squabbling by

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Since 1925 the Institute of Current World Affairs (the Crane-Rogers Foundation) has provided long-term fellowships to enable outstanding young adults to live outside the United States and write about international areas and issues. Endowed by the late Charles R. Crane, the Institute is also supported by contributions from like-minded individuals and foundations.

African lawyers wearing black full-length gowns and white wigs. They quarreled for a day on procedure and access to the defendants. The next day, debate went on ad nauseam about the time needed to file various legal papers. Then followed hours of quibbling about the next hearing date.



William Banda, a UNIP detainee, leaves court amid cheers

I had listened to such arguments for a week, the course of justice still inert at 7:20, when the presiding magistrate finally allowed discussion of the lawyers' attempt to force the state to declare what evidence justified the detentions. The secret police made the arrests weeks ago, but charges had yet to be leveled! Only an inadequate formality took place: Once in prison, each detainee received notices they were suspected of drawing up the Zero Option plan. The letter stated: "In order to prevent you from the said illegal action and thereby to suppress crime and to ensure the maintenance of public security, it has been found necessary to detain you." The state's notices fulfilled a legal protocol, but they lacked any real meaning.

I noticed this pattern in all of Zambia. The legal system, administration and infrastructure are all in place, but most have ceased to function efficiently. Zambia's 17-month-old democracy seems to face the same fate. The state of emergency and how it came to be indicates that democratic freedoms will have a hard time putting down roots in a society long based on one-party rule. The democracy isn't working well, and neither is much else.

When I drove across the border between Zimbabwe and Zambia, I found the charm and chaos that is stereotypical of Africa. I entered a bank to convert my Zimbabwean currency into Zambian kwacha. "No sir, we only accept traveler's checks," the teller said. "You can change money with the men outside. It's illegal. You are not allowed to do it. You can do it." Then, I tried to get car insurance. After waiting 10 minutes for a customs officer as he read a newspaper with his back to me, I tried to attract

his attention. "I'll assist you soon," he said as he walked out the door. A more friendly officer finally helped me. "Forget the 65 kwacha fee (12 cents). It's worth practically nothing. I'll pay it for you," she said. "Welcome to Zambia."

Zambia's roads often look like mortar shells have freshly fallen, leaving craters too big to avoid. Sections of asphalt had buckled, creating a jumble of rock and deep crevices. The highway diverged onto dirt tracks, where dust flew so thick that I never saw oncoming traffic until a truck would whiz straight at me out of the red cloud. The roads in the capital of Lusaka are as bad, some with potholes the size of bathtubs. Local wags say only a drunk drives straight; everyone else swerves to avoid the pits. A popular Zambian riddle asks, "Which side of the road do Zambians drive on?" The answer: "The best one." A German man told me how he stopped his car on the brink of a gigantic pothole to figure out how best to get through it. As he paused, a pig crawled out from under his wheels. Another man saw a Fiat trapped, engine racing, unable to escape a particularly large hole!

There's a cheerful camaraderie in Lusaka usually found among survivors of natural disasters. People smile and shake their heads at perplexed visitors, as if to say: "Our country is completely broken down, but we're all in this together." In the main post office, the only working elevator is pitch dark, though some light leaks in from the outside through a smashed window. Upon stepping inside, fellow passengers confirm there are no buttons to push. Why have buttons when the lift only goes to the fourth floor? In the ministry of finance, the elevator is gone, leaving a dangerous abyss. In a bank, a teller borrowed my pen, then asked if he could keep it. He has none. At the university, garbage is heaped on window sills. Students kick it to the floor to prevent the hallway from becoming too slick from rain leaking from above. Every other public bathroom, even in the government buildings, has toilet bowls overflowing with dried faeces. At the office of economic planning, the waiting room has broken chairs and the door frame is splintered from break-ins. This is a true open-door policy! Every civic asset in Zambia, every public building or service, is dilapidated almost beyond repair.

Bobbie Jo and I stepped into an elevator at UNIP headquarters, en route to interview the party's vice secretary general. The elevator doors slammed shut, almost catching Bobbie's leg. When they opened again at our destination, I had to shove Bobbie Jo out just before the doors clanged shut again. I didn't make it and had to walk down a flight. But our interview was more ridiculous than the elevator. "In fact, Zero Option is a document prepared by people in the Bush administration for Chiluba to have been used against UNIP," said Kennedy Shepande, a minister of state under Kaunda. "The plan wasn't used. It was just lying around when a frustrated intelligence officer updated it and planted it in our offices."

Behind Shepande, two life-sized paintings of Kaunda grinned idiotically from the wall, reminding me he can't be ridiculed for the preposterous accusation because he only parrots Kaunda himself. Kaunda claims Bush had a vendetta against him and Jimmy Carter has an axe to grind as well. However, Kaunda says he's sure that Clinton, whom he calls "a sensible young man," won't support a conspiracy to thwart UNIP's imminent come-back.

The ideas behind a Zero Option can be traced to Kaunda's thinking in past political confrontations. Four months before the 1991 elections that gave the opposition a landslide victory, Kaunda closed the University of Zambia campus, alleging the MMD planned to use students to start riots and looting to cause national chaos. Armed paramilitary police surrounded the campus and forcibly removed 3,000 students by bus.

At first, Shepande denied any knowledge of the plan, saying he had yet to see it. Then he contradicted himself by confirming that the plan circulated among himself and other members of the UNIP central committee. "It wasn't on the agenda, nor among ordinary normal papers we get before a meeting," Shepande said. "It just popped up, then found it's way all over the press."

But Shepande's explanation of how the plan first came to be in UNIP's offices doesn't match that of UNIP President Kebby Musokotwane. Musokotwane insists radical elements in the party wrote the plan, and gave him a copy in November. Musokotwane kept it secret for three months before he passed out copies at a central committee meeting. The group, however, didn't formally endorse the plan "because it wasn't the right course of action for the moment," Musokotwane said. Therefore, he concludes that the government overreacted when it declared a state of emergency based on a document that wasn't adopted as UNIP policy. Although Musokotwane says he knows who wrote it, he won't tell.

When I read the text of the Zero Option, it seemed absurd and sophomoric, not a threat to take seriously. The outline about how to wrest power from the MMD reads like a goofy concoction by teen-agers devising a senior class prank. The authors write about setting up a covert radio station, paying thugs to loudly criticize the government on public buses, and instilling a sense of revolution in students by encouraging them to go to classes without wearing school uniforms and to talk back to teachers. This climate of insecurity would offer authorities "no opportunity of proper governance," as they would be beset by civil disobedience from students, street hawkers, trade unionists and those people left unemployed by harsh economic reforms. The newly jobless include hundreds of police and army officers, civil servants and executives of state-owned companies.

But many people consider the threat real. "The Zero Option

is quite possible," said Guy Scott, then-Minister of Agriculture. "I'm sure a couple UNIP guys were sitting in a bar, sipping Black Label, and the guys got to talking about how to get back into power. They probably had a secretary there, or somebody wrote it up from notes on a napkin." Scott himself was in his cups, sipping his fourth whiskey and chain-smoking on the veranda of a local financier.

A look at the actual text of Zero Option reveals someone in UNIP had a full-blown case of superpower paranoia. "The defeat of UNIP was precipitated by the hatred by the Americans of President Kaunda," the document states. "The hatred of President Kaunda surfaced during the American adventures in Iraq. The open support of Iraq demonstrated by President Kaunda irritated the Americans. They (Americans) felt that President Kaunda would influence central and southern Africa into supporting President Saddam Hussein... With the fall of the Eastern Bloc (Socialism and Communism) Russia and Yugoslavia in particular, the west had to move fast in order to destabilize the satellite communist/socialist central African countries. The most stable of these countries with an influential leader was Zambia. A plot was mooted and Mr. Davidow [U.S. Deputy Assistant Secretary for African Affairs] was involved. The west also enticed South African intelligence to assist in working against Zambia with the hope that the fall of President Kaunda would weaken Nelson Mandela's resolve. Unfortunately, the Malawian intelligence system was also used in bringing down UNIP."

"It sounds farfetched, but that's their thinking," he said. "There were 15,000 secret police and paramilitary forces in this country when Kaunda was voted out. Where did they all go? Can the security forces be loyal to Chiluba?" During the Kaunda years, a partial list of these include the Flying Squad, Special Branch, State Research Bureau, C5, Kamucheka, Anti-Robbery Squad, Office of the President, EY, and the Society for General Surveillance.

Other well-informed sources concur. A foreign diplomat who asked not to be identified said his high-level contact inside UNIP verified that the Zero Option plan sprang from an alliance of UNIP party factions intent upon revenge, regardless of the devastation caused to the country. The diplomat said die-hard Kaunda supporters, including Kaunda's sons, teamed up with the party's Youth Wing, a dogmatically socialist and radically nationalist contingent that once ruthlessly repressed dissent. Together, the two factions debated strategies to punish the nation for betraying Kaunda and his Humanistic principles, the diplomat said. Their downfall: someone leaked a copy to moderate Musokotwane, who in turn spilled the beans to the press corps.

I found myself back in the time warp of a stuffy 19th-century British courtroom, where the sedition trial continued. Of

course any real trial had yet to begin, but now one of the defense lawyers was challenging the legality of Chiluba's detention orders. Technically, Chiluba had screwed up when he re-introduced a state of emergency in early March. In his haste, he declared it under the wrong article of the constitution. He cited the article that invokes a threatened state of emergency instead of the correct one for a full emergency. As a result, Chiluba had no presidential power to detain suspects without charge, which meant the prisoners were held illegally. A few days later, he had tried to correct this mistake without admitting his error, but the parliament blundered. According to the state of emergency formalities, legislators must approve a proclamation and specific regulations. In this case, it ratified only a proclamation.

It seemed a legal technicality would free the men. But here stood the UNIP suspects in court when a further hitch froze the proceedings. (The clock now read 7:30. A petrified cog slipped.) The judge required the defense to submit the minutes of the particular parliament session. But to do that required permission from the national assembly speaker. The court adjourned.

The next day, I returned to find that the speaker refused. Another motion was made, this time for an order to force him to release the minutes, which would be public records freely available in any western democracy. The judge delayed the issue because the prosecutor insisted he received notice of the motion late and 10 days would have to elapse before consideration. Never mind that the court already heard days of debate about abridging that required time period. No matter that the judge already approved a shortened time span between serving a motion and arguing its merit. This was a new topic. I've never seen the maxim "justice delayed is justice denied" better confirmed than in Zambia. The whole thing was a farce: the state had no case or the detainees would already be charged. The government is stalling, at an apparent loss to justify its drastic measures.

As voters found out in the United States, sometimes the successful opposition candidate will do the same thing he criticized his predecessor for doing. Chiluba and his MMD colleagues were among the most vociferous opponents of Kaunda's state of emergency. They lobbied the international community to exert pressure for its removal. In celebration of the MMD's 1991 election victory, Chiluba proclaimed that the "Hour of Freedom in Zambia" had finally come. On the seventh day in office, he repealed the 27-year state of emergency that Kaunda had so abused. Yet when confronted by the Zero Option plan, Chiluba quickly did the unthinkable: he reimposed the draconian measure.

Before he became president, Chiluba declared that "the state of emergency regulations violate individual liberties, which social justice through the rule of law tries to promote and protect." Two years later at this month's press conference in the

state mansion, he said the same regulations preserve democracy. "The security of the lives of the people depend on the state of emergency," he said. "The safety of this country cannot be determined by countries outside who want to know if human rights are being thrown overboard. If we are to retain sovereignty, we must be able to make our own decisions. Any delay, any inactivity, any debate might have led to great dangers."

Some of his former allies disagree. Calling the UNIP men "prisoners of conscience," Amnesty International has expressed concern about the detentions. In an urgent dispatch sent to its members worldwide, Amnesty asked supporters to send written protests to Chiluba and the ministers of foreign, home, and legal affairs. The group opposes administrative detention procedures that lead to indefinite jailing without charge or trial. It is these same procedures that I saw detour justice in the courtroom.

The Lawyers' Association of Zambia also weighed in with criticism that the state of emergency seems designed to penalize MMD's political opponents. It questioned Chiluba's assertion that the measure is needed to combat rising crime, supposedly created by UNIP plotters. "We believe crime can be adequately dealt with by existing law enforcement officers and machinery," Association Chairman Isaac Chali said. "Circumstances haven't changed since the MMD itself campaigned to end the state of emergency. The detainees' human rights likely will be violated, if not already."

The front pages of Zambia's newspapers carried accusations by UNIP that detainees are tortured and prison conditions awful. In one article, UNIP alleged detainee Harry Kamima "broke" under mental torture, collapsed and had to be hospitalized. Jail sources reported that police were asking Kamima about alleged military bases in Mozambique and Malawi where insurgents could be trained. How was he tortured? Interrogators supposedly made Kamima listen over and over to a cassette of a conversation in Portuguese in which his name was often mentioned. He signed a confession in the first days of detention that he went to Malawi to organize the bases, but later repudiated this statement.

So Kamima, a former intelligence chief who probably tortured detainees in his tenure under Kaunda, was "broken." But 48 hours after that story, I saw him singing and smiling and skanking his way into court. Curious about prison conditions, Bobbie Jo and I tried to visit the Lusaka Central Prison with Sunil Parmar, an Indian public defender helping train Zambia's attorneys. When we knocked on the prison's wooden door, a peep hole snapped open. "Who is it?" a voice asked. "We have come to see my clients," Parmar said. "No, you can't." "Yes, I can." "No!" "Yes!" The impasse continued until someone sat on our car's bumper and set off the alarm. Guards swarmed out of the hatch like angry ants defending the nest. I shut off the alarm, but the commotion ruined any chance of our getting inside.

After a week of bad publicity, the government allowed reporters to speak with some detainees, among them Kamima. He complained about kicks in the shins. He said he couldn't get a drink of water when he needed it and his right hand was numb from being roped to a chair. When the press wasn't impressed, he said his cell mates were more seriously tortured. Other detainees, however, said they were treated "fairly well." Three alleged victims refused to appear to show if they had been maltreated.

That the media printed stories unfavorable to the government and gained access to detainees affirms a new transparency under Chiluba. For the first time, Zambians can openly criticize their leaders. But the sweeping powers granted by the state of emergency are a temptation to authorities. Instead of such drastic action, Chiluba could have made needed reforms in the police force and courts to counter the perceived rise in crime. He could have ignored the plot, relying upon the public's common sense to reject the laughable

machinations or allowing people the freedom to engage in civil disobedience if they

would have ever done so. Instead, Chiluba seized the opportunity to smash his opponents. Anyone who questioned the appropriateness of the state of emergency came under attack as well, even those in the MMD. Chiluba expelled three parliament members from the party for voting against it. He kicked out a fourth for abstaining and a fifth for not attending the session. "We are realizing we need more discipline in the MMD," he said. "As a result, many will claim it's becoming dictatorial. For you, democracy is a free-for-all, laissez-faire. That's no democracy."

Despite his claim to be an advocate of real democracy, Chiluba's intolerance of free debate in the National Assembly seems to pose a greater threat to Zambia's new democracy than any possible plan hatched by UNIP. Cultivating weakness in lawmakers worries me more than allegations of torture and more than deliberate obstruction of justice through interminable judicial procedures. By trying to choke off all dissenting voices inside government, Chiluba launched himself toward a one-party state. And yes, last I heard, the trial of the UNIP detainees continues.

Sincerely,



Received in Hanover, June 4, 1993.



Chiluba gives a side-long smile to his cabinet during the press conference