

ICIJ names HH in Paradise Papers

Zambia's opposition leader Hakainde Hichilema has been named in the latest exposé dubbed "The Paradise Papers", but with a huge disclaimer about some of the people named in the offshore leaks.

There are legitimate uses for offshore companies and trusts. We do not intend to suggest or imply that any people, companies or other entities included in the ICIJ Offshore Leaks Database have broken the law or otherwise acted improperly. Many people and entities have the same or similar names. We suggest you confirm the identities of any individuals or entities located in the database based on addresses or other identifiable information.

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"Govt reforms have made it easy to do business in Zambia"

By Mirriam Chabala and Patricia Mbewe

The Ministry of Commerce, Trade and Industry has attributed Zambia's improved rating on the ease of doing business to the favourable business environment reforms government is undertaking.

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Lusaka Mayor Wilson Kalumba has ordered the demolition of Zoon, MTN, and Airtel kiosks, but vendors say he is dreaming

Sleeping Mayor sparks social media frenzy

Zondiwe Mbewe

A picture of a sleeping Lusaka Mayor today went viral on social media with netizens taking turns

to mock him after he ordered council police to demolish Zoon, MTN and Airtel vending kiosks around the City.

Meanwhile, PF cadre Munir Zulu says Kalumba must be impeached for ordering the demolition the kiosks in the central business district.

Kalumba has become famous for his quixotic ideas; his suggestion to deduct K10 from Lusaka residents' talk-time credits to

go towards garbage collection, introducing underground power transmission cables in order to clear ground for residential plots, cremation to decongest graveyards among others.

Ephraim Shakafuswa captioned the picture: "Dreaming about closing all Shoprite Stores and

replacing them with public toilets." Leslie Musonda Mwenya wrote: "Always making headlines for the wrong reasons, when he wakes up from that slumber, you'll be amazed at what will come out of that mouth."

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Those defending Lungu's threats on judges lack average intelligence, says Prof Ndulo

By Joseph Mwenda

I do not know how anyone with average intelligence can interpret what President Edgar Lungu said as meaning anything other than threats and intimidation against the Judiciary," says Cornell University Law Professor Muna Ndulo.

And Prof Ndulo says President Lungu's remarks were not only ill-conceived and ignorant but

simplicistic because they showed that the Head of State lacked the understanding of jurisprudence in the Kenyan Supreme Court decision that nullified the presidential election results.

In a statement, Prof Ndulo said President Lungu's surrogates needed to be ignored because they were oblivious to the grievous harm being done to democracy in Zambia.

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A proper interpretation of the Constitution disqualifies Lungu for 2021 – Elias Chipimo

Mukosha Funga

NAREP president Elias Chipimo says it is not possible for President Edgar Lungu to run for office again in 2021 based on a proper constitutional interpretation.

And Chipimo has commended the Law Association of Zambia for being brave, noting that those criticizing the association had failed to pinpoint their problem with the association's statement on President Lungu's threats.

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AG DETAILS THEFT AT GENERAL EDUCATION

...Bwalya Phiri paid himself K2.5m from ministry account

By Mukosha Funga

The Auditor General's report has revealed that a Ministry of General Education employee paid himself a total of K2,577,055 in the year ended 2016, for unexplained reasons. According to the Auditor General, a Bwalya L Phiri used different initials on nine occasions to draw money from a Ministry of General Education account, in an attempt to conceal the fraud.

Meanwhile, two of his colleagues also paid themselves K871,272 in similar circumstances.

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Mukosha Funga

President Edgar Lungu has donated K100,000 towards the completion of the Mpongwe Baptist Union Church building.

President Lungu, who pledged to contribute towards the completion of the building when he visited the church last month, sent a local businessman; Emmanuel Kasambo to hand over the money today.

Kasambo, who was in the company of Luanshya Mayor Nathan Chanda delivered the K100,000 in cash and laid it on a table for all to see.

Lungu donates K100,000 to Mpongwe church

“The president thought of helping the church. He asked me to deliver K100,000. It is his money and I thought I should put it on the table for all of you to see that it has been

delivered. It is his contribution to this contribution,” said Kasambo.

And Mpongwe Baptist Union Mission Director Reverend Admason Shamfuti expressed

gratitude over the generous donation.

“President Lungu’s humility and generosity is admirable. The President cares for us and we want to assure him

that we will continue praying for him so that he continues showing good leadership,” said Reverend Shamfuti.

Meanwhile, Mpongwe Baptist Union Church Pastor

in Charge Reverend Justin Munkupa also hailed President Lungu for being different from previous Presidents.

Speaking when Luanshya Mayor Nathan Chanda and Kasambo visited him to mourn with him over the loss of his son, Reverend Munkupa said President Lungu had dignified Mpongwe like no other President.

“We were treated like second class citizens. Now President Lungu has raised our profile, he has embraced us like any other Zambia,” said Pastor Munkupa.

According to ZNBC, an armed police officer accompanied church officials to the bank to deposit the cash immediately after the service ended.

Govt will screen all civil servants for fake qualifications - Wina

Miriam Chabala

Vice-President Inonge Wina says government will roll out the scrutiny exercise of fake certifications amongst civil servants to all public service institutions in order to bring sanity in the system.

And Vice-President Wina says police must avoid undertaking their duties over-zealously as was the case on Wednesday when they arrested 55 students from the Copperbelt University for peacefully protesting against delayed allowances.

She was responding to a question from Mkaika MMD member of parliament Peter Phiri, who wanted to know if government had any intentions of scrutinizing other civil servants after the Teaching Service Commission discovered teachers with fake qualifications.

Vice-President Wina said forging of certifications amongst civil servants was undermining development in the country.

“Mr Speaker, forging of certificates is really undermining the development of the country because the people who use forged certificates may not really qualify to do the work they are given and this a danger to both the security of the country as well as its development. So this is why government has introduced quality assurance in the civil service so that we detect this anomaly and deal with it. So this [scrutiny] will go in all the government ministries and departments to ensure that those that are recruited in the government or public service have got the relevant qualifications that are commensurate to the work that they are given,” Vice-President Wina said.

Meanwhile, the Vice-President said it was wrong for police officers to conduct themselves in an overzealous manner.

She was responding to Bweengwa UPND member of parliament Kasautu

Michelo who wanted to find out why the PF government along with some overzealous police officers were violating the rights of citizens like they did in the case of the 55 CBU students who wanted to petition the District Commissioner.

“Your honour the Vice-President, PF is busy on a daily basis denting the image of this country by violating human rights with impunity and now my question is, why is the PF government and very few overzealous police officers on a rampant mode of

arresting students especially the recent happening on the Copperbelt where students were arrested and detained for having a peaceful protest? I thank you,” said Michelo.

In response her response, Vice-President Wina said police should not disturb citizens who assemble in a peaceful manner.

“Mr Speaker, the incidence of the students who were arrested...and I think he is referring to the Copperbelt University students, I understand some students were detained for half a day

or so. Apparently the students had not advised the police that they would take the action that they took. However, the students were peaceful and wanted to present a petition to the office of the DC but they were stopped half-way considering the damage to property that has been done before during these processions but they were released promptly because we believe that the police should not be overzealous in certain cases especially when citizens can assemble and undertaken a procession without any

violence. But the police again should be informed about these happenings before the procession has been embarked on so that they are aware,” said Vice-President Wina.

Judiciary is under siege, says GBM

Sipilisiwe Ncube

UPND vice-president administration Geoffrey Bwalya Mwamba says President Edgar Lungu’s statement on Constitutional Court judges is a clear indication that the three arms of government are under siege by a brutal dictatorial regime. In a statement today, GBM observed that President Lungu was indirectly suggesting that the PF would cause chaos if he didn’t have his way.

“Fellow citizens and the international community, this is a dark week for democracy in Zambia and Africa as a whole. The utterances by Edgar Lungu made upon his arrival in Solwezi on 2nd November, 2017 expressing his desire for a third term in office and threatening judges not to rule against his third term bid should leave no doubt in the minds of all Zambians and the world at large that the three arms of government in Zambia are under siege of a brutal dictatorial regime,” GBM stated.

“Never in the history of our beloved country has such a blatant and deliberate act of intimidation of the Judiciary has been seen. Under the Constitution, the Judiciary ought to be an independent arm of government free from interference or direction from anyone. However in clear violation of Articles 119 and 122 of the Constitution, Edgar Lungu saw it fit to directly interfere with the independence of the Judiciary by giving the Constitutional Court instructions on how to adjudicate upon a matter in which he has personal and, quite obviously, selfish interest, that is the case in which his eligibility to stand as a presidential candidate in 2021 is being considered.”

GBM stated that the utterances by President Lungu exposed him to a possibility of being impeached under Article 108 of the Constitution. “In whatever way one looks at it, Lungu’s message to the Judiciary was loud and clear.

His message was that the Constitutional Court should decide that case in his favour; that the Court should decide that he is entitled to stand for a third term in 2021 or else there will be chaos in Zambia. In other words Edgar Lungu was telling the Judiciary how to perform its functions. And he was warning Zambians that the PF will cause chaos if he doesn’t have his way,” GBM added.

“This is not only contentious of the Court but also a breach of the Constitution. This has exposed Lungu to possibility of being impeached under Article 108 of the Constitution on grounds that he has violated the sacred law of our land by his careless and irresponsible utterances and on grounds that he has committed a gross misconduct.”

He urged members of parliament to rise above partisan interests and save the country from President Lungu’s tyranny before it was too late.

“Likewise, we urge the Judiciary, through the Chief Justice, to prove its independence by publicly condemning this unwarranted attack and by taking appropriate action against Lungu in the same way it has done against other citizens in the recent past. No one is above the law, not least Lungu,” stated GBM.

“Civil Society, the Law Association of Zambia, the Church and all well meaning Zambians must protect Zambia’s hard won democracy and speak out against this tyranny. We owe it to ourselves and future generations to come. Let us preserve the peace that Zambia has enjoyed for 53 years and say no to Lungu’s selfish attempts to plunge the country into chaos. Zambia is bigger than one man and his band of thieves, whose only interest is to hold onto power at whatever cost so that they can enrich themselves at the expense of the millions of Zambians suffering in abject poverty.”



Female driver dies at Kansanshi Mine following Rigid Dump Truck accident

William Chileshe

A female miner at Kansanshi Mine in Solwezi has died after a Rigid Dump Truck she was driving lost control and hit into another truck.

The deceased has been identified as Annet Kalolo 34, of Mitec area in Solwezi.

Northwestern police commissioner Auxensio Daka confirmed the mine

accident to News Diggers!

Daka said the accident happened on Sunday morning around 05:45 hours.

“Involved was female Annet Kalolo aged 34 of Mitec area Solwezi who, whilst driving a Rigid Dump Truck (this is the huge heavy duty truck), fleet No. RD 85 in the direction of north to south, she lost control of it and hit into the rear part of another dump truck

fleet number RD 95 which was also going into the same direction,” said Daka.

“The impact caused extensively damaged front part and extensively damaged the driver’s cabin. Both legs of the driver were crushed and cut off. She died at Meryburg Hospital in Solwezi some few hours later.”

He said the police has visited the scene and inquiry file opened.

Rampant theft of public funds will lead to national bankruptcy - CSPR

By Mirriam Chabala

The Civil Society for Poverty Reduction says the rate at which public resources are being misappropriated by those in authority has potential to leave the national treasury bankrupt. CSPR Eastern Province Coordinator Maxson Nkhoma said in a statement today that it was disheartening to see how public officials had continued mismanaging public funds as revealed in the latest Auditor General's report.

"The Civil Society for Poverty Reduction is seriously concerned with increased cases of misapplication of public funds by government officials as revealed in the 2016 auditor general report. CSPR is disheartened to see that misapplication of public funds in 2016 increased drastically from about K28 million in 2015 to about K162 million in 2016. The rate at which public resources are being misappropriated and stolen for personal gain by those in authority today is unprecedented, worrying and has reached alarming heart breaking levels to ordinary Zambians. If left unchecked this has the potential to make the national treasury bankrupt," Nkhoma stated.

"We note with dismay that unaccounted for revenue has increased from about K500, 000 in 2015 to K3.7 Million in 2016 while unaccounted for funds increased from about K190, 000 to K380, 000 in 2016. Unretired imprest also increased from K12 million in 2015 to K17 million in 2016. The revelations of the 2016 Auditor General report has vindicated majority stakeholders and ordinary Zambians who have accused certain government officials of being corrupt for amassing a lot of wealth within a short period of time of being in government." Nkhoma said he was not surprised with the revelations in the 2016 Auditor General's report because according to him, the current government had created an enabling environment for corruption to flourish.

"CSPR is not surprised with the revelations of the of the 2016 Auditor General Report because the current government has created an enabling environment for corruption, theft and abuse of public resources for personal gain by those holding key government positions. Due to high levels of corruption, theft and abuse of public resources, Zambia has now been ranked the third hungriest nation in the world which has increased citizen's vulnerability, inequality and poverty," Nkhoma stated. "It is public knowledge that the government has been seen to be shielding and defending certain government officials accused of engaging in corrupt practices and theft of public resources. In a government where the Head of State is the first person to defend wrong doing by government officials, corruption, abuse, and theft of public resources becomes the order of the day as was witnessed when citizens called for investigations into the procurement of fire engines at \$1million dollars each. As a result of being seen to be shielding those allegedly involved in corruption,

Zambians are likely to take President Edgar Lungu's call for action on everyone cited in the auditor general report as mere political rhetoric and a lip service joke to deceive Zambians that government was going to take action on those involved when in fact not." Nkhoma urged Zambians

to take a watchful eye in the manner public resources were being utilised to ensure effective delivery of public social services.

"Now that the hidden truth regarding misapplication of public funds has been revealed in the 2016 auditor general's report, CSPR urges government

to desist from mocking citizens by asking citizens to bring evidence of corruption involving government officials because the auditor general's report provides adequate information upon which investigations should be undertaken. We wish to call for immediate action on all those

cited in the auditor general report without further delays. We further urge the government to embrace principle of transparency and accountability in the management of public resources by implementing the recommendations of the 2016 auditor general report," stated Nkhoma.



CSPR Eastern Province Coordinator Maxson Nkhoma

Mopani wins mining company of the year award

Mirriam Chabala

Mopani Copper Mines Plc has been crowned the Mining Company of the year 2016 for the third time in three consecutive years.

This was after the company amassed the highest number of awards at the Zambia Chamber of Mines (ZCM) organised Awards Gala night held at Ndola's Protea Hotel on Friday, November 3, 2017.

To be crowned 2016 mining company of the year, Mopani Copper Mines Plc received the awards in three of the eight categories competed for by all mining companies in Zambia, namely; best performer in local content 2016, mining personality of the year 2016 and mining woman of the year 2016. Speaking at the Awards Gala in a speech read for her by finance minister Felix Mutati, Vice President Inonge Wina who graced the occasion commended Mopani for working hard to uphold best practices in the mining industry. The Vice President also challenged Mopani to play a pivotal role in accelerating copper production in Zambia. "As government, we want to

see Zambia recover the lost opportunity to produce one million tonnes of finished copper and we expect the winners of the Mining Company of the year Award (Mopani Copper Mines Plc) to play a significant role in attaining this target in 2018. To the other mining companies who have not won this important Award, I wish to encourage them to continue working hard and ensure that they learn from their colleagues on how they could do better next time," Wina stated. The Vice-President further commended the Chamber of Mines for not only promoting excellence but also recognising best performance in the mining industry by introducing the awarding of Mining Companies. "I must commend the Chamber of Mines for introducing these awards to promote and recognise best practice in the industry, particularly in promoting mine safety and women participation in the industry. This is as it should be and it is a mark of the good leadership you have shown as a Chamber and the entire team," said the Vice-President. And Chamber of Mines

President Nathan Chishimba, who was amazed at how competitive the awards had become said the Awards Gala also provided a forum for members to interact and network.

"These awards provide a platform for ensuring that hard work is recognised and appreciated for the benefit of the mining industry. I am happy to note that the awards have become very competitive and they are now being evenly distributed among the mining companies. This is the first time [of the three times we have held the awards] that we are seeing category winners coming from four different mining companies," said Chishimba. Meanwhile, Mopani Copper Mines Chief Executive Officer, Johan Jansen expressed happiness that the company's investments and efforts were being recognised and said that his team was determined to turn Mopani into a world-class mining operation by the year 2023. "We are set to turn Mopani into a world-class mining operation by 2023, hence, we have invested over US\$4 billion in addressing

environmental issues such as Sulphur dioxide emissions and site expansion projects in the name of the US\$323 million Synclinorium Shaft and the two deeps projects at Mindola in Kitwe and Mufulira that will give our mines another 25 to 30 years life. In order to sustain these investments and ensure that we remain a leader in upholding industry best practices, we have invested over \$21 million in establishing a state-of-art Engineering and Mining Training Centre called Mopani Central Training Centre in Mufulira, which also has a Sustainability Development Academy for empowering our contractor employees," said Jansen. Mopani's 10-member mine rescue team also received individual medals for winning the 2017 Mine Rescue Competition. Mopani Copper Mines Plc earned the same industry-wide recognition in 2015 for the 2014 mining company of the year and also in 2014 at the inaugural award Gala for the year 2013. However, the Chamber did not hold the awards Gala in 2016 for the 2015 mining company of the year.

AG singles out civil servant who stole K2.5m

From front page

"During the period under review, amounts totalling K3,488,327 involving twelve (12) transactions were paid to three (3) officers of the Ministry. However, there were no explanations and documentations such as payment vouchers, backing sheets and authorities among others, availed for audit to support the payments as of July 2017. It was also observed that the payments had not been captured in the cash book and IFMIS as of July 2017. As a result, it was not possible to ascertain the activities for which the payments were made," the Auditor General's report read. "Inquiries revealed that the funds drawn had been misappropriated by the said officers as they were not accounted for at the Ministry. In particular, a payment made on Cheque Number 427659 which was purportedly paid to the

DEBs offices was actually paid to L Bwalya confirmed through the Bank statements. It was noted that in an effort to conceal the fraud, different names and initials (L Bwalya P, L B Phiri, Bwalya Phiri, B Phiri, L Phiri and L Bwalya) of the same payee were used for different transactions."

Meanwhile, the Auditor General also revealed that the Ministry of General Education headquarters used K3,420,435 which was meant for Provincial Education Offices, District Education Offices as well as secondary schools.

"In Paragraph 45 (b) of the Auditor General's report on the Accounts for the Republic for the financial year ended 31st December 2015, mention was made of the failure by the Ministry to remit funds in amounts totalling K3,420,435 to lower level institutions. In their Report for the First Session of the Twelfth National Assembly, the Public Accounts Committee expressed concern that the implementation of planned programmes and activities was negatively affected due to the Ministry's failure to remit necessary funds to the institutions in question. The Committee strongly urged the Controlling Officer to ensure that the outstanding balance was remitted as soon as possible and that in future funds for lower level institutions are remitted on time," read the Auditor General's report.

"A review of the situation in 2017 revealed that the situation had not changed in that amounts totalling K3,420,435 had not yet been remitted and funds in amounts totalling K1,164,687 meant to cater for operations at the Provincial Education Offices (PEOs), District Education Board Offices (DEBOs) and Secondary Schools for March and June 2016 had also not been remitted as at 31st August 2017 and the funds had been used at the Ministry headquarters."

A proper interpretation of the law disqualifies Lungu for 2021 - Chipimo

From front page

Speaking when he featured on Muvi TV's The Assignment programme yesterday, Chipimo said the Constitution was clear that anyone who had twice held office could not run again.

"The argument for Edgar Lungu standing again is that look, he was just finishing off that term when Mr Sata died. So, it wasn't really a full term. So, really his first term starts when he was himself genuinely elected, not on the basis of fulfilling the uncompleted term of Michael Sata. Now, the argument is that it was an incomplete term. [But] the problem with that argument and this is the fatal aspect of this whole thing...the provision in the Constitution doesn't say a person who has served two terms [but] it says a person who has twice held office," Chipimo said.

"You see, if I'm elected today and then after three months I resign or I'm impeached or I die, I have held office. I may not have served a term but I held office and the restriction is not about a person who has served two terms - the restriction is very clear [and] it says a person who has held office. It does not matter the duration; it doesn't matter whether it was two days, three months, 18 months, absolutely it doesn't matter. They (PF functionaries) have finally come to a realisation that this is the interpretation that seems the most sensible one when you just look at what the law says."

He said the terminology of the Constitution was very important.

"It is not about a term but it is about 'held office' and those are two very distinct issues within the Constitution. Therefore, those arguing that President Lungu is eligible are really arguing from no legal basis and it is not possible, on a proper interpretation of this Constitution, for him to run again in 2021," Chipimo insisted.

He also urged citizens to be alert because the PF could push to amend the Constitution just to keep President Lungu in power.

"One of the things that I always like to do is to think about different options and scenarios and I think that one thing that most people haven't yet started to talk about but they will start to talk about it, it's just a matter of time; we have to watch the PF very carefully because they are not sitting around just waiting for a chance to see

whether or not the President may or may not be accepted. Strategy one was to throw out all these satellite PF parties and get them to bring a case before the Constitutional Court and see how they can sort out this matter in advance. Strategy two was to get the President involved because, for some reason, they might have picked some information that maybe this thing may not go in the way in which they are hoping. Strategy three which may have always been in the background is 'can we find a way to amend the Constitution cleverly to clear up this problem' and this is where the vigilance is required from every single one of us. It is possible [to amend the Constitution] because they have the numbers in Parliament that they could try and slip through an amendment which clears this up and changes those provisions I'm talking about of holding office and serving a term," Chipimo said. "But the one strategy that you may find does not work in your favour is one which relies on people feeling as though they've been manipulated in order to just help one man stay in power and we saw this with the third term. I believe that we'll see this again should there be any attempt to undermine the democratic will of the people by getting Parliament, through the majority numbers, to amend this Constitution to facilitate what would effectively be yet another term for this President."

He observed that President Lungu's statement was threatening but urged ConCourt judges to stand firm. "There is a very veiled threat in there, saying that 'we are keeping tabs on you, we know what you are saying, we know who you are talking to, we know what you are thinking about doing.' I remember there was a time when late president Michael Sata used to use this similar tactic; he would say 'I know what goes on in your bedroom.' When you start to make statements like that, you put people on high alert. So, you have a problem here where somebody will feel afraid because it's almost like saying 'we have a file on you and if you decide this matter in a manner that I'll not be happy about, then some of this information will be exposed.' That is very problematic," Chipimo said. "The way in which I have looked at this issue is that Constitutional Court judges, please be adventurous. We

actually need you to explore this issue [of President Lungu's eligibility in 2021] in the most adventurous way possible - not out of speculation, not because you are just trying to do something new, not because you want to do a copy cut but because you should be free. Be free in your mind [and] that's the way I look at this issue - not to be intimidated to conclude this matter in a manner that might harm those in high offices. If they decide otherwise, well, that's fine; they should just be able to justify what the decision is. But I think for too long, we've remained in this situation where we feel

'I can't disturb the status quo even if I know that the law says this, I can't decide in that way. I actually think that they should be adventurous and I'm thankful that we have in Kenya a Supreme Court that has decided to take a bold step forward.'

Meanwhile, Chipimo commended LAZ for taking a principled stance.

"LAZ has actually taken a very principled stance and I understand that there are those who feel that perhaps they behave in a manner that is always unfair to the PF and so on. But really, it's just as a result of not really understanding

what is the role of LAZ and what we expect of them, when it comes to protecting a Constitution that they swore to protect. Everyone of us that signs up to become a lawyer, that's what you do and we expect the same from the President. So, it should really be the President himself who is issuing the calming voice to those who are trying to fight against LAZ," said Chipimo.

"LAZ has never changed! It's always the case when you have a situation when the government in power seems to believe that everybody should simply bow down to their will and simply accept everything that they

say. But you'll notice that in the voices that are trying to criticise LAZ, they've not been able to actually pinpoint what it is that is wrong about the statement that was made by the Law Association of Zambia. I commend them; they have been very brave and they must stick to their guns. This is something that we are doing not for our sake, this is for the future, this is for our children and our children's children. Somebody is going to ask a question; 'how did we allow this to happen, were there no voices that were ready to stand up and speak truthfully? I want to be on that list!'"

Sleeping Lusaka Mayor sparks social media frenzy



CHALLENGE ACCEPTED: Former Economics Association of Zambia National Secretary Herryman Moono (top) imitates Lusaka Mayor Wilson Kalumba today

From front page

Emmanuel Kansamba wrote: "This man, no wonder wherever there is decision making he comes with stupid ideas. How, honestly can you develop as a country having useless people like Lusaka Mayor. Because no one can challenge me, he slept because there was nothing to do. Lusaka has got lots of problems; accommodation, garbage,

sanitation, trading places, clean water, street kids, and so forth. This city needs someone above academic qualification, otherwise they will be getting salaries just to warm the seat."

Weston George Mubanga wrote: "This photo should be put on Billboards as you enter Lusaka." Douglas Randy Mwale wrote: "Ba mayor batu, nothing he knows, he is just day-dreams,

am sure if he were to stand again, no one not even himself can vote for him."

Meanwhile, Zulu called News Diggers! to complain about Kalumba's decision to remove MTN kiosks.

"We came to know that Lusaka Council police demolished a lot of kiosks meaning a lot of people working for Zoon, MTN, Airtel will have no source of income. The best that the council can do is to impeach him [Kalumba]. Let them cast a vote of no confidence. We have reached a point where, there are no jobs in Zambia because money transfer is one way of creating employment directly or indirectly," said Zulu.

"The people manning those kiosks are earning a living out of those kiosks but today we have demolished them yet we are failing to demolish billboards that are a source of road accidents on many roads in Lusaka. So for me I condemn that and it is my prayer that the councillors can move a vote of no confidence in him."

But Kalumba, in a separate interview defended his move, saying the kiosks were unlicensed.

"Those haven't been licensed by the council. They haven't been licensed, they haven't paid business levy, so basically they are operating in breach of council rules on business levy. I have already engaged the phone companies and they agreed that they are in the wrong because they are allowing their agents to operate without complying," said Kalumba.

"So what we have agreed with them is that they are going to ensure that their agents pay the business levy and in future the phone companies will be paying directly on behalf of the agents because there is also the issue of these agents producing fake receipts issued by whoever, to the phone companies pretending to have been issued by the council or another authority. What we do as local authorities, even in other businesses if they don't pay we close them down."

MISA re-elects Helen as its chairperson

Diggers Reporter

Helen Mwale has retained her seat as MISA Zambia chairperson in a landslide victory against contender Wilson Pondamali at the 19th Annual General Meeting (AGM) held at Cresta Golfview Hotel in Lusaka.

Returning officer Clement Zulu from FODEP declared Mwale duly elected shortly before 20:00 hours after polling 103 votes against Pondamali's 33 votes yesterday.

In a speech after being declared winner, Mwale committed to promote reconciliation, transparency, integrity and continuity.

"I am dedicating this win to all of you and my two daughters Mwamba and Mubanga for praying for me. We are a team. MISA

is not divided. What we shall be preaching from now on is reconciliation, transparency and integrity. We are not politicians. We are professionals who should lead objectively, in a professional manner and with integrity," said Mwale.

But losing candidate Pondamali described the elections as a sham, citing breach of the constitution.

"Elections have been held but they were a sham because some people that have been admitted in the National Governing Council (NGC) do not qualify. The fact that they have been allowed to contest is an assault on the constitution and this kills the fibre of society. A compromised media is more dangerous

that the defence forces," said Pondamali.

"I will continue working in the media fraternity and see how best my services can be appreciated fighting for journalists' rights and seeing to it that we have press freedom."

The position of vice chairperson was scooped by Hyde Haguta with 103 votes beating Besa Kyanamina who polled 34 votes.

Meanwhile, all the three committee members went through unopposed.

The committee members are Martin Akende (Editor, Millennium radio), Veronica Mwaba (founder and CEO of Dziwa Science and Technology Media) and lastly Father Barnabas Simatende (Director, Oblate Radio Liseli).

From front page

"I do not know how anyone with average intelligence can interpret what President Lungu said as meaning anything other than threats and intimidation against the Judiciary. One would have thought that it is better to admit wrongdoing or keep quite than to talk and so reveal your mediocrity and grossly shallow

A person with average intelligence can't defend Lungu's threats on judges - Ndulo

understanding of the issues at hand," Prof Ndulo stated. "As for the Presidents surrogates who immediately went into top gear to attack

in the most degenerate manner anybody who criticised Lungu over his remarks, it is best to ignore them. They should learn

the lessons of history; because it is not unusual for those who fete the tiger to become the tiger's ultimate feast. These supporters are

too blinded by the allure of primordial prejudices to see the grievous harm being done to democracy in Zambia today. Nothing else can explain the cant and cascading absurdities being mobilised by these hirelings in support of Lungu's attack on the Judiciary."

Prof Ndulo said President Lungu's "contemptuous threatening" remarks against the judiciary were a textbook exemplar of dictatorships.

"I write to support the position of Elias Chipimo and the Law Association of Zambia in their condemnation of President Lungu's irresponsible attacks on the judiciary. This attack, I dare say, is yet another frontier in the creeping dictatorship and arrogance of power by the President in Zambia. The attack on the judiciary is irresponsible and for a lawyer, it is inconceivable to do so. Hence, it is my view that this is a deliberate attempt to further undermine the essential foundations of the rule of law and justice in Zambia. It is particularly puzzling and indeed puerile that a lawyer could equate party regulations for standing for party presidency with constitutional provisions that govern the presidency. The first is governed by a party document and the other by the grundnorm of the state - the Constitution. It is rather elementary even for those with basic knowledge of civics that "The principle of the separation of powers is the bedrock upon which the requirement of judicial independence and impartiality are founded," Prof Ndulo said.

"The Judiciary is not a junior partner in the machinery of state because it has full plenitude of powers under the constitution and other

statutes to carry out its duties in a democratic society. Its powers are imprescriptible to the extent that they are prescribed by constitutional provisions. Nothing, even the widest discretionary executive powers can whittle down this independence of the judiciary. It is therefore, sufficiently an erosion of the judicial foundations of democracy for the President to dishonor and make contemptuous threatening remarks about the judiciary. It is the textbook exemplar of dictatorships - first of all kill all the lawyers, second jail all the opposing voices, declare emergencies and in all these co-opt the judiciary or send the judges to Auschwitz." He wondered if President Lungu understood the jurisprudence of the Kenyan court decision.

"His remarks are not only ill-conceived and ignorant but simplistic because they focus on the result and do not seek to understand the jurisprudence of the Kenyan decision and do not enlighten us as to what in his view is wrong legally with the Kenya Supreme Court decision. Additionally, his understanding of Kenya's history is at best selective for it is the same Kenyan Supreme Court, and the same Kenyan judges, that decided for [Uhuru] Kenyatta in the 2013 election petition," Prof Ndulo said.

He encouraged the judges in Zambia to remain resolute.

"Judges will never win the respect and trust of citizens if they are subject to corrupt influences. Whenever a judge makes a decision for personal gain, or to carry favor, or to avoid censure, that judge and that act denigrates the rule of law. Further judicial accountability advances judicial competence," said Prof Ndulo.



Police serving PF, not the country - Mbangweta

Zondiwe Mbewe

Nkeyema UPND member of parliament Kapelwa Mbangweta says the Zambia Police has abandoned its call to serve the nation and is now serving the ruling Patriotic Front.

Speaking when he featured on News Feedback program on Pan African Radio yesterday, Mbangweta said the police were selective in the application of the law.

"The police have forgotten that they should serve all of us. They have chosen to serve a few which is a violation of our constitution. First of all, the police are funded by the public, ourselves. Their mandate is to keep law and order. Secondly, the police must be professional by implementing the rules and regulations as approved by the competent authorities in our country because these rules reflect what the Zambian people want. The police must not be selective. The police must be professional to do what they are supposed to do without any hindrance," Mbangweta said.

"The typical example of those in authority found wanting is when they said 'UPND should not hold a rally on a Sunday because there is cholera in Kanyama...' That is fine, but the point is, two days later, they themselves called people including us in UPND to go and congregate in the show grounds. Surely does that make sense? Is it in line with the requirement of our constitution on the issue of discrimination and equity?" Mbangweta said in a

democracy, the law does not only favour those who serve in government.

"Being in the ruling party which has formed government does not give you the right to be above the law. This law and Constitution is what the Zambian people want and wanted. And so you people who end up in government must not hijack what the Zambian people have agreed that should apply to them. Democracy is good for Zambia. We can have different perspectives, its acceptable, but lets have

rules which are applied fairly, consistently and across the board. If we do that, we will have no conflicts. The challenges will arise but we will be able to resolve them," said Mbangweta.

"Our position is to encourage the PF to make sure that they comply with the rule of law. Let's be fair to each other even if we are competing. We must listen carefully to each other because those different perspectives and diversity is what is supposed to enrich our society. If there were challenges, they must be

across the board and not only apply to the biggest political party, UPND under HH. It shouldn't be like that. It should also apply to the PF. The PF are able to hold their meetings and rallies at their desired time. How are they able to do that? The PF cadres are even capable of threatening the police that 'if this rally is going to be held, somebody will go back home in a wheelchair' and nothing happens. The issue is that the PF should comply with the rule of law but we have seen that they have got difficulties to do that."

Poor land administration will cost Zambia space for development - Auditor General

Linda Jere

The Auditor General says if the Ministry of Lands does not sufficiently regulate the system of land alienation, Zambia will have a shortage of land for future development.

In the Report of the Auditor General on Government's Efforts to Ensure Access to Land in an Effective Manner, the Auditor General noted that the system of land alienation was not sufficiently regulated. "The Ministry of Lands, Natural Resources and Environmental Protection has not been effective in managing the process of land alienation in Zambia. The system of land alienation is not sufficiently regulated by adequate policy, laws and regulations to meet the needs of various stakeholders in ensuring effective land alienation.

Further, the administration circular does not have force of law and therefore does not compel the local authorities to adhere to the procedures stated therein," the Auditor General stated.

"The current situation if not addressed could escalate into a situation where there will be no land available for future development in the country. Our water table will be eroded or contaminated making it expensive for government to provide basic needs such as clean water and sanitation for its citizens."

The report further revealed that there were double allocations of plots in all councils but information on the extent of the problem was not provided. "There were instances of double allocation of plots in all councils although

information on the extent of the problem was not provided. In response, the Ministry and councils attributed this to, among other factors, poor record keeping and transfers of council offers. For example, Kafue district KAF/1104 and KAF/1750 which are on offer were recommended to other applicants by the council," the Auditor General stated.

"The audit established that there was insufficient information on quantities of land held under customary and state tenure, resulting in conflicts and disputes. These included encroachments on National Protected areas like National Forests, National Parks and other Government properties by surrounding villages. For example, Chieftainess Nkomeshya Vs Mikango Barracks/Ministry of Lands

on F/3153, Mpande Forest and others; Chieftainess Mungule vs Ministry of Lands on Chisamba forest (Kamaila area) and Chief Chiwala Vs Ndola City Council, where the chief is disputing the boundary with the city."

However, he observed that the measures government had put in place to settle disputes and curb illegal land activities were centralised around Lusaka."

The Auditor General stated that the measures put in place to resolve land disputes were not sufficient.

"The government has put in place measures to settle disputes and curb illegal land activities in the country such as the Land Tribunal and Lands Task Force, however, these efforts are centralised around Lusaka. The audit established that this measure has not been

fully functional within Lusaka due to a number of challenges. It was usually not possible to circuit are members are part-time and had other duties to attend to, compounded by inadequate resources for travel and allowances for circuiting members," stated the Auditor General.

Meanwhile, the Auditor General observed that the criteria of land allocation marginalized the poor.

"The criteria used in allocation of land was in conflict with the objective of equitable access to land by ordinary citizens. Only applicants that were able to provide a bank statement, pay slip of proof of residence are preferred in the allocation of land. This marginalizes the less privileged as they are unable to provide the formal requirements," read the report.



Speaker of the National Assembly Dr Patrick Matibini during the launching of the public financial management handbook at parliament building on November 1, 2017 - Picture by Tenson Mkhala

Govt reforms have made it easy to do business in Zambia Commerce PS

From front page

But the World Bank global educators group says Zambia needs to improve on the aspect of insolvency and its electricity supply systems if the country is to thrive in cross border trade, saying electricity was an essential component in doing business.

Speaking at a media briefing in Lusaka today, Ministry of Commerce Permanent Secretary Kayula Siame said the country had made significant improvements in creating a business friendly environment, hence being ranked in the top 10 global reformers.

"On October 31st, 2017, the 2018 doing business report was launched and as you know this is a report that looks at how countries in the world are doing in terms of doing business and for Zambia it was very good because we have made significant improvements in the area of trade and we are now ranked in the top 10 global reformers of the world, those that have made significant improvements in terms of business regulation. We also made this significant improvement, we moved from 98 to now we are at 85 and that puts us 6th in Africa 4th in COMESA and 4th in SADC and I think as a government we are really pleased that we could have made these improvements and this didn't happen by accident but really it's because of the business environment reforms that we are undertaking as a country in various areas," said Siame.

"We have a number of agencies that are implementing a number of reforms that affect the way business is done in Zambia and all these working together were able to at least, make significant improvements in a number of reforms. We also had

improvements in terms of taxes because paying used to be done manually but now that everything is done online, all the taxes are done online. So this reform is one of the major reforms which was also accounted as a key reform for Zambia.

Meanwhile, World Bank global educators group acting director Rita Ramalho said there were a number of areas in which Zambia needed to improve.

"There are a few areas that Zambia doesn't perform as well and one of them is an area that was actually recently reformed then there was a significant improvement but there is still a lot that needs to be done and this is in the area of trading across borders, there is still room for improvement. Then the other area is the aspect of resolving insolvency but then I am happy to hear just a few minutes ago that there is an insolvency Act that is going to Parliament, so hopefully that would contribute towards getting Zambia improving that particular area. And another area that we would also classify probably as the third area which actually makes sense



and would be very useful for Zambia to improve, is getting electricity and getting rid of the power outage problems. Though I also heard recently that the frequency of power outages has become less of a problem. Electricity is crucial

for businesses to be able to operate, to have a reliable and consistent supply of electricity," said Ramalho.

"So about those three areas at least as I was informed this morning that there is an action of improvement in two

areas. There is a variation for the country in terms of job creation, so probably you may need trading across borders, it's very good for the country to be getting goods in and out of both for exports and import and so getting electricity is very

fundamental for the country to succeed in business. So those are some of the efforts that we think Zambia needs to make to improve on its doing business aspect, otherwise the progress made so far is commendable."

By Mukosha Funga

NGOCC board chairperson Sara Longwe says President Edgar Lungu's recent statement about ConCourt judges is symptomatic of power hungry African leaders who want to cling to power at all costs. In a statement today, Longwe condemned President Lungu's intimidating statement noting that it was meant to put undue pressure on the Judiciary.

"The Non-Governmental Organisations Coordinating Council (NGOCC) condemns in the strongest terms the intimidating statement attributed to President Edgar

Lungu's warning to judges symptomatic of power hungry African leaders – NGOCC

Lungu against the ConCourt judges. In this statement, made while addressing his political party members in Solwezi on Thursday, 2nd November, 2017, the President presumed to instruct ConCourt on how it should take decisions on a crucial constitutional matter that is currently before the Court. The President's statement went further to suggest that there were

Zambian court judges who are collaborating with a section of the international community to bar him from standing in the 2021 election. This is a clear and grievous breach of the constitutional principle of the separation of power between the executive and the judiciary," Longwe stated.

"The president's statement is obviously intended to put undue pressure on the Judiciary

to interpret the Constitution in his favour and even seems to warn of some unspecified sanction if the ConCourt rules against him. The statement is symptomatic of the growing trend by power hungry African leaders who want to cling to power at whatever cost." She advised the Head of State to spend more time bettering the lives of the people.

"We therefore support the

recent statement by the Law Association of Zambia demanding that the President stops this unconstitutional interference with our courts of law. Instead we suggest that the President should spend more of his time on improving the living conditions of all the women and children in this country who currently live in deplorable and desperate conditions," stated Longwe.

Subversion of the Judiciary

By Prof Muna Ndulo

I write to support the position of Elias Chipimo and the Law Association of Zambia in their condemnation of President Lungu's irresponsible attacks on the judiciary. This attack, I dare say, is yet another frontier in the creeping dictatorship and arrogance of power by the President in Zambia. This is an epic depiction unbridled ambition for power – reminiscent of the Shakespearean depiction of such characters as Macbeth who are ready to destroy even what they have the constitutional duty to protect so long it helps their appropriation of state powers. The attack on the judiciary is irresponsible and for a lawyer, it is inconceivable to do so.

Hence, it is my view that this is a deliberate attempt to further undermine the essential foundations of the rule of law and justice in Zambia. It is particularly puzzling and indeed puerile that a lawyer could equate party regulations for standing for party presidency with constitutional provisions that govern the presidency. The first is governed by a party document and the other by the grundnorm of the state – the Constitution. It is rather elementary even for those with basic knowledge of civics that “The principle of the separation of powers is the bedrock upon which the requirement of judicial independence and impartiality are founded” (International Commission of Jurists, 2004). The Judiciary is not a junior partner in the machinery of state because it has full plenitude of powers under the constitution and other statutes to carry out its duties in a democratic society. Its powers are imprescriptible to the extent that they are prescribed by constitutional provisions. Nothing, even the widest discretionary executive powers can whittle down this independence of the judiciary. It is therefore, sufficiently an erosion of the judicial foundations of democracy for the President to dishonor and make contemptuous threatening remarks about the judiciary. It is the textbook exemplar of dictatorships – first of all kill all the lawyers, second jail all the opposing voices, declare emergencies and in all these co-opt the judiciary or send the judges to Auschwitz. Does it sound familiar with the catastrophes of dictatorships we have seen before?

Now, was it perhaps the failure of the legal education institutions that have led to this? I doubt. Education is the development of an entire person. It is the acquisition of skills to view things rationally and with reason, to conduct oneself with civility and integrity and to navigate the world through a knowledge-based lens. If education was to blame many of us would be complicit having served as law educators for decades. It is then that I reminded myself of the words of Lord

Creeping Dictatorship and Arrogance of Power in Zambia

Acton, “That power corrupts and absolute power corrupts absolutely.” President Lungu betrays the judiciary when he implies that the judiciary is independent only when its rulings favor him or the government. He confirmed this by his warning to the judiciary “not to follow Kenya.” This is sheer hubris. His remarks are not only ill-conceived and ignorant but simplistic because they focus on the result and do not seek to understand the jurisprudence of the Kenyan decision and do not enlighten us as to what in his view is wrong legally with the Kenya Supreme Court decision. Additionally, his understanding of Kenya's history is at best selective for it is the same Kenyan Supreme Court, and the same Kenyan judges, that decided for Kenyatta in the 2013 election petition. The emergence of a strong and independent judiciary in Kenya is rooted in its history and willingness to learn from the past. The absence of an independent judiciary was a critical factor in Kenya's degeneration into bloody, post-election violence after the December 2007 general elections. That episode taught the Kenyans the importance of an independent judiciary.

As for the Presidents surrogates who immediately went into top gear to attack in the most degenerate manner anybody who criticized Lungu over his remarks, it is best to ignore them. They should learn the lessons of history; because it is not unusual for those who fete the tiger to become the tiger's ultimate feast. These supporters are too blinded by the allure of primordial prejudices to see the grievous harm being done to democracy in Zambia today. Nothing else can explain the cant and cascading absurdities being mobilized by these hirelings in support of Lungu's attack on the Judiciary. I do not know how anyone with average intelligence can interpret what President Lungu said as meaning anything other than threats and intimidation against the Judiciary. One would have thought that it is better to admit wrongdoing or keep quite than to talk and so reveal your mediocrity and grossly shallow understanding of the issues at hand.

For the avoidance of doubt, threats to hold on to power regardless of the Constitution and court rulings borders on a conspiracy to commit treason. It violates the oaths of office subscribed to by all public office holders in Zambia including the President. Indeed, treasonable conduct, has always included unconstitutional retention of power. The African Charter

on Democracy, Elections and Governance (ACDEG) adopted by the African Union (AU) in 2007 to promote democracy, rule of law and basic human rights declares in article 5 that “state parties shall take all appropriate measures to ensure constitutional rule, particularly constitutional transfer of power”. It defines unconstitutional change of Government in article 3 as; “(a) any refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections; or (b) any amendment or revision of the constitution or legal instruments which is an infringement on the principles of democratic change of government.” In most countries, the Minister of Justice would have sprung to the defense of the judiciary. Members of the judiciary are not members of the Parliament and cannot therefore defend themselves in Parliament. Judicial ethics do not allow them to speak to the press about judicial matters. Representing them in Parliament is the task of the Minister of Justice.

Unfortunately, the current Minister of Justice, a non-lawyer, is out of his depth. His naïve and rhetorical comments on the Constitution making process expose his limitations in his understanding of legal issues. The current speaker of Parliament – though a lawyer has abandoned all pretense to respect for the law and constitutionalism for political opportunism – is unable to guide the Minister. His behavior eloquently proves the point made by Alexander Hamilton, one of the most prominent of the founders of the US constitution, concerning the supremacy of the US constitution. Among other things Hamilton said: “To avoid an arbitrary discretion in the courts (I would add Speakers of Parliaments), it is indispensable that they should be bound down by strict rules and precedents..... These must demand long and laborious study, to acquire a competent knowledge of them. Hence it is that there can be but few men in the society, who will have sufficient skill in the laws to qualify them for the stations of judges. And making the proper deductions for the ordinary depravity of human nature, the number must be still smaller of those who unite the requisite integrity with the requisite knowledge”. The speaker does not possess the requisite integrity and requisite knowledge. He seems to fit into the category of those representatives who can destroy democracy through their obeisance and

subservience to the executive. I hope Parliamentarians recognize the duty incumbent on them to preserve democracy for the people. The clear abdication of duty seems to have bloated the hubris being orchestrated by the President.

In a democracy a cardinal principle of justice is that no judge, no lawyer and no citizen should be above the law, let alone be beyond the law. The judiciary in a democracy is central to constitutionalism, the protection of the rule of law and the protection of human rights and freedoms. It is also an essential check and balance on the other branches of government, ensuring that laws of parliament and acts of the executive comply with the constitution and the rule of law. As once noted by Alfred Deakin – Australia's first Attorney-General – “the courts are the final authority on the interpretation of the constitution. Thus, the Australian High Court he noted should be made “a most potent voice.” It was to determine the powers of the Commonwealth, the powers of the states, and the validity of the legislation.” (Ponnambalam, 1998, 38).

Rule of Law and Democratic Governance

The “rule of law” is one of the most important political and legal conceptions in democratic governance. The concept assumes the existence of inalienable rights and liberties which government should not touch or violate. It is comprised of the following basic principles: that all state power ought to be exercised under the authority of laws, and that there should be rules of law governing the election and appointment of those who make and execute policy, as well as the manner in which policies are made and executed. It demands, that policies be executed in such a way as to ensure rationality and fairness. The rule of law connotes the use of state power, through rules of law for the establishment of the economic and social system agreed upon by the people via constitutionally sanctioned representative institutions or other acceptable surrogates. It calls for governance in accordance with the constitution. All power, whether of Parliament, the executive or the courts, must be exercised in accordance with the constitution, which is the final word on the powers and roles of each branch.

As Nwabueze has observed: “Liberty implies the limitation of power by law and the one institution above all others essential to the preservation of the rule of

law has always been and still is an honest, able, learned, and independent judiciary” (Nwabueze, 1993:189). The maintenance of an independent and accountable judiciary is fundamental to constitutionalism and the protection of human rights. Integral to the rule of law and constitutionalism is the doctrine of the separation of powers. In democratic states, courts are asked to review government's acts for compliance with fundamental rights.

Moreover, such a review being at the instance of an individual assures personal participation in government. In the famous case of Marbury v. Madison (1803), Chief Justice Marshall observed: “It is emphatically the province and the duty of the judicial department to say what the law is. Those who apply the rule of particular cases must of necessity expound and interpret the law. A law repugnant to the constitution is void. Courts as well as other departments are bound by that instrument.” The courts are the guardians of fundamental rights and provide a forum for public debate so that the exercise of public power by democratically elected persons remains accountable. Judges' interpretations of the constitution and other laws support the rule of law and constitutionalism. Only an independent judiciary can effectively review governmental acts and ensure the constitutional guarantee of human rights.

The executive must at all times support the independence of the judiciary. About a year after Nelson Mandela became President, the Constitutional Court of South Africa heard an urgent application [The Executive Council of Western Cape Legislature and Others v. President of South Africa and Others, Constitutional Court of South Africa, (1995) challenging legislation that purported to confer powers on the President to legislate, which President Mandela did by way of proclamations. The proclamations dealt with the vital local government elections that were soon to be held. An application was brought on the basis that the legislature may not empower the President to legislate and, to the extent that the President purported to do so, he acted in conflict with the Constitution. Mr. Mandela was named as one of the respondents. The challenge was successful. The Court held that the provision purporting to empower the President to enact legislation was inconsistent with the constitution; enacting legislation was a function of Parliament and not within

the President's powers. The Court came to this conclusion notwithstanding the fact that all political parties had agreed that the President should have the power to do what he did. In a remarkable display of leadership, the same day of the court's decision, Mr. Mandela rushed to the television and radio stations and declared that, while he had signed the proclamation believing that he had the power to do so, he respected the decision of the constitutional court and appealed to all concerned to similarly accept the court's decision. As George Bizos has lamented: “What a pity that many African leaders do not follow this example” (Bizos, 2011).

Some in the Government would argue that the power vested in the judiciary to set aside the laws made by a legislature constitutes a subversion of democracy. In response, I would draw upon the words of the Constitutional Court of South Africa in the case involving a challenge to the Presidential appointment of Simelane as head of the South African National Prosecution Authority – Democratic Alliance v. The President of South Africa and Others (2012), (which in turn quoted former Chief Justice Mahomed's words to the International Commission of Jurists):

That argument is, I think, based on a demonstrable fallacy. The legislature has no mandate to make a law which transgresses the powers vested in it in terms of the Constitution. Its mandate is to make only those laws permitted by the constitution and to defer to the judgment of the court, any conflict generated by an enactment challenged on constitutional grounds. If it does make laws which transgress its constitutional mandate or if it refuses to defer to the judgment of the court on any challenge to such laws, it is in breach of its own mandate. The court has a constitutional right and duty to say so and it protects the very essence of a constitutional democracy when it does. A democratic legislature does not have the option to ignore, defy or subvert the court (Constitutional Court, 2011). The same observations are valid for the executive branch. It too lacks a mandate beyond that which is granted to it by the constitution. The executive can only do what it is authorized by the constitution to do. The determination of whether an executive action is constitutional is a judicial matter – in other words, it is a matter constitutionally left to the courts to decide. Executive actions are, therefore, properly subject to judicial review to determine their compliance with the constitution. This process of checks and balances among the branches of government supports the rule of law, constitutionalism and democratic governance.

Continues on page 8

Lungu is vomiting what he ate in the night

President Edgar Lungu is right that if the Constitutional Court declares him ineligible to stand in 2021, there will be chaos. We totally agree with the Head of State, and in fact this is what we warned about in our editorial opinion titled "Let's discuss Lungu's successor now".

In our opinion, we said "those in the Patriotic Front can choose to bury their heads in the sand and pretend that it is too early to table the PF succession, but the truth of the matter is that 'who succeeds Lungu?' is the elephant in the room. Even those in the PF want to know if they will be campaigning for the same candidate again, but they just don't want to talk about it. They are afraid of being misunderstood."

We are glad that our Head of State has succeeded to draw everyone's attention to this burning issue in a very sincere way. In fact, we shall never get a more honest President than Mr Edgar Chagwa Lungu – a man of his words.

Several people who have made comments on this issue argue that there cannot be chaos in Zambia just because one man has been disqualified from recontesting the presidency. Our opinion is that they are wrong and President Lungu is right.

You see dear readers, President Lungu is a sponsored candidate and his sponsors have a huge interest in his presidency. There are some businessmen who pumped in a lot of money to put President Lungu where he is today and these people are not yet done making profit from their 'investment'. When

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Ear to the ground

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you hear the President warning that what the Kenyan judges did to Uhuru Kenyatta can cause chaos in Zambia, that is exactly what he means. He knows that those backing his candidature for 2021 are willing to shed blood in order to protect their interests in government. If we were having elections next year and our Constitutional Court judges disqualified President Lungu today, this country would be on fire. Opposition political parties would be drawn in the confusion leading to a real State of Emergency.

That is why we are very excited that President Lungu has shifted his eligibility case into top gear, four year ahead of the next elections. This means that the chaos President Lungu is worried about will be restricted within the Patriotic Front and his inner circle.

If President Lungu is

disqualified from standing again, there will be mayhem in PF. There will be chaos at State House. There will be pandemonium among government contractors and PF financiers. The fight will not be over who will lead the country, but who will protect them from the law for the wrongs they are committing today.

This is the chaos that the country should prepare to see. As citizens, we should be eager to witness this chaos in PF since they claim to be the most democratic party. We encourage those who have presidential ambitions to announce their availability as soon as what President Lungu has predicted comes to pass. That way, Zambians will have ample time to assess them.

A few weeks ago, we would be saying this was a very unlikely possibility. But in Eastern

Province they say *Nkhalamba ikamina, matenda yakula* (when a village elder visits a patient and walks away blowing his nose, it means the illness is beyond redemption). We believe that President Lungu wouldn't have gone in front of cameras to blow his nose if his presidency was enjoying good health.

In Northern Province they say *Ifyakulya ubushiku fitulikila kumalushi*, meaning what you eat during the night gets exposed from your vomits in the morning. President Lungu has heard bad news coming out of the Constitutional Court. He swallowed very unpleasant information under the cover of night that he can't stomach any more. Therefore, when he travelled to Solwezi, he started vomiting and now the whole country knows what he ate.

We are not surprised how President Lungu picked this

information from what should be an independent arm of government; this happens all the time whenever the courts are handling a sensitive political matter. We have heard stories that if they have an interest in a given matter, PF lawyers sometimes draft judgments on behalf of a sitting judge. This makes it very difficult for our learned judges to make independent decisions; decisions which are backed by the law. These are the abominable conditions under which our Judiciary operates.

That is why at this stage, we doubt that the Constitutional Court judges will handle the pressure from the Executive. They are likely to pass a ruling that favors the man who gave them jobs. We actually foresee a situation where, when push comes to shove, the defence chiefs will be involved in influencing the judges, on the

pretext of preventing political turmoil. This is what they did to Dr Guy Scott during the "Acting President" dispute following Michael Sata's death. But should the judges choose to be adventurous and show President Lungu the end of the tunnel – which they can because not all of them are puppets – then the Head of State should have no one to blame but himself.

We say this because Zambia is now running on the "Edgar Lungu Constitution". He is the one who assented to the amended Constitution in which the presidential tenure is defined. If he signed without reading, he should not involve the rest of the citizens in his predicament.

Suggesting that it would be unfair to stop him from standing for the third time because others like UPND's Hakainde Hichilema had contested presidential elections five times, made President Lungu sound like junta was forcing him to speak.

However, if there were no external influences affecting the President's reasoning, it means Mr Lungu is serious about having his face on the ballot papers five times or more. How he intends to make this possible, we don't know. But we know that, just like God in heaven and bus drivers in Lusaka, President Lungu in State House is also capable of making a way where there is no way.

From page 7

It is beyond dispute that to sustain a democracy, an independent, impartial and upright judiciary is an absolute necessity. Therefore, the constitution, laws and policies of a country must ensure that the justice system is truly independent from other branches of the state. Judicial independence is recognized in many international and regional human rights instruments as one of the cornerstones of good governance. The principle is also enshrined in all democratic constitutions. It involves two tenets; (a) judicial power must exist as a power separate from and independent of, executive and legislative power and (b) judicial power must repose in the judiciary as a separate organ of government, composed of persons different from and independent of those who compose the executive and legislature.

As the US Supreme Court observed in *O' Donoghue v. United States* (1933):

If it be important to separate the several departments of government and restrict them to the exercise of their appointed powers, it follows as a logical corollary, equally important, that each department should be kept completely independent of the others-independent not in the sense that they shall not co-operate to the common end of carrying into effect the purposes of the constitution, but in the sense that the acts of each shall never be controlled by, or subjected, directly or indirectly, to, the coercive influence of either of the other department.

The principle of the separation of powers was further underscored in the South African

Judicial Independence

Constitutional Court Judgment *S. v. Mamabolo* (E.T.V. and others intervening) (2001). In the words of Justice Krigler: "In our constitutional order the judiciary is an independent pillar of the state, constitutionally mandated to exercise the judicial authority of the state fearlessly and impartially under the doctrine of the separation of powers. It stands on an equal footing with the executive and legislature as pillars of the state." As Sandra Day O'Connor of the US Supreme Court has similarly observed: "Judicial independence is the vital mechanism that empowers judges to make decisions that may be unpopular but none the less correct" (O'Connor, 2008). In so doing, the judiciary vindicates the principle that no person, or group, however powerful, is above the law.

An independent judiciary requires both that individual judges are independent in the exercise of their powers, and that the judiciary as a whole is independent from wrongful interference by the other branches of government. As to the independence of individual judges, there are at least two avenues for securing that independence. First, judges must be protected from the threat of reprisals, so that fear does not direct their decision-making. Second, the method by which judges are selected, and the ethical principles imposed upon them, must be constructed so as to minimize the risk of corruption

and outside influence. Thus, the first endeavor is to protect judicial independence from outside threats, and the second is to ensure that judicial authority is not abused and it is the core concern of judicial accountability. To permit judges to be independent means that they must be left alone by the other judges, including the Chief Justice, to make their own decisions. Should superior judges disagree with a lower court's judgment, the appeal process enables the superior courts to have a bite at the case.

Yet independence comes at a price e.g. denial of promotions or transfers to remote duty stations. In spite of such challenges, judges and magistrates must recognize that they are duty bound to provide society with the highest possible standards of service and commitment, and that a failure to maintain this is rightly a matter of public concern. That means the judiciary and judges must be accountable. Independence does not mean that judges can decide cases according to their personal preference. To the contrary, judges have a right and duty to decide cases before them according to the law, free from fear of reprisals of any kind.

An independent and honorable judiciary is indispensable to the rule of law. If judges are to be the independent guarantors of the rule of law values, they must be incorruptible. Judges are entrusted with ultimate decisions over the life, freedoms, duties,

rights, and property of citizens. Judges will never win the respect and trust of citizens if they are subject to corrupt influences. Whenever a judge makes a decision for personal gain, or to carry favor, or to avoid censure, that judge and that act denigrates the rule of law. Further judicial accountability advances judicial competence. A fundamental value of the rule of law is that judicial decisions are not made arbitrarily, but through a process of reasoned decision making. The rule of law requires that decisions be justified in law, and therefore be reasoned, analytical, rational and non-arbitrary with respect to general legal standards. Independence, integrity and competence, then, are the hallmarks of a judiciary committed to upholding the rule of law and they are the principles to which a judiciary should be held accountable.

Experience has shown that the judicial role of interpreting legislation (as well as the constitution) can bring the courts into conflict with both parliament and the executive and make it the subject of harsh and bitter criticism. Constitutional adjudication is inherently controversial and political disputes inevitably enter the judicial arena. Yet it is inimical to the rule of law if political pressure is directed towards the judges by those who have not succeeded in the judicial adjudication or who wish to influence future decisions. Parliamentarians and ministers,

like everyone else, must accept court decisions until they are either overturned by a superior court or through a constitutionally authorized process. They like anyone else are entitled to criticize a ruling and examine whether or not the ruling is legally sound but what is never acceptable is the making of vague allegations of improper motives for decisions, personal attacks on the integrity of individual judges or threats against their personal safety.

Conclusion

As Nwabuze has rightly observed one of the dangers to the African state is the privatization of the state. The notion of the state under an absolute one-man rule being treated by the president as if it were his or her private state-as if he owned it, with state affairs becoming practically indistinguishable from the strictly personal affairs of the ruler, with all institutions and powers of government being absolved in him or her, and with impromptu decisions and actions based on his or her personal whims and caprices being subscribed for regularized government decisions-taking processes and procedures. And we may add the undermining of the judiciary so that justice is seen to flow from the president and celebrations of the goodness and greatness of the president (equally mandatory in the public and private sectors) replace other forms of legitimacy. Perhaps we are not yet there but

all indications, such as the assault on the judiciary, indicates that we are almost there. If we are to stop this downward descent, we have to insist on the separation of powers and independence of the judiciary as non-negotiables. Only a truly independent judiciary, free of pressure from, and indebtedness to, political parties, public officials, interest groups, and popular whims can be truly accountable to the public it serves.

I conclude with a piece of advice which is directed at those who wish to join the judiciary. Take heed of the eternal words as found in the scripture "...you shall not show partiality, and you shall not accept a bribe, for a bribe blinds the wise and subverts the cause of the righteous. Justice, and only justice you shall follow..." (Deut. 16:19-20). This piece of advice was given over 3,000 years ago. It is as sound today as it was at the time it was given.



Muna Ndulo
Professor of Law, Cornell University Law School, Cornell University USA, Honorary Professor of Law Universities of Cape Town, Western Cape and Free State, South Africa.



Shooter opens fire in Texas Church, kills 26

Twenty six people have been killed after a gunman opened fire at a church during Sunday services, police say.

The attack happened at the First Baptist Church in Sutherland Springs, a small town in Wilson County, Texas.

The gunman, who is reported to have been killed in the aftermath, entered the church and opened fire at around 11:30 local time (17:30 GMT).

Wilson County Commissioner Albert Gamez Jr said the gunman fled the scene in a vehicle before being killed.

"You never expect something like this. My heart is broken," Mr Gamez Jr said.

Earlier estimates put the death toll as high as 27. Mr Gamez Jr told CNN he was told by an emergency medical technician at least 27 died and 24 others were wounded.

About 50 people usually attend the service, locals said. The BBC's James Cook reported that children were among those killed.

The First Baptist Church's pastor, Frank Pomeroy, has told ABC News that his 14-year-old daughter, Annabelle, was killed

in the shooting.

Mr Pomeroy, who was out of town in Oklahoma at the time, described her as "one very beautiful, special child" in a phone call to the television outlet.

The gunman died after a brief car chase into nearby Guadalupe County slightly to the north, a Sheriff's Office deputy from that county told CNN.

But it is not clear if he was killed by police or killed himself, the spokesman said.

One witness, Carrie Matula, told NBC News: "We heard semi-automatic gunfire... we're only about 50 yards away from this church."

"This is a very small community, so everyone was very curious as to what was going on."

The pastor and his wife were out of town at the time, the pastor of neighbouring River Oak Church told KSAT 12.

"We were in the middle of our church service down the road when we got phone calls from friends about this - and they said there was an active shooter at First Baptist Church," he said.

"We had some first responders in our church, who immediately left and went down there. And then my church went to do what we do - we started praying... we knew the best thing we could do was stay out of the way."

He said people had been told some news which was "private and personal for the families that are here... we cannot release any of that".

Sutherland Springs is a small rural community with just a few hundred residents, which lies about 30 miles (50km) southeast of the Texas city of San Antonio.

The San Antonio FBI branch said its agents had been deployed, and there was no indication of the gunman's motive.

The FBI also said that while only one shooter was reported, it was looking into other possibilities.

Photos and video from the scene showed the area taped off by local law enforcement. A number of helicopters have arrived to transport the wounded, KSAT 12 reporter Max Massey said. *BBC News*

Mugabe fires his Vice-President

Zimbabwe's Vice-President Emmerson Mnangagwa has been removed from his post, the country's information minister says. Mr Mnangagwa, 75, displayed "traits of disloyalty", Information Minister Simon Khaya Moyo said.

His removal makes it more likely that President Robert Mugabe's wife Grace will follow in her husband's footsteps as leader of Zimbabwe.

She had earlier called on her husband to remove his vice-president.

"Mr Mnangagwa's conduct in discharge of his duties is inconsistent with the responsibilities," Information Minister Simon Moyo said.

"The Vice-President has exhibited traits of disloyalty", he added. Mr Mnangagwa, a former intelligence chief, had been a leading candidate to succeed President Mugabe.

President Robert Mugabe's wife on Sunday said she is ready to succeed her husband as tensions rise in Zimbabwe's ruling party over who will take over from the country's ageing leader.

"I say to Mr Mugabe you should ... leave me to take over your post," she said in an address to thousands of indigenous church followers at a stadium in Harare.

"Have no fear. If you want to give me the job give it to me freely," Grace Mugabe said.



International Consortium of Investigative Journalists names HH in Paradise Papers

Nearly 100 media groups are part of a consortium that is investigating how the world's powerful and ultra-wealthy, secretly invest vast amounts of cash in offshore tax havens.

Zambia's opposition leader Hakainde Hichilema has been named in the latest exposé dubbed "The Paradise Papers", but with a huge disclaimer about some of the people named in the offshore leaks.

There are legitimate uses for offshore companies and trusts. We do not intend to suggest or imply that any people, companies or other entities included in the ICIJ Offshore Leaks Database have broken the law or otherwise acted improperly. Many people and entities have the same or similar names. We suggest you confirm the identities of any individuals or entities located in the database based on addresses or other identifiable information.

THE OFFSHORE LEAKS

A huge new leak of financial documents has revealed how the powerful and ultra-wealthy, secretly invest vast amounts of cash in offshore tax havens.

Donald Trump's commerce secretary is shown to have a stake in a firm dealing with Russians sanctioned by the US.

The leak, dubbed the

Paradise Papers, contains 13.4m documents, mostly from one leading firm in offshore finance.

BBC Panorama is part of nearly 100 media groups investigating the papers.

As with last year's Panama

Tax haven secrets of ultra-rich exposed

Papers leak, the documents were obtained by the German newspaper Süddeutsche Zeitung, which called in the International Consortium of Investigative Journalists (ICIJ) to oversee the investigation.

The Guardian is among the nearly 100 media partners involved in investigating the documents. Sunday's revelations form only a small part of a week of disclosures that will expose the tax and financial affairs of some of the hundreds of people and companies named in the data, some with strong UK connections.

Many of the stories focus on how politicians, multinationals, celebrities and high-net-worth individuals use complex structures of trusts, foundations and shell companies to protect their cash from tax officials or hide their dealings behind a veil of secrecy.

The Paradise Papers reveal offshore interests and activities of more than 120 politicians and world leaders, including Queen Elizabeth II whose private estate indirectly

invested in a rent-to-own loan company accused of predatory tactics. At least 13 allies, major donors and Cabinet members of U.S. President Donald J. Trump appear, including Commerce Secretary Wilbur Ross's interests in a shipping

company that makes millions from an energy firm whose owners include Russian President Vladimir Putin's son-in-law and a sanctioned Russian tycoon.

The leaked files from Appleby, the offshore law firm, include details of tax planning by nearly 100 multinational corporations, including Apple, Nike and Uber.

WHAT DID ICIJ SAY ABOUT ZAMBIA'S HICHILEMA? Hichilema became a director of a Bermuda company, AfNat Resources Ltd., in March 2006, and he resigned that August, according to Appleby's records. AfNat Resources was incorporated in 2005 and explored for nickel and other metals in Zambia and other African countries. It was listed on London's alternative investment market until 2010 when it was purchased by Canadian mining company Axmin for about \$14 million.

Hichilema declined to answer questions from ICIJ, including about his roles as director. There is nothing illegal about a company registered in

Bermuda, Hichilema told ICIJ by phone.

HOW DO TYCOONS HIDE MONEY OFFSHORE?

Anyone who wants to set up an offshore enterprise, for any reason, must navigate the laws

and regulations of the territory in question. And for that, they will need lawyers. Enter Appleby is one of a handful of major international "offshore legal service providers".

Its business is to help clients, be they financial institutions, global corporations or high-net-worth individuals, to set up and register companies and trusts in overseas jurisdictions with low or zero tax rates and high financial confidentiality.

It's the kind of work which, inevitably, can lead to contact with those who have chequered backgrounds, controversial reputations or opaque motives. That's not to say the aims of such clients are not above board.

Appleby, like all legal firms in this field, uses a term for such clients and potential clients - politically exposed persons, or PEPs. A PEP is someone with a prominent profile - a celebrity of the political, diplomatic, military or judicial worlds - who, through their prominent position or influence, is more susceptible to being involved in bribery or corruption. By

extension, any close family member of a PEP, is also a PEP.

LOOK OUT FOR ICIJ LEAKS

ICIJ and its media partners will be publishing multiple stories in the coming days and weeks, including:

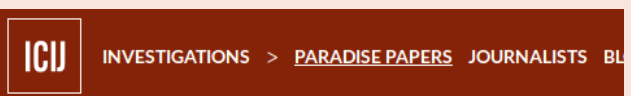
On Monday afternoon, stories on strategies used by multinational corporations to shift profits to low-tax jurisdictions; and a look into the world of private jets and yachts registered by wealthy owners in offshore tax havens;

On Tuesday afternoon,

stories that look behind the huge offshore trust funds held by rich and powerful people; how prominent political donors in the U.S. make use of offshore financial structures; and reporting on tax haven shopping sprees by multinational companies in Africa and Asia that use shell companies in Mauritius;

And more to come on Wednesday, Thursday, Friday and into the next week.

ICIJ will also release the structured data connected to the Paradise Papers investigation in the coming weeks on its Offshore Leaks Database.



EXPLORE OFFSHORE CONNECTIONS OF POLITICAL POWER PLAYERS

Explore the offshore connections of world leaders, politicians and their relatives and associates.



OPPOSITION LEADER, ZAMBIA

Hakainde Sammy Hichilema

Kim Kardashian goes shirtless in a suit at film gala

Kim Kardashian showcased a daring look at the 2017 LACMA Art + Film Gala on Saturday.

The *Keeping Up With the Kardashians* star, who is known for her risqué styles, sported a black Tom Ford suit with no shirt, which showed major cleavage. She paired the look with strappy matching sandals and wore her platinum blond-dyed hair loose.

Her mother Kris Jenner accompanied her to the annual event, now in its seventh year and presented by Gucci. She also dressed in black. Kim's husband Kanye West did not attend the event, which took place a day after the stepped out for a date night in Malibu. The rapper was in Chicago on Saturday night, performing as a surprise guest of former protégé Kid Cudi at his concert. It marked Kanye's first performance in almost a year—since his hospitalization in late November 2016.

Inside the LACMA Art + Film gala, Kim was photographed talking to fellow celebrity guest Jared Leto, who wore a black suit with a bright floral design and scruffy beard.

Other famous guests included pregnant Victoria's Secret model and wife of Adam Levine, Behati Prinsloo—who showcased her baby bump in a green, satin patterned mini dress, fellow model and actress Rosie Huntington-Whiteley—who wore a blue spaghetti strap gown with two bows in front, *Fifty Shades of Grey* star Dakota Johnson—who wore a long-sleeve, rose pink plunging gown with sparkling embellishments, Kerry Washington—who sported a green and black striped gown, Salma Hayek—who wore a one-shoulder, sparkling royal blue gown, and Brad Pitt—who looked dapper in a black suit and colorful striped tie. *E!News*



Kanye West holds first concert after ospitalization a year ago

Surprise! After almost a year, Yeezy is making a music comeback!

Kanye West joined former protégé Kid Cudi onstage at his concert at the Aragon Ballroom Chicago for a surprise performance on Saturday night. It marked Yeezy's his first show since he

canceled tour dates and then was hospitalized for more than a week in late November 2016. Kanye and Kid performed their collaboration "Father Stretch My Hands Pt. 1," from the former rapper's 2016 *Life of Pablo* album. After a series of onstage rants, Kanye had

canceled the remainder of his Saint Pablo tour and then admitted himself to a Los Angeles hospital, where he was treated for exhaustion. He was released after eight days and then continued treatment as an outpatient.

Kanye had signed Kid

Cudi to his G.O.O.D. music label in 2008 and the rapper left the

company in 2013. Two months before Kanye's hospitalization, Kid Cudi went on a Twitter rant about Kanye and Drake, claiming they use ghost songwriters. Kanye ranted about Kid Cudi in concert, saying he felt "disrespected."

A week later, while onstage, Kanye praised Kid Cudi, calling him

"the most influential artist of the past 10 years" and later adding, "I just wanted to take this time out to say Kid Cudi is my brother and I hope he's doing well."

This past August, Page Six reported that the two were working on a top-secret project in Japan. The two have not commented on the report. *E!News*

Lady Gaga and Christian Carino make things official with romantic picture



Looks like Lady Gaga is playing the love game. The "Joanne" singer made things official with boyfriend and agent Christian Carino on social media Sunday by taking a page out of "The Notebook."

The couple posed for a stunning picture with Carino holding a bikini-clad Gaga in his arms. The two gaze lovingly into each other's eyes as a sun sets behind them in the picturesque Snapchat.

All that's missing is a torrential downpour and years of unreturned love letters.

Gaga also shared the same photo on her Instagram Stories with the "Sunday Funday" filter, writing "Night night" at the top of the photo. She later posted a Boomerang video on Instagram that showed her blowing the camera kiss.

After ending her engagement with actor Taylor Kinney in July 2016, Gaga has stayed mum on her private life, focusing instead on her new album, which marked its one-year anniversary this month.

Gaga and Carino, however, first sparked

relationship rumors when they were spotted kissing and taking photos with each other on the field before her Super Bowl halftime show in February.

Carino, who previously dated actress Lauren Cohan of "The Walking Dead," represents Gaga at the Creative Artists Agency, as well as a host of major celebrities like Justin Bieber, Miley Cyrus and Jennifer Lopez.

Huffington Post

Sam Smith blames Tequila for embarrassing Oscars speech

Turns out, tequila was to blame for Sam Smith's 2016 Oscars blunder.

Appearing on "The Ellen DeGeneres Show" Tuesday, Smith recalled the moment he implied he was the first openly gay man to win an Oscar at the Academy Awards last year. In case you've forgotten, the pop singer misquoted Ian McKellen during his speech while picking up the Best Original Song award for "Writing's on the Wall" from the James Bond film, "Spectre."

"I read an article a few months ago by Sir Ian McKellen, and he said that no openly gay man had ever won an Oscar," he told the crowd at the time. "If this is the case — even if it isn't the case — I want to dedicate this to the LGBT community all around the world."

Unfortunately for Smith, McKellen had been referencing the fact that no openly gay man had won the Oscar for Best Actor. Other gay men including Stephen Sondheim, Elton John and Dustin Lance Black had previously been honored by the Academy in other categories. Needless to say, the singer-songwriter was quickly called out for the mistake on social media.

As it turns out, Smith had taken a few swigs from a pocket flask filled with tequila before the speech. "I wasn't happy with my performance, and we thought we had no chance of winning at all. So I was just like, 'Let's just get the party started,'" he told Ellen Tuesday. "Then we won, and I was just like, 'Whoa.'" Noting that he "obviously" knew he wasn't the first openly gay man to win an Oscar, Smith explained, "My brain and my mouth didn't work together. I mucked up."

At first, Smith responded to the controversy that followed his remarks by taking an extended break from social media and retreating to his native England. That self-imposed hiatus, he added, was necessary as he began work on his forthcoming album, "The Thrill of It All."

"After the Oscar, I just really needed to hug my mom and just be with my sisters and go back home," he said. Noting that he's currently in a relationship, he added, "I did kiss a few men and ran around the streets of London, had a good time... My music is about love, and it's important to take the time to allow your heart to have it a little bit."

Manchester City manager Pep Guardiola praised his side's "amazing" run of form after they outclassed Arsenal to open up an eight-point lead at the top of the Premier League. City have won nine consecutive league matches, a club record for a single season, have progressed to the knockout stage of the Champions League and are through to the quarter-finals of the Carabao Cup. "We cannot deny the last two months have been amazing," Guardiola said. "We knew how important this game was and we prepared well. The players gave an amazing performance." Kevin de Bruyne's driven finish and a Sergio Aguero penalty put City in command

Man City outclass Arsenal to open up eight-point lead

and, even though substitute Alexandre Lacazette pulled one back for Arsenal, Gabriel Jesus sealed victory for the home side from close range. Arsenal were aggrieved at the penalty awarded for Nacho Monreal's challenge on Raheem Sterling and both

Jesus and David Silva appeared to be offside for the third goal, but the visitors did not deserve to take anything from the game. "It is unfortunate that the game finished the way it finished," Arsenal manager Arsene Wenger said. "You can accept

it if City win in a normal way, but this is unacceptable." Still, the Gunners would have been beaten by more had it not been for the saves of goalkeeper Petr Cech and the wastefulness of the hosts. City go into the two-week international break with an

extended advantage over second-placed Manchester United, who were beaten 1-0 at Chelsea. Arsenal slip to sixth, 12 points behind City, and face a battle to regain a place in the Champions League. City have now won 15

consecutive matches in all competitions, including an EFL Cup victory over Wolverhampton Wanderers on penalties.

Their 11-game haul of 31 points and +31 goal difference is a Premier League record, built on some breathtaking attacking play. This win was no different, even if they were hampered by their lack of ruthlessness in front of goal.

City were particularly dangerous on the counter-attack, their pace, movement and precision passing a constant threat. Just behind the front three of Aguero, Sterling and Leroy Sane, De Bruyne was the orchestrator.

Aguero and Sterling could have both scored before De Bruyne broke the deadlock, the Belgian playing a one-two with Fernandinho and angling the ball inside the far post via Cech's fingertips.

City could have been further ahead by the break, a Silva ball across goal should have been finished, while Sterling was unable to feed Sane when Arsenal were outnumbered at the back.

Only when Aguero converted a penalty off the post, early in the second half, was the result beyond doubt.

The visitors complained that Monreal's tangle with Sterling should not have penalised, but the Arsenal defender hauled down the England forward without winning the ball.

Some sloppiness crept into City's play - home keeper Ederson almost dropped Alex Iwobi's long-range shot into his own net and they were carved open for Lacazette's goal.

But substitute Jesus' tap-in, fed by Silva from the right when both men could have been flagged offside, was no more than Guardiola's side deserved.

BBC News



Sergio Aguero was presented with a blue boot by Betty Cowgill, the daughter of Eric Brook, the man he replaced as the club's record goalscorer

Roger Federer makes surprising revelation ahead of Murray clash

ROGER FEDERER will take on Andy Murray in Glasgow this week - and the 19-time Grand Slam champion has made a surprising revelation ahead of the clash. The pair will play in front of an 11,000-strong crowd in the Andy Murray Live charity event on Tuesday.

And it's the first time the Swiss legend, who is gearing up for the ATP World Tour finals, has ever been to Scotland.

Ahead of the match, Roger Federer said: "Going to new places is something I always really enjoy, so I'm excited to be going to Scotland for the first time."

It's been three months since Murray hobbled out of Wimbledon with a hip injury and the Federer match is the first chance for him to play semi-competitive

tennis again.

There's no ranking points or prize money up for grabs - with charity the only winner. But Federer is licking his lips and the chance to take on Murray before the end-of-season championships at the O2.

"We're going to have a good time," Federer said. "I think it's wonderful what he [Andy Murray] is doing in his philanthropic efforts.

"When people came away from Zurich, so many told me how much fun Andy actually was, what a great sport he was, so I was so happy he did that."

Murray went to Zurich to play Federer in April in the Match for Africa 3.

Federer added: "I can't wait to return the favour."

Roger Federer is perhaps the greatest tennis player of all-time. Having won Wimbledon in 2003, he has gone on to win a total of

17 Grand Slam titles, three more than any other player ever has.

UK Telegram

FAZ MTN SUPER LEAGUE 2017										WEEK THIRTY THREE				RECENT FORM	
NO	TEAM	MP	W	D	L	F	A	G D	PTS	LAST SIX GAMES					
1	Zesco United	33	18	9	6	44	24	20	63	W	W	W	D	W	W
2	Zanaco	33	16	13	4	49	26	23	61	D	W	W	W	D	L
3	Green Buffaloes	33	17	9	7	41	22	19	60	W	D	L	W	L	W
4	Lusaka Dynamos	33	15	12	6	41	30	11	57	W	D	L	W	W	D
5	Nkana	33	16	8	9	41	26	15	56	D	W	W	L	D	W
6	Power Dynamos	33	12	16	5	43	28	15	52	L	D	L	D	W	L
7	Napsa Stars	33	14	8	11	38	29	9	50	L	W	W	D	L	W
8	Lumwana Radiants	33	13	10	10	34	25	9	49	D	L	L	W	W	W
9	Buildcon	33	12	13	8	28	22	6	49	D	L	D	D	W	W
10	Red Arrows	33	11	15	7	38	29	9	48	W	W	D	L	D	W
11	Forest Rangers	33	12	10	11	31	30	1	46	W	D	W	D	W	L
12	Nkwazi	33	10	13	10	31	32	-1	43	D	L	L	D	W	L
13	Green Eagles	33	9	12	12	29	33	-4	39	W	D	L	D	L	L
14	Nakambala Leopards	33	6	19	8	18	26	-8	37	L	D	D	D	L	D
15	Kabwe Warriors	33	6	17	10	25	31	-6	35	D	L	W	D	W	D
16	Nchanga Rangers	33	7	12	14	26	39	-13	33	L	W	W	D	L	L
17	Mufulira Wanderers	33	7	12	14	30	44	-14	33	W	D	D	D	L	W
18	Konkola Blades	33	6	9	18	22	42	-20	27	L	L	L	D	L	W
19	Real Nakonde	33	4	9	20	13	46	-33	21	D	L	L	L	L	L
20	City of Lusaka	33	3	6	24	27	65	-38	15	L	L	L	L	L	L

CAF CHAMPIONS
CAF CONFEDERATION
RELEGATION

Updated @Bwezani With Zambian Football
Contact: 0973047073
Note: Criteria of the Four teams to play in CAF not yet clearly stated

KONDWANI A DOUBT

By Nyambe Lubasi
Chipolopolo has suffered a defensive setback with news that Zesco United defensive midfielder Kondwani Mtonga is a major doubt for Saturday's clash against Cameroon. Kondwani has been out of action for the last week following a suspected hamstring injury he sustained

...as Zambia faces Cameroon in World Cup dead rubber

during Zesco United's 1-0 home win over Kabwe Warriors on November 1 in Ndola. The utility player limped off in the 28th minute of that match and has been sidelined ever since.

"He is not available for now due to the injury, he needs to heal," team manager Chris Chibuye said at the end of Monday morning training at Levy Mwanawasa Stadium in Ndola.

"We called 28 players and we need 23 for the game, so we have enough back up." Kondwani has been Zambia's enforcer in midfield over the last three 2018 FIFA World Cup Group B qualifiers against

Algeria and Nigeria. Meanwhile, Zambia kicked off training for Saturday's final Group B formality against Cameroon on Monday morning at Levy. All the South African-based

players including captain Kennedy Mweene are in camp. The European-based trio of Enoch Mwepu, Patson Daka, Emmanuel Banda and Fashion Sakala are all expected to join camp on Tuesday.



Kabwe downplays links to Zesco coaching job

By Nyambe Lubasi
Power Dynamos coach Danny Kabwe has refused to confirm or deny his links with the Zesco United job next season. Speculation is rife that Kabwe is favourite to takeover at Zesco with incumbent Zlatko Krmpotic's future still uncertain. "I cannot talk about that. I am working and I have to see my contract until the end of the season," Kabwe said. I have come here to work and if I don't deliver then I go but you have to analyse the whole issue holistically," Kabwe said. Krmpotic has been conspicuously absent from the Zesco bench from the last three games and the club is silent over the development. Long-serving assistant Tenant Chembo has been in charge since them. Kabwe's own future at Power is uncertain after Green Buffaloes beat the Dynamos 3-0 last Saturday at Arthur Davies Stadium in Kitwe to end their 2017 league title hopes. Power are currently 6th on 52 points, eleven behind leaders Zesco with five games left. "You cannot pick up one side that's why we are talking to the players but if anything points to me then, I take the blame," said Kabwe. Kabwe took over from Tennant Chilumba in June 2016 and led Power to a 4th place finish.



Chelsea's Alvaro Morata heads the ball into the back of the net against Manchester United on Sunday October 5, 2017

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