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As an evangelical movement, we have observed with great concern the recent issues affecting the people of Zambia and how they are like 'sheep without a shepherd'. Our role in relation to any government in power is advisory, pastoral, prophetic and priestly as we endeavor to consistently represent the needs and aspirations of the people before our Almighty God. We execute these tasks without partisan interests.



Evangelical Fellowship of Zambia

Pastoral Statement on the State of the Nation

Issued on 4<sup>th</sup> March 2012

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**1.0 Preamble**

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Our holistic ministry thrust includes the preaching of the gospel and social responsibility. We have been engaged in various programs in the country that have contributed to improved livelihoods, food security, education, HIV/AIDS interventions, disaster risk reduction, natural resource management, entrepreneurship and peace building initiatives.

In the run up to the 2011 tri-partite elections, we mobilized all our members countrywide to engage in regular prayers for the nation in order to prevent violence and to ensure peaceful campaigns and free and fair elections. We organized a series of meetings with various stakeholder groups in order to ensure that there was peace and stability in the country. We deployed 450 election monitors in some parts of the country to monitor the elections. We have always stood on the principle of being non-partisan as we believe that the church is established

to support the state while being institutionally separate from it. Our role continues to be that of the 'salt of the earth' and the 'light of the world' and our work is for the common good of everyone in the country. This is our biblical mandate.

In our deliberations, we have observed with great concern, a number of issues that we strongly feel need to be addressed in order to ensure harmony, peace and stability in the country. The issues we address are the challenges facing every Zambian.

We as a church movement point out the following issues and urge the Zambian government to consider addressing them:

## **2.0000 Barotseland Agreement**

We affirm that we are a unitary and sovereign state. We are delighted with the government's effort in establishing a commission of inquiry to investigate the Barotseland issue and to come up with findings that would best enable government and stakeholders to conclusively deal with the matter. We have been concerned that this issue has been pending (unresolved) for a very long time. The events of 2011 that led to the killings of 'innocent' Zambian people during the

riots in Western Province were a very unfortunate development. The loss of lives could have been avoided had the leaders engaged into meaningful dialogue over the matter. Although later on this became a political issue, it is important that politicians do not use such an issue for political expediency as the situation needed careful treading. The effort by government to establish a commission of inquiry into the matter was an important step to gather facts for discussion and to take the right course of action with all the stakeholders.

We are concerned that the report has not yet been made public from the time it was submitted to government. It is important that the commissioners' report be placed into the public arena for study so that the Zambian people can be aware as to the outcome of the findings and the suggested recommendations. In this way, we can ensure that there is transparency in dealing with this very critical issue that has threatened our sovereignty and unitary status. The territorial boundaries of the original map of Barotseland go beyond the current Western province and therefore restoration of Barotseland Agreement needs to be viewed in the context of its complexity and political implications.

We recognize that the issue of Barotseland was raised during the campaign before the September 2011 tri-partite elections and this raised a lot of expectations among the general public. Realizing the implications for the restoration of the Barotseland Agreement, the government may be justified in taking a different position on the matter.

However, we believe that the original Barotseland Agreement (handled well) can be used as a basis for decentralization and devolution of power – not only for Western province but to all the regions of the country thereby fostering national development. The primary concerns of the people of the Western Province seem to be those of development and the government should ensure that there is equitable distribution of resources to promote uniform development in the country. We urge the government to publicize the Commission's report on Barotseland for public information and knowledge. In addition, the government should initiate dialogue with the

Barotseland Royal Establishment and other stakeholders and make its position known and to ensure the matter is conclusively and peacefully resolved.

### **3. Re-alignment of the districts and the creation of an additional province**

We wish to counsel that the re-alignment of the districts should be preceded by a comprehensive survey conducted by the Surveyor General's office to ensure that such new districts have been properly described in accordance with the constitution. We counsel the government to carry out wider consultations with all stakeholders including traditional leaders in order to ensure transparency and consensus in the process. The re-alignment of the districts should not be done unilaterally and in haste because this may have far reaching implications on traditional leaders and their subjects who would be affected by such decisions.

### **4. The fight against corruption**

The fight against corruption is a very important effort by government as it ensures that national resources are directed towards national development. We appreciate and support the current anti-corruption crusade by government aimed at investigating and prosecuting those that may have engaged in corrupt practices. Corruption (if left unchecked) can reverse the positive gains in development and perpetuate poverty and suffering among the majority of the people and has the power to erode public and donor confidence. In order to be effective, the fight against corruption must not be selective and should not appear to be targeted at specific high profile individuals or politicians alone and not only those who served in the previous government but rather it should include the civil service, and persons in the current government and other institutions.

In this way, the general public will support the fight against corruption and contribute to ensuring justice. We propose the setting up of a Truth and Justice Commission that can, among other things, offer amnesty to the people that may have engaged in corrupt practices to surrender themselves and be offered concessions for their openness. There is a need for the investigative wings of government to be efficient and effective in their work to ensure that culprits are brought to book and face the law. The media can play an effective role of educating the general public on the dangers of corruption as well as in exposing the wrongs of people in public office. In order to be effective, the media should enjoy freedom and protection from undue external influence and intimidation in their work. We condemn the harassment of media personnel when they carry out their duty of gathering news to inform the nation.

## **5. Child defilement**

We are deeply saddened by the rising and frequent number of cases of child defilement and child abuse in the country. The media is filled with the very sad news of the brutality by which

our children are abused and murdered in our communities. This is unacceptable in our Christian nation. Our children are increasingly living in fear and danger of abuse and defilement by people who are supposed to offer them protection, safety and security. We applaud the gallant efforts of affected family members and other members of the public for reporting known defilement cases to law enforcers so that the law can take its course. We pledge to stand together with the government to step up the fight against the defilers and ensure that there is justice when bringing the abusers to face the law. The punishment should be stiffened to deter any would be offenders as well as to prevent repetition of the offence by the culprits. We as a church also view this problem as spiritual and we will earnestly be praying to bring this problem to an end. We shall continue to support our communities to ensure that children are cared for and protected through education and raising awareness. We are working on finalizing the publication of the child protection guidelines to share with the churches and the general public on the need to ensure child protection so that we make Zambia a safer nation for our children.

## **6. Gender Based Violence (GBV)**

Just like the abuse of children, the number of gender based violence cases has been on the increase countrywide. We have seen despicable cruelty against our womenfolk in the country by their male counterparts. We are deeply grieved by the rampant abuse of women that have combined rape, physical abuse and murder. This continued brutality against our women is uncalled for and we urge the government through its assigned law enforcement agencies to tighten the law on gender based violence to ensure that there is justice for our women. We urge women to report cases of abuse to the law enforcement agencies and seek help and justice. We urge all those that play a part in assisting victims of any gender based violence case to exercise fairness, confidentiality and compassion to ensure that cases are attended to in a timely manner and that the victims are treated with dignity and that they subsequently receive their help and justice.

## 7. Education

The students at the University of Zambia recently staged a peaceful demonstration against the deplorable state of the university that had no running water and poor sanitary conditions. Education plays a critical role in national development. It is the basis for strengthening social and economic development in the country. The degeneration of Zambia's educational system in general and the inadequacy of infrastructure in higher institutions of learning in particular, is worrying. The pass rate at the School Certificate level still remains very low. The standards in schools and institutions of higher learning have dropped to unacceptable levels. Both the physical infrastructure and the general morale is not conducive for effective learning. The dilapidation of infrastructure in our public universities, colleges, institutions and schools requires urgent government attention. In most of these institutions, the situation raises grave concern.

We note with sadness the current deplorable condition of the University of Zambia. Lusaka Campus is in inhabitable condition. This is only one example that reflects the sad face of our educational system in Zambia. In addition, the over-enrollment in public institutions should be addressed as this exerts a lot of pressure on the limited resources and infrastructure such as bed spaces, water, library resources and lecture facilities. The optimal ratio between the number of students and the needed resources has increased leading to the quality of education being compromised. We urge the government to quickly mobilize the required funds to improve the education sector and restore the image in the tertiary institutions of learning. Needless to mention also that the inadequacy of bed space is forcing particularly our female college and university students into a search for alternative accommodation, which activity predisposes them to risky lifestyles rendering them vulnerable to some accommodation vendors who sometimes insist on sexual favours in exchange for bed space.

## 8. The Constitutional making process

The constitution is the highest law of the land. Every good constitution must ensure posterity and meet the aspirations of the majority of its citizenry. The aim of every constitution is to ensure that it is *people driven* and *people owned*. Additionally, the constitution is a tool to foster national unity, peace and development in the country. In order to ensure the legitimacy of the new constitution, the process and the content should involve the participation of the majority of the people. This entails that the modality of choosing the participants in the constitution making body and the composition of the team established to carry out the assignment of drafting the new constitution should cover a wide spectrum of the general public and stakeholders for a majority representation and consultation.

There is a danger that if the constitution is not widely accepted it will lack the credibility to stand the test of time. The process of developing a constitution that later becomes rejected by the majority of the people will be a mere misuse of the national resources. We affirm that the majority submissions made in the original Mung'omba Draft Constitution of 2005 have been identified as the basis for the new constitution, while taking into account pertinent gleanings that reflect the progressive will of the Zambian people as contained in previous and successive constitutional processes including the NCC. Those submissions should be respected by ensuring that they are reflected in the new constitution.

Although the Evangelical Fellowship of Zambia (EFZ) is not included in the current technical team of experts that was formed to draft a new constitution, we feel duty bound to offer our objective contributions to the constitution making process for the common good of our country thereby playing a critical role in ensuring good governance and a people driven constitution that is widely accepted. We seek to correct the perception that portrays our concern as being only the declaration of Zambia as a Christian Nation. To the contrary, we are interested in the entire constitution and we will endeavor to see that the final constitution reflects the aspirations of the majority of the Zambian people.

Having scrutinized the Terms of reference of the Technical committee on the drafting of the new constitution, we make the following observations:

## **8.1 The Road Map**

We welcome the published roadmap towards the realization of a people driven constitution, which in this case includes 10 planned provincial conventions to last 12 days each and one sector group and a National Constitutional Convention. We urge the Technical Committee to hasten the release of necessary guidelines for public participation in the said Conventions, i.e. who will attend and how they will be selected. It is desirable that these guidelines be released sooner than later, so that stakeholders countrywide can prepare their representatives and their communities accordingly.

## **8.2 Legal Framework**

The lack of a legal framework to back the work that has been assigned to the Technical Committee on the drafting of the new constitution is a concern as it now subjects the whole process to the whims of executive powers, which we pray will faithfully honor and respect the compilation of the wishes of the people by the committee.

### **8.3 Postponement of date for release of First Draft**

The reasons advanced for the postponement of the production of the first draft of the constitution which was earlier scheduled for the end of February 2012 are understandable. Our counsel in this respect is that the Technical Committee should not only abide by its newly adjusted programme but should also consider conceptualizing, as per its adopted terms of reference, a more comprehensive roadmap and process that includes charting the roadmap up to the final constitution covering estimation of attendant processes including the referendum, rather than just aiming at presenting its report to the head of state.

### **8.4 Inadequacies of the current Referendum Act**

We support the adoption of the constitution through the referendum. In order to ensure effectiveness, the process of establishing a referendum commission should start early, ensure clarity of the terms of reference, composition and clear roadmap. The inadequacies in the current Referendum Act should be addressed prior to the establishment of the referendum commission.

The EFZ calls upon the government to amend the Referendum Act because in its current content, the Act is outdated. For example,

*i. Section 4 (2) of Chapter 14 of the Laws of Zambia states the composition of the Referendum Commission of 3 people including the Chairman.*

*ii. Section 11 provides for Referendum petition but section 17 (2) (3) states that security costs must be paid by the petitioner without which under sub-section 3 of section 17, the petition shall be dismissed.*

*iii. Section 8 (6) provides for possible appointment of the Director of Elections but in the Regulations under section 56 it gives functions or powers of the Director of Elections which means that the Referendum Commission cannot do without the Director of Elections.*

*iv. Section 29 (1) only authorizes appointed persons to attend the counting of the votes and members of the public are excluded. There appears to be no provision for observers. While section 57 of the Regulations provides for canvassing, there is a restriction in section 61(2), (a) & (b), which requires the presence of those ‘for and against’ to speak, otherwise the meetings shall not be permitted except where one fails to show up.*

*In short, the referendum procedures provide for a ‘state controlled’ mechanism where there is no room for members of the public to benefit from independent views before they form an opinion on a referendum question.*

We oppose strongly the proposed route of referring the draft constitution to international experts as there are sufficient local experts to confirm the aptness of the wishes of Zambians within the current context of their collective and united journey - politically, economically, socially, culturally and spiritually.

Our concerns on the content of the constitution include the following issues:

### **8.5 The declaration of Zambia as a Christian nation**

We affirm the importance of the declaration of Zambia as a Christian nation with other religions having their freedom of worship as enshrined in the bill of rights of the constitution. The Bible declares that, "Blessed is the nation whose God is the Lord" (Ps.33:12).

### **8.6 The Election of the Republican President**

Recognizing the importance attached to the office of the Republican President, we strongly recommend that the election of the President be made through a majority vote in order to avoid the election of unpopular Head of State. The election of a popular president helps to promote unity in the country. Therefore we recommend the 50%+1 clause for the election of the president as opposed to a simple majority.

## **8.7 Presidential Petitions and Swearing in of a Winning Candidate**

In the case of a petition against the results of the presidential elections, the 'winning candidate' should not be sworn in until the petition has been heard and the case has been disposed of in the respective court of appeal. This will prevent undue mockery and political influence over the judicial process. The Chief Justice who is the returning officer in the presidential election should not preside over the petition against the results of a presidential election in the court having jurisdiction over the case. Instead, we recommend that the Deputy Chief Justice presides over the petition.

## **8.8 The date for the elections**

The date for the Presidential and parliamentary elections should be enshrined in the constitution and should be a public holiday in the year that elections are held. Having the date already enshrined will prevent undue disadvantage against participating opposition political parties. We endorse the proposal to hold the elections in the month of September. Such a day should be a Tuesday, Wednesday or Thursday. When the Election Day is a public holiday, we can maximize the voter turnout.

In order to avoid the suspicions associated with the results of the elections, the returning officer in the Presidential election shall declare the 'winning candidate' but the winner must not be sworn in until all the contentious issues raised by the participating parties on the results have

been cleared by the courts within 90 days from the date of the declaration of the winner.

### **8.9 Presidential handover transition**

In order to allow for a smooth transition of handover of the highest office in the land, we recommend that there should be a transition of 90 days between the time of the declaration of the winner and the time of assuming office of the winning candidate except in a case when the sitting president has been impeached from office.

### **8.10 Separation of powers**

Separation of powers between the three organs of the government namely: Executive, Judiciary and Legislature is crucial for their effectiveness. Interference by any one of these organs in the jurisdiction of any of the others undermines the legitimacy of the institution and affects the level of trust and confidence by the general public.

We recommend clear independence and autonomy of each of these organs from each other. Currently, the election of the cabinet is from members of the parliament which means that the cabinet and the parliament may not be inherently independent because of that overlap. Autonomy of the Judiciary will guarantee independence and the effectiveness of the courts thereby increasing the trust and confidence by the general public.

We further recommend that the cabinet be constituted from persons outside of the parliament to ensure that the work of the cabinet ministers does not interfere with the work in the constituencies. The nominees proposed to serve as cabinet ministers will have to be ratified by Parliament before assuming office.

We recommend a small cabinet of not more than 20. In this respect, we commend the efforts of the current government to run with a lean Cabinet. However, we caution that the re-alignment of the ministries should be done carefully so as not to compromise effectiveness and efficiency of government.

Likewise, the merging of ministries should be for those ministries that are compatible such as placing lands, water and energy and natural resources together. The small cabinet is not in itself a guarantee of effectiveness. The government should develop a culture of hard work, transparency and integrity in the public service.

## **8.11 Presidential running mate**

We recognize that a running mate in a presidential election is the second highest elected candidate to the office of the President. By allowing for a running mate, we ensure that the will of the people that is made in an election is respected and the second highest person should assume the role of the Vice President. A running mate will enable an automatic takeover of the office of the president when the office falls vacant for any cause or reason.

### **8.12 □ □ □ □ □ The cost for conducting by-elections**

Several by-elections arise from such causes as deaths, expulsions from political parties or resignations of popularly elected persons. We recommend that when the seat for the Member of Parliament becomes vacant (for any reason), the next highest person or candidate in the immediate past election should succeed the former. The MPs that resign and cause the holding of a by-election should not be eligible to re-contest their seat and should forfeit their gratuities as a deterrent against unjustifiable resignations or vacations.

### **8.13 □ □ □ □ □ Dual citizenship**

Zambia has an increasing number of the citizenship in the Diaspora and as such stands to benefit the country from the dual citizenship. Countries that have adopted dual citizenship have shown significant investments from their people who have exploited the benefits of the inherent privileges in the dual citizenship. This is more likely to lead to a significant increase in the level of investment by the citizenship currently living in the Diaspora.

We note that all the above submissions already subsist in some form in the key documents the drafters are utilizing for drafting the new constitution. Therefore we recommend retention of the obvious and adoption of the essence of the said submissions accordingly.

#### **8.14 □ □ □ □ □ Lesbian, Gay and Bisexual and Transgender (LGBT) rights**

Zambia being a Christian nation and also having a rich African and traditional heritage, requires a consistent upholding of highest moral and family values. Therefore, we re-affirm our stand for hetero-sexual marriages only, as in the current constitution. Same sex relationships are condemned in the Bible and are widely unacceptable in our society. We note the strong prohibitions of same-sex relationships in the following Holy Bible passages:

*“Thou shalt not lie with man as with woman, it is an abomination” (Lev.18:22 KJV)*

*“For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature. And likewise also the men, leaving the natural use*

*of the woman, burned in their lust one toward another; men with men working that which is unseemly..." (Rom. 1:26-27 KJV)*

*"Neither the sexually immoral nor idolaters nor adulterers nor male prostitutes nor homosexual offenders nor thieves nor the greedy nor drunkards ... will inherit the Kingdom of God"*

*(1 Cor.6:9 NIV)*

We applaud the Government of the Republic of Zambia for announcing recently its commitment to maintain the current Penal Code - Chapter 87 of the laws of Zambia where Section 155 states: *"any person who has carnal knowledge of any person against the order of nature or (c) permits a male person to have carnal knowledge of him or her against the order of nature; commits a felony and is liable, upon conviction, to imprisonment for a term of not less than 15 years and may be liable to imprisonment for life."*

We remain opposed to sections of the global community who are calling for a wholesale decriminalization of such laws and are, in some cases linking the offer of development aid to the legalization of gay rights. In this respect, we affirm the call by the The Council of African Apostles (CAA) that "Whilst we acknowledge the universality of human rights and the belief that every human being has inalienable rights of expression, association, opinion and access to basic necessities, we also note that these rights should be observed and enjoyed within the confines of what the Word of God clearly establishes."

Based on the widespread apprehension of the majority of our citizens following several

references to gay rights by the UN Secretary General on his recent visit to Zambia, we will monitor very closely any developments related to this matter.

**9. Conclusion**

Finally, we urge the Zambian people to remain peaceful and united at all times and not to engage in acts of violence or lawlessness because only in a peaceful environment can development thrive. We should seek to work together for the furtherance of the common good of our great nation.

May God bless Zambia !!

The Board of the Evangelical Fellowship of Zambia

A handwritten signature in black ink, appearing to be a stylized name, possibly 'P. M. M.', written in a cursive style.

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Bish. Dr. Joe Imakando    Bish. Dr. Peter Ndhlovu    Bish. Joshua H.K Banda    Rev.  
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