

CATHOLIC BISHOPS SPEAK ON CONSTITUTION

Peter Henriot

“And now those bishops again, talking about the Constitution! When will they ever be quiet!”

That’s right, the Catholic Bishops are speaking out once more, calling for a Constitution that “will give rise to a positive political transformation of our country.” And because they have listened to the cries of the people, and because they are guided by the tradition of the church’s social teaching, they never will be quiet! Thank God!

Remember, these are the bishops, the Zambia Episcopal Conference (ZEC), that over the years have worked very hard to promote the full development of the people of this country, through religious nurturing and spiritual guidance, through education and health institutions, through agricultural projects, through pastoral letters on a variety of social justice issues. So when they speak out, as they did last week calling for a “more progressive road map towards the enactment of a new Constitution ,” they cannot, they should not, be ignored.

When I read the negative response by a Government official to the pastoral statement, I wondered whether he had really studied what the bishops were saying and really understood the value of their message.

WHAT DID THEY SAY?

The first thing to note is that the statement of the bishops is very moderate, very reasonable. Indeed, some promoters of constitutional change might even think that the bishops are too moderate, too gentle in their challenge of the Government! But their message is clear and cogent: “...our people have unambiguously made up their minds that they want a NEW Constitution not mere amendments to the current one.” And that’s why the bishops can “implore Government to desist from excessive legalism.”

This “excessive legalism” – a kind of blind determination not to look at alternatives that are within the law even if not within the desire of the people currently in power – is what has brought about the “impasse,” the “prolonging,” the “procrastination,” the “slow pace,” characterising the Government’s approach to the constitutional review process. These words from their statement reflect the frustrations felt by the bishops and so many, many people in this country.

It is obvious that the Bishops are not calling for anything illegal or completely contrary to the constitutional constraints surrounding how one deals with the fundamental law of the land. On the contrary, they have adopted the reasonable position held by most all authorities outside of Government and Ruling Party circles. This position states that when a NEW Constitution is being proposed (as is clearly the intent of the Mung’omba Commission), then requirements of Article #79 simply do not apply.

Thus a new census, a preliminary referendum, etc., as suggested in the Government’s road map, are not sacred conditions that must be followed to the letter. And that appears to be the “excessive legalism” that is intentionally slowing down the process of enactment of a new Constitution. So much so, that the bishops must even make the very modest demand for a new Constitution to be in place before the 2011 Presidential and Parliamentary elections. (We certainly don’t want it to be a new MDG, maybe realised by 2015!)

A MISPLACED CRITIQUE

The statement by the bishops is non-partisan and non-confrontational. In its desire for a peaceful and socially just transition, it is a plea to avoid “more tension and increased polarisation and confrontation in our land.”

The critique from Government officials that the bishops should pay more attention to the content of the new Constitution than to the speed at which it is adopted is surely ill-founded. The submissions of the bishops to the Mung’omba Commission, their earlier pastoral statements on this topic, the similar statements of the other church bodies, the analytical documentation offered by the CCJDP and the JCTR, all attest to the church’s very serious and substantial focus on the content issues of a new Constitution.

Moreover, the church and its allies have been leaders in educational programmes across the country about the importance of constitutional issues such as human rights, power of the executive and fair electoral process. Simply look at the extensive analysis and sensitisation work done by the JCTR on the necessity of (1) including economic, social and cultural rights in the Bill of Rights of the new Constitution and (2) requiring Parliamentary approval for new external loans (as the Mung’omba draft has indeed done on both counts).

SO WHAT NEXT?

It is significant that the Catholic bishops’ statement comes out in the week before two very significant “feasts” or celebratory events.

The first event is commemorated this coming Friday, African Freedom Day. We commemorate the heroic actors and acts across the continent that brought independence, dignity and hopes for a brighter future for the people of Africa. Surely there is still a long ways to go before that full freedom is achieved, in Zambia and elsewhere. It is a freedom that includes not only rights but responsibilities, not only self-rule but a commitment to the common good, not only prosperity but a special concern for the majority poor in our midst.

It is very noteworthy, therefore, that the bishops explicitly recognise the special role Zambia has played and can continue to play in the struggle for true freedom. According to their statement, “We are aware that many countries in Africa have learnt to look up to Zambia, after we peacefully passed from a one-party state to multi-party politics. We have an obligation to show the other countries how to peacefully pass from an out-dated Constitution to a people-driven one.”

What better celebration for Africa Freedom Day this year than for the Government to announce its willingness to get a Constitution in place before the end of 2008!

The second event, celebrated this coming Sunday, is the Christian feast of Pentecost, the commemoration of the Holy Spirit firing up the early church to spread the Good News (see the first chapter of the Acts of the Apostles.) What was needed at that time was light to understand things better and courage to act without fear or compromise. Surely what is needed today in Zambia is the light to see the way forward without delay for constitutional enactment and the courage to act quickly and decisively for constitutional justice for all. Indeed, come Holy Spirit!

There are still some in high places in this country who feel that the churches should stay out of such “political” matters. Would they have said the same when the churches acted as mid-wife to the birth of the Third Republic, or challenged the harshness of the Structural

Adjustment Programme (SPA) of the IMF and World Bank, or helped to block the proposed constitutional wreckage of the “third term” bid?

What better celebration for Pentecost this year than for the churches to pledge full and fearless involvement to get a Constitution in place before the end of 2008!

Again, I say, thank God for the Catholic Bishops and their recent statement on the Constitution!

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