

# MAKANDAY

## weekly

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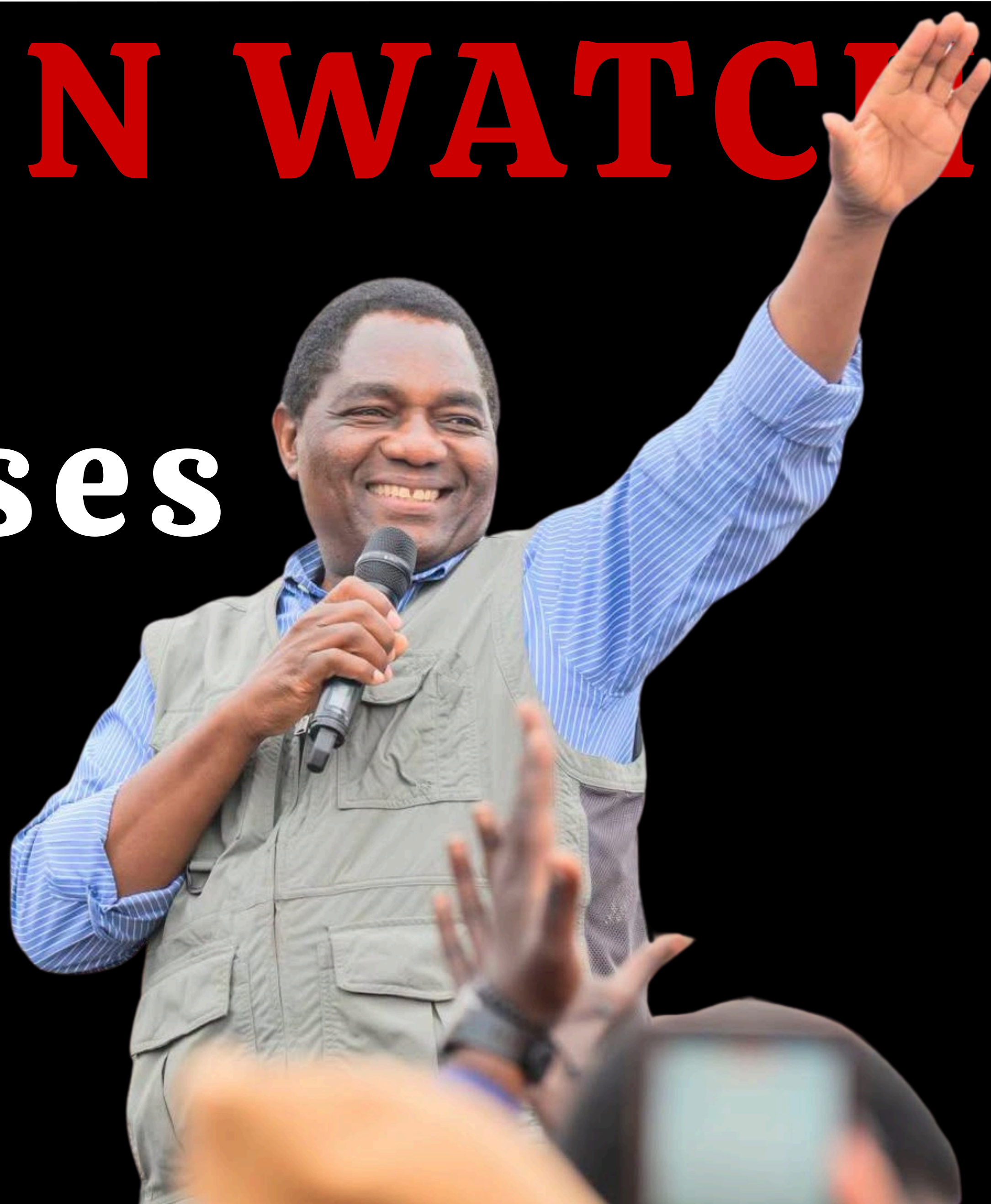


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ELECTION WATCH | Zambia’s vote exposes enduring regional political divide

By MakaanDay Editor

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Zambia’s presidential election has once again exposed the sharp regional voting patterns that have long defined the country’s politics, with the final results pointing to political loyalties associated not simply with where voters live, but with the regions from which they originate.

President Hakainde Hichilema of the ruling United Party for National Development (UPND) won the election with about 2.97 million votes, against 1.86 million for Brian Mundubile of the National Reconciliation Party for Unity and Prosperity (NRPUP). But the provincial breakdown tells a deeper story about Zambia’s political geography.

Hichilema, a southerner, overwhelmingly dominated Southern, Western and North-Western provinces.

Mundubile from the north, meanwhile, carried Eastern, Luapula, Muchinga and Northern provinces. His performance in those areas also needs to be understood in the context of his political history.

The former ruling Patriotic Front (PF) did not field a presidential candidate after years of internal leadership disputes, legal battles and alleged interference by the ruling party following its 2021 defeat. But much of its political machinery and support gravitated towards Mundubile, himself a former senior PF figure.

This makes his strong showing in former PF strongholds particularly significant: although the PF name was absent from the presidential ballot, its political footprint was not.

The results suggest that the PF’s organisational networks and its old electoral base remained an important force in the 2026 contest even without a PF presidential candidate on the ballot.

In Luapula, Mundubile received about 235,000 votes, compared with Hichilema’s 100,000. He won Northern Province with about 230,000 votes against Hichilema’s 127,000, and Muchinga with about 143,000 against 63,000.

Mundubile also carried Eastern Province, receiving about 350,000 votes against Hichilema’s 188,000.

But the scale of regional voting is most striking when those figures are compared with Hichilema’s strongest areas.

In Southern Province, Hichilema received about 719,000 votes, while Mundubile managed just 26,000

Western Province gave Hichilema about 437,000 votes against Mundubile’s 12,000, while in North-Western Province Hichilema received about 388,000 against 15,000.

Those enormous differences demonstrate why looking only at the national totals can obscure one of the most important features of Zambia’s elections.

The country votes for a president nationally, but the votes that produce that national result continue to be accumulated from sharply differentiated regional blocs.

Copperbelt tells a different story

The Copperbelt, however, produced an extraordinarily close contest.

Both Hichilema and Mundubile received about 370,000 votes, with fewer than 2,000 votes separating them.

That result is especially significant because the Copperbelt is both a former PF stronghold and one of Zambia’s biggest centres of internal migration.

People from different parts of Zambia have settled on the Copperbelt over generations. The province’s nearly even division therefore raises a question that provincial totals alone cannot answer: to what extent does its vote reflect political preferences associated with the regions of origin of the people who now live there?

Lusaka presents a similar question.

Mundubile received about 335,000 votes in Lusaka Province against Hichilema’s 316,000, a difference of roughly 19,000 votes.

Like the Copperbelt, Lusaka contains large populations whose family and regional origins lie elsewhere in Zambia.

This matters when interpreting the election.

A vote cast in Lusaka does not necessarily represent a distinctively Lusaka political identity, just as a vote cast in Kitwe, Ndola or Chingola does not necessarily tell us where that voter originates.

Provincial results cannot establish the regional identity of individual voters. But the broader electoral pattern provides a compelling reason to examine the relationship between regional origin, political affiliation and voting behaviour.

Hichilema also carried Central Province, receiving about 259,000 votes against Mundubile’s 139,000.

What emerges from the final results is therefore more than another Hichilema victory.

The 2026 election has again demonstrated the durability of Zambia’s regional political divide, even as people migrate across the country and political parties change, fragment and form new alliances.

Mundubile’s ability to draw on PF structures and perform strongly in several former PF strongholds demonstrates that political

organisations still matter. But the extraordinary margins elsewhere suggest something deeper and more enduring.

Zambians may leave the regions from which they originate and build their lives elsewhere, but for many, regional political attachments appear to travel with them.

The 2026 result also demonstrates how difficult it remains for Zambia’s political parties to build support evenly across the country. Winning the presidency can depend less on commanding similar levels of support everywhere than on accumulating overwhelming majorities in particular regions while remaining competitive elsewhere.

Hichilema’s huge margins in Southern, Western and North-Western provinces gave him an advantage that Mundubile’s victories in the north and east could not overcome.

The challenge presented by the 2026 results is therefore not merely which party can assemble enough regional blocs to win the next election. It is whether Zambia’s politics can eventually produce a genuinely national electoral constituency in which a candidate’s regional identity — and the regional origins of voters — become less powerful predictors of the ballot.





COURT WATCH | Supreme Court Allows Government to Join Sino Metals Toxic Spill Case

By MakaanDay

The Supreme Court has allowed the Government to join, as an intervener, a case in which Sino Metals Leach Zambia Limited, a subsidiary of the state-owned China Nonferrous Metal Mining Group (CNMC), is challenging a High Court decision allowing a constitutional petition by affected residents to proceed.

Lawyers for both Sino Metals and the petitioners did not object to the State’s application to join the proceedings. The petitioners, who are being supported by the Southern Africa Litigation Centre (SALC), are represented by Messrs Malambo and Company Advocates and Messrs Lusitu Chambers, while Sino Metals is represented by Chibesakunda & Company.

The petition seeks to hold the mining companies accountable for the environmental, economic and social consequences of the spill, which residents say destroyed crops, polluted water sources and undermined their livelihoods.

On 3 June, a panel of three Supreme Court judges — Deputy Chief Justice Michael Musonda, Justice Nigel Mutuna and Justice Fulgency Mwenya Chisanga — sitting in Kabwe, Central Province, held that the Government, as custodian of the public interest, should be heard before the appeal could proceed because the issues raised extended beyond the parties directly involved.

When the matter returned to the Supreme Court in Lusaka on 18 August 2026, the Attorney General was represented by Namboo Mwiya, Acting Deputy State Advocate, and Kalaba Malakebo, Assistant State Advocate.

The State said it was joining the case to protect the public interest and ensure that the rights of affected citizens are safeguarded.

The case was before a three-member panel comprising Deputy Chief Justice Musonda, Justice Roydah Mwanakulya Chinungi Kaoma and Justice Chisanga.

The court further emphasised the important role of the State in the matter, noting that it represents the public interest, including that of the affected citizens.

More than 20 of the 177 residents of Kalusale, a community in Kalulushi District near the mining city of Kitwe on Zambia’s Copperbelt Province, were in court to witness the proceedings, more than a year after the toxic waste spill devastated farms, contaminated water sources and disrupted livelihoods.

In June 2026, the Supreme Court had been expected to hear an appeal by Sino Metals against a High Court decision that permitted the constitutional petition filed by the affected residents to proceed. The petition also names NFC Africa Mining Plc, within whose mining area the tailings dams were located, as a respondent.

Sino Metals and NFC Africa Mining are private limited companies engaged in mining operations in Chambishi, Kalulushi district. Sino Metals’ operations — including an open-pit mine, concentrator plant and tailings storage dams — are situated within NFC Africa Mining’s surface rights area and plant boundary.

At the centre of the dispute is the February 2025 collapse of multiple tailings dams, which released vast quantities of acidic and toxic waste into the Chambishi Stream, Mwambashi River and the wider Kafue River system. The incident triggered what environmental experts and affected communities have described as one of Zambia’s most serious mining-related environmental disasters in recent decades.

The matter has been adjourned to 22 September 2026.



Can Zambia Attract More Mining Investment Without Sacrificing the Environment?

By Ennety Munshya

As Zambia pushes to attract more investment into its mining sector and increase mineral production, the government says economic growth must not come at the expense of the environment. But after years of pollution incidents, environmental damage and concerns over weak enforcement, a bigger question remains: is it possible to achieve both?

The Department of Large Scale Mining and Investment Promotion under the Ministry of Mines and Minerals Development says it is working to ensure mining companies operating in Zambia adopt sustainable and responsible mining practices.

Misozi Mwanza, an engineer and Assistant Director in the Local Content Unit, said sustainable large-scale mining should involve investments that generate economic benefits while protecting the environment and safeguarding the interests of future generations.

Speaking on the Mining Podcast, monitored by MakaanDay, Mwanza said the government wants mining investments that are responsible and environmentally sustainable over the long term.

“Responsible investment is not attracting investment at the cost of the environment. ESG issues have to be addressed early on in the conversation,” Mwanza said.

She said environmental, social and governance (ESG) considerations should therefore be incorporated into mining projects from the outset, rather than being addressed only after environmental or social problems emerge.

Mining companies, she said, should demonstrate from

the beginning how they intend to manage waste generated by their operations, prevent and respond to pollution, and engage communities affected by mining activities.

Sustainable mining, Mwanza said, requires investors to consider the environmental and social consequences of their projects alongside their economic returns.

But Zambia’s experience raises questions about how easily that balance can be achieved.

The country has long depended on mining as a major source of investment, exports and government revenue, but communities in some mining areas have also experienced pollution, land degradation and damage to livelihoods.

MakaanDay has documented some of these consequences, including the February 2025 failure of a tailings dam operated by Sino-Metals Leach Zambia Limited in Kalulushi, which released acidic mining waste into waterways connected to the Kafue River.

A government-commissioned assessment later pointed to weaknesses in enforcement, monitoring, inspection and emergency preparedness, despite environmental laws and regulations already being in place. The incident provides important context to Mwanza’s remarks and the government’s push for responsible mining.

For communities living alongside mining operations, the measure of responsible investment will therefore not simply be what government and investors promise before a project begins, but whether those commitments translate into effective environmental protection on the ground.



Photo Credit | Victor Musonda



# OPPION | Zambia’s election was flawed and may need to be rerun

By Nic Cheeseman & Nicole Beardsworth

Zambia’s election was not supposed to end like this. For much of the campaign, President Hakainde Hichilema looked well-placed to secure a second term. Instead, the country has emerged from the 13 August vote with its democratic credibility in serious doubt.

The most troubling evidence that Zambia’s general election may have been flawed is not an allegation made by the opposition. Rather, it is contained in the election results themselves.

There is much more to say about the broader environment in which the election took place, including the restrictions on opposition party registration and campaigning, the arrest and disappearance of opposition figures, concerns over freedom of expression and the use of new cyber laws. But it is precisely because the results themselves raise such serious questions that we focus on them here.

In a number of constituencies, considerably more votes appear to have been cast in the presidential election than in the parliamentary contest taking place at exactly the same time. In the most extreme cases, the difference is extraordinary.

READ MORE <https://www.theafricareport.com/427520/zambian-elections-will-edgar-lungus-ghost-come-back-to-haunt-the-poll/>

This matters because such discrepancies are a well-established warning sign of electoral manipulation. Our preliminary analysis suggests that hundreds of thousands of votes for President Hakainde Hichilima may need to be explained.

If that conclusion is sustained when the complete results become available, Zambia will face a difficult reality: an election that was expected to consolidate the country’s democratic credentials may face calls for a rerun.

## An election that became harder to predict

Hichilema entered the election in a strong position. He could point to significant

achievements during his first term, most notably restructuring the enormous debt burden he inherited after Zambia became Africa’s first pandemic-era sovereign defaulter. The economy had stabilised, even if many Zambians continued to struggle with the cost of living.

He also benefited from a fragmented opposition following the death of former president Edgar Lungu and the implosion of the Patriotic Front (PF), which governed Zambia until 2021.

That changed with the emergence of Brian Mundubile as the main opposition candidate. A former PF figure, Mundubile was adopted as the presidential candidate of the National Reconciliation Party for Unity and Prosperity (NRPUP) before joining forces with Makebi Zulu and the Pamodzi Alliance to head the broader Tonse-Pamodzi Alliance. This brought together important fragments of the former PF and other opposition forces that had previously been divided.

READ MORE <https://www.theafricareport.com/427305/zambia-elections-hakainde-hichilema-vs-brian-mundubile/>

What had initially looked like a relatively straightforward contest became harder to predict.

## Concerns over the count

Despite the growing momentum behind the opposition, election day itself was largely uncontroversial. Southern African Development Community (SADC) observers found the atmosphere calm and peaceful at 99% of the polling stations they visited, while the European Union found voting generally peaceful and orderly.

As so often happens, the situation began to fall apart during the counting process. On 14 August, the Electoral Commission of Zambia (ECZ) suspended the counting and announcement of results nationwide with immediate effect. The Commission cited violence against election officials and security concerns, and the suspension was initially expected to last for up to 24 hours. It was subsequently lifted later the same day after an outcry by the opposition and civil society,

but by then confidence in the electoral process had already been shaken.

READ MORE <https://www.theafricareport.com/427716/zambia-will-the-next-government-care-for-lusakas-endangered-forest-reserve/>

Although the security concerns were real, a nationwide suspension inevitably generated suspicion because problems were concentrated in particular locations. African Union-Common Market for Eastern and Southern Africa observers concluded that the episode contributed to “increased mistrust” and political tension.

At first, the results that followed offered some reassurance. Transparency International Zambia’s Integrity Index initially found a very close correspondence between presidential results announced by the ECZ and those independently recorded by monitors. That made claims that results had been changed between being read out initially at the polling station and officially by the electoral commission difficult to sustain.

But as more results became available, a different problem emerged.

## The numbers that don’t add up

Zambia was holding several elections simultaneously on 13 August. Voters were choosing a president, members of the National Assembly and local councillors during the same visit to the polling station. As parliamentary results became available, it therefore became possible to compare the number of votes cast in the presidential and legislative elections in each constituency.

We compiled the presidential list of results and the first thing that stood out was a high number – at least 27 constituencies – where the ruling United Party for National Development (UNPD) received a supermajority of the vote in the presidential election, with a voter turnout of over 80%. This stands in stark contrast to the national registered-voter-weighted turnout of 57%.

READ MORE: <https://www.theafricareport.com/423165/hichilemas-economic-wins-ring-hollow-for-youth-who-feel-betrayed-on-freedoms/>

The constituencies with over 80% turnout at presidential level were concentrated in the UPND’s strongholds – North-Western Province (9), Western Province (8), Southern Province (6) – with three constituencies in rural Copperbelt and one in Central Province. Notably, there were none in the opposition’s strongholds or the provinces that they won – Eastern Province, Luapula, Muchinga or Northern Province.

Having seen these extremely high rates of turnout in the presidential election, we used publicly available data to calculate the turnout at parliamentary level which led to a stark picture. In the 16 constituencies we looked at, the variance was almost universally high – with a difference of over 46% in turnout between the presidential and parliamentary races in Solwezi North.

## The gap between presidential and parliamentary turnout

A small difference between these tallies is perfectly understandable as a voter may choose a president but decide that none of the parliamentary candidates deserves their support. But because voters are typically handed all ballot papers, and complete and deposit them before leaving the polling station, large discrepancies between the votes cast in different races require explanation. The difference in the numbers of votes cast in just these 16 seats is over 170 000 votes – or 15% of the total difference between the two leading presidential candidates.

In studying African elections over the past two decades – including for [Nic Cheeseman and Brian Klaas’s book] *How to Rig an Election* – we have generally treated a gap of more than five percentage points between simultaneous presidential and parliamentary turnout as a warning sign that deserves investigation. Once that difference exceeds 10%, alternative explanations become progressively harder to sustain.



Zambia’s election was flawed and may need to be rerun cont..

In Zambia, some of the gaps appear to be far larger than that. In several constituencies, they exceed 10%. In the most extreme cases, the difference appears to be over 40%.

What the numbers mean

The constituency-level evidence is important because the discrepancies are not simply concentrated in parliamentary races that nobody seriously contested. Some appear where there was a meaningful contest for the National Assembly, making it difficult to explain why so many voters would participate in the presidential election but not the parliamentary one.

Taken together, these cases are consistent with what we called in the book “amateur hour” election rigging: the kind of hurried manipulation that occurs when ruling-party figures panic, as in Kenya in 2007. Unlike more carefully planned rigging, it is poorly coordinated and highly visible, leaving obvious inconsistencies in the results that can be especially damaging to an election’s credibility.

... and why it matters

The turnout figures alone cannot tell us who was responsible, when manipulation occurred, or exactly how it was carried out. Reports are emerging of monitors being forced out of polling stations, of opposition candidates alleging that votes were swapped, and that domestic election observers were not even given access to all of the necessary results forms.

Nor do they demonstrate that Mundubile would otherwise have won. According to the final results announced by the ECZ, Hichilema received about 61% of the vote against about 38% for Mundubile – a difference of roughly 1.1 million votes. Our unverified estimate based on publicly circulated figures is that the suspicious difference between presidential and parliamentary turnout may account for somewhere between 350,000 and 550,000 votes.

READ MORE <https://www.theafricareport.com/416613/zambia-fuel-fears-push-hichilema-back-to-subsidies-months-before-elections/>

This suggests that this form of vote inflation did not determine the outcome of the polls, but it is important to note that it is only one way of identifying manipulation. It cannot detect other ways in which results might have been altered. The wider context also matters. The European Union concluded that the contest took place on an “uneven playing field”, with restrictions on most presidential candidates’ ability to campaign, significant incumbency advantages and heavily biased state-owned media.

SADC was more positive overall but nevertheless recommended that campaign rules apply equally to the president and his rivals, that official duties be clearly separated from campaigning, and that the state broadcaster provide equitable coverage.

A rerun is not enough

This means that Zambia may ultimately need to rerun the presidential election. But a fresh vote is not a simple solution. Recent experience in Malawi and Kenya shows that what happens between the first election and the second can be decisive.

Malawi shows what is possible when leadership and institutions change. Before the rerun, Jane Ansa was replaced as head of the Malawi Electoral Commission by High Court judge Chifundo Kachale, helping to restore confidence in the body overseeing the vote. The resulting June 2020 election was widely regarded as credible and led to a transfer of power to opposition candidate Lazarus Chakwera, who had joined forces with former rival Saulos Chilima after they competed separately in 2019.

Kenya shows what can happen when those changes do not occur. Its Supreme Court annulled the August 2017 presidential election, but the electoral commission remained largely unchanged and Raila Odinga withdrew from the rerun, arguing that the reforms needed to guarantee a credible contest had not been made. Uhuru Kenyatta consequently won a deeply polarising election that did little to resolve the crisis.

READ MORE [Kenya: Why does the electoral commission struggle with elections each time?](#)

The lesson for Zambia is therefore not simply that flawed elections can be rerun, but that reruns only restore confidence if the conditions that undermined the original election also change. This is particularly important because SADC observers have already recommended reforming the appointment of ECZ commissioners so that the process commands confidence across the political spectrum.

None of this proves that Hichilema would have lost a clean election. But if these discrepancies are confirmed, Zambia may need a fresh vote – and reforms to ensure that it does not reproduce the problems of the first.

Photo Credit | An election official displays a ballot paper as observers look on during the counting of votes after the polls closed at a polling station in Lusaka, Zambia, 13 August 2026. © REUTERS/Moses Mwape



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Law in Plain Language - Episode 7

OPPION| Whistleblowers Need Protection if the War on Corruption Has Any Chance of Success

By *Mehluli Malisa Batakathi*

Somewhere in a government office today, a public officer is looking at a set of figures that do not add up. She knows what the entries mean, but she also knows what happened to the last person who dared to say it out so loud. Whether she decides to speak is not, in the end, a question of courage, but it is a question of what the law will do for her afterwards.

Article 2 of the Constitution of Zambia imposes on every one of us, not just soldiers, not just judges and not just the police, a personal duty to defend the Constitution and to resist any attempt to undermine it. Article 8 goes further, declaring "good governance and integrity" as a national value that must guide the interpretation of every law and the conduct of every citizen, including public officers.

Read together, these provisions should describe a citizen who reports the theft of public money not as an inconvenience to be managed, but as a person performing a constitutional function.

Grand corruption is, in every material sense, an attack on the Constitution, because it steals from the very people in whose name the Constitution was written, and diverts resources meant to give effect to their rights to health, education and dignity. If defending the Constitution is everyone's duty, then protecting the people who defend it in practice, that is, the whistleblowers, cannot be optional. It is a constitutional demand.

This is why the case of Grandy Ntumbo troubles me, and should trouble every Zambian who believes the fight against corruption should be more than just a slogan.

The Ntumbo Case

Grandy Ntumbo was a Principal Internal Auditor in the Ministry of Finance, who, in 2019, led a special audit that, according to sustained investigative reporting by MakaanDay Centre for Investigative Journalism - Zambia and international coverage by Bloomberg, uncovered a payroll fraud scheme running over five years,

the misuse of funds under the World Bank-supported Zambia Education Enhancement Project, irregularities in the Keeping Girls in School programme. His forensic work then extended to the Treasury Single Account and the Integrated Financial Management Information System, pointing to a wider network of senior officials allegedly siphoning more than K1 billion in public funds.

What followed is instructive not because it is dramatic, but because it is beyond ordinary contemplation. For doing his job diligently, Ntumbo was not rewarded, but instead, he paid dearly. He was transferred out of the Forensic Audit Unit, stripped of meaningful duties, made to report to junior officers, subjected to disciplinary proceedings, and eventually removed from the government payroll altogether. According to a report by MakaanDay Centre for Investigative Journalism - Zambia, he has not received a full salary since December 2022.

Given the development, he then did what any law abiding citizen should do, he fought back through the courts with the support of the Platform to Protect Whistleblowers in Africa. Zambia's Court of Appeal made history by granting leave to commence judicial review and ordering that his transfer and disciplinary action be suspended, his salary paid, and that the Anti-Corruption Commission (ACC) relocate him to a safe house for his protection.

In July 2025, the Supreme Court further ordered government to pay him over K669,000 in salary arrears but to date, he remains unpaid despite orders from the top most courts in the land in his favour. Recent reports have revealed that he has neither been paid nor relocated to safety. Meanwhile, the ACC has offered no public update on the officials his audits implicated.

Besides two senior ranking officials who lost their jobs, the majority of those who allegedly looted well over a billion Kwacha of public money remain free, while the man who exposed them cannot draw a salary.

Two features of the preceding account deserve emphasis, and neither depends on taking a political position. First, the courts did their work in the circumstances and second, orders of court in favour of a whistleblower did not, on his account, translate into protection on the ground. That gap between adjudication and effect is where the law is failing.

Zambia's Legal Framework -Strengths and Weaknesses

Zambia is not without a legal framework for this sort of problem. The Public Interest Disclosure (Protection of Whistleblowers) Act No. 4 of 2010 allows disclosures to be made to the Auditor-General, the ACC, the Drug Enforcement Commission, the Public Protector and other investigating authorities, and it criminalises "unlawful reprisal" against a whistleblower under section 46 of the Act.

Its subject-matter is admirably broad, covering criminal offences, public wastage, danger to health, safety or the environment, and miscarriage of justice. It further obliges investigating authorities to give a whistleblower progress reports within fourteen days, and section 49 entitles anyone subjected to occupational detriment to seek redress before the courts, including the Industrial and Labour Relations Court.

But as Transparency International Zambia's 2024 gap analysis shows, the Act scores just 36 out of 80 against international best practice, and its weaknesses are precisely what Ntumbo's ordeal has exposed. This law does not even define a "whistleblower," and its protections are largely confined to the traditional employer-employee relationship, excluding consultants, volunteers and former employees.

It requires no internal reporting systems within institutions. It is noteworthy that anonymity is not absolute in the Act, a whistleblower must still identify themselves to the head of the investigating authority,

which is cold comfort when, as in Ntumbo's case, the suspected wrongdoing runs through the very ministry meant to protect you.

More importantly, there is no provision for an independent body dedicated to investigating retaliation complaints, no reward or compensation fund, and no obligation on authorities to publish outcomes of reports. Most perversely, a whistleblower whose disclosure is later found to be "frivolous or vexatious" risks up to seven years' imprisonment, while a person who retaliates against a genuine whistleblower faces a maximum of only two years. The law, in effect, is more frightened of the messenger than of the crime.

What Can be Done?

These gaps must be closed as a matter of urgency. Parliament, through the Ministry of Justice, should urgently amend the 2010 Act to define whistleblowing broadly, extending protection beyond formal employment to also include consultants, interns and former employees as well as members of the public. The new law should also mandate genuine internal reporting channels, create an independent authority to handle retaliation complaints free of institutional conflicts of interest, introduce a compensation and rewards fund, and rebalance the penalties so that retaliation is punished more severely than honest error, not less.

Law reform alone, however, will not save the next Grandy Ntumbo. What Zambia needs the most is a drastic change in institutional behaviour. The ACC, the Ministry of Finance, the Public Service Management Division, other law enforcement agencies and the courts must treat every credible allegation of grand corruption with the urgency it deserves. Every allegation of criminal conduct in the handling of public funds must be investigated thoroughly to its logical conclusion, naming the culpable regardless of rank or political connection, and recovering the stolen public resources.



Whistleblowers Need Protection if the War on Corruption Has Any Chance of Success **cont..**

Further, every whistleblower who comes forward in good faith must be secured against retribution in fact, not merely after judgment. And where a court has ordered protection, compliance is not discretionary it is an obligation and the rule of law demands it.

Shooting the messenger while the thief walks free is not merely unjust to one auditor, the consequences are more stark. It teaches every accountant, teacher, nurse and civil servant watching, that silence is safer than integrity, and that is a lesson no democracy that means what it says about fighting corruption can afford to teach its people. A law that leaves the whistleblower exposed and the reported undisturbed will, over time, produce exactly one outcome: silence. Silence is not the absence of corruption, it is the condition in which corruption is safest.

*The Author is a Constitutional Lawyer, Lecturer and Governance Activist, he writes the “Law in Plain Language” Column as a public civic education initiative.*



This Week in the Bulletin and Record

Nevers Mumba seeks an Africa whose leaders have “morality and integrity”

The election of 2011 was the first time in the 20-year history of the Movement for Multiparty Democracy (MMD) that the race for the republican presidency was lost. In 2012, Dr Nevers Mumba was elected MMD president. Thus far he is the only MMD president who has not been the president of the country. Will he manage to change that in the 2016 election? He talks to Johan Rahm

The election of 2011 was the first time in the 20-year history of the Movement for Multiparty Democracy (MMD) that the race for the republican presidency was lost. In 2012, Dr Nevers Mumba was elected MMD president. Thus far he is the only MMD president who has not been the president of the country. Will he manage to change that in the 2016 election? He talks to Johan Rahm

“My interest in politics emanates from the moment when I was watching the Rwandan genocide on TV. I saw a little boy, about seven years, who was crying. He was beating on the body of what appeared to be his dead mother. The cameras showed the horror in his face and in his eyes. I was deeply touched. That little boy looked like he could be one of my sons,

I found myself weeping in front of the TV and the thought came to me that what happened in Rwanda could be happening in my country and my people could be the ones running away. From that day I came to believe in the importance of Africa having leaders with morality and integrity, and by that I mean that they could be men of their word.”

Nevers Mumba has his mind set on taking back the office of republican president for the MMD. During our interview, he does not once say “if I become president”, only “when I become president”.

What would be his first priority, should he be elected? Dr Mumba leans forward and starts talking:

“The reason I joined

politics was to introduce morality and integrity into the political process. I believe in the combination of someone who has a proven record of morality and integrity and of strong institutions on the ground. I would make sure we put in place legislation that makes it extremely significant to bring strong democratic institutions so that the goodness or badness of a leader can be managed by the institutions. The institutions should have the authority to stop a president from doing what is not right and that they allow the president to further goodness. “

What type of institutions are you referring to?

“I am talking about governance institutions, for example media, Zambian Law Association and church associations. Those are the institutions

that are important in a democracy. If they are removed it becomes very complicated and you would make a president a dictator. Nobody can challenge him, nobody can petition him, nobody can demonstrate.”

Do you think these organisations are weak today?

“Yes, they are very weak in our country today. Because most of them are terrified to operate under this regime and I would not like to see that under my government. I would like them to have the freedom so that they can execute their constitutional obligations. I would like it to be a total separation of power between the legislator, the executive power and the judiciary. This does not exist much anymore. That is important for a functioning democracy



Nevers Mumba seeks an Africa whose leaders have “morality and integrity” cont...

and that will instill confidence in to our democracy.”

Throughout the interview with Dr. Mumba, he returns to the concept of morality as an important factor to bring success to the political leadership. What does this word mean to him?

“Morality speaks to your conscious to make you take decisions on what is valuable to not just you, but to others. Morality is a consciousness of the welfare of others, being fair, a man of your word. If you are a moral man you find yourself bound to stay with your promise and to lift up the ones that are disadvantaged over the ones that have everything.”

Before Dr Mumba entered politics he was a preacher. He travelled the world to spread the gospel and was followed by many people. How has this affected his career as a politician and how does he look upon the relation between Government and church?

“I see no conflict between state and religion. The crises come when you eliminate morality and godliness from the politics. What I bring to politics is an asset of good that will guarantee the people that the president will not wake up one day to be unjust to someone just because he feels like it or go and steal from government coffers. I think that politics needs godly values. Zambia is 89 per cent a Christian country, so we would like to build on that.”

Nevers Mumba speaks with a low voice, leaning forward in the garden armchair in which he is sitting. He starts talking about the issue he thinks is the most important to the development of Zambia and the empowerment of its people.

“Our people are taken advantage of because of their level of education. The less educated they are, the poorer they are and the more abused they are by the small elite that is educated. We need to educate our people to such levels that they can make intelligent decisions. Poverty has taken away their ability to decide what is right for them. How do I mitigate this? Education will become compulsory for every child, so that no child is left behind in our country. It will be illegal to keep a child at home

who is supposed to be in school. The reason I will take such an aggressive approach is that we are at a level now where if we are going to deal with poverty and ignorance we have to make sure education becomes a major factor.”

Already today there are problems with over full classrooms and not sufficient teachers. How will you finance a costly reform like this?

“Every reform comes with prior planning. We are also looking at the price we have to pay 10 to 15 years down the line if we do not invest more in education. It is costly to do what I am talking about, but we are spending money on things today that are more costly that will not leave a legacy to the nation in terms of investing in human lives and in human resources. To me this will be a priority sector.”

Dr Mumba’s take on empowering the people of Zambia is, besides the focus on education, to rely on a liberalised market economy. Zambia’s statistics on poverty are depressing. Even though the economic growth rate has been high for the last decade or so, poverty levels are relatively unchanged. But change will come if the economy is allowed to continue being liberalized, according to Dr. Mumba.

“The economic indicators are good. So why then are our people not benefiting? It takes time to trickle down to the last person in the line. We have to keep the interest rates low so that people can borrow money from the bank. This will make small and medium businesses start to employ people. Then you cut down unemployment. This will make interest rates improve even more and you will create a situation where even a small businessman can go to the bank and take a loan. If you stay on course, in a few years we will have this trickling down to the last guy in the line.”

A crucial way of keeping the economic indicators on track is to continue attracting foreign capital and foreign investors to Zambia, according to Dr. Mumba.

“My position is based on a private sector-driven, liberalised economy, a market where anyone can come and participate,

using equitable laws for everybody, where there is a win-win situation for the investor and for Zambia. In the value addition industries, for example manufacturing and mining, where there is a need for a lot of capital we opened up doors to the international community to come and work amongst us. Not as charity, but for them to make a profit. They are not here because they love some Zambians that much, they come to make a profit. We will make sure they will make a profit. But we will also make sure that the laws allow them to reinvest in this country to improve the quality of life of Zambians. For me, that is extremely significant that we have a win-win situation with investors. My government will continue to have a strong relationship with the investor community.”

Some are accusing big companies of not being of benefit to Zambians, but only to make profit and move that profit out of Zambia.

“There was an argument before, when we were in government, that we were giving too much space to the Chinese, that the Chinese abused the workers or didn’t pay them well. My take is that it is not the responsibility of foreign firms to set up the ground rules on how they are going to operate. We set the ground rules, they dance to the rules. So if our workers are not being paid well it’s not the problem of that firm, they are here for profit and they will make sure they will squeeze the blood out of our people to get that profit. It’s our responsibility to ensure that the regulations set in place are respected by all players, both local and foreign. If we fail, we can’t blame a foreign firm.”

A critical question for any person who assumes the highest political office of Zambia is access to health services. Many Zambians, especially those in rural areas, have limited access to health care and many are questioning the quality of care given to the majority of the population that cannot afford to pay for private care.

“Again, like education, the goal of government is to make sure that all citizens have access to some form of health care. This is one area in our country where a lot of

governments have failed, because we carry this issue without a stipulated programme or plan.

“Our plan will be three tiered in terms of health care. Firstly, we are going to welcome the private sector to provide health care services for those that can afford it and for those who would like that kind of attention. Secondly, we are going to encourage the public--private sector partnership. These are health institutions that will run in partnership with government in order to reduce costs on means and services, for example when it comes to hospitalisation and specialised procedures. Through a public private partnership we are able to make sure that we can reduce the cost, by government taking some kind of responsibility on certain areas of specialisation that will be too expensive for ordinary Zambians.

“Thirdly, government is going to provide health care for the very poor in our society. But even then, each and everyone one will have a type of insurance card they can use to identify which kind of grouping they belong to. This three-tier policy is going to cater for the very poor, the middle class and the rich. All of them are going to have access to medical care at their level and feel responsible to pay for their services at the level where they have the ability.

That will help so that Government can concentrate to provide health care to those who really don’t have means to contribute.”

Dr. Mumba says that one of the reasons he was recruited as vice president under Levy Mwanawasa was his commitment to fight corruption. This is a fight he claims he will continue to fight vigorously if he wins the election.

“To run a democracy you have to allow democratic institutions to be independent. The watchdogs that hold government to account, for example the Anti-Corruption Commission and other commissions that exist to protect us from the vice of corruption, have to be strengthened. That is the first thing. Corruption is very selfish behavior that must be dealt with. I am going to fight it in a



Nevers Mumba seeks an Africa whose leaders have “morality and integrity” cont...

practical manner. I have put in place a plan which distances the president from being the judge and the jury. It will not be coming from state house to say arrest this person because I don't like him, I suspect that he stole something. That type of witch hunting that is being done now has got a measure of success, but it is really not comprehensive.”

Dr Mumba has a very concrete idea of how people in the public service should be monitored.

“I would like to put in place a system where public servants declare their assets as they join the public service. If in five to 10 years' time what they initially had does not measure up with what they have eventually become, the red lights should begin to go off.

And it is important to state that the red lights should go off in the system, not in state house! The system should show that there is something here that needs to be checked. Hong Kong has used this system with good results. It has worked well because it is not a human being who is following another human being just to be spiteful or just because he doesn't like him.”

Dr. Mumba leans back and takes a zip of his coffee. In the distance a lawn mower starts to roar, as if it had been waiting for him to finish.

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