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IFRC Review of Emergency Decrees: ZAMBIA v1.0 29 03 20

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Overview

On 12 March the Zambia National Public Health Institute (ZNPPI) had screened over 1,000 individuals and began investigating its first three suspected cases of COVID-19.¹ As at 29 March 2020 the Ministry of Health had confirmed 29 cases of the disease.²

The Ministry of Health is now issuing regular video updates on its response to the COVID-19 outbreak on its Facebook page: <https://www.facebook.com/mohzambia>.

On 25 March 2020, President Edgar Lungu, issued a statement on the COVID-19 Pandemic, outlining new restrictions and other Government actions which subsequently came into effect on 26 March to contain the spread of the virus. These included: the closures of schools and universities; restrictions on non-essential foreign travel; mandatory quarantine for all foreign travellers; closure of bars, cinemas, and casinos; a delivery and take-out regime for restaurants; restrictions of public gatherings to at most 50 people.³

The statement does not mention the legal source of the President's authority to make such measures, nor any specific legislation.

Zambia's COVID-19 Contingency Plan, which was approved by the Cabinet, does not seem to have been made available online at the time of writing. This document may provide further details on these measures and it may offer further insight on any additional measures which the Government may take in the near-term.

At a cabinet meeting on 28 March to debate the merits of a tighter lock-down, Vice-President Inonge Wina suggested that further measures may require the president to invoke the Disaster Management Act 2010.⁴ Therefore, a formal decree may accompany new measures in future.

The IMF reports that the Zambian economy will be adversely impacted by the large decline in copper prices, sharp depreciation of local currency, increase in yields on public debt, and economic disruptions due to lockdowns in trading partners. The Zambian Government has announced an emergency fund worth 0.02% of GDP to strengthen preparedness and to

¹ <https://diggers.news/local/2020/03/12/zambia-investigating-3-suspected-coronavirus-cases-znphi/>

² <https://diggers.news/local/2020/03/29/covid-19-cases-rise-to-29/>.

³ https://www.sh.gov.zm/?wpfb_dl=213

⁴ <https://diggers.news/local/2020/03/28/cabinet-debates-total-lockdown/>



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enhance public security. The Bank of Zambia has announced several measures to encourage the use of e-money to keep the public from exchanging physical cash.⁵

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

In his statement, the president thanked, *inter alia*, the donor community and NGOs for their support and for working with the Government in addressing and mitigating the pandemic at various levels. However, he did not announce any new specific partnerships or further mechanisms for coordination.

Zambia's Disaster Management Act 2010⁶ includes several measures which seek to facilitate coordination between the Government and NGOs. For instance, in Section 4(2)(e), the National Disaster Management and Mitigation Unit (DMMU) established by the 2010 Act is responsible for helping to:

formulate disaster prevention, mitigation, preparedness, response and rehabilitation strategies and action plans to meet all foreseeable requirements in conjunction with Government, non-governmental organisations and donor agencies

In the current emergency, the DMMU will be responsible for administering the budget for the COVID-19 Response Plan.⁷ Therefore, it is highly likely that NGOs will be expected to form part of the response and that there will be a high degree of coordination between the Government, NGOs and donor agencies.

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

In the President's statement, there was no express mention of the Red Cross and no responsibilities appear to be ascribed to it.

In legislation, Section 10(2)(d) of the Disaster Management Act 2010, specifies that the National Disaster Management Technical Committee includes a representative of the Zambia Red Cross Society. Similarly, Section 21(2)(d) explicitly mentions that local-level District Disaster Management Committees shall likewise include a representative from the Zambia Red Cross.

⁵ <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#Z>

⁶ <http://www.parliament.gov.zm/sites/default/files/documents/acts/Disaster%20Management%20Act%202010.PDF>

⁷ <https://diggers.news/local/2020/03/29/weve-started-mobilizing-funds-to-fight-covid-19-ngandu/>

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3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

The President's statement of 25 March indicated that travellers will still be allowed entry into Zambia. All travellers will be subject to screening and those who exhibit COVID-19 symptoms will be quarantined at a medical facility for treatment. All other travellers without symptoms will be quarantined for 14 days as a matter of course (at their own cost). There do not seem to be any exceptions for humanitarian actors.

The government has suspended all non-essential foreign travel, particularly to countries which have confirmed COVID-19 cases. It is not clear what is regarded as "essential" foreign travel.

As a landlocked country, the President expressed concern in his statement that if Zambia's COVID-19 measures were to be considered insufficient, its neighbours may shut their borders, leaving the country economically vulnerable.

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)

At the time of writing, there are no quarantines, curfews or other mandatory restrictions *except* on those entering Zambia. However, it seems that the intent of the Government is to phase in further restrictions as required.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

On 29 March, Finance Minister Bwalya Ng'andu announced that the Government will suspend excise duty on imported ethanol for use in alcohol-based sanitisers and other medicine-related activities, subject to guidelines to be issued by the Zambia Revenue Authority.⁸

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

⁸ <https://diggers.news/local/2020/03/29/weve-started-mobilizing-funds-to-fight-covid-19-ngandu/>



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At the time of writing, all schools and universities have been closed. The only businesses which have been ordered to close are bars, night clubs, cinemas, gyms and casinos. Restaurants must operate only on a take-away and/or delivery basis.

Therefore – at the moment – it would seem that humanitarian actors may continue operating as usual.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

There were no other measures provided in the President’s statement for governmental actors, communities, health workers, etc.

No formal decree seems to have been made at this time.

However, if a formal decree is issued, it will likely address the matters covered in Section 37 of the 2010 Act.

Per Section 42 of the 2010 Act, the President may also create regulations by statutory instrument to give effect to the purpose and provisions of the Act – including for the involvement and participation of the public and other organisations or entities in disaster management.

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25 March 2020