

GLOBAL INFORMATION SOCIETY WATCH 2011

INTERNET RIGHTS AND DEMOCRATISATION

Focus on freedom of expression and association online



This edition of Global Information Society Watch is dedicated to the people of the Arab revolutions whose courage in the face of violence and repression reminded the world that people working together for change have the power to claim the rights they are entitled to.

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Project coordinator

Karen Banks

Editor

Alan Finlay

Assistant editor

Lori Nordstrom

Publication production

Karen Higgs, Analía Lavin and Flavia Fascendini

Graphic design

MONOCROMO
info@monocromo.com.uy
Phone: +598 2 400 1685

Cover illustration

Matías Bervejillo

Proofreading

Stephanie Biscomb, Valerie Dee and Lori Nordstrom

Financial partners

Humanist Institute for Cooperation with Developing Countries (Hivos)
Swedish International Development Cooperation Agency (Sida)

The views expressed in this publication are those of the individual authors and not necessarily those of APC or Hivos

Printed in Goa, India
by Dog Ears Books & Printing

Global Information Society Watch
Published by APC and Hivos
South Africa
2011

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ISSN: 2225-4625
APC-201111-CIPP-R-EN-PDF-0105
ISBN: 978-92-95096-14-1

APC and Hivos would like to thank the Swedish International Cooperation Agency (Sida) for its support for Global Information Society Watch 2011.



ZAMBIA

ICTS AND THE STRUGGLE FOR SOCIAL CHANGE: THE CASE OF THE BAROTSE UPRISING



CeeJay Multimedia Consultancy
Caesar Jere

Introduction

Human rights, including social and economic rights, have become real and key issues that are being used by political and other interest groups to either support or challenge the continued rule of governments. In Zambia, as the 2011 tripartite elections (to elect the republican president, members of parliament and local councillors) drew closer, political parties, civil society organisations (CSOs), non-governmental organisations (NGOs) and religious organisations highlighted human rights and governance issues on the internet to comment on the performance of the government and ruling party, the Movement for Multiparty Democracy (MMD). Generally, the issues that were in focus related to good governance, corruption, mismanagement of public resources, transparency and accountability.

This report deals with an episode in Western Zambia that raised human rights concerns regarding the behaviour of police who shot dead two unarmed demonstrators and injured several others who were demanding the restoration of the 1964 Barotse Agreement. The incident attracted wide condemnation of the state by many human rights activists who criticised the government, especially after it justified the incident by saying it was necessary to preserve public order and security.

Background

In May 1964, just before Zambia (then Northern Rhodesia) became independent from British colonial rule, the interim government, represented by Kenneth Kaunda as prime minister, the British government and the Barotseland Royal Establishment (BRE) of Western Zambia, signed an agreement which was to recognise the supremacy of the royal establishment through King Lewanika of the Lozi people of Western Zambia. The agreement was to bestow powers on the BRE in the local administration of the area, including prevailing over natural resources such as land and forests. The agreement was to take effect upon Northern Rhodesia's independence, becoming the sovereign state of Zambia

in October of the same year. Prior to independence, the Barotseland native government enjoyed special recognition by the colonial administration, as historically it was the first area of contact for British colonisers exploring Northern Rhodesia.¹

However, to date, the so-called Barotse Agreement has not been implemented. All successive Zambian governments have failed to recognise the agreement. Kaunda, who later became the first Zambian president at independence in October 1964, had his own reasons for not implementing the agreement, possibly for fear of giving too much power to the BRE and provoking other traditional rulers from other parts of the country who could demand similar recognition. Successive governments followed suit.

Zambia has since independence remained a unitary state,² avoiding a federal system of government in which power is overly decentralised to local governments. Although the devolution of power from the central government to local authorities has been slowly implemented over the years, there are no serious plans or policy declarations to transfer power to local authorities more than they are seen to deserve, as the central government appears to think that this could weaken its control over local authorities.

The riots

The Barotse riots which happened on 14 January 2011 in Mongu, the capital district of Western Zambia, could probably have been avoided had the government considered calls made by members of the Barotse Patriotic Front (BFP) and some CSOs for it to engage leaders of the BFP and hear their grievances. However, the government was adamant and claimed that it did not recognise leaders of the BFP as representatives of the people of Western Province, apart from the *Litunga* (King) and his royal establishment.

The *Litunga* himself had kept a low profile and did not publicly support the demands of the BFP which was calling for the secession of the Western Province from the rest of Zambia. The BFP accused

¹ The Barotse Agreement of 1964, Her Majesty's Stationary Office, London.

² The Constitution of Zambia, 1996.

the government of taking the people of Western Province for granted and failing to develop the area compared to other parts of the country. To this effect, the BFP and other Lozi movements advocating for the restoration of the Barotse Agreement – such as the Movement for the Restoration of Barotseland – were wary that the Litunga had been compromised by the state which had allegedly undermined his powers by doing him favours. So they decided to confront the state on their own to demand their rights: the restoration of the Barotse Agreement, or else the secession of the province from the rest of the country.³

On the day of the riots, the BPF and the other movements had defied a police warning in which they had refused a permit to hold a meeting demanding the restoration of the Barotse Agreement by the state.

People killed

It was during the protests that two people were killed and several others injured by police shooting. The protesters went on a rampage destroying property, pelting police officers with stones and attempting to set a fuel filling station ablaze. Besides the police shootings, an innocent child was accidentally killed by a stone thrown by rioters. A total of 106 rioters were arrested.⁴ A Facebook posting indicated that 125 people were wounded and that police had arrested Maxwell Mututwa, the 92-year-old suspected mastermind of the demonstration.⁵

Widespread concern

The shooting of the rioters raised widespread concern among many people, especially human rights activists. The situation was further aggravated by comments by the republican vice president when he justified the shooting during a session of parliament. He told parliament that “the security agencies acted with restraint and professionally to quell the riot.” He further argued that the incident warranted the police use of minimum force against the rioters in order to prevent further loss of life and property.⁶ This statement infuriated many people.

Campaign issue

Consequently, many members of the public and CSOs used the Mongu killings as a campaign issue against the government and the ruling MMD in the run-up to the 2011 elections. However, some quarters supported the firm stance taken by the government in maintaining law and order. The internet was among the many communication platforms (apart from newspapers, radio and television) that were used to voice the views of various groups on the incident – and those of the general public – which became largely politicised given the elections that were drawing near in the same year.

For instance, a Catholic priest in charge of the Mongu diocese, Bishop Paul Duffy, incited the people of Western Province to rise up against the government. Duffy alleged that the government had done nothing for them apart from sending police to kill them. He therefore urged the people to vote the MMD out of power.⁷

However, the government and MMD dismissed Duffy’s allegations as being based on ignorance. They said there was development taking place in the province and that the government would not tolerate some misguided individuals inciting the majority of people in the province to rebel against the government and cause riots.⁸

Meanwhile, Duffy was supported by some opposition political parties who used the issue of the Barotse Agreement and underdevelopment as campaign weapons to undermine the government’s popularity in the area. For instance, Michael Sata, leader of a strong opposition political party, the Patriotic Front (PF), repeatedly stated that he would bring development to the area and restore the Barotse Agreement once elected to power. He also continuously condemned the government for justifying the use of live bullets on demonstrators.

Sata’s condemnation of the state in justifying the use of firearms on unarmed demonstrators was echoed by many interest groups and the general public. A prominent legal practitioner, Abraham Mwansa, argued that the rights of the Barotse demonstrators were violated in so many ways. He stated that it was unfortunate that the people accused of being responsible for the Mongu fracas were prosecuted while “no action was taken against the trigger-happy cops who killed some of these totally unarmed and defenceless people.”⁹ Mwansa’s views were supported by CSOs and NGOs such as Transparency International Zambia (TIZ), the

3 allafrica.com/stories/201103040798.html

4 www.lusakatimes.com/2011/01/14/riotous-mongu-separatists-arrested

5 www.facebook.com/topic.php?uid=15877306073&topic=15641&post=90775

6 www.zambianwatchdog.com/?p=11613

7 www.lusakatimes.com/2011/03/09/stop-inciting-people-duffy-told

8 *Ibid.*

9 maravi.blogspot.com/2011/05/barotse-activists-also-have-human.html

Southern African Centre for Constructive Resolution of Disputes (SACCORD) and the Non-Governmental Organisation Coordinating Committee (NGOCC), among others.

Lawlessness and anarchy

However, some political analysts and CSOs such as the Committee of Citizens and Forum for Leadership Search argued that lawlessness bred anarchy. They asserted that in a lawless society, respect for the law and other people's rights do not matter and they therefore demanded that rules and laws that are formulated should be observed by all citizens to make the process of governance workable. They noted that while the Mongu incident was regrettable, it could however have been avoided had the people heeded the advice of the police and government that the meeting of the Barotse activists was not in the interest of public order as it was likely to yield violence.¹⁰ Other CSOs, such as Leadership in Development, admonished Caritas Catholic church members who had supported the rioters and called for people to remove the ruling MMD by voting for PF.¹¹

Notwithstanding such sentiments, it appeared that many people of the Western Province, especially those who felt that their rights had been abused, had expressed disappointment with the government over the way that it handled the Mongu riots, including the subsequent detention of the rioters. Some concerned human rights groups and members of the public also expressed concern over the manner in which the detainees were treated while in detention. For instance, a group of about twenty eminent Zambians, who included a former prime minister, intelligentsia and opposition members of parliament, wrote a petition to the president in which they expressed their "profound misgivings regarding the manner in which the government had handled the trial of those citizens who were arrested in connection with the riots."¹²

It was further observed that the state had denied the detainees their right to health by not providing them with medical treatment at opportune times. As a result, one of the detainees, Mwiya Sihope, had a leg amputated allegedly after contracting an infection while detained in the overcrowded prison. Sihope later died. Another man, Davison Siyoto, whose kneecap was shattered during the police shootings, also had a leg amputated. In addition, a juvenile detainee died after contracting a disease while in prison. The deaths were widely condemned

and the blame passed on to the state. The authorities were also questioned over the detention of juveniles with adults as this was an abrogation of the rights of the juveniles who should be detained separately from adults.¹³

The state's insensitivity

Many people in the Western Province were bitter with the state's insensitivity over the deaths and injuries arising from the Mongu riots and called for the removal of the ruling MMD from power. Maxwell Mututwa, the 92-year-old arrested allegedly for being a mastermind of the riot, but later released on account of old age, said that "it's time for President [Rupiah] Banda and his MMD government to vacate office before they commit further bloodshed."¹⁴ And a Mongu businessman, Morris Litula, stated that President Banda will have to answer to the police's shooting of his nephew, Caleb Ng'andu, after he has been voted out of office.¹⁵

Conclusion

This story demonstrates that the use of information and communications technologies (ICTs) in the diffusion of information related to human rights and social change in Zambia is playing a critical role in informing the public about the happenings that concern the rights of citizens. Notably, the internet has become a reliable tool in reaching out to the public and soliciting the views of citizens about human rights issues that are critical to their well-being. Internet platforms such as blogs, online publications, social media (i.e. Facebook and Twitter), where the different views of citizens on human rights issues can be exchanged and accessed, are playing an increasingly important role in the dissemination of pertinent information on human rights.

However, for social media (such as Facebook) to play a constant and active role in the dissemination and promotion of human rights information in Zambia, there is a need to re-examine the impact of the mainstream media (print, radio, television) on social media. Currently it appears that the mainstream media in Zambia are the major source of information that sets and primes the agenda (be it political, social or economic) that in turn influences the topics of discussion on social media. Once the topical news frames are no longer on the agenda of mainstream media, the social media discussion groups also lose momentum. This should not be the case, as the internet, including social media platforms,

10 allafrica.com/stories/201103040798.html

11 www.facebook.com/pages/Lusaka-Times/129559187092070

12 www.postzambia.com/post-print_article.php?articleId=20024

13 zambia24.com/latest-news/rupiah-must-go-mututwa.html

14 *Ibid.*

15 www.izambia.co.zm/index

should instead change the tide and aim to become the regular supplier of news for mainstream media.

New media platforms are obviously more potent and versatile. They are capable of generating and processing a wider variety of information within a shorter time compared to traditional media. But as long as the mainstream media continue to dominate and set the agenda for social media, the topics on social media will remain unsustainable and inconclusive. This was the case regarding the events this report examines. There were no sustained and coherent discussions that were posted on social media including Facebook and Twitter.

This report shows how the internet was used to influence the position of members of the public to either support or reject a view affecting their socio-economic and political rights, especially where the government is seen not to respect and uphold such rights. Through the use of ICTs, the public can therefore be persuaded to either side with opposition groups calling for change of government in order to promote these rights, or the public may be induced to understand the government's action which may be perceived as a violation of human rights, as was the case of the Mongu shootings by the police.

Action steps

The right to information is a critical entitlement that should be widely availed to all Zambian citizens, especially those residing in the marginalised rural areas where communication is hampered by various infrastructural factors. The right to information is a key right that makes it possible to access all other rights – be they social, economic or political.

However, while access to mobile telephony has rapidly spread to most rural areas in Zambia, internet access and participation is still low in most rural parts of the country compared to urban areas. It is therefore recommended that for more citizens to participate and understand issues that affect their rights and subsequently their livelihoods, the following should be considered by the government and other relevant stakeholders:

- Roll out ICTs, especially the internet, to rural areas and ensure that broadband reaches many rural communities to enable more people to have access to the internet.
- Design and implement programmes that build capacity among various stakeholders in the regular use of social media platforms in promoting and advocating human rights and social change.
- Implement policy statements in the 2007 ICT policy document that envisages the growth and expansion of ICTs, including the internet, to rural areas and its access at subsidised rates.¹⁶
- Increase the availability of ICT training at schools in rural areas.
- Waive or reduce taxes for businesses intending to set up internet access points.
- Waive or reduce taxes on ICT equipment intended for use in rural areas. ■

¹⁶ Zambia ICT Policy, 2007

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GISWATCH is a joint initiative of the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos).

GLOBAL INFORMATION SOCIETY WATCH

2011 Report

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