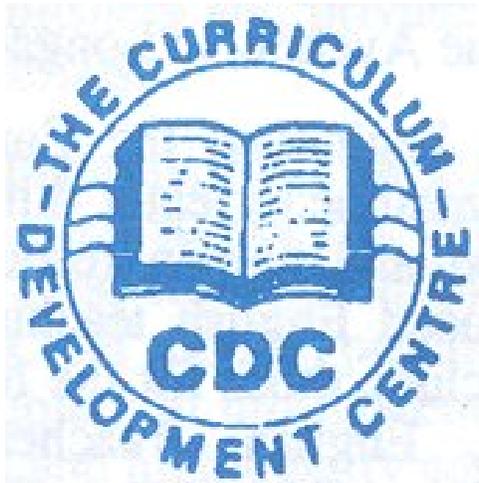




Republic of Zambia

# **HIGH SCHOOL CIVIC EDUCATION SYLLABUS GRADE: 10 - 12**



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## **INTRODUCTION**

The Civic Education Component is currently integrated in the Social and Development Curriculum covered at Grades 1-7. However at the Upper Basic (Grades 8-9), it is offered as a separate subject.

The introduction of Civic Education at High School level was to fill the gap that existed between Grade 9 and College or University level. This gap has had an impact on Grade 12 school leavers who in most cases graduated with little or no experience of Civic Education with regards to their roles, rights and obligation. Hence, this major development in the curriculum was identified as an important contribution to Zambia's education system.

The High School Civic Education Syllabus covers a cross section of political, economic, social and cultural issues that are key to Zambia's democratic system of governance.

Some of the themes and topics covered in the Civic Education Syllabus include: Governance, Human Rights, Rights of the Child, Family Law, Development Planning, poverty in Zambia, Environmental Education and Global Issues.

Undoubtedly, the teaching and learning of Civic Education will help society recognize the role that this subject plays in our constantly changing world.

The Ministry of Education, therefore, hopes that through civic education learners will be equipped with knowledge, skills and values to enable them practise their civic rights and perform duties as responsible Zambian citizens.



# GRADE 10

# CHAPTER 1

## THE CONSTITUTION

### Specific Learning Outcomes:

- Define Constitution
- Discuss types of Constitution
- Explain the structure and content of the Zambian Constitution
- Describe the process of constitution making
- Discuss the characteristics of a good constitution
- Explain the importance of the Zambian Constitution

### Definition

A nation needs a constitution to regulate the activities of its citizens. A constitution is a *system of law, customs and principles usually written down, according to which a country or organisation is governed*. It is the supreme law to which all other laws of a country are *subordinate*. Customs are accepted traditions or habits of the people in a society.

At the family level, parents and children may come together and decide to make rules for the home. Similarly, at school level, pupils can be involved in making school rules through their representatives. In a similar manner, a nation requires a Constitution to regulate peoples' behaviour. Therefore, a constitution is *supreme* and commands respect, loyalty, obedience and confidence because citizens are involved in its formulation.

### Types of Constitution

Constitutions can either be written or unwritten, flexible or rigid.

#### (a) Written Constitution

A written constitution is one in which most of the provisions or contents are documented in a single formal written instrument. It is a set of rules that the citizens of a nation contribute to, discuss and agree to be governed by it. Such a written document requires that people should think carefully about what to include in it. A written constitution is also *flexible* because it can be easily changed or *amended* by the majority of the eligible citizens without calling for a *referendum*. The constitution of Zambia falls under this category. Some of the countries in Africa with written constitutions are Malawi, South Africa, Namibia, Tanzania and Botswana. Copies of

the Zambian Constitution can be bought from Government Printers in Lusaka or downloaded from the Government website.

Written constitutions are drawn up with great care and are clear and definite. They are also stable and steady. They are free from being manipulated by the judiciary. However, some written Constitutions are difficult to change.

**(b) Unwritten Constitution**

An unwritten constitution has most of its provisions not found in a single document but in a collection of documents. It is a collection of documents, statutes and traditional practices that are generally accepted as governing the nation. The constitutions falling under this category cannot be easily amended. An example of a country where there is an unwritten constitution is Britain.

An unwritten constitution is good because it is easily adaptable to the changing conditions in society. It can also be bent to meet national emergencies. After the emergencies have been attended to, then they can get back to the old form. However, unwritten constitutions are quite unstable. They can easily be manipulated by the judiciary and the government of the day.

**(c) Flexible Constitution**

A flexible constitution is one that can be amended or changed by the majority of the eligible citizens without calling for a referendum. A good example is the Zambian constitution. The only part of the Zambian constitution that is not flexible is the Bill of Rights because it requires a referendum for it to be amended. The advantage of a flexible constitution is that it provides an excellent mirror of the national mind.

**(d) Rigid Constitution**

This is a constitution that is not easily amended. This type of constitution is usually enacted by a different body which has a higher status than ordinary laws. It can be altered or amended only by special procedures. It is for this reason that a Rigid Constitution is not representative of the people but a section of the people. Examples of rigid constitutions are those of Britain, the United States of America, Switzerland and Austria.

**Exercise 1**

- (a) Define the concept constitution
- (b) Write an essay describing different types of constitutions.
- (c) In relation to the constitution, explain and show the importance of the following concepts:
  - (i) 'No one is above the law'
  - (ii) 'Impeachment'
  - (iii) 'Legislative power'
  - (iv) 'The independence of the Judiciary'
  - (v) 'Supreme law of the land'
  - (vi) 'Unitary, indivisible, multi-party and democratic state'

### Activity 1

Do a role play depicting what would happen in a school where there are no school rules.

## Structure and Content of the Zambian Constitution

The 1991 Constitution begins with a *preamble* which is an introduction to the document. It outlines the aims and purposes of the constitution and the government. The preamble states “We, the people of Zambia by our representatives, assembled in our Parliament, having solemnly resolved to maintain Zambia as a *Sovereign Democratic Republic* and that Zambia shall forever remain a unitary, indivisible, multi-party and democratic sovereign state; do hereby enact and give to ourselves this constitution.”

**Table 1.**

### Structure and Content of the Zambian Constitution.

	<b>PART</b>	<b>CONTENT</b>
I	NATIONAL SOVEREIGNTY AND THE STATE	Declaration of Zambia as a sovereign state.
II	CITIZENSHIP	The qualification for Zambian citizenship and conditions which can lead to withdrawal of Zambian citizenship.
III	PROTECTION OF THE FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL	The rights and freedoms of individuals which are protected.
IV	THE EXECUTIVE	Election, tenure of office and removal of President from office; functions of President, Ministers and Deputy Ministers, Secretary to the Cabinet, Attorney General, Solicitor General, Director of Public Prosecutions and Advisory Committee.
V	THE LEGISLATURE	Qualifications for election to National Assembly; Legislative Powers, Membership of Parliament and composition of National Assembly.
VI	THE JUDICATURE	Courts and appointment of Judges, High Court, Supreme Court, Chairman and Deputy Chairman of Industrial Relations Court.
VII	DEFENCE AND NATIONAL SECURITY	The functions of the Zambia Defence Force, the Zambia Police Service, the Prison Service and Zambia Security Intelligence Services.

VIII	LOCAL GOVERNMENT SYSTEM	
IX	DIRECTIVE PRINCIPLES OF STATE POLICY AND DUTIES OF A CITIZEN.	Development of national policies. Implementation of national policies. Making and enactment of laws; Application of the constitution and any other law.
X	FINANCE	Taxation, withdrawal of monies from general revenues, financial report, Remunerations of officers, public debt and the Auditor General.
XI	SERVICE COMMISSIONS	Commissions, pension laws and protection.
XII	HUMAN RIGHTS COMMISSION	Its establishment, the independence, functions, powers, composition and procedure
XIII	CHIEFS AND HOUSE OF CHIEFS	Institution of Chief, House of Chiefs, functions and composition.
XIV	MISCELLANEOUS	Resignations, reappointments, concurrent appointments.

## Exercise 2

Study the structure of the Zambian Constitution as outlined in your textbook and draw a similar structure of your school club.

## Constitution Making and Adoption Processes

### The History of Constitution Making Process in Zambia.

The Constitution of Zambia is modelled along the Nigerian Constitution of 1963 which was based on the 1950 European Convention for the protection of Human Rights and Freedoms. These rights, which were known as Neo-Nigerian Rights, were incorporated into most African Commonwealth countries such as Sierra-Leone, Malawi, Botswana, Kenya and Uganda.

On 24<sup>th</sup> October, 1964, Zambia inherited the Northern Rhodesia Self-government Constitution of 1963. The provisions in this constitution were meant to safeguard the interests of white settlers. Since 1964 Zambia has had several constitutional reviews to improve its constitution. The first one was the *Chona Constitutional Review Commission* in 1972 which recommended the establishment of a One Party Participatory Democracy. It outlawed the formation and existence of any other political party apart from United National Independence Party (UNIP). That was the beginning of the Second Republic. A constitution that outlaws the formation of other

political parties does not encourage free electoral activity. For example, during the Second Republic, elections were more of *plebiscites* in nature where Zambians voted either *Yes* or *No* for a single presidential candidate. A plebiscite is a decision made upon a political question by a vote of all qualified citizens.

The second constitutional review was the *Mvunga Constitutional Review Commission* which recommended the amendment of the Second Republic Constitution to allow multipartism. The recommendations were adopted by Parliament. This led to the return to multipartism at the end of 1991. It also marked the beginning of the Third Republic.

The third constitutional review was the *Mwanakatwe Constitutional Review Commission* of 1995. The main amendment that the review made was the parentage of a person contesting to be the president of Zambia. The review recommended that only persons whose both parents were Zambians by birth would qualify to be candidates for presidency. This recommendation was adopted by Parliament. Thus, the 1991 Constitution remained intact apart from a few amendments made by the Mwanakatwe Constitutional Review Commission.

The fourth Constitutional review was the Mung'omba Constitutional Review of 2005.

#### **(a) Constitution Making Process**

The formulation of a constitution is done by a body of representatives who are drawn from a cross section of society with varying views, traditions and beliefs. The mode of adoption differs from country to country.

Unfortunately, constitutions may not always be respected by all citizens. For example, after a military coup d'état the army may suspend the existing constitution. Even within political parties constitutions may not be respected by all members. For example, in 1978, the UNIP constitution was amended to bar certain popular candidates from standing against the incumbent president of the party. In 2001, the MMD government under President Chiluba to amend the Constitution of Zambia to allow the incumbent president to stand for a third term of office. This was not successful.

The Mwanakatwe Constitutional Review Commission recommended that Presidential candidate should receive more than 50% of the votes cast to be declared the winner. Unfortunately, this was not done. Instead, a simple majority win or a first – past - the - post clause was inserted in to the Constitution. The clause meant that a person who receives the highest number of the total votes cast was to be declared as the winner and to have been duly elected as president, even if it is by one vote more than the other candidate he or she is declared the winner. The 2005 Mung'omba Constitutional Review also strongly recommended that a presidential candidate should receive more than 50% of the votes cast.

It is, therefore, the duty of every citizen to ensure that the constitution responds to the people's aspirations and stands the test of time. This means that the constitution should not be changed frequently. It should take care of the aspirations of future generations. A constitution that does not stand the test of time brings negative consequences such as the following:

- Expensive Constitution making processes are very expensive especially for the Highly Indebted Poor Countries such as Zambia.
- Constitutions which do not meet their aspirations.
- Unstable government which leads to economic stagnation.
- Constitutions which are not respected.

Therefore, it is very important that every citizen in a country participates in the constitution making and constitution adoption processes.

### **(b) Constitution Adoption Process**

There are two methods which are popularly used in the adoption of the constitution. One way of adopting a constitution is through a *constituent assembly*. This is a body of representatives elected to formulate or change the constitution of a country. Representatives are drawn from the churches, learning institutions, trade unions, the civil society, student bodies and special interest groups. The most important thing is that every citizen regardless of gender, religion, ethnicity, creed, age and sex identifies with the interests being expressed by a member or members of the Constituent Assembly. Countries such as the United States of America, India, Namibia, Uganda, South Africa and Ethiopia adopted their constitutions through this method. The adoption of the constitution by a constituent assembly is more representative than by parliament. It is independent and free from the control of government or any person.

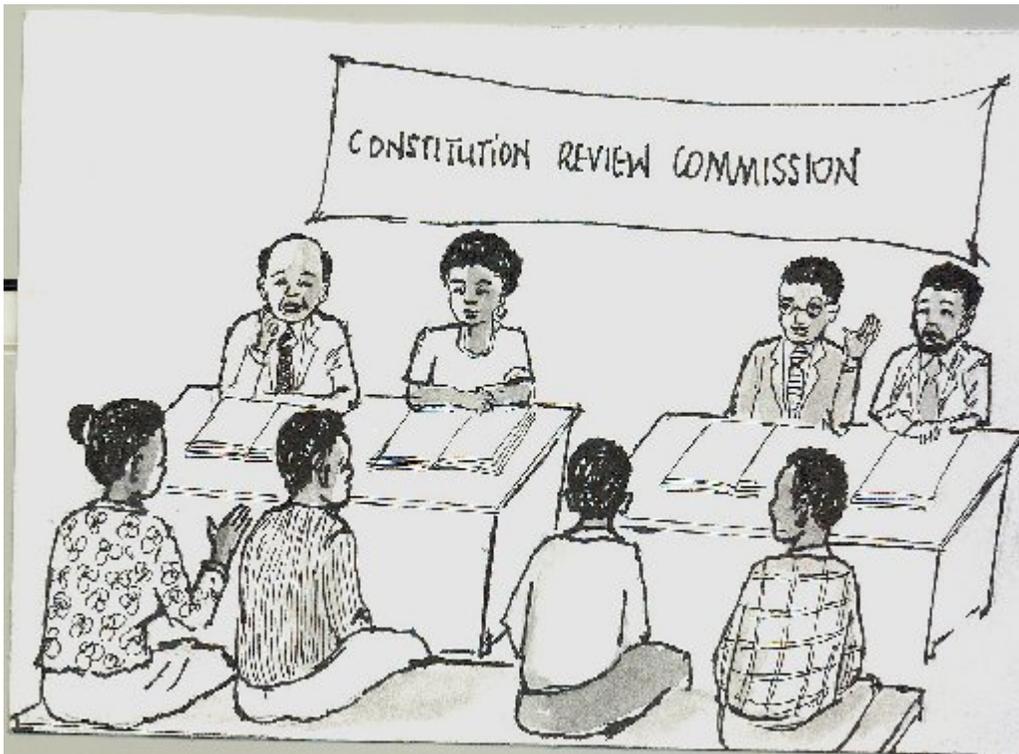
The other method of adopting the constitution is the adoption by parliament. It is initiated by the *executive* wing of government. The President appoints the *Constitutional Review Commission* (CRC) to collect views from citizens. The CRC makes recommendations to the government. The government presents the recommendations of the constitutional review commission to the *Parliament* for adoption. The recommendations are debated and adopted by at least two-thirds of the Members of Parliament. Sometimes some recommendations are rejected by parliament.

### **Exercise 3**

- (a) A national constitution may be adopted through various ways such as through:
- Parliament,
  - The Constituent Assembly and
  - The National Constitutional Conference (NCC).

Which one of the above methods do you favour and why?

- (b) Study the following picture and answer the questions below:



Imagine you are one of the people taking part in the Constitutional Review Commission shown in the picture above;

- (i) What submissions would you make to the CRC?
  - (ii) Explain what happens after the submissions have been made to the CRC
- (c) Copy and complete the following chart in your exercise books.

CONSTITUTION	YEAR	WHAT IT RECOMMENDED
Chona Review Commission	1972	Establishment of one party participatory Democracy

- (d) Read the following extract and answer the questions that follow.

*'In the presence of the Almighty God I, ..... do solemnly and sincerely promise and declare that I will duly and faithfully and to the best of my knowledge and power execute the office of .....without fear or favour, affection or ill-will towards any man, and that I will uphold the Constitution and the laws. So help me God .'*

- i. Who do you think would say these words?
- ii. What is the other name for these words?
- iii. What would the person be holding when saying these words?
- iv. Explain what you understand by the phrase; *'without fear or favour, affection or ill-will'*
- v. In your opinion why is it important to uphold the Constitution?
- vi. Why do you think this person needs the help of God?

vii. What is the name given to such a ceremony?

## Activity 2

In groups, simulate a Constitutional Review Commission seating.

## Characteristics of a good Constitution

A good constitution must:

- be clear. The language used in the document must not be too technical. Ordinary citizens other than lawyers should also understand it.
- be neither too rigid to prevent change nor too flexible to encourage tampering with the basic principles.
- be stable and stand the test of time (useful for a long period of time). It must not be changed at the pleasure of each President that comes to power.
- respond to the social, economic and political needs of the citizens.
- cater for the interest of various groups in society.
- preserve the environment.
- protect the rights of the citizens.

## The Importance of the Constitution

A Constitution is important because it:

- promotes and protects the rule of law.
- sets out the composition and functions of the wings of government..
- safeguards the fundamental rights and freedoms of citizens
- is owned and guarded by the citizens.
- ensures democratic governance.
- fulfils the individuals potential.

## Exercise 4

Write an essay.

- Outline the characteristics of a good constitution.
- Describe the importance of a Constitution?
- Imagine that you are a director of a Non Governmental Organisation in your area. You have been invited to explain how the constitution may limit governments power in order to protect individual rights. Write a speech highlighting the points you are going to address.
- Match each number in column X with the letter of its pair in column Y.

<b>X</b>	1	2	3	4	5	6	7	8	9	10
<b>Y</b>										

- Rigid Constitution
- Flexible Constitution
- Written Constitution
- A. Could be City, Municipal or District Council
- B. Fully self governing
- C. Law enshrining the protection of

		Human Rights
4. Unwritten Constitution	D.	Not easily changeable laws of the nation
5. Constituent Assembly	E.	All provisions documented in a one formal document
6. Bill of Rights	F.	An independent body of representatives of all walks of life deciding on the contents of a Constitution
7. Referendum	G.	Comprising of the Executive, Legislative and Judiciary
8. Central Government	H.	Has most of the provisions not documented into one document
9. Local Government	I.	To vote either 'yes' or 'no' on an issue
10. Sovereignty	J.	Easily changeable laws of the land usually with two thirds majority

### **Action Projects/follow up activities**

1. Carryout a survey and compile a report on your Local Council. Your report should highlight the following:
  - (a) Location of the Local Council (Place where found).
  - (b) Number of Ward Councillors and names of some of them.
  - (c) Developmental projects implemented by the council in the past 2 years.
  - (d) Developmental projects currently being undertaken by the council.
  
2. Prepare a set of ten questions, which you and your classmates would like to ask a local councillor. You may visit one councillor and ask him or her the questions. Compile a report of the responses.

### **GLOSARY**

Anarchy means confusion and lack of order.

A referendum is an occasion when citizens are asked to vote yes or no on an important issue, for example on abolition of the death sentence.

Sovereign means to be completely free to govern yourselves without outside interference, for example or sovereign state.

Supreme means greatest in importance.

# CHAPTER 2

## CITIZENSHIP

### Specific Learning Outcomes

- Define citizenship
- State qualifications to be a Zambian citizen
- Describe qualities of a good citizen
- Outline duties of a good citizen
- Identify obstacles to good citizenship
- Explain rights and freedoms of a citizen.
- Discuss the importance of citizen participation in community activities.

### Definition of Citizen

A citizen is a member of state who enjoys all the rights and privileges granted by the state. He or she performs duties and obligations towards the state and other institutions within it. A citizen has a mutual relationship with the state. The state guarantees a citizen liberty, rights and freedoms and, in return, a citizen is obligated to take part in the civic and political processes of the state.

### Legal and Moral Aspects of Citizenship

- **Legal Aspects**

A citizen is recognised by law and his or her rights are enshrined in the laws of the land. Every citizen has the protection of the state whether at home or abroad. He or she is provided with opportunities for the lawful enjoyment of his or her freedom, property and political rights. A citizen who fails to comply with the legal aspects of citizenship is liable for prosecution.

- **Moral Aspects**

The moral aspects of citizenship acknowledge the value of self-discipline and self-control. A morally upright citizen has a sense of responsibility to fulfil all his or her obligations to the state and the various social groups that he or she belongs to. He or she is not only responsible to his or her family but also to the community and the state. While a citizen receives all that is necessary to equip himself or herself as a citizen, he or she should be ready to give back to the community to promote general happiness and common well-being of the people. However, a citizen who does not comply with the moral aspects of citizenship is not liable for prosecution.

## **Alien**

An alien is a person living in a country which is not his or her own. An alien, although resident in one country, owes allegiance to another. For example, a Zambian living and working in Botswana still owes loyalty to Zambia. Aliens enjoy civil but not political rights. For instance, an alien cannot take part in voting for leaders in the country of residence.

An alien does not always have complete freedom to acquire or sell land or property, but is required to obey the laws of the state in which he or she lives. An alien may be deported from the host state for misconduct or for committing a serious crime. On the other hand, an alien owes no duty to the host country. He or she may pay taxes as stipulated by the laws of the land but is not duty bound to the state. For example, if war broke out in the host country an alien is not duty bound to take up arms to defend the state. Immigration laws of a country govern entry and status of aliens in the host country.

## **Kinds of Citizenship**

- **Natural Citizenship**

The rule of *Jus Sanguinis* and that of *Jus Soli* regulate this type of citizenship. According to the rule of *Jus Sanguinis*, blood relation and descent decides citizenship. A child assumes his or her parents citizenship regardless of where it is born. For example, a child born from a Zambian living in Tanzania is Zambian. On the other hand the rule of *Jus Soli* considers the place of birth. According to this principle, if a Zambian woman gives birth to a child in Tanzania, the child becomes a natural citizen of Tanzania regardless of the citizenship of the parents. The rule of *Jus Sanguinis* is older than that of *Jus Soli*. Because of this, many countries follow this principle. However, some countries embrace both principles, which lead to minors persons under the age of twenty-one years, having a dual citizenship until they reach the age of maturity which is twenty-one years, when they are compelled to give up one.

- **Naturalised Citizenship**

A foreigner may acquire citizenship of a host country. The following are the prescribed conditions which one has to follow to acquire citizenship of the host country:

- a. ***The rule of residence:***

This rule states that a foreigner is required to live in the host country for an uninterrupted minimum period of time before he or she can apply for citizenship. In Zambia, a foreigner becomes eligible to apply for citizenship after living in the country for at least ten years.

- b. ***The principle of declaration on a prescribed form:***  
This requires a foreigner to fill-in prescribed application forms and provide necessary documents, declaring his or her intention of applying for citizenship in Zambia.
- c. ***Renunciation of previous citizenship:*** This requires an applicant to give up his or her previous citizenship and take an oath of allegiance to the country of which one intends to become a citizen. Some countries demand to see evidence of good moral character, proof of sufficient financial standing to support himself or herself and a working knowledge of the nation's official language.
- d. ***Marriage:***  
A spouse can acquire citizenship of a wife or husband. This requires one to renounce the previous citizenship. However, one can opt to maintain his or her natural citizenship even when living in a spouse's nation.

Naturalisation may be *complete* or *partial*. When a foreigner obtains full rights and privileges of that of a natural citizen of his or her adopted state and there is no discrimination of any sort, the naturalisation is said to be complete. However, if there is differentiation in the enjoyment of rights and privileges between the natural and the naturalised citizens, then the naturalisation is said to be partial. For example, the clause in the 1996 Zambian Constitution that prohibits a naturalised citizen whose parents are not natural citizens to stand for the presidency of the country means that Zambia confers partial citizenship to its naturalised citizens.

### Exercise 1

1. In your own understanding, who is a citizen?
2. Study the table below and then Match each WORD in the left column with the correct statement on the right.

WORD	STATEMENT
CITIZEN	A rule that allows a person to acquire citizenship of one's parents
CITIZENSHIP	Freely choose to leave ones country to live elsewhere
NATURAL CITIZEN	Being left out of, not being included in things
ALIEN	Taking part and getting involved
JUS SANGUINIS	What one is obliged to do by law and conscience
JUS SOLI	Duty, support and loyalty one offers to a state
NATURALISED CITIZEN	A person living in a country which is not his/hers
REPATRIATION	Being a member of a country, enjoying rights and performing duties.
EXPATRIATION	Concerning principles of right and wrong.
LEGAL	The recognition and privilege given to a person by a state.

MORAL	Being a member of a country one applied for.
DIRECT DEMOCRACY	Declaring formally that one will no longer have anything to do with something.
ALLEGIANCE	Born and living in a country of one's parents.
SOCIAL EXCLUSION	In accordance with the law and liable for prosecution if not obeyed.
PARTICIPATION	Every citizen personally taking part in decision making.
DUTY	Send back to one's country.
RENUNCIATION	The rule that allows a person to take up citizenship of a country where one is born.

## Activity 1

Prepare a set of instructions for sensitising aliens who want to acquire Zambian Citizenship. Include what you think one should have before he/she can be granted Zambian Citizenship.

## Qualifications for Zambian Citizenship

Part II of the 1996 amended constitution of Zambia articles 4, 5 and 6 stipulate the following conditions for one to be a citizen:

- (i) *Article 4. 1*  
Every person who immediately before the commencement of this constitution was a citizen of Zambia shall continue to be a citizen of Zambia after the commencement of this constitution.
- (ii) A person who was entitled to citizenship of Zambia before the commencement of this constitution subject to the performance of any conditions following the happening of a future event, shall become a citizen upon the performance of such conditions.

### *Article 5.*

A person born in or outside Zambia after the commencement of this constitution shall become a citizen of Zambia at the date of his birth if on that date at least one of his parents is a citizen of Zambia.

### *Article 6* Any person who

- (a) has attained the age of twenty – one and
- (b) has been ordinarily resident in Zambia for a continuous period of not less than ten years immediately preceding that person's application for registration; shall be entitled to apply to the Citizenship Board, in such manner as may be prescribed by or under an Act of parliament, to be registered as a citizen of Zambia.

## **The Green National Registration Card (NRC)**

A symbol of Zambian Citizenship is the Green National Registration Card (NRC). This is issued by the National Registration Office under the Ministry of Home Affairs. The minimal age for one to acquire the NRC is 16 years.

## **Loss of Citizenship**

Part II of the 1996 amended Constitution of Zambia, *article 9* stipulates that:

1. A person shall cease to be a citizen of Zambia if that person:
  - i. acquires the citizenship of a country other than Zambia by voluntary act, other than marriage, and
  - ii. does any act indicating that person's intention to adopt or make use of any other citizenship.

2. A person who:

becomes a citizen of Zambia by registration and immediately after becoming a citizen of Zambia, is also a citizen of some other country, shall subject to clause (4), cease to be a citizen of Zambia at the expiration of three months after such person becomes a citizen of Zambia unless such a person has renounced the citizenship of that country, taken an oath of allegiance and registered such declaration of this intention concerning residence as may be prescribed by or under an act of parliament.

One can lose citizenship for any of the following reasons:

- Acquisition of a new citizenship of another country by a naturalised citizen;
- Deserting from military service by a naturalised citizen when called upon to do so by the state;
- Committing a serious crime or engaging in unacceptable activities by a naturalised citizen.

In some countries, a person can also lose the status of being a citizen if one:

- Accepts foreign decorations or titles;
- Is continuously absent from the home state for a long period of time;
- Takes up employment under a foreign government;
- Gets married (woman) to a foreigner and such a person acquires the citizenship of the husband.

A naturalised citizen can lose citizenship if that person is expelled from the country of residence by the state. This kind of expulsion is known as *forced repatriation*. However, if a naturalised citizen wishes to revert to his/her natural citizenship and goes back to the country of origin, this is known as *voluntary repatriation*.

## Exercise 2

1. In groups, design what you think should be an application form entitled: *Application for Citizenship*. Do not forget to put the *Zambian Coat of Arms* at the top of the form.
2. Decide whether the following statements are true or false.
  - (a) A person who was a citizen of Zambia before the commencement of the constitution shall not qualify to be a citizen of Zambia.
  - (b) A person born in or outside Zambia after the commencement of the constitution shall qualify to be a citizen of Zambia at the date of his birth even if at that date one of his parents was a *Zambian citizen*.
  - (c) A person who has attained the age of 21 and has been living for a continuous period of 10 years in Zambia shall not qualify for *Zambian citizenship*.
  - (d) A person who acquires the citizenship of another country shall not lose his *Zambian citizenship*.
  - (e) A person who commits serious crimes or engages in unacceptable activities shall not lose his *Zambian citizenship*.
  - (f) A *Zambian woman* who gets married to a foreigner shall lose her citizenship.
  - (g) A naturalised citizen who deserts from military service is called upon to do so by the state shall lose his or her citizenship.

## Qualities of a Good Citizen

The following are some of the qualities of a good citizen.

- *Living up to democratic principles:*  
This requires the willingness to participate in the affairs of the state such as exercising the right to vote
- *Contribution to national development.* This is the readiness to render every kind of service to the nation.
- *Self-control* This is the ability to restrain oneself from doing bad things.
- *Conscience* This is a sense of responsibility and service towards the community. For example, devotion to duty and service. Conscience drives one to perform his or her duties honestly and diligently.
- *Courag* This is the strength to stand up for one's convictions when conscience demands it.
- *Respect for law* This is the willingness to abide by laws, even when one may not be in complete agreement. It is the willingness to work through peaceful, legal means to change unjust laws.
- *Perseverance* This is the willingness to work under difficult circumstances in order to accomplish worthwhile goals.
- *Emphathy* Having concern or compassion for the well-being of others, especially for the vulnerable in society.
- *Patriotism* This involves a sense of love and loyalty to the state by observing the values and principles of one's country

### Exercise 3

- (a) (i) From your understanding of the concept *citizenship*, list qualities of a good citizen.
- (ii) Compare your list with that of your classmates.
- (iii) Discuss any similarities or differences with the one provided in this book.
- (b) Discuss the rights of a Zambian citizen.

### Duties and Responsibilities of a Citizen

Part IX of the 1996 amended Constitution of the Republic of Zambia, Article 113 outlines the duties of a Zambian citizen. It states that it is the duty of every citizen to:

- (i) be patriotic and loyal to Zambia and promote its well being;
- (ii) contribute to the well being of the community where citizen lives, including observance of health control;
- (iii) promote democracy and rule of law;
- (iv) foster national unity and live in harmony with others;
- (v) vote in national and local government elections;
- (vi) provide defence and military service when called upon;
- (vii) carry out with discipline and honesty legal public functions;
- (viii) pay all taxes and dues legally due to the state;
- (ix) assist in the enforcement of the law at all times.

#### *Personal Responsibilities:*

- (a) taking care of oneself.
- (b) supporting one's family.
- (c) adhering to morals, principles and values of one's society.
- (d) respecting the rights and interests of others.

#### • *Civic Responsibilities or duties:*

The responsibilities or duties of a citizen include the following:

- a. obeying the law.
- b. paying taxes.
- c. respecting the rights of others.
- d. being concerned about public issues.
- e. participating in civic activities such as voting.
- f. performing public service.
- g. observing and maintaining the security of the nation.

### Exercise 4

1. What are your responsibilities as a citizen of Zambia?
2. How do these responsibilities contribute to the development of Zambia?
3. Why should citizens of Zambia pay taxes? Give reasons for your answer.

## Obstacles to Good Citizenship

- (a) **Indifference:** When citizens are indifferent to their rights and duties and are too concerned with their personal safety and security, democracy cannot thrive. Everyone is only interested in what they can get for themselves from the start at the expense of other citizens.
- (b) **Self interest:** An individual who is motivated by self-interest avoids public responsibilities or simply ignores the general welfare of his or her society.
- (c) **Allegiance to political parties:** Though it is accepted that a multi-party system is essential for democracy, a bad citizen may put the interests of a political party he or she is affiliated to above national interests. Total allegiance to a political party blinds its members to their allegiance to the whole nation.
- (d) **Poverty:** A poor citizen is not interested in national issues. He or she cannot take an active part in the affairs of the nation.
- (e) Such a citizen is often preoccupied with finding the means of survival. Poverty often makes some citizens to engage in anti-social activities such as theft, cheating, and vote apathy.
- (f) **Ignorance:** An un-informed or ignorant person often fails to differentiate between wrong and right. This prevents such a citizen from making full contribution to national development.
- (g) **Defects in the electoral system:** If large sections of society are unrepresented in the electoral system, this can make them lose interest in the affairs of the state as they may not feel a sense of belonging.
- (h) **Reports of corruption in the media:** Print and electronic media such as newspapers, radio, television, internet may twist the truth and misinform the public to such an extent that citizens are not able to assess issues knowledgeably and correctly.
- (i) **The complex nature of modern society:** In many cases, individuals today belong not to citizenship based on national borders but also to other forms of citizenship that transcend national boundaries such as religion or environmental concerns. Thus, it may be difficult to harmonise interests of one citizenship with those of another. For example, eco-citizenship with Christian Citizenship on birth control.

## Ways of Promoting Good Citizenship

- **Administrative Improvement**  
Restructuring of political and social institutions to keep pace with the times and the wishes of citizens helps to improve attitudes. When citizens are assured of their fundamental rights and are consulted on constitutional reforms they will feel a shared responsibility with the government of the day about the welfare of their country. Short *tenure* of office for elected officers will lead to frequent elections that will bring about accountability in leaders. Broadening *franchise* to include a large section of the citizens and a law requiring compulsory voting for all eligible voters will lead to increased citizens' awareness of their rights and influence them to take more interest in public affairs.
- **Moral Remedies**

Citizens need to be spiritually and mentally motivated for them to take an active interest in public affairs. This can be achieved by providing wide spread educational opportunities to the citizens in order to inspire good values such as courage, honesty, tolerance and a spirit of accommodating other people.

- **Stability and Justice**

This involves establishment of security, stability and justice measures by both the leaders and the citizens. It requires active participation by the citizens in ensuring safe environments in the communities where they live. Citizens should be encouraged to set up independent local organisations that will improve communities. A good example is the idea of ‘Neighbourhood Watch,’ when members of a community take up the responsibility of ensuring their own security. Another example involves carrying out community projects where members are actively involved in enhancing social and economic development.

## **Exercise 5**

1. Different types of citizenships may cause conflicts in a country. Discuss this statement.
2. Suggest ways of resolving conflicts which may arise as a result of different types of citizenship in modern society.

## **Rights and Freedoms of a Citizen**

### **Civil and political rights**

These are rights that ensure that every person is given an opportunity to take part in the affairs of the state. Democracy is only made possible by active participation and cooperation of all citizens in matters of national development. These rights include the following:-

- Right to personal safety and freedom.
- Right to family life.
- Right to freedom of speech and expression.
- Right to assembly and association.
- Right to education.
- Right to freedom of conscience and religion.
- Right to property.
- Right to earn a living.
- Right to judicial safeguards, for example, a quick and fair trial.
- Right to reputation, which is a right to one’s good name. Consequently, a defamatory statement is punishable by law if proved that the utterance made in public, was untrue and not in public interest.
- Right to belong to a political party.
- Right to be voted into public office.
- Right to petition in order to register grievance either individually or collectively.
- Right to criticise the government.

## **Economic, Social and Cultural Rights**

These are rights that deal with the economic, social and cultural well being of citizens. They include:

- The right to work
- The right to adequate wages
- The right to reasonable hours of work.
- The right to food
- The right to education
- The right to health.
- The right to employment
- The right to social security.
- The right to a clean environment
- The right to development.
- The right to adequate housing.

## **Special Groups**

These are groups of people with special needs. For example, refugees, unemployed youths, children, street kids and orphans.

### **(a) Persons with disabilities**

Every society has a number of disabled persons among its population. Denying them employment, education and other social facilities may discriminate against such people.

The Zambian government should strengthen measures that enable persons with disabilities to lead normal lives.

### **(b) The aged**

These are people who are sixty-five years and above. Some of these people need special care, love and security.

The government should provide adequate housing for the old people. Those who are able to work can be employed.

### **(c) Unemployed Youths**

Due to privatisation of parastatal companies and other economic factors, many youths are not employed. The absence of a regular income subjects these youths to extreme hardships. Some of them end up on the streets.

The Government should put in place training facilities, so that the youths are provided with the necessary skills for employment.

### **(d) Orphans**

These are children who have lost one or both parents. This may lead to a situation whereby children start looking after themselves. In some cases, these

children end up on the streets. The government should strengthen social security services to alleviate the sufferings of these people.

### Exercise 6

1. Phiri graduated from Evelyn Hone College four years ago. He studied Journalism and did well, but he is not yet employed. Efforts to find a job have failed and currently, he is just at home.

(a) What is denied to Phiri? \_\_\_\_\_

(b) What could be the remedy for his situation? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Biemba, an 80- year - old woman of Chindinda village in Kabompo, has had her small hut washed away by the floods. Her relatives feel they have nothing to do with her.

(a) What is denied to Biemba? \_\_\_\_\_

(b) What could be the Remedy for Biemba's Situation? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Discuss how the rights of special groups are violated.
4. Suggest how each of these rights can be protected.

### Importance of Citizen Participation in Community Activities

Good citizenship involves participating actively in various affairs and projects which affect one's community. Such participation can take many forms. One way of participating involves taking full responsibility for one another for the common good.

The following are examples of duties of a responsible citizen in his or her community.

- Voting during local government and general elections.
- Monitoring elections.
- Initiating developmental projects in the community. For example, building a school and providing clean water and sanitation.
- Protecting oneself and other people against crime. for example, by being a member of the neighbourhood watch committee.
- Participating in decision making. at all levels.
- Creating awareness of human rights in the community.
- Recognising and protecting human rights.
- Encouraging gender balance in public affairs.

**Exercise 7**

1. Write an essay on how you can participate in your community as an individual.
2. Draw a chart showing what activities you participate in at home, in the community, at school and at national level.

**Action Projects**

1. Conduct a survey on what the consequences of the absence of citizen participation in government are.
2. Every rainy season your ward is affected by an epidemic of cholera. As a Councillor investigate the causes of this epidemic and suggest ways of addressing the problem, write a report to be presented to the full council meeting in your district. Present the same report to your class.
3. Investigate the advantages and disadvantages of high taxes on people from your locality. Write a letter to the editor of a national newspaper reporting the views of tax payers in your area.
4. Investigate the values of not having a school pupils' committee at a school.
5. Conduct a research on how the rights of special groups are violated.

**GLOSSARY**

Jus Sanguinis refers to citizenship based on blood relationship, for example parents, descent.

Jus Soli citizenship is acquired on the basis of place of birth.

Eco-citizenship.

# CHAPTER 3

## GOVERNANCE

### Specific Learning Outcomes:

#### General Outcome:

- Define governance
- Describe Zambia's governance system in the pre-colonial era
- Discuss the characteristics of good and bad governance
- Analyse different electoral systems
- Explain Zambia's electoral system
- Describe the local government system in Zambia

### Definition

Governance is the way people are ruled. It is about whether the people are ruled with or without their consent. There are two ways in which governance issues can be looked at. Either the country is ruled in accordance with democratic or dictatorship principal.

### Governance in Pre-Colonial Zambia

Governance is as old as humanity. All societies on earth have had at least one form of government or another. It therefore follows that Zambians too had some form of government in the pre-colonial era. Societies such as the Tumbuka, Tabwa, Ngoni, Bemba, Lozi and Lunda were ruled by Kings. These rulers had absolute power over their people. The people under their rule were answerable to them. The king or queen was at the apex of the government hierarchy. Below him or her came chiefs. The village headmen or headwomen came right at the bottom, overseeing the villages. The family, headed by the father, was the lowest unit. The village leaders were in charge of villages and presided over all the problems which occurred in their villages. While chiefs were assisted to govern their chiefdoms by officials at the court, village headmen or headwomen relied on selected wise elders.

The judiciary in pre-colonial days differed from one society to another. In most societies, offenders were punished by the Local Court at the 'Chief's Palace' and the punishment varied from society to society. Among the Bemba, for instance, there was '*Mulima Chipuba*' (Field Cultivated by Fools) punishment meant to embarrass or humiliate an offender. This punishment involved the offender cultivating a special field located in an area where passers-by could easily see the offender working. However, rulers in many of these pre-colonial societies carried out ruthless punishments. Murderers and wizards or witches would have their hands cut off or such offenders would be burned alive. Certainly, these were examples of bad governance and bad justice.

The imposition of colonial rule brought new system of governance among the people of Zambia. This was *colonial governance* where all national leaders were appointed by the Queen of England and imposed on the people of Zambia.

## **Good Governance**

Good governance means a government which is legitimate, competent, accountable and respects human rights and the rule of law. Good governance should be practiced at family, school, community and national levels. These elements add up to what most people expect from those who rule over them. Without good governance, social, economic and political progress it is difficult to achieve and impossible to guarantee.

### **Importance of Good Governance**

Good governance is important because it enables citizens to enjoy human rights and freedoms. It makes the government accountable to the people and makes government's operations transparent. Citizens have the right to know what the government does for them or how the leadership intends to solve their problems. Good governance enables citizens to fully participate in electing leaders of their own choice. Citizens can vote out leaders who fail to perform their duties properly. In good governance, the rule of law is observed and the Judiciary is independent. Every person is accorded the right to contribute to the making and amendment of the constitution. All citizens have equal rights before the law.

Pupils can also participate in the governance of your schools and communities. They can elect your representatives and vote out those who fail to perform. For instance they can vote for or vote out prefects, class monitors and club leaders.

### **Exercise 1**

1. Explain what Good Governance is?

### **Activity 1**

In groups, debate the following motion: 'There was good governance in pre-colonial societies in Zambia'.

## **Characteristics of Good Governance**

- **Citizen Participation**

Good governance allows citizen participation. All people take an active part in the affairs of their community and country. They elect their leaders, have the right to stand for public office and mobilize for social action. For example, citizens can demonstrate against what they do not agree with. Leaders are held accountable for their action.

- **Respect for Human Rights**

All forms of human rights are recognised, protected and promoted. Some of these rights are: the right to vote and be voted into power, the right to security, the freedom of assembly and association; and the freedom of conscience and expression.

- **Separation of Powers**

This is the principle that states that the three organs of the government, namely, the Legislature, Executive and Judiciary, must work independently. The three organs must never interfere with each other in their operations. At the same time, they should check each other to ensure that they operate within the law.

This is known as *checks and balances*. Separation of powers promotes democratic governance because power is not concentrated in the hands of one person. Therefore, genuine separation of powers can only exist where no individual belongs to more than one of the three organs of government.

The Legislature makes laws and approves government policies. The Executive carries out the laws passed by the Legislature and the Judiciary interprets and enforces laws made by the Legislature to ensure that there is no violation of the constitution.

Separation of Powers is a constitutional mechanism that allows each organ of the government to share powers with the other branches. This helps check the operations of the other organs to ensure that it operates within the constitution of the country. In this way, power will be balanced among the organs of the government. For example, in Zambia the Legislature can impeach the president if he or she violates the Constitution of Zambia.

- **Independence of the Judiciary**

The Judiciary is vested with the responsibility of interpreting and enforcing the laws. The Chief Justice and Judges should be free from interference by the Executive and the Legislature. Once appointed, they should not be easily dismissed.

- **Political Tolerance**

People with different political opinion must be able to freely express themselves and their opinions should be respected. One should not be forced to accept another person's opinion. Political violence against people who support different political parties or candidates should not be tolerated.

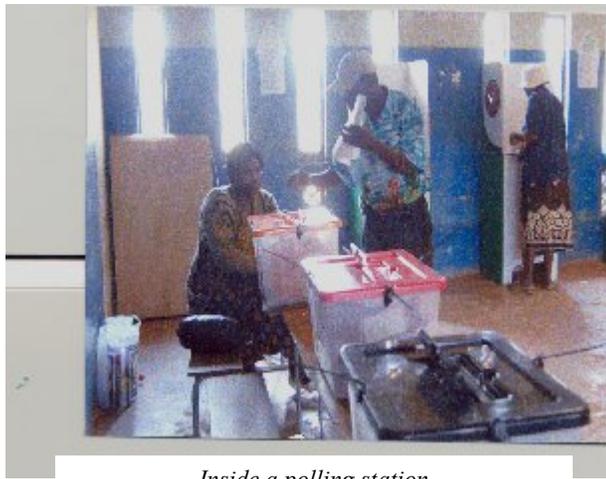
- **Accountability and Transparency**

*Accountability* means that leaders should be answerable to the people who elected them into office. *Transparency* requires that public resources must be used for government and community programmes and activities in consultation with the people. Any person who misuses public funds should be taken to court and if proved guilty should be punished and not allowed to stand for public office. For instance, the Constitution of Zambia forbids any person to stand for a political office if he or she has been convicted of a criminal offence within a period of five years before the election's nomination day.

- **Regular, Free and Fair Elections**

Elections must be held at agreed intervals. For example, in Zambia, General and Local Government

Elections are held every five (5) years. Every citizen who has reached the voting age should register and vote. This is known as universal suffrage (*Franchise*) or the right to vote. Voting should be by secret ballot. Political parties must have the freedom to inform the people about their policies and programmes in their *manifestos*. This affords the electorate a chance to vote for candidates of their choice.



*Inside a polling station*

- **The Rule of Law**

The rule of law means that the government or those in power rule the country in accordance with the constitution and the other laws of the country. All people in the country are subject to the same laws and should be held accountable if they break them. There should be no discriminatory application of laws. Every one is equal before the law and no person is above the law. The rule of law makes government leaders accountable to the people they lead. Their operations should be authorised by the constitution of the country. The law also provides for separation of powers and checks and balances. The rule of law also requires an independent, courageous and a corrupt free Judiciary. Without the rule of law there will be anarchy in society.

The rule of law can only be legitimate if *credible laws* are put in place. People must have confidence in the laws. It is extremely important to promote popular participation and consensus in the law making process. All sections of the society should be represented in the legislature.

- **Existence of Political Parties**

A political party is a voluntary association of people who share common values and wish to form the government of the country. During elections, political parties sponsor candidates for the office of the President, Member of Parliament and Ward Councillor. Political parties educate people on their rights and obligations. They point out the shortcomings of the government in power. They provide alternative programmes through manifestos. The existence of political parties promotes good governance by providing checks and balances. They also facilitate peaceful transfer of power from one political party to another. For example, in 1991 there was a peaceful transfer of power from the United National Independence Party (UNIP) to the Movement for Multiparty Democracy (MMD).

- **Existence of Civil Society**

A civil society is a group of voluntary individuals and organisations which are not part of the government institutions. Civil Society should operate without government interference. A Civil society is an indispensable means of maintaining good governance. A trade union is part of civil society. It is an organisation of workers formed to protect the workers and their interests. Trade Unions also work to improve working conditions, wages and salaries by advocating for justice and accountability. Other important components of the civil society are Non Governmental Organisations (NGOs), Faith Based Organisation (FBO) and Community Based Organisations (CBOs)

- **Fairness**

In good governance, the government should make sure that no one is excluded from access to any public service for reasons of race, colour, creed, gender, mental or physical disability. No region or constituency should be discriminated against by the government on grounds of its political affiliation. Government workers should be recruited and promoted openly, on merit and they should carry out functions of the government impartially. People should not be appointed into public office on grounds of ethnicity or nepotism.

- **Helpful and Caring**

Good governance requires that the government should be helpful and take care of the interests of its citizens both at home and abroad.

Public services should be provided and run to suit the convenience of those who use them, not those who provide them. Good governance makes sure that public servants are properly trained in public relations and that there are clearly defined standards of behaviour for those who serve the public directly.

## **Bad Governance**

A bad government is a government which is not legitimate, competent, accountable and does not respect human rights and the rule of law. It is a government which rules against the wishes of the majority. Dictatorship is a form of bad governance. However, bad governance can also be practised by a democratically elected government.

### **Characteristics of Bad Governance**

- **Restriction of Political Activities**

The government or the party in power restricts the activities of the opposition parties. People are forced to vote for certain candidates whenever elections are held. Therefore, people's choices are not real due to threats. Opposition parties are not allowed to exist. If they exist they are strictly controlled by the government.

- **Lack of Separation of Powers**

Political power is concentrated in the hands of one person or a few people. For instance, the Executive can interfere with operations of the Judiciary and the Legislature.

- **Lack of Press Freedom**

The press is controlled by the government and often reports favourably on government policies. Opposing or dissenting views are not allowed in government owned media.

- **Violation of Human Rights**

There is no respect for human rights. People who oppose the government can be tortured and detained without trial or can be killed.

- **Judiciary not Independent**

The Judiciary is not independent of the Executive and the Legislature. There is little respect for the rule of law and there is no fair trial. Court decisions are not always respected. Leaders can interfere with court proceedings without being punished by the law.

- **Arbitrary Arrests**

There are arbitrary arrests of suspected dissidents who are critical of the government. The secret police spies on the citizens. Citizens always live in fear of being arrested.

- **Lack of Freedom of Assembly and Association.**

Voluntary associations such as Trade Unions and Non-Governmental Organisations do not operate freely. Those which do not conform to government policies can be banned.

- **Neglect of Public Welfare**

This is when government leaders do not care for the welfare of the people. There is corruption, nepotism and other forms of abuse of office.

- **Use of Force**

The government uses force to stay in power. It also extends its stay in power by using other methods such as constitutional amendments and postponement of election dates.

- **Irregular and Unfair Elections**

Elections are not held regularly. If held they are not free and fair. There is vote rigging.

- **Lack of Citizen Participation**

The government decides for the people. People become servants instead of masters of the government. The government claims to know what is good for the people. The people are rarely consulted and their concerns are often ignored.

### Exercise 2

1. Write brief notes on the following:
  - (a) Accountability and transparency
  - (b) Rule of law
  - (c) Separation of powers
  - (d) Helpful and caring government.
2. Copy the table below in your exercise books and fill in the columns with necessary information as shown in the examples given to you.

<b>Good Governance</b>	<b>Bad Governance</b>
Example Citizen participation in national affairs.	Example Lack of citizen participation in national affairs.

3. Look at the following situations and discuss whether there is good governance or bad governance. Give reasons for your answer.
  - i. The President of a country has the power to appoint and dismiss members of the judiciary and the judicial commission.
  - ii. The police shoot suspected criminals on sight and uses torture to get evidence from the suspects.
  - iii. A leader of a political party who believes that elections were not free and fair, demands for a recount of the votes, and it is granted.
  - iv. Civil servants are not allowed to belong to political parties or to stand for elections.
  - v. Parliament has a public gallery in the debating chamber where citizens can sit and watch the proceedings.
  - vi. Citizens need permits to demonstrate or hold a meeting.
  - vii. The members of the public are worried about a proposed bill that would not serve their interest. With the help of civil society, there is wide publicity in both the print and electronic media of discussions and demonstrations against such a law. However, Parliament enacts a law that is similar to the one which people were opposed to and had been declared “unconstitutional” by the Supreme Court.
  - viii. The government arrests a journalist for writing a story in the newspaper. The government says the story was highly confidential.
  - ix. The government owns the major newspapers, radio and TV stations in the country, but allows the private media to operate freely.
  - x. There are conflicting issues affecting all stakeholders in the governing circles; during a national conference, which was televised, leaders of political parties could not agree on key provisions of the constitution and the meeting ends in a dead-lock.

## Electoral Systems

Electoral systems are methods through which the governed choose their leaders or representatives. For instance, the way citizens elect their political leaders.

The following are the four main types of electoral systems that countries follow:

- **Single Member Plurality System (SMPS) or First-Past-The-Post (FPTP)**

This is commonly referred to as *Winner Takes All*. In this system, a country is divided into electoral constituencies. When elections are held, voters are asked to vote for a candidate of their choice. Any candidate who gets the highest number of votes, wins the elections, even if the candidate gets one vote above the other.

The main disadvantage of this system is that a candidate can be rejected by most of the electorate but still manage to win an election. For example, if there are three political parties, each member will win some votes. Candidates A, B and C stand for an election. Candidate A gets 100 votes, B

gets 290, C gets 300. Therefore, candidate C wins the elections by Single Member Plurality System (SMPS).

- **Single Member Majoritarian System (SMMS)**

Under this system, a country is divided into several constituencies. The winner of an election must obtain an absolute majority of votes in the constituency. This means that a candidate should win over 50 percent of the votes cast in an election.

This electoral system has a great advantage over the Single Member Plurality System. Where a candidate fails to get an outright majority of votes, elections will have to be conducted again for the two top winners. This is known as an *election re-run*.

Zambia used this electoral system in 1991 for presidential elections in the 1991 Constitution of Zambia. However, there was no re run of the elections because Fredrick Chiluba won the elections with absolute majority. He obtained over 50 per cent of the votes cast. In 2006, there was an election re-run in the Democratic Republic of Congo because no candidate won the presidential elections by an outright majority. Since there was no clear winner, a re-run was conducted between the two-top contenders, Joseph Kabila and Pierre Bemba. Kabila won the election re-run by 58 percent of the votes cast while Bemba got 42 percent.

- **Proportional Representation System (PRS).**

In this system, representatives to the Legislature are chosen according to party, regional or ethnic proportions. In a federal state, parliamentary seats may be shared according to regional proportions. Bigger states may get a bigger proportion of seats than smaller ones. The most common Proportional Representation System is the Party List System (PLS). Under this system, the whole country forms one single constituency. There is no constituency delimitation. After the election, Parliamentary seats are shared among the political parties according to the proportion (percentage) of the total votes they have scored. For instance, if party “A” won 42 percent of the votes cast, then 42 percent of the seats will go to party “A”. Each party nominates members of Parliament from among its members to represent it in the Legislature. The leader of the party which gets the highest proportion of seats in the legislature forms the government.

The disadvantage of this system is that the members of parliament are not directly answerable to the electorate. Members of parliament are answerable to their political parties which nominated them to parliament since individual voter’s vote for a political party of their choice and not an individual candidate. This system was used in South Africa during the first multi-party democratic elections that brought the African National Congress (ANC) and Nelson Mandela to power in 1994.

- **Mixed Member Proportionality System (MMPS)**

This is a combination of First Past The Post (FPTP) and the Proportional Representation Systems (PRS). This system allows for some members of parliament to be elected through the FPTP System while others occupy legislative seats through the Party List System. This system provides a broad representation and accountability. It also takes care of the interests of minority communities in a country. This system was used in the 1980 election in Zimbabwe where 20% of the seats in the Legislature were reserved for Zimbabweans of European origin. The other 80% were filled in according to the FPTP system. However, this electoral system tends to be too complex for the ordinary voter to understand.

## **Elections**

The fundamental principle underlying good governance is that government must rule with the consent of the people. In order for good governance to flourish, it should be based on a people driven constitution. One essential element of good governance is the respect for the rule of law. Therefore, an electoral code is critical for the regulation of the electoral process so as to provide a basis for the achievement of free and fair elections.

Elections are important because they:

- oblige candidates to explain to the citizens why they should be elected.
- make political parties accountable to the people.
- provide a mechanism of peaceful transfer of power.
- offer regular opportunities for people to change government.
- provide the peace and stability necessary for development.

## **Characteristics of Elections in Good Governance**

Elections must be:

- **Periodic**

This means that elections must be held when time is due. Elected officials must return to the voters at prescribed intervals to seek their mandate to continue in office.

- **Competitive**

Elections must take place in a conducive political environment where all candidates can compete fairly. This means that all eligible voters should be allowed to vote without any discrimination. It also means that intimidation candidates must enjoy the freedom of assembly and association and movement necessary to voice their opinion on the government openly and win the support of the people.

- **Inclusive**

The definition of an eligible voter must be broad enough to include a large proportion of the adult population. This means that all eligible voters should be allowed to vote without any discrimination.

- **Decisive**

Democratic elections determine the leadership of the government. Popularly elected representatives should hold the reigns of power. The winning candidate or party should not be prevented from taking office.

### Exercise 3

Answer the following questions:

1. Discuss the features of the electoral systems bringing out the advantages and disadvantages.
2. Copy the table below. Fill in the features in note form. The first one has been done for you.

<b>ELECTORAL SYSTEM</b>	<b>FEATURES</b>
(j) Single Member Plurality System (SMPS).	Candidate who scores the highest wins.
(ii) Single Member Majoritarian System (SMMS).	
(iii) Proportional representation System (PRS).	
(iv) Mixed member Proportionality System (MMPS)	

### Zambian Electoral System

The Amended 1996 Constitution of Zambia prescribes the Single Member Majoritarian System (SMMS). Any person who obtains the highest number of votes in an election at any given constituency is declared Member of Parliament. This also applies to the Presidential Candidates.

### Activity 2

There are four electoral systems which are used by the different countries. Which one of them do you think is the most suitable for Zambia.

The Electoral Commission of Zambia (ECZ), though independent, is a government institution mandated to conduct elections. The Commission comprises five commissioners who are appointed by the President of Zambia, subject to ratification (approval) by the National Assembly. In most cases these people are ratified without any objections since they are appointed by the president in consultation with other relevant authorities like Public Service Commission. The ECZ carries out duties such as delimitation of constituencies and wards, registration of voters, nomination of candidates, conducting the voting process and announcing election results.

### **The Electoral Code of Conduct: (Statutory Instrument Number 90 of 2006)**

The Electoral Code of Conduct of 2006 is a set of rules and principles that regulates the conduct of all stake holders before, during and after elections. These stake holders include the Electoral Commission of Zambia, political parties, media institutions, election monitors, election agents, Zambia Police and other law enforcement institutions.

According to this code any person taking part in campaigns and elections should ensure that the conditions are conducive for the conduct of free and fair elections. All stakeholders should guarantee rights and freedoms of the electorate and contestants. The code does not allow any form of intimidation, violence, bribery, vote buying, corruption and office inducement as a means of winning elections. The code also does not allow the use of government facilities and transport for campaign purposes. The code mandates the ECZ to establish conflict management committees to settle electoral disputes. However, the ECZ has no authority to prosecute those who violate the electoral code of conduct. People who violate the code of conduct can only be prosecuted by law enforcement institutions such as the Police and Anti-Corruption Commission.

## **Types of Elections in Zambia**

There are three types of elections. These are:

- **Primary Elections**

These are held whenever democratic political parties want to choose candidates to stand in Presidential, Parliamentary and Local Government Elections. The purpose of these elections is to enable a political party to select suitable candidates from applicants wishing to stand on its ticket.

- **Presidential, Parliamentary and Local Government Elections**

These are also known as *General* or *Tripartite* Elections. They are held every five years to elect the President, Members of Parliament and Ward Councillors as stipulated in the *Zambian Constitution*. Members of Parliament are the link between the government and the people. They take issues of development from their constituencies to government and explain to the people what the government is planning to do or is doing. The council tackles developmental issues at local level and makes by-laws to be followed in the district.



*Tripartite Elections:*

To stand in the Presidential elections, the candidate must be sponsored by a political party. In the parliamentary and local government elections the candidate can either be sponsored by a political party or stand as an independent.

- **By-Elections**

By-elections are held when a Councillor or Member of Parliament dies, resigns from the party, is expelled from the party or is imprisoned for more than six months.

### **Voters' Rights**

In good governance voters have the right to:

- seek information freely
- have access to voter education
- attend party campaigns without fear
- express opinions freely and peacefully
- vote for candidates of their choice
- vote in secrecy (secret ballot)
- vote without intimidation or fear
- be assisted if one has a disability
- complain about irregularities
- be excused from work to go and vote
- be protected by law and police.

You can appeal to the court of law if an election officer refuses to register you as a voter or stops you from voting.

### **Election Malpractice**

Election malpractice or cheating takes place when:

- opposition parties are not allowed to organise meetings freely.

- opposition parties are not given enough time on radio and television to express their views and plans.
- members of opposition parties are detained or put in prison in order to silence them.
- the Press, (Newspapers, radio and television) are not free to express views or give information that is critical of the ruling party.
- a party allows its members to physically assault supporters of other political parties.
- when there is no transparency in the counting, transportation, transmission and announcement of election results from the polling stations to Provincial and national election centres.
- if voting time is cut short in constituencies where is unpopular but extended where it is popular.
- when a voter votes twice.
- when a candidate gives money, beer and other materials to voters to win their support.
- when any party uses government resources to campaign. For example, civil servants, government vehicles and materials.
- when election results are announced while voting is still going on in other places. This prejudices the voting process in favour of the announced winning party or candidate.

### **Dangers of Election Rigging or Cheating**

Election malpractice or cheating can cause great harm to the nation because:

- they may lead to costly election petitions and by-elections.
- people may lose faith in democracy.
- there may be increased voter apathy as people lose confidence in elections.
- the government may lose support of the people.
- strikes and demonstrations may be organised to protest against the false results.
- if prevented from forming government, the party that has lost the elections may use weapons to fight against the government, thereby bringing about a civil war.
- a “rigging” government may face international sanction and isolation.

### **Exercise 4**

1. What are the qualifications of the following in Zambia:
  - a) Presidential candidate
  - b) Parliamentary candidate
  - c) A Ward Councillor
2. Are you satisfied with these qualifications? If not, suggest amendments and give reasons.
3. Name any African Country where elections were followed by protests and violence. Discuss what led to this situation and suggest how it could have been avoided.

## **The Local Government System in Zambia**

Before independence in 1964, the British Colonial Administration ruled the country through the central government and Native Authorities. The Native Authorities fell under the Ministry of Native Affairs. Native Authorities consisted of chiefs and other traditional leaders. Duties performed by Native Authorities included the collection of taxes such as *poll tax and hut tax*. They also issued licences such as dog licence, bicycle licence and store licence. Chiefs also performed some judicial functions such as presiding on civil cases at local courts. From 1964, the Ministry of Local Government became responsible for the administration of all local authorities in the country. Steps were taken to establish councils in rural areas. Most of the inherited rural local authorities were based on traditional units of government and were too small to be either administrative or financially viable. The new councils included chiefs appointed by the Minister of Local Government. These councils were to provide a limited range of basic essential services such as schools, libraries, markets and housing. In 1965, the Local Government Act Number 69 was amended to establish a basically uniform pattern of local authorities throughout Zambia. Under the Act, there were City Councils, Municipal Councils, Township Councils and Rural Councils.

A Minister of State was in-charge of a Province. However, all councils in the province were under the Provincial Local Government Officer. At district level, the Local Government Officer was in-charge.

In 1980, the Local Government Decentralisation Act was enacted. UNIP assumed full responsibility to control the operations of all councils in Zambia. District Governors appointed by the President took over from mayors and chairpersons. Councils throughout the country became district councils.

The reasons for decentralisation were to:

- reduce delays as most decisions could be made on the spot instead of referring to headquarters
- make plans and programmes more relevant to local needs and conditions
- improve co-ordination between different government agencies in an area
- reduce the burden on senior staff at national level so as to improve their performance.

The composition of district councils was as follows:

- District Governor – Chairperson
- District Political Secretary
- District Women’s Chairperson
- District Youth Chairperson
- Two trustees
- Ward councillors.
- Members of Parliament from the areas
- One representative of chiefs elected by chiefs in the district
- One representative from each of the security forces
- One representative from each trade union

The District Council Administration was headed by the District Executive Secretary and supported by nine secretaries. These were secretaries for political, administration, social, security, finance, development, commercial, legal and industrial affairs

In 1991, the Decentralisation Act was amended. The new act introduced three types of local councils. These were city, municipal and district councils. This system has continued to the present. The MMD government wanted to give more autonomy to councils so that there was less dependence on central government for funds. The Local Government Act of 1991 made councils to operate freely from political interference since all councillors were elected by the people. The current composition of local councils is as follows:

- Mayor or Council Chairperson
- Deputy Mayor or Deputy Council Chairperson
- Ward councillors
- Area Member of Parliament
- 3 chiefs' representatives
- 1 representative from the security forces
- 1 representative from the labour movement
- the Town Clerk or the District Secretary (ex-officio members).

Mayors and Town Clerks are found in City and Municipal Councils, while Chairpersons and District Secretaries are found in District Councils.

The administrative structure of the local council is headed by the Town Clerk or the District Secretary. He or she is assisted by directors such as: -

- Director Health
- Director Finance
- Director Engineering
- Director Works.

### **The Functions of Local Councils**

The 1991, Local Government Act empowered councils to perform various functions such as the following:

- providing clean and safe water
- providing accommodation and plots for development
- maintaining of environment
- awarding trading licences to people
- providing street lighting



- maintaining streets and roads
- maintaining grave yards
- controlling live stock movement
- constructing and maintaining markets
- town planning
- sewage disposal
- providing recreation facilities such as swimming pools and parks
- providing public health facilities and control of epidemics such as cholera
- providing education facilities such as schools
- collecting levies
- making by-laws.

*Refuse collection*

## Exercise 5

You have been invited to take part in the *Zambian Youth Parliament* debate:

- (i) Name three major political issues that you consider important to the *Zambian Youth* today. In your answer state why you think each of these political issues should be debated at the *Zambian Youth Parliament*.
- (ii) Choose one of these political issues, and write a short speech that you would deliver to the parliament outlining the importance of the issue. Include in your speech a three point action plan that would help address this particular political issue in a meaningful way.
- (iii) *Student Councils* and *Youth Parliament* are often considered by adults to be a very good way of getting young people to become interested in politics. Do you agree with this statement? Give reasons for your answer.

## Suggested Action Project

1. You have discovered from a recent survey that many of the senior pupils in your school who are eligible to vote, do not intend to vote in the next general election. Write a short speech that your class will give to the senior pupils in the school to persuade them to register as voters and vote.
  - i. Outline at least three reasons why they should vote in the general election.
  - ii. Design a set of
  - iii. posters to encourage them to attend this meeting. You should include an appropriate slogan in the sketch of your poster.
  - iv. Besides the use of posters, suggest ways of encouraging them to vote.
2. Prepare a set of 10 questions which you and your classmates would like to ask a Local Councillor. You may either arrange for a councillor of your choice to visit your class and respond to your questions about the work he or she does

on behalf of the community or send the questions to a number of Local Councillors and wait for their replies. Compile data and report to the class.

3. Find out from the Local Council about the development plan designed for your area. Assess its impact on the community. What changes (if any) would you like to see included in the plan. Give reasons.

# CHAPTER 4

## INTRODUCTION TO HUMAN RIGHTS

### **Specific Learning Outcome:**

By the end of the chapter you should be able to:

- Define Human Rights
- Discuss characteristics of human rights.
- Explain categories of human rights.
- Outline the historical development of human rights.
- Describe the Rights Based approach.

### **Definition of Human Rights**

There is no one meaning of Human Rights. Human Rights have been described in different ways. However, for our purpose we will describe Human Rights as those entitlements that one has simply because one is a human being. Entitlements are claims or freedoms. Every human being regardless of one's colour, religion, age, sex, nationality, the geographical place where one lives or whether rich or poor has the same claims and freedoms. Because every human being enjoys these claims and freedoms, Human Rights are said to be universal lawful guarantees. Human rights protect individual human beings or groups of human beings from actions that might interfere or stop one from enjoying them. These rights are claimed from society in which human beings live.

Perhaps we need to define the word 'human' in order to understand fully the term 'Human Rights.' 'Human' is defined as people as opposed to plants, animals or machines. A man, woman and a child are human. Therefore, when we talk about Human Rights we are including men, women and children equally. 'Rights' are the basic things that a human being needs to live, to have dignity, to fair treatment and to equality. These basic things include food, shelter, clothing, equality before the law and freedom to assemble and speak.

### **Exercise 1.**

1. Define Human Rights
  - (a) Distinguish rights from responsibilities.
  - (b) Write down six rights which you think every person needs to live a happy life.
  - (c) Identify from your list, the rights you actually have.

### **Historical Development of Human Rights**

Human Rights are inherent, universal and inalienable. This means that Human Rights do not belong to any one particular group of people, race or nationality. The fact that in Zambia the talk about Human Rights is a recent development does not mean that Human Rights have just arrived in Zambia.

Throughout history of mankind one can see through rules and laws that elements of Human Rights were acknowledged. In religion, the 'golden rule' of 'Do unto others as you would have them do unto you,' which summarises rights and responsibilities, found in the Christian Bible has similar sayings in the Hindu Vedas, the Islam Quran, the Babylonian Code of Hammurabi and the Analects of Confucius, an ancient religion of China.

Other documents mentioning individual Human Rights is the Magna Carta of 1215, the English Bill of Rights of 1689, the French Declaration on the Rights of Man and Citizen of 1789 and the US Constitution and Bill of Rights of 1791. In Africa the Charter of Mande of 1222 also outlined individual Human Rights which were guaranteed by Soundiata Keita, the King of the Empire of Mali – also called Mande. He proclaimed the Charter of Mande- or the Oath of Mande- at the occasion of his coronation. However, these documents were not universal in nature because they often excluded women, children, slaves, persons of certain social, religious, economic or political groups.

Human Rights as we know them today only came about after the revelation of the terrible, cruel and violent killings of the Jews, Sinti and Romani (gypsies) people, homosexuals and persons with disabilities under the hands of the Nazi Germans that took place during the Second World War horrified the world. Governments then decided to give their time and energy to establishing the *United Nations in 1945* with the idea of promoting international peace and preventing conflict. They wanted to make sure that never again would anyone be unjustly denied life, freedom, food, shelter and nationality. Furthermore, they wanted to make sure that there were Human Rights standards drawn up to protect individuals from abuses by their governments and standards against which nations could be held accountable for the treatment of those living within their borders. The result was the *United Nations Charter* that was drawn up in 1945.

Member countries of the United Nations promised to promote the respect for Human Rights for all and to do this they formed a *Commission on Human Rights* and gave it the duty of drafting a document putting in writing the meaning of fundamental rights and freedoms that had been declared in the Charter. The Commission was chaired by Mrs Eleanor Roosevelt, who was the wife of President Franklin Delano Roosevelt the then President of the United States of America. The Commission came up with the *Universal Declaration of Human Rights (UDHR)*.

The Universal Declaration of Human Rights which was adopted on 10<sup>th</sup> December 1948 by member states of the United Nations means that how a government treats its own citizens is now a matter of international concern and not simply a domestic issue. It is a set of principles to which United Nations members commit themselves in an effort to provide all people of the world with human dignity. Human Rights principles support the belief for a free, just and peaceful world. It sets minimum standards for how individuals, institutions and governments everywhere should treat people.

Human Rights also give people power to take action when the minimum standards are not met because, like already stated, people still have Human Rights even if the laws or those in power do not recognise or protect them. The Universal Declaration of Human Rights' introduction states that rights are interdependent and indivisible:

*Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*

The Universal Declaration of Human Rights is a call to freedom and justice for people throughout the world. It is therefore, a common standard for measuring the achievement of Human Rights to all people and all nations. However, we should remember that the Universal Declaration of Human Rights is not legally binding because it is only a *declaration*. Nevertheless the declaration has become accepted as *customary international law* because most countries in the world treat it as if it were law. However, governments have not practised this *customary law* equally because some have emphasised social welfare rights, such as education, jobs and health care but have given little attention to political and civil rights or the other way round. In grade 11 you will learn more about *Human Rights Instruments* called 'Conventions' or 'Treaties' or 'Covenants' that are legally binding.

All the human rights conventions that you will learn about in future are drawn from the Universal Declaration of Human Rights. They all have their origins in the UDHR.

### **1222 – Year of the first African Human Rights Declaration**

In the year 1222 in the Empire of Mali, Soundiata Keita, the King of the empire of Mali – also called Mande - proclaimed the Charter of Mande - or the Oath of Mande - at the occasion of his coronation. It was the result of a joint effort by elders, noblemen and associations ("ton") of the country, who had – commissioned by the King - elaborated the principles according to which the empire should be ruled. The Charter of Mande opens with an essential statement on the equality of human lives:

"Every human life is a life ... there is no life more 'ancient', Or more respectable than another life, as no life is worthier than another life."

For this reason:

"Every life being a life,  
Every damage inflicted on a life needs repair.  
Therefore,  
Nobody may without reason oppose his neighbour,  
Nobody may do his neighbour a wrong,  
Nobody may torment another human being."

The Charter of Mande also contains some paragraphs addressing two main evils – hunger and slavery:

"Hunger is not a good thing,  
Slavery isn't a good thing either;  
There is no worse calamity than these two things,



rights, such as the right to live in a house that belongs to you or the right to a car that you bought. The following are the characteristics of Human Rights:

- **Human Rights are Inherent.**

**Inherent is that which is a natural gift.**

**natural gnt.**

Human Rights and fundamental freedoms are inherent. This means that they exist independently of the will of an individual or group of persons. Human Rights cannot be bought, given, entrusted or earned. Inherence means that which is an essential part of something and taking it away means that something is no longer what it is supposed to be. Therefore, Human Rights can only be violated or denied but not taken away. Human Rights are inherent because we are all born with them. They can not be transferred from person to person. Human Rights are a birth right. They exist as a natural and permanent part of human beings. One is born with them and has them till the time one dies. Whether one realises that they have them or not they are still there.

- **Human Rights are Inalienable (Inseparable)**

Inalienable means those things that can not be taken away or separated or given away. Similarly Human Rights can not be taken away nor be given away. People

**Inalienable right is a right that cannot be taken away or given to another person.**

have Human Rights even when these are being violated or even if the laws or those in power do not recognise, promote or protect them. Human Rights cannot be taken away nor can

any person deprive another of the right to have and enjoy them. Human Rights can not be forfeited or be diminished by one's failure to exercise them even though one can be unaware of his or her rights. Human Rights are a legal (lawful) entitlement for all members of society.

- **Human Rights are Universal**

Human Rights are Universal because they apply to all people everywhere in the world and are the same for all people in the world regardless of race, sex, colour, ethnicity, religion, political, geographical, beliefs, nationality or social status.

- **Indivisible, interdependent and interrelated**

Human Rights are indivisible because all rights are equally important and they can not be divided or subtracted from. There is no hierarchy (high or low rank) in Human Rights. Every right has equal status. Human Rights should be enjoyed in totality. One can not deny someone the right to food, clothes, medical care or shelter then grant the person the right to life and assume that the person is enjoying all fundamental Human Rights. Therefore, the right to life is depended and related to the right to food, clothes, medical care and these rights can not be divided. In order for one to live to the full, one needs the rights to food, shelter, clothing and medical care. If one is denied the right to education, it is most likely that the person may never fulfil their full potential and earn a decent living. This means that rights depend on each other to be fulfilled in order to enjoy all rights. The denial of a right to nationality also stops one from freedom

of movement as the person may not have a passport to enable one to travel to outside countries. This is why rights are said to be indivisible, interdependent and interrelated.

### Exercise 3.

1. Draw the table below in your note books. In the table there are words in the left hand column. In pairs or groups discuss their meanings in relation to human rights and then write them in the spaces in the right hand column. The first one has been done for you.

<b>Concept</b>	<b>Meaning</b>
Inherent	Human entitlements that can not be taken away or given away and are permanently part of a human being until a human being dies.
Inalienable	
Universal	
Recognise	
Interrelated	
Interdependent	
Indivisible	
Codify	

2. Look at the provisions of the summary of the Universal Declaration on Human Rights (UDHR) at the back of this textbook.
3. In pairs complete the table below by analysing each of the provisions and filling in the blank spaces showing the rights that are dependent, interrelated and indivisible. The first one has been done for you.

<b>Provision</b>	<b>Interdependent on the fulfilment of</b>	<b>Interrelated to</b>	<b>Indivisible from</b>
The right to own property and possessions.	The right to earn a living	The right to a family. The right to exist and determine one's own future	The right to economic, social and cultural development. The duty to preserve and respect one's family, parents and nation. The duty to pay lawful taxes.

## **Categories of Human Rights**

International Human Rights have been categorised into Civil and Political Rights; Economic, Social and Cultural Rights and collective rights. At global level, Human Rights are classified into three categories according to their evolution or development process. The different categories are referred to as 'generations'. These generations are not in order of importance; remember that all rights are indivisible meaning that they relate to the whole range of Human Rights. The generations are in the order in which they were recognised historically in the development of Human Rights.

### **Civil and Political Rights**

Civil and Political Rights are also called 'First Generation' Rights. They are first generation rights because they were the first rights to be recognised as rights of the individual. Civil and political rights stress the freedom of the individual and places obligation on the government not to interfere in the life of the individual. Civil and Political Rights are also found in the Constitution of Zambia. They include:

- The Right to Life.
- The right to personal liberty.
- Protection from slavery or forced labour.
- Freedom from torture and inhuman treatment.
- Freedom of opinion.
- Protection of freedom of conscience.
- Protection of freedom of expression.
- Protection of freedom of assembly and association.
- Protection of freedom of movement.
- Protection from discrimination on ground of race, age, sex, ethnicity, religion etc.

### **Economic, Social and Cultural Rights**

Economic, Social and Cultural Rights are called 'Second Generation' Rights. This category consists of rights that are economic, social and cultural in nature. Their realisation brings about social justice, dignity and equity. The government is required to take deliberate action or steps to bring about conditions in which every person enjoys adequate standards of economic, social and cultural rights. This category includes the:

- Right to food
- Right to employment.
- Right to Social Security.
- Right to education
- Right to health. (medical care)
- Right to a clean environment.
- Right to development.
- Right to adequate housing.

## Collective Rights

These are also known as 'Third Generation Rights'. They are the most recently identified rights. The term collective rights refer to *the rights of peoples* to be protected from attacks on their group identity and group interests. The most important such collective right is often said to be the right of *self-determination*.

Third-generation human rights are those rights that go beyond the mere civil and social, as expressed in many progressive documents of *international law*. They include the '*1972 Stockholm Declaration* of the United Nations Conference on the Human Environment', the '*1992 Rio Declaration* on Environment and Development' and other pieces of generally desirable "*soft law*." These are called soft law because they have not been enacted into legally binding documents. The difficulty in enacting them into legally binding documents is because of the principle of *sovereignty* which respects decisions of a nation. The other reason is that of the influence and power of nations that might go against the provisions of the rights. These rights are best described as solidarity rights because they require international cooperation and aim at community-building.

The term "third-generation human rights" remains largely unofficial, and thus houses an extremely broad spectrum of rights, including:

- Group and *collective rights*
- Right to *self-determination*
- Right to *economic and social development*
- Right to a healthy *environment*
- Right to *natural resources*
- Right to peace
- Right to *communicate*
- Right to participation in *cultural heritage*
- Rights to *intergenerational equity* and *sustainability*

Even though these rights are not legally binding, they however, provide a framework for the enjoyment of all other rights.

## Exercise 4

1. Identify the rights in the Universal Declaration of Human Rights (UDHR) according to the civil and political rights, economic, social and cultural rights.
2. Give a brief explanation of the examples of collective rights listed in your book.

## Similarities

Universal Declaration of Human Rights	Charter of Mande

<b>Differences</b>	
<b>Universal Declaration of Human Rights</b>	<b>Charter of Mande</b>

## **Rights Based Approach**

Human Rights focus on the dignity of the human being. Dignity is honour, importance, self esteem and respect that a human being is entitled to. In order to promote Human Rights certain attitudes or frame of mind have to be developed by everyone. This includes the following:

- Respect for everyone’s life, their physical and mental integrity, freedom, property, privacy including one’s own. This means that you do not physically abuse anyone either by causing them pain or touching them in a way that they do not want. Respecting mental integrity of others is not disrespecting them by insulting them, saying false things about them or putting them down. The freedom, property and privacy of others and of your own should be respected.
- Respect for differences either in sex, ethnicity, language, colour, age, religion, cultural aspects, opinion, and identity of others and of one’s own. Remember Human Rights are universal that means you respect all people especially those that are different or do things differently from you. You do not look down or up to people just because they are different from you. You treat all people with respect.
- Taking up one’s responsibility in society. Rights come with responsibilities and responsibilities start with respecting other people’s rights. For example, if you have a right to your privacy then you should not interfere with other people’s privacy. If you have the right to be listened to then you should also listen to other people. Your right to property entails that you do not take or interfere with other people’s property. Responsibility calls for contribution in the best of one’s ability to a life of adequate standard of living without at the expense of education and health in case of children. Contributing to an adequate standard of living does not mean children being subjected to child labour. Child labour is different from ‘contributing to.’
- Respecting the fact that people have legally established claims and entitlements. Their rights are protected by law and guaranteed by international standards.
- Recognising accountability and responsibility in the relationship between the individual, institution or state that has a duty to fulfil the rights called the ‘duty-bearer’ and the person who has the rights called the ‘rights-holder.’ The duty-bearer is accountable and has the primary responsibility to make sure that

the rights of all people are equally respected, protected and fulfilled. The rights-holders have also the responsibility to respect and not violate the rights of others.

- Rights-holders need to be empowered in order for them to claim their rights and take part in public decision-making. Empowerment is giving the rights-holders the knowledge and skills they need to claim, access or enjoy their rights.
- Participation is an important Human Right. People of both sexes and all ages have the right to participate in every area of their lives.

## Exercise 5

‘The state has the obligation to respect, protect and fulfil rights.’ In relation to this statement match the words in the left column to their correct meaning in the right column. The meanings are jumbled up.

Word	Meaning
Respect	States must have a deliberate plan to make human rights a priority
Protect	States must not interfere directly or indirectly with the enjoyment of the right
Fulfil (facilitate)	States must take measures that prevent other people from interfering with the enjoyment of the right
Fulfil (provide)	States must directly provide help or services for the realisation of right
Promote	States being primary duty-bearers should be answerable to the rights-holders
Accountable	States must adopt laws, policies and other measures that lead to the full realisation of the right

Below is a summary of the Universal Declaration of Human Rights. Critically look at each article. For each article, draw an impression of your understanding of the article. If you are not good at drawing find pictures from old newspapers or magazines that depict the articles, cut them out and paste them in your notebooks. How are some of these rights violated?

1. Everyone is free and we should all be treated in the same way.
2. Everyone is equal despite differences in skin colour, sex, religion, language for example.
3. Everyone has the right to life and to live in freedom and safety.
4. No one has the right to treat you as a slave nor should you make anyone your slave.
5. No one has the right to hurt you or to torture you.
6. Everyone has the right to be treated equally by the law.
7. The law is the same for everyone, it should be applied in the same way to all.
8. Everyone has the right to ask for legal help when their rights are not respected.
9. No one has the right to imprison you unjustly or expel you from your own country.
10. Everyone has the right to a fair and public trial.
11. Everyone should be considered innocent until guilt is proved.

12. Everyone has the right to ask for help if someone tries to harm you, but no one can enter your home, open your letters or bother you or your family without a good reason.
13. Everyone has the right to travel as they wish.
14. Everyone has the right to go to another country and ask for protection if they are being persecuted or are in danger of being persecuted.
15. Everyone has the right to belong to a country. No one has the right to prevent you from belonging to another country if you wish to.
16. Everyone has the right to marry and have a family.
17. Everyone has the right to own property and possessions.
18. Everyone has the right to practise and observe all aspects of their own religion and change their religion if they want to.
19. Everyone has the right to say what they think and to give and receive information.
20. Everyone has the right to take part in meetings and to join associations in a peaceful way.
21. Everyone has the right to help choose and take part in the government of their country.
22. Everyone has the right to social security and to opportunities to develop their skills.
23. Everyone has the right to work for a fair wage in safe environment and to join a trade union.
24. Everyone has the right to rest and leisure.
25. Everyone has the right to an adequate standard of living and medical help if they are ill.
26. Everyone has the right to go to school.
27. Everyone has the right to share in their community's cultural life.
28. Everyone must respect the 'social order' that is necessary for all these rights to be available.
29. Everyone must respect the rights of others, the community and public property.
30. No one has the right to take away any of the rights in this declaration.

### **Suggested Action Project**

1. Develop a class charter of human rights and responsibilities.
2. Design a poster on basic human rights you think are important to the welfare of your school or community. You will need a large piece of paper for this activity.
3. Investigate Human Rights violation against women and girls in your community then report your findings to the class.
4. Write a poem on an individual or group of people whose rights have been violated in your community.

# CHAPTER 5

## CORRUPTION

### Specific Learning Outcomes:

- Define corruption.
- Examine the various forms of corruption.
- Explain causes of corruption.
- Discuss the effects of corruption
- Assess the impact of corruption on the Zambian Society.
- Identify institutions that fight against corruption in Zambia.
- Demonstrate how individuals and groups in society can contribute to the fight against corruption.

### Definition of Corruption

*Corruption may be defined as the giving of money, valuables or rendering of a service to someone in turn for a favour. It involves the abuse of public office and public resources for personal gain. It does not involve the casual offering of a gift.*

The Anti Corruption Commission Act of Zambia, No. 46 of 1996 defines corruption as ‘soliciting, accepting, obtaining, giving or offering *gratification* by way of a bribe or any other personal temptations or inducement or misuse and abuse of public office for personal gain or benefit.’ Other definitions of corruption include the following:

- An Act or practice marked by dishonesty and abuse of one’s position or power.
- Giving money a service or anything valuable in return for a favour.
- Abuse of one’s official position for personal gain or benefit.
- Misuse of public office for personal or selfish gain.

### Forms of Corruption

There are different forms of corruption. However, all forms of corruption involve human rights violations and lack of transparency and accountability in the use of public authority and resources. The following are some of the most common forms of corruption:

- *Cash* is the most common form of corruption This involves giving or accepting money in return for a favour.
- *Service*, which is commonly known as a ‘*kick back*’. involves the rendering of a service in return for a favour.
- *Payment in kind*, where one demands a favour for an action done. For example someone may abuse his or her official position for personal gain or benefit such as demanding for sex in return for an employment offer.

- *Loans, and advances*, which involve corrupt payment in form of a loan or an advance. Such an action is characterised by misuse of public office for personal or selfish gain. Commissions, which are given as an ‘appreciation fee’ for winning a contract.

## **Categories of Corruption**

- **Petty Corruption**

This type of corruption is widely practiced in Zambia and usually involves small payments. These payments are called *bribes*. A local term commonly used to refer to this type of corruption is ‘*Nchekelako*’ or *give me a share as well*.

- **Grand Corruption**

This type of corruption involves substantial amounts of money. It is usually practiced by high ranking officials. Such corruption is associated with payments made for favours in awarding government contracts, public appointments or privatisation of government owned companies or assets.

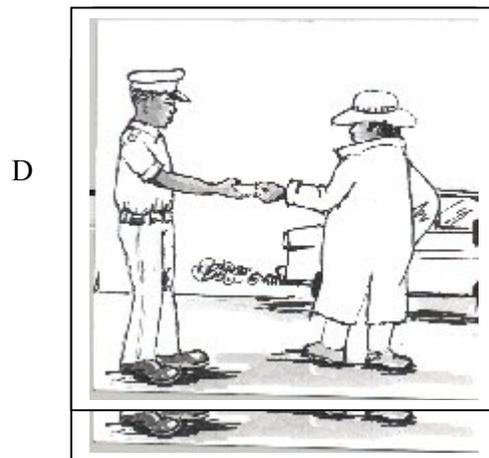
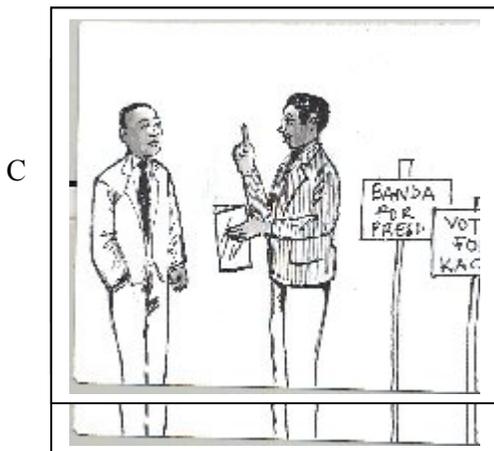
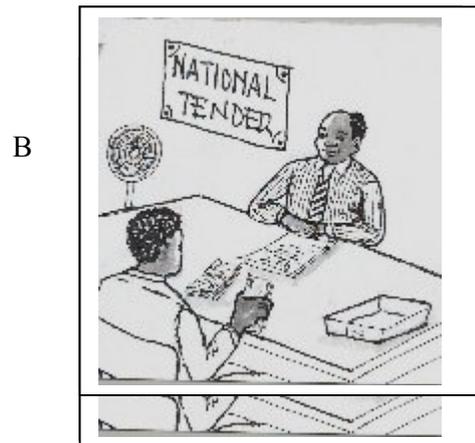
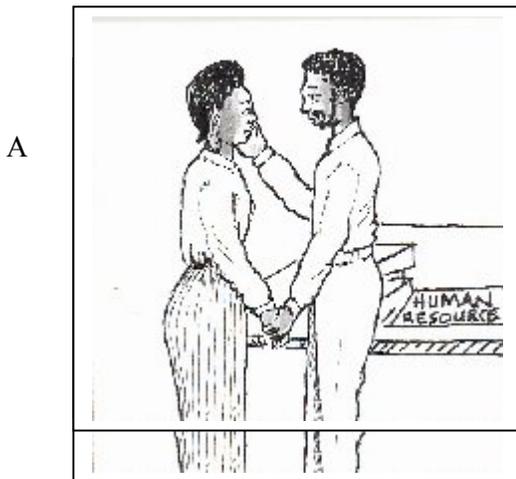
- **Political Corruption**

This kind of corruption is associated with the electoral process. It is usually practiced by those contesting for political power. Examples include the following:

- (i) Donation of money to influence the voters’ choice.
- (ii) Cash or material distribution to influence voters. During the elections period, most political parties distribute chitenge materials, food stuffs, T-shirts and other things in order to win the voters’ support.
- (iii) Provision of beer, to influence voters’ choice.
- (iv) Provision of services such as of electricity, water supply and road maintenance at the time of elections.
- (v) Companies sponsoring political parties in order to win favours for their businesses should such parties come into power.

## Exercise 1

- a) *What do you understand by the concept 'corruption'?*
- b) *Carefully study the drawings shown below and then answer the questions that follows:*



- (i) What forms of corruption are depicted in pictures A and B?
- (ii) In which categories or classes of corruption do the examples of the pictures C and D fall?

- (iii) Give six in examples of the common practises of corruption not shown in the pictures.

### c) Case Study

I misplaced my National Registration Card that I obtained in Lusaka. For me to get another one, I needed an affidavit, which could have taken as long as four months to be cleared in Lusaka. So I saw that it was going to be a very long process. Consequently, I negotiated with the Registration Officer who demanded that I give him K50,000. After I had given him the money, he gave me a note, which I presented to the person who was in-charge and I was able to obtain the NRC within an hour. The people that had been on the queue complained bitterly because some of them had been going there for almost two months without getting their registration cards.

### Questions

- (i) What form of corruption is revealed in the above case study?
- (ii) What do you think is lacking in the individuals involved in this kind of corruption?
- (iii) Imagine that you are the person that misplaced a National Registration Card as mentioned in the case study. Suggest the appropriate steps you should have taken to avoid involving yourself into a corrupt act.

### Causes of Corruption

The causes of corruption can be grouped into the following categories.

#### Social causes

- Personal greed and dishonest
- Leaders in key positions are not capable of inspiring and influencing conduct of the highest moral standards.
- Weak enforcement or absence of code of conduct.
- Punishment for offenders is weak.
- Large numbers of people compete for insufficient services like few school places.

#### Economic

- Shortages of goods and services.
- Unequal distribution of wealth and resources.
- Allocation of government loans to some preferred individuals at the exclusion of others.
- Low salaries and wages in comparison to the cost of living.
- Poverty.

## Other Causes of Corruption and Related Crimes

- **Unnecessary Long Procedures (red-tape):** Some procedures that officers are expected to follow in work places may unnecessarily be too long. The officers may take advantage of such delays to demand *kick backs* for fast action.
- **Lack of Political Will:** Some governments lack political will to deal with corruption firmly.
- **Lack of Transparency and Accountability:** If a government lacks checks and balances, there is mis-management and misuse of public funds.
- **Abuse of Power:** If there is excessive concentration of power in the hands of an individual, he or she may hinder investigations of corruption practices.
- **Lack of Independence of the Judiciary:** Courts may not act independently on matters of corruption if they are influenced by outside forces such as the Executive.
- **Public Reaction:** The public view about corruption plays a very important role in fighting corruption. In Zambia, corruption is tolerated by some people who think it is normal because of the economic hardships.
- **Lack of Press Freedom:** The media plays an important role in exposing cases of corruption. The media should investigate corrupt practices.

## Effects of Corruption:

*The effects of corruption are very unpleasant and devastating on any given society. Corruption has led to political uprisings or coups in most African countries. It is therefore important that timely and effective action is taken to fight the scourge.*

The following are some of the most common effects of corruption in society:

- (i) makes those involved rich at the expense of ordinary citizens.
- (ii) enables those who pay bribes to benefit in areas which without being corrupt they would not.
- (iii) causes widespread bitterness in those who cannot pay or refuse to pay for favours when they see those who do pay being favoured.
- (iv) distorts standards because it enables those who are less deserving to reach goals ahead of those of greater merit.
- (v) interferes with the enforcement of the law and respect for the rule of law.
- (vi) perpetuates human suffering through escalating poverty levels of ordinary citizens.
- (vii) hinders a country's economic development. A corrupt country will never prosper economically as its resources are not properly utilised.

## Exercise 2

- a) Discuss the causes of corruption in society. Write these factors in your exercise books. You may use the following table as a guideline for this activity.

<b>Social Causes</b>	<b>Economic Causes</b>	<b>Other Causes</b>
Example	Example	Example

- b) Suggest possible solutions to the causes identified in (a).
- c) Write an essay on the effects of corruption in your community and suggest possible solutions to the challenges identified.
- d) Collect a variety of magazines, newspaper cuttings, documentaries and brochures on corruption.

## Activity 1

Display them on the notice board of your class.

## The Impact of Corruption on the Zambian Society

Corruption can have a negative impact on the Zambian society. Generally, It can cause a lot of injustice and unfairness. Such acts can cause a lot of damage to the country's resources. High levels of corruption may inflate prices of goods and services. This can bring about untold misery to many people particularly the poor.

The following are some of the affected areas:

- **The Law Enforcement Agencies**

It is the duty of the Police in any country to maintain law and order. When the police fail to maintain law and order because of corruption. Consequently, citizens can take the law into their own hands.

- **The Judicial System**

When court officials get involved in corrupt practices, justice is interfered. Case records disappear, trials are delayed and the outcome of cases no longer depend on the sufficiency of the evidence available, but on the amount of bribes that can be offered. Therefore, justice is denied.

- **The Electoral Process**

Sometimes vote buying takes place during the election period. Different political parties usually give money and other materials strategies for purpose of winning favours from the voters. This results in leaders and political parties who do not deserve to win the elections coming into power.

- **Security of the Nation**

When, corruption takes place in offices such as the National Registration Office, Passport Office and Immigration Office, criminals with ill intentions may enter the country. Such people may endanger the security of the nation.

- **The Economy**

The impact of corruption on the economy is clearly seen in money laundering activities, tax evasion, and other economic crimes which lead to economic instability. This deprives the country of revenue and scares away investors.

- **The Education System**

When bribes in whatever form are paid by candidates to be admitted into institutions of learning such as colleges and universities instead of gaining admission on merit, even those who do not deserve are admitted. This results in the production of under-qualified graduates, and this has a negative impact on the economic development of the country.

- **Administration of Land Matters**

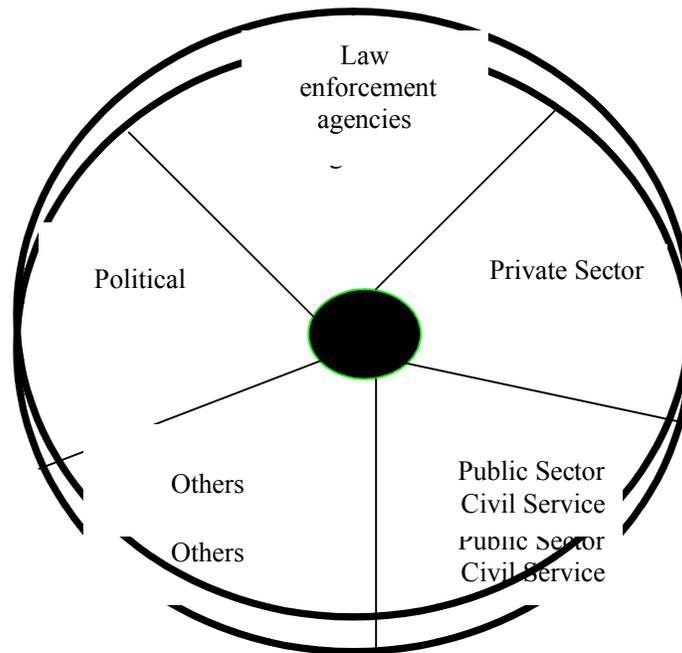
Some people pay officials bribes in order to get land illegally. This has led to unfair distribution of land. As a result, unplanned or prohibited settlements are a common sight in most urban areas in Zambia.

- **Procurement of Goods and Services**

The procurement of goods and services has not been free of corruption. Tender procedures may sometimes not be followed when awarding contracts. A purchaser or buyer may disqualify potential suppliers simply because he or she has received a bribe to favour certain suppliers. Similarly, the supplier may offer a bribe in order to receive favours from the purchaser.

### Exercise 3

- (a) Collect a variety of magazines, newspaper cuttings, documentaries, brochures or leaflets with information on corruption. Using these sources, assess whether corruption is either increasing or decreasing.
- (b) The pie chart shown below indicates some of the areas affected by corruption. List some of the corrupt acts commonly practised in each area.



### Activity 2

Invite a resource person from one of the organisations fighting corruption in Zambia. Ask the resource person to discuss the impact of corruption in the Zambian society and ways of addressing it.

### Institutions involved in the Fight Against Corruption

#### The Anti Corruption Commission (ACC)

The Anti Corruption Commission is the official institution established by government to fight corruption. In Zambia, the Commission was established through the Corrupt Practices Act No. 14 of 1980 and became operational in 1982. The act was repealed in November, 1996 and was replaced by the Anti Corruption Act No. 42 of 1996 which came into effect on 17<sup>th</sup> March, 1997. The

ACC is an *autonomous* corporate body. This autonomy means that duties should not be subject to the direction or control of any person or authority. It also implies that instead of reporting to the president, as it used to be the case under the repealed Act, the ACC reports to the commissions board. The Anti Corruption Commission Board comprises five (5) members who direct the work of the commission.

### **The Fight Against Corruption**

The Anti Corruption Commission uses the following methods in its fight against corruption.

- (a) Corruption prevention.
- (b) Community education.
- (c) Investigations and prosecution.

### **Corruption Prevention**

*The commission undertakes necessary and effective measures to prevent corruption in the public and private sectors. The commission examines practices and procedures of these sectors to facilitate the discovery of corrupt practices. It also ensures that any work, methods or procedure prone to corruption are revised.*

In order to strengthen this strategy, the Commission's Prevention Department (*PD*) conducts managerial accountability workshops in both public and private institutions. The workshops are aimed at establishing standards for accountability within the institutions.

### **Community Education**

The commission's Community Relations Department (*CRD*) is responsible for educating the community on matters relating to corruption. In this approach, the department reveals evils and dangerous effects of corrupt practices on society. In order to reach the community, the department uses methods such as radio and television programmes, public lectures, workshops, production and distribution of pamphlets, newsletters, posters, T-shirts, fliers and booklets. In addition, the commission has also spearheaded the formation of anti corruption clubs in most schools in Zambia.

### **Investigations and Prosecution**

Under this approach, the commission receives and investigates complaints of suspected corrupt practices and where evidence is established, prosecution follows. However, the Director of Public Prosecutions has to instruct the commission to go ahead with prosecution, or not. Through this approach, the commission is also mandated to investigate any conduct of any public officer who may be connected with corrupt practices.

## **Other Methods of Fighting Corruption**

Other than the methods explained above, the commission's general fight against corruption is enshrined in the slogan '*promote integrity, say no to corruption.*' In this slogan, the commission urges the general public to give maximum support to the Anti Corruption Commission in the fight against corruption. The entire Zambian citizenry is urged to promote integrity. That is, everyone has a legal obligation to report any corrupt act to the Anti Corruption Commission.

## **Other Government Institutions Involved in the fight Against Corruption**

Apart from the Anti Corruption Commission, there are several other institutions that have been charged with the role of enforcing the law on corrupt related vices. Some of them include the following:

- Zambia National Tender Board.
- Parliament
- The Auditor General's Office.
- Investigator General's Office.
- Anti Money Laundering Unit.
- The Zambia Police.

### **Zambia National Tender Board**

The Zambia National Tender Board was established in 1983. The objective was to control and regulate the procurement of goods and services by government ministries and departments as well as parastatal organisations. The board is made up of an Inspectorate Unit that monitors contracts placed by itself, government departments and parastatal bodies. The Zambia National Tender Board ensures that the procedure in the procurement system is done in a transparent and an accountable manner.

### **Parliament**

The role of parliament is to make laws. However, Parliament also provides checks and balances of the Executive and the Judiciary. For example, the Public Accounts Committee scrutinises the Auditor General's Reports on misuse, misapplication and embezzlement of public funds. The committee can make recommendations to the Executive for action.

### **Auditor General's Office**

The Auditor General's Office is provided for under Article 121 of the Republican Constitution. The office is charged with the responsibility of ensuring that public funds allocated by parliament are used for the intended purpose. The Auditor General's Office audits accounts relating to the general revenue of the Republic, the expenditure of monies apportioned by parliament, the Judicature, the accounts relating to the stocks and stores of the government and accounts of state owned enterprises and corporations. The Auditor General

prepares and submits audit reports of government accounts for each financial year to the President who in turn presents them before the National Assembly. The reports are scrutinised by the Parliamentary Public Accounts Committee before they are debated in Parliament.

### **Investigator General's Office**

The Investigator General, also known as an *Ombudsman*, is the head of the Commission for Investigations. The Commission plays a vital role in protecting human rights. Any person is free to write to the Investigator General to lodge complaints about any violation of his or her rights. The Investigator-General works with a team of officers who carry out investigation on complaints about corruption matters and related vices against the workers in government, local authorities and parastatals. After the investigations are complete, the Investigator General advises the police or the court on the action to take.

### **Anti Money Laundering Unit**

This is a department of the Drug Enforcement Commission. The unit was established in 2001 by an act of parliament to monitor and investigate money laundering activities in Zambia. Money laundering is the act of receiving, possessing, concealing, disguising, disposing of or bringing into the country any property (which includes money and any item) derived or realised directly or indirectly from illegal or criminal activity. The act provides for the disclosure of information on suspicion of money-laundering activities by supervisory authorities and regulated institutions. It also authorises the seizure of property of persons convicted of money laundering. In addition, the act provides for international cooperation in investigations, prosecution and other related legal processes concerning prohibition and prevention of money laundering activities.

### **The Zambia Police**

The Police Service has been charged with a very important role in the fight against corruption. Within this establishment, the Police Professional Standards Unit was charged with the responsibility of dealing with police abuse and corrupt practices in the system.

## **Civil Society Organisations Involved in the Fight Against Corruption**

Civil society organisations also play an important role in promoting integrity, transparency and good moral behaviour in public and private institutions. Some of these organisations were exclusively established to deal with corrupt practices in public and private institutions. The following are the most prominent and established civil society organisations that deal with corruption issues:

### **Foundation for Democratic Process (FODEP)**

The Foundation for Democratic Process (FODEP) is one of the oldest civil society organisations in Zambia. It was established in 1991 with the objective of promoting democracy in Zambia through programmes of civic education and

promotion of human rights and election monitoring. However, FODEP also focuses on Anti election corruption activities under its *Community Activities Programme*: Thus FODEP conducts awareness programmes by educating the public on corruption in the electoral process, and the need for electoral reforms to enhance democracy and free and fair elections.

### **Transparency International Zambia (TIZ)**

Transparency International Zambia (TIZ) was established in June 2000. It was formally registered in January 2001 and officially launched on 20<sup>th</sup> July of the same year. TIZ is a Zambian chapter of Transparency International (TI) with an exclusive focus on corruption. The overall objective of TIZ is to develop sustainable capacity in the civil society, media, public and private sectors. This is to effectively fight corruption and promote high integrity and good governance in Zambia.

Thus, the main goal of ITZ is to contribute to the reduction of corruption through the following objectives:

- a) creating interest among stakeholders and encouraging them to appreciate the concept of collective responsibility.
- b) undertaking research on various aspects of corruption, good governance and integrity.
- c) advocating and lobbying for zero tolerance towards corruption in society.

### **National Movement Against Corruption (NAMAC)**

The National Movement Against Corruption (NAMAC) is another non partisan organisation involved in the fight against corruption. The movement was officially launched in March, 2002. Its motto is “*Working together for a corruption free Zambia*”.

NAMAC is a loose alliance or coalition of civil society and government institutions. In particular, Integrity Foundation Zambia (IFZ) in collaboration with the Anti Corruption Commission (ACC) and the Governance Development Unit of the Ministry of Legal Affairs, took a lead in the formation of NAMAC. The movement has embarked on a wide campaign for the eradication of corruption in Zambia. It demands high levels of integrity, transparency, accountability and seeks genuine participation in the affairs of our nation.

### **The Media**

The media has a very important role to play in promoting good governance and controlling corruption. The print media, television, radio and the internet, inform the public about important things we need to know in order to function effectively within our societies. The role of the media is to dig deeper and carry out research on any cases of corruption. This is called *investigative journalism*. They should investigate corrupt practices and present the actual findings to the public.

## Exercise 4

1. (a) Explain the role of the following institutions in the fight against corruption.
  - (i) Transparency International Zambia
  - (ii) Zambia National Tender Board
  - (iii) Zambia Police Service
- (b) How can Journalists help in the fight against corruption?

## Activity 3

- a) In groups, carry out a research activity on any government institution or Non-Government Organisation involved in the fight against corruption in Zambia.
- b) Interview a resource person from the education section of the institution or organisation of your choice. Write a report and present it to the class.

## Individuals and Groups in Society that fight against Corruption

Individuals and groups can participate in the fight against corruption by:

- changing attitudes from tolerance to total rejection of corruption.
- accessing information on procedures of how to deal with corruption cases.
- reporting corrupt officers to institutions that are combating corruption e.g. Police, Anti Corruption Commission, Transparency International.
- Supporting organisations that are fighting corruption.
- demanding integrity and high sense of morality from public office bearers.
- not keeping silent when they feel a corrupt practice has been committed.
- encouraging development of institutions, laws and practices to ensure that responsible citizens report corrupt instances without fear of victimisation by perpetrators.
- allowing a free press.
- taking responsibility for their actions.
- Knowing the procedures on how to acquire services.

## Exercise 5

1. Write a short essay showing how citizens especially young people can contribute to the fight against corruption in Zambia.

## Action Project

1. In groups, conduct a survey on how people feel about corruption.

Write a report and make a presentation to your class.

2. Conduct a campaign against corruption in your community. Design posters with Anti-Corruption messages and stick them in appropriate places.

## **Glossary**

**A casual gift:** is an ordinary gift offered to a person in a hospitable and modest manner, without any demand for a favour in return.

**Gratification:** means any corrupt payment made whether in cash or in kind as a result of the corrupt misuse or abuse of public funds or property.

**A bribe:** is an offer of money or any other gift given or offered to obtain favour or to persuade someone to help through dishonest means.

**Scourge:** means cause of suffering.

**Investigative Journalism:** means careful and thorough inquiry into hidden issues for edition and publications.

# CHAPTER 6

## INTRODUCTION TO CULTURAL STUDIES

### Specific Learning Outcomes

*By the end of this chapter you should be able to:*

- Define culture
- Describe components of culture
- Explain characteristics of culture
- Discuss the importance of culture
- Outline types of cultures
- Outline Zambia's societal core values
- Discuss some of Zambia's cultural practices

### *Definition of Culture*

*There are many ways by which 'culture' may be defined. In the broadest sense, culture refers to the whole way of life of a given people which includes, among others, their language, taboos, festivals, values, beliefs and traditions. Culture includes all aspects of a people's way of life such as the food they eat, the clothes they wear, the type of housing they live in, their sporting activities, music, dance, symbols and meanings, ideas of beauty, economic activities, education system, their legal and political system, the fundamental rights of a human being, spiritual, material, intellectual and emotional aspects of a human being. Culture is not something granted to us or something we are born with. It is something we learn as we grow in our environment. Therefore, culture has nothing to do with race or nationality because a Zambian born and raised in America, for instance will behave like an American and his or her beliefs and values will be shaped by American beliefs and values.*

Culture differentiates people from other animals. Culture is a sum total of behaviour which people have learned over a period of time and defines ways by which people do things.

Culture comprises skills, beliefs and knowledge that are commonly shared by a group of people and are passed on to the young or new generation. In other words, culture is a social heritage – it is transmitted from one generation to another. It is also shared. A person receives it and shares it with other members of the group. For example, language is passed on from one person to another through social contacts. Culture also includes an individual's or group's way of responding to survival issues.

## Components of Culture

There are eight major components of culture:

- **Language**

Language is the most obvious difference between cultures. It reflects the nature and values of a culture. Language defines a cultural group even though the same language may be used in different countries. Language includes unspoken language such as gestures. Gestures mean different things in different cultures. For example, making a circle with the thumb and forefinger is a friendly gesture in the United States of America but it is a rude sexual invitation in Zambia, Greece, Turkey and other places.

- **Religion**

Religion is a major cultural component and religious taboos, customs, holidays and rituals dictate the behaviour of a given society. Religion can be a major factor in a society because it can even dictate the type of food or beverages that people eat or drink. For example, Hindus do not eat beef, devout Catholics only eat fish on Fridays, and Muslims do not drink alcoholic beverages and can only eat meat slaughtered in a certain way called 'halal' because of religion.

- **Values and Attitudes**

These are a society's belief system. Values and attitudes are a society's heart and they are the least likely to change. When they change they change very slowly. A society's belief system guides its attitude to what is considered right and what is considered wrong and is the basis of a society's way of life. Most belief systems are based on a society's central religion.

- **Education**

Education is an important part of culture since culture is learned behaviour. There are three types of learning that take place in any society. The first type is *informal learning* in which a child learns by imitating the behaviour of its family members, friends or in homes where there is television, the characters portrayed in the films. The other type is *formal learning* in which adults and older siblings teach a young family member how to behave in certain situations. For example, in many families in Zambia older family members would instruct a young child to kneel when it is greeting or giving something to an adult. The third type of learning is *technical learning* in which teachers instruct the child in an educational environment about what should be done, how it should be done, and why it should be done. The three types of education can be further explained in the following example; a young boy who is told by his mother to stop crying because 'boys do not cry' is *formally learning* a value that his mother feels is right. When he watches his father fixing a bicycle he is *informally learning* how to fix certain machines. When he takes geography lessons, he is experiencing *technical learning*.

- **Social Organizations**

This is the way a society organises itself. It relates to how society defines relationships, social institutions such as marriage and status systems such as the role of women and children. The extended family system is a common social institution in most African societies and it fulfils several important social and economic roles. It provides social support and mutual protection on a daily basis.

- **Technology and Material Culture**

These refer to society's ability to create, design and use things. Technology and material culture relates to the way society organises its economic activities. Terms like the industrialised nations and developing nations refer to different technologies and material cultures. Thus we speak of being in the Stone Age when society used stone tools, Iron Age when society used iron tools, Industrial Age when society used machines, computer age and space age etc.

- **Law and Politics**

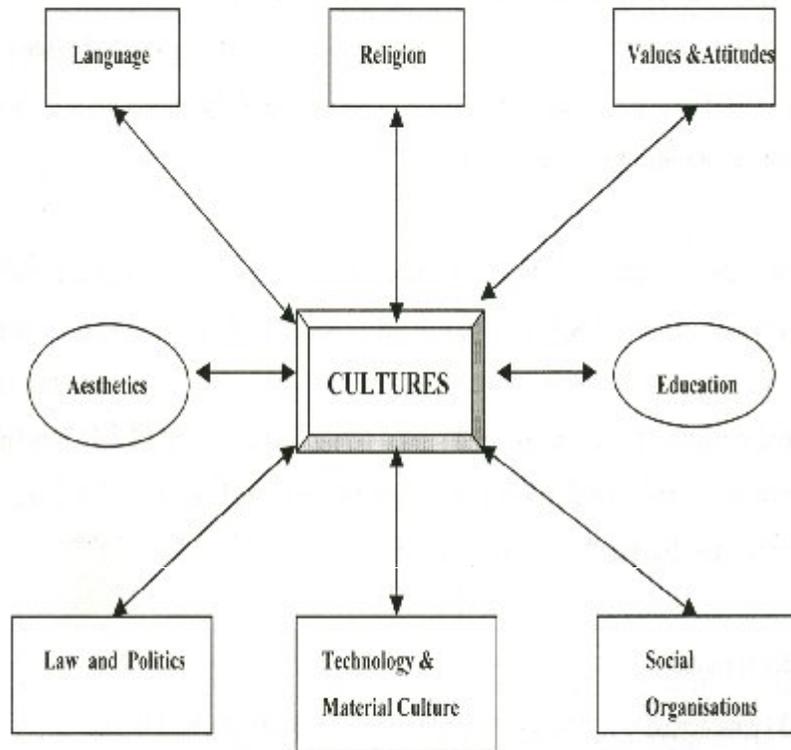
These are the rules and structures that regulate the behaviour of society. The legal rules attract punishment when contravened. The laws protect members of society to live in peace free, from fear and inhuman treatment. The political system of a society defines the structures of governance and who occupies positions in the structures. It defines the roles and responsibilities of the governors and the governed.

- **Aesthetics**

This is a society's perception of what is considered beautiful in art and in persons. It dictates what is acceptable or appealing in that culture. What is considered beautiful in one culture might not be in another culture. What is considered good taste in one culture might be frowned upon in another culture.

## The Components of Culture

Terpstra & Sarathy (1997) identify eight components of culture



### Exercise 1

1. What is Culture?
2. Explain briefly the components of culture

### Activity 1

3. Below are groups of words. Working in pairs, discuss and then place each word in the correct column in the table below. The first eight have been done for you.

Colour, instructions, corruption, roads, theft, family, Easter, Tonga, Easter, initiation ceremony, church, dress, tea, decorations, buildings, hoes, fishing net, teaching, respect, dignity, music, ugly, drama, headman, incest, murder, malicious damage, death, the courts, the president, ornaments, the king, vehicles, machines, pictures, bible, kingdoms, crops, uncle, clans, indunas, groups, observing, baptism, reading, fasting, speaking, gestures, housewife, television, radios, knife, painting, temple, honesty, sculpture, praying fasting, dialect, assault, writing, food, marriage, privacy,

story telling, engineering, manhood, beautiful, dance, factories, hell, ethnic, community, paper, pottery, words, work

Language	Education	aesthetics	Values & attitudes	Technology & Material culture	Religion	Social organisation	Law & Politics
Tonga	Instructions	Colour	Corruption	Roads	Easter	Family	theft

### Characteristics of culture

*A characteristic of a thing or person is that which distinguishes it or the person from other things or people. It is a special mark or quality. A component on the other hand is a unit or part of something. It is an element of the whole. Therefore we can say that the two legs are a component of a human being because they make up the whole of a human being. In the same way the components that have been discussed in the last section are parts that make up a culture. The characteristics discussed in this section are the special features of culture. The following are the main characteristics of culture:*

- *Culture is dynamic.* It is not constant; it is always evolving and changing. Therefore, when people say, ‘we should preserve our culture.’ What they actually mean is that we should preserve some aspects of our culture because culture as a whole can not be preserved. Some changes in culture are harder to accept than others. Change in technology is easily accepted rather than change in the value system of a society. For example, the use of cell phones has been accepted as part of Zambian way of life and yet these were not there until the mid 1990s. However, there is constant debate on the question of women’s equality in Zambian society because this touches on a value system. However, whereas before women holding senior management positions at work places was not accepted and was frowned upon, today it is a reality and few people in Zambia question the idea of a woman manager.
- *Culture is learnt.* It is passed on from generation to generation. It is taught to an individual by the society in which the individual is born in. The way to speak, what to eat, how to eat, how to relate to others, what to believe in is taught. Children begin learning about their culture at home with their immediate family and how they interact with each other, how they dress and the rituals they perform. When the children are older and venture out into the community, their cultural education is advanced by watching social interactions, taking part in cultural activities and rituals in the community, and forming their own relationships and taking their place in the culture.

- *Culture is cumulative.* Every human generation can discover new things and invent better technologies. The new cultural skills and knowledge are added onto what was learned in previous generations. As a result, culture is cumulative. Due to this cumulative effect, most high school students today are now familiar with mathematical insights and solutions that ancient Greeks such as Archimedes and Pythagoras struggled to discover in their lives.
- *Culture is comprehensive.* As already stated in the definition, culture is the sum total of a society's way of life, therefore, it is comprehensive.
- *Culture is shared.* The members of a culture share a set of "ideals, values, and standards of behaviour," and this set of shared ideals is what give meaning to their lives, and what bonds them together as a culture.
- *Culture is based on symbols.* In order for a culture to be transmitted successfully from one person to the next and from one generation to the next, a system of symbols is created that translates the ideals of the culture to its members. This is accomplished through language, art, religion and money.
- *Culture is integrated.* In order to keep culture functioning, all aspects of the culture must be integrated. For example the language must be able to describe all the functions within the culture in order for ideas and ideals to be transmitted from one person to another. Without the integration of language into the fabric of culture, there would be confusion in the society. The various aspects of a culture are closely interwoven into a complex pattern. Changing one trait will have an impact on other traits because they are functionally interconnected. As a result, there generally is a resistance to major changes. For example, many men in Zambia have been resisting the increase in economic and political opportunities for women over the last century because of the far ranging consequences. It has changed the nature of marriage, the family, and the lives of all men. It has also significantly altered the workplace as well as the legal system and the decisions made by governments.
- *People are not usually aware of their culture until they come into contact with other cultures.* The way that we interact and do things in our everyday lives seems "natural" to us. We are unaware of our culture because we are so close to it and know it so well. For most people, it is as if their learned behaviour was biologically inherited. It is usually only when they come into contact with people from another culture that they become aware that their patterns of behaviour are not universal.
- *People do not know all of their culture.* No one knows everything about his or her own culture. In all societies, there is specialized cultural knowledge that is *gender* specific. The knowledge is known to men but not women or vice versa. In many societies there are also bodies of knowledge that are limited largely to particular social classes, occupations, religious groups, or other special purpose associations. Gender based skills, knowledge, and perceptions are due to the fact that boys and girls to some extent are treated differently from each other in all societies. While there may be considerable overlap in what they are taught, there are some things that are gender specific. In

Zambian society, for instance, it is more common to teach boys about the skills of construction and how machines work. Girls are more often exposed to social interaction and caring.

- *Culture gives a society a range of permissible behaviour patterns.* Cultures commonly allow a range of ways in which men can be men and women can be women. Culture also tells us how different activities should be conducted, such as how one should act as a husband, wife, parent, child, etc. These rules of permissible behaviour are usually flexible.
- *Cultures no longer exist in isolation.* It is highly unlikely that there are any societies still existing in total isolation from the outside world. Even small, out of the way ethnic societies are now being integrated to some extent into the global economy. That was not the case a few short generations ago. Some of the societies in the Highlands of New Guinea were unaware of anyone beyond their homeland until the arrival of European Australian miners in the 1930's. A few of the Indian tribes in the Upper Amazon Basin of South America remained unaware of the outside world until explorers entered their territories in the 1950's and 1960's. Members of these same New Guinean and Amazonian societies today buy clothes and household items produced by multinational corporations. They are developing a growing knowledge of other cultures through schools, radios, and even televisions and the Internet. As a result of this inevitable process, their languages and indigenous cultural patterns are being rapidly replaced. Virtually all societies are now acquiring cultural traits from the economically dominant societies of the world. The most influential of these dominant societies today are predominantly in North America and Western Europe. However, even these societies are rapidly adopting words, foods, and other cultural traits from all over the world.

## Exercise 2

1. List down similarities and differences in cultures.

<b>Cultural Similarities</b>	<b>Cultural Differences</b>

## Activity 2

Conduct a research among different families and ethnic groups what are the different characteristics and similarities of ethnic groups.

## The Importance of Culture

This sub section introduces you to why culture should be studied. You may wonder why you should be learning about culture when it is a part of you. Culture is important because:

- Culture contributes to reinforcing one's identity and the ability to critically reflect on that identity. The awareness of one's own identity is essential to development and interaction with others. Cultural exchange contributes to mutual understanding between different societies and peoples. Culture contributes to reinforcing one's identity and the ability to critically reflect on that identity. The awareness of one's own identity is essential to development and interaction with others.

- Cultural heritage is understood to mean archives, pieces of art, places of worship and monuments. But there is also an immaterial heritage: languages, music and dance, festivities, rituals and traditional craftsmanship. Cultural heritage is important to the identity of a society. In times of need, songs, texts and works of art can be a beacon of hope and comfort. Cultural heritage reinforces the cultural and historical self awareness.
- No development without culture. If culture is interpreted as the whole of beliefs, habits and customs of a society, culture is the foundation that supports every development. Economic development without roots in culture can never result in sustainable development. But culture is not merely a means for material progress: it is a goal in itself. It is part of the daily reality and is therefore essential to the development of all people.
- The status of culture has evolved dramatically since the adoption of Article 27 of the Universal Declaration of Human Rights, which affirmed, for the first time, the right of every human being to freely participate in the cultural life of the community and to enjoy the arts.
- All around the world, the intrinsic virtues and the impact of culture on individual and community development are being questioned, studied, measured and, hopefully, rediscovered. There is a keen interest in the specific relationship between arts and culture and the economic and social development of our communities.

## **Types of Culture**

The following are the types of culture which may be distinguished:

### **Mass culture**

This is culture which is produced from machines and consumed on a large scale, for example, record industry, television or video cassettes. It is also spread through electronic media and other types of high technology. Many Zambian children now absorb such a type of culture to create forms of behaviour which are different from what their parents knew about or did during their time.

### **Popular culture**

This is culture which is a product of changing needs and innovations in people's life styles. Popular culture is short-lived. It is usually on high demand, especially from the youth who have new music, fashion and other products in the field of entertainment. Popular culture includes such things like pop music, pop dance, pop art and so on.

### **Folk culture**

Folk culture is sometimes referred to as residual culture, that is, remains of the past. It is usually revived from elements of the forgotten past due to *nostalgic* tastes. Folk culture is also seen as an influence of technological change on old traditions. An

example of folk culture was a programme of folk music which the Zambia National Broadcasting Corporation played some time back.

### **Synthetic culture**

*In much of the Third World today, people's cultural heritage is in danger. The manner in which communication is made to be global has almost completely destroyed the cultural identities and culture defences of developing countries. Indigenous cultures are threatened with massive modifications as western culture is presented as the only culture which every modernising country must copy. Aspects of indigenous cultures are preserved only in "touristic form" to attract dollars while the local people consume popular western culture in form of films, television or radio. Western cultural commodities are often technologically superior and, therefore, admired and enjoyed.*

One of the most important of the synthetic cultures is the ideology of consumerism which promotes products through advertisements in order to encourage people to buy and own such products as soap, food and modern appliances like television or cell phones. Such consumerism often creates pressure for importation or local production of such products and, in doing so, distorting social priorities. For instance, people may sell the latest car models imported by government employees where public transport is inadequate.

### *Ideal Culture*

This refers to some kind of dreams or aspirations of where a given people would wish to be. Every society views itself in a positive way and has the highest virtues and standards by which it aspires to be. However, the reality is not the same. Therefore, we should distinguish cultural ideals from actual beliefs and values that guide everyday life. When an observer asks people to describe their culture, one will likely be given a response based on ideals rather than reality. Ideals are often not realised in everyday life.

### **Real Culture**

*This refers to the actual behaviour of people in a society. The difference between an ideal culture and a real culture causes constant tension to a culture and the society. Every culture has examples of the gap between ideals and reality. Few members of any society can consistently maintain ideal standards of behaviour. For example, in Zambia the plight of special groups such as orphans, widows, disabled, the elderly and street children is barely addressed in a society that is guided by Christian principles. The country also wishes itself to be a corrupt free one but the reality on the ground may be different.*

### *Sub Culture*

Within a cultural group there are sub cultures depending on how a group of individuals measure their sense of belonging and their attitude towards its core values. A subculture is a way of life or behaving which a small group of people belonging to the same culture may portray. The sub-culture may arise because of the different occupations in society, which result in differences in power and prestige. For instance,

a group of people with little education and little income may lead a different lifestyle and have a set of beliefs and values different from those of their counter parts who are well educated and earn more. They will speak, dress, play, eat and believe in different things but will belong to the same general cultural group. On the other hand, the rich and well educated people may form what is called an 'elite culture'. This is culture of the rich people which is assumed to be expensive. In the arts, this would include such forms like Ballet, Opera and other musicals performed at places such as the American Broadway, London's West End or Marcopolo in Zambia's Lusaka city.

### *Counter Culture*

This represents behavioural patterns, activities or styles of life portrayed by a group of individuals that are opposed to the generally accepted standards of behaviour in a society. Such individuals may refuse to submit to the ways that things are expected to be done and they may develop their own lifestyles. For instance, a group of unemployed youths who feel neglected by society may develop their own way of talking, leisure and clothing that will be slightly different from the way other people in their society behave. Their way of behaviour would constitute a counter culture of the general society. This is a form of social rebellion.

### **Cultural Heterogeneity**

Cultural heterogeneity refers to a society that contains a variety of minority groups of different races, religion and nationalities. The Republic of South Africa is an example of such a society. The South African slogan of 'Rainbow Nation' emphasises the special contributions of various immigrant cultures to the diversity of its society. Cultural heterogeneity promotes cultural pluralism, which recognises and respects the contributions of various minority cultures to the whole society.

### **Cultural Homogeneity**

*Cultural homogeneity applies to a society that is composed of people of a similar race, religion and nationality. For example, North African Arabic countries such as Libya, Tunisia, Egypt and Morocco where more than 90% of the people are of the same race, share the same religion and nationality.*

### **Activity 3**

1. Go and identify any cultural practices in your community, for each practice give reasons why the practice is important in your community and write a report.

### **Case Study 2**

Using at least four or more words, describe each of the types of cultures outlined in this section. The first one has been done for you.

### Exercise 3

- a) Mass Culture *machines, films, clothing, music, dance, large scale, consumer*
- b) Homogeneity \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- c) Heterogeneity \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- d) Popular Culture \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- e) Folk Culture \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- f) Synthetic Culture \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- g) Ideal Culture \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- h) Real Culture \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- i) Sub Culture \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- j) Counter Culture \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

#### 2. Case Study

The 1996 Constitution of Zambia Part III Article 24 Clause (2) states, “All young persons shall be protected against physical or mental ill treatment, all forms of neglect, cruelty or exploitation.”

However, Zambia is undergoing a period in which the accepted norm and structure of its society is changing. We see the crack up of the nuclear and extended family due to the deaths of either one or both parents and the redistribution of the orphans and sometimes total neglect or abandonment.

Whereas the majority of the Zambian families are still intact, the picture is not the same everywhere. In some cases, we see the emergence of child headed families in which children are struggling to raise themselves against the background of harsh, highly erratic economic hardships. The other members of society look on either helplessly, unwilling or unable to assist. At other times we see the neglect of even those children who still have parents as they are left in the care of maids, nannies, house servants, dependants while the parents desperately try to make ends meet.

Parents in the high-income brackets have demanding jobs that take them away from their families for long hours and sometimes days. Sometimes, parents in the low Income brackets equally leave home very early in the morning before their children are awake and return home late at night long after their offspring have gone to sleep. These children suffer from parental neglect.

Few children in Zambia are now suffering from a bizarre environment in which they are being sexually abused or defiled by the very people who are supposed to protect them in the belief that sleeping with a young child will cure them of HIV/AIDS. Their fathers, uncles, grandparents, older brothers, neighbours against whom they are powerless, sometimes rape them.

Other young people are sent out in the streets to sell things in order to earn an income for the family. Others still are forced to work as maids, garden boys, or farm hands at a time when they are supposed to be in school.

Consequently, such young people grow up uncaring for themselves, others and the community. They feel a sense of isolation and defeat in their quest to survive any how they could. They try to earn a living by what ever means

necessary. They spend their time mostly in the streets, touting at bus stops, road vending, harassing motorists, prostituting, pick- pocketing and generally being a nuisance to the public. They are called ‘kponyas, ‘kabovas’ ‘ng’wang’wazi’. They tend to abuse substances and they dress, speak and act rough. Their way of life is opposed to the accepted social pattern, values and behaviours of the rest of the society.

This has resulted in fragmentation of society. It has given rise to pockets of society where people who live in certain areas and are in similar income brackets live differently and look after their own interests and are indifferent to others. Social unity has failed. It has failed to address the problem of the marginalized in society. It has failed to meet the social, economic religious needs of these groups.

If Zambia is going to have a future generation of positive, goal-oriented and self-achieving citizens, today’s adult population should be more nurturing and caring. It should enhance and promote shared values that assert and celebrate diversity. The value of individuals regardless of age, class or ethnicity should be respected and supported. Adults should impress upon the young the importance of the Constitution of the land, the Rule of Law, respect for individual and group rights, tolerance and decency.

Using the above **case study** and working in groups, do the following:

- Suggest the topic focus of this case study.
- Identify aspects of culture discussed in the case study.
- Decide the most important issues under each aspect. Which ones affect you most?
- What issues discussed in the case study lead to the development of sub cultures in a society?
- With evidence from the case study, give examples of counter cultures discussed in the case study.
- Are the issues discussed in the case study common in your community? What other related issues take place in your community?
- What homogeneity and heterogeneity issues does this case study raise? Are there other issues you can add to this?
- “Zambian culture violates women’s rights.” Discuss

### **Societal core values**

Every cultural group, including that of Zambia, has *Core Values* which provide a standard measurement by which it is regarded. The word ‘*core*’ means ‘*centre*’ and ‘*value*’ is the quality of being ‘*useful*’. Therefore, *core values* are central to a society’s well-being. These guide the beliefs and behaviours of a group of people. There are as many core values in the world as there are societies. However, the most important thing to remember is that core values are shared values and are cherished in any society. Zambia’s core values include the following:

- *Respect for authority:*

Authority is power invested in a group or an individual who are responsible for other people or manage institutions. Respect for authority therefore, is recognising and obeying the power given to such people. Examples of persons with authority are civic, political, school, church, traditional, police, family and peer group leaders.

- *Tolerance:*

This is the quality of allowing the opinions, beliefs, customs, and behaviour of other people to also prevail even when one is not in agreement with these. It is accepting that each person has a fundamental right to one's opinion.

- *Mutual respect:*

This is the value of treating each other with consideration. Mutual respect also works on the idea that if one does not respect other people that person will in turn not be respected by others.

- *Respect for privacy:*

Every person requires sometime to be on his or her own away from others either when they are working, relaxing or just wanting to be alone. Privacy also has to do with keeping private, information a person does not want to be known to other persons.

- *Commitment to the democratic resolution of differences:*

This is the recognition that sorting out tension, disputes and differences is best done through dialogue and the acceptance of the majority's view. It is a commitment to peaceful resolution of any form of conflict.

- *Honesty:*

This is a quality of telling the truth, not cheating and not stealing. It is a quality of being trustworthy and straight forward. An honest person says what she or he means and means what she or he says.

- *Freedom of expression:*

This is the right for a person to be heard as long as what they have to say is within the confines of the law.

- *Belief in the equal worth of all human beings:*

This is acknowledging the value of any human being regardless of age, race or gender.

- *Integrity:*

This the quality of being honest and upright. It goes beyond just being honest as it includes all qualities of goodness. It requires not only being truthful to others but also to oneself. A person of integrity behaves the same in whichever situation. A person of integrity does not pretend to be what he or she is not.

- *Responsibility:*

This is doing what one is expected to do without Being told, supervised or forced.

- *Social justice:*

The belief in being right and fair to everyone in the community.

- *Cooperation*

Working together for the common good of everyone in the community.

- *Love:*

The quality of good will towards every person. It is a warm kind of feeling and fondness to other human beings. It is a deliberate avoidance of bringing harm to other people.

- *Peace:*

The belief in freedom from stress and physical threat to one's well-being including war, captivity and confinement.

- *Loyalty:*

Faithfulness and truthfulness to people, groups or organisations that one is a member of.

- *Trust:*

The confidence, belief in the goodness, strength and reliability of oneself and others.

- *Achievement and success as the major personal goals:*

The belief in personal success in whatever undertaking one does.

- *Work:*

The belief in the value and nobility of work as a worthy human undertaking in preference to idleness.

- *Nationalism:*  
The love, loyalty and patriotism to one's country and the willingness to take part in its protection and development. The pride of belonging to one's nation.
- *Individualism:*  
The belief in a person's sense of her own worth and belief in her own physical, intellectual, emotional and spiritual potential. It is a belief in self-fulfilment and an individual's rights and responsibilities.
- *Efficiency and practicality:*  
A belief in achieving an aim with the least cost, waste, quickest and shortest way possible.
- *Material comfort:*  
A belief in material comfort as a human right and dream.
- *Scientific advancement:*  
A belief in science and technology as tools to making progress, mastering the environment, securing material comfort and solving societal problems.

#### **Activity 4**

1. From the list of core values discussed, rank those core values in order of their importance to you and give reasons.
2. Make a research in your family and find out which values are more outstanding and what are the reasons for that.

#### *Cultural Practices in Zambia*

The ethnic groups in Zambia share the following common cultural practices:

- ***Respect for elders***  
This is a value practised in Zambia. It is a belief that anybody older than oneself should be accorded respect in speech and treatment regardless of status, race or blood relationship. It is common to call an older person 'Mum' or 'Dad', 'Grandfather' or 'Grandmother', 'older brother' or 'older sister' even when there is no actual blood relationship. When young persons are in the presence of elders they are expected to kneel as a sign of respect.

- ***Extended Family System***

This is a family system that embraces not just the nuclear family but also uncles, cousins, aunties, in-laws, nephews and nieces. In Zambian family traditions the term ‘Mum’ is also extended to one’s mother’s sisters and the term ‘Dad’ to one’s father’s brothers. In the Zambian tradition one’s father’s sisters are referred to as ‘aunt’ and one’s mother’s brothers are the ‘uncles’. This system means that the concept of orphans did not exist in real terms. It ensured that everybody belonged to a family even if not a biological one.

- ***Rites of Passage***

The traditional Zambian social system lays great importance on rites of passage. These are rituals that one undergoes to mark important changes in a person’s position in the society. These rites of passage include such rituals as the naming of a newborn baby, initiation, marriage, death and after death ceremonies.

*Nkolola*, *Siyeke* (Sikenge), *Cisungu* and *Mukanda* ceremonies are some of the most widely known initiation rituals. In the ritual of marriage, *sinawenga*, *mungenisa khaya*



(m’thimba). The *Matebeto* and *Mbusa* ceremonies are some of the ceremonies practised during weddings. During the rituals of death, *Kupuzo-ya-bafu*, *mweesyoye*, *Isambo Lyamfwa*, *ukupyana*, *ubwalwa bwe shinda* are the ceremonies to do with death.

- ***Traditional Ceremonies***

Zambia’s renewed attention to traditional events and traditions is increasingly visible in the performance of local festivals called traditional ceremonies. Many traditional festivals are held to commemorate past events. Other functions of traditional ceremonies include:

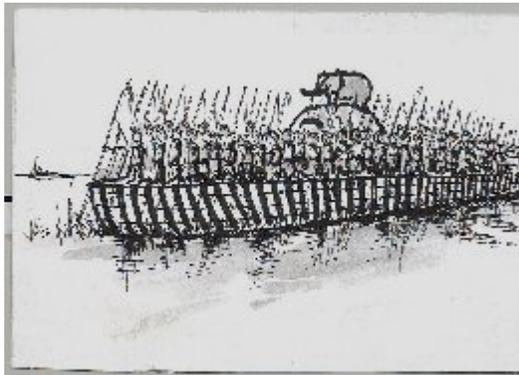
- Expressing, reflecting and reinforcing cultural relationships and values.
- Observing certain rituals.
- Communicating important cultural themes through the use of special forms of language, music and dance.
- Connection to the ancestors
- Providing oral history of settlement patterns or migrations
- Reconciling inter-group conflicts for peaceful co-existence
- Assertion of local traditional leadership.
- displaying symbols of ethnic citizenship or sense of belonging to ethnic groupings.
- Linking urban and rural communities of particular ethnic groupings in a unity of purpose.
- Politically, festivals afford paramount chiefs the opportunity to reassert their authority over their sub-chiefs and subjects.

There are different types of traditional ceremonies. These include:-

- Harvest festivals
- Commemorative ceremonies which focus on activities that honour memory of the dead, migration histories or offerings given to the gods and ancestral spirits for the past and future well being.
- Religious festivals for the gods in honour of specific spirits or gods.
- Ceremonies which move with rhythms of nature, such as new moons, flooding cycles like the Kuomboka or the Ikoma ceremony.
- Ceremonies for small intimate groups such as boys or girls when these come of age. Such festivals are called initiation ceremonies and may sometimes be performed privately because of the confidentiality of the knowledge they impart.
- Sometimes cultural festivals may be created in order to promote some particular development agenda (e.g. the Ngoma Awards which promote the Arts).

Some of the public ceremonies of Zambia include the following:-

- Kuomboka flood ceremony of the Lozi people.
- Umutomboko Ceremony of the Lunda people of Luapula
- Ukusefya pa N'gwena of the Bemba people
- Mabazgo of the Tumbuka people
- Kulamba Ceremony of the Nsenga people
- Kulamba kubwalo Ceremony of the Lenje people
- Shimunenga Ceremony of the Ila people
- Malaila Ceremony of the Kunda
- Lwiindi Ceremony of the Tonga people
- Likumbi lya mize of the Luvale people
- Ncwala Ceremony of the Ngoni people
- Icwela Mushi Ceremony of the Biswalala
- Chinamanongo Ceremony of the Bisa people



## Activity 5

The Zambian culture has different ways of celebrating leisure as well as entertainment. These include the following practices which are presented in table form. Conduct a small investigation to complete the table.

## Leisure Activities in Zambia

	Ethnic Group	Dances	Traditional games	Brewed Products	Traditional Cuisines
	1. Ngoni				
	2. Chewa				
	3. Mwata Kazembe's Lunda				
	a. Tumbuka	Vimbuza			
	b. Tonga	Chingánde			
	c. Lozi	Ngomalume	Cileke (tindi)	Sipesu Kabanga (seven days)	
	d. Bemba	Mfunkutu,		Katata	cikanda
	e. Luvale				
	f. Kaonde				
	g. Mbunda				

### *i. Traditional Attires*

Some Zambian culture, display unique styles of dressing. These include the Lozi people whose traditional dresses differ between men and women. Lozi men wear a *Siziba* (Kilt) which is similar to the Scottish Kilt. The men have also a top swine locally called a *Nolobaki*. Normally, Lozi men also wear a *Chitenge* overcoat on top of the swine. They also wear an elephant bungle which is accompanied by a wooden walking stick. On the other hand, Lozi women wear a *Musisi* and *Baki* top. The *Musisi* is covered with a soft cloth.



Luvale Makishi dancers display a variety of traditional attires which differ from *likishi* to *likishi*. A similar situation exists among the Chewa nyau dancers who also portray differences in their attire. Royalty have attires which are special to

them, for instance, rulers called Gawa Undi, Mwata Kazembe, Litunga and other chiefs such as Chief Monze each have their unique types of official dress. All these elements portray variations in Zambian cultural practices.

Apart from traditional costumes, many Zambians wear a variety of clothes which include bell bottoms, mini skirts, tights, slim shirts, suits and other modern garments.

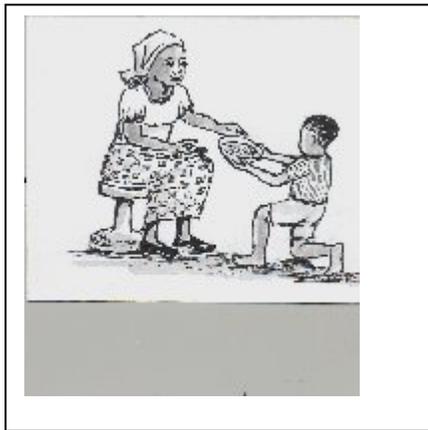
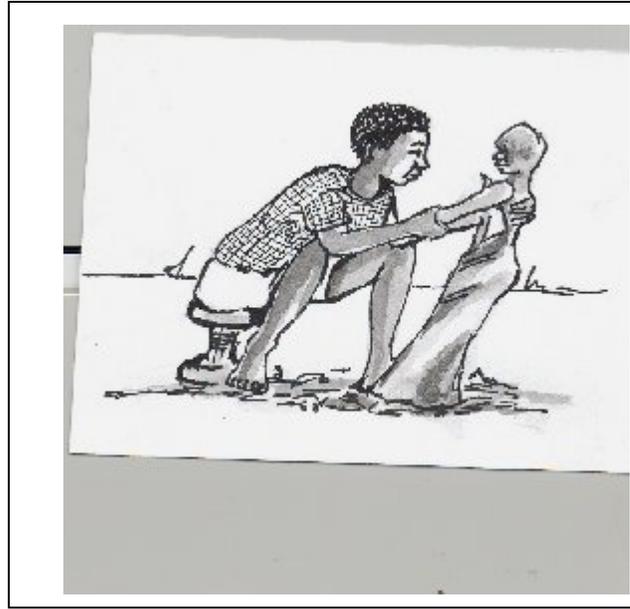
- ***The Arts***

Zambia's large number of ethnic groups has generated a wide range of arts and crafts. Expressions of art in dance, music, paintings, folklore, crafts are diverse and abundant. Zambians have songs and dances for most occasions. The songs not only entertain but praise, advice, teach and also rebuke. Most Zambian paintings depict real life situations. Abstract painting is not common. Materials used for making crafts and utensils are mainly wood, grass and clay, which are cheaper and readily obtainable. Folklore plays a key role in shaping and moulding values and attitudes.

- ***Hospitality***

Traditionally, Zambians are hospitable people. In a traditional Zambian setting, welcoming visitors and strangers is a core value that is cherished and practised. It is regarded as a symbol of being human *ubuntu*'. Visitors and strangers are accorded a warm welcome and treated with respect and honour. They are offered the best that the hosts have. However, in the urban areas the high levels of poverty, unemployment and effects of urbanisation have diluted this core value. In rural areas, despite the low standard of living that has always characterised such places, hospitality is still cherished and practised.

Activity 6



1. Identify and record cultural practices depicted in the illustrations above then report your findings back to the whole class.
2. Question 2 is on the next page.

3. You complete the table below by defining the given terms.

<b>Word</b>	<b>Meaning</b>
Culture	
Symbol	
Language	
Traditional Ceremony	
Technology	
Ideology	
Organization	
Sub-culture	
Norms	
Taboos	
Values	
Rituals	
Beliefs	
Customs	
Rites of passage	
Traditions	

### **Suggested Action Projects**

- Poster Campaign on the importance of culture
- Invite a Guest Speaker to speak on cultural aspects
- Organise and celebrate a cultural week.
- Perform a drama based on a cultural event
- Organise a Survey on cultural practices
- Interview an elderly or scholar in the community on any aspect of Zambian cultural.
- Volunteer to do some community work
- Fundraise to support a cultural event.
- Design a leaflet on cultural characteristics.
- Organise a traditional cultural troupe for your school and do songs, poems, arts, games, folklore and story telling activities in your community.

### **GLOSARY**

Culture is a way of life of a people.

Homogeneity (pronounced homogeneity) comprising or a collection of parts of the same kind.

Heterogeneity (pronounced heterogeneity) means made up of different kinds.

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# CHAPTER 7

## SUBSTANCE ABUSE

### Specific Learning Outcome:

By the end of this chapter, you should be able to:

- define substance and substance abuse
- describe types of substances which are often abused by people
- give reasons for substance abuse
- suggest ways of avoiding substance abuse
- discuss the effects of substance abuse on individuals, community and at national level.
- discuss measures used to prevent substance abuse.
- identify agencies involved in eradicating substance abuse in Zambia.

### Definition

In our lives, we all use substances of one kind or another every day. A substance, is a material or a type of matter. People use substances for various reasons .For example, we take water when we are thirsty and medicine when we are sick. However, substances can be abused. To *abuse* is to use something excessively or wrongly, especially drugs. Therefore, *substance abuse* means taking something often, that your body does not need and for the wrong reasons. If you take medicine when you are not supposed to or when you are not sick, it is called *Substance Abuse*.

### *Classification of Substances*

Substances fall under two categories. These are over the counter substances and controlled substances.

- **Over the Counter Substances:** These include substances used for medicinal purposes which can easily be bought over the counter such as panadol, aspirin, paracetamol, fansidar, combatrin, vemox and other substances such as aerosols (sprays), coffee, and tobacco.
- **Controlled Substances:** These are substances, which can only be obtained if one has a prescription. These substances can be dangerous if not used properly. Examples of them are morphine, valium and pethidine mandrax, cocaine and marijuana.

Substances can also be classified according to their effects on the user. The following are examples:

- **Depressants** – These are substances that slow down the action of the central nervous system. They are also known as *sedatives* or *hypnotics*. Some examples of depressants are *alcohol*, *mandrax* and *valium*. When taken in small amounts, depressants decrease awareness and tension. However, when taken in large amounts, they lead into a coma, a condition of deep unconsciousness, which may result in death.
- **Stimulants** : These are substances that stimulate the central nervous system. They speed up the body processes. The most common stimulant, which is widely used is *caffeine* found in tea, coffee, chocolate, coca cola and some diet pills. Other stimulants include *cocaine* and *nicotine*. If stimulants are taken in large amounts they become depressants because their effect will slow down the central nervous system.
- **Hallucinogens:** These are substances, which distort the way the brain translates impulses or messages from the sensory organs producing perceptual changes. The distortion may make the brain alter or change messages about something real thus producing an illusion. The brain may also produce images with no basis in reality called *hallucinations*. The substances in this category include *Lysergic Acid diethyl amide* (LSD), cocaine, magic mushrooms and ecstasy.
- **Narcotics or Opiates:** These are substances that make the senses dull and relieve pain by depressing the cerebral cortex. Cerebral cortex is the outer layer of the brain responsible for consciousness including perception, memory, learning and initiation of voluntary movement. Narcotics also affect the *thalamus* which is the body's mood regulating centre. Narcotics are mainly derived from the *opium poppy plant*. They include *raw opium*, *morphine*, *codeine*, *pethidine*, *methadone* and *heroin*.
- **Inhalants or Solvents:** These are drugs found in house hold products such as glue, deodorants like perfume sprays and fuel gases. Once inhaled, the capillary surface of the lungs allows rapid absorption of the substance. Entry into the brain is fast and the intoxicating effects are intense.

## Substances and their effects

In our society today, many people use substances such as alcohol, tobacco, solvents, inhalants and drugs. The substances can be dangerous if abused.

### (a) Alcohol

In Zambian society, beer is taken on many occasions such as leisure, initiation, and wedding ceremonies. However, only adults are allowed to drink. Beer is also used in celebration of traditional, religious ceremonies such as Ncwala, Kusefya Pang'wena and Lwiindi religious ceremonies. In modern society beer is often abused and it is taken by children.

*Alcohol* is a pure colourless liquid present in drinks such as beer, wine and brandy. People take alcohol for pleasure. Alcohol is also taken for medicinal purposes. Most of the medicines contain a percentage of alcohol.

*Alcohol abuse* is when one drinks too much alcohol too often. If someone starts taking something and cannot stop, that person is said to have an *addiction*. A person who is addicted to alcohol is called an *Alcoholic*. *Alcoholism* is a severe and potentially fatal condition caused by physical dependence on alcohol. It impairs physical and mental health.

The strength of any alcoholic beverage depends on the *percentage concentrate* of a chemical known as *ethanol* per given volume. If a beverage has a higher concentration of ethanol per volume, then the drink is more strong potent. The following is a table showing the percentage concentration of ethanol in different alcoholic beverages:

Beverage	Percentage of Ethanol %
<i>Mosi lager</i>	4.5
<i>Ohlssons lager</i>	5
<i>Castle lager</i>	5
<i>Chibuku</i>	4-6
<i>Wine</i>	12-20
<i>Kachasu (traditional spirit)</i>	25-65
<i>Spirits</i>	33 – 45

### Effects of Alcohol

The following are some of the effects of alcohol:

- Increase blood pressure and heart beat.
- causes violent behaviour.
- affects the brain.
- causes the disease of the liver called *cirrhosis*. The liver becomes fatty and enlarged causing inflammations. This condition causes nausea, loss of appetite, abdominal discomfort, jaundice and death.
- makes one feel warm when in reality one is losing heat. This may lead to *hypothermia*.
- distorts perception of time and space as it affects sight where by one can have double or multiple vision or blurs (unclear objects). It also affects co-ordination leading to slowed reaction.
- causes a withdrawal condition known as *delirium tremens* – DTs. A person with DTs is shaky and can not hold anything in their hands. Such a person has mental problem he/she may experiences mood swings and uncontrollable behaviour.

### (b) Tobacco

Tobacco is a substance that is commonly abused. It contains nicotine, carbon monoxide and tar. When a person smokes, these chemicals enter the blood stream.

*Nicotine*: is a colourless, powerful drug. In small doses, it acts as a stimulant and speeds up the transmission of nerve impulses. In higher doses, nicotine has an inhibiting effect on nerve impulses.

*Carbon monoxide:* This is a deadly gas that affects the blood's ability to carry oxygen round the body. Carbon monoxide also affects the action of the *cilia* (hairs) that line the respiratory passages by inhibiting their function. Constant exposure to smoke can destroy the cells that produce the cilia and mucus in the respiratory tract thereby making a smoker more susceptible to respiratory infections. The *cilia* takes about one to nine months to re-grow after one has quit smoking.

*Tar*-contains a number of substances that can cause cancer.

### **Effects of Smoking**

Smoking can cause:

- bronchitis
- emphysema – lung disease, which affects breathing.
- heart disease – nicotine increases the heart beat and so wears down the heart.
- cancer – smoking causes about 90% of deaths from cancer,
- blood clots and stomach ulcers.
- damage the unborn babies.
- shortness of breath.
- colds, flue and other infection.
- non smokers inhale smoke which makes them passive smokers.
- deforestation : due to the process of drying and curing tobacco.

### **( c ) Inhalants**

*Inhalants are substances that include volatile solvents and gases. The volatile substances are found in household products such as glue, paint, nail polish, powdered tobacco, tipex, petrol, rubber and lighter fluid.*

Inhalants are usually sniffed from an open container or rag soaked in a substance. When the substance is inhaled, the lungs allow rapid absorption as a result entry into the brain is fast and produces intense intoxicating effects.

### **Effects of inhalants**

The following are some of the effects of inhalants:

- depression of the central nervous system. (Reducing breath rate)
- causes high blood pressure.
- causes headaches, nausea, slurred speech and loss of motor coordination.
- causes rash around the nose and mouth .
- unpredictable behaviour.
- memory impairment and attention deficit.
- liver and kidney abnormalities.
- causes red, glassy and watery eyes.
- distortion in perception of time and space.

## (d) Drugs

A drug is any substance which alters the chemistry of the body and affects the natural balance of the mind and emotions. Drugs can either be *natural* or *synthetic chemicals*. Natural drugs are those which are found in certain plants. For example, *caffeine* in coffee, *nicotine* in tobacco and *tetra hydro cannabino (THC)* in cannabis. Panadol, aspirin and morphine are manufactured drugs and are therefore called *synthetic drugs*. The following are some types of drugs and their effects:

### 1. Cannabis:

This is a hard brown material or herbal mixture that comes from a cannabis plant. Cannabis (Chamba) is an illegal drug in Zambia and therefore, the possession, cultivation or trafficking of this substance constitutes an offence. The drug has several street names like draw, blow, weed, hash, pot bang, spliff, dope, puff, shit and ganja. Cannabis can be in three forms:

- *Marijuana*: this comes from the dried leaves, flowers or stems of the *cannabis* plant. It has a concentration of *delta – 9 – tetrahydrocannabinol (THC)* of about 0 – 12%.
- *Hashish*: this is made from the dark, sticky resin of the plant and contains THC of about 12 – 18%.
- *Hashishi oil*: this is made by compressing hashish to produce oil using a solvent. The concentration of THC is about 18 – 25% and is much higher than that of marijuana and hashish.

### Effects of Cannabis

*Cannabis may affect users in the following ways;*

- causing cravings for certain foods (increasing appetite).
- making most users relaxed or talkative.
- making users *paranoid* and anxious, depending on their mood and situation.
- causing health problems such as cancer and respiratory disorders.
- affecting the reproductive system by reducing sperm count in males while irregular menstrual cycles in females.
- affecting memory and coordination.
- leaving users feeling exhausted.

### 2. Heroin

Heroin is a brown or white speckled powder made from juice extract from the unripe capsule of the *poppy plant*. The seed capsule of the green opium produces a milky juice (latex) from which many drugs can be made such as *morphine* and *codeine*. Heroin is formed through a chemical process of modifying morphine known as *acetylation*. Morphine is used for medicinal

purposes, for example, to ease severe pain. However, it is dangerous when not used properly.

The *opium* plant from which heroin is made is grown mainly in the mountains of South West Asia, Afghanistan, Turkey, Burma, India and China.

Heroin is mainly taken by smoking, sniffing, swallowing or injecting straight into the veins. The drug is known on the street as *brown sugar*, *smack*, *skag* and *horse*.

### **Effects of Heroin**

The following are effects of heroin:

- alertness at first, then drowsiness and drunken appearance.
- depresses some brain cells or stimulates other types of brain functions leading to disturbed pattern of nerve activity, perception and behaviour.
- suppresses understanding of the real world by distorting vision, hearing and other senses.
- causes mood swings from elation (pleasant feelings) to deep depression. Such mood swings can result in injury or suicide
- loss of appetite leading to under nourishment
- chronic constipation
- damage to the heart and kidneys
- irregular menstrual cycles in women
- transmission of diseases such as hepatitis and HIV/AIDS by sharing hypodermic needles.
- death due to overdose

### **3. Cocaine:**

Cocaine is a white powder made from the leaves of a *coca bush*. It is one of the oldest drugs which was used in religious ceremonies for meditation and as an aid to communicating with nature. The leaves of a coca plant when chewed can relieve fatigue and hunger. The coca plant is mainly grown in the coastal plains of the Atlantic Ocean and the Caribbean Sea.

Cocaine is usually smoked, though it can be injected into the blood. It can also be taken orally by mixing with a liquid or in capsule form. Coca cola is said to have initially contained a very small quantity of cocaine before it was removed in 1903. The street names for cocaine are *coke*, *charlie*, *snow lady* and *dust*.

### **Effects of Cocaine**

The following are the effects of cocaine:

- over alertness and elevation of mood.
- dry mouth.
- sweating
- severe weight loss

- exhaustion and lack of sleep (insomnia)
- digestion problems
- ulceration of the nasal passage
- heart and blood circulation problems
- death due to overdose
- irregular menstrual cycles in women
- transmission of diseases such as hepatitis and HIV/AIDS by sharing hypodermic needs

## Why people abuse substances

The following are some of the reasons why people abuse substances:

- **Curiosity:** Some people are tempted to try out substances out of curiosity. They would want to taste and experience what it feels like to take substances. This is especially true for young people who are keen to be adventurous and experiment things for themselves.
- **Peer Pressure:** Some young people end up taking substances because they want to do what their friends are doing. They want to fit in or conform to their peer group.
- **Ignorance:** Some people begin to take substances on experimental basis and may not be aware of the dangers of the substance that they abuse. By the time the dangers are fully realised, it may be too late to stop taking the substance or to reverse the damage done.
- **Stress:** Adolescence can be a particularly difficult period. One may be under conflicting pressure from parents, school and friends and many difficult choices may have to be made. Adolescence can also be a time of frustration and boredom, as a result, young people are usually vulnerable to peer pressure. Some people may not cope with loss of a loved one, divorce, failing an examination and loss of employment, as such they may seek consolation in the use of certain substances.
- **Availability of substances:** There are a number of substances that are readily available on the market. These include alcoholic beverages and solvents such as glue, tipex, and methylated spirits.
- **Changing Social Structures:** A family is a unit that serves as a support group for its members. When a family begins to change in a negative way, for example, due to loss of a family member, some people may not be able to cope with the new ways of life. Some family members may end up seeking consolation in certain substances.
- **Alienation:** We all have a sense of belonging to a family, group, community or country. When we feel isolated we try to find a group to belong to by associating with people who also feel isolated. We may feel welcome in the new environment where substance abuse may be acceptable. Most street kids and teenagers find themselves in such groups.

- **Unemployment:** In Zambia, we have high levels of un-employment. A lot of people have lost their jobs. Young people are also unable to find jobs despite some having relevant qualifications. For such people life become unbearable and some may end up abusing substances.
- **Lack of Recreation Facilities:** Recreation facilities are lacking in most Zambian communities. Young people have nowhere to spend their leisure time, as a result they may resort to substance abuse.
- **Enhancement of self confidence and performance:** Some people believe that taking certain drugs may help them to improve their self confidence and performance in sports, in sexual intercourse, in examinations and other activities. This may encourage them to take certain drugs or other substances.

## Exercise 1

- Define substance and substance abuse.*
- Identify types and sources of substances that are abused in your community including their effects on health. Use a table like the one shown below:*

Type of Substance	Source	Effects on Health
Kachasu	Local brew	Damages the lungs

- Why do people resort to substance abuse?*
- Suggest measures that you would put in place to discourage people from abusing substances.*
- Map out strategies of preventing substance abuse in your school.*

## Activity 1

- Substance abuse is entirely a matter for an individual and not for the society. Discuss.
- Write a poem about substance.

## Signs and Symptoms of Substance Abuse

Substance abuse is very common today. It is very important to detect substance abuse early. If the problem is identified at an early stage, it is easier to take action to prevent further abuse of the substance. People who abuse substances may display some of the following behavioural traits:

- sudden change in personality.
- unusual mood swings, restlessness or irritability.
- decline in school performance.
- spending more time away from home.
- stealing money or goods and excessive spending or borrowing of money.

- heavy use of perfumes to disguise the smell of substances.
- associating with a particular group usually one that abuses substances.
- lack of interest in school work and absenteeism from work.
- loss of appetite.
- wearing of sunglasses at inappropriate times to disguise one's appearance.

Possession of certain objects may also indicate substance abuse. These include the following:-:

- syringes and needles.
- small plastic or glass bottles.
- pill boxes
- plastic cellophane or metal foil wrappers.
- straws.
- sugar lumps.
- foil containers or metal tins usually discoloured by heat.
- shredded cigarettes and pipes.

### **Avoiding Substance Abuse**

To keep away from substance abuse, one should do the following:

- *saying no thanks*: if you are offered any dangerous substance always say *no thank you*.
- *giving a reason or excuse*: always give a reason for declining the offer.
- *changing the subject*: if someone is enticing you to use a dangerous substance you should change the subject to discourage him/her.
- *walking away*: you can also walk away to avoid being tempted to take dangerous substances.
- *avoiding the situation*: if you know places where people often abuse substances, stay away from such places.
- *associating with non users*: always associate with non users especially where substance abuse is rampant.
- *Keeping busy*: make yourself always busy by doing something like sports, reading school work etc to avoid being tempted to abuse substances

### **Dependence on Substance**

People who abuse substances reach a level where they entirely depend on substances and this is known as *dependence or addiction*. Substance dependence can either take the physical or psychological form. *Physical dependence* is when one tries to withdraw from using a certain substance but experiences physical effects such as shaking (poor coordination) while *psychological dependence* as craving for certain foods, depression and anxiety due to withdrawal of the use of an abused substance. Some substance abusers reach levels where they have to take larger doses of a substance in order to feel the effect and they are said to have reached a *drug tolerance level*. Consumption of large amounts of substances can lead to *addiction*, a state where one depends on substances.

## Exercise 2

- a) List down the type of beverages that you would take if you were living as an independent adult. What effects do these beverages have on users?
- b) Write down some of the local names of the beverages you have listed in above.
- c) Imagine you are a journalist working on an assignment and you have materials on the dangers of substance abuse. Write an article or an editorial on the dangers of one of the substances abused in your community.

## Activity 2

What are the effects of substance abuse in your community?

### Impact of substance Abuse on Society

Substance abuse has become a human tragedy. It has affected society at individual, family, community and international levels.

#### Individual Level:

A substance abuser is likely to have health problems resulting from the effects of the substances taken. Due to poor health, substance abusers may not work or study effectively. Relationships with friends and family may become strained as a result a substance abuser may not have support from loved ones. A substance abuser is also likely to become too dependent on substances. This would result in addiction and one may fail to function as a full member of society. People who abuse substances risk heavy fines or imprisonment. Substances are very expensive and one tends to spend a lot of money in order to sustain the habit.

#### Family Level:

*In most families the most abused substances are beer and tobacco. People who abuse such substances tend to neglect their families as their priority is to acquire the substance. As a result they may end up stealing from friends and family. In some cases, they may accumulate debts which family members may not know about or may end up paying on their behalf. Substance abusers cause disruption and disharmony within the family. Hence everyone in the family is affected. For example, it can lead to divorce, starvation, malnutrition and even death. Violent behaviour in most homes is attributed to substance abuse. In homes, where substances such as alcohol are abused, young people may think that substance abuse is normal and accepted in society. This may influence them to become substance abusers.*

## Community Level:

Crime is sometimes associated with people who abuse substances especially drugs. Substance abusers tend to commit crimes such as murder and aggravated robbery in order to acquire more money to support their habit. Others may be involved in prostitution and drug trafficking. These activities impact negatively in the community. The spread of HIV/AIDS is likely to be rampant among substance abusers especially if they share needles. They are also prone to HIV/AIDS due to risky behaviour such as unsafe sex. When the abusers become terminally ill, it is the community that takes care of them. Substance abuse also costs the community money in terms of lost production in industry, accidents, violence, crime, treatment, rehabilitation and care for substance abusers.

## International Level:

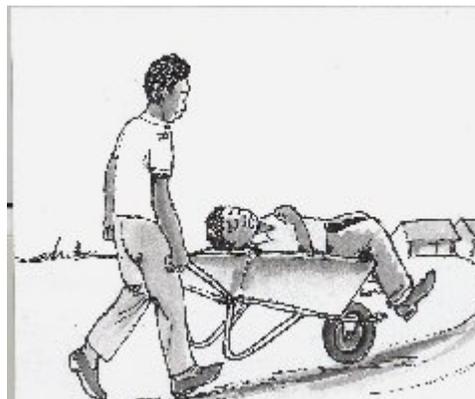
Drug trafficking is a major international problem. It refers to the illegal manufacturing and or sale of illegal drugs. Drug trafficking includes a range of people from powerful international drug barons to street dealers. Most street dealers are mostly concerned with supporting a personal drug habit. *Money laundering* is common in drug trafficking, For example, some drug traffickers use their ill gotten money to destabilise governments through corruption, intimidation, violence and buying votes to support people who can perpetuate their illegal activities. Money laundering affects the economy of a nation by causing inflation.

Governments of many countries spend a lot of money trying to eradicate drug trafficking. Law enforcement agencies from different countries cooperate with each other and with the International Police (Interpol) by providing information about international criminals and their activities. Sometimes they detain the suspects and hand them over to their respective countries.

## Role of the Community in Combating Substance Abuse

The community can play a major role in combating the abuse of substances. The following are some of the ways of combating substance abuses (which may reduce effects such as those shown in the picture):

- Abolishing the cultivation of drug crops: the community can stop people from growing dangerous drug crops. The government should assist with other economic activities rather than growing dangerous substances.
- Educating the people: People should be educated on the dangerous effects of substances and need to control the use of these substances anyhow;
- Taking keen interest in what is going on in his or her community:



Programmes that communities can use to combat substance abuse should focus on reducing the availability of drugs and substances.

- Changing people's attitudes towards substance abuse: this can be done through entertainment such as poems, drama, debate;
- Establishing groups and clubs: This may include anti anti-drug abuse clubs and community rehabilitation centres that help individuals and families affected by substance abuse.

The solution of substance abuse requires concerted effort from all community members.

### **Measures used to fight Substance Abuse**

The Zambian government has taken measures to fight the supply and abuse of dangerous substances such as drugs. The Narcotic Drugs and Psychotropic Substances Act No. 37 of 1993, was enacted to prohibit trafficking, exporting, possessing, cultivating, manufacturing and use of narcotic and psychotropic substances. The public is sensitised on the dangers of substance abuse and its legal implications. For example, the consumption of illicit drugs is a contravention of the law. Drug abuse is liable for punishment by imprisonment for a period not exceeding 10 years if found guilty.

The government of Zambia also works with other countries to exchange information on drug trafficking and related crimes in order to arrest offenders.

The government should involve communities in programs aimed at reducing demand and supply of illicit drugs

### **Institutions that fight substance abuse**

In 1989, the government established the Drug Enforcement Commission (DEC). The Commission is a government department charged with the responsibility of curbing substance abuse. It Investigates and prosecutes cases related to drug trafficking and substance abuse. DEC has offices in all the provinces in Zambia with a National Education Campaign Division. This division is responsible for disseminating information intended to educate the public on the dangerous effects of substance abuse. The department works with Non-Governmental Organisation and other government departments to rehabilitate victims of substance abuse. Some of the NGO involved in educating the community on the dangers of substance abuse are:

- Planned Parenthood Association of Zambia.
- Youth Alive
- Young Women's Christian Association
- Young Men's Christian Association
- Society for Family Health
- Local Churches.
- Sport in Action.
- Youth Media (Trendsetters)

### **Exercise 3**

- a) What measures can communities put in place to combat substance abuse in their areas?
- b) What measures can your community undertake to educate people on the dangers of substance abuse?
- c) Choose any four of the organisation mentioned in this chapter which help to combat substance abuse. Find out what each of them does to combat substance abuse.

### **Action Projects**

- i. Organise a substance abuse awareness day in your school or community. You may do the following; prepare posters, presentations, exhibitions, debate or drama.
  - ii. Carry out a survey on the impact of substance abuse in your community focusing on the types of substances abused, problems that people who abuse them have, community measures to mitigate the problem. Report your findings to the class.
- d) Do a song about substance abuse or an advertisement with a short message.
  - e) Produce a leaflet on any substance of your choice, which is abused in your community. Discuss in class the contents of your leaflet.
  - f) Do a case study of an abused substance of your choice.
  - g) Do a case study of a substance abuser in your community. Encourage him or her to stop. Get feedback about how one is doing to stop the habit. Think of how best to encourage the person if he/she stops abusing the substance.
  - h) Collect old magazines and cut out advertisement for cigarettes and beer. Talk about the message these advertisements give. Are the messages realistic? Discuss why advertisements are different from the reality on the ground.
  - i) Make anti substance abuse sculptures, models paintings or anything that would normally litter such as cigarette boxes, beer cans, advertisement lids. Exhibit your products in your classrooms or library.
  - j) Some children living on the streets abuse glue, beer and other substances. If this is happening in your area, suggest how you can help them by working with a local organisation.
  - k) What could you do as an individual or group about substance abuse in your community that would make a difference?

- 1) Invite a health worker to your school to talk about living a healthy lifestyle which does not rely on substance abuse.

1. Everyone is free and we should all be treated in the same way.
2. Everyone is equal despite differences in skin colour, sex, religion, language, for example.
3. Everyone has the right to life and to live in freedom and safety.
4. No one has the right to treat you as a slave nor should you make anyone your slave.
5. No one has the right to hurt you or to torture you.
6. Everyone has the right to be treated equally by the law.
7. The law is the same for everyone, it should be applied in the same way to all.
8. Everyone has the right to ask for legal help when their rights are not respected.
9. No one has the right to imprison you unjustly or expel you from your own country.
10. Everyone has the right to a fair and public trial.
11. Everyone should be considered innocent until guilt is proved.
12. Everyone has the right to ask for help if someone tries to harm you, but no one can enter your home, open your letters or bother you or your family without a good reason.
13. Everyone has the right to travel as they wish.
14. Everyone has the right to go to another country and ask for protection if they are being persecuted or are in danger of being persecuted.
15. Everyone has the right to belong to a country. No one has the right to prevent you from belonging to another country if you wish to.
16. Everyone has the right to marry and have a family.
17. Everyone has the right to own property and possessions.
18. Everyone has the right to practise and observe all aspects of their own religion and change their religion if they want to.
19. Everyone has the right to say what they think and to give and receive information.
20. Everyone has the right to take part in meetings and to join associations in a peaceful way.
21. Everyone has the right to help choose and take part in the government of their country.
22. Everyone has the right to social security and to opportunities to develop their skills.
23. Everyone has the right to work for a fair wage in a safe environment and to join a trade union.
24. Everyone has the right to rest and leisure.
25. Everyone has the right to an adequate standard of living and medical help if they are ill.
26. Everyone has the right to go to school.
27. Everyone has the right to share in their community's cultural life.
28. Everyone must respect the social order that is necessary for all these rights to be available.
29. Everyone must respect the rights of others, the community and public property.
30. No one has the right to take away any of the rights in this declaration.

**Source:** SINIKO towards a Human Rights Culture in Africa. Amnesty International.

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# **GRADE 11**

# CHAPTER 1

## CIVIL SOCIETY AND THE MEDIA IN GOVERNANCE

### Specific Outcomes

- Define civil society
- Outline the elements of civil society
- Discuss the functions of civil society in governance issues
- Explain the conditions necessary for the establishment of civil society
- Analyse the roles of civil society in governance issues
- Discuss the importance of citizen participation in governance
- Identify different types of media
- Analyse the content of media coverage on governance issues
- Discuss the importance of access to the media in governance
- Explain the importance of the independence of the media in governance
- Evaluate the need for citizen participation in governance
- Discuss the role of traditional Leaders in governance.

Civil society and the media play a key role in a democratic system. This chapter looks at the role of these two important elements of democratic governance.

### Civil Society

There is no single definition of the term *civil society*. Different definitions tend to emphasise various aspects of the civil society.

Generally, the term civil society refers to those non-military, non-governmental organisations and individuals who make it their business to promote and defend the basic ideals of good governance outside the government.

### Elements of Civil Society in Zambia

Civil society organisations are societies which work independent without government supervision and control. They include Non-Governmental Organisations (NGOs), Business Associations, Industrial Associations, Professional Associations, Faith-Based Organisations (FBOs) Trade Unions and Pressure Groups. Many civil society organisations have emerged in Zambia since the re-introduction of political pluralism in 1991.

The following are examples of civil society organisations in Zambia.

### **International Organisations**

- Women in Law and Development in Africa (WIDAF)
- Women in Law in Southern Africa (WILSA)
- The Inter-African Network for Human Rights and Development (AFRONET).
- Transparent International Zambia (TIZ).
- The Media Institute of Southern Africa (MISA).
- Business Associations, Industrial Associations, Professional Associations, Faith Based organisations (FBO's).
- Trade Unions and Pressure Groups.

### **Pressure Groups**

Pressure groups are civil society organisations formed to influence government policy and decisions on a particular subject. Sometimes pressure groups are known as interest groups. For example, the Oasis Forum and the Citizens Forum. Pressure groups usually disband and cease to exist once their objective has been achieved. For instance, the Committee for Clean Campaign (CCC) disbanded after the 1996 elections.

### **Civic Organisations**

Civic organisations are concerned with issues such as civic education, human rights, and good governance. The following are examples of civic organisations:

- The Zambia Civic Education Association (ZCEA).
- The Foundation for Democratic Process (FODEP).
- The Anti – Voter Apathy Programme (AVAP)
- The Non-Governmental Organisations Co-ordinating Committee (NGOCC).
- Operation Young Vote (OYV)
- The National Movement Against Corruption (NAMAC)

### **Women's Groups**

Women's groups are concerned with promoting and protecting women's rights. The following are examples of women's groups:

- Women for Change (WfC)
- National Women's Lobby Group (NWLG).
- Young Women's Christian Association (YWCA).
- Zambia Alliance of Women (ZAW)
- Forum for African Women Educationalists of Zambia (FAWEZA).
- Women in Development (WID).
- Society for Women Against AIDS in Zambia (SWAAZ).

## **Professional Associations**

Professional associations are primarily formed by people in a particular profession to promote and protect their professional interests. However, they often act as pressure groups on the government and they educate people on their rights. The following are examples of professional associations:

- The Law Association of Zambia (LAZ).
- Women in Law and Development in Africa (WILDAF).
- The Zambia Independent Media Association (ZIMA).
- The Press Association of Zambia (PAZA).
- Zambia Association of Civic Education Teachers (ZACET).
- Zambia Association of Religious Education Teachers (ZARET)
- Languages Teachers Association of Zambia (LTAZ) and other subject associations.

## **Industrial Organisations**

Industrial organisations are formed by people in the same industry. For example, workers in a manufacturing industry can form organisations to safeguard their interests. They include:

- The Labour Movement (Trade Unions)
- The Zambia Association of Manufacturers. (ZAM).
- The Zambia National Farmers Union (ZNFU).
- The Zambia Chamber of Commerce and Industry (ZACC).
- The Zambia Consumers Association (ZCA).
- The Zambia Cross-Boarder Traders Association (ZCBTA).
- The Zambia Federation for Women in Business (ZFWB).
- The Zambia National Marketeers' Association (ZANAMA).

## **Religious Organisations**

Churches and other religious organisations often speak out on governance issues such as constitutional reform, unemployment and corruption. These organisations include:

- The Zambia Evangelical Fellowship (ZEF).
- The Council of Churches in Zambia (CCZ).
- The Catholic Commission for Peace, Justice and Development (CCJPD) now known as Caritas Zambia.
- The Young Women's Christian Association (YWCA).
- The Young Men's Christian Association (YMCA).
- The Islamic Association of Zambia (LAZ).

Civil society organisations do not always exist for the purpose of dealing with one particular issue only. This makes their classification difficult as one organisation may deal with a variety of issues.

## **Roles of the Civil Society.**

Some of the roles of the civil society are to:

- Defend the ideals of democracy by checking the growth of undemocratic tendencies in the policies of the government.
- carry out civic education activities and promote public awareness on issues affecting society such as HIV/AIDS, human rights abuses, and poverty.
- Influence public opinion. Civil society organisations use the strategy of advocacy to influence public opinion in favour of specific objectives. For instance, they draw the attention of the government and the general public to the plight of the marginalized and disadvantaged people in society.
- Debate bills and influence amendments or decisions of the Legislature. Civil society organisations conduct seminars to debate some bills and in this way, influence the decisions of the legislature.
- Act as agents of democratic change. For example, by advocating for constitutional reform, gender equality, and free and fair elections.
- Defend and promote human rights and the rule of law. Rule of law means no one is above the law. It also means giving equal treatment to all people before the law.
- Promote accountability and transparency.
- Ensure that the government and other people in authority are accountable to the public. For instance, NAMAC and TIZ focus on issues of corruption and advocate for transparency in governance.
- Act as channels through which individuals can participate both in government and community decision-making processes.
- Act as a link between the community and the government. For instance, civil society organisations often transmit public opinion on various issues to the government. They also explain government policies to the community.
- Provide “checks and balances” by criticising bad government policies and suggesting alternative ideas.
- Publicise and articulate the demands of their members. For instance, the National Women’s Lobby Group demands for a minimum of 30% female representation in parliament and all other leadership and managerial positions to enhance gender equity.

## **Establishment of a Civil Society Organisations**

Civil society organisations cannot be established and operate effectively in the country unless certain requirements are available. The following are some of them:

- Favourable laws which permit and respect the freedom of association and expression.
- A government which respects and accepts the views of opponents and minority groups.
- Citizens who accept opposing views in a democratic society, and the need for negotiation and compromise within the framework of the laws of the nation.

- A pro-active population willing to participate in community and national activities because where there is apathy, civil society organisations may not flourish.
- The existence of a specific problem that may encourage individuals to form a civil society organisation to address that particular issue.

### Exercise 1

1. What is the difference between the terms “civil society” and “civil society organisations”?
2. Identify any civil society organisations operating in your district. For each,
  - (a) mention its main objectives and
  - (b) classify it according to the examples given in this chapter. Use the table provided.
  - (c) Are these organisations relevant (required) in your community? Substantiate your answer.

	CIVIL SOCIETY	OBJECTIVE	CLASSIFICATION
1	Primary Education Teachers' Union of Zambia (PETUZ)	To improve the working conditions of primary school teachers	Industrial organisation
2			
3			
4			
5			
6			

### Citizen Participation in Governance

Citizen participation in governance refers to the level of involvement of the people in the decision-making process. Democracy means “People’s rule”. There cannot be true democracy without full citizen participation in community and national affairs. One of the obstacles to the attainment of democracy is *voter apathy*. This is lack of interest in the elections.

### Forms of Citizen Participation in Governance

A citizen can participate in democratic governance in many ways. This includes partition in:

#### *Political activities:*

- Casting a vote in an election.
- Standing for a political office in an election.
- Joining and campaigning for a political party of one’s choice.
- Attending a political party meeting.
- Contacting a councillor or a Member of Parliament to raise an issue.
- Writing newspaper articles to criticise government policies.

*Civil society activities:*

- Joining a civil society
- Organising or attending seminars.
- Reading posters and brochures.
- Taking part in legal demonstrations.

*Community activities:*

- Attending a community meeting to discuss local affairs.
- Attending a Parent Teachers Association meeting at a local school.
- Moulding bricks for community projects.
- Signing a petition with other people to express dissatisfaction with a decision made by a local council or a school administration.
- Joining a club at school or in the community.
- Electing community leaders and school prefects.

### **Women Participation in Governance**

The 1964, 1973, 1991 and 1996 constitutions provided for formal guarantees of equality between men and women. In spite of this, women have been excluded from effective participation in political leadership and decision-making since independence. The table below shows that the average percentage of women parliamentarians between 1968 and 2001 was less than 12%. Although there has been a modest increase since 1991, the percentage of women parliamentarians in Zambia still falls below 30%, which is the minimum figure demanded by the National Women's Lobby Group and the Southern Africa Development Community (SADC).

#### **A comparison: Male and Female Parliamentarians.**

Year of Elections	Parliamentarians		Total elected Parliamentarians
	Male	Female	
1968	104	1	105
1973	120	5	125
1983	122	3	125
1988	119	6	125
1991	144	6	150
1996	135	15	150
2001	137	13	150

*Source: Foundation for Democratic Process Training Manual (1999) and Zambia Development Report, 2003.*

#### *Obstacles to Female Participation in Governance*

Factors hindering female participation in governance include:

- **Cultural aspects:** The cultural set up of the Zambian society encourages women to be subordinate and submissive to men. This has led most people (including some women) to believe that women cannot make good leaders.

- **Lack of support from the family:** Another cultural aspect of the Zambian society is that women usually need permission from their husbands before they can join politics and contest elections. Often, such permission is often not given because some men fear that joining politics may expose their wives to vices such as adultery. As a result, only a very small number of married women are able to join active politics.
- **Male economic dominance:** Election campaigns are usually dominated by male candidates campaigning against females who are usually unable to raise enough money for the campaign. This puts women in disadvantaged positions.
- **Lack of solidarity among women:** Female voters tend not to support female candidates. There is usually a rift between highly educated and less educated women. In addition, women tend to have little confidence in their fellow women's leadership abilities.
- **Political discrimination:** Political party committees responsible for adopting election candidates are male dominated and tend to discriminate against women. On the other hand, some women are unwilling to be adopted as election candidates for various reasons such as lack of support from their husbands and inadequate financial resources.

#### *The Need for Citizen Participation*

Democracy is a government based on the consent of the people. Citizen participation is, therefore, a key factor in good governance. Without citizen participation in national affairs:

- Government leaders would be elected by a minority of citizens who are politically active to govern over the inactive majority. A democratic society should be based on majority rule.
- Poor government policies may go unchecked.
- Citizens remain ignorant of government policies and intentions.
- Leaders of low calibre may find it easy to corrupt the few politically active citizens and win elections.
- Government leaders will not be held accountable.

#### **Exercise 2**

1. What is voter apathy?
2. Identify reasons for voter apathy
3. What are the reasons often given by people for not voting in an election?
4. From the reasons you have written, suggest ways of redressing voter apathy.
5. Carry out a survey in your local area to find out the percentage of women in positions of leadership. Use samples of randomly selected institutions found in your area and fill in your information as shown in the table below. Calculate the percentage of female leaders out of the total leadership positions you have listed.

RANDOM SAMPLE OF	LEADERSHIP POSITION	NUMBER OF MALES	NUMBER OF FEMALES	%
10 Communities	Community leaders			
10 Schools	Headteachers			
10 Shops				
10 School Clubs				
5 Chiefdoms				
5 Churches				
5 RDC				
5 NGOs				
5 Companies				
5 Co-operatives				
5 Political Parties				
5 Sports teams				

*The Media*

The word *media* comes from the word *medium* meaning *go between*. Mass media refers to technical devices that make possible the dissemination of information to a large number of people. There are two types of news media. These are: print media and electronic media.

*Print Media*

The print media relies on printed paper to disseminate information. This is also referred to as the *press*. The print media consists of periodical literature and the daily newspapers. It also includes notice boards, posters, and brochures (leaflets).

The media can also be classified according to *ownership*. We have the *public* and the *private media*. The *public media* is to a large degree owned and controlled by the state, while the *private media* is owned by individuals, private companies and institutions such as the church. Examples of the print media in Zambia are:

- The Times of Zambia.
- The Sunday Times of Zambia.
- The Zambia Daily Mail.
- The National Mirror.
- The Post.
- The Monitor.
- The Guardian.
- The Weekly Angel.
- The Speak Out Magazine.
- The Challenge Magazine.

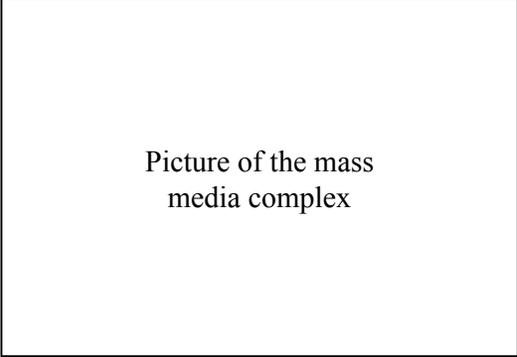


## *Electronic Media*

The electronic media uses electric and electronic methods to disseminate information. The common ones are television, radio, cinema, video, internet (computers) and satellite.

Electronic media operating in Zambia can also be classified into private and public media. Examples are:

- The Zambia National Broadcasting Corporation (radio and television stations).
- Radio Phoenix
- Radio Christian Voice.
- Radio Ichengelo (and many other Catholic Church community radio stations).
- Internet
- Muvi – TV
- Trinity Broadcasting Network (TBN)
- MOBI – TV
- G-TV



Picture of the mass  
media complex

## **News Agencies**

News agencies are media institutions which collect and supply information to media organisations.

Examples of such agencies are:

- Zambia National Information Services (ZANIS).
- National Agriculture Information Service (NAIS)
- Reuters
- Agency – Press

## **The Role of the Media.**

Some of the roles of the media in governance are as follows:

- **To inform and educate:** Citizens cannot fully participate in governance unless they are well informed. The radio, television, cinema, and the daily newspapers are effective instruments for informing and educating the people and helping to form public opinion. This role is particularly crucial during

elections since it is not possible for candidates to visit and talk to every voter. The voters mainly depend on the media to enable them make decisions about the suitability of a particular candidate or a political party's plans and achievements.

- **To act as a watchdog:** A free and impartial media is *indispensable* for the successful functioning of a democratic government. It plays the role of a watchdog and a jealous guardian of the rights of citizens by holding public officials accountable for their actions. In a democratic state, the media should not only publicise the activities of the ruling party in a favourable way. It should also investigate and expose the malpractices of government and other public officials.
- **To promote public debate:** The media provides a forum for the expression of views and opinions of both the government and the people on matters of public interest. The daily newspapers reserve columns for the public to express their views and grievances through "Letters to the Editor". Some radio and television programmes allow the public to debate community and national issues. The media can also campaign for or against some leaders or government policies.
- **To set the Agenda:** The media cannot report everything. They must choose what to report, and what issues to ignore. In this way, the media decides on behalf of the public what is *news* and what is not. Consequently, people see the world through the eyes of the media, and this in turn influences people's opinions about issues. Therefore, the media plays a key role in *forming public opinion*.

### Shortcomings of Media Coverage

- **Ownership and control:** Those who own and control media organisations tend to use them to serve their own interests. Where the media is owned and controlled by the state, the task of the media is to unite the people behind the ruling party and its policies. Censorship is widespread and "news" is limited to what government leaders do or say. Even where media organisations are privately owned, the media is often used as a commercial enterprise. Facts are often manipulated to cater for the interests of the owners, advertisers, and the readers to increase circulation and maximise profits. **Media sensationalism** is often used by the *private media* as a *marketing strategy*.
- **Laws restricting press freedom:** Another limitation on the media is in the form of laws that restrict freedom of the press. For instance, under the penal code, it is an offence to publish seditious publication. Seditious publication is any material that can bring hatred or contempt against the government and its leadership. This makes it difficult for the media to report unfavourably on government policies and leaders even when they are not performing well.
- **Accessibility:** Public access to the media is restricted by various factors such as limited circulation, affordability, high levels of illiteracy, and the

discriminatory policies of some media organisations which deliberately deny publicity to people holding views contrary to their own. In Zambia, about 60% of the population live in rural areas where the circulation of the print media is almost non-existent. Therefore, the rural population mainly rely on the radio news from the state owned broadcasting corporation although this is also dependent on the affordability of radio sets.

### Exercise 3

1. Define the following concepts:
  - State media
  - Private media
  - Language bias
  - Gender bias.
  - Political bias
  - Age bias
  - Ethnic bias
  - Points of view
  - Objectivity in reporting.

2. Read the definitions of the following concepts carefully and do the exercise which follows:

**Fact** – something that is definitely true. A particular situation which exists.

**Opinion** – what the writer thinks of something or someone.

**Comment** – an explanation of something.

**A balanced report** – a report giving equal number of points for and against.

Now read a story of your own choice which was published in two different newspapers. Note any differences in the way the story was presented.

- a) Why do you think the reporters chose different headings for the same story?
  - b) List what you consider to be “facts”.
  - c) List what you consider to be “opinions”.
  - d) Which story do you consider to be more balanced? Give reasons for your answer.
  - e) Discuss what is meant by *media sensationalism*.
  - (f) List at least three phrases or statements from your two newspaper stories which you consider as *media sensationalism*.
3. You have read an article in one of the newspapers which suggests that 30% of the seats in the parliament should be reserved for female M.Ps. Write a letter to “The Editor” commenting on this proposal.
  4. What is meant by “Freedom of the Press”?
  5. Consider the following situations carefully. For each, say whether it is a characteristic of *press freedom* or not. Give reasons for your answer.
    - Police beat up and arrest journalists for covering an illegal demonstration.

- The Minister of Home Affairs deports a foreign journalist for writing articles that are critical of the republican president.
  - A government owned television station gives air time to opposition party candidates to debate election issues with the ruling party candidates.
  - Only journalists from the state owned media organisations are allowed to attend the national convention of the ruling party. In addition, everyone attending the convention including Journalists is required to wear the ruling party's campaign T-shirts.
6. Study the three tables below showing the print media coverage of the 1996 elections.

*Table 1*

Political party per number of advertisements in the Zambia Daily Mail.

Political Party	%
MMD	97.37
ZDCO (Opposition)	2.63

**Table 2**

News allocation per political party in the Times of Zambia.

Political Party	%
MMD	88.15
ZDCO (Opposition)	6.44
Others	5.41

*Table 3*

The Post: Political party per number of advertisements.

Political Party	%
ZDCO	93.8
MMD)	6.2

**Source:** F. Banda, *Elections and the Press in Zambia, the case of the 1996 polls* (Lusaka, (ZIMA, 1997) page 29,32, 45.

- Discuss the reasons for the apparent 'bias' in both the public and the private print media.
- Does this kind of "coverage bias" still exist? Give reasons for your answer.

### **Role of Traditional Leaders in Governance.**

Before the on-set of the colonial rule, the people of Zambia were governed by kings, queens, chiefs, village headmen, and elders. These are the people who are referred to

as *traditional leaders*. During the colonial era (1890 – 1964) the colonial power, Britain, recognised the importance of involving traditional leaders in governance. Britain adopted a policy known as *Indirect Rule* which meant governing the people through their *traditional structures*. For instance, *traditional leaders* collected *hut tax* on behalf of the government. From 1964 to 1991 the UNIP government continued to involve traditional leaders in governance. It introduced the House of Chiefs as a forum through which traditional leaders participated in governance.

The 1991 constitution abolished the House of Chiefs, but the institution was re-established by the Constitution of Zambia (Amendment) Act of 1996.

### **The House of Chiefs**

There are 27 chiefs in the House of Chiefs. Chiefs from each of the nine provinces elect three chiefs to represent them in the House of Chiefs. The term of office for the elected chiefs is three years, but a member can be re-elected for a second term of three years after which he or she is not permitted to run for re-election. The House of Chiefs elects its chairperson and vice chairperson from among the members. The chairperson and the vice chairperson take an oath of *allegiance* (loyalty) to the President. A Clerk of the House and other staff carry out the administrative duties of the House of Chiefs.

The functions of the House of Chiefs as outlined in the Amended Constitution of Zambia of 1996 are:

- To discuss any bill affecting the customs and traditions of people before such a bill is introduced in the National Assembly.
- To initiate discussions and pass decisions on matters concerning customary law and customs.
- To discuss and decide on any other matters referred to the House of Chiefs by the President.
- To submit the resolutions of the House of Chiefs to the President, who would in turn, submit them to the National Assembly for consideration

### **Shortcomings of the House of Chiefs**

The House of Chiefs has been criticized by many people as a costly talking shop. It plays an insignificant advisory role and it has no real influence on issues of development and governance. While some people have called for the abolition of the House of Chiefs, others have advocated for its strengthening by giving it legislative powers. A related controversial issue concerns the political role of chiefs in governance. The Amended Constitution of Zambia of 1996 does not allow Chiefs to join any political party or to contest in elections. Some people argue that this is a necessary measure to protect the dignity of chiefs and enhance their impartiality in their dealings with people in their community who have various political affiliations. Other people argue that this law violates the democratic rights of chiefs as citizens. Every citizen should enjoy his or her freedom of association, as well as the right to join a political party and to run for a political office in an election.

#### *Exercise 4*

1. A 2003 survey carried out by AFRONET, showed that about 60% of Zambians consulted traditional leaders to help them solve a problem, rather than elected officials. Find out, and list any five problems which are usually solved by traditional leaders.
2. Should traditional leaders take part in politics? Give reasons for your answer.
3. “The House of chiefs should be strengthened by giving it legislative powers. Do you agree or disagree with this statement. Give reasons.
4. Some chiefs have suggested that the number of chiefs representing provinces in the House of Chiefs should be increased. Give arguments for or against this suggestion.

#### **Action Projects**

1. A survey conducted in your constituency has revealed the existence of a high voter apathy rate. As pupils of Civic Education at your school, you have decided to take advantage of the forthcoming District Agricultural Show to be held in your area to carry out an Anti-Voter Apathy Campaign. You have decided to display Anti-Voter Apathy posters at your stand during the show. Design the posters, stating the importance of voting in elections and the dangers posed by voter apathy.
2. Conduct a survey in your community to find out on what issues or cases the people usually consult traditional leaders and elected officials such as councillors. Prepare a questionnaire for use in your survey.
3. Invite a female politician or a civic activist as a guest speaker to talk about voter apathy in Zambia to all pupils. You may do the following:
  - Write an invitation letter;
  - Organise the meeting;
  - Facilitate the meeting activities;
  - Prepare and deliver the vote of thanks; and
  - Write a report on the meeting.

# CHAPTER 2

## ECONOMIC AND SOCIAL DEVELOPMENT

### Specific Learning Outcomes

- Define development, economic development and social development.
- Discuss basic human needs.
- Describe factors that affect production.
- Discuss factors which affect capital formation.
- Outline the elements of civil society.
- Analyse the roles of civil society in government.
- Analyse the contribution of financial institutions to economic and social development.
- Explain the importance of positive work culture for economic development in Zambia.
- Explain the role of the informal sector in national development.

In economics development means the process of improving the quality of human life. It also means change from the old to something completely new, or a replacement of the old by the new. For example, if the road from Lusaka to Ndola is re-surfaced, it would look good. This is not development but change. The construction of a new road through a bush is development. Other examples of development are:

- building a new health centre.
- constructing a bridge, dam or road.
- opening a new mine.
- building a new university.
- building more basic and high schools.

Development means there is an improvement in the provision of basic needs. Economic progress can contribute to a greater sense of self – esteem for the country and its citizens, especially when material advancement has increased the range of choices for individuals. In other words, development is a process of improvement to meet people's needs at all levels, either personal, local, national or international.

## **Economic Development**

Economy is any action that has to do with the production of goods and services. Economic development is closely related to economic growth. Economic growth means an increase in the country's **productive capacity** such as the rise in real national income over a period of years.

A country can achieve economic development when there is economic growth. This comes about when there is a big change in the economy such as:

- expansion of agriculture by producing surplus products for export.
- expansion of manufacturing industry to process various products within the country.
- improvement of technologies such as efficient tools and machines.
- research on new technologies.
- improved skills leading to increased production of goods and services.
- discovering of mineral deposits which bring into the country taxes, royalties and job creation.

The government makes money through taxes and royalties paid by investors mining in Zambia. Mining creates employment for citizens.

Heavy capital investment leads to improved output per head and an improvement in social welfare.

## **Social Development**

Social development is the improvement in the standard of living of the people.

It covers a lot of things. These are:

- access to basic needs such as food, clothing, shelter and clean drinking water;
- human rights;
- good governance;
- access to education and health care; and
- Opportunities and choices for each individual to fulfil his or her potential.

Poverty is a condition of being poor. A poor person is one who has no sufficient money or resources to afford the basic needs such as food, medical care, clean and safe drinking water and sanitation, clothing and housing. Poverty results in the deterioration of the living conditions of millions of people. It is the biggest obstacle to human security. Therefore, the biggest challenge to social development is the fight against poverty, particularly in rural areas and high density areas in towns, and to ensure that the population receives all the essential services it requires. Social development can be affected by unfavourable economic conditions and natural disasters.

Health is an essential element in social development. Good health is a precondition for *social stability*. When people are sick they can not produce any goods and services.

### **Basic Needs**

These are divided into **goods** and **services**.

*Goods*: are tangible or physical items that can be seen. Examples of some of the goods are furniture, motor vehicles, clothes, television sets and radios.

*Services*: are not physical but activities or benefits offered that give satisfaction to consumers. Examples of services are entertainment by musicians and actors, education, health care and legal protection (lawyers).

### **Human Needs and Wants**

These are often confused and mixed up by many people.

*Needs* are things human beings require in order to survive or keep the bodies functioning properly. Examples are shelter, clothing, food and medical care.

*Wants* are not really essential for the proper functioning of the body. These are looked at as luxuries, for example motor vehicles, furniture and alcohol.

Goods and services are very important to everyone. There are certain basic needs that a person cannot do without, such as food, water, shelter, clothing, education and health services. The most basic of all are food, water and shelter. We need to eat nutritious food and drink safe and clean water to keep healthy.

We need shelter to protect us from rain, cold, heat and also provide a place to keep our goods safe. Clothing is important because it protects our bodies from heat and cold.

Health services are important to enable us have healthy bodies. We, therefore, need more hospitals to provide basic health services to everyone. Education is key to social and economic development.

### **Exercise 1**

- (i) List things or facilities that people require in relation to social and economic development. Explain their importance.
- (ii) Write down things you consider to be indicators of development in:
  - (a) your community
  - (b) your district or province
  - (c) Zambia

Give reasons for each indicator.

(III) What social and economic development would you like to have in your community?

(IV) What are the main obstacle to this development? Give reasons for your answer.

#### Activity 1

- (i) Discuss the importance of agriculture for social and economic development in Zambia.

### **Factors of Production**

The factors of production are land, labour, capital and enterprise.

The purpose of an economic activity is the satisfaction of *wants*. Any activity which helps to satisfy *wants* is defined as *production*.

All activities which assist towards the satisfaction of material wants must be considered to be productive. Production must be understood, therefore, as comprising all activities which provide goods and services which people want.

Production can only take place if the necessary resources are readily available. We need factories, railways, farms, mines, human skills, offices and shops. These are called *economic resources or factors of production*.

### **Land**

Land comprises those resources made available by nature and found only on earth, such as:

- agricultural areas.
- natural grasslands, woodlands and forests.
- deserts.
- oceans, lakes, seas and rivers.
- chemicals of the earth's crust and of the atmosphere.

They must be used sustainably.

### **Labour**

Labour is a human effort – physical and mental - which is directed at the production of goods and services. Labour is not only a factor of production but also the reason

why economic activities are carried out. The people who take part in production also consume the products of labour. It is the services of labour which are bought and sold and not labour itself. The reward for labour is *wages or salaries*.

The supply of labour depends on two things:

- The total labour force available.
- The number of hours per week the population is prepared to work.

Labour can be classified as skilled, semi-skilled or unskilled. Skilled labour is labour which has either mastered a particular craft, such as tool making or has been professionally trained, such as doctors, lawyers, teachers and accountants. Semi skilled labourers are people who obtained skills to do something in a very short time. It may range from six weeks to any period less than one year. For example, drivers, painters and welders. Unskilled labour requires little specialized training. For example, farm labourers, cleaners and garden boys.

### **The Efficiency of Labour**

Production is not only affected by the size of the labour force and the number of hours a person works, but also by the quality and effective utilisation of the working population. In order to increase the production of goods and services, improving the efficiency of the labour force is very important.

Productivity refers to the output *per worker per unit of time*. The efficiency of labour is dependent upon a number of factors:

- **Education and training**  
A person who is educated and has sound technical training would be more effective than one who lacks knowledge. Modern industrial operations require a highly skilled labour force.
- **Working conditions**  
The efficiency of labour is influenced by good working conditions and a favourable working environment such as a living wage, good sanitation, and well ventilated workplaces.
- **Welfare Services**  
Welfare services are services provided to a worker such as medical care, transport, housing and recreation facilities.
- **Motivation**  
Motivation involves various incentives such as monetary reward as a means of stimulating output.

### **Capital**

Capital is a human made resource. It refers to physical assets created in the past and are available for present use. Capital includes machines and industrial buildings that contribute to production.

- **Working Capital**

Working capital is money a business must have to meet its day to day expenses like paying workers salaries, buying raw materials or stock, paying water, salaries, electricity, telephone bills and so on. It also includes money owed to the business by customers (debtors) and the cash in hand and in the bank. It is money by which current assets (debtors, bank, cash, stock) exceed current liabilities (creditor's bank overdrafts).

Working capital consists of money and the stocks of raw materials which contribute to production. The raw materials are used to produce finished goods. This kind of capital is also known as **circulating capital**. It is important because other forms of current assets keep on changing. For example, raw materials are changed into finished goods which are then exchanged for money. Money is in turn used to buy more raw materials.

- **Fixed Capital**

Capital refers to physical assets such as land, buildings, machinery, equipment, fixtures and many others. It also refers to money contributed by shareholders to start a business. This includes the equipment used in production, such as buildings, machinery and transport. This type of capital does not change its form during production.

Every country has a large stock of fixed capital which consists of houses, schools, hospitals, shops and other types of property which is not concerned with the production of goods.

## **The Entrepreneur**

Some economists identify entrepreneurship as the fourth factor of production. In order for land, labour and capital to produce anything, there must be a person or persons who will organise these factors so that production can take place. The entrepreneur is a risk bearer. The goods he or she produces for sale will depend on demand. The risks borne by entrepreneurs arise from uncertainty. Organisation, management and risk bearing are the entrepreneurial functions. For example, a person can buy a new minibus which could be involved in an accident and get damaged beyond repair. This is a risk in a transport business. Similarly, a farmer can have all the crops destroyed by bush fire. This is a risk in farming. The reward for entrepreneurship is profit.

## **Capital Accumulation or Formation**

Capital accumulation or formation is the basis of economic and technological progress in any society. Capital accumulation means increasing the production of capital goods in addition to what the country already has. At the same time it means the reduction in the production of consumer goods. For example, Zambia can set up a factory to produce cars for export and not for home use. More cars exported means more foreign

exchange earned. If Zambia stops importing luxury goods, it means there will be more foreign exchange which can be used to build more car factories. This is known as *capital accumulation*.

### **Factors Which Affect Capital Formation**

The following factors affect capital formation

- **Poverty**  
This is where people have nothing at all and cannot therefore enter into any kind of business venture.
- **Low incomes**  
People who get very low income have little money or nothing to save. In Zambia, many people get very low incomes, making it difficult for them to save for future use.
- **Consumption habits**  
People eat expensive food, take expensive foreign drinks like brandy and buy expensive cars. This makes them save very little or nothing at all.
- **The extended family system**  
Some people maintain large families and find it difficult to save money. Zambian culture advocates for the extended family system. A person can keep many relatives in addition to his or her family. In such a situation, it would be difficult for one to save money or acquire capital for investment.
- **No future plans**  
People spend more to fulfil their present needs, hence end up being extravagant.
- **Lack of knowledge to save for investment**  
Most people do not have the idea of saving for investment.
- **Social status**  
Some people, especially those in the high income group tend to spend a lot of money on expensive goods like cars and clothes in order to maintain their status in society. This acts as a disincentive to capital accumulation because little or no money is saved.
- **Large quantities of imported finished goods**  
This is also a great impediment to capital accumulation or investment capital since a lot of money is spent on importing finished goods into the country instead of having them produced locally.

### **Exercise 2**

- (i) Discuss factors of production and show why they are important.
- (ii) Discuss factors that determine the efficiency of labour.
- (iii) What do you understand by the term *capital accumulation*?

- (iv) Why is capital accumulation important to the nation.

## **Activity 2**

Go and find out in your community the factors which affect capital formation. Write a report to present to the rest of the class.

## **BANKING**

A bank is a financial institution which provides safe custody of excess monies and gives it to the owners when they need it. Banking helps in the financing of trading activities, or the transfer of funds from one person to another or from one institution to the other.

### **Types of Banks**

#### **Central Bank**

A central bank is the principal institution in a country and acts as a regulator of the banking system. It does not deal directly with the public but rather provides services to the commercial banks and the government. It manages money supply for the benefit of the country's economy.

In Zambia, the central bank is called the Bank of Zambia (BOZ). The bank is owned by the Government of the Republic of Zambia. It was established on the eve of independence in 1964.

The following are the main functions of the Central Bank:

- Keeping money for commercial banks. It provides all of the banking services to the banking sector; commercial banks can draw bank notes from it.
- Keeping government revenues. It pays money on behalf of the government and carries out foreign transaction. It works closely with the Ministry of Finance and Development Planning. It advises the Ministry on all kinds of financial matters.
- Issuing out bank notes and coins. It also withdraws mutilated notes from circulation through commercial banks. It regulates money supply in the country. Too much money in circulation can lead to inflation.
- Clearing cheques and transferring of money to commercial banks.
- Keeping foreign currencies and selling them to commercial banks and bureaus. This is important for Zambia because the foreign exchange has to be disbursed to important sectors of development.
- Conducting ordinary banking business such as cashing government cheques and treasury bills. The Central Bank fixes the minimum amount a person can deposit. This is important in order to control inflation.

- Lending money to commercial banks as a last resort if they cannot get money from any other source.
- Servicing the national debt. The government, just like individuals, also borrows money from other countries and institutions such as the International Monetary Fund (IMF) the World Bank, the African Development Bank (ADB) or even from the public through the sale of bonds.

## **Commercial Banks**

Commercial banks are controlled by central banks. Commercial banks are financial institutions with government licences to operate in financial matters.

The basic functions of a commercial bank are to:

- collect surplus funds from the general public.
- transfer funds from one person to another by means of a cheque or credit card.
- lend surplus funds at an interest to customers who borrow.
- advise on a variety of business matters such as investment opportunities, overseas trade information and so on.
- look after valuables such as insurance policies, wills, title deeds and precious stones like gold.

Commercial banks attract deposits from the public in three main forms:

- **Current Accounts**  
Current accounts are deposits which are withdrawn on demand and are subject to transfer by cheque. Such deposits do not earn interest and banks can make a charge for handling the cheques drawn on these accounts. Holders of current accounts can overdraw their accounts (Overdraft).
- **Deposit Accounts**  
These are also called time deposits They earn interest but cannot be transferred by cheque or withdrawn on demand. Normally, a period of notice of withdrawal is required. A savings account is a deposit account. A person keeps money in the bank and receives interests for a period of time. The interest given differs from bank to bank. Each bank fixes a minimum amount of money that deposited should be Money can also be deposited using the automatic teller machines (ATM).
- **Large Fixed Term Deposits**  
Banks offer higher rates of interest on large sums of money deposited for a fixed period of time.
- **Lending**  
Banks are profit making enterprises. Their main source of income is the interest they charge on their loans. Banks lend to all types of enterprise as well

as to the government and other public authorities. They also have a large number of personal loans.

- **Money Transmission Services**

One of the most important services provided by banks is the payment system. A cheque is the main method of bank payments. Other methods include *standing orders, direct debits and credit cards.*

In Zambia today credit cards can be used to get goods from shops or pay for services. Standing orders are direct pay deductions from a customer's account by a bank in order to pay for a service to a company or person for the service rendered. The same amount of money is paid at regular intervals e.g. K50,000 every 20<sup>th</sup> of the month.



Commercial banks stand at the centre of business activities and promote prosperity.

By giving loans to enterprises, they help the expansion of industries in the country and the creation of more employment in industries.

Direct debit is the opposite of the standing order. They are also used to pay for services such as bills. D – D payments are paid at irregular intervals and amounts are not fixed.

### **Merchant Banks**

Originally, merchant banks were *discount houses* which were responsible for *discounting Bills of Exchange*. Today their most important function is to contribute to the smooth running of the money market, by guaranteeing the value of proper securities. They have many other activities such as offering advice to clients. They are an important financial *intermediary* for industrial concerns or companies. When a company wants to raise new long term capital, it will normally ask a merchant bank to arrange the issue of the shares. In general, the merchant banks play the role of general advisers to their individual clients, guiding them not only in connection with new shares but also on the timing and scale of the investment. A good example is Cavmont Capital Bank.

### **Other Financial Institutions**

Apart from central, commercial and merchant banks, there are other financial institutions which play an important role in the development of any country. The role of these institutions is to collect savings from members of the public and channel them to industry and the government.

For Example:

the Building National Building Society  
the Development Bank of Zambia  
the Savings Bank  
the Stock Exchange

### **Building Society**

The Zambia National Building Society provides long term loans that enable people build or purchase houses. Apart from giving mortgages (loans) for housing it also operates like commercial banks by offering savings accounts.

### **Development Bank**

The Development Bank of Zambia (DBZ) in Zambia was established by the government to offer long term finance for risky businesses or ventures where other banks are reluctant to provide funds e.g. in agriculture and industrial sectors.

### **Savings Bank**

This operates through the Post Office network. It provides savings accounts and basic banking services, particularly to low income groups in both urban and rural areas. A good example is the National Savings Bank – (NATSAVE).

### **Stock Exchange**

The stock exchange is a highly organised market where shares and stocks are bought and sold. The following are some of the functions of the stock exchange:

- Provides a market for second hand shares
- Helps companies or business to raise new capital.
- Regulates the prices of shares on the market.
- Encourages investment in securities.
- Enables flow of capital for productive industry.

In Zambia, the stock exchange was established by an Act of Parliament in 1994. It is called the Lusaka Stock Exchange (LuSE). It is regulated and supervised by the Securities and Exchange Commission (SEC). The following are some examples of companies trading on the Lusaka Stock Exchange (LuSE):

- Chilanga Cement PLC
- Zambia Breweries PLC
- Zambia Sugar PLC.

### **Insurance**

Many people have life policies for which the insurance company collects premiums annually. The insurance company undertakes to pay a lump sum either on a specific date or upon the death of the assured.

Insurance is a system of protection against all kinds of risk. People buy insurance policies to protect themselves against the loss of something which is very valuable to them, such as a car, a house, a farm and a factory. People who are insured pay money to the insurance company to compensate those who suffer loss.

Insurance is based on the principle of *pooling risks*. In insurance, business is dependent upon the **fortunate** helping the **unfortunate**. If you insure your car against theft or accident and nothing happens to it, the premium paid will be used to help those whose cars get stolen or damaged in road accidents.

Insurance is based on the following main principles: insurable interest, utmost good faith; indemnity and subrogation.

**1. Insurable Interest**

The objective of this principle is to prevent *financial loss* arising from the loss or destruction of the property. Therefore one is not allowed to insure another person's property because he or she will not suffer a financial loss should the property insured get damaged. He or she might also be tempted to cause damage to the property knowing that he or she is not a beneficiary in any way.

**2. Utmost good faith**

The principle of utmost good faith is concerned with maximum honesty from both parties the insurer (the Insurance Company) and the insured (person taking out insurance). It is important for both parties to disclose all known facts to each other before effecting an insurance policy. Correct information will also help the insurer to arrive at or calculate correct premiums to be paid. However, should the insurance company discover that some information was withheld or given falsely, the contract (insurance policy) will be declared null and void or the insurer will simply not pay compensation.

**3. Indemnity**

The insurer (company) believes in restoring someone or the insured to the position he was in before suffering a financial loss. The insured or the person asking for compensation must neither profit nor make a loss. If, for example, the insured car is damaged in a road traffic accident, the insured (person making the claim) will receive money as compensation and surrender the damaged car (wreck) to the insurance company.

**4. Subrogation**

The insurance company will only pay if the compensation of the loss suffered was caused by the risk that was covered by the policy and that the cause of the risk is within the precise terms of insurance. For example, if you set your house on fire, the insurance company will not pay compensation because the fire that destroyed the house was not accidental.

Insurable risks are risks that can be insured because there is evidence of their occurrence. Premiums can thus be calculated.

### **Insurable Risks**

These are risks which can be assessed from past records or events and statistical data. Calculation of premium depends on the data available.

The following are some of the risks that can be insured.

- destruction of property or stock by fire,
- losses arising from burglary or other cases,
- goods in transit.
- motor vehicles and *third party claims* arising out of accidents.
- Crops in case of drought and floods.
  - locusts and grain-borer
  - livestock against diseases such as: foot and mouth, anthrax and bird flue
  - bad debts. The insured is compensated should his or her debtors fail to pay for goods bought on credit.

### **Non-Insurable risk**

These are risks that have no past records and cannot, therefore, be calculated.

The following cannot be insured because there is no statistical data to base the claim on.

- Loss of business due to bad management or Fashion change

The insurance company is called the *insurer* or underwriter and the person taking out insurance is called the *insured*. A contract signed between the insurance company and a person insured is called *an insurance policy*. *An insurance policy* is a document that sets out the exact terms and conditions of an insurance transaction, the precise risk covered, the period of cover and any exceptions there may be.

The money paid is called a *premium*. **Premiums** are normally paid monthly, quarterly and annually. In return for the payment of a premium *an insurer or underwriter* agrees to compensate the insured in the event of his or her suffering a specified loss. Loss of profit due to damage of property or destruction of premises is called *consequential loss*. A great variety of risks can be covered by insurance.

*An insurance broker* is an independent agent who links clients seeking insurance in touch with insurers who undertake that type of business. He or she can advise clients which insurers can offer them the most favourable terms. Often an insurance company has a lot of money that it does not have to spend immediately. As a result, it can give out loans to other companies or buy shares from those companies, and thus make a profit.

Insurance companies also contribute to national development. In Zambia, there are many insurance companies. One of them is the Zambia State Insurance Corporation (ZSIC). ZSIC has contributed a lot to Zambia's development by paying *compensation* to companies and individuals for damages to their properties.

Some insurance companies specialise in one type of insurance such as *life assurance and motor vehicle insurance*. Other insurance companies offer cover in many types of insurance.

## **Types of Insurance Cover**

### **Motor Vehicle Insurance Policy**

The insurance company promises to compensate the insured if his or her car is lost or damaged through theft, fire or accident. It also covers liability in the case of death or injury to property involving the insured car.

This can be divided into three classes:

#### **Third Party Insurance.**

This is compulsory under the Road Traffic Act for all motor vehicles. No licence can be granted for any motor vehicle without a valid insurance certificate (called a **cover note**). The insurance company and the owner of the vehicle are the first two parties. Anyone else apart from the car owner's passengers. injured in an accident is the **third party**. The insurance covers the person injured but not the property damaged. If a car knocks down a pedestrian and he or she is injured, the insurance company will pay for medical expenses of the person injured, and compensation.

#### **Full Third Party**

This type of insurance covers all damages, including the third party's property. It also covers passengers in one's own car except one's immediate family or employees.

#### **Comprehensive Insurance**

This covers all the above and also damage to one's own vehicle. Medical expenses of the driver and passengers will also be paid. This type of insurance attracts very high premium. Premium and policy conditions vary from one company to another. The premium paid depends on the value of the motor vehicle insured. The higher the value of the motor vehicle the higher the premium. Careful drivers are given a reduction in premium, called a **no claim bonus** for each consecutive year the policy runs without a claim against it. The premium will be reduced by a certain percentage. This encourages safe driving.

#### **Employers Liability**

This covers compensation to the employees should they sustain injury, get sick or die while on duty.

#### **Fidelity guarantee policy**

Many employers take out this type of insurance to protect their employees who are entrusted to handle money. It protects employees from possible fraud and misappropriation of funds.

### **Bad debts**

The insured is compensated should his or her customers fail to pay for goods bought on credit.

#### **b) Life Assurance**

This provides cover against an event that will definitely occur, e.g. death. Life policies are sold by insurance agents. These act on behalf of companies and never handle premiums. They are paid a commission depending on the number of clients they have found. Life assurance can take many forms. The insurer agrees to pay out a certain sum, called the sum assured, to a person's family after death. A medical examination is sometimes required. The sum assured will determine the premium a person will pay. The older a person is, the greater the premium is to pay; the younger a person is the less the premium.

After premiums have been paid on a life policy for a number of years it will have some value. This is called *surrender value*. This is the amount of refund which will be made by an insurance company if the policy was cancelled.

To claim, the insured must complete a claim form and send it to the insurance company. The insurance company will make whatever enquiries deemed necessary and then send a cheque to the insured for the exact amount to be paid.

### **Life Policies**

The following are some of the life policies:

#### **(i) Whole life**

This policy will pay a certain amount of premium agreed upon to the person for his entire working life until he or she retires or dies. The sum assured is for the family or people who remain behind. These are dependants or the beneficiaries.

#### **(ii) Terms Policy**

This covers someone for only a fixed period of time. It is temporary. If, for example the person assured dies within the period of cover the money is paid to dependants. But if there is no death no money is paid.

#### **(iii) Life Endowment Policy**

The assured is covered for a specified period of time for example twenty years. If the assured dies before the policy matures, money is paid to his or her dependants. If he or she lives beyond the maturity, the sum assured is paid to him or her personally.

### **Exercise 3**

1. What roles do commercial banks play in the Zambian economy and social development?
2. Briefly write on the following concepts:

- Current Accounts
- Deposit Accounts
- Third party Insurance
- Comprehensive Insurance
- Premiums
- Insured
- Insurer

### Activity 3

1. In pairs discuss any three functions of the Central Bank.
2. Identify types of policies offered by insurance companies which are not covered in the chapter.
3. In groups discuss insurable and non-insurable risks. Explain why they differ.
4. Present your report to the rest of the class.

### Work Culture

By work culture we mean the attitudes and values of people towards work. There can be negative or positive work culture. The following are the characteristics of a negative work culture:

- a person employed in the formal or informal sector does not want to work hard but would like to be paid for doing very little.
- a person spends most of the time doing nothing or playing about up to the end of the day's work.
- an individual cannot work without being supervised. Sometimes work pends for days or even months due to laziness and negative attitude towards work.

This negative attitude can destroy the country and make it poor even though it has abundant resources. There is also lack of initiative to find what to do for one to earn money. In Zambia, there is a tendency to wait for formal employment for one to earn a living and yet one can be productive by being *self employed*.

People tend to have negative attitudes towards certain jobs such as manual work.

Positive work culture is when one:

- works hard to achieve productivity targets within a given time.
- does not wait for supervision. Once work has been assigned he or she makes sure that the task is completed in time.
- earns a living through hard work and putting maximum effort to complete any assigned task.
- feels committed to work.
- uses individual initiative to do what is required rather than wait to be told every time.

Causes of negative work culture

- Lack of pride in one's work.
- Poor workmanship in the production of goods.

### **The importance of positive work culture**

The attitude of people towards work is very important because the survival and development of a society depends on the work of its members. Good work culture determines the productivity of workers.

A society with a positive work culture has very high productivity and a lot of goods and services are available. This can make a country produce surplus goods for export and earn foreign exchange. A good example is the production of surplus maize in Zambia during the 2003 – 2004 season. Zambia was able to export maize to neighbouring countries due to surplus maize production by farmers.

#### *Exercise 4*

1. Discuss what would happen to Zambia if there was:
  - (a) negative work culture
  - (b) positive work culture.

### **The role of the informal sector in national development**

Employment can be formal or informal. The formal sector includes the government, public enterprises, private companies and commercial farming. The informal sector is made up of subsistence farmers and individuals who make a living by doing private work either individually or in a group.

Unfortunately, the problem facing Zambia and all developing countries is one of failing to create more jobs to keep up with the growing labour force. The government is the biggest employer in the formal sector. However, the number of people employed as full time workers is far less than the demand for jobs by the labour market. A labour market is a place where individuals are looking for employment and are ready to sell their labour for a wage.

It is now recognized that the informal sector takes more people. This sector contributes greatly to the economic development of the country. For example, farming can employ many people. The more people take up farming, the better is the agricultural production. More food is produced for consumption and the surplus crops are exported overseas to make the country earn foreign exchange.

The advantage of the informal sector is that it takes a larger number of people compared to the formal sector. People are able to generate income for their own livelihood or survival. As a result poverty levels are reduced in the country.

For example, in 1986, the population of Zambia was estimated at 7.8 million 2,364,253 people were in employment. Only 537,929 people were in formal employment while 1,826,324 people were in informal employment. By the end of

2006, the population of Zambia was estimated at 11.5 million. About 500,000 people were in formal employment while over 3 million people were in informal employment. Almost 72 per cent of the people employed in the informal sector are engaged in subsistence farming.

The informal sector has continued to increase production of goods and services in Zambia. It has provided training schemes for youths outside schools and colleges. It has provided necessary infrastructure such as buildings, shopping centres, transport and communication. The informal sector has also promoted accessible credit facilities. It has improved production in subsistence farming.

### **Exercise 5**

1. Explain the major difference between the formal and informal sector
2. Discuss the advantages of the informal sector to the development of Zambia.
3. What do you understand by the term *labour market*?

### **Activity 5**

1. Working in pairs prepare a speech to be presented at a Civic Education Seminar on unemployment in Zambia and suggest possible solutions to unemployment in your community.

### **Action Projects:**

1. Imagine that you are a member of the project committee at your school. List some of the projects you will propose to the school administration. Give convincing reasons why you think such projects are both important and viable to the school.
2. Carry out a survey in your community on developmental projects and write a short report on some of them.
3. Visit any commercial bank in your community and learn about its activities. Sensitise the community on the activities of the bank.
4. Carry out a survey in your community on the informal sector. Write a report on one of the activities in the informal sector in your area which is doing extremely well, giving details about:
  - (c) formation
  - (d) capital contribution (shareholder)
  - (e) profits.
  - (f) Challenges.

# CHAPTER 3

## INTRODUCTION TO MAJOR INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

### Specific Learning Outcomes

- Define the Charter-Based Human Rights Instrument (Universal Declaration of Human Rights).
- Describe the background to the Charter – Based Human Rights Instrument (UDHR).
- Describe the International Bill of Rights
- Discuss the mechanisms used by the United Nations in monitoring and supervising the implementation of the Charter-Based Human Rights Instrument (UDHR).
- Provide a summary of the provisions contained in the UDHR
- Define Treaty-Based International Human Rights Instruments
- Describe the background to each of the major Treaty-Based International Human Rights Instruments.
- Discuss the mechanisms used by the United Nations in monitoring and supervising the implementation of the major Treaty-Based Human Rights Instruments.
- Provide summaries of the provisions contained in each of the major Treaty-Based Human Rights Instruments.

In Grade 10, you learnt about the origins, definition, characteristics, sources and categories of Human Rights. In this chapter, you will examine major international human rights instruments. Below is a chart of international human rights instruments that you are going to study in this chapter:

The International Bill of Rights				
The Universal Declaration of Human Rights 1948				
International Covenant on Economic, Social and Cultural Rights 1966		International Covenant on Civil and Political Rights 1966 and its two optional protocols		
Specialised Human Rights Instruments				
International Convention on the Elimination of All Forms of Racial Discrimination 1965	Convention on the Elimination of All Forms of Discrimination against Women 1979 and its optional protocol	Convention against Torture and Cruelty, Inhuman or Degrading Treatment or Punishment 1984	Convention on the Rights of the Child 1989 and its two optional protocols	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990

## United Nations Universal Declaration of Human Rights

### Background Information

The United Nations Declaration of Human Rights (UNDHR) is derived from the United Nations Charter of the United Nations Organisation. It arose because of the gross violations of human rights that took place during the Second World War especially by Nazi Germany against the Jews. Nazi Germany carried out a systematic violation of the Jewish peoples' rights. They were locked up in labour concentration camps where they worked for no pay and little food. There were also camps where the Jews were gassed to their death. About six million Jews were killed during the war. After the end of the war and the discovery of the atrocities that had gone on in Germany, the Charter of the United Nations recognized that there was need for an international instrument that should guard against such atrocities as the holocaust which was the name given to the killing of the Jews in World War II.

The preamble, which is the introduction of the Charter of the United Nations, states: *"We, the people of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our life time has brought untold sorrow to mankind ..... Reaffirm faith in fundamental human rights, in the dignity and worth of human person, in the equal rights of men and women and of nations large and small ....."*

From this preamble, the United Nations set itself a task of coming up with an *international bill of rights*. The plan was to compose a declaration of rights, an agreement that would impose legal responsibilities on the States Parties, which are countries that sign the charter. The countries would also agree to the mechanisms of supervision by the United Nations. The result of this was the Universal Declaration of Human Rights commonly referred to as the UDHR.

The Universal Declaration was adopted by the United Nations on 10<sup>th</sup> December, 1948 in Geneva. The 10<sup>th</sup> of December has from then on been observed as Human Rights Day. The Declaration contains 30 articles which are a list of basic rights every human being is born with. The UDHR is an internationally recognized and agreed upon instrument through which individuals and governments can work to deliver basic rights. The preamble outlines the declaration's values and beliefs. It asserts that:

- justice, peace and freedom are linked directly to respect for human rights.
- human rights grow out of the dignity of each person.
- freedom from fear and from want can only be achieved in conditions where all rights are respected.
- all people have a duty to promote and protect the rights of others.
- all states are compelled to respect and promote human rights.

The UDHR states that *human beings whatever race, colour, nationality, sex, political or other beliefs, however much money or property they have are entitled to the same human rights.*

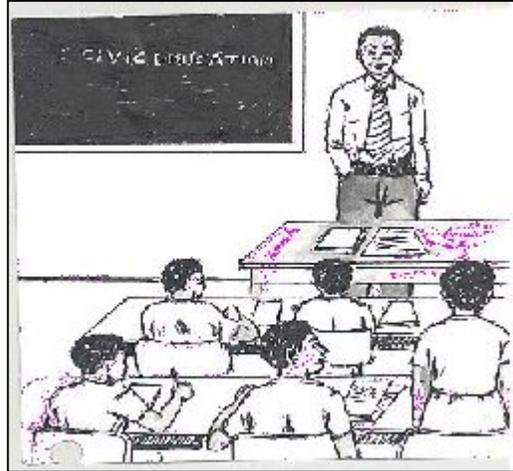
The 30 articles in the UDHR can be divided into two themes:

- civil and political rights
- economic, social and cultural rights

### **Brief Summary of the UDHR articles**

Everyone:

1. is born in freedom, equality and dignity
2. has the right not to be discriminated against on any basis
3. has the right to life and to live in freedom and safety
4. has the right to liberty / freedom
5. has the right to security of person. No one should be tortured or should suffer from cruel and inhuman treatment
6. has the right to recognition before the law
7. has the rights to equality before the law and equal protection
8. has the right to effective remedy
9. has the right not to be subjected to arbitrary arrest or detention
10. has the right to full and fair hearing before an impartial and independent tribunal
11. has the right to be presumed innocent until proven guilty
12. has the right to privacy
13. has the right to freedom of movement
14. has the right to asylum
15. has the right to nationality
16. has the right to marry
17. has the right to own property
18. has the right to freedom of thought, conscience and religion
19. has the right to freedom of opinion and expression
20. has the right to freedom of assembly and association
21. has the right to take part in government, access to public services, right to vote
22. has the right to social security
23. has the right to work
24. has the right to rest and leisure
25. has the right to an adequate standard of living
26. has the right to education
27. has the right to freely participate in the cultural life of the community



28. is entitled to a social and international order to realize the right and freedoms
29. has duties to the community and above all
30. nobody can interpret this declaration in a way that can endanger any of the rights and freedoms of others

However, the Universal Declaration of Human Rights (UDHR) is not a binding document. It is just a declaration and any state that signs up for it is agreeable with the contents in the declaration but does not commit itself to be bound to implement the provisions in it.

### **Supervisory Mechanisms for the Universal Declaration of Human Rights**

The United Nations set in place procedures by which it monitors how the States Parties, nations that signed the Universal Declaration on Human Rights, are implementing the provisions contained in it. The monitoring mechanisms under the UDHR are called *charter-based mechanisms* because they are used to supervise a charter and the UDHR is a charter not a treaty. It is not based on a treaty and is therefore, not legally binding. While a Charter has no binding legal effect on States, nevertheless, it is a general agreement on the part of the international community and it has a strong and moral influence in the way States conduct international relations.

The Charter- Based monitoring mechanisms are:

#### **The 1503 Procedure**

This was adopted by the Economic and Social Council (ECOSOC) in 1970. It is called the 1503 Procedure because it was the Council's Resolution number 1503 which authorized the formation of a sub-Commission on Discrimination and Protection of Minorities to consider all communications. Communications in human rights language means a complaint received by the United Nations on *consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms*. The Commission has 53 members at any one given time. It sits every year in Geneva for six weeks, March to April. The members on the committee represent states. Apart from the 53 members, other countries attend as observer states but only the 53 members vote. The 1503 Procedure is sometimes referred to as the 1503 Confidential Procedure because the discussions are confidential. The Procedure receives communication from individuals or non-governmental organizations.

#### **The 1235 Procedure**

This was a Resolution adopted by ECOSOC in 1967. It approved the Commission on Human Rights decision to consider annually, *Questions of the violation of human rights and fundamental freedoms, including policies of racial*



5. Do you think that having the UDHR helps promote and protect the rights of people everywhere?
6. Is the Universal Declaration of Human Rights still relevant today?
7. Does the UDHR give us any ideas on how to behave towards each other?
8. What kind of Zambia would you like to see in forty years time in terms of human rights?

(b) Read each article and then answer the questions that follow:

*Article 1 UDHR: All human beings are born free and equal in dignity and rights*

1. Does this mean that all human beings are equal? Give reasons for your answer?
2. How have people tried to justify racial discrimination? Think back to slavery, colonialism, Jewish Holocaust and apartheid.

*Article 3: Everyone has the right to life, liberty and security of person*

3. Is it the responsibility of the state alone to ensure these rights are enjoyed by every person?
4. What if the laws of a state allow for the taking of human life through capital punishment?

*Article 4: No one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms*

5. What does slavery mean today?
6. What can be done to eradicate slavery in all its forms?

*Article 15: Everyone has the right to a nationality*

7. Why do people need a nationality?
8. What kind of duties does the individual have to:
  - (a) herself/himself
  - (b) other individuals
  - (c) the nation.

### **Activity 1**

Invite a resource person from the Human Rights Commission or any other organisation that promotes human rights in your areas to discuss the United Nations Declaration of Human Rights (UDHR) and the supervisory mechanisms. With your class, write a report.

### **Treaty Based Human Rights Instruments**

Having looked at the Charter-Based instrument (the UDHR) let us now turn to the Treaty-Based instruments. These are also called *Covenants* or *Conventions*. Whether the instrument is called a treaty, or a covenant or a convention it does not matter since they all mean the same. The most important thing to remember is that a treaty-based

instrument is legally binding to the state that is a party to it. This means that the state party is bound to not only translate the provisions into domestic laws but also to implement the provisions of the treaty.

These treaties are legally binding on the states that are party to them. Being a party to a treaty means that a country has either ratified or acceded to the treaty. To 'ratify' is when a state agrees to be bound by a treaty that it has already signed. It does this by writing a memo called '*instrument of ratification*' and depositing it with the United Nations Secretary General. Remember that to ratify a treaty the state must have first signed to it. To 'accede' to a treaty is when a state agrees to be bound by the treaty without first having signed it. To accede to a treaty the state deposits *an instrument of accession* with the Secretary General of the United Nations. Accession has the same legal effects as ratification except that it comes after a state party has signed a treaty. When a State *signs* a treaty, it is an indication that it intends to take steps to be bound by the treaty at a later date.

However, although a treaty is legally binding, states effect the treaties depending on the type of legal systems they follow. International law classifies countries (States) into monists and dualists.

**Monist countries** are countries that regard domestic law and international law as one and the same. They give emphasis to international law. This means that when such a country ratifies or accedes to a covenant the articles contained in such a covenant automatically become part of the law of the country and are justiceable. When a *Right* is justiceable, it means the government can be sued in a court of law if it is not providing the right to its citizens. For example, Netherlands, Namibia and most Francophone countries.

**Dualist countries** are such countries where international law is not directly applicable in domestic law and can only be made part of domestic law by an Act of Parliament. For example, this is what happens in most Commonwealth countries, including Zambia. In the case of Zambia, Parliament should first pass a bill on the provisions of the treaty before it can become part of the country's laws.

## **The International Covenants of 1966**

### **Background**

From the UDHR a large number of human rights instruments started. Together these make up the **International Law of Human Rights**. As already stated, the UDHR is not a treaty; therefore, it is not legally binding at international law. This means that a country is not obliged by law to apply the UDHR in its domestic laws. The declaration is just a resolution, a determination by United Nations members to carry out the articles contained in it.

Because the UDHR is not legally binding, it was decided to translate parts of it into treaties which would be legally binding. These treaties elaborate on and expand on the declaration. The original idea was to draw up one treaty that would elaborate on and make the rights and freedoms proclaimed in the UDHR legally binding in countries

that would be party to it. However, the General Assembly of the United Nations decided to frame two treaties, one on **civil and political rights** and the other on **economic, social and cultural rights** for a number of reasons.

- The two sets of rights are different as most of the civil and political rights can be **enforced immediately** because they require the government **not to interfere** with the rights and freedoms of an individual. Civil and political rights cost **less** than economic, social and cultural rights which need a huge outlay of resources and are therefore dependent on a country's economic ability to implement.
- Civil and political rights are justiceable in Zambia, which means that they are enforceable in courts of law whereas economic, social and cultural rights are not. For example, if someone's liberty is taken away, the victim can sue for wrongful imprisonment but if one has no job, the victim cannot sue the government for not providing a job.
- Whereas civil and political rights basically compel the government not to interfere with someone's freedom, economic, social and cultural rights necessitate the government to take concrete and progressive action to enable individuals to achieve the full realization of the rights.
- The Communist countries led by the former United Soviet Socialist Republic but commonly called Russia considered economic, social and cultural rights more important than the civil and political rights whereas the capitalist countries led by United States of America considered civil and political rights more important than economic, social and cultural rights.

For the reasons given above, two covenants were drafted and adopted. In adopting the two covenants, it was decided that many articles as much as possible be similar. The table below outlines these similarities:

<b>International Covenant on Civil and Political Rights (ICCPR)</b>	<b>International Covenant on Economic, Social and Cultural Rights (ICESCR)</b>
<b>Preamble:</b> (last paragraph) Realising that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present	<b>Preamble:</b> (last paragraph) Realising that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present
<b>Part 1 Article 1:</b> All peoples have the right of self determination; to freely determine their political status and freely pursue their economic, social and cultural developments	<b>Part 1 Article 1:</b> All peoples have the right of self determination; to freely determine their political status and freely pursue their economic, social and cultural developments
<b>Part 1 Article 3:</b> In no case may a people be deprived of its own means of subsistence	<b>Part 1 Article 3:</b> In no case may a people be deprived of its own means of subsistence

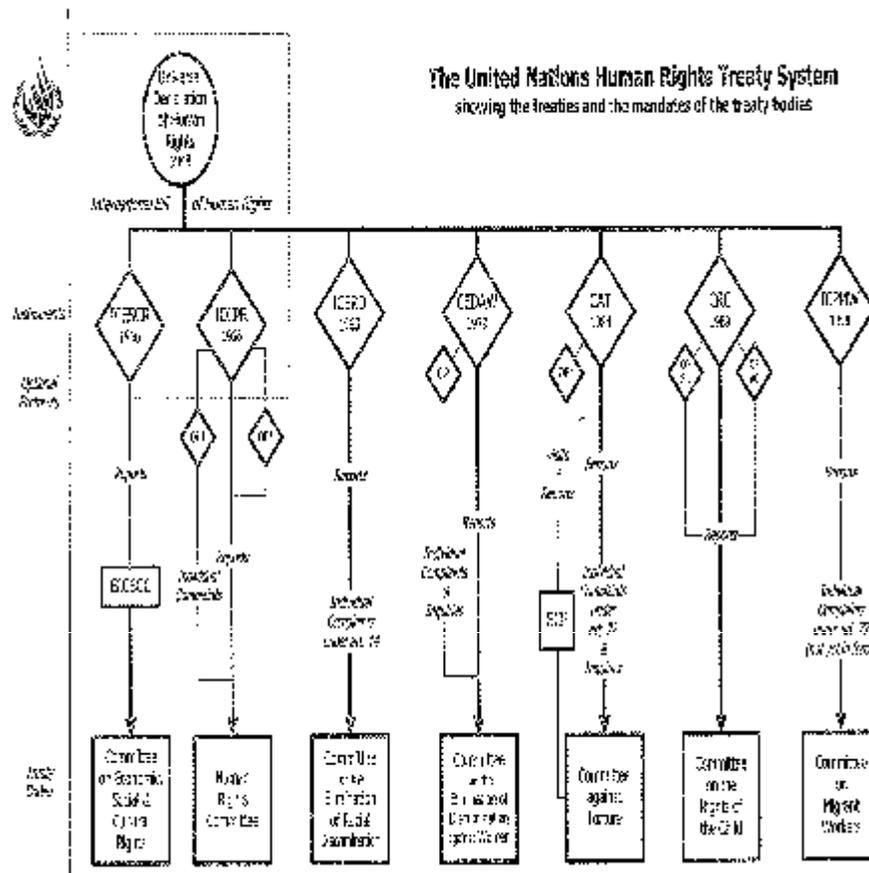
<p><b>Part II Article 5:</b> 1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant</p> <p>2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or customs shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent</p>	<p><b>Part II Article 5:</b> 1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant</p> <p>2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or customs shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent</p>
<b>Articles 46 to 53</b>	<b>Articles 24 to 31</b>
<b>Article 22:</b> The right to join and form trade unions	<b>Article 8:</b> The right to join and form trade unions
<b>Article 23:</b> Right to the protection of the family	<b>Article 10:</b> Right to the protection of the family

### Convention or Treaty - Based Monitoring Mechanisms

Treaty-Based monitoring mechanisms like Charter-Based are ways in which the United Nations monitors the implementation of the provisions contained in the treaties. These monitoring mechanisms were established by treaties. Each international instrument has a committee that supervises implementation. The United Nations system currently has seven treaty committees:

- The Human Rights Committee which monitors the implementation of the International Covenant on Civil and Political Rights, created in 1969
- The Committee on Economic, Social and Cultural Rights (ICESCR), created in 1987
- The Committee against Torture (CAT), created in 1987
- The Committee on the Elimination of Discrimination Against Women (CEDAW), created in 1982
- The Committee on the Rights of the Child (CRC), created in 1990
- The Committee on Elimination of Racial Discrimination (ICERD), created in 1969
- The Committee on Migrant Workers (CMW), created in 2004

**Below is a diagram showing the UN Human Rights Treaty System**



SCP = Sub-Committee on Prevention

\*OPCAT not in force at time of print.

Diagram taken from United Nations Human Rights Treaty System Fact Sheet No 30 produced by the Office of the United Nations High Commissioner for Human Rights

**Other treaty – based supervisory mechanisms are:**

- **State Party Reports**, in which each state belonging to a treaty is required to submit to the committee that supervises the treaty, at certain periodic times. The reports outline measures taken by the country to effect the rights recognized or guaranteed in the particular treaty. These periods range from 3 to 5 years. The State reports are meant to:
  - review implementation.
  - monitor implementation.
  - provide basis for policy formulation.

- give the public an opportunity to examine the country's implementation of the treaty.
  - evaluate the country's implementation of the treaty.
  - acknowledge problems the country is facing in implementation of the treaty.
  - act as an information exchange of the State Party's implementation of the instrument.
- **Inter-State Complaints Procedure** allows a State party to complain when another State party has violated or is not fulfilling its obligations under a particular treaty. Both the complaining State and the State complained against must be parties to the treaty concerned and both should have agreed that the Committee in charge of the implementation of the treaty is acceptable to them to receive and consider such complaints.
  - **Individual Petitions Procedure** permits individuals to bring complaints to the Committee on violations of human rights. However, the individual must exhaust local or domestic remedies available in the State concerned. To remedy is to correct a situation. The complaint must not be anonymous, rude and must be about violations of rights contained in the particular Convention.
  - **Inquiry Procedure** is **instituted** by the supervising Committee upon receiving reliable information alleging serious violations of rights. The Committee may even visit the country suspected of such violations. However, a State may choose not to accept the inquiry procedure by making a declaration at the time of ratification or accession that it does not recognize the competence of the Committee to take action against it.

### **International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966**

The Preamble gives an outline for the explanation of the rights in the Covenant. It talks about what is contained in the UDHR and says the rights in the covenant are based on the inherent dignity of the human person. The preamble also emphasizes the indivisibility and interdependence of all human rights by stating that, '*the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created in which everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.*'

#### **Summary of the provisions in the ICECSR**

This Covenant protects the following rights:

- Right to work.
- Right to just and favourable conditions of work, including fair wages, equal pay for equal work and holidays with pay.
- Right to form and join trade unions, including the right to strike.
- Right to social security.
- Protection of the family, including special assistance for mothers and children.

- Right to an adequate standard of living, including adequate food, clothing and housing and continuous improvement of living conditions.
- Right to the highest attainable standard of physical and mental health.
- Right to education, primary education being compulsory and free for all, and secondary and higher education generally accessible to all.
- Permits the progressive implementation of article 13, the Right to Education.
- Right to participate in cultural life and enjoy the benefits of scientific progress.

### **Supervisory Mechanism**

There are at least two mechanisms used.

- Committee on Economic, Social and Cultural Rights
- State Party Reporting

### **The International Covenant on Civil and Political Rights (ICCPR) 1966**

The Preamble is the same as the one in the ICECSR. The treaty expands on the civil and political rights set out in the Universal Declaration of Human Rights, with the exception of the right to property and the right to asylum.

### **Summary of the provisions in the ICCPR**

The Covenant sets out the following rights:

- Right to life
- Freedom from torture and inhuman treatment
- Freedom from slavery and forced labour
- Right to liberty and security
- Right of detained persons to be treated with humanity
- Freedom from imprisonment for debt
- Freedom of movement and choice of residence
- Freedom of aliens from arbitrary expulsion
- Right to a fair trial
- Protection against retroactivity of the criminal law
- Right to recognition as a person before the law
- Right to privacy
- Freedom of thought/conscience and religion
- Freedom of opinion and of expression
- Prohibition of propaganda for war and of incitement to national, racial or religious hatred
- Right to assembly
- Freedom of association
- Right to marry and find a family
- Rights of the child
- Political rights
- Equality before the law
- Rights of minorities

## **The Optional Protocols to the International Covenant on Civil and Political Rights**

*Optional* means something that is not forced but which is voluntary. For example, in school, you have compulsory subjects and optional subjects. The compulsory subjects are taken by everyone at school, whether one likes the subject or not; but with optional subjects, one is given a choice. *Protocol* on the other hand is a manner in which something is conducted, which is an accepted way of doing something. However, under international law, an optional protocol is a provision attached to an international instrument which is meant to offer *more protection of the rights in the treaty*. The ICCPR has two Optional Protocols related to it:

**The First Optional Protocol** provides for an individual to complain on human rights violations contained in the ICCPR to the United Nations Human Rights Committee. When a country accepts this optional protocol, it means that it has agreed to allow individuals to complain to the Human Rights Committee provided they exhaust all channels of complaints, usually through the court systems, in their own country unless the means of seeking redress in one's own country is unnecessarily long. The Committee will not look at complaints that do not bear the name of the complainant or that are being examined by another international procedure. The First Optional Protocol was adopted at the same time as the ICCPR and the ICECSR in 1966 and came into force in 1976. Zambia is a State party to the First Optional Protocol.

**The Second Optional Protocol** to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, was adopted by the General Assembly by its resolution 44/128 of 15 December, 1989. It was adopted in 1989 and came into force in 1990. This protocol was aimed at the abolition of the death penalty in countries that ratify it. The protocol works in the belief that Article 6 of the ICCPR, which protects the right to life, translates into the abolition of the death penalty. Under its article 1, no one within the jurisdiction of a State party to the Protocol may be executed. No exceptions are allowed for the abolition of the death penalty except in time of war after a conviction for a most serious crime of a military nature committed during war time. Zambia is not a State party to the Second Optional Protocol and that is why it still has the death penalty as a criminal punishment.

### **Supervisory Mechanisms**

We have in place the following mechanisms:

- The Human Rights Committee monitors the implementation of the International Covenant on Civil and Political Rights
- Inter-State Complaints Procedure
- Individual Complaints Procedure under the First Optional Protocol
- State Party Reporting

## Word Search

P	D	E	C	L	A	R	A	T	I	O	N	A	P
R	X	M	A	G	R	E	P	O	R	T	T	P	R
O	E	V	B	R	A	C	H	A	R	T	E	R	I
C	U	S	T	O	M	O	E	R	E	H	N	O	N
L	D	R	Y	W	E	M	L	A	C	E	R	T	C
A	W	S	H	R	A	M	O	T	O	N	E	O	I
M	C	G	U	I	D	E	L	I	N	E	S	C	P
A	O	W	Z	G	R	N	P	F	V	V	O	O	L
T	V	A	F	H	Y	D	A	I	E	I	L	L	E
I	E	C	R	T	N	A	R	C	N	O	U	T	S
O	N	C	A	T	O	T	T	A	T	L	T	R	T
N	A	O	T	G	N	I	Y	T	I	A	I	E	R
S	N	R	E	H	H	O	R	I	O	T	O	A	O
T	T	D	R	V	Y	N	I	O	N	E	N	T	N
A	C	C	E	S	S	I	O	N	E	N	S	Y	G

(b) Copy the **Word Search box** into your books. Work in **groups** to find the answers to each of the questions below and then find the correct word in the **word search** and circle, highlight or lightly shade it.

1. An agreement by states to be legally bound by particular rules.
2. Agreement to be bound by a State that was not party to the drafting of the instrument and that has not previously signed the instrument.
3. General and consistent practice followed by States arising from a sense of legal obligation.
4. A serious expression of opinion or intent which is not legally binding
5. A binding treaty or agreement.
6. Once a country has become party to a treaty, it must write these for the relevant United Nations Committees periodically.
7. Another name for covenant.
8. Confirming an agreement by signing it.
9. A State that signs to abide by a treaty is called a ..... to it.
10. A written or printed document declaring intentions.
11. A provision in a treaty meant to pay attention to a particular problem.
12. An entitlement.
13. Be in agreement with.
14. Underlying values in an agreement.
15. Another name for declaration.
16. Infringe on someone's entitlement.
17. Another name for procedures.
18. Another name for suggestions.
19. A name given to a decision made by the General Assembly of the United Nations.

**Activity 2**

- (a) Carry out a debate on the following motion:  
Zambia should abolish the death penalty.

**Exercise 2**

(a). The table below focuses on four UDHR Articles. Read what follows in each column and answer the questions that follow.

Article 6 <b>Life</b>	Article 13 <b>Expression</b>	Article 15 <b>Association</b>	Article 16 <b>Privacy</b>
You have the right to life	You have the right to say what you think, unless it violates the rights of others.	You have the right to meet friends and belong to a group or club.	You have the right to a private life.
<b>List some of the things you like about being alive! What are your ambitions for the future?</b>	<b>Has anyone ever stopped you from saying what you think? Why do you think this was?</b>	<b>Which groups do you belong to? If you could start a new club, what sort would it be?</b>	<b>Have you ever kept a diary or do you know of any friends or relatives who have? How do you think, you or they would feel if someone tried to read it?</b>
..... ..... ..... ..... .....	..... ..... ..... ..... .....	..... ..... ..... ..... .....	..... ..... .....

**Specialised International Human Rights Treaties**

Apart from the Universal Declaration of Human Rights (UDHR), The International Covenant on Civil and Political Rights (ICCPR) with its First Optional Protocol (1 O. P) and its Second Optional Protocol (2 O. P), the International Covenant on Economic, Social and Cultural Rights (ICESCR), which together make up what is known as the **International Bill of Rights**, there are other specialized human rights treaties. They are referred to as *specialized* because they focus on a particular human rights issue or a particular group of people. Among these specialized human rights instruments are:

## **1. The International Convention on the Elimination of all forms of Racial Discrimination (ICERD)**

### **Background**

This Convention was adopted in 1965 by the United Nations General Assembly. It came into force in 1969. It was drafted to draw attention to racial discrimination that was still rampant in the world. America was still a very much segregated society even after its 1964 Civil and Political Rights Act. In South Africa there was Apartheid which was a principle defined as, 'separate development,' but which was in effect segregation based on race. The rest of Africa was under colonial rule and the Africans were segregated against in all spheres of life in their own countries.

### **Principle Definition**

The Convention defines '*racial discrimination*' as, '*..... any distinction, exclusion, restriction or performance based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*'

A part of the Convention allows for specific distinction between citizens of a country and non citizens. That is why citizens of all countries enjoy certain rights that foreigners cannot. For example, the right to vote is not extended to non citizens of a country.

Another part of the Convention allows the State to take special measures for the purpose of facilitating the progress of certain racial or ethnic groups or individuals requiring such protection so as there is equal enjoyment of the rights and freedoms guaranteed in the Convention. For example, Affirmative Action in South Africa, is meant to bridge the gap between whites and blacks in economic benefits of the country. Additionally, the lower cut-off-points of girls to qualify to a higher grade in the Zambian school system is meant to bridge the gap in educational opportunities between boys and girls. However, states should be careful not to bring about separate rights for different racial groups or individuals. Once what it wanted to achieve has been achieved, it should discontinue. Zambia became a party in 1972.

### **Summary of Provisions**

A summary of what State Parties are expected to do under this Convention - To:

- condemn racial discrimination, segregation and apartheid.
- prohibit the practice of racial discrimination by individuals or organizations.
- condemn all propaganda and all organizations based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin and to declare such an offence punishable by law.
- prohibit and eliminate racial discrimination and to promote equal treatment

in the enjoyment of civil and political rights as well as economic, social and cultural rights.

- assure to everyone within the jurisdiction effective protection and remedies.
- undertake immediate and effective measures in education, culture and information, with a view to combating prejudices which lead to racial discrimination.

### **Supervisory Mechanisms**

The following is what is used:

- The Committee on the Elimination of Racial Discrimination monitors this treaty
- Inter-State Complaints Procedure
- Individuals Petitions Procedure
- State Party Reports

### **2. The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)**

#### **Background**

Although the principle of *non discrimination* on grounds of sex is included in the International Bill of Rights, women and girls still suffer some of the worst discrimination all over the world, especially in the socio-economic field. Women are generally denied a fair playing field in the society. The United Nations, therefore, recognized the need for human rights instrument that directly addresses women's issues, protects and promotes their socio-economic as well as their civil and political rights.

First, in 1967, there was a declaration on the Elimination of all forms of Discrimination against Women. When the declaration did not effectively address the problem of female discrimination in the world, the legally binding Convention on the Elimination of forms of Discrimination against Women was adopted in 1979. It is often described as the *international bill of rights for women*.

#### **Principle Definition**

Article 1 defines discrimination against women as, '*....any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

In short, a States Party is obliged to afford equal treatment to women and men. In this regard, States Parties undertake, among other things:

- To embody the principle of equality of men and women in their domestic legislation.
- To establish legal protection of the rights of women on an equal basis with men.

- To eliminate all discrimination against women.
- To modify or abolish existing national legislation and practices which constitute discrimination against women.
- To eliminate discrimination in the enjoyment of civil and political rights as well as economic, social and cultural rights, so that women are ensured equal rights with men.
- To accord women equality with men before the law, including affording women a legal capacity identical to that of men.
- To eliminate discrimination against women in all matters relating to marriage and property.

The CEDAW has an **Optional Protocol** which allows the United Nations Committee on the Elimination of Discrimination Against Women to receive and hear cases of violations of women's rights.

The Optional Protocol requires that the complaint, which is called a 'communication' in international law, be in writing, bearing the name or names of the complainant and has exhausted all avenues of redress in one's country, unless such avenues have been unnecessarily examined and that the particular complaint is not being examined by another Committee. The Committee will refuse to hear cases that are not in line with the provisions of the Convention.

### **Supervisory Mechanisms**

The following mechanisms are used:

- The Committee on the Elimination of Discrimination Against Women monitors this treaty.
- Individual Complaints Procedure under its Optional Protocol.
- Inquiry Procedure.
- State Party Reports.

### **3. The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**

#### **Background**

Despite the fact that torture, cruelty, inhuman or degrading treatment or punishment were already categorically forbidden in both the Universal Declaration of Human Rights and regional instruments, there was a general view that a special instrument to forbid absolutely without reservations torture and inhuman or degrading treatment or punishment was needed because the earlier instruments had not completely stopped human rights violations.

This Convention, popularly known as CAT came into being on 10<sup>th</sup> December, 1984. Zambia signed it in 1998.

## Principle Definition

Article 1 of the Convention defines torture as, ‘ ....any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.’

In legal terms, and as defined above, torture may only be carried out by the state and in various institutions. Cruelty exercised by non-state individuals or institutions against other human beings is legally not regarded as torture but physical abuse exercised.

## Summary of Provisions

A summary of the Convention compels States parties to:

- prohibit torture.
- not to ‘refouler’. This means to send back a person to a country where he or she is likely to undergo torture. This is especially in relation to refugees running away from persecution.
- punish torturers.
- educate citizens on the evil of torture.
- rehabilitate victims of torture through counselling.
- control the system of interrogation and detention.
- report to the Committee.

## Supervisory Mechanisms

- Committee Against Torture supervises this treaty.
- Inter-State Complaints Procedure.
- Individual Complaints Procedure.
- Inquiry Procedure.
- State Party Reports.

## Exercise 3

(a) Read the UDHR article on torture and answer the questions that follow:

*Article 5: No one shall be subjected to torture or cruel and inhuman or degrading treatment or punishment*

1. What constitutes torture?
2. In which institutions is torture practised?
3. Why is it practised and who are torturers?
4. Can torture be justified?
5. What can be done to stop torture?
6. What is meant by cruel, inhuman or degrading treatment of prisoners?

**(b) Negative Rights** describe those rights that require the government not to interfere with an individual from enjoying rights and freedoms. For example, the government should not stop someone from the right to assemble or the right to join a political party of one's choice. Negative rights are *the right not to be discriminated against* or *the right not to be subjected to arbitrary arrest*.

**Positive rights** are rights that describe a right which requires the government to take action in order to fulfill and to make the individual realize the rights. For example, *the right to education and the right to health*.

Examine the provisions contained in the international instruments discussed in the last section. Draw the table below in your exercise books and complete it.

Example:

TYPE OF RIGHT	ICCPR	ICESCR	CEDAW	CRC	ICERD	CAT
Negative Rights	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.
Positive Rights	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.

**Which instrument?**

(c). Match each provision A-J with the human rights instrument 1-10.

A	B	C	D	E	F	G	H	I	J

**Provision**

- A. Combating prejudices through education.
- B. Eliminating discrimination against women in all matters relating to marriage and property.
- C. Controlling interrogation and detention.
- D. Condemning and prohibit discrimination based on race.
- E. Educating people on evils of torture.
- F. Equality of men and women.
- G. Promoting equal treatment of all in the enjoyment of civil and political rights.
- H. According both sexes equality before the law.
- I. Forbidding all forms of degrading treatment.
- J. Promoting the amendment of domestic laws that discriminate against females.

## **Instrument**

1. CEDAW
2. CAT
3. ICERD
4. CAT
5. ICERD
6. CEDAW
7. CEDAW
8. CAT
9. ICERD
10. CEDAW

## **Activity 3**

Visit any nearest police station or prison and find out whether inmates are tortured or not. Share your findings with the class.

*The Convention on the Rights of the Child was opened for signature on 20<sup>th</sup> November, 1989. Zambia signed it in 1991. The United Nations Convention on the Rights of the Child will be discussed in more detail in Grade 12.*

## **4. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) 1990**

### **Background**

In December, 1990, the General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, CMW in short. States which ratify or accede to the Convention undertake to ensure that migrant workers whose rights have been violated may seek judicial remedy.

Migration from one's country of origin to go and work in another country is not a new concept. Women and men have been leaving their homelands in search of work elsewhere ever since payment in return for labour was introduced. The difference today is that there are far more migrant workers than in any period of human history. Millions of people now earning their living or looking for paid employments came as strangers to the states where they live. There is no continent, no region of the world, which does not have its groups of migrant workers. Poverty and the inability to earn enough or produce enough to support oneself or a family are major reasons for the movement of work-seekers from one country to another.

Other reasons why people go abroad in search of work are wars, civil conflicts, insecurity or persecution due to discrimination on the grounds of race, ethnic origin, colour, religion, language or political opinion.

The main reason for coming up with the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is that persons who qualify as migrant workers under its provisions are entitled to enjoy their human rights regardless of their legal status.

The Convention borrows from the relevant international labour standards, as well as:

- The Slavery Conventions.
- UNESCO's Convention against Discrimination in Education.
- The International Convention on the Elimination of All Forms of Racial Discrimination.
- The International Covenant on Civil and Political Rights.
- The International Covenant on Economic, Social and Cultural Rights.
- The Code of Conduct for Law Enforcement Officials; the Convention on the Elimination of All Forms of Discrimination Against Women.
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- The Convention on the Rights of the Child
- The Declaration of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

The Convention defines those rights which apply to certain categories of migrant workers and their families, including:

**"frontier workers"**, who live in a neighbouring country to which they return daily or at least once a week.

- **seasonal workers** who get work in foreign countries during specific seasons such as the harvesting season or the planting season;
- **seafarers** employed on water vessels registered in a country other than their own;
- **workers on offshore installations** which are under the authority of a country other than their own;
- **itinerant** workers who move from place to place in search of work;
- **migrants employed for a specific project**, for example, construction of roads or dams or industrial plants;
- **self-employed** workers.

### **Principle Definition**

The Convention is applied, *to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status. The Convention applies during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire*

*period of stay and payments in the state of employment as well as return to the state of origin or the state of habitual residence.*

The Convention prohibits discrimination in the enjoyment of the rights contained in it. It provides for the rights of all migrant workers irrespective of their migration status and additional rights are provided for properly documented migrant workers and their families. Most of the provisions require the host country to take measures to protect the rights of the migrant worker and his or her family. However, some provisions require the country of origin to take measures to protect the migrant worker and his or her family.

### **Summary of Provisions**

Below is a summary of some of the major provisions in the Convention:

- Non discrimination of migrant workers and their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.
- Migrant workers and members of their families shall be free to leave any state, including their state of origin.
- Migrant workers and members of their families shall have the right at any time to enter and remain in their state of origin.
- The right to life of migrant workers and members of their families shall be protected by law.
- No migrant worker or member of his or her family shall be subjected to torture or cruelty, inhuman or degrading treatment or punishment.
- No migrant worker or member of his or her family shall be held in slavery or servitude.
- No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.
- Migrant workers and members of their families shall have the right to freedom of thought, conscience and religion.
- Migrant workers and members of their families shall have the right to hold opinions without interference.
- No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy.

### **Supervisory Mechanisms**

These include:

- The Committee on Migrant Workers
- Individual Complaints Mechanism
- Inter State Complaints Mechanism
- State Party Reports

#### Exercise 4

Complete the following statements in your exercise books:

1. A migrant is one who .....
2. The host country is one which .....
3. Reasons for migration are ....., ....., ....., .....  
and .....
4. An Inter State Complaints Mechanism means .....
5. An individual Complaints Mechanism means that .....
6. The Committee on Migrant Workers supervises the .....
7. An optional protocol is one that .....
8. UNESCO has made sure that the Right to ..... of migrant  
workers' children are protected under the Convention .....  
..... Families.
9. Nine other international instruments that the CMW borrows from are 1 .....,  
2 ....., 3 ....., 4 ....., 5 ....., 6 .....,  
7 ....., 8 ....., 9 .....
10. A documented migrant is one who .....

#### Ideas for Action Projects

1. Design a set of posters on basic rights and responsibilities for displaying around the school.
2. Take your class ranking of rights and survey other learners for their choices and ranking. Display your results.
3. Celebrate the Day of the African Child, 16<sup>th</sup> June.
4. Invite a speaker from a Human Rights group to visit the class
5. Develop your own family's Charter –Based and Treaty-Based Human Rights Instruments remembering and stating the difference between the two.
5. Undertake a survey in your community on the extent of Zambians migrating to other countries.
6. Write a speech for the people celebrating the International Human Rights Day, 10<sup>th</sup> December.

# CHAPTER 4

## INTRODUCTION TO THE ZAMBIAN LEGAL SYSTEM

### Specific Learning Outcomes:

- Define *legal education*
- Outline elements of a good legal system
- Explain sources of law in Zambia
- Define criminal and civil cases
- Describe the functions of legal institutions and organisations that promote justice
- Discuss the rights of a suspect and a convicted person
- Explain the procedures in criminal and civil justice process
- Define *capital punishment*
- Discuss cases that constitute capital punishment
- Discuss arguments for and against capital punishment

### The Law

The Law is a set of rules, which a society develops for itself to control the behaviour of its members to one another. It also includes the *meting* out of punishment to members of society that do not abide by the rules and the awarding of compensation to people who have been wronged. *Without law, society as we know it, would be impossible because freedom without boundaries results in anarchy, which means total confusion.* From the time that human beings are born, their lives, safety, health and peace are controlled by law.

For a rule to be recognized as law, there should be a way of compelling people to obey it. This is done by imposing penalties or punishment to law breakers and rewards to the wronged persons. Rules which make up laws, the institutions that administer the Laws, the principles, ideas, theories, practices, procedures and techniques that develop over the years in dealing with the law make up a *legal system*. In Zambia, the Legislature, the Executive, (such as police service and prisons) courts and people who work in the legal profession make up the *institutions*. The *sources* where the laws are taken from make up the *principles and ideas*. The process of dealing with offences and offenders are the *procedures and techniques*. These make up the *Zambian legal system*. There are as many legal systems as there are societies. For example, there is the Zimbabwean Legal System, the South African Legal System and the English Legal System, which is also known as the Common Law Legal System.

## Elements of a Good Legal System

A good legal system is one that serves members of its society fairly without violating their rights. There are six core elements that should be present in a good legal system. A good legal system has to be:

- **Simple**  
A law has to be simply written, in a language that can be easily understood by a large section of society. The form of language and the level of difficulty should suit the needs of the majority of citizens.
- **Comprehensive**  
It should not leave gaps but attempt to cover all possible areas of dispute, concern or debate. It should anticipate future problems and include them in the laws. It should not be constantly formulating new laws as wrongful acts take place.
- **Certain**  
Citizens ought to know clearly what is prohibited by law. A law should not be so *ambiguous* that it is only fully understood and interpreted by a small number of people in society. It should therefore be documented so that it is possible to refer to it and that it should be clear to everyone who consults it.
- **Accessible**  
It should be readily available to members of the public. This means that it should also be affordable. If citizens come into conflict with the law, they should be able to afford legal representation. Similarly, a wronged person should be able to readily access legal means of having their problem dealt with. If the legal system is not affordable, then it excludes a large number of people.
- **Flexible**  
Laws have to keep up with social change and therefore, they should change with time. If a type of dispute which was not there previously comes up, the law should change to take care of any new challenge. If it does not, then it is rejecting change. A good law should not reject change.
- **Moral Values**  
The law should be based on the moral values of society. If laws do not reflect society's core values, citizens are unlikely to respect and uphold it.

## Activity 1

### A. Test your understanding.

Study the box framework of words that you have come across so far in the chapter. The words and meanings are jumbled. Match each word with its correct meaning. Draw a box framework in your exercise book and complete it.

Word	Meaning
Judge	Guiding rule for behaviour
Society	Starting point from which something comes
Lawyer	A person who is trained to hear the cases of people who are accused of having broken the law
The Law	Order of doing things especially in legal matters
Procedures	Long established custom or organisation
Legal System	People living together in organised communities
Sources	A person who is trained to defend or prosecute people who have broken the law
Principles	A plan of how to manage all areas dealing with the law
Idea	A set of rules which regulates and guides our public and private lives
Technique	Concept, scheme, design, purpose or way of thinking
Metes	Administer punishment to wrong doers

### B. Match Strip: Elements of a good legal system

Match each number in column X with the letter that has a corresponding meaning in column Y

X	1	2	3	4	5	6
y						

- |    |               |    |               |
|----|---------------|----|---------------|
| 1. | Certain       | A. | Adaptable     |
| 2. | Accessible    | B. | Uncomplicated |
| 3. | Simple        | C. | Definite      |
| 4. | Flexible      | D. | Inclusive     |
| 5. | Moral values  | E. | Obtainable    |
| 6. | Comprehensive | F. | Ethical       |

### C. Meaning of elements of a good legal system

Explain, in your own words, what you understand by these terms in relation to law:

1. Certain
2. Accessible
3. Simple
4. Flexible
5. Moral values
6. Comprehensive

## Sources of Law in Zambia

Sources of law are the starting point to refer to in order to find what the law says when one is faced with a legal problem. Zambia has a *dual legal system* and relies on the English Law and African Customary Law.

- **English Law Sources**

*Common Law* is one of the English Laws that Zambia has adopted. Common Law is the law that started from customs that were common to all parts of England. When King William the Conqueror united England in 1066 AD, he sent his judges to go round the country to hear cases and to codify them by putting them into a system of rules and principles. From that exercise, some common rules of law were identified and came to be known as **English Common Law**. England later applied this law to its colonies such as Zambia. Therefore, the English Common Law is one of the sources of the Zambian Law.

- **Legislation**

Legislation or statutes is the largest source of law in Zambia. These are laws enacted by parliament. All powers to make laws are vested in parliament. There are three types of laws made by legislation.

- ***The Constitution***

The Constitution is the supreme law of the land. Article 1 Paragraph 3 of the 1996 amended Zambian Constitution states out its supremacy. It states. *'This Constitution is the supreme law of Zambia and if any other law is inconsistency of this law, that other law will be declared void'* This means that if any law does not conform with the constitution, then that law becomes void, which means invalid. For example, customary law allows girls who have reached puberty to get married even if they are below the age of 18. The 1996 Zambian Constitution states that any person below the age of 16 is a child and is not old enough to get married. Therefore, if a girl who is below 16 years of age gets married even with the consent of her parents, the man who has married her will have committed a criminal offence of defilement and her parents will be charged with accessory to the crime.

- ***Acts of Parliament***

Acts of Parliament are laws made through bills passed by the National Assembly and assented to by the President. The National Assembly and the President together make up Parliament. The process starts with the presentation of a bill in the National Assembly and passes through

three reading stages before being presented to the President to either *assent* or withhold his or her assent. If he or she assents, the bill is *gazetted* and becomes law. If he or she withholds his or her assent, the bill is sent back to the National Assembly. The National Assembly can either debate further or make changes or it can send it back to the President in its original form. When this happens, the President has 21 days in which to either assent or dissolve Parliament to pave way for new elections.

- ***Delegated or Subsidiary Legislation***

Delegated or subsidiary legislation are laws delegated to the Executive wing of the government to make as provided for in an act of parliament. The law recognized that it would not be possible for parliament to make all laws. Therefore, parliament has allowed government ministers to make laws. For example, the Education Act allows the Minister of Education, through consultations to issue government circulars that become law. For instance, she or he could pass a law that abolishes the wearing of uniforms in schools.

• **Case Law**

This is the second largest source of law in Zambia. It is also known as *Law Reports* or *Judicial Precedent*. This is when, in disposing of a case, the court refers to how a similar case was decided upon by a superior court. In Zambia, superior courts are the Supreme Court, the High Court and the Industrial Relations Court. The High Court and the Industrial Relations Court are at the same level, the difference is in the type of matters they handle. The High Court handles criminal and civil cases while the Industrial Relations Court handles employment or labour disputes. The three courts handle appeal cases and are therefore known as *appellant courts*. The Magistrate Courts and the Local Courts are lower courts.

The decisions of the appellant courts are reported in the Zambia Law Reports. Decisions of the appellant courts are binding on subordinate courts. For example, if a case handled by the Supreme Court is recorded in the Law Reports, this decision is binding on the High Court and the Industrial Relations Court. The imaginary case below illustrates this point:

Phiri Chishishi sues his company for compensation when a machine cuts off three of his left hand fingers while on duty. The magistrate, when researching in the Zambia Law Reports, sees a similar case, previously handled by the Supreme Court, in which Misozi Lubasi had sued her company when two of her fingers had been chopped off by blades of a lawnmower when she was on duty. The Supreme Court judge, when ruling in her case, had dismissed her claims for compensation against her employers because she had ascertained that handling a lawnmower was not part of Misozi's job description and that her office was located on the 5<sup>th</sup> floor far away from the gardens where she met her accident. Therefore, the judge concluded that she was not entitled to compensation as she was on a *frolic of her own* because the injury did not occur in the process of her performing her job. The magistrate in deciding Chishishi's case establishes that similarly, Chishishi had no business touching the machine that cut off his fingers as it is not even located in his department. The magistrate uses the reasoning of the law applied in Lubasi's case and dismisses Chishishi's claim.

Case Laws are important because they:

- save time as there is no need for a whole new research.
- show respect to the judges who made the previous decisions.
- ensure equality, uniformity and stability in the law. If a murder case takes place and a decision is made, when another murder case takes place in similar circumstances the same decision as the first murder case should apply regardless of who committed the offence.

- **International Treaties**

In the Chapter on Human Rights, you learnt that Zambia has signed several international treaties. Contents of these treaties are also sources of law. However, these treaties do not automatically become law in Zambia unless an Act of Parliament *domesticates* them, meaning- includes them in the Zambian Statutes.

- **Customary Law**

Customary Law is derived from custom, which is the practice of doing things in society. These practices differ from the ones in *Statutory Instruments* because they are not written and not *codified*. Before Zambia was colonized, the indigenous people were using their customs, most of which have been in use from prehistoric times, as their law. However, for a custom to be recognized and enforced by the courts as law, it must be in existence for a long time, sometimes over centuries and it must be freely accepted by most citizens for it to be binding on them. Most Zambians are governed by customary law in their personal affairs. The local courts which administer customary law are located all over the country and they are the ones commonly used by the less privileged and the vulnerable in society. They are easily accessible and conducted mainly in local languages, although English is also allowed. As a result, local courts hear 80% of the total cases brought before all the courts in the court system annually. Customary law is also applied in traditional courts, which are presided over by traditional rulers.

Customary law uses advisors who are called assessors to give advice on particular matters. These assessors are not extra *Justices* but play the role of a *consultant*. For example, if a court is about to hear a case involving a Lamba customary law, it could invite a Lamba person of suitable character and social status to sit as an *assessor* for that particular case only. The advice of assessors is given in open court so that everyone can hear it and that the persons concerned shall be able to respond or bring evidence on matters after such advice is given.

## Activity 2

### Which Source of Law?

Read each situation and in groups decide which source of law can be used in determining each case:

1. Musonda earns a living by selling ice blocks, which he makes in his home. He sells the ice blocks outside Masansa Basic School. One day, Chalwe Chabuka, a Grade 8 pupil at the school, bought an ice block from Musonda and while sucking it, felt a prick in his mouth. Upon examining the ice block, he found a sewing needle frozen in the ice block. The judge ruled that Musonda should compensate Chabuka as he (Musonda) had a duty to care for his customers. The judge based this on the celebrated case of *Donoghue versus Stevenson* (*versus* means *against*) that was handled in an English court in 1932.

Source \_\_\_\_\_

2. Banda owns a manufacturing company in which he employed 3000 people. Recently he was brought before the court because his company has not been paying income tax to the government.

Source \_\_\_\_\_

3. Inonge is in a legal battle with her husband. She and her husband were granted divorce in the local court. However, she was not satisfied with the divorce settlement. She appealed to the magistrate court who awarded her a better settlement than earlier granted. He based his judgement on the case of Mwiya versus Mwenya that took place in 1977 and reported in the *Zambia Law Reports*.

Source \_\_\_\_\_

4. The Ndola City Council has banned the growing of sugar cane and maize in people's backyard gardens as a way of combating the breeding of mosquitoes.

Source \_\_\_\_\_

5. Max Shishita's wife died. After the funeral, his late wife's relatives informed him that they would take away his children because he did not settle *marriage payment* for his deceased wife. According to their tradition, when this happens, the children belong to the wife and her relatives.

Source \_\_\_\_\_

### Criminal Cases

Criminal cases are those cases that deal with crime. A simple definition of a crime is *any wrongful act or omission in society, which the particular society thinks affects the*

*interest of all its members*. If the wrongdoing does not affect the safety, security and well being of the whole community, then it is not a crime. For example, failure to repay a debt is not a crime as it affects only two or a few people. A broken promise is not a crime as it only affects the people involved. A wrongful act could be a crime in one country but not a crime in another country. For instance, kissing in public, drinking alcohol and adultery are crimes in some Muslim countries but these are not crimes in Zambia.

- **Elements of a Crime**

Every crime has two elements:

- The wrongful act or omission, which creates the offence such as *rape, murder, burglary* or *defilement*, has an element of a *physical act* taking place. The person committing the crime performs an action. In a theft, there is the taking away of something and keeping it. In a murder, there is the action of killing. This element in Latin is known as *actus reus*, meaning, *physical act*.
- The intention or desire to cause harm, loss or injury is known as the guilty state or blameworthy state of mind on the part of the offender. The Latin phrase for this is *mens rea*, which means a *guilty mind* or *malice aforethought*.

- **Classification of a Crime**

Broadly, crimes are classified into:

- *Crimes of Specific Intent*

These are crimes that are committed with a specific intention. For example, wounding someone to cause grievous harm, theft, burglary, and robbery are crimes of specific intent. A person who beats another to the extent where she or he causes grievous bodily harm intended to do that. Or a person taking someone's property without the owner's permission or knowledge and then keeping it is a deliberate act.

- *Crimes of Basic Intent*

These are crimes committed through recklessness or on a sudden impulse such as driving past a red traffic light (robot), not stopping at a stop sign, exceeding the speed limit or manslaughter.

Specifically, crimes are classified into:

- *Misdemeanours*

These are petty crimes such as common assault, indecent exposure, pick-pocketing or littering.

- *Felonies*

These are serious crimes such as murder, treason, aggravated robbery, defilement or rape.

- *Statutory Crimes*

These are crimes that are committed contrary to what is contained in statutory instruments, such as voting twice in an election, rigging an election or failing to pay tax.

**Civil Case**

A civil case is a wrongful act that affects only the individuals or parties involved. It is any case that does not have a criminal element. For example, failing to settle a debt has no criminal element in it but the person who owes money can be sued in a civil case and the courts will compel him or her to repay the debt. Civil law is sub-divided into several sections. For example, Family Law, Employment Law, Law of Contract, Law of Tort, Land Law, Administrative Law and many more.

**Comparison between a Criminal Case and a Civil Case**

<b>Criminal Case</b>	<b>Civil Case</b>
*Affects whole communities hence <i>The People Vs Phiri Rocket</i>	*Affects individuals hence it it is recorded as: <i>Mwansa Vs Tembo</i>
*Aim is to punish or reform the offender	*Aim is to compensate the wronged person
*Case instituted by the Director of Public Prosecution on behalf of the people	*Case instituted by the wronged person
*Serious wrongful act	*Less serious wrongful act
* Concerned with the duties that persons owe to society	* Concerned with rights and duties of individual citizens
*Case ends in sentencing the offender	*Case ends in awarding damages to the wronged
* Case must be proven beyond all reasonable doubt	*Balance of probability applies. What is more probable?

### Activity 3

#### A. Media Watch

1. Draw the chart below in your exercise book.



<b>Newspaper or radio Details</b>	<b>Key Words</b>	<b>Is the story a Criminal or Civil case</b>	<b>Which court do you think will handle the case? If the type of court is mentioned in the story, why do you think, that particular court is handling it.</b>	<b>What is your opinion about this case? What criminal elements or care of duty are involved?</b>
1. Name and Date of Newspaper or radio broadcast 2. Article Headline	Which would help you remember the story			

2. Track (trace) media (print and or electronic) articles that have to do with legal matters. Use the stories you read or hear to complete the chart. Fill in as many columns as you can manage.
3. Once your chart is completed report your findings to the class.
4. Discuss:
  - Which sections of the newspapers or radio programmes were most of the court cases reported?
  - What did you learn about the reporting of stories to do with the law?
  - What role, if any, do you think the media plays in promoting law and order in society?

#### B. Court report

The following are some statements associated with criminal and civil cases. Explain in your own words and giving examples, what you understand by them. In your opinion, why are they important?

- a. actus reus
- b. mens rea
- c. misdemeanours
- d. felony
- e. specific intent
- f. basic intent
- g. balance of probability
- h. beyond all reasonable doubt

## Legal Institutions and their Functions

- **The Legislature**

The Legislature is the branch of government that is charged with the task of making laws for the nation. The Legislature is Zambia's highest law-making body. It makes laws through Members of Parliament who are representatives of the people in their respective constituencies. It makes statutes, regulations or rules which the police service, the courts and the Executive wing of government interpret and enforce. However, a Law passed by Parliament can be declared null and void by the Supreme Court if it is contrary to what is contained in the Constitution because the Constitution is the supreme law of the land.

- **The Police Service**

The Police Service is an important institution of the Zambian Legal System. The police have the task of maintaining law and order. It is supposed to preserve life, protect property and maintain public peace. Therefore, the police's major occupation is to apprehend and arrest law breakers and prosecute them. To carry out this task effectively, they have been given wide powers. The police mostly deal with criminal cases but they also assist with the enforcement of civil cases such as carrying out legal evictions and seizures of property when persons do not comply with court judgements. They work closely with the courts in administering justice in the nation.

- **The Executive**

The Executive is a legal institution because the President of the country who heads it has powers to make laws by virtue of his or her *prerogative powers*. These are special rights and privileges given to a President because of the office she or he holds. Cabinet ministers who are members of the Executive also make laws through statutory instruments using delegated or subsidiary legislation powers. The ministers and the civil servants assist in the enforcement of the laws. For example, the issuing and withdrawing of all kinds of licences.

- **The Court System**

The courts are the largest and easily identifiable branch of any legal system. Courts deal with all areas to do with law in the country. They form the judiciary, which is part of the legal system. The judiciary works with other legal institutions such as the police, the prisons, office of the Director of Public Prosecutions and the legal profession.

There are four levels of courts in Zambia:

- **The Local Courts**

These were established by an Act of Parliament, the Local Courts Act of Zambia, Cap 29 of the Laws of Zambia. Currently there are Grade A and Grade B Local Courts. These grades are established by the Minister of Justice. The local courts are presided over by the Presiding Justice either sitting alone or with other justices. These justices are appointed by the Judicial Service Commission. Local courts hear civil cases that occur in their geographical areas especially

those to do with African customary law. They also deal with limited criminal cases outlined in the Local Court Act. By 2004, there were 500 local courts in all the 72 districts of Zambia. They hear about 500,000 cases in a year's proceedings. They are the most easily accessed courts in the country because they are many and are relatively cheap. The procedure in the local court is informal and because of this, lawyers do not practise in these courts unless they are acting on their own behalf.

- **The Magistrate Courts**

These are also known as Subordinate Courts and are found in every district of Zambia. They were established under the Subordinate Courts Act, Cap 28 of the Laws of Zambia. They are divided into three classes: Class III, Class II and Class I, in order of seniority. Class I magistrates are further subdivided into Resident, Senior and Principal magistrates with the principal magistrates being the most senior. The *prosecution* and the *defence* are required to follow strict rules of procedure. The magistrate courts try both criminal and civil cases.

- **The High Courts**

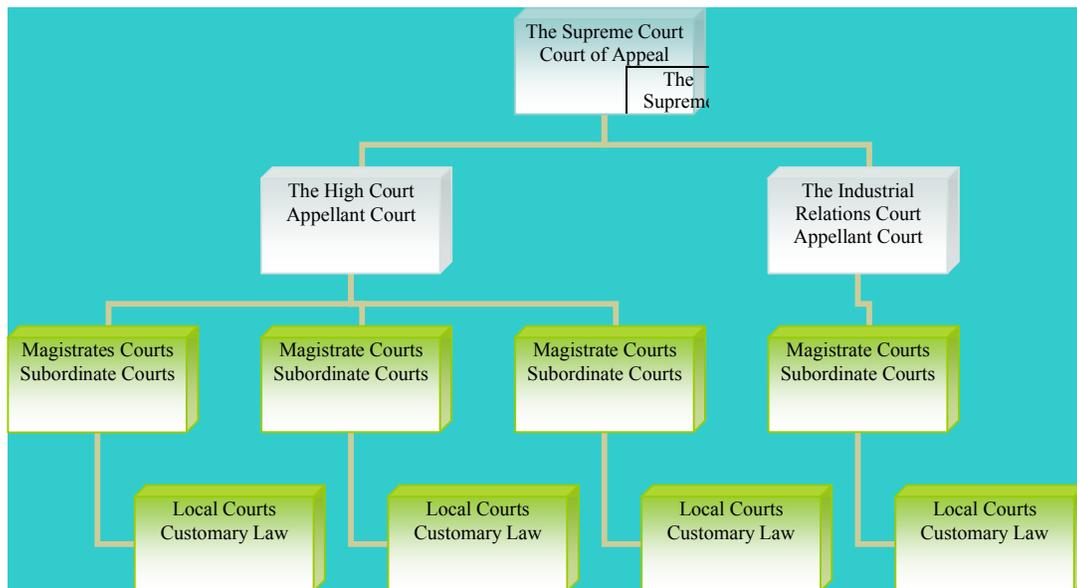
These are located in all the provincial capitals of Zambia. They have original and unlimited jurisdiction because they can hear any matter such as divorce, election petitions, human rights applications, treason trials or proceedings of habeas corpus. The High Court is also known as the court of *first instance*. High Courts are appellate courts because they hear cases of appeal from the subordinate courts. These courts are normally presided over by *puisne judges*. The term *puisne* means *junior*. These judges are appointed by the President after recommendation by the Judicial Service Commission. Once appointed, they can only be removed from office by a tribunal of three fellow judges on grounds of gross indiscipline, mental or physical ill health or failure to perform the functions of office for one reason or the other. In the High Court, most cases involve *legal issues*, meaning what the law says about the case and not on *issues of facts* that are concerned with what happened. Because of the strictly legal issues dealt with and the complicated procedures involved in a High Court, it is advisable to be represented by a lawyer. In matters that may result in the death penalty such as murder or treason, *legal aid*, in the form of a lawyer will be provided by the government for persons that are not able to afford a lawyer of their own. Matters are heard either in *chambers*, (the judge's office) or in an open court. The most preferred is the open court, which complies with the legal requirement of *justice being seen to be done*.

- **The Industrial Relations Court**

These are courts that handle only industrial matters which deal with employer and employee relations. It is guided by the Employment Law Act Cap 268 of the Laws of Zambia. In rank, it enjoys the same status as the High Court and the appeals from it go to the Supreme Court. Lawyers are allowed to represent their clients in the Industrial Relations Court proceedings.

- **The Supreme Court**  
This is the highest court of appeal in Zambia. It was established by the Supreme Court Act and the Republican Constitution. It is headed by the Chief Justice, assisted by nine other judges. The Supreme Court is not a trial court, unless the case is a presidential elections petition. Other than this, like the High Court, it hears appeals on *questions of law* other than *questions of fact*. It sits mainly in Lusaka but holds sessions in Kitwe, Ndola and Kabwe. It meets in Kabwe for convenience to hear appeals of condemned prisoners who are locked up in Mukobeko Maximum Security Prison, the only maximum prison in Zambia.

The Zambian Court System



- **The Legal Profession**  
This is a body of legal practitioners commonly called lawyers. The Zambian legal profession is a legacy of the British colonial rule and is, therefore, derived from the English common law. Lawyers receive training from the University of Zambia or other universities outside the country. For them to practise in the Zambian Courts, they have to be *admitted to the bar* after passing examinations set by the Zambia Institute of Advanced Legal Education (ZIALE). Being admitted to the bar means that a person is recognised and accepted to be competent enough to represent clients in a court of law.

**Exercise 1**

**A. Institutions and organisations**

Complete the sentences below:

1. The legislature’s main job is.....

2. A law made by the Legislature may be declared null and void by ..... if it is contrary to the Zambian Constitution.
3. The Police's main job is to .....
4. The Executive is a legal institution because .....
5. Delegated legislation powers are .....
6. The other name for the court system is .....
7. Local courts deal mainly with .....
9. The other name for magistrates court is .....
10. The most senior magistrate is called .....
11. The High Court is referred to as the court of ..... because .....
12. They are also called appellant courts because .....
13. The difference between 'points of law' and 'points of facts' is .....
14. A High Court judge can be removed from office by ..... for .....
15. Though the Industrial Relations Court deals only with ..... it enjoys the same status as .....
16. The Supreme Court in Zambia only tries cases of .....
17. The Professional body that regulates lawyers' work in Zambia is called .....

### **Organisations that Promote Justice**

Apart from institutions discussed in the previous section, the following Non-Governmental Organizations strive to promote justice by providing either legal advice or litigation or both. Litigation is the act of taking a case to a court of law.

- **Legal Resources Foundation**

The Legal Resources Foundation is a non-profit Non-Governmental Organisation that works to promote human rights through providing legal advice and litigation in the public interest especially in areas that directly affect the underprivileged. It was founded in 1991 and became operational in 1993. The Legal Resources Foundation provides:

- Free legal representation to those that consult them.
- Legal assistance to those that are referred to them.
- Legal advice to all who seek it.
- The organisation has offices in Lusaka, Kitwe, Kasama, Chipata, Kabwe, Livingstone and Solwezi.

- **National Legal Aid Clinic for Women**

The National Legal Aid Clinic for Women (NLACW) was established in 1990 as a project under the Women's Rights Committee of the Law Association of Zambia. The project was established to provide affordable legal aid to women and children from marginalized social sectors. These would usually not afford the normal legal costs to hire a lawyer to represent them in their pursuit of justice. The Clinic works to help women, youths and children who have been victims of social injustice. It does this through litigation, arbitration and intervention in actual or possible violations against women, youths and children's rights. The organisation also offers counselling and legal education. It is found in Lusaka.

- **Women in Law in Southern Africa (WiLSA)**  
 Women in Law in Southern Africa is a non-governmental, non-profit organisation that was established in 1989 to improve the legal position of women in Southern Africa. The organisation is a regional organisation with branches in Southern African countries. The Zambian office is a Chapter of the main organisation. The organisation offers free legal advice and litigation to vulnerable groups in society especially women.
- **Citizens Advice Bureau (CAB) – Law Association of Zambia**  
 The Citizens' Advice Bureau is a branch of the Law Association of Zambia that offers free advice and litigation on a *pro-bono* basis. *Pro-bono* is free legal services that every lawyer who is a member of the Law Association of Zambia is obliged to offer as part of the legal profession's service to the community. The Law Association of Zambia is a body created under Act No 47 of the Laws of Zambia. It is mandated, among other things, to develop law as an instrument of social justice, to encourage lawyers to serve the people, to deal with legal aid and to secure representation for the disadvantaged, promote law reform and in this regard, co-operate with other institutions and professions.
- **Legal Aid Clinic, School of Law, University of Zambia**  
 The school of law, University of Zambia, has its own Legal Aid Clinic. The clinic offers legal advice. Fourth-year law students offer legal advice. The Legal Aid Clinic is found at the University of Zambia Campus, School of Law and sessions are held in the afternoons when the university is in session.
- **Young Women's Christian Association (YWCA)**  
 The Young Women's Christian Association is a non-governmental, non-profit making Christian organisation dedicated to the empowerment of women for a better community. The organisation empowers women by making them know their rights, duties and responsibilities in society. The Young Women Christian Association offers legal advice on issues to do with inheritance, property grabbing, maintenance, physical violence, mental abuse, sexual abuse, child abuse and other legal matters. YWCA offices are found in all provincial centres of Zambia. They also provide Drop-In Centre Services to abused women and girls.
- **Zambia Civic Education Association (ZCEA)**  
 The Zambia Civic Education Association is a human rights non-governmental, non-profit organisation that was established in 1993. It promotes and protects children's rights through civic education in order to realise a society in which people enjoy all fundamental rights, human dignity and where justice prevails. The organisation offers free legal advice to vulnerable groups in society, especially children. It runs Citizens Advice Desks in Lusaka, Kafue, Kapiri Mponshi, Kabwe and Kitwe.
- **Catholic Commission for Justice Development and Peace (CCJDP)**  
 The Catholic Commission for Justice Development and Peace runs Legal Advice Desks under its Justice and Peace Programme. The desks are located

in Catholic dioceses around the country. The national office in Lusaka provides training and materials to paralegals drawn from the dioceses. The desks are especially for vulnerable groups in society who cannot afford legal representation. However, each diocese focuses on different targets according to the needs in the area. Although the legal advice desks are located at catholic dioceses, the doors are open to vulnerable persons of other denominations or religions.

- **Women in Law and Development in Africa (WILDAF)**

Women in Law and Development in Africa is a Pan-African non-governmental, non-profit making organisation and individuals using law to promote a culture for the exercise of and respect for women’s rights in African countries. The network was established at a regional conference held in February, 1990 in Harare, Zimbabwe whose theme was, *Women, Law and Development: Networking for Empowerment in Africa*. The network is dedicated to promoting and strengthening action-strategies that link law and development to empower women and improve their status in Africa. It seeks to promote the effective use of legal strategies by women in Africa for self, community and national development. The organisation offers legal advice to vulnerable members of society. It also develops and disseminates legal education materials.

**Exercise 2**

Which of the organisations that promote justice in Zambia may take action to:

1. Help a widow secure her property from her late husband’s relatives?  
.....
2. Represent a dismissed employee in a court of law to secure his or her reinstatement?  
.....
3. Offer legal advice to the parents of a child who has been defiled?  
.....
4. Provide legal advice and litigation to a group of women who have been banned by the local authorities to conduct their business in a market because they belong to an opposition political party?  
.....
5. Provide pro-bono services to a person who is too poor to afford a lawyer?  
.....
6. Provide protection to a person from an abusive spouse?  
.....
7. Provide legal advice to a group of people residing in a particular area where there is a Catholic Church?  
.....
8. Attend to a person looking for legal education materials.  
.....

**Ideas for Action Projects:**

1. Investigate how laws and what laws affect young people (labour, marriage, substance use, stealing, assault etc).
2. Invite a guest speaker who is in the legal profession to talk to pupils about the legal profession and/or the legal system in Zambia.
3. What are the by-laws which apply in your area? Examine them.

# CHAPTER 5

## INTRODUCTION TO PROCESSES IN THE ZAMBIAN LEGAL SYSTEM

### Specific Learning Outcomes:

- Describe the pre trial process in the Zambian legal system
- Describe the trial process in the Zambian legal system
- Describe the procedure in a criminal case
- Describe the procedure in a civil case
- Describe the post trial process in the Zambian legal system

### 1. Rights of a Suspect in a Pre-trial Procedure

Every Zambian citizen's right to liberty is guaranteed in Article 13 of the constitution. However, there are *derogations*, meaning exceptions to the right. One of them is that liberty may be taken away from a person who is reasonably suspected of having committed or about to commit a criminal offence. In this instance, the liberty of the suspect will be taken away through the act of *arrest*. In order to make an arrest the police officer should touch or confine the body of the person being arrested. If the person being arrested resists arrest the police are allowed by law to use reasonable force necessary to effect arrest.

#### Arrest without Warrant

Suspects should only be arrested upon police officers producing a warrant of arrest unless:

The accused was seen committing a cognizable offence. A cognizable offence is an offence that can easily be seen as a crime. For example, if, while on the street, a police officer sees a person snatching a purse, the officer can arrest the purse-snatcher, based on personal observation of the theft or if a police officer sees a vehicle being driven erratically and upon stopping it sees that the driver is very drunk, the officer can effect an arrest. These and many others are examples listed in the Criminal Procedure Code, Cap 60 of the Laws of Zambia. The Criminal Procedure Code is a section of the law that outlines the procedures to be followed when dealing with a crime.

Once a person is arrested without a search warrant, he or she should be brought before a competent court within twenty-four hours or as soon as reasonably practicable. If he or she cannot be brought before a court within a reasonable time he or she should be released.

### **Arrest with Warrant**

There are offences for which a person can be arrested can only be arrested with a warrant. Such crimes include official corruption, fraud, desertion of children by a parent, common assault, defamation or allowing a prisoner of war to escape.

### **Detention for Questioning**

Police have no power to detain a person for questioning unless he or she is arrested for a criminal offence and informed of the reasons for the detention. A person such detained can compel Police to release him or her or formally arrest him or her. If relatives of the person being held know where he or she is, they could secure his or her freedom through habeas corpus. It is illegal for police to detain relatives of suspects as hostages in order to compel suspects to turn themselves in.

### **Compensation for False Imprisonment**

A person who is unlawfully arrested or detained can sue for compensation for false imprisonment through the courts of law. If it is the police that falsely imprisoned a person, that person can sue the state through the Attorney General, who is the government's legal representative.

### **Interrogation**

Though the Police are allowed to question a person who may be suspected of having committed an offence, such persons are under no obligation to answer. The Police have no powers to use force to draw out statements from suspects. Article 15 of the 1996 amended Zambian constitution states that no person shall be subjected to torture, or to inhuman or degrading treatment. This is the only right in the constitution that has no derogation. Therefore, torture of suspects is not allowed under any circumstances. A person who is tortured can sue the state for compensation.

### **Judges' Rule**

This rule requires the Police to inform the accused of his or her right to remain silent if he or she so wishes and that if he or she said anything, the statement may be used as evidence against him or her during trial. The rule also provides that the accused be allowed to consult lawyers or other legal practitioners even when placed in custody.

### **The Law of Bail**

A person arrested, detained or appearing before the court may, while in custody, or at any stage of the proceedings, apply for bail. Bail is a sum of money paid by a person accused of wrong doing as security that he or she will appear before the court until the case is disposed of. Bail can be secured by providing sureties, who are persons that go before the court to swear that they will make sure the accused person does not run

away and that he or she will appear in court whenever he or she is required to do so. Sometimes the accused, if he or she is a respectable member of society, does not have to provide sureties and can be given to bail in his or her own cognisance. Cognisance means being aware or having conscious knowledge. In case of being given bail in one's own cognisance, the accused is fully aware of the implications of absconding from justice. In *Zambian law*, bail is not allowed in certain offences such as treason, aggravated robbery or murder.

## **2. Rights of a Suspect at the Trial Stage**

Apart from other rights of an accused person during trial, there are three basic principles of criminal procedure:

- The defendant is presumed innocent until the court proves him or her guilty.
- The *Burden of Proof* is the duty that lies on the prosecution to prove the criminal allegation against the accused. It is based on the accepted rule of '*he who alleges must prove*'. The accused does not have to say anything in his or her defence.
- The *Standard of Proof*, is the weight of the evidence the prosecution must produce in order to establish the alleged crime. The standard of proof should be beyond a reasonable doubt.

Other rights are:

### **Fair Trial and an Impartial Judge**

The *Zambian constitution* provides that any person charged with a criminal offence shall be afforded a fair hearing within a reasonable time by an impartial and independent court established by law. The *principle of natural justice* states that no one should be a judge in his or her own case and that both sides of a case should be heard. Where a judge feels he has interest in a case, he or she should excuse herself or himself from handling the case.

### **Right to a Speedy and Public Trial**

The justice system operates on the understanding that '*justice delayed is justice denied*', which means that not getting a speedy trial is as good as not getting justice at all. These delays in trials undermine the *Rule of Law* as people lose confidence in the justice system and instead, resort to solving cases through unlawful means such as *instant justice* and vendettas.

### **The Right to Silence**

Since the burden of proof lies on the prosecution, the accused has the right to remain silent. He or she may choose to do this by not taking the stand in the *witness box* and giving evidence on oath. The accused may choose to give an un-sworn statement from the dock, which is the sitting place for accused persons in a criminal court procedure. This right, which protects accused persons against incriminating oneself, also extends to not answering questions from the Police.

### **Protection against Double Jeopardy**

This means that an accused person cannot be tried again for an offence of which he or she has been acquitted. For example, a person acquitted of murder cannot later be tried on a lesser charge of manslaughter. The prosecution should decide right at the beginning whether to try the accused for murder or manslaughter. If they choose to try the person for murder and he or she gets acquitted, the prosecution cannot later institute a lesser crime of manslaughter just to secure a conviction.

### **Protection against Ex Post Facto Law**

This means that if a person commits a wrongful act which at the time does not constitute a crime, he or she cannot be tried at a later stage when that wrongful act becomes a crime. In other words, it means that a law creating a criminal offence cannot be backdated, expressed in Latin as *ex post facto*.

### **The Right to Examine and Cross Examine Witnesses**

The defendant has the right to question the witnesses presented by the prosecution and to examine his or her own witnesses. The method of examination in Zambian courts is the *question and answer method* that tries to elicit orderly and consistent stories, thereby avoiding the witness saying things that are not allowed as evidence in a court of law.

### **The Right to an Attorney**

Both the civil and criminal trials in the Zambian courts are based on an *adversary procedure*. This is a system where the prosecution and the defence treat each other as opponents but not as enemies. Each side of the case does his best to persuade the court to side with his arguments and reject the version of the story of the other side. In this system of justice an accused person cannot be assured of a fair trial unless he or she has legal representation by a lawyer. When a person is too poor to afford a lawyer the state should provide one through the Legal Aid Department of the Ministry of Justice, which is mandated to provide legal services to all persons accused of offences that are supposed to be tried in the appellate courts.

### **The Right to Defend Oneself**

*Article 18 paragraph 2 section C of the Constitution of Zambia* requires that the accused be given enough time to consult and provide for his or her defence. In reality, this rarely happens as the accused are usually in custody and not given a chance to collect evidence and as a result the defence merely reacts to the prosecution's witnesses. There is little independent questioning of the witnesses, visits to the scene of the crime, *alibi*, which is proof that the person accused of a crime was in another place from where the crime took place and that the person could not have committed the crime. Most people cannot afford to pay for such services.

### 3. Rights of a Convicted Person at Post Trial

#### The Right of Appeal

A convicted person has the right to appeal to higher courts if not satisfied with the decisions of the lower court. This is to make sure that any error that may have been made in the lower courts can be corrected by an appellate court. The convicted person should be informed of his or her right to appeal at the end of the trial.

#### Other Rights of the Accused

Article 18 of the 1996 Constitution of Zambia guarantees the following additional rights to the accused:

- The right not to be tried for a criminal offence for which he or she has been pardoned by the Head of State.
- The right to have an interpreter if he or she does not understand the language being used during the proceedings.
- The right to be given a copy of the record of the proceedings made by the court within a reasonable time after judgement.
- The right not to be convicted of a criminal offence unless that offence is defined and the penalty written in law.

#### Activity 1

##### A. 'Righting the wrongs'

Ilukena has been in police custody for five days. The police say he is helping them with investigations in a robbery case.

.....  
ied? .....

Remedy.....

Likely police explanation: .....

Mwaanga has been in detention for six months. His relatives have just discovered where he is being held.

.....  
ied? .....

.....

.....  
e explanation: .....

Zulu Mark was beaten at a market after a woman shouted, 'thief' in his direction. The police arrested him and kept him in police cells for two days before releasing him.

.....  
s rights were violated? .....

What can he do? .....

Possible explanations from the police: .....

Mulenga is accused of having broken into the Mwila's house and stolen a radio. The police beat him to try and make him confess to the crime.

.....  
itutional right has been denied? ...

.....  
e do? .....

.....  
planation by the police?

Choolwe Habantu is sentenced to 15 years with hard labour for having stolen a chicken. The judge who handled the case has a poultry farm where he experiences a lot of thefts.

*Has he been denied?* .....

.....

*What would the judge have done before taking the* .....

.....

Carol Phiri has been on trial for illegal abortion. The trial has been going on for two years. The delay has been because the DPP has not issued a *fiat*.

*Has she been denied?* .....

*What other name for fiat?* .....

.....

*What do such delays result into?* .....

Mercy Phiri is on trial in the High Court for allegedly knifing her husband to death. During trial she refuses to say anything.

*Is she exercising?* .....

*What burden does the prosecutor have?* .....

*What name given to the evidence the has to use to convict Mercy?*

Mercy is convicted of the murder of her husband. She does not accept her conviction.

*What can Mercy exercise?* .....

*What court would now hear her case?* .....

*What are the options that the appellant court can* .....

.....

Chingumbe Chipango was accused of aggravated robbery which carries a mandatory sentence of death penalty. He is too poor to afford a lawyer. The Legal Aid Department could not provide him with a lawyer.

*Has he been* .....

.....

*What would be the likely result if Chipango is tried without legal representation?*

*Situation 10:* A tourist is arrested for being in possession of obscene pictures. He applies for bail but is denied it because he has no sureties living in Zambia.

*What has been denied?* .....

*What kind of bail can be given to him?* .....

*In what circumstances is bail not allowed in Zambia?* .....

## Case Study

**Police officer shoots dead Sesheke pupil**

A POLICE officer in Sesheke's Sichili area has slain a dead pupil from the local high school after a protest over the detention of their colleagues on Monday.

Western Province police commanding officer Willie Mangimela confirmed the development yesterday and said the named police officer has since been warned and cautioned and has been transferred to Sesheke Boma pending investigations.

Mangimela revealed that the riot by the pupils from

**From front page**

Sichili High School arose after police officers warned three pupils against dressing indecently following some complaints from some members of the public at the manner in which some pupils at the school dressed.

"The officer-in-charge at Sichili Police received a report from some members of the community who were complaining about the way some pupils from Sichili High School dressed and he called three pupils to the station where he questioned and warned them," he said.

Mangimela explained that one of the pupils became unruly forcing the police officer to slap her.

He said the pupils were not happy with what had transpired at the police station and reported the matter to the Parents Teachers Association (PTA) who went to meet the officer-in-charge on Saturday to seek an explanation from the law enforcement officers.

"There was probably no communication between the PTA and the pupils after the meeting and the pupils went to the school authorities and decided to stage a protest," Mangimela said.

He said a mob of pupils on Monday morning went and surrounded the police station where they started throwing stones at the building, whilst a police officer and a neighbourhood watch member were locked inside the building.

"The pupils threw stones and damaged windows and they even cut the communication lines. The pupil who was shot wanted to open the door to the cell so that the detainees could get out."

Mangimela pointed out that the officer inside the building was forced to fire warning shots through the window but the enraged pupils chanted "they are blanks, they are blanks", forcing the named officer to shoot the Grade 12 pupil, identified only as Mweemba, in the buttocks and on the hip.

"The boy was regrettably pronounced dead at the hospital an hour later. There have been no arrests made so far but investigations are still on-going," he said.

He has assured that peace has returned to Sichili after police reinforcements from Sesheke, Livingstone and Mongu rushed to the area to contain the volatile situation.

To page 3

1. Read the above 2<sup>nd</sup> October 2004 Post Newspaper article and answer the following questions:

- What is the focus of this case study?
- What are the human rights issues contained in the story concerning the dead boy and the schoolgirls?
- What rights of a suspect were denied to the dead boy and the girls?
- What crime did the police officer who slapped the girl commit?

- Do you think the police acted within their jurisdiction of maintaining ‘law and order’? Give reasons for your answer.
- What law did the pupils that went to the police station break? How could they have handled the situation differently?
- Write a letter either to the editor of the Post Newspaper or the Minister of Home Affairs telling him or her, your views about the incident.

### Procedures in the Criminal Justice Process

The following are the steps in a criminal procedure as outlined in the Criminal Procedure Code, simply referred to as the *CPC* in legal circles:

- **Arrest**  
Arrest is when the accused person is taken into custody with or without a warrant. An accused person may be arrested with a warrant, obtained from a court of law, for offences such as poaching from restricted areas. A cognizable offence such as theft allows arrest without a warrant. Arrest for traffic offences such as careless driving is done by *court summons*.
- **Plea**  
Plea is when the charge against the accused is read. It is the first appearance in a court. When the charge is read, a plea will be taken. If the accused admits the offence then he or she is said to have taken a *plea of guilty*. If he or she denies the charge then a *plea of not guilty* is taken. The plea is recorded if the accused admits the charge. The prosecutor will read the *facts* of the case to the accused. If the facts are also admitted, the court convicts the accused. The prosecutor produces and reads previous records of conviction, if any. The accused accepts or denies these previous convictions. Mitigation then follows with the accused asking the court for leniency. Then a sentence is passed. If the accused denies the charge, a plea of not guilty is recorded and a date is set for trial
- **Trial**  
The trial stage has the *prosecution* and *defence* parts to it.
  - The prosecution’s case is when the prosecution calls their witnesses, known as prosecution witnesses. Each witness’s narration is known as *examination in chief*. It is meant to build the case against the accused. Each witness may be cross examined by the accused and his or her legal representative who are known as the defence. They try to destroy the evidence given by the prosecutor’s witness. After cross-examination, the prosecution re-examines the witness to try to correct the damage done by the Defence’s cross-examination, if any. Then the prosecutor closes his or her case by summarizing the main points of the case and urging the court to convict the



accused. The court will then consider whether the accused has a case to answer. If the court establishes that the accused has a case to answer, known in Latin as *prima facie*, then the accused is put on her or his defence.

- The Defence will then bring in their own witnesses known as *defence witnesses* whose narration of events will be the defence's examination in chief. The prosecution will then cross-examine the defence's witness to try to destroy the evidence offered by the witnesses' account. The defence will then re-examine to control damage done by the cross examination, if any. The defence will also close their case urging the court to find the accused innocent.
- **Final Submissions**  
Both the prosecution and the defence will make what is known as final submissions by addressing the magistrate or the judge with their strong points.
- **Judgment.**  
The magistrate or judge will then deliver judgment, which is the final ruling or verdict.
- **Records of Previous Convictions**  
The prosecutor will then read to the court any previous convictions. The defendant will either accept or reject these.
- **Mitigation**  
If the defendant is found guilty and convicted, he or she will then be required to provide reasons why he or she should be given a lenient sentence. This is called mitigation.
- **Sentencing**  
The magistrate or judge will then sentence the accused, guided by the three principles of sentencing which are:
  - *Retribution* - meant to punish the offender especially in rape cases.
  - *Deterrent* - meant to prevent the offender or other would be offenders from committing the crime.
  - *Reformation* or rehabilitation - meant to reform the offender in order to return to a decent life. This punishment is mainly applied to juvenile offenders and first offenders

### **The Death Penalty**

The death penalty is the taking away of someone's life. That is the reason why it is referred to as 'punishment beyond punishment'. Therefore, it follows that very heinous crimes are punished by death. However, as already stated, a crime in one country is not necessarily a crime in another. Similarly, what is considered a terrible crime worth of the death penalty in one country might not warrant death in another country. For example, in countries which follow the Islamic Sharia Law, getting pregnant outside marriage is an offence punishable by death while in most countries it is disapproved but is not even classified as a crime. In the Zambian Penal Code, murder, treason and aggravated robbery are felonies currently listed as crimes whose

mandatory sentence is the death penalty. Mandatory sentences require judges to impose identical sentences on all persons convicted of the same offence. This is also called "fitting the punishment to the crime."

### **Crimes that are Punishable by Death**

When a person comes into conflict with the law by committing a wrongful act that is classified as a crime, the task of the law is to punish the offender in order to fulfil one or more aspects of the aims of punishment. In terms of a crime the highest form of punishment is the death penalty. When a court of law passes the death penalty on an offender, he or she becomes a condemned person. They are referred to as condemned because they pay for the crime they committed with their lives, which is the ultimate punishment that can be meted out on a human being.

The death penalty has been with mankind ever since the formation of societies and the beginning of law in whatever forms it took. The methods of execution are many and varied. As societies advanced so have the methods of executions, from the most primitive method of burning a person to death, to the most sophisticated method of lethal injection.

### **Activity 2**

People who advocate for the abolition of the death penalty are called *abolitionists* whereas the people who support the death penalty are called *defenders*:

1. Hold a **traditional debate** in your class with a team proposing a motion to abolish the death penalty and another team opposing the motion. Remember that in a traditional debate, teams consist of three people composed of the main speaker who states the team's main points, the second speaker who counters the opposing team's main speaker's points and the third who summarises the team's main points. There is also the chairperson who moderates the debate, the judges who decide the winning team according to the points and the manner of debating and a timekeeper who keeps time. The rest of the class are the audience who are also given a chance to state their positions on the motion after the teams have spoken but before the judges make their decisions. However, the audience's views do not attract points.
2. Write an editorial for your school magazine titled, *In my opinion*, about the death penalty.

### **Procedures in a Civil Case**

Whereas criminal law is a single branch, civil law is subdivided into several sections. Unlike in a criminal law procedure where the process is similar despite the type of court trying the case, there are variations in civil proceedings depending on the type of court.

There are five types of courts in Zambia that hear civil cases:

1. Local Courts
2. Subordinate Courts
3. High Courts
4. Industrial Relations Court
5. Supreme Court

- **Civil Procedure in the Local Court**

The procedure is generally informal because the aim of the proceedings is to administer necessary justice. These courts have not adopted complex procedures because most of the people who use these courts are not very educated and cannot easily understand complex court proceedings used in higher courts. Most of them are also too poor to afford legal representation. It is for these reasons that lawyers have been excluded from representing parties in local courts.

Civil proceedings in a local court start by *writ of summons* obtained from the court clerk by the *plaintiff*. A plaintiff is a person or persons with a complaint. Local court *summons* costs little to allow as many people as possible access to the courts. The court clerk fills in the particulars of the plaintiff and the *defendant*, a term given to the party being accused of a wrongful act or omission. The nature of the claim and the date of trial are also filled in. The summons is then *served* on the defendant at his or her residential address. A copy is left with the defendant.

During trial, the plaintiff will state his or her case against the defendant. His or her witnesses will also testify. To testify is to give evidence. When the plaintiff has closed his or her case, the defendant will also state his or her case and will be cross examined by the plaintiff. Witnesses will also testify before the defendant closes the case. The court will retire, which is going away to a separate room to consider the case, after which a decision will be reached, followed by judgement.

- **Civil Procedure in Subordinate Courts**

In these courts, the parties are required to follow strict rules of procedure. The plaintiff is required to give the defendant copies of the documents which they intend to rely upon during the trial.

The procedure begins with the serving of the *writ of summons* on the defendant.

During the trial, lawyers are permitted to represent parties. Examinations in chief, cross examinations and re-examinations will take place before parties close their cases. After both parties close cases, the court will consider and deliver judgement.

- **Civil Procedure in the High Court**

Procedure in a high court is formal. The plaintiff must file in a *statement of claim*, which is not required in the subordinate court. The Statement of Claim is served together with a *writ of summons*. The defendant will fill in the *Enter of Appearance* form together with *defence*, which is a response to the statement of claim. Trial will then take place leading up to the final submissions and then judgement. If the case is one of claim, a *warrant of distress* will be served on the defendant to seal the judgement. Where the amount of claim is known, a *specialty endorsed writ* will be served on the defendant.

There are cases that come before the high court that are heard in *chambers*, which is the office of the judge. The word ‘chamber’ in this instance means private. We learnt earlier that court proceedings are preferred to be conducted in open court so that justice is seen to be done. However, there are cases that are classified as *chamber matters*, meaning that it is in the best interest of the parties concerned for the matter to be heard in privacy. Some examples of the chamber matters are:

- Uncontested divorce actions
- Application for an order of vacation in a property repossession
- Application for order of company dissolution also known as liquidation
- Application for maintenance in case of a divorced spouse and children

- **Procedure in the Industrial Relations Court**

This court handles only industrial matters, which are cases pertaining to employer versus employee relations. Procedure is similar to that of the high court. Lawyers are allowed and appeals go to the supreme court.

- **Civil Procedure in Supreme Court**

The procedure is similar to that found in the high court except that the supreme court does not conduct trials because its purpose is mainly to hear appeals, hence the reason it is referred to as the *Court of Appeal*. It only conducts trials in cases that a particular law expressly gives it power to hear, such as, a presidential elections petition. The procedure during an appeal is like the one in a high court. Lawyers are allowed to represent parties.

### Activity 3

#### Word Search

D	A	C	H	A	M	B	E	R	S	F	P	L	E	A	M
X	L	M	J	R	E	O	D	E	U	Y	L	A	A	L	I
S	C	S	F	R	R	U	E	A	M	G	A	E	R	L	T
A	C	G	W	E	W	R	P	S	M	I	I	S	N	I	I
D	M	F	R	S	Q	R	R	O	O	N	N	T	E	N	G
U	M	C	I	T	R	G	I	N	N	G	T	R	S	T	A
L	I	R	T	P	D	S	M	S	S	L	I	E	T	H	T
O	T	S	D	R	D	L	A	S	S	N	F	A	O	E	I
P	E	O	S	E	O	A	F	I	F	O	F	M	P	H	O
C	R	O	S	S	E	X	A	M	I	N	A	T	I	O	N
G	V	A	R	I	L	A	C	A	T	O	M	O	N	U	C
F	N	B	E	D	T	T	I	D	O	V	E	O	N	S	A
C	U	E	E	D	E	F	E	N	D	A	N	T	O	E	T
X	R	T	F	O	R	T	Y	S	O	M	E	Y	L	Y	W

Copy the **word-search box** into your books. Work in groups to find the answers to each of the questions below and then find the correct word in the word-search box and circle or shade it.

1. The act of seizing and confining someone suspected of wrongful doing  
.....
2. Response an accused person gives when the charge is read to him or her  
.....
3. Appeal for a less severe sentence by giving compassionate reasons  
.....
4. This is a Latin phrase meaning the accused person has been found with a case to answer  
.....
5. This is the questioning that tries to cause doubt of the evidence given by the Examination in Chief  
.....
6. The name given to the person or persons who feel they have been wronged and have taken the case to court  
.....
7. The person or persons accused of a wrongful act before the court of law  
.....
8. A document asking someone to appear before a court of law  
.....
9. A written order issued by a court of law to somebody to do or not do something. ....
10. Office of a judge. ....

### **Ideas for Action Projects:**

1. Visit a court house near your school during trial and make a comprehensive report describing:
  - Sitting arrangement
  - Roles of the persons present
  - Facts of the case
  - Procedure
  - Outcome, if possible.
2. Invite a guest speaker who is in the legal profession to talk to you about criminal and civil procedures in the Zambian court system.
3. Simulate either a criminal or civil procedure court trial.
4. Investigate rights of suspects by interviewing people who have experienced the justice process.
5. Do a profile of a convicted person: either an ex- prisoner or one currently serving a prison term.

# CHAPTER 6

## GENDER EQUITY AND EQUALITY

### Specific Learning Outcomes

- Define gender, gender equity, gender equality, gender discrimination and stereo-typing.
- Outline the historical background of gender.
- Describe gender roles, sex roles and stereo- type and gender gap
- Discuss the social construction of gender.
- Analyse the 1989 Intestate Succession Act.
- Compare and contrast gender issues in traditional and modern society.
- Evaluate the work of governmental and non-governmental organisations and institutions that advocate for gender equity and equality.

### Definition of Gender

*Gender* is defined as socially constructed and varying roles that men and women play in their daily lives. It is a cultural concept used to classify and categorise the differences between women (females) and men (males) and the respective roles that they play in society. Gender, unlike sex, does not refer to the biological difference between women and men but rather refers to the social, cultural economic and political relationships, attributes and opportunities associated with being male or female. By contrast, *sex* is a physical or biological concept which determines the state of being female or male.

### Gender Equity

Gender equity refers to a process by which women and men are treated fairly in accordance to their respective needs in society. Equity programmes, therefore, favour treating women and men differently in order to achieve their equal status.

A policy that has been used to promote fairness and foster equal opportunities is *Affirmative Action*, which is also referred to as *positive discrimination*. Positive discrimination is a policy with special measures which are aimed at creating a state of equality between females and males through the implementation of policies and programmes aimed at elevating the status of the disadvantaged. For example, the Ministry of Education has been following a policy of affirmative action to maintain the proportion of girls at the Grade Seven (7) and Nine (9) levels of education. The

selection pass mark for girls is relatively lower than that of boys. This is done in order to encourage and retain female participation in the school system.

## Gender Equality

This is a concept which states that all human beings, that is, girls and boys, women and men are free to develop their personal abilities without limitations set by *stereo-*



*typed* rigid gender roles and prejudices. It means that the different behaviours and aspirations of all human beings are considered, valued and favoured equally. This does not mean that women and men have to become the same, but rather that their rights, responsibilities and opportunities will not depend on whether they are female or male. For Example, job offers in the employment sector should be done on merit as all human beings must enjoy the same rights and opportunities.

### Exercise 1

- (a) In your own understanding, define the meaning of the following concepts:
- (i) Gender
  - (ii) Gender Equity
  - (iii) Gender Equality
  - (iv) Discrimination
  - (v) Stereo-typing
  - (vi) Prejudice
- (b) The Ministry of Education should establish the same cut-off point for girls and boys for Grades Eight (8) and Ten (10) selection.  
Do you agree with this statement? Write an essay to support your view.

### Activity 1

- (a) In groups, carry out a survey on the number of boys and girls in each class at your school. In your opinion, is there gender equity and equality in terms of Grade Ten (10) selection?
- (b) In groups, visit any government institution other than the school or a civil society organisation. Find out the number of male and female workers in the institutions you have chosen. In your opinion, is there gender equity and equality? Write a report and present it to your class.

## The Background to Gender

The need for gender equity and equality is a direct result of the critical areas that concern women and the girl child. These areas of concern on one hand are a result of the biological difference between men and women while on the other hand are issues of women's socio-economic situation. Arising from their biological differences are women's need for ante-natal, maternity and post-natal clinics. Equally important is the family planning advice and methods since these are more important for the person who bears children. Some issues that affect women's socio-economic needs include:

- Violence against women in general.
- The persistent and increasing burden of poverty on women.
- Inequalities and inadequacies in and unequal access to health care education and related services.
- Inequality in economic structures and policies in all forms of productive activities and in access to resources.
- Inequality between men and women in the sharing of power and decision making at all levels.
- Lack of respect for and inadequate promotion and protection of the human rights for women.
- Gender inequalities in the management of natural resources and in the safeguarding of the environment.
- Persistent discrimination against and violation of the rights of the girl-child.
- Stereo-typing of women.

Although the principle of non-discrimination on grounds of sex is included in the International Bill of Rights, women and girls still suffer some of the worst discrimination all over the world. To this effect, the United Nations recognised the need for a human rights instrument that directly addressed women's issues.

In 1967, a declaration was made on the Elimination of all forms of discrimination against Women. However, this declaration did not effectively address the problems of female discrimination in the world hence the legally binding Convention on the Elimination of all forms of discrimination Against Women (CEDAW) was adopted in 1979, and is described as the International Bill of rights for women.

As the table below indicates, women in Zambia were also disadvantaged in so many ways.

<b>POSITION</b>	<b>WOMEN</b>	<b>MEN</b>
Members of Parliament	19	139
Councillors	95	985
Ministers	5	17
Deputy Ministers	4	32
Special Assistant to the President	1	4
Permanent Secretaries	10	27

Supreme Court Judges	3	8
High Court Judges	5	17
Industrial Relations Court	2	3
Magistrates	19	75
Local Court Justices	44	844

**Source: GIDD and Judiciary**

Zambia signed (CEDAW) in 1980 and ratified it on 21<sup>st</sup> June, 1985. By signing the convention, Zambia has admitted that women face discrimination or have their rights violated in their daily lives. Since ratifying CEDAW, Zambia has taken a number of steps to implement the convention. These include:-

- **The Setting up of the Gender in Development Division (GIDD)**

Following the demands of the Beijing Conference, the government began to address the discrimination of women by setting up a desk for women in the Ministry of Finance and National Planning, under the National Commission for Development Planning in 1995.

In 1996, the Government elevated the Women in Development Department to a Gender in Development Division (GIDD), which is the national gender machinery, at Cabinet Office.

The Division's main task is to co-ordinate, monitor and evaluate the implementation of gender related development policies, projects and programmes to ensure that gender is integrated in government administration. In 1999, the Committee on Legal Affairs, Governance, Human Rights and Gender matters was established to ensure that gender issues are given priority and prominence. GIDD has also facilitated the establishment of gender focal points in various line ministries and provincial administration headquarters.

- **Adoption of National Gender Policy.**

In March, 2000, the Government adopted the National Gender Policy. The policy aims at ensuring that men and women participate in, and benefit from the development process equitably.

- **Establishment of the Ministry of Gender.**

In 2005, the Ministry of Gender was established to be responsible for gender issues and concern in all sectors of development.

- **Signing of the Southern African Development Community Declaration on Gender.**

Zambia is also a signatory to the Southern African Development Community (SADC) Declaration which requires member countries to make gender an important element in the region's programme of action and community

building initiatives. The success of the policy declaration requires 30 per cent women representation in parliament.

### Exercise 2

- (a) 50% of the seats in parliament should be reserved for women. Do you agree with this statement? Write your opinion.

### Exercise 3

- (a) Copy the table below and write activities, tasks and responsibilities assigned as 'female' or 'male' by your society. The first columns have been done for you.

GENDER	POLITICAL	ECONOMICAL	CULTURAL	RELIGIOUS
Female	1. Singing and dancing during political activities	Selling 'chibwabwa' on the street	Being always submissive to male demands	Not preaching in some churches.
	2.			
	3.			
Male	Speak at political meetings	Occupy top positions	Decision-maker in the home	Preach at church
	2.			
	3.			

### Socialisation in Relation to Gender Roles

This is a process through which females and males are assigned certain roles and responsibilities based on the values of a particular society. Though not in a written form, socialization is a process that everybody in a given society is expected to undergo. The beliefs and values enshrined in the socialization process are passed on from one generation to another. In addition, socialization is based on patriarchal beliefs of the male dominance over women. This is particularly seen through agents of socialization such as the family, school, media and religious groups.

### Gender Roles

Gender roles are prescribed activities, tasks and responsibilities which are assigned as female or male by a society. They are influenced by cultural, political, economic, religious, age, class and racial factors.

In most African societies, some roles are played by both women and men, while others are specifically conducted by a particular sex. The following are some of the examples of common gender roles:

- Business enterprise
- Water resource management
- Farming

- Gathering
- Tourism
- Crafts Work
- Environment Management.

Some of the specific roles assigned by society for women include:

- Health care provision
- Food preparation
- Pottery making
- Mat and basket weaving
- Crop harvesting
- Cutting grass for thatching
- Harvesting

On the other hand, some of the specific roles assigned specifically for men are:

- Breadwinners and family defenders.
- Attending of social and political meetings
- Cattle herding
- Bush clearing and felling of trees
- Hunting
- Decision-making on important issues in a home.

In modern society, the above roles are performed by both men and women. This is because gender roles are not fixed but constantly change due to the dynamic nature of society. Girls, boys, women and men in society operate within specific gender relations which are a reflection of a particular society.

### *Sex Roles*

**Sex** is a biological term which refers to the exclusive physiological differences between females and males. **Sex roles** are, therefore, roles which females and males perform on the basis of their reproductive physiological or biological make up. **Sex roles** are generally the same in all societies because they are biologically determined. For example, sex roles for women may include child bearing and feeding, while those of men include siring.

### *Sex Roles Stereo-type*

This is a belief that males and females, by virtue of their sex, perform certain roles. It is a belief or myth (not necessarily factual) that associates certain traits of behaviour or acts with different sexes.

### **Activity 2**

In groups, carry out a survey on the sex role stereo-types practised in your area. For each, establish its root cause. Report your findings to the class.

### **Agents of Socialisation**

The following institutions are some of the agents of socialisation.

## **The Family**

The family is the primary agent of socialisation. It provides the first teaching for boys and girls. Socialisation is carried out by parents and relatives living within the family. From childhood, girls and boys are socialized to believe that girls are inferior to boys in all aspects of life. The social and cultural attitudes tend to favour the boy child. For example, the birth of a male child in a home gives parents more joy than that of a female child.

A male child receives the bulk of available resources as well as parental attention, health care and education. A girl child performs more house chores than a boy child, thereby, leaving her severely disadvantaged in terms of educational opportunities. It is believed that girls will ultimately find husbands to support them.

Similarly, women are made to believe that they are inferior to men. During pre-marital and initiation ceremonies, women are strictly taught to respect and please men. Zambia, being primarily a patriarchal nation, a tradition of male monopoly in the home is still common and is seen especially in decision-making over:

- control of resources
- sexual relationship and use of contraceptives
- polygamous marriages

## **The School**

There are persistent sex differences in educational processes within schools, based on cultural beliefs about sex differences between women and men in both character and ability. Female and male learners are subjected to different socialization in the school system. The formal education provided tends to confine girls to domestic and household levels seen through the kind of subjects they take. For example, most girls tend not to take Mathematics, Science and Industrial Arts subjects like Metal or Wood Work, Technical Drawing and Geometrical and Mechanical Drawing. The practical subjects that they prefer to take include Home Economics, Food and Nutrition, Fashion and Designing and Typing. These subjects relate to their future roles as mothers, home makers and child carers.

The school curriculum also has an impact on the process of socialization in the system. Some textbooks that the learners use usually portray females and males differently. They depict women and men in traditional roles and occupations which are sexually segregated.

- **The Media**

The Media in Zambia, like other agents of socialization, has continued depicting the position of women as being subordinated to men. The relations between women and men should not be antagonistic, but rather friendly. Unfortunately, the message in most songs are based on the patriarchal nature of society, normally describing the place of a woman as a wife in the home.

Some of the songs played on radio and television describe the immoral behaviour of women while others emphasise their total submission to men. It is also important to note that most of the Zambian popular song lyrics are sung by men. Women are usually used as dancing “Queens”. This gender stereotyping is also portrayed on television and in newspaper advertisements, most of which are biased against women. Other examples are in the form of articles and news letters which equally portray women as being subordinate to men.

- **Religious Institutions**

Religious institutions play a key role in the socialisation process from early childhood. In general, all religions teach that women should be submissive to men. Also, men are recognised as leaders. They preside over all religious ceremonies while females are assigned subordinate roles such as cleaning the church. However, in modern societies, some religions allow women to assume leadership positions.

### *Gender Gap*

A gender gap is a measure of inequality in any particular socio-economic indicator and which may be defined as the difference in any aspect of the socio-economic status of women and men. It is not just a female male difference, because it does not arise from biological differences. This is a gap which arises from the different gender roles and social locations of women and men. Gender gap is observable and even measurable. It reveals the percentage difference between the number of women and the number of men in a particular socio-economic category. *A gender issue* arises where there is an observable gender gap, where women are aware of it and consider the gap unfair.

### **Peer Groups**

These are groups that generally comprise people of the same age. Peer groups are quite influential in the socialisation process because individuals within the group learn or copy certain behavioural traits from each other.

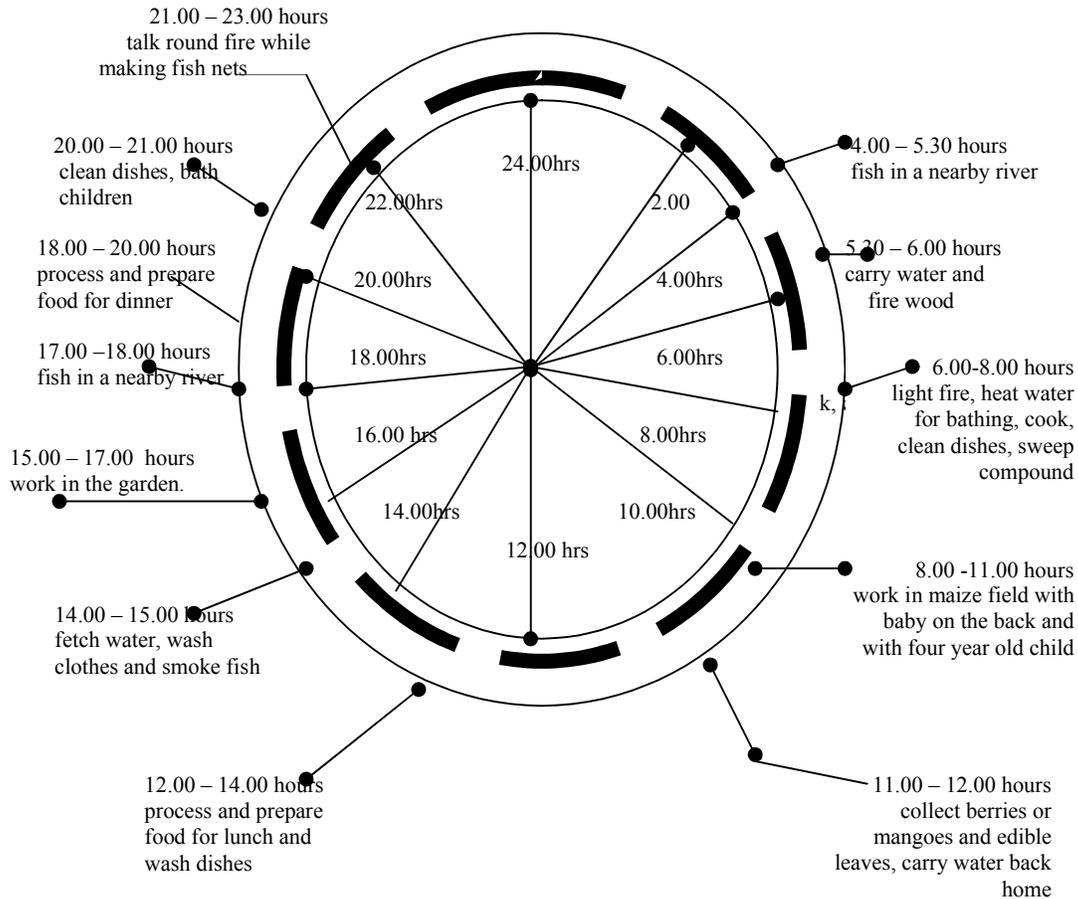
Examples of peer groups are many because they involve children, adults or elderly people. Young boys and girls are one illustration of peer groups, because they may influence each other in numerous ways, such as sex, music, dressing styles or walking styles.

### **Exercise 4**

1. (a) Define socialisation.  
(b) Identify the agents of socialisation in your area.  
(c) Analyse the roles that the agent of socialization performs.

2. Study the diagram below and answer the questions which follow:

**A DAY IN THE LIFE OF A WOMAN FARMER**



*Source:- Immediate school kit on the United Nations.*

**Questions**

- (i) Make a list of the duties that you perform daily.
- (ii) Arrange your duties under the following headings: studying, gardening, playing, washing plates and others.
- (iii) Work out how many hours out of twenty four (24) you spend each day.
- (iv) Draw a bar graph using the same headings as in no. (i)
- (v) What is your overall view on how the woman described in the diagram above spends her days? Write a short essay.

### 3. CASE STUDY

#### *The Little Mother*

*This is a story of the only girl in a large family of eight (8) brothers. Her father often left home for work around 08:00 hours in the morning and would not return home. Whenever he was home at the weekends, the girl even had more work to serve him. The mother was constantly in the field farming. She had to leave early in the morning to make the most of her energy. So the girl had to do everything in the house. She had to attend to her brothers and get them ready for school. She would wash the dishes daily and clothes for everyone during the week-end. Her education suffered as a result. She was constantly late for school and hardly ever had time to do her homework. Because of this, the teachers labelled her a 'lazy' girl. She repeated twice and still had problems with her school work. When she was told to repeat yet another year, she could not take it any more. She decided to leave home in the village and go to the city in search of a job. She was getting too old for school, and nobody cared. Her family cared only for her services while the boys had all the opportunities for their education. After two weeks of searching, she still had no job. She finally found herself working as a prostitute.*

#### **Questions**

- (i) How do you feel about the story above?
- (ii) Does this scenario occur in your community?
- (iii) Should housework only be done by girls?
- (iv) Who is responsible for the girl's discrimination in the story?
- (v) What things should your community do to avoid such situations?
- (vi) How can you make your community be aware that girls and women are equal human beings to boys and men?

#### **Activity 3**

Identify particular roles that a local church plays in providing education for women and children in your community in relation to the promotion of gender equity and equality.

#### **The Intestate Succession Act (1989)**

The Act was enacted by the Zambian parliament on May 14, 1989, in order to make a provision for a law with regards to intestate succession that would be given to the whole country. The Act is a stipulated guide meant to facilitate ways of ensuring adequate financial and property sharing for the surviving spouse, children, parents of the deceased and any other relatives of the deceased person. This is in a case where a deceased person did not leave a *will* as to show how the property, legally referred to as *estate*, should be shared among the entitled persons or *beneficiaries*. A *will* is a document that outlines how the finances and property of a deceased person should be distributed among the beneficiaries. The Act also gives a guide as to how other matters relating to the deceased should be handled by an *administrator* of the estates.

The administrator is a legally appointed person who acts on behalf of the state, in handling matters of a deceased person. He or she is not paid for discharging of his duties and is not part of the beneficiaries of the estate except where there is need for reimbursement of expenses.

### **Distribution of the Estates**

Under the Intestate Succession Act, the distribution of the estate is as follows:

- 50 percent for the children, taking into consideration their ages and educational needs. Children include those born within the marriages as well as those born out of wedlock. In a situation where there are no children this percentage goes to the parents.
- 20 percent, for the surviving spouse(s), widow (s) or widower. This means that in case of a polygamous marriage, the percentage shall be distributed among all surviving spouses. However, the distribution is done according to the duration of the marriages and the spouses' contribution to the deceased property. If there is no spouse, the 20 percent shall be given to the children.
- 20 percent, for the deceased is for parents. In a case where there are no parents, the 20 percent portion shall be distributed among the spouse, children and dependants, and
- 10 percent for the dependants, if any.
- It is important to note that the brothers, sisters and any relatives of the deceased are not part of the beneficiaries. However, they can only benefit if there are no children, parents and dependants. In this case, the relatives get half and the surviving spouse(s) the other half of the estate.

### **Personal Chattels and House**

*Personal chattels*: include things like clothing, household goods, agriculture and hunting equipment, books and many others. These are exclusively for the surviving spouse(s) and the children.

*The house* is for the surviving spouse(s) and the children. However, the surviving spouse only has a *life interest* in the house. He or she can only remain in the house as long as he or she lives and does not-remarry. If there are more than one house or cars, they shall be distributed accordingly between the spouse and the children and the relatives of the deceased. A breach of any part of the Intestate Act constitutes a criminal offence. This means that *property grabbing* is strongly prohibited under this Act.

### **Practical Problems and Limitations of the Intestate Act**

- Customary law of inheritance in practice in Zambia does not protect the widows and the orphans due to the patriarchal nature of the Zambian society. Therefore, property grabbing is still rampant even with the existence of the Intestate

Succession Act. This is inconsistent with the Universal Declaration of Human Rights.

- A 'common law marriage' or 'marriage by reputation' is a situation where a single woman and man live together as husband and wife without dowry or bride price. This is often referred to as co-habitation. A child born in this background should fully enjoy his or her rights. However, courts sometimes reluctantly recognize such unions which are not bound by bride price.
- Children born out of wedlock if not known or recognized by a surviving spouse, do not benefit from the property of their deceased parent and the law is not protective.
- Section 10 of the Intestate Act provides for the surviving spouse to have life interest in property like the house and that if she or he remarries she or he loses the rights to the house. However, the Act seems to be applicable only to widows and not widowers.
- Erring administrators must be punished under section 29 of the Intestate Act. However, practically and traditionally, this does not happen for fear of breaking cultural norms and customs.
- Section two of the Intestate Act does not favour and protect women over the control of traditional land which is primarily governed by customary laws. The Act is supposed to be above customary laws and Human Rights should not be violated.
- The Intestate Act supports the legality of polygamous marriages. In real sense, this deprives the first wife of her rightful status and position in a marriage. Moreover, polygamous marriages may be a risk in this HIV and AIDS era.
- The Intestate Act does not have a provision for assistance of the vulnerable children, especially complete orphans who may have been affected by the HIV and AIDS pandemic. Some of these children have no relatives to support them and hence find themselves in an economic crisis. The Act has no clear cut clues or statement encouraging relatives to support the deceased person's children.

### Exercise 5

- (a) Define the following terms
- (vi) A will
  - (vii) An Estate
  - (viii) An Administrator
  - (ix) Personal chattels

Read the following case study carefully and answer the questions that follow:

*A Twenty six year old widow and her two children were deprived of their share from rentals realised from the house that was left by her husband.*

*The widow complained that after her husband, Mr Mabvuto, died, his relatives got most of the property, including the house. They were collecting rentals from the house without supporting the children. In addition, no administrator was appointed to take care of the estate.*

*The widow was advised to go to court and have an administrator appointed, through whom the matter would be pursued.*

**Source:-**

***Picking up the pieces of Justice. A compilation of cases on inheritance and other issues reported to network member organizations. . .***

**Questions**

- (a) The deceased man in the passage ‘died intestate.’ Explain the meaning of this phrase.
- (b) Other than a house, the deceased owned two cars and 10 herds of cattle in his village.  
Briefly explain how this property should be shared among the beneficiaries.
- (c) Imagine that you are an employer in the company the late Mr Mabvuto worked for. His benefits amounted to Twenty Million Kwacha (K20,000,000.00)

Copy the table below and calculate the percentages in terms of amounts for the beneficiaries as indicated.

Name of Beneficiaries	Amount
Widow/widower	
Parents	
Dependants	

**Gender Issues in Traditional and Modern Society**

In both traditional and modern societies there are certain features that are peculiar to both societies as far as gender issues are concerned. However, there are also cross-cutting differences.

**Comparisons**

- In both traditional and modern societies, there is a general misconception that regards women as inferior to men because of following both the customary and statutory laws. This is referred to as *dual system*.
- Tribal warfare, military force and male bravery and strength are usually attributed to men and not women. In cases where women have participated in war, they are not put in front line battle field.

- Land is predominantly owned by the men folk in the categories of husband, brothers, uncles and nephews. There are rare cases where a woman has been allowed to control and use the land of a deceased husband. This is due to the patriarchal nature of the *Zambian* society. The statutory and customary laws which govern the *Zambian* legal system are gender biased. They do not really help women to own and inherit land on an equal basis with men.
- Insufficient decision-making power in a home is experienced by most married women who find themselves in unfair situations as they strive to engage in business ventures meant to economically empower them. Their husbands have to decide for them the kind of business they should undertake. In addition, they also control the income generated from businesses run by their wives.
- A tradition of male monopoly of control over female reproduction has to an extent continued even in the modern society. It is believed that the husband has the right to control the sexual relationship in a home. He controls the use of condoms and in a way, this makes it difficult for a woman to protect herself from pregnancy, or contracting HIV/AIDS and other Sexually Transmitted Infections (STIs).
- Polygamy is still widely practised in *Zambia*, even when the economic situation may not favour this practice. Generally, Polygamy is another patriarchal element in traditional African society. It gives and makes a man retain the rights of a potential polygamist. For example , in a childless marriage where a wife is infertile, a husband may easily marry another woman but not vice versa.
- Women and their girl children spend more hours of work than their counterparts. In most African rural areas, for example, women carry out most of the agricultural activities as well as other tasks like preparing food, gathering firewood and collecting water.

### **Contrasts**

- Traditionally, women were socialized to be passive and obedient while men were taught to be aggressive and dominant. The male traditional way of using physical violence as a way of controlling women is now being addressed by various law enforcement agents that deal with violence against women.
- To ensure gender equality, men and women can now mix and participate together in all areas of development. Traditionally, the source of power and influence in society was solely in the hands of men. However, women are now free to participate in the decision-making process. Formal positions of leadership can also now be held by both women and men.
- Women subordination in a marriage relationship due to *Lobola* or *Bride price* implied that women had little choice to abandon marriage. Marriage issues were not to be discussed in public as that would cause embarrassment on the man's side. However, women are now able to exercise their human rights and their concerns and grievances are being addressed by the courts of law.

- Traditionally, girls and women were expected to do the housework. Similarly at school, most of the work concerning the cleanliness of the environment was mainly done by girls. To achieve gender balance, the trend has now changed. Both genders are now encouraged to actively participate in bringing about social development at home and at school.
- To help curb the spread of HIV/AIDS and other Sexually Transmitted Infections in society, issues of sexual relationships between girls and boys are today freely being discussed by parents or legal guardians of the children. In the traditional African society, talking about such issues openly was a taboo. This task was left to grandparents or cousins of adolescent children.

### **Exercise 6**

1. Discuss the following motion, ‘Lobola or bride price should be abolished in Zambia’.
2. Outline different factors which may contribute to the changes taking place today and how those changes affect both women and men in society.
3. A mother comes to visit her son only to find him washing nappies and cooking while her daughter-in-law relaxing with a magazine on the sofa or chatting with her friends. Comment on this scenario.

### **Governmental and Non-Governmental Institutions that advocate for Gender Equity and Equality**

There are a number of governmental and non-governmental organisations and institutions that advocate for gender equity and equality in Zambia. Some of these are discussed below:

#### **The Zambia National Women Lobby Group (ZNWLG)**

The Zambia National Women Lobby Group (ZNWLG) was formed in 1991 by women from Non-Governmental Organisations and political parties concerned about the discrimination that women suffer and their poor representation in government and other public offices.

The ZNGLW is established in the following provincial headquarters:

Copperbelt (Kitwe)  
 Eastern (Chipata)  
 Western (Mongu)

The objectives of the organization are:

- Promotion of equal participation and representation of women and men in decision-making.

- Cultivation and promotion of a culture of gender equality and equity and respect for women's rights through changes in attitude, language and legal procedure.
- Undertaking training and managing resource mobilization programmes meant for capacity building, lobbying mechanism, advocacy and information dissemination and networking.

The ZNWLG has successfully conducted a number of programmes, some of which include:-

- Capacity building for female aspiring candidates for elections.
- Civic education relating to constitutional matters.
- Monitoring and observing elections.
- Holding monthly discussions on national and topical issues.
- Conducting community debates on topical issues.
- Information dissemination through publications.

### **Justice for Widows and Orphans Project (JWOP)**

The project was established in 2001 under the support of the embassy of Finland. Its main objective is to disseminate information on the rights of widows and orphans.

The project has managed to highlight and publish cases of violation of human rights committed in society so that they are addressed appropriately. It has also conducted sensitization programmes for community leaders and the general public. This is to help them understand and appreciate the importance of protecting the rights of the vulnerable groups in society.

### **The Young Women Christian Association (YWCA)**

The Young Women Christian Association (YWCA) is a Christian Organisation dedicated to the empowerment of women for a better community. The advocacy programme which falls under the Women's Human Rights (WHR) Programme was established in 1993 following the finding of a study on cases of violence against women. The organization aims at:-

- ensuring that women know their rights, duties and responsibilities in society.
- helping women realize their full potential as human beings and the contribution they should make to advance themselves, their families, community and the whole country.

### **Zambia Association for Research and Development (ZARD)**

ZARD is a non-governmental organization formed in 1984 with an aim to uplift the status and positions of women through action-oriented participatory and gender sensitive research. ZARD undertakes research activities aimed at promoting gender balance in society. Its findings are disseminated through seminars and workshops. In addition, ZARD advocates, publishes, networks and undertakes consultancies based on women empowerment.

### **The Zambia National Association for Disabled Women Organisation (ZNADWO)**

ZNADWO was formed in 1992. Its aim is to develop programmes for empowering women. The organisation also works in collaboration with the established associations in improving the plight of women with special needs.

### **Zambia Alliance of Women (ZAW)**

The Zambia Alliance of Women (ZAW) was formed in 1978 but formerly registered in 1982. ZAW is involved in the following advocacy programmes for women:-

- Advocacy for women's rights as human rights, gender sensitization and popularizing CEDAW (Convention on the Elimination of All Discrimination Against Women).
- Promotion and enhancement of women's rights, women and inheritance, women and education and women and development in general.
- Advocacy for good governance and promotion of peace.
- Eradication of poverty through food security.
- Research and documentation in socio-economic programmes and in health and education matters.

ZAW has made the following achievements:

- Spearheaded the SADC Regional Rural Industrial Study to promote industries such as pottery, basketry, baking and fish processing, in order to economically empower women.
- Promoted house food security through crop diversification projects at village level.
- Developed agro – forestry programmes.
- Rendered support to mainly rural self-help pre-schools and health centres.

### *Zambia Police*

The Victim Support Unit (VSU) of the Zambia Police was formed in 1994 and started operating in 1997. This unit has established offices in most police stations in the country. It mainly deals with cases of violence most of which affect women and children. The general aims of the police service include the following:-

- Preservation of Life
- Protection of property
- Prevention of crime and
- Maintenance of peace in society.

The Legal Affairs, Governance, Human Rights and Gender Matters Committee. This is a committee of parliament which is expected to study government policies and activities to ensure that there is gender equality and equity.

*Activity 4*

- a) Identify governmental and non-governmental institutions that advocate for gender equity and equality in your local area.  
Invite a resource person from any local non-governmental organisations (NGO) or government institution involved in gender advocacy to come and talk about gender equity and equality for national development.
- b) Evaluate the work of organisations and institutions that advocate for gender equity and equality.

**Exercise 7**

- (a) Discuss the importance of women participation in political parties and other decision-making bodies. Write an essay.
- (b) Match the statements below the table with the organisations or institutions in the table. Write the number of the statement that corresponds to the activity of each organisation or institutions.

<b>JWOP</b>	<b>ZAMBIA POLICE</b>	<b>ZARD</b>	<b>YWCA</b>	<b>ZNADWO</b>	<b>ZNWLG</b>

1. Concerned about the discrimination that women suffer and their poor representation in government and other public offices.
2. Disseminates information on the rights of widows and orphans.
3. Helps women realise their full potential as human beings.
4. Undertakes research activities aimed at promoting gender balance in society.
5. Develops programmes for empowering disabled women.
6. Deals with cases of violence.

Imagine that you are a project coordinator for a particular organization.

- (i) List down the barriers that women seeking financial independence face in your culture.
- (ii) Develop a list of strategies that women could use to support and help each other gain greater empowerment.
- (iii) Explain the importance of women participation in parties and other decision-making bodies.

*Ideas for Project Work*

1. Conduct a research into the health care giving roles of women and men in society. Interview some male nurses. Find out what gender issues and challenges they face in such a female dominated profession.
2. Select advertisements in the media in which both women and men are shown carrying out various duties in the community. What stereo-typed images of women and girls have you identified in your local media? Develop a set of practical guidelines through letter writing to make mass media more sensitive to gender inequality.

3. Investigate the history of marriage payments (bride price) to determine its changing uses and consequences through time.
4. Investigate and identify the policies and programmes that the government, in particular the Ministry of Education, has put in place to eradicate gender inequalities.
5. Visit your local community and find out the activities of fathers and mothers in a home. Analyse the social differences and causes of these differences.
6. Organise a video show or pictures depicting the life of a woman in Zambia. Identify gender roles. How are women oppressed and why?
7. Carry out a research on what parents, teachers and the media can do to reinforce positive images and voices of girls and boys in society.

# CHAPTER 7

## A CULTURE OF PEACE

### Specific Learning Outcomes:

- Define peace, conflict and a culture of peace.
- Describe methods of promoting peace
- Discuss forms of conflict at various levels.
- Analyse causes of conflict at various levels.
- Assess the effects of various forms of conflict.
- Evaluate the economic and political gains of conflict.
- Describe conflict resolution strategies.

### Definition of Peace

The term **Peace** is defined differently by many people who use it. Some people define peace as the absence of war and violence. Others define peace as a state of harmony and brotherhood between men and women. Yet others define peace as unity of love. Other people have said that peace is a state of harmony with the environment and the planet. This situation leads to what is called environmental peace. This is because environmental problems have a bearing on peace. Where there is a state of balance with the environment in a society, peace prevails. But where there is perceived imbalance with the environment or in the distribution of economic, political and social resources, peace is disturbed and violence emerges leading to conflict. This is the case, for instance, with the conflict in Darfur region of Sudan where actors in the war are reported to be fighting over dwindling water resources.

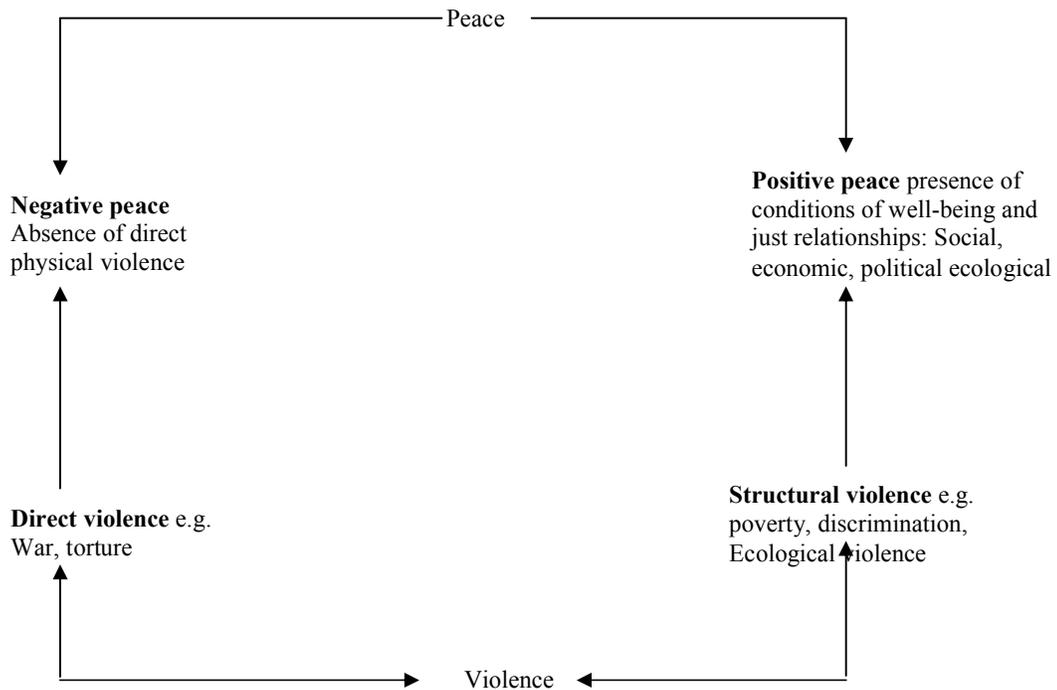


If peace is the absence of war and violence, then it means countries where there is no war and violence people enjoy peace. But in reality this is not true. We know of many countries that have never fought wars with any country and yet there is no peace in those countries. What this means is that peace is not just the absence of war and violence. It goes beyond these two definitions. Therefore, in defining peace we must say that peace is the presence of justice. If a family, community, society or country practices justice, it will be very hard to create a situation of violence and conflict. As it is said, "If you want peace work for justice."

Some peace thinkers have abandoned the idea that there is a single or all-embracing definition of peace. Instead, they promote the idea of many peaces which they call “plural peaces.” They argue that since no singular, correct definition of peace can exist, peace should be perceived as a plurality. For example, in the Great Lakes Region of Africa, the word for peace is Kindoki, which refers to a harmonious balance between human beings, the natural world and the cosmos. This vision is a much broader view of peace than a mere “absence of war” or even a presence of justice.”

Another meaning of peace refers to **inner peace**, which is a state of mind, body and perhaps soul. It is a peace within ourselves. People that experience inner peace say that such a feeling is not dependent on time, people, place or any external object or situation. An individual may experience inner peace even in the midst of war. Some people say that peace and quiet go hand in hand. In this way, peace can mean a state of quiet or tranquillity or an absence of disturbance or irritation. As a result of this understanding, many people find the natural world to be peaceful and, therefore, may visit quiet places like forests, lakes or other natural things. Mahatma Gandhi’s idea of peace was that peace is not an end, but a means to something else. He stated that “there is no way to peace; peace is the way” to some destination.

Yet another view of peace is one which subdivides it into “negative peace” and “positive peace”. In this definition, peace is the absence of “direct violence” and “structural violence.” The following diagram explains the meanings of the above terms.



### Methods of Promoting Peace

Peace is very central and important to human affairs and development. Without peace, development suffers. Peace is a basic requirement of development. Many investors wishing to promote or introduce development require peace as a pre-requisite. Therefore, peace and development often go together.

There are various methods by which peace may be promoted and brought about. The methods vary depending on the level at which peace should be promoted. Peace may be among individual persons, married couples, families, small communities, ethnic groups, nations or regions. Peace is also required at the global level.

The following are some of the methods of promoting peace:

*Intermarriages* – among people of different ethnic groupings, intermarriages are a good method for promoting peace. Some chiefs in the past used to ‘send’ some of their subjects or children to go and marry into a foreign tribe as a means of forging friendship.

*Friendship* – making friends with people secures peace and there are different degrees of friendship which could be created among people of different locations or origins. Among some ethnic groups, a deliberate process of exchanging human blood in a ritual is conducted. This is called *sikwamanyinga* in Lozi. This act of friendship-making is so strong that peace among such people is guaranteed for ever.

*Reciprocity* – This is a process where two or more different people exchange gifts or favours in a mutual manner. When one person gets a gift, he/she gives something back in appreciation.

#### *Mutual Aid*

This type of creating peace involves exchanging help, assistance or aid in time of problems. When one person or group of people are experiencing problems, the other people come in to give help. At some other time, the person or people who gave help may themselves experience problems, at which time they may be assisted by the person or people who were assisted last time. In this regard, the assistance is being mutually exchanged or interchanged.

#### *Forgiveness*

When somebody has committed an offence and people become kind enough to forgive such a person, peace can be generated. But often, a pre-requisite to forgiveness is apology and humility on the part of the offender.

#### *Tolerance*

This refers to a way of living with and accepting different or opposing viewpoints. This process often creates peace because people expressing different viewpoints are assured of being accepted and not condemned or punished.

#### *Respect*

This is very fundamental. It involves respecting other people's cultures, opinions, ideas, beliefs, religions, languages and human nature in general. African cultures emphasize respect.

#### *Justice*

This refers to being fair and not being segregative in the manner we relate to other people. In this way, complaints which could lead to conflicts may be reduced.

#### **Challenges to Peace**

One challenge to peace is that some people argue that war and violence is organic, meaning that war and violence are inevitable and unavoidable features of human society. But other people argue that generosity and good heartedness are predominant. Another challenge is that peace and justice are sometimes viewed as contradictions in practical terms. If one believes that the only way to prevent injustice and create justice is by force, then such a person believes that justice requires hostilities and war. This approach is exemplified by the belief of Allied forces during the Great War in Europe where Allies argued for a "War to end all Wars". Unfortunately although the Allies won the war, the resulting "peace" Treaty of Versailles only set the stage for the even Bloodier World War II. Therefore, peace and justice may not always be achieved by war. Yet another challenge to peace comes from people's desire to have power and to be at an advantage in relation to others. Such a situation often leads to competition

which may result into violence and war. This situation is seen in some religious and ethnic groups. These groups sometimes see themselves as being oppressed and, therefore, they resort to argue that violence and war are the only ways to defend their religions or ethnic groups.

### **Examples of Peaceful Countries**

- Sweden (1814 – present) – Sweden is the present day nation state with the longest history of continuous peace. Since its invasion of Norway, the Swedish Kingdom has not engaged in War.
- Switzerland (1848 – present) – This country is also famous for its long-lasting peace.
- Costa Rica (1949 – present) – Following a 44 day civil war in 1944, Costa Rica abolished its army in 1949. Since then, its history has been peaceful. This has earned the country the nickname of “Switzerland of the Americas”.
- Zambia (1964 – present) – Since its independence, Zambia has not gone to war with any country.
- Amish (1693 – present) – This is a sect of Anabaptists or Mennonites who are of Swiss/German descent. The Amish practice a peaceful life style that includes religious devotion, resistance to technological advancement and non-resistance. They rarely defend themselves physically or in court. They often object going to war as “on conscientious objectors”. Today, they live in close communities in 47 states of the USA, Canada and Belize.

In addition to peaceful countries, there is a **Nobel Peace Prize** which is awarded annually to notable peacemakers and thinkers who have overcome violence, conflict or oppression through their moral leadership. The prize has sometimes met with controversy because some of the people awarded may have previously sponsored war and violence but, due to exceptional agreements made with them, they may have helped to achieve peace.

### **Exercise 1**

1. From your own understanding of the word *peace*, how would you define or explain it?
2. Do you think there is peace in your school? Explain your answer.
3. Describe situations of conflict in your classroom or your school.

### **Conflict**

A just society will work harmoniously and will also be in a state of harmony with the environment. If you are not in harmony with the environment you will be in conflict

with each other as human beings. Conflicts will develop into violence. We can explain conflict as a quarrel, struggle or fight between two individuals, communities, societies or countries. Conflicts may be physical, which means directed towards the body. Violence, which is defined as extreme destructive force wilfully exerted against someone, is always negative, and begins in our minds. It begins in our minds only when we lose inner peace and harmony. It is also the first resort in conflicts. Conflicts occur when the idea, needs, interests or goals of individuals, groups of people or nations differ. Conflict shows itself through anger, hurt, frustration, resentment, disappointment, quarrel, physical fight, verbal fight or using abusive language.

Conflicts can occur at individual level in a household involving a wife and a husband or involving children in the same household. It is also common to witness conflicts between parents and their children over certain fundamental family issues such as marriage, farming land and other family properties (estates).

Conflicts can also occur at community, regional, national and international levels. At each level the causes for the conflicts vary. In our study, we shall identify a number of reasons or causes of conflicts in the world, with some examples coming from Africa and Zambia. The following activity illustrates conflict at an individual level.

## **Activity 2**

***Conflict generated in Search of Livelihood. This is a true story of two women in search of livelihood. But the names used are fictitious.***

*Hidaya and Nkem are two young female school leavers who have been out of school for one year. Faced with difficulties of finding a job, and coming from families which cannot afford to assist them further their education, both resorted to making good use of their time by educating other young people. They engaged themselves in drama and dance, wrote their own scripts and performed within their environment.*

*The community was pleased with the work these young women engaged in as there were always opportunities to learn from their performances. The commendation from the community encouraged the girls to seek assistance in improving their skills in drama. In pursuit of assistance, they went from one office to another, proposal in hand, presenting their case. In almost every office they approached, they were informed that their proposal was promising with excellent ideas but, unfortunately, “we are not in a position to assist you now”.*

*This went on for months, until one day luck came across their path through a chief executive of one of the organisations approached; his name was Mr Joseph Kaima. He promised he could assist but, being a busy person, the women had to come after office hours to present their case, at which time he would be less busy. The two young women went to see Mr Kaima who reassured them of assistance and explained the procedures which included a series of separate interviews to ensure individual seriousness. Both were given their schedules. One interview followed another and, the women were contented with progress. By the time Hidaya went for her third interview, she was sexually harassed by Mr Kaima. Disappointed, frustrated and let down, she narrated her encounter to her friend Nkem who advised her to report the matter to the*

*police. For lack of evidence the police could not assist Hidayah, as Mr Kaima denied ever having any physical relationship with the young woman. Reporting the case to the police also led to people in the community getting to know of the incidence.*

*Various versions of the incidence started being rumoured. Both young women became stigmatised and could not continue with their educational activities in their community.*

## Exercise 2

1. What is the source of conflict in this story?
2. What responsibility could the local community have in Hidayah's sexual harassment?
3. Could the police have done any better?
4. What advice can be given to young women such as Hidayah and Nkem for the continuity of their performance?
5. What should society do with people who behave like Mr Kaima?

## **Causes of Conflict**

It is very important for you to understand societies in conflict before you begin to prevent their conflicts. That is to say, if you want to understand conflicts you must first study the histories of the people in conflict.

We also need to know that violent conflicts have taken place in all continents, not only in Africa as it is portrayed in the media, especially on television, radio and in newspapers. Some causes of conflicts are:

- **History**

Research has revealed that historical reasons have contributed to emergency of conflicts in many parts of the world. The conflicts between Christian and Moslems in many parts of the Middle East have something to do with long standing animosities and mistrust dating back to the first millennium AD. It is also true that the interpretation of history may initiate a conflict between people as is the case in Rwanda and Burundi in the Lake Region of East Africa. The reasons for the unresolved conflict between the Lunda and Luvale in Zambia have something to do with their histories and how they are interpreted today.

- **Ethnicity**

Deep feelings against a group of people that do not belong to your own ethnic group can ignite deep frustration that can initiate conflicts between two ethnic groups. Normally, this happens where large groups are excluded from political and economic life on regional, ethnic or social reasons. Examples of these conflicts, illustrated by successional conflicts, come from Nigeria where between 1967 – 1970 Biafra, a province dominated by the Ibo ethnic group temporarily broke off from the country. They accused the Federal Government of Nigeria for excluding and discriminating against the Ibo people. Katanga (Shaba Province)

region temporarily broke off from the Congo (DRC) immediately after political independence in 1960 for the same ethnic reasons.

- **Imbalance of natural resource**

In the last 40 years population has increased very fast in many parts of the world. The increased population has put too much pressure on natural resources. It has threatened the economic survival of many local people. Such a situation has created opportunities for conflicts as local people fight for the scarce resources available. Burundi and Rwanda are good examples of countries where imbalance in the natural resources has created violent conflicts.

- **Immigration**

In a region where there is high population against few resources, massive foreign immigration breeds resentments by the host people. In most cases, such a situation leads to political violence. Examples are found in Central and Western Cote d'Ivoire (Ivory Coast) where an influx of immigrants has initiated serious **xenophobic** conflicts.

- **Economic and export resources**

Conflicts are often aimed at controlling or completely taking over economic and export resources especially in border regions. Boarder states sometimes fight over a piece of land that is suspected to have (or has confirmed) rich deposits of minerals. Such interstate conflicts have been recorded in many parts of Africa. For example: Chad-Libya conflict over the Aouzou Strip in 1973 – 94; Cameroon – Nigeria conflict over the Bakassi Island until 2004; Mali – Burkina conflict in 1986 and the Ethiopia – Eritrea conflict in 2001.

- **Mismanagement of Economic Resources**

Conflicts are also started by groups of people in countries where there is poor governance, corruption and widespread poverty. In such countries people know that national resources are mismanaged and such realization triggers serious resentment and political instability leading to conflicts. This is worse where a small minority controls the state.

- **Refugees**

As a result of many conflicts in Africa, the population of refugees is also increasing. Large numbers of refugees increase pressure on local resources of host communities. Sometimes, refugees use these areas as springboards for attacking their government forces. This result into the invasion of foreign troops into the host communities and, in so doing, initiating border incidents and fighting. For example, the border incidents that were experienced between Zambia and

Rhodesia (Zimbabwe) and between Angola (especially during the period of UNITA) and Zambia.

- **Poverty, illiteracy and unemployment**

In many Third World Countries poverty and inequality in accessing goods and services increase tensions that lead to conflicts in urban areas. It is in the **urban areas** where there are thousands or millions of the **unemployed poor people**, also known as the **Lumpen Proletariat** (in Zambia commonly called *Kaponya*) who are usually easy targets for war recruiters and political **extremists**.

- **Injustice**

Wherever there is injustice peace will never prevail. This is because injustice, which manifests itself in many ways, is the source of anger, frustration and resentment to the existing government. Wars of independence were fought in many parts of the world against the governments that did not practice justice. **Civil wars** are civil conflicts that are caused by unjust practice of the existing governments.

### **Activity 1**

#### **Conflict over Water: Sustainable use of the Kafue River**

You will be asked to participate in a panel discussion or role play which focuses on using the Kafue river amidst conflicting demands made on its water by various users, as described below:

*(a) People/Institutions Involved*

- (i) Representatives from copper mining and other industrial companies on the Copperbelt and Lusaka Provinces (e.g. Nitrogen Chemicals of Zambia and Mopani copper mine).
- (ii) Representatives from commercial farmers, heavily reliant on irrigation water from the river (e.g. Nanga Farms, Chindindindi Farm and Mazabuka Kaleya Sugar Estate).
- (iii) Representatives of small scale farmers and villages whose water jobs and lifestyles would be lost or disrupted (e.g. the Batwa, Mbeza community, islanders on the river). Also local cattle herders whose grazing pastures are decreasing.
- (iv) Representatives from the water companies on the Copperbelt, Lusaka and Southern, provinces who have to provide everyone with clean water.
- (v) Local conservation groups (e.g. WWF Wetlands project) concerned about the threat to animals and wild flowers, as well as water issues.

- (vi) A pressure group from the city, who are complaining that they cannot afford to pay higher water rates.
- (vii) Custodian of the whole ecosystem who is concerned about sustainable issues applicable to it (i.e. the Environmental Council of Zambia (ECZ) under the Ministry of Environment, Energy and Tourism (MENR).
- (viii) Members of the Regional Boating and Water Sports Association, who depend on open water for sports facilities.
- (ix) Association of fish traders and fishermen concerned about quality water for increased fish stocks and sales.
- (x) Traditional leaders who claim rightful historical ownership of the catchment areas.
- (xi) Politicians who are concerned with local investments which should profitably use water and, at the same time concerned with ensuring water security for the country.
- (xii) Power generating companies like ZESCO.

### **Exercise 3**

1. What did you see and hear happening in the drama?
  - what main development question, issue, problem or opportunity arises from the present styles of water use and the environment of the Kafue river.
  - what varieties of values and attitudes exist currently in the way the Kafue river is used?
2. Use available data and evidence to describe in detail the development questions, issues, problems or opportunities in the way the Kafue river is currently used. Classify the different values and attitudes held by various water users using your own self-devised scheme.
3. Why do you think these development questions, issues, problems or opportunities exist in the Kafue water basin?
  - Similarly, why are there such diverse and competing values and attitudes over the water?
4. What might happen to the waters of Kafue river in 20 years from now given these development challenges and values?
  - What alternatives do you propose to avoid these likely impacts?

5. Given these value positions and data, what decision would be best for the river basin and how best can such a decision be arrived at?
  - Who should be involved in this decision and
  - what would be the probable impacts of such a decision?
  
6. What values and ideas are important to you as an individual pupil from this situation?
  - What future courses of personal actions will you take?
  - On what basis do you justify your personal decision and action?
  
7. As a result of this activity, decide whether or not:-
  - to take action oneself or with others on this issue
  - to initiate action on this issue by contacting those in positions of power
  - to take action to change aspects of one's personal lifestyle/actions which may affect future issues
  - to take no immediate action, but to conduct further inquiries in order to clarify issues further.

### **What happened to the Chishela Fish Resource?**

Read the story:-

“ In the year 1970, I was travelling by bus from Lusaka to Kaputa Boma when our bus reached a place called Chishela which had a river and pontoon. Because everyone had to alight from the bus, I also did the same at that pontoon place. Then I walked down near to the banks of the river Chishela in order to wash my hands. Chishela river drains into Lake Mweru-wa-Ntipa. The area is also along a highway from Kaputa Boma to the Copperbelt, making transportation easy.

Before I could wash my hands into the river, some local person nearby shouted at me sternly that people are not allowed to wash in the Chishela river because it is infested with crocodiles. Usually, crocodiles are a sign of plenty of fish. In the nearby villages, fishing was the main activity which sustained the people.

They caught fish, smoked it and transported it to Kasama and the Copperbelt where they sold it. Many fishermen had prospered through the sale of fish. They bought clocks, radios, furniture, better blankets, clothes and built better houses. Over the years the village had grown very big and the number of fishermen had increased. The fisheries officers observed that some villagers fished during the fish ban between December and February. This is the period when most fish spawn and the young fish are born. The fisheries officers convened a meeting and told the villagers of the need to stop fishing during the fish ban. They indicated the advantages of the fish ban as follows:

1. enables fish to lay eggs and reproduce
2. allows small fish to grow big,
3. increases fish stocks

The fishermen argued that fishing was their sole activity and that it was inconceivable that fish could finish. So, they felt the game scouts were simply interfering in their business. The fisheries officers however advised them to:-

- stop fishing during the fish ban period,
- stop using nets with small eyes especially mosquito nets,
- stop using fish poisons and explosives to catch fish.

The fishermen were, however, adamant and threatened to kill the fisheries officer, if they persisted to harass them. They continued to fish during the fish ban period and to use nets with small eyes and fish poisons to catch as much fish as possible. By October, 2007 the river was over-fished. Fishermen would spend the whole night casting their nets and by morning they only had a handful of fish or nothing. Misery descended on the village and for some days, fishermen remained speechless.

Finally, three fishermen were brave enough to approach the headman and asked him to convene an urgent meeting. The main item on the agenda was to find out what had caused the misfortune that had befallen them. Why were they not catching any fish? They accused each other in numerous ways, including that they have offended the ancestral spirits. Some, however, reminded them of the words of the fisheries officers. The following day they summoned the presence of these game scouts. They put the questions of why the river was not giving fish to them. The officers told them this was what they had feared would happen. The river was over fished. They were advised to stay away from fishing for a whole year. But the villagers asked the fisheries officers, “ What shall we be doing the whole year.?” This was the beginning of the disintegration of that once upon a time big, thriving village of Chishela.

#### **Exercise 4**

I now need to answer the following questions based on the story:

1. What lessons do you learn from the story?
2. What problems of a developmental nature can be identified from this story?
3. What range of factors brought about the over fishing situation in which Chishela people found themselves in?
4. List and classify the main values and attitudes held by various actors in the situation by grouping them into positive and negative attitudes/values.
5. Why did the people of Chishela village behave that way towards the fisheries officers during their first meeting? Were those people’s actions/arguments justified? Why are there differences in opinion between the local people and fisheries officers.
6. What alternative solution did the local people and fisheries officers have in this situation? What would have been the likely effects of such alternative solutions?

7. Given the results of the now under-developed Chishela river community, what decision can be made and by whom to address their plight?
8. As an individual, who would you have supported between the local people and the fisheries officers? Give reasons for your answer.

### **Impact of Conflicts in Africa**

Although some people have different opinions on them, conflicts in whatever form are predominantly negative to the people. The following are some of the negative impacts of conflicts:

#### **(a) Negative Impacts:**

- Conflicts lead to killing of many innocent people especially children, women, the disabled and old people. Apart from dying, women are also sexually harassed during conflicts. In the end conflicts bring frightening human suffering.
- Conflicts force people to run away from their homes to take refuge in areas where there is no war. This can be either within the country, as internal displacement, or outside the country as refugees. This means that conflicts uproot people from their local area to new areas. Africa has at least 350 million refugees running away from various conflicts in their countries. Zambia has a share of these refugees in Meheba in North-Western province, Mayukwayukwa in Western province, Ukwimi in Eastern province and other parts of Northern and Copperbelt provinces.
- Where conflicts take place, the infrastructure is badly damaged. These include bridges, buildings, airports, seaports, telecommunications and railway lines. Examples are found in Southern Sudan, Chad, DRC, Angola and Mozambique where wars have extensively destroyed parts of these countries. The railway line from the Copperbelt of Zambia to the Seaport of Benguela in Angola is not in use today because it was destroyed during the Angolan wars of independence.
- The economy of any country in conflict is negatively affected. Agriculture and trade decline as a result of conflicts. People find it difficult to go to their farms to cultivate and if there are crops to sell they find it difficult to transport their produce to the markets.
- During the period of conflict, public expenditure is predominantly for military effort. Such expenditure normally increases the national debt as the country borrows for the war effort. Insecurity stops investors from establishing industries in the countries experiencing conflict.

- By nature, civil conflicts or conventional wars destroy the environment. There is environmental degradation in places of war in Africa and elsewhere.
- Conflicts increase risky sexual behaviour of the people on the run and the combatants. Conflicts make the situation worse as they prevent activities to intervene in epidemics, leading to total collapse of health systems.

- **Conflict weakens governance institutions**

Countries that have been through armed or civil conflicts experience a breakdown or collapse of its social and political institutions, policy-making processes, and communication channels of the state. In such cases, the government becomes ineffective and unable to provide public goods and services.

- **Disruption of health services and food supplies**

This is one of the most immediate effects of armed conflict. It is asserted that during wars farmers become very fearful of working on the fields too far from their homes. Similarly, since health facilities remain open they are so vulnerable to looting and some are forced to close down. This disruption in most cases affects the women and children more than men and adults.

- **Disruption of educational services –**

In armed conflicts, not even schools are spared from attacks. In rural parts of our continent a school may be the only substantial permanent structure, making it highly susceptible to shelling, closure and looting. Others have argued that teachers are in most cases prime targets because they are important community members or hold strong political views.

- **Emergency of Child Soldiers**

Children as young as 8 years are forcibly recruited, coerced and induced to become combatants. This conscription leads to children participating in armed conflicts as active soldiers. They are also used in support functions such as cooks, messengers and spies. Others, mainly girls, are forced to provide sexual services. From support roles, the children sooner than later would become placed in the battlefield and as some commentators have argued, due to lack of training, they have become vulnerable.

- **Refugee In-flows**

Associated with armed conflicts is the refugee situation the in-flow of refugees creates burdens and grievances in neighbouring countries and the possibilities of spill-over conflicts.

- **Small and light weapons acquisition and proliferation**

In addition to the refugee situation, armed conflicts also escalate and contribute to the acquisition and proliferation of small arms and light weapons. These are readily available when no disarmament of the fighters takes place before they flee as refugees.

- **Group Mobilisation**

In civil conflicts there is a tendency by various identity groups to form exclusive organizations to pursue their interests and grievances (e.g. nationalist groups, ethnic – based political parties). As a result of such call-up, society in turn is sharply divided along ethnic, language, religious, or class lines, thereby bringing about negative or hostile perceptions of the other groups.

**(b) Positive Gains of Conflicts:**

Although conflicts are generally negative to the well-being of societies, they are also beneficial to a number of people. How does one benefit from conflicts?

- When one group captures the territory of the enemy, the resources such as minerals, timber, agriculture and land are plundered by the group that has captured the resources. The UNITA group in Angola gained economically from the conflict by exploiting diamonds for export to support the conflict. The same was true of the military group RUF in Sierra Leone. Most of the minerals in the eastern part of Congo DRC bordering Uganda and Rwanda are controlled and exploited by foreign armies in control of the territory.
- Conflicts require arms (guns), ammunitions, uniforms, boots, food and military hardware like tanks and planes. The companies producing these materials supply them at a cost to the groups fighting each other. In that way, the suppliers of military materials gain economically from conflicts.
- Many conflicts have resulted in one group being defeated. Such a defeat leads to territorial expansion by the victors in the conflict. For example, Israeli's territorial expansion into Syria after defeating it in a short but decisive 1973 Golan Heights war. The same was true in the 1967 Israeli – Egypt war that led to the capture and occupation of the Sinai peninsular by Israeli.
- If the conflict involves more groups or nations, alliances are formed in order to defeat the other side. Such alliances created unity among the alliance members In the DRC-Rwanda conflict, many countries joined the conflict and, hence, creating two alliances: those against DRC such as Uganda, Burundi and Rwanda and those supporting Congo DRC such as Libya, Angola, Zimbabwe and Namibia. Such alliances have cemented political unity.

- Those who work hard to bring peace in the regions of conflicts also benefit from the conflicts. They send peace-making teams to end the conflicts and also where necessary send peace-keeping troops to enhance a peaceful atmosphere in the conflict zones. The international community provided much funds to Zambia to bring about peace in DRC. The funds were used for co-ordination in the processes of negotiation, reconciliation and arbitration. Zambia was also given funds to cater for the thousands of refugees who settled in the country from the conflict zones.

### **Methods of Resolving Conflicts**

Conflict resolution is the settlement or avoidance of disputes between individuals or groups through solutions that avoid violence and attempt to re-unite and re-harmonise the people in conflict. Conflict resolution is also a means to maintaining peace, which in turn enables society to develop itself.

When a conflict occurs, it does not stop quickly. Some conflicts have taken few years while others have taken many years. For peace to prevail, conflicts must be resolved for the benefit of the affected communities. There are many ways of how conflicts are resolved. Take note that there is no best conflict resolution method. All the methods are tried from time to time to see which one is better for a particular conflict. Different methods have been tried at the same time to resolve conflicts. Conflict resolution methods should aim at addressing the main causes of the conflict. The following are not the only conflict handling skills people use. Some may apply to one conflict, others may not.

- **Counselling**

This method is used normally in individual situations. The counsellor is someone trusted by both parties. He or she explores and assesses the problem. After that the counsellor applies an appropriate intervention to solve the problem. This helps to relieve the conflict and the individuals change their behaviours positively. Counselling is good for interpersonal (between persons) conflicts.

- **Negotiation**

This is a process conducted by a reliable and skilled negotiator directly between the disputing parties. The dispute can only be resolved if the parties or groups concerned reach a mutually acceptable solution that can be implemented. The negotiations that led to peace between the Sudanese government and the Garang's Liberation Movement in Southern Sudan is a good example of negotiation.

- **Mediation**

This is a method of conflict-handling by a neutral third party acceptable to the disputing parties or groups to arrive at an acceptable solution generated by the parties or groups themselves. This method aims at balancing the two sides and

drawing them closer to each other by accommodating each other's views before reaching a resolution. The mediator is accepted by both sides. The mediation that went on to try and solve the Lunda-Luvale conflict in Zambia is a good example.

- **Arbitration**

This is a conflict-handling skill undertaken by an arbitrator who is appointed by the disputing parties or groups to resolve their differences. The arbitrator listens to the parties and afterwards provides a decision which is binding to the parties affected. Such a decision is normally provided in writing. The implementation depends on both parties accepting the final decision.

- **Litigation:**

This is one of the conflict resolution methods that allows the parties concerned to proceed to the public courts of law. Through legal representation, they resolve their difference by applying the laws of the country. In this method of resolving conflicts, a judge is empowered to make and implement decisions. Sometimes, disputes or conflicts between countries are taken to the International Court of Justice in The Hague to be resolved.

### **Shanty Kids in a Dilemma**

Every lunch hour, children from the shanty compound close to your school are seen rummaging through the garbage heap for left-over food to eat. This has been going on for the past two years and no one has been concerned about the situation. However, six months later, some pupils' properties started missing from the school premises: shoes, walkie talkies, belts, little cookers, sun-glasses and so on.

The situation became worse by the day and in the end, the children from the shanty compound were banned from coming to pick up left over food from the school rubbish dump. If anyone of them contravened the ban, they were either beaten up or detained until their parents came for them. Sometimes the parents delayed for two days, thus starving the children for the period. And when parents came, they were not only insulted but, sometimes, handed over to the police.

When asked, both parents and children denied stealing from pupils but that they came for left-over food, which enabled them to feed their families.

### **Exercise 5**

Answer the following questions:

1. Did the school community act well in banning the children? Give reasons for your answer.
2. Do the pupils have any responsibilities towards this shanty compound community or children? Give reasons.
3. What method of conflict resolution would you have applied to settle the dispute between the two communities? Give reasons for the choice of your method.

## **Creating a Culture of Peace**

Peace is what should prevail in any country. But peace can only be in our hearts and minds if we respect other human beings. At personal level, it is important to work for justice if we want peace in our homes or communities. It starts with the individual who is *just* (fair) in his/her daily activities. We should control our anger, the hate we have for other people and control the resentment that we harbour in our hearts for other people.

Promotion of good governance is another important step towards the creation of a culture of peace in a country. Bad governance breeds anger and hate that will explode into serious conflicts. Good governance promotes *justice*. In an environment of harmony, it is easy to promote positive social and economic development for the benefit of all citizens. Civic Education aims at awakening in you and me, a peace of the body, peace of the heart and peace of the mind. Once you grow into an adult you should help promote peace by working for justice. The following activity, however, illustrates the point that good governance is sometimes not easy to implement in ordinary life.

Read the following passage, make a role play out of it and answer questions that follow:

### **The Club Braai**

A religious association leader asks his/her social committee to decide on a programme of dances, games and prizes for the club's 'Braai.' A few days later the social committee chairman hands the programme decided upon to the leader.

The association leader observes that the committee has arranged for prizes of alcoholic drinks. The leader objects to this, but the chairman refuses to make any change as he argues that the form the prizes should take had been left for the committee to decide. He also says that if the decision is not agreed to, he and other members of the committee will boycott the party, as their decisions must be respected. Besides, it is democratic that the views of the committee are considered rather than those of an individual.

The association leader persists with his objection on the grounds that this is a religious association which cannot be seen to be promoting beer drinking. The chairman and most of the members of the committee resign. They also enlist support for their view among other members with the result that the 'Braai' was poorly attended. This leads to adverse comment from the club's management committee, some of whose members attended the 'Braai'.

It also leads to much bad feeling in the club between members of the club who attended the Braai and those who did not. There is a fear that this may lead to segregation within the association.

### **Exercise 6**

1. Identify conflicts in the passage.
2. What were the causes of these conflicts?
3. If you were the religious association leader, how would you have handled this case? Give reasons for your answer.

# CHAPTER 8

## HIV AND AIDS EDUCATION

### Specific Learning Outcomes:

- Define HIV and AIDS
- Describe factors which expose people to HIV Infections.
- Analyse different measures used to prevent the spread of HIV and AIDS.
- Analyse the impact of HIV and AIDS at individual, community and national level.
- Discuss HIV and stigmatisation.
- Outline various ways used to protect the rights of HIV infected persons.
- Discuss HIV and AIDS mitigation strategies in relation to treatment, care and support.
- Analyse Zambia's National HIV and AIDS (draft) Policy.
- Identify institutions and organisations and their roles in dealing with HIV and AIDS.

### Background Information

The HIV and AIDS pandemic has become an issue of great global concern. HIV and AIDS has had a serious impact on the people's health and development. It has become a serious problem in sub-Saharan Africa, including Zambia. In the early 1980s, the first case was discovered in Uganda and it was called 'sliming disease'. Later, it was discovered in Zambia by professor Belly who treated patients with Kaporsis Sycoma, which is known to be an HIV and AIDS related disease.

*Between 1980 and 1990, HIV incidences had spread quite quickly among the Zambian population. According to UNAIDS estimates the HIV prevalence rates had reached about 4.8 million people who had been newly infected in 2002. Out of these, 3 million were sub-Saharan Africans and the rates of infected women were significantly higher than those of men. In 2003, there were approximately 37.8 million people infected, 23 million of whom were sub-Saharan Africans.*

### What is HIV?

HIV is an acronym that stands for Human Immuno-Deficiency Virus. HIV is a virus which causes AIDS. HIV destroys the body's immune system. When the body loses its ability to fight against common diseases, it becomes weak. Once in the body, HIV attacks the immune system cells which perform various tasks critical to the normal functioning of the immune system. When one is HIV positive, he or she has the AIDS

virus in the body fluids. In women, the virus is found in the vaginal fluid and in men it is found in the semen. The virus is also found in blood.

When the virus eventually destroys the immune system, the infected person begins to suffer from opportunistic infections. If one has HIV in the body, one is said to be HIV positive. One may not feel sick immediately. The virus stays in the blood and one may look healthy for many years.

## **AIDS**

AIDS stands for Acquired Immuno-Deficiency Syndrome. When HIV enters the body, the immune system becomes weaker and weaker. As the body becomes weaker and weaker, it loses its power or ability to fight diseases. Opportunistic infections that affect people with AIDS are **communicable** diseases like tuberculosis (TB). Others are not **communicable**, such as pneumonia, malaria, diarrhoea and HIV related cancers like Kaposi's Sarcoma.

The difference between HIV and AIDS is that HIV is the virus, while AIDS is a condition. A person who is infected with HIV can still be healthy looking. Although the virus is in the body, the virus has not yet started attacking and destroying the white blood cells. On the other hand, the immune system of a person with a high concentration of the virus has lost its strength and such a person suffers from different diseases. That is why this condition is referred to as a syndrome. At this stage, AIDS has developed.

It is important to note that after contracting the HIV, the infected person may not develop fully blown AIDS immediately. The period from infection to development of AIDS may range between 1 – 20 years. In some cases, it may take longer than this. With some people, AIDS may kill them within a short period of time.

## **Factors Which Expose People to HIV/AIDS**

The following are the factors which may expose people to HIV.

- (a) **Environment:** Places such as disco houses, bars, and night clubs in which people socialise may provide conditions that may expose people to contract HIV. This is because when one is drunk, one may lose self-control, such that chances of engaging in unprotected casual sexual activities increases. Other risky environments include social gatherings, boarder towns and fishing camps.
- (b) **Social:** Lack of recreation facilities such as sports fields, recreation halls and parks tend to tempt some people, especially the youths, to engage themselves in anti-social behaviour which may include drug abuse. Drug abuse may lead people into unprotected casual sex activities. Peer pressure, especially among the adolescents, may also lead such youths to practise unsafe sex.

- (c) **Economic Pressures:** Economic pressures on people include poverty, business practices and commercial sex work.
- (i) **Poverty:** poverty is one of the factors that bring economic pressures on some individuals, especially in towns. Poverty may arise as a result of being retrenched from work or the death of a bread winner. As a way of survival, some people may start engaging themselves in unprotected sex to raise money for their basic needs.
  - (ii) **Business practices:** Due to economic pressures, one may engage oneself in cross boarder trade. This activity has its own pressures, such as paying customs duty to clear goods, and paying for accommodation which in most cases is shared. Such situations make some people vulnerable to sexual abuse.
  - (iii) **Commercial sex work:** Commercial sex workers are people who use sex as a source of income. Commercial sex work is not only a risky factor for HIV contraction, but is not socially and morally accepted in the Zambian society. This activity makes people involved have sex with multiple partners and at times involves unprotected sex.
- (d) **Cultural practices:** Cultural or traditional practices are aspects of life that a particular society recognises as a way of life. However, not all cultural practices are good. With the presence of the HIV and AIDS pandemic, some cultural practices are being discouraged. These include the following:
- (i) **Sexual cleansing:** Sexual cleansing involves the cleansing of a surviving spouse through sexual intercourse with a selected relative of his or her dead spouse as a way of getting rid of the dead person. This practice poses a high risk for HIV transmission because before the act, none of the partners is tested for HIV and there is no use of condoms.
  - (ii) **Circumcision:** This is a traditional practice done by some tribes in Zambia and elsewhere. Circumcision is considered as a way of cleaning a young man and initiating him into adult life. Circumcision may be a risky practice that can expose the initiate to HIV if an un-sterilized razor blade or any sharp instrument once used on someone who is HIV positive is later used on several other people.
  - (iii) **Polygamous marriages:** Polygamy is an old cultural practice in which men believed that having more than one wife changed their status in society. One was considered rich, powerful or prestigious if he had more than one wife. Nowadays, polygamous marriage increases the chances of contracting HIV because it involves multiple sexual partners. In some cases, unprotected sex is practised while in some cases dry sex is practised as a way of

winning favour from the spouse. Dry sex may result in bruises that may allow HIV to penetrate the body if one of the partners is infected.

### **Exercise 1**

- (a) Define the acronyms HIV and AIDS and state the difference between the two.
- (b) Discuss any traditional practices which can expose people to HIV and AIDS. Suggest ways of how such practices can be discouraged.

### **MODES OF HIV AND AIDSTRANSMISSION**

HIV virus spreads from one person to another in several ways. The most common way of transmission is through sexual intercourse with an infected partner. Apart from sexual intercourse, HIV can also be transmitted through blood transfusion, sharing of un-sterilized needles, razor blades and other sharp instruments and through mother to child transmission.

- **Unprotected sexual intercourse**

Unprotected sexual intercourse means sexual intercourse without wearing a condom. Since the virus is concentrated in body fluids such as semen, vaginal fluids and the blood, the virus easily finds an entry point during sexual intercourse, especially if one of the partners has a cut, bruises or a sexually transmitted infection such as gonorrhoea, syphilis, chancroids or herpes.

- **Contaminated blood**

HIV can also be passed on from one person to another through blood transfusion, injuries or use of infected blood products and donated organs. As a result of the HIV pandemic, all donated blood is screened before it is used to ensure that it is safe.

- **Un-sterilized needles or sharp instruments**

Needles, syringes and other sharp instruments contaminated either with blood or other body fluids put another person at risk of contracting HIV when used without being sterilized.

- **Mother to Child Transmission (MTCT)**

HIV can also be transmitted from an infected mother to her child during pregnancy, delivery or breastfeeding.

- (i) **During pregnancy.** The HIV may be transmitted to the unborn baby during pregnancy through contamination of the mother's blood. This happens when a placenta gets bruised through injury. The infection rate during this time is about 21%.
- (ii) **During labour and delivery:** A baby may get infected with HIV if it comes into contact with infected blood or vaginal secretions of the mother. This happens when the linings get cut or bruised during delivery. The rate is estimated at 65%.
- (iii) **After birth:** When a child is born, the skin in the mouth is very delicate such that when it sucks on cracked nipples, it may sustain bruises and may get the virus. Transmission rate during this period is estimated at 14%. It is, therefore, usually advisable to discuss this issue with a counsellor, preferably before birth, so that a decision is made to either breastfeed or not. Mothers are usually advised to breastfeed exclusively for 6 months without the introduction of any hard food to avoid bruises in the mouth of the baby.

## **Exercise 2**

(a) Go through the following statements:

For each statement, state whether it is true or false giving reasons for your answer.

- (i) HIV and AIDS are the same.
- (ii) If a woman is pregnant and is HIV positive, she will always have a baby who is infected with the virus.
- (iii) If you kiss a person who is HIV positive you will not get the virus.
- (iv) Only homosexuals are free from contracting HIV/AIDS.
- (v) HIV is mainly present in semen, vaginal fluids, blood and breast milk.
- (vi) You can always tell if someone is infected with the HIV by merely looking at them.
- (vii) You may get HIV by having unprotected sex with an infected person.
- (viii) A man who has sex with a virgin can be cured from HIV.
- (ix) If you test HIV negative, you can have unprotected sex.
- (x) Condoms are 100% safe.
- (xi) Only people with multiple partners will get infected with HIV.
- (xii) There is no cure for AIDS.

## **Impact of HIV and AIDS in Zambia**

HIV and AIDS has had an impact on the Zambian society. It has had an effect on the individual, the community and the nation at large.

### **Individual level**

At the individual level, the impact of the disease is on the family. Spouses have died either at the same time or within a short period of time of each other's death. Such a situation creates orphans who have to be taken care of by other members of the family. It is common knowledge that many grandparents today are looking after many orphaned children. Some of these orphans are themselves infected with HIV. This causes a serious economic drain and social pressures on individuals and families who have to look after the orphaned children. Other than economic and social pressures, a lot of time is spent looking after those ailing infected persons, taking them to clinics and hospitals for treatment.

### **Community level.**

At the community level, many people are experiencing the adverse effects of the HIV and AIDS pandemic. Teachers, police officers, medical personnel and other professionals, as well as non professionals, have died or are sick and hence are no longer productive. A lot of time and resources spent at funerals and attending to the sick in the community disrupt activities that would otherwise contribute to the well being and development of communities. In rural communities, the epidemic has deprived such communities of the most productive labour-force, leaving only the old and the very young to cultivate the land. Adequate food production and assured food security, therefore, cannot be sustained in such communities.

### **National level**

At the national level, the government, industries and other economic enterprises lose millions of money and man-hours as a consequence of infected and sick workers who continue drawing salaries without reporting for work regularly. When they do report, their performance is below expectation. These workers cannot be replaced by healthy ones because it is illegal to dismiss someone from work on account of their HIV status. During illness and funerals, the government and companies lose a lot of money buying medicines for treatment, coffins, and paying funeral grants. Production is also affected adversely because sick workers cannot produce as much as healthy workers. Consequently, the economy of the nation cannot prosper.

### **Exercise 3**

- a. Write an essay outlining the impact of HIV and AIDS in community in the which you live.
- b. Discuss how HIV and AIDS can negatively affect the economy of Zambia. Summarise the points.

## STIGMA AND DISCRIMINATION

- **Stigma**

Stigma is a quality that discredits an individual or a group of people in the eyes of others. In the AIDS context, stigma is defined as negative thoughts about a person or a group of people based on one's untruthful opinion.

Stigma is associated with behaviour that may be illegal or forbidden by religious or traditional teachings, such as pre-marital and extra marital affairs, commercial sex work, a male having sex with a fellow man, a female having sex with a fellow female (homosexuality) and injecting drugs.

HIV and AIDS related stigma does not naturally exist. It is created by individuals and by communities.

- **Stigmatisation**

This is a process in which negative qualities are pronounced, for example, the colour of the skin, the way someone talks, the things they do. This process can be quite arbitrary. Within a particular culture or setting, certain attributes are seized upon and defined by others as discreditable or unworthy. Stigmatisation, therefore, describes a process of devaluation of something.

- **Discrimination**

HIV and AIDS related discrimination is an action resulting from stigma. It occurs when a distinction is made against a person that results in the person being treated unfairly and unjustly on the basis of their actual or presumed HIV status. HIV related stigma and discrimination is widespread. In Africa and other parts of the world, such stigma results in rejection, denial, discrediting and consequently leads to discrimination, which inevitably leads to the violation of human rights.

The following are some of the reasons why people stigmatise and discriminate against people with HIV and AIDS:

- Lack of understanding of the disease.
- Myths about how HIV is transmitted.
- Untruthful opinions

### **The Rights of People Living With HIV/AIDS**

As a result of discrimination, it is necessary for the law to protect people with HIV and AIDS. In Zambia, the constitution protects people against discrimination and guarantees fundamental freedoms and rights under Article 23. Even though the article does not mention HIV and AIDS, people living with HIV and AIDS can claim justice through articles contained in the International Convention on Civil and Political Rights, which Zambia has agreed to fulfil. Some of these rights are:

- An infected person has a right to make his or her own decisions about medical treatment, and therefore, cannot be forced to test for HIV. A person should also not be subjected to medical or scientific experiments without him or her agreeing to it. Testing for HIV should only be done at the request of the person who wants to be tested. Hence, a parent cannot force his son or daughter of ‘mature’ age to test for HIV, on the basis of parenthood.
- The right to life is guaranteed to every human being, including a person infected with HIV and AIDS.
- The right to liberty ensures that a person living with HIV and AIDS is free to enjoy life and should not be detained or restricted in movement on account of his or her status.
- The right to confidentiality and privacy guarantees the right to keep information about one’s status to oneself and no one, including an employer, can force one to have an HIV test or disclose his or her status.
- People living with HIV and AIDS have freedom of expression. They have the right to give and receive information. This freedom entitles persons to receive information on HIV and AIDS, regardless of where he or she is.
- Freedom of movement means that a person living with HIV and AIDS is free to travel in and outside the country. Such a person should not be forced to live in a separate place or denied visas on account of his or her HIV and AIDS status.
- Freedom of assembly and association ensures that persons living with HIV and AIDS have the right to marry, have a family, and join an organization or a political party of one’s choice regardless of their HIV and AIDS status.
- The right to health includes access to medical treatment or right to refuse medical treatment in line with one’s social or religious convictions. For example, the Jehovah’s Witnesses’ refuse blood transfusion.

When a person’s rights are violated, whether HIV and AIDS infected or not, one can sue the violator in the high court. This is the court mandated to hear human rights violations cases. From the high court, appeals may be made to the supreme court, whose decision will be final. Court cases are expensive and cannot be afforded by the majority of the people in Zambia. However, the constitution of Zambia established the Commission for Investigations and The Permanent Human Rights Commission as institutions to protect and promote human rights. There are also civil society organizations that protect and promote human rights that can take on cases of human rights violations and ensure that justice is done.

#### **Exercise 4**

1. Read the situations described below and state, giving reasons, whether stigmatization has taken place or not:

- Suzen works for a company that manufactures protective clothing. She is HIV positive and at work her colleagues do not share cups with her or touch her property.  
.....
- Mutale has been engaged to Mutinta for three years. He recently discovered that he is HIV positive and he told his fiancée Mutinta. From the time he told her his HIV status, she neither sees him nor talks to him.  
.....
- Masautso who is HIV positive applies for a job and so does Saimbundu, who is HIV negative. Saimbundu is given the job because he has worked in a similar job before.  
.....
- Namonje and Kalaluka apply for visas to go to Australia for studies. On the application form, Namonje indicates that she is HIV positive. She is denied a visa and Kalaluka is given one, yet both have the same qualifications.  
.....
- Shamilimo is a very attractive single man and he longed to have an intimate relationship with Kyalilusa. However, upon learning that he was a widower she becomes hostile and refuses to have anything to do with him.  
.....
- Kabaso was recently dismissed from his job because of numerous absenteeism from work. He claims that he was fired because of his HIV status.  
.....
- Tukiya is parents both died of AIDS. At her boarding school, she attributes every difference she has with other pupils to her status of being an AIDS orphan. She now does not have any friends.  
.....
- Mantomba applied for a plot to build a house. The city councillors, after evaluating the financial status of fifteen applicants only offered land to seven. Manjomba was among the people rejected. He sued the city council for discrimination, claiming in his affidavit that his HIV and AIDS ‘looks’ influenced the councillors’ decision to deny him land.  
.....
- Mutobelwa is a professional football player. He learns that he is HIV positive and informs his coach in confidence. Since then he is always on the substitute-bench during football matches.  
.....

## Activity 1

1. Do a role play on the effects of stigmatising People Living with HIV/AIDS.
2. People Living with HIV and AIDS (PLWHA) are called all sorts of names, such as 'Kanayaka', 'fyalibila' and are referred to with such phrases as 'moving coffin'. Find out and compile a list of other 'names' and phrases labelled at PLWHA by people in your local area and state why this should be discouraged.

## Treatment, Care and Support

HIV AND AIDS has no cure yet. The treatment available in Zambia is antiretroviral (ARV) drugs. These drugs help to reduce the level of HIV in the body and boost the CD4 cells which are necessary to fight infection in the body. They help people live longer with the virus. ARVs slow down the speed at which the HIV attacks the body immune system.

When people are taking ARVs, they do not get sick as often as when they were not. Once a person starts taking ARVs, he or she must take them each day and at the right times for the rest of one's life. ARVs make your immune system become stronger and the body becomes stronger, thus making the CD4 cells in the body increase.

The virus does not completely disappear, but goes to sleep. It does not replicate itself. This is why one remains infectious even if they are on ARVs and can still infect others.

It is important to know one's status regarding HIV in order to live positively and improve one's chances of staying healthy for a longer time. However, one cannot know the HIV status unless one goes for voluntary counselling and testing.

One can live positively with HIV by having an active social life, eating nutritious foods, avoiding alcohol and tobacco, avoiding stress and self-pity, and developing a strong spiritual attitude.

## Strategies for Treatment, Care and Support for HIV and AIDS Patients

- Establishment of HIV and AIDS community care and support centres e.g. hospices.
- Establishment of Voluntary Counselling and Testing (VCT) centres e.g. KARA Counselling Centre.
- Conducting advocacy campaigns e.g. advertising messages about HIV and AIDS care and support.
- Integration of HIV and AIDS in the school curriculum.
- Development of policies that integrate HIV and AIDS and human rights.
- Promotion of participatory and peer education.
- Strengthening of community HIV and AIDS programmes

- Involvement of people with HIV and AIDS in mitigation strategies.

### **Voluntary Counselling and Testing**

Though voluntary counselling and testing (VCT) facilities have been established in many places throughout the country, very few people are volunteering to go for HIV testing for fear of knowing their status. Voluntary counselling and testing refers to a process through which an individual voluntarily seeks counselling to prepare for an HIV test.

- V- Voluntary:** Going for counselling out of your own free will without being forced.
- C - Counselling:** Trained counsellors help you to understand the process and the results.
- T - Testing:** The process of getting a sample of blood from an individual to see if that person has the antibodies of HIV in the blood.

### **STAGES OF VCT**

#### **Pre-test counselling**

- This is given before the actual testing to prepare people for the test and results. Individuals or couples receive information on HIV, the test, benefits of VCT, and risk assessment. They discuss confidentiality of results, anticipated results, implications of the result and begin to make plans for the future. Some people need more time to think through about the test after this session.

#### **Testing**

- The HIV test is usually done by taking a small sample of blood. When tested at a VCT centre results are ready the same day.
- The first test is considered a screening test. When the result of the screening test is HIV positive, a second test is required to confirm the HIV status. The second test is different from the first one to make sure that the diagnosis is accurate.
- The commonly used rapid result in Zambia is Abbott for screening and Gene II or Uni – Gold for confirmation.
- They are used in special cases such as pregnancy and immediately after child birth, where it is important to get an HIV diagnosis. During the window period other tests would be negative.

#### **Post-test counselling**

- This is done when the results are given and discussed. Psychological and emotional support is given to help people deal with the result of the test, whether negative or positive. It also includes counselling on how to prevent the spreading of the HIV. VCT centres will refer people to respective health centres for appropriate care and treatment.

### **National HIV/AIDS Policy**

The National HIV and AIDS, STD and TB Council, on behalf of the government, through the Ministry of Health, formulated the National HIV and AIDS Policy in May, 2004.

The document comprises policies and instruments which are aimed at coordinating and strengthening the national response against the HIV and AIDS pandemic.

The HIV and AIDS pandemic threatens to undermine productivity, delivery and quality of services in Zambia. The effects of the pandemic will continue to impact negatively on the socio – economic development of the country. For example, specifically diminished supply of productive personnel in the economy and absenteeism from work due to re-current sickness or early retirements.

In the absence of a cure or vaccine for HIV and AIDS, the only way to stop the spread of HIV is through attitude and behavioural change through education. Education is key in preventing and mitigating the adverse effects of HIV and AIDS on individuals, families, communities and society.

The national policy operates according to international conventions, national laws, policies, guidelines and regulations. The national policy provides the framework to respond to the concerns and needs of the infected and affected persons. The policy stipulates the following:

- (b) **Privacy and Confidentiality:** Every person has a right to privacy and confidentiality in respect of their health, including information related to their HIV status.
- (c) **Precautions in workplaces:** All persons in workplaces have a responsibility to minimise the risk of HIV transmission from person to person. Therefore, there must be zero tolerance for sexual harassment, abuse and exploitation.
- (d) **Protection from discrimination:** Every person has equal rights, opportunities and responsibilities regardless of his or her HIV status.
- (e) **Access to care, treatment and support:** Infected and affected persons have the right to access holistic care, treatment and support, either in private and public health institutions.
- (f) **Access to information:** Every person has a right to access accurate and complete HIV and AIDS Information.

- (g) **Labour practices:** All employees have the right to fair labour practices, regardless of their known, perceived or actual HIV status.
- (h) **Research:** The design and implementation of interventions and alternative remedies shall be guided by scientific research findings and best practices.

### **Prevention**

Preventive measures shall be aimed at the creation of a safe environment that prevents further HIV infection.

- In the absence of a cure or vaccine, education and awareness are important in HIV and AIDS prevention programmes. Further spread can be limited by a well informed citizenry and responsible behaviour. Thus accurate, factual and up-to-date information on the pandemic should be readily available. Side by side should be information on other sexually transmitted infections and opportunistic infections as well as guidance on how to achieve and maintain a healthy lifestyle, and reduce stigma and discrimination.
- Training of peer educators who should be in a position to use a variety of communication methods to deliver appropriate HIV and AIDS preventive messages in order to promote and reduce risky behaviour.
- Every person should be made aware of universal infection control precautions which should be administered by trained personnel, wherever there is a risk of exposure to blood, including accidents. Universal infection control precautions include the following:
  - (i) Blood spills such as from nosebleeds and bloodstains should be handled with extreme caution. Skin accidentally exposed to blood should be washed immediately with soap and running water. All breeding wounds, sores, breaks in skin, grazes and open skin lesions should be cleaned immediately with running water and / or other antiseptics.
  - (ii) Disposable bags or incinerators must be made available to dispose of sanitary wear.
  - (iii) All open wounds, sores, breaks in the skin, grazes and open skin lesions should be covered completely and securely at all times with a non-porous or water proof dressing or plaster to reduce the risk of exposure to blood.
  - (iv) All persons should wear protective latex gloves or unbroken plastic bags over their hands when attending to blood spills, open wounds, sores, breaks in the skin, grazes, open skin lesions, body fluids and excretions.

- (v) Blood-contaminated material should be sealed in a plastic bag and incinerated or sent to an appropriate disposal firm. Tissues and toilet paper can be flushed down in a toilet.
- (vi) Needles, razor blades, syringes and other sharp instruments should be safely disposed of and not re-used.
- (vii) If operating instruments such as scissors become contaminated with blood or other body fluids, they should be washed and placed in a household bleach solution for at least one hour before drying and re-using them.

## **Activity 2**

1. Invite an HIV and AIDS home based care provider or counsellor to share their experiences on care or counselling.

### ***Institutions and Organisations Dealing With HIV/AIDS in Zambia***

The Ministry of Health is the main institution dealing with HIV and AIDS in Zambia. Besides the University Teaching Hospital (UTH) in Lusaka, the Ministry has a network of hospitals, health centres, and clinics throughout the country. Most of these health institutions have facilities which offer services such as voluntary counselling and testing (VCT) and antiretroviral therapy or treatment (ART). They give antiretroviral drugs (ARVs) to people infected with HIV to slow down the activity and the multiplication of the HIV in the body. Other institutions dealing with HIV and AIDS in Zambia include the United Nations, through its UNAIDS country office in Lusaka, private hospitals and clinics, and non-governmental organisations (NGOs).

The following are examples of institutions and organisations dealing with HIV and AIDS issues in Zambia:

- The National HIV and AIDS Council.
- Kara Counselling and Testing Centre.
- New Start Counselling and Testing Centre.
- Hope Humana People to People Centre.
- Network of Zambian People Living with HIV and AIDS (ZNZP+).
- Planned Parenthood Association of Zambia (PPAZ).
- The Family Support Unit (at the University Teaching Hospital).
- Zambia Health Education and Communications Trust (ZHECT).
- Zambia Business Coalition on HIV and AIDS.
- Family Health Trust.
- Africare-Zambia Drop-in Centre
- Copperbelt Health Education Project (Kitwe).

- Sepo Centre (Livingstone)
- Human Rights Referral Centre.
- Legal Resources Foundation.
- National Legal Aid Clinic for Women.
- Women in Law in Southern Africa (WiLSA).
- Justice for Widows and Orphans.

### **The Role of HIV/AIDS Institutions and Organisations.**

HIV and AIDS organisations operating in Zambia have different lines of activity. They include the following:

- **Voluntary Counselling and Testing (VCT):** This service is provided by most government and private hospitals in the country. VCT is also offered by NGOs like Kara Counselling and New Start Counselling and Testing Centre.
- **Treatment and Care:** AIDS has no cure, but opportunistic diseases (diseases which take advantage of the weak immune system caused by HIV such as T.B. can be treated. Anti-Retroviral Therapy (ART) is also provided by most hospitals and NGO's such as Kara Counselling. For instance, Kara's Jon Hospice Centre in Kamwala (Lusaka) has male and female wards to take care of HIV and AIDS patients.
- **Training of Counsellors:** Some hospitals and NGO's like Kara and Hope Humana train counsellors who offer advice to people living with HIV and AIDS. Counselling covers a wide range of issues such as stress, sexual practices, marriage issues, career issues, positive living, and home-based care.
- **Skills and fitness Training:** Kara Counselling, Hope Humana, and other institutions offer physical fitness and life skills training to people living with HIV and AIDS. For instance, Kara's Umoyo Training Centre trains girls who have been orphaned due to HIV and AIDS in practical skills like tailoring, catering, and agriculture.
- **Advocacy and Lobbying:** This activity involves writing and publishing information material about HIV and AIDS such as T-shirts, brochures, posters, radio and TV advertisement, drama, and seminars. The Ministry of Health and NGOs like Kara and New Start Counselling and Testing Centres carry out this activity. This activity is aimed at changing people's attitudes and provide factual information to the public on HIV and AIDS and related issues like stigmatisation.
- **Outreach Programmes:** These programmes aim at establishing contacts with the people in the community, work places, churches, schools, and colleges. Every school should have an active Anti-AIDS club. As part of their outreach activities, some institutions have sex-worker programmes, orphan-support programmes, home based care programmes, workplace programmes, school Anti-AIDS club programmes, church programmes, traditional healers

programmes, and post test clubs programmes. People living with HIV and AIDS and are open about it are also sent out to share their experiences with different communities like schools and colleges as part of outreach activities.

- **Drop-in Centres:** Some institutions like the Africare-Zambia Drop-in Centre offers orphanage facilities to take care of vulnerable children who have lost their parents due to HIV and AIDS.
- **Legal Advice:** People Living with HIV/AIDS, widows, and orphans whose rights have been violated are offered assistance by institutions such as the Legal Resources Foundation, the National Legal Aid clinic for Women, and Women in Law in Southern Africa (WiLSA.)

### Activity 3

Carry out a survey in your area and find out which organisations deal with HIV and AIDS. Briefly describe their line of activity as shown in the table below:

Organisation/Institution	Line of HIV AND AIDS Activities
Kasama General Hospital	<ul style="list-style-type: none"> <li>• Voluntary Counselling and Testing</li> <li>• Prevention of Mother to Child Transmission (PMCT)</li> <li>• .....</li> <li>• .....</li> </ul>
Kalonga High School Anti-AIDS club	<ul style="list-style-type: none"> <li>• Advocacy and Lobbying e.g. distributes HIV/AIDS pamphlets.</li> <li>• .....</li> <li>• .....</li> <li>• .....</li> </ul>
	<ul style="list-style-type: none"> <li>• .....</li> <li>• .....</li> <li>• .....</li> </ul>
	<ul style="list-style-type: none"> <li>• .....</li> <li>• .....</li> <li>• .....</li> </ul>
	<ul style="list-style-type: none"> <li>• .....</li> <li>• .....</li> <li>• .....</li> </ul>

#### *Suggested Ideas for Action Project*

1. Design Anti-AIDS T-shirts and posters and have them printed. You may work in collaboration with other Art and Design Departments in your school. Sell the T-shirts to members of the Anti-AIDS Club or Civic Education students and display the posters in strategic places on a special occasion such as inter-schools sports day.

2. Organise an Anti-AIDS Drama Club and conduct a tour of your community to sensitise them on HIV and AIDS issues such as stigmatisation, positive living, Prevention of Mother to Child Transmission (PMTCT) and the human rights of People Living with HIV and AIDS. You may ask your local health centre for assistance.
3. Design Anti AIDS posters and display them on key notice boards of your school.

### **Glossary**

**AIDS:** Acquired Immuno-Deficiency Syndrome is the final phase of HIV infection. It is a condition characterised by a combination of signs and symptoms caused by HIV which attacks and weakens the body's immune system, making a person susceptible to a host of life-threatening diseases like tuberculosis (TB).

**Advocacy:** These are efforts made to solicit support and recognition for a cause, policy or recommendation.

# CHAPTER 9

## *SOCIAL CHALLENGES*

### **Specific Learning Outcomes:**

- Define social challenges
- Define child abuse
- Describe different forms of child abuse
- Suggest ways of addressing different forms of child abuse.
- Identify institutions that address child abuse
- Suggest ways of ensuring protection against sexual assault.
- Suggest ways of protecting oneself against rape
- Identify possible effects of rape on the victim
- Outline factors that lead to teenage pregnancies
- Examine the effects of teenage pregnancies
- Describe sexual harassment
- Describe gender-based violence and identify institutions that deal with it.

### **Definition of Social Challenges**

Social challenges are issues and problems facing human beings today. These issues are of concern to the society and the nation as a whole. In this Chapter, we are going to look at the following social issues:

- (a) child abuse
- (b) sexual harassment and rape
- (c) teenage pregnancies
- (d) gender violence.

### **A. Child Abuse**

A child is any person who is sixteen years or below. Child abuse is any form of ill treatment of a child. This ill-treatment could be either physical or mental. **Physical abuse** could be battery, canning, slapping, pinching of the skin, pulling ears, burning of the skin, biting the child or any action that can cause physical impairment of the child. **Mental abuse** could be lack of love, neglect, insults, shouting at the child, name-calling or ridicule.

- (i) **Child sexual abuse and sexual assault**  
*Sexual abuse* is any sexual act imposed on a child or young person and includes fondling a child's genitals, making the child fondle the adult's genitals, intercourse, incest, rape, sodomy, exhibitionism and sexual exploitation. To be considered child

abuse, these acts have to be committed by a person who is related or close to a child.

*Sexual assault* is when a stranger commits the above acts to a child. Sexual abuse and sexual assault can be handled by the police and criminal courts.

**(ii) Child defilement**

Defilement is the act of having unlawful sexual intercourse with a girl under the age of 16 years with or without her consent. Defilement is a crime and it should be reported immediately. The penalty for defilement is imprisonment. Attempting or trying to have sex with someone under the age of 16 can earn a person fourteen years imprisonment. Therefore, people who marry girls under the age of sixteen should be prosecuted for defilement.

**(iii) Child battering**

Child battering is a form of child abuse where someone beats a child often. Most people beat up children as a form of punishment. This, however, is discouraged. It is better to discuss issues with children rather than resorting to beating when they do something wrong.

**(iv) Child neglect**

Child neglect is a situation where children are not taken care of by their parents or guardians. Children are not given the love and care that they need for personal development. Sometimes, babies are abandoned. Some children are expected to fend for themselves. Other forms of child neglect include children fending for the family, lack of parental guidance, parents being pre-occupied with their careers and creating wealth for the family at the expense of taking care of their children.

**(v) Child labour**

Child labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children. This work normally interferes with the children's opportunity to attend school, their overall development and recreation. For instance, children are expected to combine school work with heavy work. Sometimes children leave school prematurely to work. However, it is worthy noting that children need to work for their own personal



development as well as that of their family by doing household chores. This is a form of training for life.

**(vi) Child trafficking**

This is the illegal transportation and selling of children within or outside a country for prostitution, pornography, forced labour, crime or business involving selling of sexual private parts.

The effects on the victim may be classified under the headings of physical, mental and sexual. Physical effects include injury or physical harm. Mental effects include depression, anxiety, suicide and sexual effects may include unwanted pregnancies, Sexually Transmitted Infections (STIs).

**(vii) Child prostitution**

Child prostitution can be described as sexual exploitation of children. Child prostitution can either be forced or voluntary. Forced child prostitution is a situation where girls are compelled to sell sexual services in brothels. Voluntary child prostitution is a situation where girls sell sexual services in order to pay for their school fees, drugs or to meet their daily needs.

### **Ways of Addressing Child Abuse**

Child abuse is a serious problem that needs concerted effort in order to alleviate it. It affects the whole society. The following are some of the ways by which child abuse can be addressed:

- Legislation on child labour:  
This should include the legal definition of the minimum age below which children should not be engaged in particular types of work. It should prescribe penalties for practising, and encouraging all forms of child labour. According to the Zambian Labour Law, the minimum age for employment is 16 years.
- Enacting stiff punishment for child defilers including those who batter or neglect their children.
- Sensitising the community about child abuse.
- Reporting cases of child abuse.
- Speaking out about the problem of child abuse.
- Encouraging victims to go to the Victim Support Unit, Drop in Centres and NGOs for counselling services and legal advice.

### **Institutions that Address Child Abuse**

Issues of child abuse can be addressed at family, community and national levels. Family members for fear of embarrassment normally hide issues of child defilement in most cases. However, there is need to expose such vices that have negatively impacted on our society. There are institutions within our society that address child abuse issues.

- Victim Support Unit – Zambia Police Service
- Other NGO's that address child abuse issues.
- Young women's Christian Association (YWCA).
- Young men's Christian Association (YMCA).
- Zambia Civic Education Association (ZCEA).

## **B Sexual Harassment and Rape**

Sexual harassment is when someone keeps on saying things or doing things of a sexual kind, like touching you or making sexual remarks, and he does this even though he knows you do not want it. It also includes a promise of a job, promotion, training and any favours in return for sexual favours. These promises may be spoken or strongly hinted. Sexual harassment also includes hints or threats that things will not go well for you if you refuse sexual demands.

Sexual harassment is not only when a person demands that you go out with him or sleep with him but also when men think they have a right to touch a woman or speak to her in a way the woman does not want.

People who are sexually harassed can do the following:

- Make it clear you do not want that kind of behaviour from the person as a result, she or he has no excuse that you encouraged him or her to think that you approved his or her conduct.
- If he or she does not stop harassing you, keep a record of the incidents in a small note-book. Write them down and ask a friend to witness them. This way your friend will support you.
- Discuss the problem openly and you will probably find others who have been suffering the same problem. In that way, you can make the problem known, which may stop the harasser.

### **Protection Against Sexual Harassment**

The following are possible ways of protecting yourself against sexual assault:

- Try to make your home as secure as possible.
- Do not let anyone into your home if you feel in any way doubtful or suspicious.
- Try to avoid situations that make you feel uncomfortable or unsafe, even if you can see no real reason for your feelings.
- Try to get help from the police immediately if you know or suspect that you are in danger.
- Try to get help from someone nearby, but stay alert and use your judgement. Otherwise you may escape from your attacker only to find that the person you appealed to for help takes advantage of your vulnerability.

- If you are walking and a car follows you or stops beside you, stay as far away from the car as possible and keep walking even if you are helping the driver by giving him direction.
- Hitch- hiking is risky especially for girls and women. If you have to take a lift, trust your judgment about the person or people in the car.
- When you travel alone using public transport, try to sit near another woman.
- Remember that most rapes are planned in advance. It is a good idea to vary your behaviour, such as the route you use and the times you take to fetch water or play with your friends.
- If you learn self-defence skills, remember that you are still vulnerable. Your attacker may have a gun or a knife, or he may simply be stronger or more skilled in martial arts than you are. Practise your self-defence skills regularly.
- Remember that most of the abusers are people who know you such as friends and relatives.

## **Rape**

Rape is when a man/woman has unlawful sexual intercourse with a woman or girl/man or boy without her or his consent by using force and or by means of threats or intimidation. Rape is legally defined as: *Any person who has unlawful carnal knowledge of a woman or girl without her or with her consent.*

## **Ways of Resisting Rape**

One can resist rape in the following ways:

- **Attention seeking tactics:** shouting, screaming or trying to get someone to help.
- **Non cooperation tactics:** for example, refusing to take your clothes off.
- **Psychological tactics:** for example, reasoning with the rapist, trying to frighten him, disgust him or gain his sympathy.
- **Physical resistance:** fighting back or struggling.

However, it is worth noting that there is no single *right* way of reacting, when attacked by a rapist.

### *Possible Reactions after Rape*

**Every rape victim is different. Some people may experience several of the following:**

- Shock.
- Loss of control, feelings of powerlessness.
- Un-naturally calm.
- Acting abnormally.
- Problems with sleep. For example, nightmares.
- Fear.

- Shame.
- Feeling guilty.
- Avoiding physical contact.
- Depression.
- Anger.
- Trauma.

### **What to do after being Raped**

- Report to the police.
- Get a medical report from the nearest health centre.
- Visit a counsellor.
- Seek legal advice.

### *Activity 1*

1. Explain the following terms:
  - (a) Social challenges.
  - (b) Child abuse.
2. Differentiate the following terms:
  - (a) Child sexual abuse and sexual assault.
  - (b) Child defilement and rape.
3. Case Study, from Legal Resource Foundation Newsletter, April, 2001.

### **Uncle Exchange Niece for One Million Kwacha:**

*A 13 year old girl was given to a creditor as security by her uncle until he paid back the K1 million loan.*

*Wakumelo Nasilele was given to Liunda of Kanyama compound in July, last year by her uncle Boyd Nasilele to keep until he paid back the debt. Nasilele has since run away, leaving the girl in the hands of strangers who are mistreating her.*

*The girl said her mother was in Mongu but she did not know where her father was. She said she was staying with her aunt on the Copperbelt when her uncle came to get her so she could stay with him. She said they moved from Copperbelt to Lusaka.*

*Her uncle then borrowed some money from Liunda and when he (Liunda) demanded for the money, Nasilele left Wakumelo with him and never showed up. A well-wisher, Cliff Siyambango who saw Wakumelo's suffering decided to give her a job in a makeshift store in Kanyama. His cousin Douglas Mwakoi was managing the store and with the money earned, they bought her clothes and blankets, which she did not have.*

*This did not please Liunda who got some of her money and ordered her to stop work because he owned her and he would do anything he pleased with her.*

Mwakoi reported this to the Legal Resource Foundation (LRF Kanyama) Legal Advice Centre. The following day, Liunda reported to Kanyama Police post that Mwakoi had abducted and abused Wakumelo. LRF Paralegal explained to Kanyama Police Post Officer-in-charge what the case was about. She also wrote a letter to the Victim Support Unit at Lusaka Central Police where Liunda had reported the matter. Some of Wakumelo's relatives have come up to LRF to confirm the developments of her stay with Liunda. Wakumelo was taken to Cheshire

Homes for safe keeping by the Social Welfare department while waiting for her mother from Mongu.

- (i) Do you think Mr Boyd Nasilele was justified in giving away his niece to a creditor as security? Give reasons for your answer.
  - (ii) Put yourself in Wakumelo's place, what would you have done if you were in her situation?
  - (iii) What lesson can you learn from this story?
  - (iv) What advise can you give to Wakumelo and other children who may be found in a similar situation?
  - (v) Identify organisations in your community that address social problems similar to Wakumelo's . How can you work with these organisations?
4. Briefly explain how the following institutions help address cases of child abuse:
- (a) Zambia Civic Education Association (ZCEA)
  - (b) Young Women Christian Association (YWCA)
  - (c) Victim Support Unit (VSU)

### C. Teenage Pregnancies

Teenage pregnancy rate has increased over the years. This is attributed to a number of factors:

- **Peer pressure** – Sometimes boys and girls engage in sexual activities due to peer pressure and would like to be like others. This, often result in teen pregnancies.
- **Personal development** - As children grow up, they develop sexual feelings and emotions, which they do not understand. As a result, they want to fulfil these urges.
- **Lack of sex education** - Parents should discuss sexual issues with their children.
- **Influence from society and the media.** For example, the type of socialization, breakdown in morals, influence of other cultures, modern songs, television and radio programmes.
- **Cultural issues** – In some societies, girls are married off at a tender age. The traditional preference for the boy child to go to school rather than the girl child has disadvantaged the girl child. As such girls tend to be married off early.
- **Economic issues** – due to high poverty levels some girls tend to engage in sexual activities for monetary gains. This often result in pregnancies, Sexually Transmitted Infections (STIs) e.g. HIV and AIDS, and syphilis.

### Effects of Teenage Pregnancies

There are several effects of teenage pregnancies on the mother as well as the child:

- The health of the mother is affected because she is not yet mature for reproduction.
- The mother may not know how to take care of the baby, consequently, the baby may have poor health, for example, malnutrition.

- The girl may be stigmatised by society and may not bear the shame or may not cope with the emotions.
- The young couple may not cope with the costs involved in bringing up a child and may shift the burden to parents.
- Chances of the girl getting married are at stake.
- Child dumping.
- Disturbance in the education of the mother.

Ways of preventing teenage pregnancies include the following:

- abstinence
- avoiding bad company
- setting goals or principles
- discussing with friends
- avoiding alcohol and drugs
- resisting peer pressure
- upholding good moral values.
- Being occupied with activities like joining the youth clubs.

## Activity 2

*e study 1*

*Mary is fifteen years old. She has been raped repeatedly by her step father and her uncles since she was ten. They told her not to tell anyone and threatened her with terrible things if she did. For four years, she did not say anything, but last year she told her mother. Her mother accused her of having seduced her step-father and uncles. She called her a bad girl and ignored her daughter's plea for help.*

1. If you were Mary, what would you have done? Would you blame Mary for what happened? Give reasons for your answer.
2. If you were Mary's mother how would you have reacted?
3. What do you think should have been done with Mary's step father and uncles?
4. List down some of the ways in which one can avoid rape.
5. Write a letter to Mary suggesting to her the steps to take to redress the situation.

## Case study 2

Imagine you are Aunt Lucy, a writer for a women's magazine. On your page every month, you answer readers' questions and try to help them with their problems. Here is a letter about rape.

*Dear Aunt Lucy,*

*I am very worried about my friend who was raped last month. Since that day, she does not even want to go out of the house any more, not even to school or to the shops. She is afraid that the man is going to come back and kill her, but she won't*

*go and tell the police what happened. She says they won't believe her because the man who raped her is a friend of her brother. She met him one evening when she was with her brother and his friends at a hotel. She does not want to tell her family. She thinks they will blame her because her brother will say that she liked this man and wanted to be his girlfriend. She did like him but then she found out that he was married. So when he came to meet her after school she told him she didn't want to go out with a married man. Then he was very angry and made her get into the car. He took her to a place out of town and raped her. He said he would kill her if she didn't do what he told her.*

*I know my friend is telling the truth. But the burden is very heavy for me and I don't know how to help her. She is getting into very big trouble with her family for not going to school. Also she is getting sick from worrying and not eating or sleeping properly. I hope you can help us.*

*Worried  
Ndola*

*If you were a magazine writer, Aunt Lucy, how would you reply to this letter? Write a letter in response to the one above.*

#### **D. Gender Violence**

*Gender based violence is violence involving men and women in which the female is usually the victim. It is not only about men who abuse women, but also includes women who abuse men physically and verbally. Gender violence takes various forms: physical, psychological and structural.*

##### **Physical Violence:**

This form of violence is directed on the body. Physical violence can take the form of fondling, beating, slapping, punching, shooting, kicking, stabbing, rape and sexual assault.

##### **Psychological Violence**

This is one of the most destructive types of violence. It is concerned with violence towards the mind and often takes the form of humiliation, threats, harassment and attack on another person's self-worth. Psychological violence leads to depression, frustration, madness and suicide.

##### **Structural Violence**

This form of violence includes all the violence that exists within the structures of institutions. Structural violence occurs in the economic, political, social and military systems. It arises from unjust and repressive social structures. For instance, gender-based violence emanates largely from the patriarchal gender system that violates women's rights at all levels. Individuals or certain groups of people in society may

perpetrate it. Gender based violence includes poverty and all forms of violence such as land eviction or lack of access to services.

### **Causes of Gender-Based Violence**

There are several causes of gender- based violence:

- Socialization- learned behaviour based on cultural practices and beliefs that disadvantage women and children, especially the girl child.
- Gender roles-stereo-typing, societal beliefs, myths or attitudes that men and women by virtue of their socialization should perform certain tasks.
- Low self-esteem by the perpetrator.
- Insecurity- social and financial economic dependency by the abused.
- Beliefs that women provoke men by answering back.
- Suspected extra-marital affairs.
- Refusal or delay to serve food.
- Perceived rudeness and lack of respect for the husband.
- Belief that men show love by beating wives.
- Refusal to have sex.
- Failure to get permission from male partners to do something.
- Drunkenness.
- Petty jealousy.

### **Common forms of Violence**

The most common forms of violence are:

- Physical (Spouse battering).
- Verbal abuse, for example, insults.
- Rape and defilement.
- Incest.
- Threats.
- Property grabbing.
- Cruelty by guardian.
- Lack of child or spouse support.

### **Abusers**

The abuser may be an ordinary person or a person in a privileged position over the abused. For example, the abuser may be of a stronger economic or social standing. He or she may be older and in a supervisory position. Abusers may include people within the family such as a husband, wife, guardian and those outside the family such as members of the extended family, friends and strangers.

*Gender-based violence can take place anywhere such as in a home, on the street and at places of work.*

### Activity 3

1. What do you understand by the term *spouse battering*?
2. What are the causes of spouse battering?
3. Suggest ways of solving spouse battering.

### Effects of Gender-Based Violence

Gender-based violence has several effects:

- Oppression of the spouse: The abused cannot realise his or her potential and contribute fully to the development of the family and society.
- The abused may be fearful, angry or pre-occupied with their own safety and may not be willing to perform duties that are expected of them.
- Sexual violence contributes to the spread of HIV and AIDS and risk of contracting other Sexually Transmitted Infections (STIs).
- Physical mental injury and death.
- Permanent disability.
- Unplanned pregnancies.
- Suicide.
- Depression or trauma.
- Loss of self- esteem and confidence.
- Family disruption, for example, divorce.

### Ways of Reducing Gender-Based Violence

The following are some of the ways in which gender-based violence can be reduced:

- Speaking out about the problem.
- Sensitising the community about gender violence and the need to work together to stop the vice.
- Assisting couples to discuss and resolve their problems.
- Reporting cases of violence to the Police Victim Support Unit for legal action and counselling.
- Encouraging victims to go for legal advice to NGOs or Drop-in Centres dealing with gender-based violence.

### Measures to curb Gender-Based Violence and Child Abuse

- Lobbying for changes in the laws and enforcement of laws regarding gender-based violence.
- Making others aware of the extent and true nature of gender-based violence and child abuse through public education, training, public performance, newspaper articles, radio and television programmes.
- Establishing counselling centres for victims.
- Putting pressure on the community to make conditions safer for vulnerable people such as improving street lighting in certain areas.
- Researching and keeping records on child abuse and gender-based violence for social action and policy-making.

- Formulation of community based gender violence committees.

### **Institutions that Address Gender-Based Violence**

- Police Victim Support Unit.
- Young Christian Women’s Association.
- Young Christian Men’s Association.
- Legal Aid Clinic for Women
- Other Non-Governmental Organisations

### **Activity 4**

*A woman who works in an office said “The man always touches me on the breasts and bottom and always pretends that it is an accident. When I ask him to stop, he always laughs and says, “Oh, you women jump too quickly. You cannot complain if I touch you by accident.” Sometimes he just sits and looks at me in a way that makes me feel so embarrassed. It makes me angry because it means he does not take me seriously as a worker on the same level as him. If I complain, people may look at me suspiciously. They might start thinking I got my position through sleeping with men or because I take trouble to dress smartly. I work very hard to get my promotion.*

1. Imagine that you are the woman described in the passage, how would you handle the situation?
2. If you are the manager of the company and this case was reported to you, how would you handle the situation described in the passage?
3. Between women and men, who, in your opinion, usually sexually harass the other? Discuss.
4. Slapping your spouse is sometimes necessary. Discuss.

### **Ideas for Action Projects**

1. Identify one social challenge in your community and develop a programme to address the issue. Ensure that other community members participate in this activity.
2. Carry out a survey in your community on either child abuse or gender-based violence. Suggest ways of implementing your recommendations.
3. Write or collect stories newspapers or magazines about child abuse and gender violence. Create a display for the classroom or school.
4. Investigate cases of child abuse in your community and write a report to the Victim Support Unit.
5. Investigate a case of gender-based violence.

6. Write a report about gender-based violence in your community and present it to your class.

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# GRADE 12

# CHAPTER 1

## THE ZAMBIA BILL OF RIGHTS

### Specific Learning Outcomes:

- Define the Bill of Rights.
- Outline elements of the Bill of Rights in the Zambian Constitution.
- Analyse the Limitations of the Bill of Rights
- Describe ways of enforcing the Zambian Bill of Rights.
- Discuss the promotion of Human Rights in Zambia.
- Discuss the provisions of the African Charter on Human and peoples Rights.
- Explain the Supervisory Mechanisms of the African Charter on Human and People's Rights.

### The National Bill of Rights

*The Bill of Rights* is a list of fundamental rights and freedoms covered in Part III of the Constitution of Zambia which is the *Supreme Law of the Land*. This is the country's main instrument of protecting the rights and freedoms of the individual. The Bill of Rights in Zambia is entrenched in the Constitution and hence cannot be easily amended because of the strict amendment requirements. It can only be amended after a national *referendum* in which not less than two thirds or 50% of the eligible voters vote in favour of the amendment.

The Constitutional Provisions in the Bill of Rights largely reflect provisions contained in the International Bill of Rights such as:-

- The Universal Declaration of Human Rights (UDHR).
- The International Convention on Economic, Social and Cultural Rights (ICESCR).
- The International Convention on Cultural and Political Rights (ICCPR).
- The two optional protocols.

As a member of the International Community, Zambia committed herself to respecting human rights by acceding to the International Convention on Economic, Social and Cultural Rights (ICESCR) and the International Convention on Civil and Political Rights (ICCPR). She also ratified various international conventions such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC) Convention on the Elimination of all forms of Racial Discrimination (CERD) and the Convention Against Torture and other Cruel and Degrading Treatment or Punishment (CAT).

## Brief History of Zambia's Bill of Rights

Zambia has had a Bill of Rights since 1964. It's history is outlined as follows:

- The Bill of Rights was incorporated for the first time in the Northern Rhodesia Self-government Constitution of 1963. It was reproduced with minor amendments in the 1964 Multi-Party Democratic (Independence) Constitution.
- The 1972 **Chona Commission** recommended the introduction of One Party Participatory Democracy which was effected the following year in 1973. This amendment in the Independence Constitution limited the enjoyment of the rights and freedoms of individuals.
- The 1991 **Mvunga Commission** recommended the re-introduction of Multi-Party Democracy in Zambia with an inclusion of the children's rights for the first time.
- The 1996 **Mwanakatwe Commission** also made a few amendments to the 1991 Constitution. However, the Bill of Rights was left intact.

### Exercise 1

- (a) Explain the Bill of Rights.
- (b) Your country is electing a new democratic government for the first time. You have been asked to draft a Bill of Rights for the new constitution which should guarantee democracy.  
Make a list of rights which you would want to include in the Bill of Rights to ensure that your country is democratic.

### Activity 1

- (a) In groups make a draft of a 'bill of rights' which you feel should be promoted and respected in your schools. Present your work to the whole class. With guidance from your teacher, a final suggested 'bill of rights' should be compiled and stuck on your class notice board
- (b)

### Elements of the Bill of Rights

The current Bill of Rights forms part III of the Constitution which covers articles 11 to 32. Its *preamble* in Article 11 is a general declaration of the rights every person in Zambia is entitled to regardless of race, place of origin, political opinion, colour, creed belief, religion sex, or marital status. However, the article states that these rights and freedoms are subject to limitations based on the affordability or availability of state resources determined by cabinet, and as long as their enjoyment does not prejudice the rights and freedoms of other citizens. The following are the fundamental rights and freedoms covered in Zambia's Bill of Rights:

- **Article 12: Protection of right to Life**

This right is described as the *Supreme Human Right* as it forms the basis of other rights. It protects the life of an unborn child, implying therefore that termination of pregnancy is prohibited except in cases permitted by law. Furthermore, it places obligation on both the state and the individual to ensure protection of life.

- **Article 13: Protection of the right to personal liberty**

To a large extent, the right deals with the procedure for arrest and detention which curtails the freedom of movement of an individual. The liberty of a person here refers to the bodily movement in the narrowest sense. Persons should not be arbitrarily and unlawfully deprived of liberty.

- **Article 14: the right to protection and forced labour**

Slavery and forced labour prevents the liberty and freedom of the individual as a person has little say over oneself. The *State* is under obligation by ICCPR to prohibit by law any forms of slavery like practices such, as human trafficking, serfdom, exploitation of children and *servile* forms of marriage except -:

- when hard labour is executed as punishment for a crime by the courts of law.
- during normal civic obligations like compulsory military training or national service.

- **Article 15: Protection from torture, inhuman or degrading treatment or punishment**

This article states that the right to freedom from torture, inhuman or degrading treatment is *absolute*. In 1984 the United Nations General Assembly adopted the Convention Against Torture (CAT). Under this convention, state parties have an obligation to *extradite* or *prosecute* torturers.

- **Article 16: Protection from deprivation of property**

The constitution makes a provision for protection from deprivation of property except in cases permitted by law under the following circumstances:

- failure to pay tax, rate or due and
- any other penalty for breach of any law either under civil process or after conviction an offence.

- **Article 17: protection for privacy of home and other property**

The article makes a provision for protection of the privacy of home and other property. It prohibits the search of a person, his/her property or entry of premises without consent except as established by law.

- **Article 18 : provision to secure protection of the law**

The article gives provisions to secure protection of the law for any person charged with a criminal offence. It deals with administration of justice relating to pre-trial test and detention. This is to ensure:-

- independent and impartial court.
- presumption of innocence until proven guilty.
- language interpretation.
- legal representation.

- **Article 19: Protection of freedom of conscience**

The article guarantees freedom of thought and freedom of religion which may also imply freedom to change religion or belief; either alone or in a group with other people, and both in public or private in the form of worship, teaching and observance.

- **Article 20: Protection of freedom of expression**

Individuals or groups have guaranteed freedoms to:

- hold opinions without interference.
- receive ideas and information without interference.
- impart and communicate ideas and information without interference.
- exchange information through correspondence without interference.

- **Article 21: Protection of freedom of assembly and association**

Under this article, every citizen has a right to:

- assemble freely and associate with others.
- form or belong to any political party, trade union or other association for the protection of one's interest.

- **Article 22: Protection of freedom of movement**

This article guarantees freedom to:-

- move freely throughout Zambia.
- reside in any part of Zambia.
- leave Zambia and to return to Zambia any time.

However, the right to freedom of movement may be limited under a state of emergence and to a person serving a sentence of imprisonment.

- **Article 23: Protection from discrimination**

The article provides for protection from discrimination on grounds of race, ethnicity, sex, place of origin, marital status, political opinion, colour, creed or

belief. Under this article, no one is allowed to discriminate another person or group of people, whether privately or when carrying out public duties.

- **Article 24: Protection of young persons from exploitation**

This article:

- Prohibits the engagement of young persons in any occupation or employment which would prejudice ones health or education or interfere with physical, mental or moral development.
- ensures protection from physical ill treatment of all forms of neglect, cruelty and exploitation.
- Prohibits the trafficking of young persons.

- **Article 25: derogation from fundamental rights and detention**

The article provides for derogation from fundamental rights and detention in times of war or public emergence. However, not all articles are *derogable*.

Derogative provisions are covered in articles 13, 16, 17, 19, 20, 21, 22, 23, and 24, while Articles 12, 14, 15 and 18 are *non-derogable*. The constitutional provisions for the protection of fundamental rights and freedoms clearly state that such rights and freedoms are subject to limitations designed to ensure that the rights and freedoms of others are secured and that public order and peace is always maintained.

- **Article 26: Provision Relating to Restriction and Detention**

The article largely deals with the provision relating to the rights of restricted and detained persons. One has the right to be informed in writing in a language that he/she understands within 14 days of detention. The Information should be published within this period, indicating the place of detention and provision under the law that indicates that the detention is authorised. After three months, a detainee may have the case reviewed by an independent and impartial tribunal established by law. During this time, one has the right to consult legal representation and be present during proceedings or send a representative.

- **Article 27: Special Tribunal to Report on Legislation**

Under this article, members of parliament can arrest (stop) a bill which infringes on the Bill of Rights. The article further makes a provision for the appointment of a special tribunal of two judges by the Chief Justice. The role of the tribunal is to report on a *bill or statutory* instrument which may not be consistent with the constitution. Such a tribunal can only be established if not less than thirty members of the National Assembly make a report on a bill or statutory instrument. In case of a bill, the request must be delivered to the Speaker within three days before presentation of the bill in Parliament.

For a request concerning a *statutory* instrument, it must be delivered to the relevant authority within fourteen days of the publication of the instrument in the *gazette*.

- **Article 28: Enforcement of Protective Provisions.**

The article makes a provision for the *enforcement* of the rights provided in the Bill of Rights. It provides a remedy to the domestic court which is the High Court, in the case of violation of the provisions of article 11 – 26. If a person is aggrieved by any determination of the High Court, the article makes a provision for appeal to the Supreme Court provided his case is *not frivolous or vexatious*.

- **Articles 29 – 31:**

These articles deal with special powers of the Republican President such as declaration of war and declaration of the state of public emergence.

### **Exercise 2**

- (a) examine each of the following expressions and decide which human right is likely to be violated. Support your answer.
  - (i) A political opponent burns the flag of another political party at a public rally.
  - (ii) A political leader says at a public rally ‘people of one ethnic group are inferior and that his/ her people are superior and therefore should have the right to govern the country.
  - (iii) A news paper publishes an editorial saying that the government is mis managing national resources through corruption. Government responds by banning that news paper.
  - (iv) A group of women forms a sports club for women only and men strongly condemn this club.
- (b) Most Zambian ethnic still practise certain traditional customs and beliefs which ultimately affect certain constitutional rights.
  - (i) what traditional practices do you think affect the right to liberty and security of individuals in your area?
  - (ii) What measures would you suggest to ensure behavioural and attitude change so that the right to liberty and security of persons is guaranteed in the constitution is enjoyed by everyone both in rural and urban communities.

### **Activity 2**

A country that was recently ruled by a dictator is drafting a bill of rights to be included in its new constitution. For many years its citizens were deprived of proper education, housing and health services. The Maganidzo Party argues that these rights

should not be included in the Bill of rights because government may not be able to deliver them and fears that this may discredit the constitution. On the other hand, the Lusumpuko Democratic Party argues that they should be included in the Bill of Rights since they are 'Basic rights'.

In pairs, discuss the difference views of the two parties, which position would you adapt. Write an essay in form of an article to be presented to your local newspaper.

### **Limitations of the Bill of Rights**

The enjoyment of the rights and freedoms guaranteed in the Bill of Rights is subject to a number of restrictions and limitations outlined as follows:-

- The preamble to the guaranteed rights and freedoms in article 11 does not include the *obligation* of the state to ensure that the rights and freedoms are safeguarded, but simply makes a provision for their enjoyment. The Bill of Rights lacks a clause which should give an obligation to the state to ensure the enjoyment of the protected rights and freedoms.
- The right to life covered in Article 12 is *not absolute* because the death penalty has not been abolished in Zambia. Furthermore, the exercise of self-defence which may lead to the death of another individual is not considered a violation of the right to life. In addition, the death penalty is imposed for most serious crimes and on exceptional measures. For example, persons below 18 years and pregnant mothers are exempted from death penalty regardless of the seriousness of the crimes committed.
- Article 16 on the right to protection from deprivation of property contains about *twenty six derogations* which are extremely wide. For example, under the Lands Acquisition Act, the President is empowered to compulsorily acquire "property" of any description in the public interest. Similarly, the Societies Act gives the Minister of Home Affairs or the Registrar of Societies authority to cancel the registration of any society in the public interest. In addition, under the State Proceedings Act, for instance, no injunction can be issued against the state, nor can a *Writ of Fieri Facias* be issued against the state.

Examples of other rights that have wide derogation clauses include:

- Freedom of conscience.
- Freedom of expression.
- Equal protection before the Law.
- Freedom of assembly and association.
- Freedom of movement and
- Freedom from discrimination.

These clauses allow the Legislature to enact laws that may result in taking away the guaranteed rights. This has weakened the provision in the Bill of Rights.

- ***Narrow Locus Standi***

The Judiciary is the main mechanism for the protection of human rights. However, due to the weak structure of this institution, the protection and promotion of the fundamental rights and freedoms is not effectively enforced. For example, under Article 28 of the Constitution, only a person whose rights have been violated can apply to the High Court for redress. This is what is referred to as *Locus Standi*. This means that no other person apart from the *litigant* can challenge the constitutionality of law or government action in the public interest.

However, due to the cumbersome long procedure and other factors like poverty and ignorance, very few people can take action. This restriction on *Locus standi* has had adverse effects on constitutional litigation, hence rendering the Judiciary a weak institution.

- **Declaration of State of Emergency**

According to Article 30 on the declaration of Public Emergency, the President has powers to declare a *State of Emergency* in case of national disaster or any other threat to national security. During this time, the state security wings are given extensive unlimited powers to search and any persons. Thus, the rights of those detained are not safeguarded. Other acts of Parliament that may have similar effects are the Penal Code, the Public Order Act and the State Security Act.

- **Gender Biasness**

The Bill of Rights lacks a gender neutral language. It is biased towards males since it is expressed in masculine terms such as ‘he’, him or “his” in describing an individual or citizen who is entitled to the guaranteed rights. However, Zambia is a signatory to the International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), which is focussed on the promotion of gender equality. Therefore, the language used in the Bill of Rights should be gender neutral.

- **Omission of Certain Categories of Rights**

The missing categories include:-

- *Women’s rights*: The Bill of Rights has no provision on women’s rights; and this has hampered their promotion and enhancement, as well as their participation in national development.
- *Children’s Rights*: Despite the fact that Zambia signed the Convention on the Rights of the Child, (CRC) the children’s rights are scantily covered in the Bill of Rights.
- *Rights of People with Special Needs*  
The protection of the rights of persons with special needs is not adequate. Examples include the elderly, disabled, widows, orphans and those infected or affected by HIV/AIDS. These people may continue to suffer discrimination due to their vulnerable status.

- *Group Rights*

The group rights are also inadequately covered in the Bill of Rights. For example, the right to a clean and healthy environment for the community is not acknowledged.

- **Lack of guarantee to democratic rights**

The constitution does not reflect a strong commitment to democracy or representative government. Only a small fraction of the Zambian population has power to authorise the constitution. Although the Bill of Rights is enshrined in the Constitution, it does not guarantee everyone *franchise* or the right to vote. For example, franchise is discriminatory to persons under eighteen (18) years of age, the blind, prisoners and those abroad and not able to travel back to vote on polling day.

- **Lack of Protection Against Torture**

The Bill of Rights provides for the due process of law, but apparently, it does not protect persons against torture or inhuman treatment. According to the Convention Against Torture (CAT), which Zambia is a party to, all torturers must under state obligation be either *extradited or prosecuted*.

- **Language**

The Bill of Rights is written in a highly technical language which is very difficult for an ordinary person to understand. There is need for a provision of guidelines on the interpretation of the information contained in the articles.

- **Lack of domestication of International Instruments**

Despite the fact that Zambia has ratified all major international human rights treaties, most of them have not been incorporated in the domestic legal system. Hence they cannot be enforced in the courts. For example, the Economic, Social and Cultural Rights are entitlements associated with the Welfare State. However, even though they are enshrined in the Bill of Rights they are *not constitutional*, which means they cannot be *enforceable* because they are *not justiciable*. Therefore, no citizen can go to a court of law to sue the government on the grounds that they have been denied a right to health or education.

*Exercise 2*

- (a) Article 25 provides for derogations from fundamental rights and detention in times of war or public emergency. However, not all rights are derogable.

Prepare a table with two columns under headings. **Derogable** provisions and **Non-derogable** provisions.

Fill in the information in the table appropriately

Derogable Provisions	Non-Derogable Provisions

(b) Read the newspaper article below and answer the question that follow:

***Death penalty is biblical***

*“ Reform Party President has charged that politicians who use insults to discredit others have no vision for the people and shall perish. And Dr. Nevers Mumba has supported the retention of the death penalty in the Republican Constitution Review Commission final report. .... he supported the retention of the death penalty in the constitution as it was biblically enshrined. He said death penalty had always been there even in the biblical times as punishment for those that took other peoples lives.*

“Source Lusaka Star, February – March issue, 2006.

What is your view about Dr. Mumba’s opinion on the retention of the death penalty in the Republican Constitution?

Write a short report to support your view

(c) Imagine the following scenario in Twachula township.

*There is a general unrest in Twachula township due to riots prompted by the rise of mealie-meal prices in all market places. One of the traders, Mr Mwachiona, has been arrested and detained without trial. Prior to that, his*

*house has been searched with property seized without proper reasons. In addition, two people have lost their lives in this incident.*

Answer the following question:-

- (i) Carefully study the articles outlined in the Bill of Rights. Which rights do you think are likely to be violated as a result of the scenario given above.
- (ii) Analyse the limitations and weaknesses of the articles covered in the Zambian Bill of Rights.

## **Ways of Enforcing the Bill of Rights**

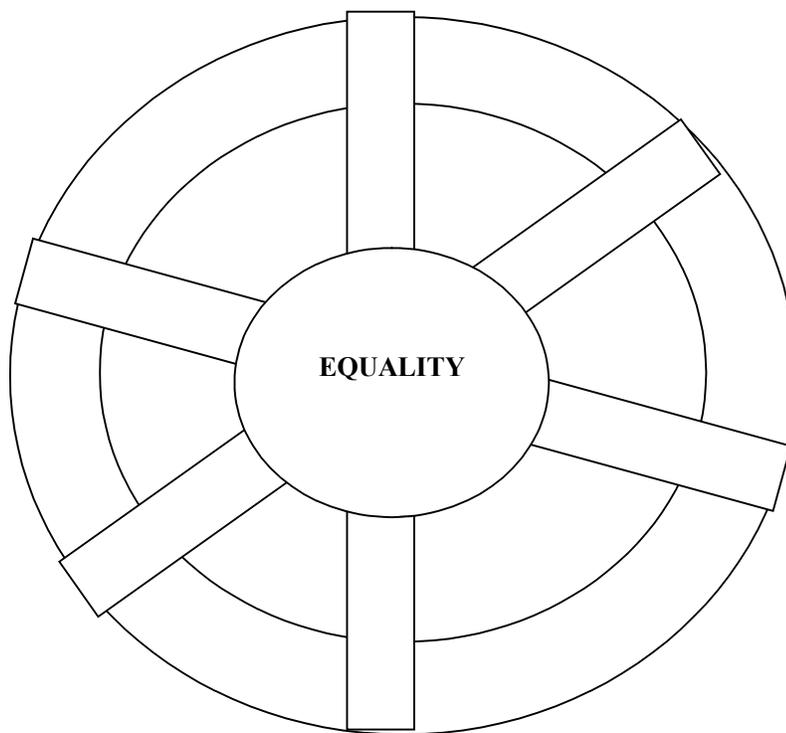
The Judiciary arm of the government is the main mechanism for the protection and enforcement of the rights and freedoms outlined in the Bill of Rights. Article 28 of the constitution provides a mechanism on how these rights and freedoms can be enforced by the courts of law. Below are some of the ways of enforcing the Bill of Rights:

- All communications involving constitutional disputes should be taken to the High Court. Therefore, a person who is aggrieved due to the violation of his/her fundamental rights, can petition the High Court for redress. The High Court is vested with jurisdiction to issue *writs* on lodged claims and to give direction as it considers appropriate in securing the enforcement of any of the provisions of articles 11 to 26. However, if a person is aggrieved by any determination of the High Court, he/she may appeal to the highest court of appeal which is the Supreme Court provided the case is not *frivolous or vexatious*.
- The Judicial Review under Order 53 of the Rules of the Supreme Court is another popularly used mechanism. This mechanism is applicable when the Judiciary checks on whether the Legislature and the Executive are exercising their powers within the constitution. Under this mechanism, there are applications for *Habeas Corpus* or *Writ of Certiorari*.
- The latest mechanism introduced in article 125 of the constitution is the use of the Permanent Human Rights Commission (PHRC) which acts as a watchdog to the courts in enforcing human rights. Under the Human Rights Act No. 39 of 1996, the Commission has a mandate to monitor violations of human rights through investigation and public hearing. It also recommends and facilitates mediation and conciliation in enforcing human rights.
- The office of the Investigator General, who is also known as an *Ombudsman*, equally enforces human rights claims. The Investigator General is the Chairperson of the Commission for Investigations. Any person is free to write to the Investigator General to lodge complaints about human rights violations. The commission carries out investigations on peoples' complaints about corruption and other cases of abuses and violations of human rights in the Civil Service. When the truth is established, the Investigator General gives advice to either the Police or courts to take action.

- The media, civil society, parliament, the Law Association of Zambia (LAZ) and trade unions are also involved in monitoring human rights violations. They supplement the work of the Judiciary.

#### Activity 4

- (a) Draw an “equality wheel” like the one shown below:



List down the words that can be associated with the concept “Equality.” Fill them on the spokes of your equality wheel. For example, you may indicate employment opportunities.

- (b) It is argued that only the courts of law can interpret the constitution and that the fundamental rights spelt out in the constitution can only be enforced by the Judiciary. Therefore, the courts should have unlimited authority to enquire into the activities of both the Legislature and the Executive Wings of Government.

Critically analyse the above statement. Write an essay giving your own opinion.

- (c) Discuss how the media monitors human rights in Zambia.

## **Promotion of Human Rights in Zambia**

There are several government institutions and non-governmental organisations that promote human rights in Zambia. Some examples include the following:-

- **The Judiciary**

The Judicial system in Zambia consists of the Supreme Court, the High Court, the Industrial Relations Court, subordinate courts, local courts and any other courts as may be prescribed by an Act of Parliament. These courts play a vital role in promoting human rights. When carrying out their judicial functions, the judges of the courts are independent, impartial and subject only to the constitution and the law.

- **Anti-Corruption Commission**

The Anti-Corruption Commission is an *autonomous* government institution which helps strengthen human rights through its fight against corruption. The Commission undertakes investigations into any reported corruption cases which may also be centred on human rights violations. In case of evidence being established, prosecution follows. However, prosecution is subject to the Director of Public Prosecutions who may decide to refer the case to court. Those convicted are either fined or imprisoned for a specific period.

- **Zambia Police Service**

The Zambia Police is a government institution that is charged with the responsibility of maintaining law and order in the country. It also works closely with the courts in administering social order and justice. Through the Victim Support Unit, the Police provides service to the community by promoting and protecting the rights of the victims of abuse or torture. Law breakers are apprehended, arrested and prosecuted accordingly.

- **CARITAS**

CARITAS is a Faith Based Organisation (FBO) inspired by gospel values and the social teaching of the Catholic Church. It promotes integral human development, economic justice, human dignity and empowerment of the less privileged in society. This is mainly done through conscientisation, advocacy, research and training and capacity building.

- **Justice for Widows and Orphans Project (JWOP)**

The project was established under the support of Finland. Its main objective is to fight against various forms of injustices which have affected the plight of the widows and orphans. In collaboration with other Non Governmental Organisations, the project has managed to:

- disseminate information on human rights to the general public to ensure understanding of the importance of observing rights of the widows and orphans.
- highlight violations of human rights committed in society in order to help change negative attitude towards the vulnerable groups in society.

- **The Law Association of Zambia (LAZ)**

The Law Association of Zambia is a body of lawyers which is mandated to promote human rights by developing law as an instrument of social justice. In addition, the association's objective is to encourage lawyers to offer legal aid and to secure representation, especially for the disadvantaged members of society. LAZ also promotes law reforms and closely works with other institutions and organisations in discharging its duties.

- **Legal Resources Foundation**

The Legal Resources Foundation is a non-governmental organisations that promotes human rights by providing legal advice and litigation for the vulnerable members of society. This is done by either being consulted by those affected or as reference cases from other organisations.

- **National Legal Aid Clinic for Women**

The National Legal Aid Clinic for women provides affordable legal aid to the vulnerable members of society especially women and children. This is done through litigation, arbitration and intervention in cases which have impacted negatively on the less privileged in society.

- **Society for Women and Aids in Zambia (SWAAZ)**

The Society for Women and Aids in Zambia was formed to address issues of women and children's rights. It is aimed at reaching out to the community to ensure grass-root participation in sensitisation, educating and creating awareness among women and children regarding the HIV/AIDS pandemic and related problems. In order to achieve its objective, the organisation has widely embarked on education, training and counselling programmes.

- **Young Women Christian Association**

The Young Women Christian Association (YWCA) of Zambia, is a faith based organisation (FBO) which is dedicated towards uplifting the standards of life of women and children. Its objectives are to:-

- promote women's rights.
- advocate for children's rights.
- provide economic empowerment of the less privileged by training them in income generating skills.

In addition, YWCA runs Drop in Centres, Children in Crisis Centre and Human rights Centres. It also provides advocacy and public education on matters of human rights and reproductive health.

- **Zambia Civic Education Association (ZCEA)**

The Zambia Civic Education Association is another non-governmental organisation which promotes especially human rights. The organisation offers legal advice to vulnerable groups in society, especially the children. It conducts civic education programmes on the promotion and protection of children's rights through the Children's Rights Clubs (CRC).

- **Amnesty International (AI)**

Amnesty International is a world wide self-governing movement of people whose aim is to campaign for internationally recognised human rights. This movement is independent of any government, political ideology economic interest or religion. This means that it does not support or oppose any government or political system as it's primary concern is to impartially protect the human rights of affected individuals.

The vision of Amnesty International is to ensure that every person enjoys all of the human rights enshrined in the *Universal Declaration of Human Rights* and other international human rights conventions. In pursuing this vision, Amnesty International undertakes research and action focussed on preventing physical and mental abuses of human rights. In addition, the movement endeavours to promote integrity, freedom of conscience and expression and freedom from discrimination. Amnesty International does not seek or accept any funds from governments to carry out its work on campaigning against human rights violations.

### **Activity 5**

- (a) In groups conduct research on any institution or non-governmental organisation that promote human rights in your area.
- (b) Do you think that human rights are adequately protected and promoted in Zambia? Give reasons for your answer.

- (c) Apart from those that are indicated in this chapter, list down any other institution and organisations that promote human rights in Zambia.
- (d) Compile a report to be presented in class.

## **The African Charter on Human and People's Rights**

A preliminary draft on the establishment of the African Charter on human and Peoples' Rights was prepared at an Organisation of African Unity (OAU) session held in Monrovia, Liberia, in July, 1979. the African *Charter* on Human and Peoples' Rights which was adopted under the *auspices* of the OAU was subsequently established in 1981. It came into force in October, 1986.

The African Charter has an established system for the protection and promotion of human rights. This system is designed to function within the institutional framework of the OAU which is now called the African Union (AU). The provisions of the charter are a reflection of the United Nation (UN) human rights instruments and are based on African traditions.

*Unlike the European and American Convention on Human Rights, the provisions in the African Charter safeguards the rights of individuals as well as peoples' or groups such as, the minorities, refugees, handicapped, orphans and those infected and affected by the HIV AIDS pandemic.*

*The African Charter therefore:*

- proclaims both rights and duties.
- codifies and emphasises on *individuals* as well as *people's* or *group* rights.
- guarantees civil and political rights as well as economic, social and cultural rights and group rights.
- permits the state parties to impose restrictions and limitations on the exercise of guaranteed rights.

### **Rights**

*Individual Rights:* These are enshrined within the International Convention on Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural Rights. (ICESCR).

Individual Rights among others include:

- Equality
- Integrity of the persons
- The right to legal defence
- Freedom of belief and religion
- Freedom of movement, association or assembly
- Right to seek asylum
- Protection of non-nationals
- Right to property
- Right to work

- Right to good health

### *People's Rights*

These are rights which are enjoyed as a group. They are also called Group Rights or Third Generation Rights. They include rights to:-

- Self determination
- Economic, Social and Cultural Development
- National and International Peace and Security
- Environment
- Sovereignty over the environment and it's resources

### **Duties**

These include duties of individuals or groups towards family, society, state or other legally recognised communities and the International Community.

The Charter is duty bound to ensure that:-

- The rights and freedoms of individuals and groups shall be exercised with due regard to the rights of other people.
- African cultural values are preserved and strengthened in relation with other members of society in the spirit of tolerance, dialogue and consultation in order to promote a moral society.

### **State Obligations**

State Parties are obliged to:-

- recognise the rights enshrined in the Charter.
- adopt legislative and other measures for their effectiveness.
- submit state reports on legislature and other measures.
- undertake human rights training and awareness programmes.
- ensure independence of the Judiciary.
- establish national institutions to promote and protect human rights.

## **Supervisory Mechanism of The Charter**

### **The African Commission on Human and Peoples Rights (ACHPR)**

The African Commission on Human and Peoples Rights was established under Article 30 of the Charter. The Commission is composed of 11 members elected by the AU Assembly of Heads of States and Governments from a list of names presented by the State Parties. These members must have a sound legal background and must possess characteristics of high morality and integrity. They serve the commission in their personal capacity.

## **Functions of the commission**

In order to promote human and peoples rights, the Commission's functions are to:-

- Ensure the protection of human and people's rights under the conditions laid down by the present charter.
- Collect documents, undertake studies and research on human rights violations in Africa.
- Disseminate information through seminars, symposia and conferences and to make recommendations to governments.
- Formulate and lay down principles and rules aimed at solving legal problems relating to human and people's rights and fundamental freedoms which are the basis of African Government's Legislature.
- Network with other African and International institutions concerned with the promotion and protection of human and peoples' rights.
- Interpret all the provisions of the present charter at the request of a state party, an African Union (AU) institution or any African Organisation recognised by African Union.
- Perform any other tasks entrusted to the Commission by the Assembly of Heads of State and Government.

## **Principles**

- The Commission is guided by the International Law on Human and People's Rights in relation to the following provisions:-
  - Various African instruments on Human and Peoples Rights.
  - The charter of the United Nations.
  - The Universal Declaration of Human Rights.
  - Other Instruments on Human and Peoples' Rights adopted by the United Nations and by African States.
- The Commission shall determine principles of Law, setting standards of African practices consistent with international norms on human and people's rights and customs generally accepted as law by African States.
- Each State Party shall undertake to submit a report on legislation or other measures taken. This is to ensure the implementation of the rights and freedoms recognised and guaranteed by the Charter.
- The Charter shall be open to signature, ratification or adherence by the member states of the African Union.

## ***The Human Rights Commission (HRC)***

*The Human Rights Commission was established by an Act of Parliament No. 39 of 1996. It came into force in May, 1997. The aim was to revisit Zambia's human rights record in order to promote positive Human Rights Culture in the country. The Commission is an autonomous body which is **not** subject to direction or control of any person or authority when discharging its duties.*

*The Commission is made up of the Director, Deputy and five Commissioners who are appointed by the President, subject to ratification by Parliament. The tenure of office*

of these positions is three years though renewable. A position can be lost through resignation or dismissal.

### **Functions of the Commission**

The functions of the Human Rights Commission are to:-

- Investigate human rights violations.
- Investigate any maladministration of justice.
- Propose effective measures to prevent human rights abuses.
- Visit prisons and places of detention or related facilities with a view to assessing and inspecting conditions of the prisoners or detainees held in such places and make recommendations to redress existing problems.
- Establish a continuous programme of research, education, information and rehabilitation of victims of human rights abuse to enhance the respect for and protection of human rights.

### **Powers**

The commission has powers to:-

- Investigate any human rights abuses on its initiative or on receiving complaints or allegations under its Act by:
  - an aggrieved person acting in their own interest.
  - a person acting on behalf of an aggrieved person.
  - a person acting on behalf of and in the interest of a group or class of persons.
  - an association acting in the interests of its members.
- Issue summons or orders requiring attendance of any person relevant to any investigations by the Commission.
- Produce any documents relevant to the Commission.
- Question any person in respect of any subject matter under investigations before the commission.
- Recommend to courts of law prosecution of any person found by the Commission to have perpetuated abuse of human rights.

### **Activity 6**

- (a) Study the selected articles of the Universal Declaration of Human Rights (UDHR) and the African Charter on Human and Peoples Rights on pages 21 - 22 and answer the question below:

A distinctive feature of the African Charter is that it recognises not only the rights of the individual person but also of groups of people.

Which articles in UDHR support this statement?

- (b) Look at the list of individual rights that are outlined in the African Charter on the Human and People's Rights on page 16. Identify the practical problems that are associated with each one of them.
- (c) Complete the table below by filling in the missing information.

Question	African Commission on Human and Peoples Rights & (ACHPR)	Human Rights Commission (PHRC)
How was the commission established?		By an act of Parliament No. 39 of 1996.
When did it come into force?		
Composition	Eleven (11) members from representatives chosen from member states.	
State the means of occupying office		
Tenure of Office		3 years but renewable
How can one lose his/her position?		
State the aim of the Commission		

### **Death row inmates figure swells**

*The number of inmates on death row in Zambia has swelled to over 200 because of cumbersome judicial procedures involved before executions can be carried out, Home Affairs Minister Peter Machungwa has said.*

*Dr. Machungwa said a section of Mukobeko maximum prison which was built to accommodate 48 condemned prisoners had been filled beyond capacity.*

*He said prison authorities only executed a prisoner after all judicial requirements were satisfied.*

*“ The system is over-crowded. There are more people on death row now than we can hold.” Dr. Machungwa said.*

*He said long judicial procedures had contributed to the swelling number of inmates as it took time for sentences to be confirmed by authorities before any executions could be carried out.*

*“The Supreme Court has to confirm a High Court decision to hand somebody a death sentence. Then a prerogative of mercy committee chaired by the Vice – President has to meet before the President can approve. It is only then that a person can be hanged.” Dr Machungwa said.*

*Dr Machungwa said current prison facilities for death row inmates were inadequate as they were built when the country’s population was lower.*

*Since 1980, Mukobeko prison has executed 40 condemned prisoners.*

*In 1982 only one condemned prisoner was executed while in 1984, 10 were hanged.*

*A total of 11 prisoners went to the gallows in 1985 and 18 were hanged in 1989. In 1989 10 were executed on January 27, six on June 23 and the last two were hanged on November, 24. Former Prisons Service spokesman, the late Augustine Phiri, dismissed reports that executioners used hammers to finish off the prisoners.*

**Source: Sunday Times, 29<sup>th</sup> October, 2000**

- (d) (i) What do you think could be the reasons that have led to the scenario described in the passage above?
- (ii) Imagine that you were the chairperson of the Human Rights Commission (HRC) in Zambia.  
Suggest measures you would recommend to government to improve the conditions at Mukobeko Maximum Prison.

**Activity 6**

- (e) In pairs, identify groups of people who might need special protection or whose rights have not been safeguarded in your area.  
Draw up a charter of rights that you feel they should enjoy.  
Present your charter to the class.

**Suggested Action Projects**

- (a) Design a set of posters on basic rights and responsibilities. Stick them in key positions in your school.
- (b) Collect documented data on human rights violations from magazines and newspapers. Develop a wall collage on collected data.
- (c) Carry out a survey on the forms of violations of human rights in your community. Identify a particular group that has suffered discrimination due to their vulnerable status.  
Write a report to present to your class.

**SELECTED ARTICLES FROM UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) AND AFRICAN CHARTER ON HUMAN AND PEOPLES'RIGHTS' (ACHPR)**

UNIVERSAL DECLARATION OF HUMAN RIGHTS	AFRICAN CHARTER ON HUMAN AND PEOPLES'RIGHTS
<p><b>Article 2:</b> Everyone is equal despite differences in skin colour, sex, religion, language, for example.</p> <p><b>Article 4:</b> No one has the right to treat you as a slave nor should you make anyone your slave.</p> <p><b>Article 11:</b> Everyone should be considered innocent until guilt is proved.</p> <p><b>Article 13:</b> Everyone has the right to travel as they wish.</p> <p><b>Article 14:</b> Everyone has the right to go to another country and ask for protection if they are being persecuted or are in danger of being persecuted.</p> <p><b>Article 17:</b> Everyone has the right to own property and possessions.</p> <p><b>Article 20:</b> Everyone has the right to take part in</p>	<p><b>Article 2:</b> <b>Each person is entitled to the rights and freedoms in the Charter, no matter what his/her race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, fortune, birth or other status.</b></p> <p><b>Article 5:</b> Each person has the right to respect for his/her dignity and legal status. No form of exploitation or degradation is allowed, especially not slavery, torture, inhuman or degrading punishment and treatment.</p> <p><b>Article 7:</b> Each person has the right to a fair hearing and a fair trial in a proper court. No one may be punished until he/she is proved guilty of breaking the law. No one may be punished for another person's crime.</p> <p><b>Article 12:</b> Each person has the right to move freely inside and outside his/her country as long as he/she follows the law. Any person may get lawful asylum in other countries if he/she is persecuted.</p> <p><b>Article 12:</b> Each person has the right to move freely inside and outside his/her country as long as he/she follows the law. Any person may get lawful asylum in other countries if he/she is persecuted.</p> <p><b>Article 14:</b> Each person has the right to own property, except when it is against the law because of public need or the general interest of the community.</p> <p><b>Article 11:</b></p>

<p>meetings and to join associations in a peaceful way.</p> <p><b>Article 23:</b> Everyone has the right to work for a fair wage in a safe environment and to join a trade union.</p> <p><b>Article 26:</b> Everyone has the right to go to school</p> <p><b>Article 29:</b> Everyone must respect the rights of others, the community and public property.</p>	<p>All people have the right to meet or assemble freely, as long as they do not break the law and do not disturb the rights and freedoms of others.</p> <p><b>Article 15:</b> Each person has the right to work under good conditions and to equal pay for equal work.</p> <p><b>Article 17:</b> Each person has the right to education and cultural life. The State has the duty to protect and promote morals and traditional values recognised by the community.</p> <p><b>Article 28:</b> Each person has the duty to respect others no matter who they are.</p>
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# CHAPTER 2

## FAMILY LAW

Specific outcomes

- Define family and marriage
- Outline the elements of family law
- Describe types of marriage in Zambia
- Asses the effects of divorce, death, and separation on types of marriage

### A family

In Zambia, there are four types of families and these are:

- A **nuclear family** which is a group of persons consisting of a man, his wife, or in case of customary marriages, his wives and their children.
- An **extended family** that consists of not only a man, his wife or wives and their children but also grandparents, uncles, aunties, nieces, nephews, cousins, in-laws and grandchildren.
- A **single-headed family** that consists of a single parent and children. For example, a man and his children or a woman and her children. The single-headed family can be as a result of a divorce or being widowed or it can be out of choice when a man or woman decides not to marry at all but to have children whom they desire to bring up on their own.
- **Child-headed family** is a new type of family that has emerged in Zambia mainly as a result of the HIV and AIDS pandemic that has claimed the lives of many adults, leaving children to bring themselves up.

From the above different types of definitions of family, one can see that the word may mean different things to different people. A family could comprise of all persons related by blood or related through marriage. A family is the smallest unit in a society.

### What is a marriage?

A marriage is a legal union of a man and woman as husband and wife. It is therefore, is a contract that creates social status of husband and wife. This contract is based on:

- **Rights** which are entitlements a wife or husband enjoys in the union. For example, in a traditional African setting, a wife has a right to be provided for by a husband and a husband has a right to be cooked for and washed for by a wife. However, couples are free to set their own rights.

- **Obligations** which are duties that a wife or husband performs in the union. For example, each of the spouses has a duty to take care of and protect the other spouse.
- **Capacities** which are abilities or capabilities that each spouse brings to the union. For example, a spouse can bring to the union the ability to provide material requirements of the other or in case of the wife, the ability to conceive and bear children for the union.
- **Incapacities** which are inability or incapacities that each spouse brings to the union. For example, a wife who is not educated and not skilled in anything may bring to the union the inability to neither earn a living nor provide material things to the union.

Marriage therefore, is a legal status from which the rights and obligations, capacities or incapacities emanate. These rights and obligations do not only affect the husband and the wife in a marriage but also society.

However, the rights and obligations in the contract of marriage do not just depend on the couple alone but on the law under which the marriage was contracted. It depends whether the marriage is a customary marriage, statutory marriage, or religious marriage. The type of marriage outlines the rights and duties and obligations of the husband or the wife. Initially, the contract is between the two individuals who want to get married but once they get married, their relationship then is based on law and can only be dissolved by following the procedures outlined in the divorce law of the type of marriage entered into. In the event of death of either the husband or wife, again the type of marriage entered into will dictate how the surviving spouse inherits the property of the deceased, meaning the person who has died.

### **Elements of Family Law**

Elements of the family law are:

- a. Marriage
- b. Divorce
- c. Property Settlement (Sharing)
- d. Maintenance of spouse and children within and after marriage
- e. Custody of children after dissolution of marriage
- f. Adoption of children
- g. Legitimacy of children
- h. Succession
- i. Inheritance of property
- j. Victim Support Unit of the Police

**Activity 1**

Looking at the elements of the family law listed above, give reasons why you think each of them is classified under family law.

1. I think that the elements listed above are part of family law because:
  - a. Marriage .....  
.....  
.....
  - b. Divorce .....  
.....  
.....
  - c. Property Settlement .....  
.....  
.....
  - d. Maintenance of spouse and children within and after marriage .....  
.....  
.....
  - e. Custody of children after dissolution of marriage .....  
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  - f. Adoption of children .....  
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  - g. Legitimacy of children .....  
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  - h. Succession .....  
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  - i. Inheritance of property .....  
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- j. Victim Support Unit of the Police

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We will now look at each of these elements of family law in detail.

## **Marriage**

In Zambia, there are only two types of marriages that are recognised by law these are the statutory and customary marriage.

- **Statutory mMarriage:** This is also referred to as a **civil mMarriage**. It is defined as a voluntary union of one wife and one husband for life and excluding all others. It is a monogamous marriage, meaning having only one wife or one husband at a time. In a statutory marriage it is not possible to convert to a polygamous marriage where a husband can have more than one wife. Before independence, the Marriage Act under which a civil marriage is contracted was not accorded to Africans because the colonialists believed that all Africans were polygamous.

To enter into a civil marriage one has to take the following into consideration:

- **Take out a Notice of Marriage** – This is a notice of intention to marry, made on a prescribed form to the registrar of marriages at the local council offices. The notice will be published outside the registrar’s office for 21days. There is one registrar in every district of Zambia. At least one of the parties intending to marry should be resident within the district registered under for at least 15 days before the marriage ceremony. After 21 days, the marriage will be solemnised, meaning celebrated, by a marriage registrar or a licensed church priest or a pastor. The doors to the building where the marriage is being celebrated should be open. If the ceremony has to take place elsewhere other than a church building or the council offices, then a special licence or arrangement has to be requested for from the appointed marriage registrar. During the period of notice, any person can stop the marriage if there is a good reason why the two people should not marry by writing the word, ‘*forbidden*’ and giving reasons, in the Marriage Notice Book. This should be done before the registrar issues a Marriage Certificate. If there are no problems, the marriage should be registered within 3 months of the notice.
- **Marriage Payments** - In a statutory marriage, no marriage payment or anything is required unless the individuals concerned just want to observe the customary ritual of paying for marriage. The Marriage Act does not stipulate any payment of any kind. Most Zambians intending to marry observe the traditional ritual of marriage payment commonly known as ‘Lobola’.

- **Age** – Under the Marriage Act the parties intending to marry should be 21 years of age. If any of the parties is below 21 years but more than 16 years, he or she needs a letter of consent which is a written permission and blessing of the parents or guardians. This letter of consent will be filed together with a sworn affidavit at the High Court. In Zambia only the High Court deals with statutory marriages. An affidavit is a written declaration or statement that a person makes under oath which will be used as a legal proof or evidence.
- **Relationship** – The two should not be related to each other either by blood or marriage. It is not important whether the relationship is of the whole blood or half blood or whether it is traced through or to any person born out of wedlock. These relationships which are prohibited by law to enter into a marriage are known as *prohibited degrees*.

**Table 1: Prohibited Degrees**

<b>Prohibited Degrees for a man</b>	<b>Prohibited Degrees for a woman</b>
The woman is or has been his wife's mother	The man is her ancestor
His wife's grandmother	Her descendant
His wife's daughter	Her brother
His wife's son's daughter	Her father's brother
His wife's daughter's daughter	Her mother's brother
His father's wife	Her brother's son
His grandfather's wife	Her sister's son
His granddaughter	Her daughter's husband
His daughter's son's wife	Her granddaughter's husband
His sister's daughter	Her grandmother's husband
His brother's daughter	Her mother's husband
His mother's sister	Her husband's daughter's son
His father's sister	Her husband's son's son
His sister	Her husband's son
His descendant	Her husband's grandfather
His ancestress	Her husband's father

- **Solemnisation of Marriage**- This is when the actual wedding is performed following the laid down ritual such as each of the parties publicly declaring that he or she has agreed to wed the person that they are standing next to by saying this aloud and mentioning all the names of the person. The rituals also involve the undertaking of the vows done by both parties in front of witnesses, the exchanging of the rings and the signing of the register. The

ceremony should take place in a room with open doors and between 08:00 hours and 18:00 hours. There should be at least two witnesses who will sign the certificate and the marriage register, together with the official performing the ceremony and the couple.

- ***The Marriage Certificate-*** This is the evidence of marriage and a copy of which is kept by the registrar and another copy by the couple. The marriage is also registered in a book kept at the Council which can be inspected by anyone upon paying a search fee.
- **Customary Marriage:** This is marriage contracted under customary practices. In a customary marriage, a union may not be voluntary as it is in a civil marriage because one may be compelled to marry a person chosen by one's relatives. A customary marriage may also not be a union of one man one woman because in most ethnic groups of Zambia such as Senga of Chama, the Ngoni, the Luchazi, the Luvale, the Lunda of Mwinilunga, the Namwanga, the Tumbuka, the Totela and the Tonga, a man may take other wives. A customary marriage is also not necessarily for life as a wife can be sent back to her parents to be 'taught' or in some ethnic group can be returned with the marriage payment refunded to indicate a divorce.

The requirements in a customary marriage are:

- ***Consent*** – This is when the parents or the guardians of the woman getting married give permission for her to marry and also when the persons getting married agree to marry.
- ***Marriage Payment-*** There is always payment as recognition of the marriage. This payment can be a token sum or a substantial amount depending on the ethnic group. The payment is made by the bridegroom-to-be to the family of the bride-to-be. The payment makes legal the marriage and the children to be born out of the union.
- ***Spouses-*** The parties to the marriage should be male and female. The female should be single, divorced or widowed but the male may already have one or more wives. Both parties must have reached puberty. The man has to have the ability to provide for his family. In Zambia, the Constitution stipulates that a girl below 16 years whether she has reached puberty or not is not eligible for marriage.
- ***Relationship-*** The persons intending to get married should not be closely related by blood or through marriage.
- In some ethnic groups though, cousins are encouraged to marry.

It is important to remember that customary marriage is governed by custom and tradition. A customary marriage process is usually a series of ceremonies resulting in to the bride and bridegroom living together as husband and wife. It can also be registered under the local court which as you learnt in Grade 11

administers African customary law. The local court registrar will register and issue a marriage certificate as long as there is the woman's guardian or parent to witness the registration. If the couple wishes, they can then marry in church which is registered under the Local Courts Act and the marriage will still be treated as a customary marriage. It is possible to change from a customary marriage to a statutory marriage but not vice-versa.

Having discussed the two types of marriages recognised under the Zambian Law, it is important to consider other types of unions that are generally referred to as 'marriages' even though they are not recognised under the law:

- **Religious marriage:** Most people in Zambia marry in church and call such marriages as religious marriage. However, under the law, a marriage solemnised in church should be followed up by a registration at either the Civic Centre or Council offices under the Marriage Act or at a local court under the Local Court Act. Some churches and clergy men have been given licence under the Marriage Act to perform civil marriages. However, **couples intending to get married in church should find out before the ceremony what type of licence the person performing the ceremony has.**

In most churches in Zambia a notice is given of the impending marriage through what is called *Marriage Banns*. Marriage banns are announcements, that are made in church of the intention of the couple to marry. During the announcements Church members are asked to inform the church priest or pastor in confidence if they know of any reason why the couple should not marry. Church members are also requested to pray for the couple. The banns are announced for a set period by the church. For example, in the Catholic Church, the notice of intention to marry is for a period of 30days.

If the couple want their marriage that has taken place in church to be recognised under the law they should make sure they are married by a Marriage Act licensed priest or pastor or they should still register either with the High Court if they want a civil marriage or with the Local Court if they want a customary marriage. In case of Civil Marriage, the couple may even have another ceremony at the Council Offices. Apart from the pastor or priest being a licensed clergy, another qualification for the legal recognition of a marriage performed in church under the law is to conduct the ceremony between 06:00hours and 18:00 hours with the doors of the church building open. A copy of the marriage certificate should be sent to the Registrar of Marriages of the district to be recorded in the Marriages Register.

Remember that if any of the conditions outlined above are not fulfilled, then the marriage will not be recognised under the law even if performed in church.

- **Co-habitation:** Lately in Zambia, especially in urban areas where there are different people from different ethnic groups living together, there is a new type of 'marriage' that has emerged. This is a marriage where the parties concerned decide to live together on their own without consent by their parents or guardians and without following any of the rituals performed either

in a customary or civil marriage. After sometime, society accepts and recognises the couple as husband and wife and they may even have children together and grandchildren. The wife may even call herself Mrs....However, as long as the marriage is not formalised either in the Local Court or the High Court, the marriage will not be recognised under the law and will be referred to as a **void marriage** and the couple no matter how long they live together, they will just be living together or co-habiting or *mapoto* in Chit-Tonga and Silozi or *ukubuta* in Ibibemba.

- A **void marriage** is one without a legal standing right from the beginning. It is null and void. Any party to a void marriage may not be guilty of bigamy if he or she marries before ‘divorcing’ the so called 1<sup>st</sup> wife or husband because the marriage was false right from the start. Bigamy is a crime of marrying another person while still legally married to someone else. It has never been a marriage. A void marriage does not require nullification which means cancelling because it never was. Reasons for a void marriage are therefore:
  - *Lack of parental consent*
  - *Non- publication of the banns in church*
  - *If the man is under 21 years old*
  - *If the female is under 21 years and above 16 years without the consent of her parents or guardians*
  - *If one party is already married under the Marriage Act at the time of contracting the ‘marriage’*
  - *Prohibited degrees of marriage which are relationships by blood in legal terms known as consanguinity or by marriage which by law is called affinity*
  
- A **voidable marriage** on the other hand is one that is initially valid which means real until it is invalidated by the court of law. A marriage may be invalidated in a court of law for the following reasons:
  - *If a child born is not the husband’s child*
  - *If a spouse has contracted a sexually transmitted infection from elsewhere not from the spouse*
  - *If the marriage is not consummated due to impotence. Consummation in marriage means making complete by having sexual intercourse.*  
Consummation is applicable to both civil and customary marriages.
  - *Wilful refusal to consummate the marriage by any party.*
  - *Mental disorder of any of the parties.*

Not being able to conceive or to father a child is not a reason under the law to nullify the marriage. However, if one of the parties dies before the marriage is nullified then the marriage is valid under the law for all intents and purposes.

## Activity 2

(A) True or False?

Reflect on what you have read so far. Read each of the statements below and circle T if it is a true statement or circle F if it is false.

- a. A family is any group of people living together. T F
- b. A family where siblings look after each other is called a child-headed family. T F
- c. The state recognises all marriages performed in Church. F T
- d. The ability to earn a living in a marriage is a capacity. T F
- e. A family where there is just one parent and children is a nuclear family. T F
- f. A marriage that takes place in a village, observing traditional norms is a customary marriage. T F
- g. You can stop a marriage taking place just by writing '*forbidden*' in the Notice Book at the council. T F
- h. Marriage banns are announced in churches after the wedding. T F
- i. Prohibited degrees are persons related to one by blood or marriage and whom one is forbidden to marry by law. T F
- j. A marriage where the couple is unhappy right from the beginning is a voidable marriage. T F

(B) Turn all the sentences you circled F into correct statements

Table 2: Types of Marriages

Type of Marriage	Customary Marriage	Statutory Marriage
Definition		
Process of getting married		
List prohibited degrees		
Causes for divorce		
How a religious marriage can be		

recognised		
Reasons for a void marriage		
Reasons for invalidating a union		

### Activity 3

#### Vocabulary

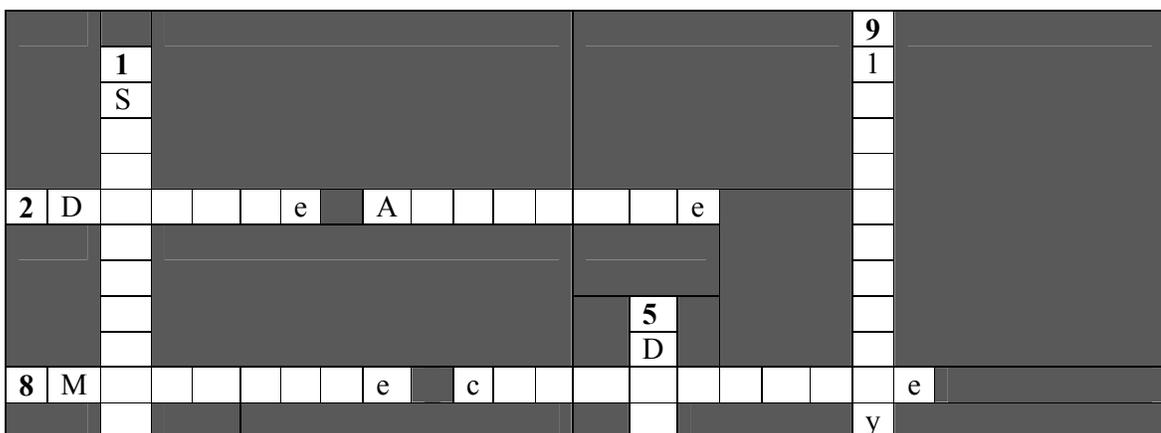
Use the clues given and complete the cross word puzzle that follows.

#### Across

2. A document the High Court gives to a couple whose dissolution of a union in marriage is final .....
3. Null .....
8. Proof of authorisation in a marital union.....
10. The act of living together without parental consent.....

#### Down

1. The performing of a religious ceremony following laid down procedure .....
4. Act of abandoning a spouse .....
5. When a marriage union splits for good .....
6. One of the causes for divorce in both a customary and civil marriage .....
7. A marital union that could be made invalid by a court of law for various reasons.....
9. One of the causes for divorce in a customary marriage but not in a civil marriage.....





- *Adultery which should be proved with the third person known and named*
- *One or both of the married persons conduct themselves in unreasonable behaviour, cruelty or violence that makes it impossible for the other partner to live safely*
- *If either of the married persons deserts the other. According to the Matrimonial Causes Act of 1973, if one partner deserts another for a period of two years, then there is sufficient ground for divorce. Desertion is when one partner abandons or runs away from the other. Desertion of more than 7 years of not being seen or heard, there is a presumption or inference of death and the court will grant a divorce*
- *Separation with consent of the couple for two years*
- *Living apart for a continuous period of five years*

A petition or application for a divorce is filed in the High Court but only after one year of marriage. Before one year of marriage, it would not be a divorce but an *annulment*. When presenting a petition, plans to how the divorced couple intends to look after the children should also be included. The lawyers handling the case should verify whether they tried to reconcile the couple during their period of separation. If the court is satisfied that the marriage is broken down irretrievably it will make a temporary order called a *decree nisi* which is a temporary divorce certificate and after six weeks a *decree absolute*, a permanent divorce certificate, will be granted provided the court is satisfied with the arrangements made for the children.

**Activity 4**

Read the case studies below and answer the questions that follow. Remember that though the stories are real, the names have been changed to protect the identity of the persons.

Case (a)	Case (b)
<p>A Lusaka man has ordered his wife who has refused to reconcile with him to take back the bag of mealie-meal she got from the matrimonial house when she left to go to her parent’s house.</p> <p>Mike Saka complained that his mother-in-law went to get his wife from the matrimonial home after she went to attend a funeral in Kalikiliki. He said his wife with whom he has 2 children also got mealie-meal before going to her parent’s house in John Howard.</p> <p>Saka demanded that his wife Jane Zulu who has opted for a divorce take back the mealie meal, as the commodity was now expensive.</p> <p>But Jane said she got the mealie meal because of the children who needed to eat but she would buy Saka another bag because he tarnished the image of her family by telling almost every one in the neighbourhood that she stole mealie meal.</p> <p>Jane said she went to her parent’s house not because her mother went to get her but because she was tired of the beatings from her husband. She said she had</p>	<p>A woman in Mongu has complained that her husband, forced her to stop work and join him in Mongu, but later abandoned her for another woman.</p> <p>Monde Imasiku said that she married Mwiya Mwiya, an immigration officer in Sesheke in November in 1993 and had one child with him.</p> <p>However, the two were forced to separate in 1995 by Imasiku’s father because Mwiya reportedly did not finish paying the dowry or bride price commonly known as ‘Lobola’.</p> <p>On October 15 2004, Mwiya was reportedly allowed to take his wife and child, despite failing to settle the entire marriage payment, and he allegedly instructed her to quit her job so she could accompany him to Mongu.</p> <p>Upon reaching the bus station however, Imasiku said, the husband gave her K60,000 and asked her to get on the RPS coach to Mongu while he reportedly jumped on a different bus.</p> <p>Imasiku reportedly found her brother - in - law waiting</p>

<p>enough of them more especially that at one time he extracted her tooth.</p> <p>Jane said she wanted their marriage dissolved because she was not enjoying it any more.</p> <ol style="list-style-type: none"> <li>i. What type of marriage do you think Mike and Jane contracted?</li> <li>ii. Why do you think that?</li> <li>iii. Is Mike right in claiming the mealie meal bag back?</li> <li>iv. Is Jane right in wanting to buy Mike the bag of mealie meal bag back?</li> <li>v. Which court would you advise Jane or Mike to go to?</li> <li>vi. When the two finally divorce what responsibility has Mike got towards his children?</li> <li>vii. Apart from the courts where else can Jane go for help?</li> </ol>	<p>at the bus station in Mongu and she was taken, by taxi to the Tree Lodge where her husband allegedly stayed with another lady he was planning to marry as a second wife.</p> <p>Imasiku was then reportedly taken to her brother-in-law's house where she started living whilst Mwiya stayed with the other woman at the Tree Lodge together with the child.</p> <p>Some days later, Mwiya reportedly summoned Imasiku and asked her to return to Lusaka saying that he was no longer interested in her because all he wanted was just the child.</p> <ol style="list-style-type: none"> <li>i. What marriage did Mwiya and Imasiku enter into?</li> <li>ii. Under this marriage does Monde's father have the right to remove her from her husband for non payment of dowry?</li> <li>iii. Is abandonment a cause for divorce in this type of marriage?</li> <li>iv. Which court Monde go to for redress?</li> <li>v. What she claim in court?</li> <li>vi. Could Monde sue Mwiya for living with the other woman? If so, why? If not, why?</li> </ol>
<p style="text-align: center;">Case (c)</p> <p>A Lusaka's Mtendere woman complained to Legal Resources Foundation that relatives of the late man she was living with grabbed all the property. The woman said that relatives of the man she had lived with for over four years did not recognise her as a wife and refused to give her any share of the late man's property after he died. She said in May, 2001 she was employed by the man as his maid who later proposed love to her, which she accepted and they eventually started living as husband and wife. The woman claimed that after they started living together, she advised the man to approach her parents to legalise the marriage but this did not happen.</p> <p>Later the man fell ill and when his illness worsened, the man's mother chased her from the house. After the funeral, the woman said the administrator shared the property without giving her any share saying after all she was just a maid.</p> <ol style="list-style-type: none"> <li>i. What 'marriage' is described in this case study?</li> <li>ii. Which court can the woman go to seek redress?</li> <li>iii. What should she have ensured the man did when he was still alive?</li> <li>iv. What advice would you give to women living in a similar situation?</li> <li>v. If they had had children, would the woman and her children have had legal rights?</li> </ol>	<p style="text-align: center;">Case (d)</p> <p>Dear Advisor,</p> <p>I got married to my now former wife in 1993 by way of elopement. My in-laws immediately charged me for that and I paid K40, 000. In 1995, we had our first – born child who died the following year. We however, had another one in 1997. In 1999 my wife went to attend a funeral at her parents' home and that was the beginning of our separation. One day when I went to see our child, my wife ended up assaulting me and I reported the matter to Kabanana Police Station. It ended up in court but since I still loved my wife, I agreed with the local courts 's advice that I forgive her and reconcile. I accepted but to my surprise my wife refused to come back to our matrimonial home.</p> <p>Shortly after, my mother-in-law went to my parents' house and returned the damage fee saying that was the end of the marriage. I refused this and demanded for the presence of my wife so that we could talk on our own. My wife opted for a divorce. Later, my mother in law sued me for causing the pregnancy of my former wife. When we went to the local court, I was ordered to compensate my mother-in-law K400, 000. When I sought to inquire how possible it was for me to be fined for impregnating someone who was my legal wife, I was threatened with contempt of court.</p> <p>I decided to appeal to the subordinate court but I was told by the presiding justice that should the subordinate court find me guilty he will take it upon himself to have me pay the money to my in laws instantly or I will be imprisoned.</p> <p>Now my questions are, is it in order for a court of law to find me guilty of causing pregnancy to someone who was my legal wife at the time of pregnancy? Secondly, was the court right to threaten me when I wanted to appeal against the ruling? Don't I have the right to</p>

	<p>appeal?</p> <p style="text-align: center;">Yours truly Hamusankwa, Kabanana</p> <p>Write to Hamusankwa answering his questions and advising him on the next steps he should take.</p>
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### **Property Settlement (Sharing)**

After a divorce in a *customary Marriage* the woman usually gets some form of compensation to allow her to start life afresh. However, these days it is recognised that either party may be more financially secure than the other. Therefore, whoever has more money will pay compensation to the other. In a *civil marriage* after a divorce, the property is shared by the courts deputy registrar. In a situation where one person worked and brought in all the earnings, the person who stayed at home and looked after the home and family gets a third of the total wealth of the couple. In a situation where both spouses worked and earned a living, they will share their property on a fifty–fifty basis. Sometimes in a statutory marriage a couple may choose to marry in *community of property* which means that everything they own and their debts, from before their marriage is put together in a **joint estate**. Everything they earn or buy after their marriage is also part of this joint estate. There is joint administration of the things the couple own.

### **Maintenance of Spouse and Children During and After Marriage**

During marriage under statutory laws, a spouse has a duty to maintain his or her partner. After divorce, a spouse still has the responsibility of maintaining his or her spouse until he or she remarries or becomes financially independent. Maintenance may be paid periodically as agreed upon by the parties or it may be paid as a lump sum. The amount depends on the income earned and the financial status of the parties involved.

Under the Customary Law failure to maintain a spouse especially on the part of the husband is often viewed as grounds for divorce. After divorce, a spouse is duty bound to maintain his or her partner for a maximum of three years or until he or she remarries whichever happens earlier. The maintenance is provided for under the Local Courts Act of 1991. The court can award any amount for either periodic or lump sum maintenance as they see it fit. If either party is not satisfied with the amount awarded, they can appeal in the Subordinate (Magistrate) Court. The court can convict a person for failing to honour maintenance either through a fine or imprisonment. The person charged should show proof that he or she took all the necessary steps to honour their obligation. The maintenance of children is provided for in the Affiliation and Maintenance Provisions Act, Cap 64 of the revised laws of Zambia. The Affiliation Act permits children born out of wedlock to be affiliated to their male parent and thereby claim maintenance.

The application for affiliation and maintenance is made by the mother of the child or children within 12 months of the birth or at any time if the father had provided for the child after its birth then for some reason stopped. The application should contain proof that the person being asked to provide maintenance is the natural father of the child either through a blood test or a birth certificate. If the courts are satisfied that the **respondent** who is the person being asked to respond to the charge is the father, it will award maintenance to the child as it sees fit and according to the father's paying ability.

The following can claim maintenance:

- A child – from its affiliated father or legal parents
- A guardian, for example, a grandparent or an uncle can claim maintenance on behalf of the child.
- A single woman from the affiliated father of her child
- A spouse from his or her partner whether divorced or not

Any one wishing to claim maintenance can approach the clerk at the nearest local court or lawyer. Either of these persons will help with initiating the legal proceedings and summon the person who is supposed to provide maintenance to court.

### Activity 5

1. The following case studies are drawn from the Zambia Law Reports which is a public legal document that is referred to by legal practitioners as Case Law in Zambia. Therefore, the names of the persons involved have been maintained.

Case (e)	Case (f)
<p>Rosemary Chibwe Vs Austin Chibwe (Zambia Law Reports, SCZ Appeal No 38/2000)</p> <p>Mr Chibwe sued his wife Mrs Chibwe for divorce before the local court for, among other reasons, unreasonable behaviour. The local court granted the divorce.</p> <p>She appealed in a magistrate court saying that the local court did not address the question of maintenance and property adjustment. The magistrate court sat with Ushi customary law assessors and dismissed the appeal as one without merit.</p> <p>She further appealed to the High Court which ruled that Mr Chibwe pay his ex-wife a lump sum of K10,000,000 with interest.</p> <p>Mr and Mrs Chibwe had married under the Ushi customary law. According to the Ushi customary law, if a divorced woman found her husband with few properties and later he acquired more properties she was entitled to a reasonable share after divorce. Her argument was that during the marriage, her husband had acquired lots of personal and real property.</p> <p>She again appealed to the Supreme Court that the High Court Commissioner had misdirected himself in</p>	<p>Martha Mwiya Vs Alex Mwiya (Zambia Law Reports, Civil Case No. 1977/HPA/1)</p> <p>Mr and Mrs Mwiya both Lozi by ethnicity, had married under Lozi customary law. They were granted divorce at Mulobezi Local Court.</p> <p>Mrs Mwiya appealed to the Sesheke Magistrate Court on the grounds that the Mulobezi Local Court did not state why divorce was granted to her, that it was wrong for the court to grant divorce at the time she was ill and that the property bought during the marriage was not shared between them. The Senior Resident Magistrate dismissed the appeal.</p> <p>Mrs Mwiya appealed to the Livingstone High Court on the grounds that under the Lozi customary law the property acquired during the marriage should be shared between the parties, a husband should support his divorced wife throughout her life and the husband should be compelled to take back his wife. The Livingstone High Court Judge dismissed Mrs Mwiya's appeal based on the fact that he was satisfied on the record of this appeal that Mr Mwiya shared his property with his wife when they divorced. Lozi assessors were unanimous that there is no Lozi custom that would compel a man to support his divorced wife for life. As to the question of the court compelling a man to take</p>

<p>awarding a lump sum for both maintenance and property adjustment. She asked the court to give her one of the viable income generating property and a lump sum to be assessed by the Deputy Court Registrar which should be enough to meet all educational expenses of the five children of the family.</p>	<p>back his wife, the Judge ruled that a marriage is an agreement and therefore the two parties should both be willing and the assessors were also unanimous that there is no such a Lozi custom and he found no basis to hold a contrary view. Therefore, the appeal was dismissed on the ground that there is no Lozi custom which supports the appellant's claims.</p>
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- i. List the similarities in both case studies.
  - ii. List the differences.
  - iii. Imagine you are a lawyer for Mrs Mwiya, on what grounds would you appeal if your client still wanted to appeal to the Supreme Court?
  - iv. Imagine you were the lawyer for Mr Chibwe, what reasons would you have given for not wanting to give her more than the Ten Million Kwacha?
  - v. In making the ruling in the Chibwe Vs Chibwe, the Justice stated that, 'Customary Law in Zambia is recognised by our Constitution provided its application is not repugnant to any written law which ought to have been invoked at the High Court level.' Discuss this statement fully, giving examples of what would be considered repugnant customary practices by the High Court.
  - vi. Why do you think in both cases the learned Judges did not concern themselves with establishing who was wrong leading to the divorces in both marriages?
  - vii. In *Watchel Vs Watche*, a leading divorce case in English Law, family assets were defined as. '*items acquired by one or the other or both parties married with intention that these should continue providing for them and the children during their joint lives and should be for the use for the benefit of the family as a whole. Family assets include those capital assets such as matrimonial home, furniture and income generating assets such as commercial properties.*' From your experiences of Zambian family life, do you agree or disagree with this definition? Discuss giving reasons for your answers.
  - viii. *Maintenance orders are meant to be periodical payments to maintain either children or the other party whereas property adjustment means allocation of one or so properties among the family assets to provide for a divorced person.* Imagine that you are undergoing a divorce, which of the two settlements would you prefer? Give reasons for your answer.
2. Read the case studies below and answer the questions that follow. Remember that though the stories are real, the names have been changed to protect the identity of the persons.

Case (g)	Case (h)
<p><b>Divorced Wife Gets Property after ex-Husband's Death</b></p> <p>A Kapiri woman has won a court battle in which the widow of her ex-husband denied her the right to get property given to her by a court after the divorce.</p> <p>Dailesi Zimba divorced Chitalu Chisala in July, 1998 and the magistrate shared their matrimonial property.</p>	<p><b>I Will Sue you after DNA Test</b></p> <p>A man who was reported to the Legal Resources Foundation for not maintaining his child has threatened to sue the mother of the child if a DNA test revealed he was not the father.</p> <p>James Phiri of Matero told the Legal Resources Foundation of the same compound that he would take the ex-wife to court after having a DNA test the child if</p>

<p>Chisala died in March, 1999 and widow Bridget Chisala refused to let Zimba collect her property.</p> <p>The matter, which was in the Kabwe High Court, was sent back to the Subordinate Court where another Magistrate reaffirmed the first magistrate decision.</p> <p>When delivering judgement the magistrate agreed with Dailesi's submissions and ordered Bridget to surrender the property to Zimba.</p> <p>The property includes a house, a deep freezer, a four plate electric stove, video cassette recorder, and a minibus.</p> <p>Bridget Chisala through her lawyers appealed to the High Court against the judgement.</p> <p>The Kabwe High court also threw out the application.</p> <ol style="list-style-type: none"> <li>1. What marriage did Chitalu Chisala and Dailesi Zimba enter into?</li> <li>2. Outline the sharing of property under this marriage?</li> <li>3. What advice would you give Bridget if you were her lawyer?</li> <li>4. Which court can Bridget appeal to if she is still not satisfied with the High Court's ruling?</li> <li>5. Do you think she stands a chance of winning in the higher court? Why?</li> </ol>	<p>it was found he was not the father as she claimed at Woodlands Police Victim Support Unit.</p> <p>The fight started when Phiri wanted to get the 5 year-old- child but the mother of the child refused saying the girl was still young and that a stepmother could not keep her.</p> <p>Phiri summoned the mother to Woodlands Police Victim Support Unit to resolve the matter but the mother told him that in fact he was not the father of the child. She said she told the husband that because he had neglected the child.</p> <p>Since then, Phiri has maintained that he would look for money to take the child for DNA test to ascertain if he was the biological father of the child. Phiri said if the DNA test showed he was not, he would sue the mother of the child for all the money he had spent on the child and for defamation. But the mother of the child said she would also sue Phiri for child maintenance if the DNA test proved he was the father.</p> <ol style="list-style-type: none"> <li>1. What is a DNA?</li> <li>2. According to the law, is a five years old child old enough to live with the father in the event of a divorce?</li> <li>3. Under which Act can Phiri still be made to pay maintenance for the child even if the child is not his biological father?</li> <li>4. What sort of marriage did Phiri and the mother of the child enter into?</li> </ol>
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### **Custody of children after dissolution of marriage**

The law states that children must always have an adult to look after them. A child is a person who is 18 years and below. The court always takes considerable care in deciding custody of the children. The court always puts the best interest of the children first not just the interests or the wishes of the parents. If possible, the court will assign a welfare officer who may advise on the custody of the children. When awarding custody the ages and needs of the children are taken into consideration. Usually the court gives custody to the mother, especially if the children are very young. In the case of a mother who is not able to provide for the children being given custody of young children, maintenance will still be provided by the father.

### **Adoption of children**

Under the Adoption of Children Act, chapter 136 of the 1948 Edition of the laws of Zambia, the courts have been given power to grant an order to adults requesting to adopt a child. The Act has listed the category of persons eligible to adopt children as:-

- A couple jointly wanting to adopt an infant. An infant is a child less than 7 years old.

- A mother or a father of the child, either alone or jointly with his or her present spouse. This means that if a person has a child or children then remarries and the new partner wants to formally adopt the children from the former marriage, he or she or together can apply to adopt the children.
- A person who has reached the age of 21 years old and is a relative of the infant
- The mother or father of the infant
- In case of a couple, both or one of them should have attained the age of 25 years old and is at least 21 years older than the infant.
- Both the infant or child and the person applying for adoption should live in Zambia.
- The infant has been looked after by the applicant continuously for at least three months before the date of the application
- The person intending to adopt notifies the Commissioner of the intention to adopt three months before the application

The law does not allow adoption in the following circumstances:

- Adoption of a female infant by a male applicant on his own unless there are special reasons for doing so
- Except in the case of a couple who are spouses, adoption will not be made to more than one person to adopt the same infant. For instance, good friends can not jointly adopt a child
- Adoption of an infant or child who already has parent (s) or guardian or anybody providing maintenance to the child or infant unless with this person's or persons' permission
- An application by one of a pair of a couple unless with the consent of both partners. This means that a wife or husband can not apply to adopt an infant on his/her own without the agreement of the other partner

The consent will not be asked from:

- A parent or guardian of a child or infant who has neglected or abandoned the infant or child
- A parent or guardian who is supposed to be paying maintenance to the child or infant but who has continuously not done this for a long period of time
- The person whose consent is needed can not be found or is incapable of giving his or her consent or if the person is withholding the consent unreasonably

Applications for adoption are made to the courts of law and when granted, just like in the registration of births, the adoption should be registered with the Registrar-General who records the details of the adoption in the *Adopted Children's Register*.

When an adoption has been made the original parent or parents or guardian or guardians lose all rights and obligations to the child or infant.

There are organisations in Zambia that exist for the purpose of making arrangements for the adoption of infants and children, and which are registered as Adoption Societies. An Adoption Society will not be registered if it appears:

- That the activities of the Society are not controlled by a committee of members of the Society who are responsible to the members of the Society
- That any person working for such a Society is found to be not fit and proper to work for such an organisation
- That the number of competent persons employed by the society is not sufficient to cope with the work that the Society has to do
- That any person taking part in the management or control of the Society or any member of the Society has been convicted of violating parts of the Adoption Act and of exposing girls under the age of 16 years to seduction or prostitution or being defiled or is living a life of prostitution.

## **Legitimacy of children**

The Legitimacy Act of 1927, Cap 52 of the Laws of Zambia provides that a child born out of wedlock could become legitimate. However, this Act has been overtaken by the United Nations Convention on the Rights of the Child of 1989, which seeks to eliminate discrimination against children because of their status or other circumstances. New laws have now attempted to equalise the position of children born outside of marriage to those born in wedlock. For example, the definition of a child under the Intestate Succession Act and the definition of a child under the Affiliation and Maintenance Provisions Act which have already been discussed, defines a child as one born in or out of wedlock.

## **Succession**

Succession when a death occurs in a family is usually defined by traditional norms and customs of the ethnic group that the family belongs to. If the family belongs to a matrilineal ethnic group then succession to traditional positions of the deceased person will be through the mother's line. For Example, the Bemba trace their lineage through the mother, therefore, if a Bemba person with a traditional position such as a chief or a headman dies, his sons are not eligible to succeed him but one of his nephews would succeed him. In the case of the Ngoni, a person of with a traditional position would be succeeded by one of his sons.

## **Inheritance of property**

In modern days succession to positions previously occupied by deceased ancestors are only confined to persons holding positions in traditional society and what really matters is the inheritance of the deceased person's estate which includes property, chattels and money. In Zambia the inheritance of property is provided for in the Testate and Intestate Succession Act.

- **Testate Succession**

This deals with the inheritance of property of a dead person who left a Will. A Will is a declaration normally in writing stating how a person wants his or her property distributed in the event of his or her death.

## A Sample Will

I *Kufa Kumanda* of *Plot number 5 Mango Compound, Lusaka* declare this statement to be my last Will and Testament. I cancel all other Wills and Testaments made before this one.

I leave *my bed and beddings* to my daughter *Misodzi*.

The *bicycle and wheelbarrow* to my nephew *Mabvuto*.

The *television and VCR* to my grandson *Tambwali*.

*All my clothes* should be shared by my brothers *Johnson and Jackson* equally.

The money in my *National Commercial Bank Account* number *000001123409870* should be shared equally between my daughter *Misodzi* and my son *Masauso*.

The *lounge suite* and *all the household goods* not yet mentioned will go to my son *Masauso*.

I hereby appoint my *church elders Simasiku Simasiku* and *Mrs Bwalya Hambote* as executer and trustees of my will.

In the presence of the witnesses listed below I write and seal this Will this *11<sup>th</sup>* day of *January* two thousand and two at *my church, The Spiritual Church of Mango Compound, Lusaka* in the presence of:

Witness: *Simasiku Simasiku* S. Simasiku

Witness: *Bwalya Hambote* B. Hambote

Name and address: *Plot 10, Mango Compound, Lusaka*

Name and Address: *Plot 120 Mango Compound, Lusaka*

In the event of *Mr. Kumanda* dying his property will be distributed according to his wishes. If however, *Mr Kumanda* has deliberately left out of his will a person whom he is keeping and this person is solely dependant on him, then the dependant who has been disinherited can apply to the court declaring the Will unreasonable. If the court agrees with the dependant that the *testator*, the person who made the Will in case of a male and the *testatrix* in case of a female, did not make reasonable provision for the maintenance and that hardship will be caused, then the court can make reasonable provision for the maintenance of that dependant. The term *dependant* in this case is a wife, husband, parents and children whether born in or out of wedlock and whether biological or adopted. Under the law these are the only people considered to be dependants and the only ones who are entitled to challenge the Will. Challenging a Will should be done in the first six months of the death of the testator or the testatrix.

An oral Will can be valid if it is made in the presence of two witnesses who are not beneficiaries to the estate and is made by either an injured person who is expected not to survive the injuries or by a person in the armed forces who is about to die in combat.

- **Intestate Succession**

This is when someone dies without a Will or someone who has left a Will but that Will is nullified by the courts of law because maybe it is not signed or not done in the presence of two witnesses or other factors considered not valid by the courts. If a person has left a Will but has not apportioned all he or she owns the part of the estate not apportioned will be distributed under the Intestate Act of 1989 Cap 59 of the laws of Zambia. Before 1989 property of a dead person was distributed according to Custom. The Intestate Succession Act applies to all Zambians who at the time of death were living in Zambia and only to those Zambians to which Customary Law would have applied before 1989. This means that Zambians of Asian or European origin are not affected by the Act. The Act does not apply to land which is held under Customary Land Act, institutional property of a chieftainship held under Customary Law or family property belonging to more than the nuclear family of the deceased.

The property is defined as a person's items of clothing, articles of personal use such as vehicles, bicycles, furniture, appliances, utensils, agricultural equipment, books and money. If the deceased owned a house, the surviving spouse and children will live in that house as common tenants. Absolute owners of a deceased's houses or a house are the children. The term 'children' in this instance is not confined to those that are 18 years and below but to all children born of the person. The surviving spouse has either a life long interest in the house or up to the time the person remarries. If the spouse remarries then he or she should vacate the house. If the person had several houses, then the children and spouse have a choice of houses to live in.

The Intestate Succession Act states that:

- 20% of the estate goes to the surviving spouse. If there is no surviving spouse the 20% will be distributed to the children according to the proportion of *age* and *needs*. Younger children will inherit more and those children who are at higher learning institutions where a lot of money is required. Where there is no spouse and no children, the 20% will be given to the parents who will share 10% each. Where there is no surviving spouse, children or parents, the share will go to dependants in equal shares. Where a person dies without all the mentioned relatives, then his or her estate will go to the near relatives such as brothers, sisters, grandparents, cousins in equal shares. Where none of the category of relatives mentioned exist the estate will go to the government. In the event of a polygamous marriage the 20% will be distributed between or among the surviving spouses depending on the length of marriage and the contribution to the estate.
- 50% of the estate will be distributed to the children both in and outside wedlock according to the **age** and **needs** of each child. Where there are no children, the children's 50% will be distributed equally among the surviving spouse, dependants and the parents. If there are no parents the

50% will be distributed among the surviving spouse and the dependants in equal proportion

- 20% will go to the parents or guardians. Where there are no parents or guardians the 20% will be shared by the surviving spouse and children equally.
- 10% will go to dependants in equal proportions. The dependants are the persons who were living with the deceased prior to his or her death or living outside the home but dependent on the deceased. Where there are no dependants the portion for the dependants will be distributed equally to the parents. If there are no parents the 10% will be shared equally between the surviving spouse and children.

## Activity 6

### Situation (a)

*Malita and Yembekezani were married under Customary Law. Yembekezani died intestate. He had two houses in Matero, a bus and three taxis. He also had a life insurance in the sum of K30 million. Before Malita and Yembekezani married in 1992, he had two children with Rose in 1989 and 1990. Yembekezani's uncle who had been appointed administrator agreed with Rose that the two older children should inherit one house and the other house be sold and the money shared by Rose, Malita, Yembekezani's parents, the administrator and all the children.*

Malita has come to you for legal advice.

- i. Which law applies in this case?
- ii. Advice her on her rights?
- iii. Is the administrator supposed to share in the property? Give reasons for your answer?

### Situation (b)

*Your earthly possessions are a two bed roomed house in Bauleni, an old Toyota Mark II, a bank account of K5 million, a bicycle, clothes, household furniture, a kantemba run by your wife and a piece of land in Chieftainess Chiawa's area where you grow maize every farming season. You have a wife and three children. Your parents in Chama North also depend on your support for their livelihood.*

Write a Will indicating how you want your estate to be shared when you die.

### Situation (c)

*Martha Mutale has been involved in an accident and is dying from the injuries sustained in the crash. She is admitted to the emergency ward of Kitwe Central Hospital. In the presence of a doctor and two nurses, she announces that she has no written Will, but would like to leave her entire estate to her favourite daughter Elestine. She asks the persons present as witnesses of her intention. Her other children, two boys, Charles and Mathew she intends to leave nothing because they have given her no joy but trouble since they reached their teens. Later that day she dies.*

- i. Is her Will valid? Give reasons for your answer?
- ii. Under the Intestate Succession Act, Cap 59 of the Laws of Zambia, would Charles and Mathew be entitled to Martha Mutale's estate? If so why? If not why not?

(C) Media Watch

Draw the chart below in your exercise book.



MEDIA

SHEET

<b>Newspaper or radio details</b>  i. Name and Date of Newspaper or radio broadcast ii. Article Headline	<b>Indicate which element of family law is being written about</b>	If this problem went to <b>court</b> , which court will handle the case? If the type of court is mentioned in the story why do you think that, that particular court is handling it?	What is your <b>opinion</b> about this problem?

- i. Track media (print or electronic) articles that have to do with family issues. Use the stories you read or hear to complete the chart. Fill in as many columns as you can manage.
- ii. Once your chart is completed report your findings to the class.
- iii. Discuss:
  - Which sections of the newspapers or radio programme were most of the stories featured?
  - What did you learn about the reporting of stories to do with family issues?
  - What role, if any, do you think the media plays in promoting good family values in society?

### Victim Support Unit

The Victim Support Unit was created by the Police Amendment Act number 14 of 1999. It was created to prosecute, investigate and offer counselling services to

families. The Victim Support Unit is charged with the responsibility to deal with family offences such as:

- Domestic violence
- Occasioning bodily harm (OBH)
- Causing grievous bodily harm (GBH)
- Arson
- Malicious damage
- Property grabbing
- Incest
- Sodomy
- Indecent assault
- Child protection
- Human trafficking

In offences such as occasioning bodily harm, causing grievous bodily harm, arson, malicious damage, sodomy and indecent assault, the Victim Support Unit comes in only when the offender and the victim are related. This is because, crimes committed on family members by family members are very difficult to be known because victims are afraid to speak up. This is because tradition frowns upon a younger person accusing an older person of a heinous act or the offender is probably the bread winner of the family or because the family does not want to be embarrassed in the community. If crimes such as occasioning bodily harm, causing grievous bodily harm, arson, malicious damage, sodomy or indecent assault are not committed by family members then the crimes will be dealt with by the Criminal Investigations Department.

The Victim Support Unit is also given the responsibility of sensitising the public on such offences. They create awareness about the crimes, the extent of the crimes, what the law says about the crimes, their effect on the victims and steps victims and their relatives can take in seeking help or justice for the victims.

### **Activity 7**

- (a) Discuss and write short paragraphs about each of the offences listed under the authority of the Victim Support Unit. In your discussion and answers justify in which circumstances each of them may be classified as a family offence:
- i. Domestic violence
  - ii. Occasioning bodily harm (OBH)
  - iii. Causing grievous bodily harm (GBH)
  - iv. Arson
  - v. Malicious damage
  - vi. Property grabbing
  - vii. Incest
  - viii. Sodomy
  - ix. Indecent assault
  - x. Child protection
  - xi. Human trafficking

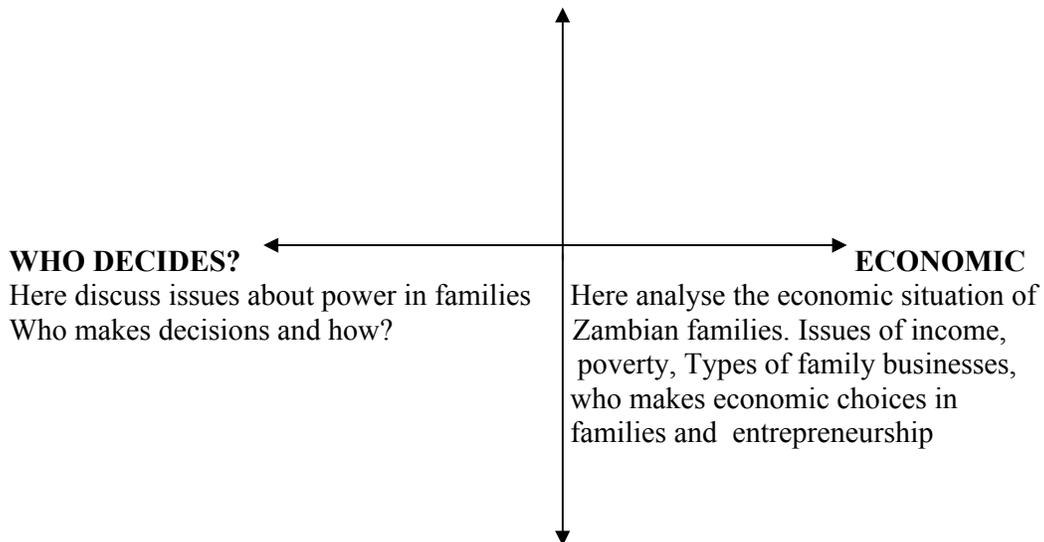
(b) Developmental Compass Rose

(c) Use the compass rose to compile a profile of Zambian Families. It would be easier if you classified Zambian families according to high income, middle income, and low income. Use the compass pointers as sub headings of your profile.

## NATURAL

Here analyse **natural environments** that different Zambian families live in. Discuss the types of homes they live in, appliances they buy and use, the energy they use in their homes, water supply, garbage disposal and how they look after their surroundings. The issues here are about the built, as well as the natural environment.

## NATURAL



## SOCIAL

Here discuss issues about people in families and their relationships, traditions in families, culture and the way they live. Include questions about how, for example, gender, disability and age affect family social relationships

(d) Using the information developed in the Developmental Compass Rose, write an editorial for a local newspaper on the Zambian family set up clearly showing the social, economic, political and environmental aspects.

### Activity 8

#### Suggested Action Projects

a) Carry out a survey in your school to determine the type of family members of your school belong to? Determine the needs or difficulties faced by children

belonging to certain families? Suggest ways in which these children could be helped to cope with their needs or difficulties.

- b) Organise and celebrate Family Week at your school bringing out family values through family pictures exhibitions, essays, drawings, talks and video shows on all aspects of family life.
- c) Write a lengthy feature about either a couple that is about to get married highlighting how they decide to get married to each other, the procedures that they are going through, the difficulties they are facing or have faced and the joys they have experienced.
- d) Write a lengthy feature on a couple that has undergone a divorce. Highlight how and when things started going wrong, the decision to divorce, the procedures they went through and how they are facing life without partners.
- e) Visit a court session where a divorce proceeding is going on and write a report about it. If there is no divorce proceeding going on, then interview court officials about how they handle divorce cases and write a report.
- f) Invite a traditionalist who has facilitated or facilitates marriages such as a *nachimbusa* or an *alangizi*, or a *shibukombe* (go-between marriage negotiator) to come and give talks on customary marriages.

# CHAPTER 3

## *DEVELOPMENT PLANNING*

### INTRODUCTION

A plan is an intention or a set of suggestions aimed at achieving set goals in future. It helps people to organise and form their economic activities. Planning is an organised attempt to select the best available alternatives to achieve specific goals, either economic, social or political. Planning can be done by looking at the past and the present in order to predict the future trend.

Development planning refers to the deliberate effort by the state aimed at the achievement of certain goals such as:-

- raising the standard of living of the people through increased income returns,
- better services given to the people, such as education, housing, health, clean and safe drinking water and good roads.
- elimination of disparities between urban and rural areas.

### **Purpose of Planning**

The main purpose of development planning is to move towards self sustaining growth, such as having enough trained manpower, raising the percentage of national income and improving management of natural resources. Therefore, a good development plan will include information on:

- current economic conditions, especially national income, productivity, foreign trade and trends in each major industry.
- the current social situation, especially population changes, education, health, housing and social security.
- an evaluation of progress achieved under the preceding plan.
- a statement of general objectives of economic and social policy.
- estimates of growth or targets for each major economic or social component during the period covered by the plan.
- measures designed to raise the rate of economic growth, for example to stimulate saving and investment and to increase productivity.

A development plan normally focuses several years ahead, usually three to six years. Long term plans sometimes cover ten to twenty years. It involves maximising benefits from limited resources of any given country. Planning ensures that available resources will be spent wisely. A good plan should not have objectives which are impossible to achieve.

## Levels of Planning

Planning takes place at all levels. It can be at individual, community and national levels.

### **Individual level:**

Suppose you want to do farming, you should identify what resources you need such as seeds, fertilisers, hoes or a plough, money to pay for labour and also market for your products. This means you have to draw a plan and a budget for your farming activity. A budget is a plan of action for a specific period of time indicating estimated income and expenditure on the project.

### **Community level:**

The community may decide to build a school. They have to identify resources to be used to build a school, such as concrete blocks, stones, sand, cement, asbestos sheets and labour. They should then draw a plan and a budget for the project which should show the source of funds.

### **National level:**

At national level, the government may decide to build bridges across the country. First of all the government will advertise the project through tender. Individuals or companies which would like to carry out the projects will then respond to the advertisement.

## **Zambia's National Development Plans**

From 1964 to 1991, Zambia had The Emergency Development Plan (EDP), The National Transitional Development Plan (NTDP) and five National Development Plans:

- **The Emergency Development Plan (EDP)**

This plan was launched immediately after independence as the first step to restructure the inherited colonial capitalist economy. It was designed to lay a viable administrative structure and provided a framework for more comprehensive programmes of economic and social development in Zambia.

- **The National Transitional Development Plan (NTDP)**

This plan covered the period from 1965 to 1966. Money was spent on the extension of transport, power and communications services. In addition, the plan focussed on the improvement of agriculture and education. Primary and Secondary Schools were built in each district.

- **The First National Development Plan (FNDP)**

The plan covered the period from 1966 to 1970. It had six main aims as follows to:

- diversify the economy from copper mining to agriculture and manufacturing,
- develop the rural areas,
- expand education services,
- expand welfare services such as housing and building of more hospitals,
- improve power, transport and communications services,
- create 100,000 new jobs by the end of 1970.

- **The Second National Development Plan (SNDP).**

This plan covered the period from 1972 to 1976. Its goals were to increase and expand the diversification process initiated under the FNDP as follows:

- attaining self-sufficiency in food supplies and improvement in income,
- expanding and diversifying industry and mining through import substitution by using local materials,
- initiating measures for regional development,
- linking educational programmes to the country's manpower requirements,
- providing infrastructure country wide,
- improve the existing infrastructure such as power, transport and communication.

- **The Third National Development Plan (TNDP)**

This plan covered the period from 1980 to 1983. It had the following goals:

- allocating investment funds and creating a base for the transformation of society through Socialism to Humanism,
- involving the private sector in economic and social development while taking into account socialist and humanist ideas,
- balanced development with regard to linkages between industry and agriculture,
- increasing the production of consumer and capital goods,
- fair income distribution and creating an egalitarian (communal) society.
- diversification of the economy and rural development
- expanding educational and training facilities to speed up the process of Zambianisation.

- **1984 – 1988 The Fourth National Development Plan (FNDP)**

The plan covered the period from 1989 to 1993.

The plan was preceded by the New Economic Recovery Programme from July 1987 to December 1988 which was necessitated by worsening economic

crisis caused by high prices of oil. It limited debt service payments. There was drastic cut of imported luxury goods. The emphasis was on the use of local materials for production and gradual reduction of subsidies.

The FNDP focused on:

- a periodic review of the exchange rate and interest rates,
- the reduction of budget deficit to below 2% of Gross Domestic Product (GDP) by 1993,
- a gradual reduction of subsidies so as to reduce pressure on the budget,
- reduction in the annual growth of money supply to below 40% by 1993,
- reduction in the rate of inflation to below 20% in 1993,
- increasing capacity utilisation to above 70% of industrial averages by 1993,
- reducing the number of price controlled items to one by 1993.

### **Poverty Reduction Strategy Plan (PRSP) 2002 – 2005**

This was a programme under the International Monetary Fund (IMF). The IMF had to do a poverty reduction through sustained economic growth and employment creation. The programme concentrated on the following areas such as:-

- Cross-cutting issues
- Education
- Health
- Agriculture and
- Macro economic issues.
- 

Transitional National Development Plan – TNDP.

In order to include the above, therefore, the Transitional National Development Plan TNDP was developed. The TNDP also covered the period 2002 – 2005.

### **Vision After 2030**

The Vision 2030 – A prosperous middle-income nation by 2030 was developed. It is the 2006-2010 first of its kind in the history of this country – Zambia. The Fifth National Development Plan (FNDP) was based on this vision. This therefore means that the next Development Plans will also focus on the same up to the year 2030.

Zambians by 2030 aspire to live in a strong and dynamic middle income industrial economy that provides opportunities for improving the well being of all embodying values of socio-economic justice through:-

- gender responsive sustainable development
- respect for human rights
- good traditional and family values
- positive attitudes towards work
- peaceful co-existence

- public partnerships.

By 2030, the nation should have an economy which is :-

- competitive
- self sustaining
- dynamic and
- resilient to any external sector, free from donor dependence.

### **The Fifth National Development Plan (FNDP)**

The plan covers the period 2006 – 2010. Some of the goals of the FNDP are to:-

1. develop and rehabilitate infrastructure
2. develop human resource and capacity building
3. promote equal participation of female and male in education
4. mainstream cross-cutting issues: HIV and AIDS, gender, democracy, good governance, human rights and environment.
5. develop irrigation to both private and public sectors
6. develop and promote livestock and fisheries
7. develop and diversify capital market
8. promote rural electrification
9. promote investment
10. establish the E-Government ICT Application
11. promote rural and urban water and sanitation.
12. develop and promote flexible and inclusive education programmes to take care of CSEN, SHN, OVC, HIV and AIDS
13. promote child and youth empowerment through relevant skills and acquisition
14. develop entrepreneurship to reduce poverty levels
15. promote skills training and capacity building
16. develop small and large scale mining
17. promote accountability and transparency

### **International level**

Planning also takes place at international level. For example, the United Nations Organization has set international development targets known as the Millennium Development Goals to be achieved by individual member states by 2015. You will learn more about this under Global Issues.

## Types of Development Planning

Plans fall under three categories: Short, medium, and long term.

- **Short Term Plan:**

A short Term Plan may cover a short period from six months to one year, for example, the Annual National Plan. The Annual National Plan is the control plan which checks different ministries to make sure that what was planned and budgeted for has been implemented. After Parliament has passed the National Budget, resources are allocated according to government plan in a year. The Annual National Plan is not a substitute for the other plans. It takes into consideration the medium or the long term plan, which sets its direction. The major challenge about short term plan is under-estimation. The plan may list what the country needs rather than what the country is capable of producing.

- **Medium Term Plan.**

The Medium Term Plan ranges between three and seven years, with five years as the most popular choice. The purpose of the Medium Term Plan is to move towards self – sustaining growth.

For example, after independence Zambia had the Emergency National Development Plan which was designed to move the country from *colonial mono- economy* to *diversified economy*.

In the medium term plan, government identifies priority areas for development. The main objectives of the medium term plan may be to:

- diversify the economy to eliminate over dependence on one or two products;
- increase the value of the nation's own output;
- maintain reasonable price stability;
- eliminate disparities between urban and rural populations in terms of wealth and job opportunities;
- raise the level of general education;
- provide training to equip more people for administrative and technical jobs;
- develop the necessary social infrastructure such as schools, hospitals and roads;
- develop transport and communications;
- attain self sufficiency in food supply and security, and new sources of energy;
- balance development between manufacturing industry and agriculture;
- stabilize the economy by controlling inflation,
- periodically review the exchange and interest rates.

- **Long Term Plan**

The Long Term Plan (LTP) is sometimes referred to as the Long Range Development Plan (CRDP). It covers a period of ten to twenty years and above.

This type of plan is mostly needed for the implementation of large scale projects such as:

- construction of hydro-electric power stations,
- reforestation,
- opening new mines,
- construction of new roads and railway lines.

Such projects take a lot of time to complete. They are very important for national development. The Long Term Development Plan gives government enough time to mobilize resources for the projects. It also enables government to spread development to all areas, particularly in rural areas.

A Long Term Plan takes care of the shortcomings of short and medium term plans such as planning for too many things in one budget.

## **Exercise 1**

Answer the questions below

- (a) What is planning? Why is it important?
- (b) Why is development planning important?
- (c) Explain the difference between Medium Term and Long Term Plans

### **Activity 1**

In pairs draw a development plan of your school.

### **Centralised and Decentralised Planning**

Planning can be centralised or decentralised.

#### **Centralised Planning:**

Centralised planning is planning done by the central government without the involvement of the local communities.

In the past centralised planning and administration were considered necessary to guide and control the economies of countries emerging from long periods of colonial rule. Central control was necessary as it was a requirement of the international assistance agencies that were providing large amounts of capital. They insisted that borrowers should have comprehensive and long term central plans for the investment of external capital. This type of planning was common in communist countries. Zambia used this type of planning in the First and Second Republics.

Experience from developing countries, however, has shown that centralised plans have not succeeded. Since the control of the plan is centralised at one place, it gave rise to several problems such as:

- lack of participation of the local community in the formulation and implementation of the plan. It was argued that plans were being imposed in top-down fashion on local communities which showed little enthusiasm at the crucial implementation stage.
- Centralised planning tended to disregard local condition. For example, centrally based planners might decide on the need to grow wrong types of crops in particular areas which are not suitable.
- Plan organisations were dominated by expatriate advisers who knew very little about local farming communities.
- Locally based government officials were by-passed in plan preparation, including local communities.
- There was delay of the approval of the plans since they were referred to the headquarters before implementation.

## **Decentralized Planning**

Decentralised planning is planning done by involving the local community. A local community identifies projects to be undertaken at community level by taking into consideration its actual needs. For example, the community may need schools, hospitals, bridges, piped water and housing units. They may choose what they need most and draw a budget for it to be submitted to the central government for funding.

Zambia tried Decentralised Planning in the 1980s but there was less success due to blotted labour force in local councils. Much of the resources were spent on workers than on developmental projects. Since the year 2000, Decentralised Planning has been re-introduced in Zambia through *activity based budgeting plans* in the community.

## **Social Planning**

Social planning involves the drawing up of plans for future action in regard to social institutions and resources. A social plan is designed to meet the needs of a society, which means, in many cases, covering an entire nation. Social planning is sometimes also used to mean planning by a group as opposed to planning by an individual.

## **Budget and Fiscal Discipline**

Fiscal discipline means strict control of public resources. The government takes measures to ensure compliance in taxation and public expenditure. Government should cut its expenditure and direct its resources only to essential areas such as education, health and agriculture. Public officials who miss-use or misappropriate government funds are severely punished. Government sticks to the goals set in a budget. As much as possible, external borrowing is avoided unless where such borrowing targets economic growth through productive investment.

## Regional and Urban Planning

Planning is a method of decision making that proposes or identifies goals or ends, and does so by the application of analytical techniques. Regional and urban planning apply this method to determine public investment and other policies regarding future growth and change.

Urban planning has existed ever since people began to build towns and make decisions about their future. The diverse classes, ethnic groups and interest groups that live in the towns have different conceptions of how the town ought to grow and change. Consequently these groups have attempted directly or indirectly to influence the planners. For example, the flying over bridge at Kabwe roundabout in Lusaka was as a result of public pressure on the town planners to construct the bridge to avoid more train accidents at the rail crossing.

Some of the activities which the urban planners can address include road net work, drainage system, housing units in residential and commercial areas, industrial sites and markets. Careful planning is needed in all the projects and activities in urban areas.

## Exercise 2

Answer the following questions:

- (a) Compare and contrast Centralised Planning with Decentralised Planning.
- (b) Why is Budget and Fiscal Discipline important to National Development.
- (c) Make an individual development plan and draw a budget.

## Activity 2

*Read the following extract of the 2006 Budget address by Finance and National Planning Minister and answer the question that follows: K217.4 billion on tertiary education and K165.6 billion on high schools.*

*“Mr Speaker, the Government proposes to spend K1,647.4 billion in education sector. This is equivalent to 26.9 percent of the discretionary budget compared to 24.0 percent in 2005, These resources are required to cater for teachers’ salaries, school requisites, rehabilitation and building of school infrastructure, including teachers houses in the rural areas. Sir, the increase in allocation to the education sector will also allow the Government to recruit an additional 4,578 teachers. Mr Speaker, out of the total education allocation, the Government proposes to spend K700.5 billion on primary and basic schools.”*

Discuss the National Budget on Education and write a report to present to the rest of the class.

## **Micro and Macro Financial Institutions**

*Micro* – is a Greek word meaning “small.” A micro-financial institution is one that gives financial assistance to small scale producers or entrepreneurs for small scale projects. For example, projects like, farming, repair of bridges, road construction, repair of classroom blocks and improving water supply and sanitation. Some of the micro financial institutions in Zambia includes, ZAMSIF, Women Finance Cooperative of Zambia Ltd, and Bay Port Finance Services.

- **Zambia Social Investment Fund (ZAMSIF)** supports micro-projects in the community. The fund is divided into two:
  - ZAMSIF Study Fund
  - ZAMSIF Community Investment Fund (CIF).
  - ZAMSIF Study Fund links and networks with several institutions and programmes whose activities focus on poverty and social sector. The main aim of the study fund is to support research and studies, which focus on poverty related issues.
  - ZAMSIF Community Investment Fund (CIF) is fund that supports projects that are initiated and driven by the community for the benefit of the community. The District Council together with the District Development Coordinating Committees (DDCC) determine which projects will be supported to subsequently benefit the communities. ZAMSIF has the headquarters in Lusaka with offices in all Provincial Centres.
  
- **Women Finance Cooperative of Zambia Ltd**

The organisation provides financial services for both savings and credit. The target group is low income women. It provides soft loans to low income women at a very low interest rate of not more than 10 percent. It aims at empowering women financially. It has branches in all the nine provinces of Zambia. Its headquarters is in Lusaka.

The organisation gets financial assistance from International Network Women’s World Bank. Interest is less than 20% per year.
  
- **Bay Port Finance Service**

Bay Port Finance Services is a private institution which provides financial assistance to workers in the form of loans to be paid back through workers monthly deductions up to the maximum period of one year. Interest rate is less than 30% per year. It has branches in all the 9 provinces of Zambia.

## **Macro Financial Institutions**

Macro is a Greek word meaning large. Macro Financial Institutions are institutions which fund large scale projects such as construction of schools, bridges, roads and railway lines. Some macro financial institutions operating in Zambia are local and others are international, such as The International Monetary Fund (IMF), The World Bank, African Development Bank (ADB) and Arab Bank for Economic Development in Africa (ABEDA).

### **Inter-Micro Financing Institution**

#### International Mono- Financial Institutions

In 1988, a programme called the Micro-Projects Programme (MPP) was established by the Zambian Government in conjunction with European Commission known as (EC). The programme was meant to rehabilitate the then run down social infrastructure like schools, roads, health centres and water sources.

The World Bank joined the European Committee in 1992 to form the Social Recovery Project (SRP). The two projects SRP and MPP formed the Micro-projects Unit (MPU) located in the Ministry of Finance and National Planning. SRP was replaced by the Zambia Social Investment Fund (ZAMSIF) in 2000. There were a lot of problems in carrying out Micro-projects in Zambia. The major reason was lack of transparency and accountability. Projects took long to complete because funds were misappropriated by members of the implementing committees. A number of uncompleted projects were abandoned. Religious Organisations, NGOs and District Councils were also often used as MPU project implementing agencies. Generally the Religious organizations implemented projects very well.

There was inadequate supervision to the projects which resulted in poor workmanship. Since the communities were not fully involved, the projects were not fully appreciated and later vandalised.

Zambia Social Investment Fund (ZAMSIF) is more focused on full community participation. There is great improvement in the disbursement of funds to community and district projects. This is as a result of districts ability to closely monitor the projects. By June 2003, ZAMSIF had approved 277 projects throughout the country benefiting an estimated 1,113,574 members of different communities. At least 43,000 orphans and other vulnerable children benefited from the same projects. A number of schools in rural areas benefited from ZAMSIF. For example, solar energy electricity was installed in many rural schools. In 2003 eighty schools benefited from the fund. This contributed to conducive working environment in the affected schools.

ZAMSIF Study Fund links and networks with several institutions and programmes whose activities focus on Poverty and the Social Sector. The main aim of the Study Fund is to support research and studies, which focus on poverty related issues.

Community Investment Fund (CIF) is a fund under ZAMSIF that supports projects that are initiated and driven by the community for the benefit of the community. The District Council together with the District Development Coordinating Committees (DDCC) determine which projects will be supported to subsequently benefit the communities. ZAMSIF has the Headquarters in Lusaka with offices in all provincial centres.

### **International Financing Institutions**

(i) International Monetary Fund (IMF)

The fund was set-up during the Bretton Woods Conference in U.S.A. in 1944. It was implemented in 1944.

Some of the objectives of the Fund are to:

- promote international monetary cooperation.
- Promote stable exchange rates and maintain orderly exchange arrangements.
- Facilitate the expansion and balanced growth of international trade.
- Encourage full convertibility between currencies and an end to exchange controls.
- To shorten periods of balance of payments of member countries.

• **International Monetary Fund (IMF)**

The IMF is a specialised Agency of the United Nations which was set up in 1944. Some of the objectives of the Fund are to:

- promote international monetary cooperation;
- promote stable exchange rates and maintain orderly exchange arrangements;
- facilitate the expansion and balanced growth of international or foreign trade;
- encourage full convertibility between currencies and an end to exchange controls;
- to shorten periods of balance of payments of member countries;

### **Criticisms of the IMF Fund:**

The Economic Adjustment Policies prescribed by the IMF are considered by many countries to hinder development. The measures suggested by the IMF to overcome the balance of payments problems include:

- relaxing of exchange controls;
- removal of import restrictions, price controls and the end of subsidies;
- removal of controls over foreign exchange and imports in order to get assistance.

*Unfortunately, rich countries put restrictions against imports from the same developing countries they want to assist. The IMF's main financial role is to provide*

*temporary credits to members experiencing balance of payments difficulties. In return members borrowing from the fund agree to undertake policy reforms to solve the problems. The amounts that IMF members may borrow are limited in proportion to their contributions to the Fund.*

- **The World Bank**

The International Bank for Reconstruction and Development (IBRD) is commonly known as the World Bank. It was established as a result of the Bretton Woods Conference in 1944. The World Bank began operations in 1946. The Bank encourages capital investment for the construction and development of all member states. It gives loans to specific projects that are productive and provides finance for foreign exchange requirements for such projects. Loans are usually for a period of Twenty (20) years with a grace period of five years.

World Bank Member Countries pay subscription fees to the Bank according to their Growth National Products (GNP).

- **African Development Bank (ADB)**

The African Development Bank was established in August 1963 and began operations in July 1966. The Bank receives contributions from African and non-African Countries. It gives concessionary loans to member states. A concessionary loan is money given to a country with no conditions attached. It gives loans to specific projects that are productive and provides finance for foreign exchange requirements for such projects. Loans are usually for a period of 20 years with a grace period of five years.

The Bank gives technical assistance to capital projects undertaken in member states. The loans given are paid back with a low interest rate of less than 10 per cent. The Bank also gives grants to member states to finance essential projects in education and health.

The Headquarters of ADB is in Addis – Ababa, Ethiopia.

- **Arab Bank for Economic Development in Africa (ABEDA)**

The Bank was set up by the Arab League in 1973 and began operations in 1975. The Head Office is in Khartoum , Sudan.

It gives loans to specific projects that are productive and provides finance for foreign exchange requirements for such projects. Loans are usually for a period of Twenty (20) years with a grace period of five years.

Its objective is to contribute to economic development in African Countries. It seeks to achieve this objective by providing all or part of the finance required for development projects. Technical assistance is also given.

Aid given by ABEDA consists of loans on concessional terms for development projects not exceeding US \$15 million or 40 per cent of the total costs of each project. Generally, projects are financed jointly with international lending financial institutions such as the World Bank and the African Development Bank. ABEDA focuses on infrastructure development projects.

African countries decide on the projects to be funded by ABEDA. Zambia obtained loans from ABEDA for capital projects, such as road construction.

### **Indicators of Development**

Indicators of Development are signs or measures that show whether, or not there is improvement in the country's economy and people's basic needs such as food, safe clean drinking water, housing, education and health.

In Grade 11 development was defined as a process of improvement from the old to something completely new or the replacement of the old by the new, such as the construction of a classroom block and the construction of a new road.

It is not easy to measure development. Therefore, various indicators have to be used. These are measurable variables which are assumed to be directly related to development such as:

- **Gross National Product (GNP) or The National Income**

This is a measure of production in monetary terms during a period of time. It is the amount of goods and services produced within a country and accounted for in a particular year. It also includes income from abroad.

It is important to know the value of the nation's output and how it is changing over time. Such data is important because they enable the government come up with policies which will increase the country's production levels. This also enables business people plan for the future and provide them with a basis for estimating future trends and needs.

- **Gross Domestic Product (GDP)**

Gross Domestic Product is total output of an economy and consists of *all the accounted for goods and services that have been produced* in the course of a year. All products and services produced within the country are added up and calculated in monetary form.

- **Human Development Index (HDI)**

This is a measure of human development using four items:

- life expectancy at birth

- adult literacy
- average years of schooling
- purchasing power of persons aged 25 and above, expressed in dollars.

If a country has a high life expectancy at birth, a high adult literacy levels and a high average years of schooling and purchasing power per person, it is said to have a high level of development.

- **Per Capita Income**

Per Capita Income is always used as an economic indicator of the levels of living and development. It is GNP of a country divided by the total population. This does not take into account income distribution disparities. Per Capita Income =  $\frac{\text{GNP}}{\text{Total Population}}$

Exercise 3:

Answer the following questions:

- (a) Explain the difference between GNP and GDP
- (b) Discuss some of the criticisms against IMF Fund.
- (c) Explain the activities of ZAMSIF

Total Population

**Activity 3:**

- (a) Imagine that you are a member of the project committee at your school. Draw a project proposal to be submitted to the micro-financing institution in your are for funding:

Name of the Project \_\_\_\_\_  
 The place where the project is situated: \_\_\_\_\_  
 The number of people involved in the project: \_\_\_\_\_  
 Estimated cost of the project: \_\_\_\_\_  
 The beneficiaries of the project: \_\_\_\_\_  
 How the community will participate in the project: \_\_\_\_\_

budget breakdown for the project:

Item	Quantity of items	Amount
_____	_____	_____
_____	_____	_____

Total amount needed: \_\_\_\_\_

(b) Complete the table below by filling in:

<b>Name of the organization</b>	<b>Function</b>
IMF	<ul style="list-style-type: none"><li>• _____</li><li>• _____</li><li>• _____</li></ul>
The World Bank	<ul style="list-style-type: none"><li>• _____</li><li>• _____</li><li>• _____</li></ul>
ADB	<ul style="list-style-type: none"><li>• _____</li></ul>
ABEDA	<ul style="list-style-type: none"><li>• _____</li></ul>

**Suggested Action Project**

- (a) Identify some Micro Financial Institutions in your area. Prepare a short report on the functions of the institutions. Present to the rest of the pupils in your class.
- (b) Write a newspaper article on the need for Development Plans for Zambia.

# CHAPTER 4

## POVERTY IN ZAMBIA

### Specific Outcomes:

- Define poverty.
- Outline the causes of poverty.
- Discuss poverty alleviation measures.
- Evaluate poverty alleviation policies and their implementation in Zambia.

The definition of poverty is broad. Although people have talked and written about poverty in the world, they have not reached an agreement as to what constitutes poverty. This is because poverty is not only relative but also a complicated phenomenon that cuts across social, economic, political, cultural and gender aspects of life. As a result, there is no single definition or description that can effectively reflect all these aspects of life.

It is important to note that poverty is specific to a country. Poverty is associated with the negative aspect of *human development*. Human development is the process of enlarging people's choices to their personal advancement. For example, poverty may be defined as the insufficient access to food and nutrition, education, health care, adequate shelter, clothing, adequate income, literacy, safe water and sanitation. This kind of poverty is what is known as *absolute poverty*. Absolute Poverty may also be defined as a condition of life so limited by malnutrition, illiteracy, disease, squalid surroundings, high infant mortality and low life expectancy as to be beneath any reasonable definition of human decency.

Much as it may be difficult to measure poverty, it can still be done by using three perspectives; these are,

- **Income perspective:** A person is said to be living in poverty if their income falls below a defined or metric poverty line. A person for example living on one dollar a day is said to be living in poverty.
- **Basic needs perspective:** A person is said to be living in poverty if their requirements for a minimal living do not meet acceptable needs.
- **Capability perspective:** A person is said to be living in poverty if they lack necessities such as adequate food, clothing, shelter and ability to participate in community activities.

*The Human Poverty Index:* (HPI). This has been developed by United Nations Development Programme and measures poverty in terms of deprivation in the following areas:

- Deprivation of a long and healthy life measured by life expectancy of about 40 years.
- Deprivation of knowledge measured by illiteracy.

- Deprivation in economic provision measured by the percentage of the population lacking access to health services and safe water and adequate nutrition.

The HPI does not take into account other aspects of poverty which are difficult to measure such as lack of political freedom, personal security and the ability to participate in decision-making.

The Central Statistical Office (CSO) determines the poverty line as the amount of monthly income required to purchase basic food to meet the minimum caloric requirement for a family of six (food basket). This measurement does not take into account basic needs of people such as shelter, education, healthy care, electricity, clothing, footwear and transport.

In Zambia, poverty is not uniformly spread across the country. In 1998, for example, 73% of the total population was poor, of which 58% were said to be extremely poor. There is greater concentration of poverty in various forms in the rural areas than in the urban areas and in the provinces outside the country's main line of rail than in the provinces along the line of rail. There are also disparities at provincial level as shown in the table below.

**Overall and extreme poverty in Zambia in rural and urban areas, 1998**  
(percentage of population).

**Table 1**

<i>Location</i>	<i>Overall Poverty %</i>	<i>Extreme Poverty %</i>
<i>Rural areas</i>	83	70
<i>Urban areas</i>	56	36
<i>Central Province</i>	77	63
<i>Copperbelt Province</i>	65	47
<i>Eastern Province</i>	80	66
<i>Luapula Province</i>	81	69
<i>Lusaka Province</i>	52	34
<i>Northern Province</i>	81	67
<i>North- Western Province</i>	76	63
<i>Southern Province</i>	76	60
<i>Western Province</i>	89	78

**Source: CSO: Living conditions in Zambia, 1998**

The poorest province in Zambia is Western Province with 89% overall poverty followed by Luapula and Northern Provinces with 81% respectively.

The different ways in which people experience poverty tend to affect the manner in which they perceive it. The following are some of the characteristics of poverty as perceived at various levels:

- **Personal and physical status**
  - Has no food or does not eat well.
  - Lack of access to education

- Lack of access to health care.
  - Lack of access to adequate shelter.
  - Poor clothing.
- **Economic status**
    - Lack of money or adequate income. This mainly applies to urban areas.
    - Lack of productive assets such as ploughs, hoes, oxen, fishing nets, canoes. This is common in rural areas.
- **Social status**
    - Inequality
    - Low self esteem.
    - Landlessness / no access to land.
- **Political participation**
    - Powerlessness
    - Lack of a political voice.
    - Lack of access to legal institutions, that is courts of law.

Personal perceptions of poverty draw together issues of income and power, assets, services, shocks and vulnerability as lived experiences.

The following are the people's views on poverty:

*“Don't ask me what poverty is because you have met it outside my house. Look at the house and count the number of holes. Look at the utensils I am using and the clothes I am wearing, what you see is poverty”*

*“We have land but nothing to work it with. All I have is a small hoe. Ten years ago, I got eight bags per acre, today I get two bags. I cannot afford fertilizer. I do not qualify for credit.”*

*“We know that cutting down trees will cause water shortages and that making charcoal can cause forest fires, but we have no choice. Because we lack food, we have to exploit the forest.”*

*“Even if a woman is given a chicken or goat by her parents she can not own it. It belongs to her husband.”*

### **Exercise 1**

- (a) Define the term *poverty* and outline its characteristics.
- (b) Identify and discuss the three perspectives by which poverty is measured.
- (c) The following table shows poverty indicators for the Southern African Development Community countries.

SADC HDI Rank	Country	Human Poverty Index (HPI-1) Value % 1998	Percentage % of members not expected to live beyond 40 years of age 1998	Adult Illiteracy rate % 1998	Population without access to safe water (5) 1990-98	Population without access health service % 1998
1	Seychelles	-	-	16.0	-	1
2	Mauritius	11.5	4.8	16.2	2	1
3	South Africa	20.2	25.9	15.4	13	25
4.	Swaziland	27.3	20.2	21.7	50	45
5.	Namibia	28.6	33.5	19.2	17	45c
6.	Botswana	28.3	37.1	24.4	10	14
7.	Lesotho	23.3	26.0	17.6	38	20
8.	Zimbabwe	30.0	41.0	12.8	21	29
9	DR Congo	-	31.7	41.1	32.0	0
10.	Zambia	37.8	40.2	23.7	62	25
11.	Tanzania	29.2	35.4	26.4	34	7
12.	Angola	54.7	37.7	58.0	69	76
13.	Malawi	41.9	47.5	41.8	53	20
14.	Mozambique	50.7	41.9	57.7	54	70
SADC		31.5	35.3	29.0	35.4	31.3

Source: www. SADC. Internet

- (i) Which four countries have high *Human Poverty Indexes*? Give reasons for your answer.
- (ii) The table shows that 46.2% of Zambia's population will not live beyond 40 years of age:
- (iii) Give reasons for the reduction of Zambia's life expectancy. How does poverty affect life expectance of people.

### Causes of Poverty in Zambia

According to world ranking of 1998 Zambia was one of poorest countries in the world. Two thirds of the Zambian population is poor. The reasons for which most Zambians today are very poor and deprived of the basic necessities of life are complex and interrelated. The fundamental causes of poverty lie in the social and economic structures of society. These include levels of technological development, efficiency and effectiveness of the social and economic institutions and structures, and effectiveness of the management systems.

The following are some of the explanations for the causes of poverty in Zambia:

- **Lack of economic growth**

The poverty situation in Zambia can be attributed to the decline in the economy in the mid 1970's. The causes of the poor economic performance can be broadly divided into internal and external factors:

- **Internal factors**

Internal factors relate to domestic policies that were developed and implemented. Zambia's policies focused on the State taking over private businesses and heavy involvement in the economy. This trend discouraged investment in the productive sectors of the economy. Hence, the decline in economic growth. The economic reforms that were adopted left the majority of people insecure in terms of employment, income and health.

- **External factors**

External factors relate to the deteriorating terms of trade for Zambia's main export commodity, copper. Copper exports accounted for 90 percent of the country's export earnings and about 50 percent of total local production of goods and services or Gross Domestic Product (GDP). The fall in the copper prices from mid 1970s, severely affected the government's capacity to invest in the economy and provide adequate social services. However, it is worthy noting that before 1972, Zambia was one of the richest countries in Tropical Africa, with great potential for sustainable economic development.

- **Changes in agricultural policies**

Apart from copper, Zambia's economy is largely dependent on agriculture. The negative changes in agricultural policies especially between 1992 and 2001 contributed to high levels of poverty especially in rural areas where the majority of Zambians depend on farming for their livelihood. Some of the negative policy changes included the removal of the system in which farmers were offered fertilizer on a *pay back basis* and the liberization of the markets for the agricultural produce. During the first Republic, surplus produce was purchased by government at a price that guaranteed farmers an adequate return on their investments. Presently, government is no longer providing inputs or a guaranteed market for the produce.

The agricultural sector of the economy is characterised by:

- Inconsistent agricultural policies
- Late arrival of agricultural inputs
- Insufficient agricultural finance or credit.
- Expensive agricultural inputs and implements.
- Inadequate storage facilities.
- Insufficient agriculture extension services and market information.
- Endemic livestock diseases.
- Poor road infrastructure especially in rural areas.

All these problems have left most of the small scale farmers with inadequate incomes to meet basic needs of life.

- **Debt burden**

Over the years, the payment of the debts on average accounted for 10% of the Gross Domestic Product (GDP), while the social sector accounted for only 5%. This means that more money is spent on servicing the debt at the expense of investing in social and economic development. This inadequate expenditure on economic and social services has contributed to increased poverty and minimal economic growth.

- **External dependence**

Inadequate economic growth and huge debt burden have made external funding a necessity. Zambia has continued to borrow from partners to invest in social and economic development, for example, in the education and health sectors.

- **Climatic variation**

The changing climatic and environmental conditions are also causes of poverty. In Zambia, small scale farmers rely on rain for agricultural production. Rainfall patterns are increasingly erratic and droughts are a common feature and this has led to low food production, hence, food insecurity.

- **Morbidity and mortality**

The increase in illness (morbidity) and premature death that Zambia has experienced due to HIV and AIDS pandemic has contributed to poverty. Many families have lost productive members or bread winners. The cost of caring for a chronically ill family member can impoverish a family. At national level, economic growth is affected by the high incidence of HIV and AIDS which has led to loss of human resources through death. Also the hours of production are reduced due to sickness..

- **Orphans**

The increase in the number of orphans requiring care and support from relatives causes a strain on families resources. This has contributed to increase in poverty levels.

- **Single parent households**

There has been an increase in the number of single parent household as well as child headed households. This is attributed to the HIV and AIDS pandemic that has negatively impacted on families. Many single parent or child-headed households have failed to meet basic needs of the families.

- **Inequality**

In Zambia, it has been observed that the gap between the rich and poor is widening. This inequality in terms of income, education, wealth and access to assets has led to high poverty levels.

### **Low pay**

Although we might think that people in paid employment are not poor, low pay is actually a major cause of poverty.

- **Conflict**

Conflict is also a cause of poverty. For example, when there is conflict in a society, less time is spent on economic activities. Sometimes, people lose their lives or one is forced to flee their homes. There will be no time to create wealth.

- **Gender inequality in economic activities.**

The participation of women in economic development is very low. Most women have no access to loans and land and other means of production.

- **Poor work culture**

When people have a negative attitude towards work and lack initiative, this can lead to poverty.

- **Individual weakness**

Laziness and lack of responsibility can lead to poverty and dependency syndrome.

### **Exercise 2**

- a) What arguments suggest that individual weakness is not the main cause of poverty?
- b) List categories of people who you think are at risk of being poor. Support your answer.
- c) Identify some of the main causes of poverty and suggest possible solutions.

## Activity 1

‘Poverty is always inherited’, Discuss.

Read the case studies and answer questions which follow:

### Case Study

#### Case study 1

*Namasiku was brought up in an isolated rural district. In poor farming years it was hard for her family to feed, clothe and send all the children to school. During a bad year, when she was fourteen, the family had to sell the goats and cooking pots in order to buy food. One of the local farmers offered marriage with a small marriage payment of goats. He already had one wife, but he was established on his own plot of land and therefore, this seemed a secure opportunity for her. Although the births were very difficult, her husband is happy that she has produced two sons. She knows that it will be difficult to clothe and send more children to school but she has nowhere to go for family planning advice.*

#### Case Study 2

*The streets of the city are poorly maintained by the council. Despite complaints from the community, rubbish mounts in the streets and when it rains, the roads turn to mud and the potholes are breeding ground for mosquitoes. In the rainy season, malaria is rife amongst adults and children and can be a killer. Streams used for drinking water are contaminated and incidences of cholera and diarrhoeal infections are rising. People read in the papers that international agencies are providing support for medical services in the city but the residents are dismayed that the local health clinic has run out of drugs for malaria. It seems that many drugs have been sold on the open market by the medical staff.*

#### Case Study 3

*Mary met her husband when he was training to be a teacher. They married five years ago. Her husband got a job in a school and they had two lovely children. When their toddler died last year, they were both heart broken. Now, both Mary and her husband are ill. It looks as if either Mary or her husband could have been HIV positive even before they married and the family is now infected. So far, their firstborn son remains healthy and they hope her husband’s brother will care for him if need be although he already looks after their widowed mother and has four children of his own.*

#### Case Study 4

*Jonathan Bwalya used to work on a cotton weaving machine. The chaos of the 1980’s and the opening up of the market to foreign-produced and second hand clothes undermined the local cotton trade. Jonathan lost his job and has been unemployed ever since. Because he has always worked on a factory machine, he*

*has few other skills. The factory chased him out of his company house and he and his family lost the use of the factory medical centre and social club. He doesn't own a plot of land on which to live and grow vegetables. He is now trying to earn a living, loading lorries on a casual basis. Some days, he gets no pay. But when there is plenty of work around, the boys in the family work alongside him. He and his family now live in the shanty compound.*

- (i) Make a list of problems faced by the people in each case study.
- (i) Assess the context in which the household make a living in each case study. What factors affect the family's strategy for making a living?
- (ii) What are the causes of any differences in the incidence of poverty in the case studies?
- (iii) How could you identify vulnerable households like the ones in the case studies.

### **Effects of Poverty**

The effects of poverty are interrelated and the following are some of them;

- Hunger or food insecurity.
- High unemployment levels.
- Increase in crime.
- Conflicts in the society.
- Increase in corruption and vandalism.
- Increase in dependence syndrome.
- Low life expectancy due to low standard of living and other factors.
- Increase in prostitution (commercial sex.)
- Lack of access to basic needs like food, shelter, clean water, education and health facilities.
- Breakdown of the extended family support system.
- Depletion of natural resources due to more people exploiting the same inadequate resources.
- Increase in child labour.

### **Poverty alleviation measures**

Poverty alleviation is the process of lessening the suffering of the poor by meeting their immediate pressing needs. Hence poverty alleviation measures are aimed at improving the conditions of the poor.

The following are some of the ways in which poverty in Zambia can be alleviated:

- Improve the provision of education as education is a very powerful tool for poverty reduction.
- Increase food production and empower small scale farmers.
- Improve the health status of people in Zambia especially the poor.
- Reduce the incidence, infection and the socio economic impact of HIV and AIDS.

- Increase access to safe water and sanitation.
- Promote a self-sustaining export led agricultural sector which ensure increased household income and food security.
- Increase access to skills development and vocational training
- Promote rural electrification to attract investments and reduce unemployment in the rural areas.
- Increase access to means of production such as land and farming implements.

### **Poverty Reduction Strategy Paper**

The Poverty Reduction Strategy Paper (PRSP) is the overall framework for national planning and development, focusing on interventions for poverty reduction.

The overall national goal is to achieve sustained economic growth and employment creation.

The following are some of the main areas addressed by the PRSP:

- **Macroeconomics** – to achieve a high and sustained real Gross Domestic Production GDP growth with greater equity of opportunity, income and access to resources.
- **Agriculture** – to promote a self-sustaining export led agricultural sector which ensures increased household income and food security.
- **Tourism** – to enhance the tourism sector’s contribution to economic growth and poverty reduction.
- **Mining** – to promote investment in the mining industry and ensure the development of a self-sustaining mineral based industry.
- **Industry** – to promote growth of an export led industry leading to employment creation and poverty reduction.
- **Health** – to improve the health status of people in Zambia especially the poor.
- **Education** - to provide relevant, equitable, efficient, and quality education for all.
- **HIV and AIDS** – to reduce the incidence, infection and the socio-economic impact of HIV and AIDS.
- **Gender** – to promote gender balance to ease the burden of poverty especially of women at the household, community and national levels.
- **Environment** – to formulate appropriate policies on the protection of the environment, management and development of natural resources and ensure their efficient and effective delivery and implementation.
- **Energy** – to ensure optimum supply and utilization of energy.
- **Water and sanitation** – to contribute to poverty reduction through increased access to safe water and sanitation, increased food production and food security.
- **Transport and communication** - to create an efficient transport and communication system that will promote economic growth and poverty reduction.
- **Roads** – to expand, rehabilitate and invest in the road sector so as to improve accessibility and mobility.

Any poverty alleviation strategy needs careful preparation and clear plans for implementation. It should address the multiple dimensions of poverty. Poverty reduction is as a result of economic growth, improved services, gender equality, environmental sustainability and good governance.

### Exercise 3

- a) From your own experience, identify the effects of poverty. Give reasons for your answer.
- b) Food security and high unemployment levels are some of the challenges that Zambia is facing. Show how these affect the Zambian population and suggest possible and practical solutions to these challenges.
- c) Discuss the dependence syndrome situation in Zambia. Suggest practical solutions to this syndrome.
- d) Some people argue that HIV and AIDS causes poverty while others say poverty causes HIV and AIDS. Analyse this statement giving reasons for your answer.
- e) One of the poverty alleviation measures is to reduce the incidence of infection and the socio-economic impact of HIV and AIDS.
- f) Imagine that you are one of the committee members selected to come up with strategies that will address the following areas in the Poverty Reduction Strategy Paper.

### Activity 2

- (i) **Education:** to provide relevant, equitable, efficient and quality education for all.
  - (ii) **Water and sanitation:** to contribute to poverty reduction through increased access to safe water and sanitation, increased food production and food security.
  - (iii) **Health:** to improve the health status of people in Zambia especially the poor.
- List down the measures you think could be implemented to address the three areas.
  - Write a newspaper article on any three of the areas outlining your strategies and how they would benefit the country.

### Activity 3

#### Suggested Action Projects

- a) Carry out a mini survey in your community to assess poverty levels. Develop your own survey instruments and write a report on your findings. Then present it to your local council through your councillor.

- b) Carry out a survey on how people perceive poverty in your area; outline the perceived elements of poverty.
- c) Develop an anti poverty strategy to address poverty issues facing your community.
- d) Hold a mini conference on poverty alleviation in your community. Prepare speeches and other arrangements for the conference.
- e) Develop posters and cartoons to sensitise your community on the dependence syndrome and its effects.
- f) Sensitise the community on the need for entrepreneurship to alleviate poverty in your area.

# CHAPTER: 5

## ENVIRONMENTAL EDUCATION

### Specific outcome

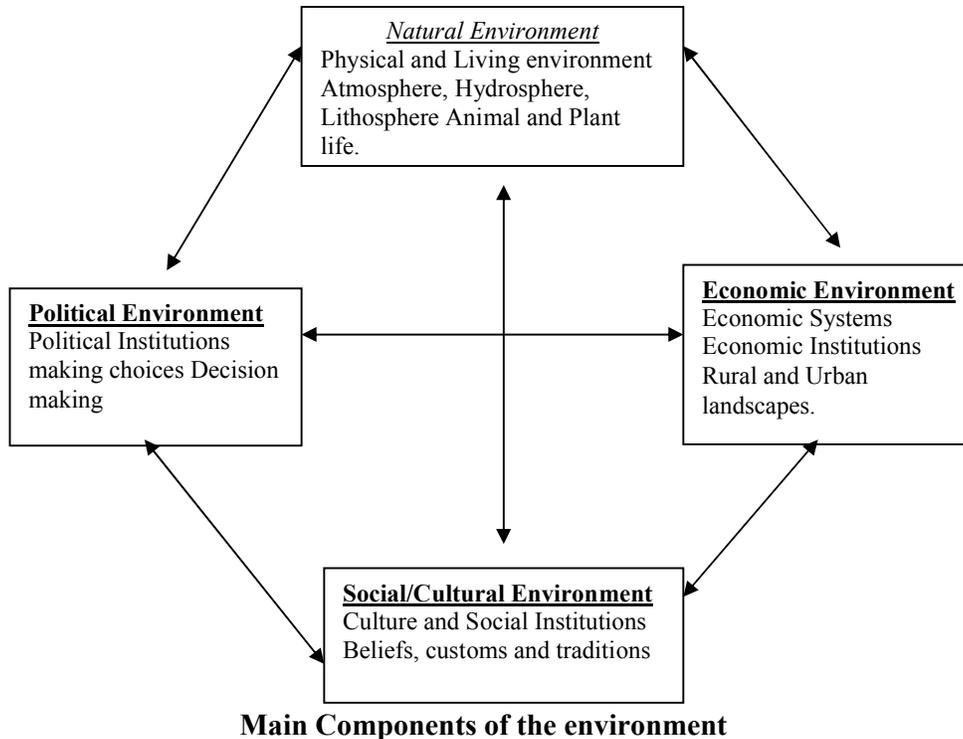
- Specific Define environment
- Outline causes of environmental degradation
- Discuss environmental education
- Identify institutions that promote environmental management in Zambia
- State some of the conventions on environmental management
- Discuss the importance of biodiversity in environmental management

### **The Environment**

The word environment refers to surroundings and the things found in them both physical and cultural, which differ from place to place. In other words, the environment is made up of interacting things and processes. For example, soil, air, water, plants, animals and humans all affect each other in one way or another. Consequently, it is important to look at the environment as a system of working parts. It can be likened to the human body whose various organs perform specific functions or roles. None of the parts work independent of the other. If we damage any of the components, then we damage our own life and that of other life forms.

### *Components of the Environment*

There are many components of the environment. The environment can be divided into various components depending on the features of the environment considered to be central. For instance, if life is considered to be central, then the environment is divided into *living* and *non- living* components. If human activities are considered central, then, the environment is divided into *natural* and *cultural* components. Other consideration can be used as criteria for categorizing components of the environment.



### Exercise 1

- (a) Allocate yourselves names of elements in your local environment such as grass, tree, soil, river, bird, human being, animal. When the teacher calls the name of the element you are representing and we briefly but clearly on what you as element in the environment depend on for your survival.
- (b) Relate your responses to how elements in the environment are interconnected. Draw a compass rose to explain the relationships.

### Exercise 1

1. In your own words explain what you understand by the word environment
2. A farmer uses a strong insecticide to kill insects eating her crops. The insecticide also kills many other insects living in the area. What advice can you give to the farmer?

### Causes of Environmental Degradation

*Environmental degradation* refers to any action or process that makes the environment less fit for human, plant or animal life. It is also associated with the lowering or reduction of the environmental quality.

Environmental problems are always interrelated. At times, a solution to one problem creates another problem. For example, farmers may use pesticides to control pests and protect the crop, but pesticides if not carefully and correctly used may pollute the soil and nearby water bodies.

The following are some of the causes of environmental degradation:

- ***Overpopulation***

This is the presence in a given area of more people than can be supported adequately by the resources available in the area. Overpopulation is the major cause of all other environmental problems. Fewer people would need less food, burn less fuel, discharge less sewage into water bodies, cut fewer trees for construction, charcoal production and wood fuel.

- ***Pollution***

*Pollution* refers to the presence of matter or energy whose nature, location, or quantity produces undesirable environmental effects. It is the reduction in the quality of the environment by introducing harmful materials in it. Generally, pollution takes two forms:

(i) *Natural wastes*: Natural wastes may be organic or inorganic. Inorganic wastes include elements of compounds such as lead, copper, and sulphur. These elements are found in rocks and are present in small concentration in our bodies. However, they are very poisonous even when consumed in small doses. These substances are emitted during mining and smelting operations. In the natural environment, these substances are buried deep underground where they do not enter biological systems. But when they are mined, they contaminate streams, rivers, lakes, ground water supplies, soil and even the atmosphere. Thus, a natural material that was originally harmless may become a *pollutant* if it is exposed to the atmosphere by mining or processing.

(ii) *Synthetic Chemicals*. Natural chemical compounds are always present in the environment. However, people have come to learn to make new chemical compounds called *synthetic chemicals*. These synthetic chemicals are present in paints, dyes, food additives, drugs, pesticides, fertilizers, clothes, cleaning materials, plastics, cosmetics, and building materials. Some of these synthetic chemicals break down rapidly in the environment through the action of sunlight, air, water or soil and are eaten by living organisms. The process may take minutes, hours or days. A material that decomposes in the environment as a result of biological action is called *biodegradable*. However, many synthetic chemicals do

not decompose easily. For example, plastics may remain in the environment for 100 years because organisms that feed on them and break them are very rare. In addition, some synthetic chemicals such as paints and dyes are very poisonous.

- **Depletion of Resources**

A *resource* is any source of raw materials or object that human beings are able to use to sustain life or produce wealth. Thus, water, fish, minerals, soils and trees are all resources. A resource is depleted or used up when it becomes less available for its intended function or use. Resources get depleted in three different ways:

- (ii) By converting them into another substance or product. For example, coal or oil are destroyed when they are burnt to produce energy;
- (iii) By being displaced to some location from which the material cannot be recovered. For example, when copper is mined it can not be replaced in the ground;
- (iv) By being polluted, a substance is rendered unfit for use. Thus pollution and depletion are related to each other. For example, if industrial or agricultural wastes are discharged into a river or percolate down the ground to reach ground water; these water sources become less fit for drinking water and in case of a river, it become less fit to support *aquatic* life.

### **Examples of Resource Depletion**

- (a) **Soil:** *soil erosion* is estimated to be exceeding soil formation by about 35%. It is most severe in Africa especially in the Sahel region where overgrazing by domestic and wild animals has led to accelerated erosion. This is also noticeable in some parts of Zambia where vegetation cover has been removed for farming purposes on a large scale. It takes 200 – 1000 years for 4.5cm of soil to form while the same amount of soil can be lost in less than 20 years by *accelerated erosion*.
- (b) **Deforestation:** The high demand for timber for industrial use and domestic use as well as conversion of forests to farmland and ranching have led to the destruction of forests especially in Africa and South-East Asia. It is estimated that about 4.5 million hectares of forests are destroyed every year through logging in the tropics. In the temperate regions, *acid rain* is destroying forests due to air pollution.
- (c) **Desertification:** Destruction of grasslands is closely related to the loss of forests and soils. Economic pressure on land especially for agriculture has led to over exploitation of grasslands and eventual destruction. *Over-cultivation* and *overgrazing* of grasslands lead to

rapid decrease in soil nutrients reducing the chance for further growth of vegetation. Loss of plant cover promotes aridity and *desertification*. When these habitats are destroyed, many organisms cannot survive. Hundreds of thousands of plant and animal species face extinction. Scientists believe that endangered species of plants and animals must be preserved for genetic diversity of our planet. In fact, some of the species may be used to produce life-saving drugs or may be essential in the breeding of valuable crops or domestic animals.

- (d) **Over fishing:** Rapid increase in global fish harvest has resulted in over-fishing. Over-fishing has led to depletion of some fish species. In addition, oil spills pollute the world's oceans killing thousands of marine organisms including fish.
- (e) **Fresh water depletion:** The demand for water for irrigation, power generation, domestic and industrial use has exceeded sustainable supplies in many parts of the world.

- **Climate Change**

In recent times, human beings have significantly altered the environment through many activities. For example, excess emission of carbon dioxide from burning fuels and *chlorofluorocarbons* (CFCs) from refrigerators, aerosol sprays, air conditioners and methane into the atmosphere are associated with *global warming*. Increases in global temperatures could result in the melting of glaciers and rise in mean sea levels which in turn can cause flooding of coastal regions and destruction of coral reefs. These gases contribute to the destruction of the ozone layer which filters harmful ultraviolet rays from the sun. Global warming has resulted in changes in the weather pattern globally.

- **War**

War is a combination of all environmental problems. War and preparations for war lead to pollution and depletion of resources far more than any single peace-time activity. Devastation caused by hostilities cannot be overemphasized. People are killed, cities, towns and , farms are ruined, while forests may be destroyed completely. Even in the absence of the actual conflict, the cost of maintaining armaments and standing armies are enormous. In addition, the potential for a nuclear war places human civilization and life at great risk.

## Exercise 2

1. Explain what the term *environmental degradation* mean.
2. Identify major causes of environmental degradation and explain how they affect the environment and suggest possible solutions.
3. Discuss the difference between a *biodegradable* and *non-biodegradable* substance. Give examples from the environment around your school.
4. Explain how resources can get depleted with specific examples in your local area.
5. State two potential dangers of global warning on the environment.

## Major Environmental Issues in Zambia

According to the Environmental Council of Zambia (ECZ), there is a strong link between poverty levels and environmental degradation in the country. Rural-urban migration and low levels of education have also been identified to have profound impact on the environment. The National Environmental Action Plan (NEAP), has identified the following as major environmental concerns in Zambia:

- Deforestation;
- Wildlife depletion;
- Pollution;
- Land degradation;
- Inadequate sanitation

## Deforestation

About 60% of the land in Zambia is under forests. Forests provide a range of products which are widely used by rural and urban households and industries. These products contribute substantially to income generation, employment as well as subsistence in various parts of the country. For example, charcoal and timber production play an important role in rural income and employment. In urban areas, charcoal accounts for 90% of all energy requirements in many households. However, unsustainable utilization of forests if left unchecked, will eventually lead to forest depletion and degradation. There is no corresponding replanting of trees to renew supply.

The ever-increasing demand for forest products as a result of increased population is likely to change the demand- supply balance. Besides, conversion of forests to cultivated land is also expected to grow as the demand for more food continues to grow. Currently, it is estimated that about 20% of forests have been cleared for commercial agriculture in Eastern, Southern, Luapula and Northern provinces.

Over-cutting trees for timber and poles by legal and illegal merchants as well as late burning has had adverse effects on forests. Eventually, deforestation will lead to soil erosion desertification and lack of fuel-wood and charcoal for both domestic and industrial use. In order to utilize forests in a sustainable way, there is a great need to *re-afforest* deforested areas and afforest other areas.

## Activity 2

1. Write two paragraphs on how environmental degradation can be minimised in Zambia. Highlight who should be targeted first and outlined reasons for your answer.

### **Benefits of Re-afforestation and afforestation**

- (i) Assured supply of charcoal and fuel-wood;
- (ii) Sustainable supply of building and fencing timber;
- (iii) Protection of soil from agents of erosion;
- (iv) Plant leaves can be used as fodder by livestock;
- (v) Some plants fix nitrogen in the soil;
- (vi) Some plants provide fruits and herbs for medicinal use;
- (vii) Collection of mushrooms, caterpillars, nuts and honey

### **Exercise 3**

1. What is deforestation?
2. Briefly explain activities that can lead to deforestation.
3. Explain why forests are important.
4. Give three reasons why people should grow trees.
5. Read the letter below addressed to a newspaper editor by a concerned Zambian and answer the question that follow.

*Dear Editor,*

*I write to you to register my total disapproval at the way people are being kept out of the forest areas. I am particularly against the current campaign to evict people from the mufungo forest by the government. Mufungo forest has one of the best soils in this country. I suggest that the forest be cleared to give way to settlements and farms. The following will be the benefits:*

- a) Timber supplies for export and domestic market will increase;*
- b) More charcoal will be readily available to the local people;*
- c) Pests like tse-tse flies will be eradicated;*
- d) Food supplies will increase;*
- e) More people will get jobs on farms;*

*For the above reasons, I feel the government should open up Mufungo forest for settlement and farming.*

*G.M. Mbata  
Matete Agricultural Officer*

- (a) What arguments can you use against Mr. Mbata's letter in order to conserve the Mufungo forest? List them down in your homework book.
- (b) Clearly distinguish between afforestation and re-afforestation. Why are these activities important?

### **Wildlife Depletion**

Wildlife, apart from being a natural beauty and biological diversity, also provides employment, much needed protein (meat) and is a great tourist attraction. Zambia has a vast range of plant and animal species. The country has an impressive network of protected areas (30% of the total land area). However, wildlife depletion has been identified as one of the major environmental problems. It is estimated that close to 50% of the national parks are either depleted of game or have been encroached upon by people for various activities. Among these are Luvushi-manda, Kasanka, Lusenga Plains and Isangano. In the Luambe, Lukuzuzi, Sioma Ngwezi, West Lunga and Mweru –Wa-Ntipa, the situation calls for urgent rehabilitation of the parks.

Most game management Areas (GMAs) are almost depleted of game. This is because human settlements and other land uses have been permitted in GMAs, thus exposing them to degradation in the absence of a comprehensive management plan.

The main cause of the decline in the number of big game such as elephants and rhinos is essentially poaching for *trophies* and meat. Large scale unemployment in both rural and urban areas also encourage people living in or near national parks and game management Areas to collaborate with poachers. This makes it difficult to curb the scourge. Reduced budgetary allocation for wildlife conservation in national parks and game management areas has resulted in reduced effectiveness in the administration of these areas.

Illegal hunting is thus largely driven by economic dictates. The utilization and trade in trophies and game meat continues to be big business both in rural and urban areas. Consequently, poachers and legal hunters target large animal species such as elephant, hippo, buffalo, impala, warthog, zebra, eland, wild beast, kudu and bushbuck.

Population increase, encroachment of protected areas, illegal hunting, reduced funding for the management of protected areas and natural disasters such as drought have resulted in many plant and animal species facing varying degrees of depletion. Trophy animals like the elephant and the rhino are more threatened with depletion than other species. The table below shows some of the endangered and vulnerable bird and animal species in Zambia.

<b>Species</b>	<b>Status</b>
Shoebill	Vulnerable
Wattled Crane	Vulnerable
Slaty Egret	Vulnerable
Taita Falcon	Vulnerable
Lesser Kestrel	Vulnerable
Black Cheeked Lovebird	Vulnerable
Black Lechwe	Vulnerable
Kafue Lechwe	Vulnerable
Black Rhino	Endangered
Elephant	Endangered
Lion	Vulnerable
Cheetah	Vulnerable
Wild Dog	Endangered
Elephant Shrew	Vulnerable

In order to improve upon the management of wildlife, the Department of Wildlife and National Parks has been transformed into the Zambia Wildlife Authority (ZAWA). Other measures taken include:

- Encouraging game ranching especially along the line of rail where the demand for game meat is high. There are more than 30 game ranches in Zambia today. Most of them are found on titled agricultural land along the line of rail.
- Introduction of community based wildlife management. This ensures a more sustainable utilization of wildlife resources by all stakeholders. Communities surrounding wildlife sanctuaries actively participate in the management of these areas and are rewarded from the proceeds of the utilization of these resources. This makes local communities develop a sense of ownership and hence, can not collaborate covertly with poachers.

#### **Exercise 4**

1. Give reasons why wildlife is important.
2. State reasons why large game has declined in both national parks and game management areas.
3. Explain the difference between vulnerable and endangered species.
4. State measures that the government has taken to encourage sustainable utilization of wild life resources.

### Activity 3

1. Make an inventory of other bird and animal species that are threatened by extinction other than those listed in the book. Ask your parents or guardians to assist you draw the list.

### Pollution

Another environmental problem Zambia faces today is pollution of *air, soil and water* resources. This is a result of rapid increase in the generation of waste due to industrialization and population increase in recent years especially in Lusaka and the Copperbelt.

- *Effluents* from the mines have long been recognised as a major environmental problem responsible for loss of aquatic life along the Kafue River. Localised air pollution from emissions of smelters on the Copperbelt and Kabwe have been associated with respiratory diseases in these areas. Solid mine wastes such as waste rock, tailings, slag, chemical wastes and open pit excavations are a major environmental concern today and will continue to be so as more mines are being developed, unless measures are taken to curb or lessen this problem.

Mining results in environmental degradation. Natural landscapes are destroyed while existing land uses such as agriculture and settlements are displaced due to:

- (i) Uncontrolled excavations especially by small scale miners around Lusaka (Quarrying) and the Copperbelt;
- (ii) Removal of vegetation cover accelerating soil erosion by wind and water;
- (iii) Loss of flora and fauna either directly or indirectly through clearing or spread of *pathogens* and fragmentation of *habitats*;
- (iv) Siltation and *sedimentation* of drainage systems and natural water courses either as discharges, spillage, or erosion of over burden dumps;
- (v) Water pollution through the release of dissolved chemicals including heavy metals such as lead and copper into streams, rivers, underground water either as direct discharge, seepage or overflow from pollution control facilities.
- (vi) Air pollution and dust due emissions of substances such as sulphur dioxide, carbon dioxide and nitrogen dioxide into the atmosphere in an unacceptable levels is rampant on the Copperbelt.

Mopani Copper Mines operations have had negative effects on the immediate environment. The company emits sulphur dioxide into the atmosphere and has inadequate dust -capturing systems at both the smelter and cobalt leach plants. Emissions by these mining companies have resulted in the contamination of streams that surrounding communities use for their domestic and agricultural water supply. In addition, these emissions have been associated with discomfort for people in terms of eye, nose, throat and other related respiratory irritations in the surrounding communities.

- *Pesticides* are another source of environmental degradation. A pesticide is defined as a substance or mixture of substances or organisms produced to control, repel or mitigate any pest. Included in this definition are also substances that are used as *plant regulator*, or *defoliant*. The use of pesticides is usually associated with increased production in agriculture. However, continuous use of pesticides over a long period results in pests becoming resistant to the pesticide and contamination of the environment. Effects of pesticides on humans, animals and other organisms are rarely reported in Zambia. However, it should be realised that pesticides have adverse effects on *non-target organisms*, human beings, wildlife, fish and birds. For example, the pesticide malathion used by many farmers to control aphids in Zambia causes deletions in the chromosomes of white blood cells, thus, it weakens the body's immune system. Besides, target pests become more and more resistant to available pesticides which in turn demands increased dosages. Pesticides also contaminate surface and underground water sources. It is for this reason that DDT has been banned in many countries as a pesticide. In Zambia, it is still being used in the control of malaria by spraying mosquito breeding grounds.
- *Waste* includes household leftovers of food, dirt, paper, tins, bottles, plastic bags and containers, old clothes and unwanted leftovers from processing and manufacturing processes.

Waste is also referred to as garbage, refuse or litter. Data on the quantity and type of waste generated by manufacturing, processing industries and households in Zambia is not available. Disposal of waste at designated or undesignated sites can cause pollution of soil and ground water. Most waste disposal sites do not have the necessary facilities to protect the soil and underground water. Biodegradable matter in these dump sites generate toxic and hazardous gases such as methane, hydrogen sulphide and carbon dioxide.

Uncollected waste and poor sanitary conditions especially in big towns like Lusaka, Ndola, Kitwe and Livingstone have been regarded as being responsible for the outbreaks of communicable diseases such as cholera, dysentery and typhoid. The use of pit latrines and shallow wells for domestic water supply as well as the use of untreated water in many of the high density settlements make it difficult to control these communicable diseases. Poor waste disposal and management have led to the general deterioration of the environment particularly in high density compounds and peri-urban areas. For example, Lusaka City Council is not able to collect all the solid waste generated in the city for disposal in designated sites.

## Exercise 5

1. State mining operations that lead to environmental degradation.
2. Explain what is meant by the word “pollutant”?
3. Discuss how excessive use of pesticides can lead to environmental degradation.
4. In your own words define the term ‘waste’ and give three examples of household waste.
5. Explain the relationship between the occurrence of communicable diseases like cholera and lack of good sanitation.
6. Read the passage below and answer the questions that follow:-

*The formulation of air pollution regulations has lagged behind due to lack of data. This was revealed by Mr Henry Kabwe, an inspector in the Air and Noise Pollution Control Unit of the Environmental Council of Zambia during an interview. Mr. Kabwe said that there is no inventory on air pollution in Zambia. The problem is compounded by lack of air pollution monitoring equipment. This situation made it impossible for the Environmental Council of Zambia to monitor and gather baseline data essential for the formulation of emission standards.*

**Source:** *Environ-line: An Environmental Council of Zambia News letter, Vol. 1 No. 1 1996.*

- (i) Explain why it is difficult to monitor and control air pollution in Zambia.
- (ii) Give suggestions on how air pollution can be controlled.
- (iii) How can emission standards be established in Zambia.

## Environmental Management

*Environmental management* refers to measures and controls directed at environmental conservation and sustainable utilization of resources. It includes optimisation of interrelationships between society and the environment for the present and future generations. To maintain a productive healthy and diverse ecosystem ensure sustainable utilization of natural resources and environment, the Zambian government has put in place a number of environmental legislation. These laws set performance standards of social conduct towards the environment. For example, enterprises involved in the generation of waste and other pollutants are expected to establish and maintain a system of environmental management that is appropriate to the enterprise, taking into account the environment, public health and safety. They should establish performance standards that are measurable, conduct regular monitoring of emission levels and waste generated, provide adequate and timely information. They are also expected to maintain contingency plans for preventing, mitigating and controlling of serious environment and health damage from their operations, including accidents and emergencies.

Since 1964, a number of legal instruments have been formulated on natural resource conservation and pollution control. However, these legal instruments have been formulated to address particular sectors such as land, forests, water, and wildlife. Until 1992, when the *Environmental Council of Zambia (ECZ)* was established, there was no umbrella legislation to co-ordinate various legislations in the different sectors.

This omission has had adverse effects on the co-ordination of various programmes in the environmental sector by various players.

### **Institutions that Promote Environmental management in Zambia.**

Environmental issues are cross-cutting by their nature. In Zambia, the prevailing scenario is that various government and quasi-government institutions and agencies are involved in environmental management. Apart from the above, both international and local NGOs are active in environmental conservation work in various sectors of the economy such as mining, forestry and agriculture. The main institutions are listed below.

<b>Institution</b>	<b>Main Role/s</b>
Environmental Council of Zambia (ECZ).	<ul style="list-style-type: none"> <li>• Environmental Protection</li> <li>• Pollution control</li> <li>• Natural Resource Management</li> </ul>
Ministry of Education	<ul style="list-style-type: none"> <li>• Implementation of Environmental Education in learning Institutions</li> </ul>
Ministry of Local Government and Housing (Councils).	<ul style="list-style-type: none"> <li>• Formulation of policy on infrastructure development</li> <li>• Development of human settlements.</li> </ul>
Ministry of Environment Tourism and Natural Resources.	<ul style="list-style-type: none"> <li>• Formulation of policy on matters of the environment and natural resources</li> <li>• Formulation of policies and legislation on tourism and wildlife management</li> </ul>
Ministry of Lands	<ul style="list-style-type: none"> <li>• Formulation of policies on land issues</li> </ul>
Forestry Commission	<ul style="list-style-type: none"> <li>• Management of the country's forests.</li> </ul>
Department of Water Affairs	<ul style="list-style-type: none"> <li>• Management of water resources.</li> </ul>
National Heritage Conservation Commission	<ul style="list-style-type: none"> <li>• Identification and management of objects of aesthetic value</li> </ul>
Zambia Wildlife Authority (ZAWA)	<ul style="list-style-type: none"> <li>• Management of wildlife estates</li> <li>• Ensuring equitable sharing of benefits of wildlife management and conservation</li> </ul>
Fisheries Department	<ul style="list-style-type: none"> <li>• Implementation of legislation on the development of the fishing sector</li> <li>• Regulate fishing methods and reinforcing fish ban period between December and March (breeding period)</li> </ul>

- **The Environmental Council of Zambia.**

The Environmental Protection and Pollution Control Act of 1990 created the Environmental Council of Zambia (ECZ). The mandate of ECZ was “do all such things as are necessary to protect the environment and control pollution

so as to provide for the health and welfare of persons, animals, plants and the environment.”

The Environmental Council of Zambia is also responsible for co-ordinating activities of all ministries and organizations that are involved in the protection of the environment in Zambia and the sub-region.

- **Zambia Wildlife Authority**

The Zambia Wildlife Authority (ZAWA) was established by an Act of Parliament of 1998. ZAWA is responsible for the establishment and management of national parks, game management areas and protection of all wildlife. ZAWA is also mandated to ensure local community participation in the conservation and management of wildlife as well as in the equitable sharing of wildlife management and conservation between government and the local communities.

- **The Zambia Forestry Commission**

To increase people’s perception of the value of forests and improve methodologies of forest management, there is need to incorporate social, economic and ecological values of trees and forests into a national policy. The first Forest Policy was formulated in 1965 as a set of instructions to the Forest Department. The policy was rigid and all authority was vested in the central government over ownership, planning and management of forests. There was no participation by local communities.

The Forest Department has been transformed into the Zambia Forest Commission through the 1999 Forest Act. Its responsibilities include:

- Formulation of forest policies;
- Implementation of forest plans;
- Management and control of forest resources;
- Carrying out research on forests;
- Provision of extension services;
- Afforestation (planting of both exotic and indigenous trees in areas where there were no forests before);
- Management of forest plantations

### **Ways to Improve Environmental Management.**

In order to improve upon environmental management, the government has to develop a clear national policy on the environment. The policy should ensure broader participation by all key stakeholders in the sector. It should be based on clear understanding of the intricate relationships between ecological, economic and socio-cultural aspects of the environment.

In the interim, the Environmental Council of Zambia continue to effectively co-ordinate the existing pieces of legislation on the environment by various institutions.

Local communities, NGOs and private sector agencies should also be given incentives to actively participate in environmental management. In addition, some of the existing pieces of legislation need to be repealed as they no longer contribute to sustainable development of natural resources. For example the water Act of 1957 and the Plumage Birds Protection Act of 1915.

### **Suggested legal Actions to Prevent Pollution**

Environmental catastrophes such as floods, explosions, accidents, and accidental release of poisonous substances often result in injury, loss of life and destruction of property. Victims of such events suffer severe long-lasting traumas, for example, the explosions at Chambeshi Metals in 2004 on the Copperbelt. Consequently, certain legal actions should be put in place to punish those responsible for such catastrophes. While the cost of pollution control may be borne by an individual corporation or manufacturing concern, the effects of pollution are shared by the population in which it is located. Thus, it is the duty of the government to regulate pollution and prevent or minimize environmental catastrophes. Below are some recommendations on the legal actions that can be taken against environmental polluters:

- **Restrictions.** Some pollutants are very toxic that even in small concentrations can kill wildlife, domestic animals agricultural crops and even human beings. In such cases, the government can restrict or abolish production of such a harmful substance. For example, in 1984, 36 tonnes of methyl isocyanate (MIC) escaped in a cloud of mist and vapour at a Union Carbide chemical plant, Bhopal in India. Exposure to MIC severely damages lungs and burns the corneas of the eyes. Immediate deaths result from respiratory failure.
- **Qualified Restrictions.** Some pollutants are not acute poisons such as sulphur dioxide emitted by smelters on the Copperbelt. Sulphur dioxide is released whenever fossil fuels are burned. It is harmful in many ways, but a small dose is not lethal. In such a case, the government can permit specific emission levels. If more is released than the permitted levels, the plant concerned can be fined for violation of air pollution standards.
- **Subsidies.** Government can encourage environmentally friendly practices by industries. Tax deductions or rebates can be given to those corporations or companies that do not pollute the environment.
- **Residual Charges.** Industries and Individuals who pollute the environment can also be charged amounts proportional to the quantity of the pollutant emitted. This can also encourage environmentally sound manufacturing or processing because of the penalties that violators are obliged to pay. The polluter can either dump the waste and pay a fine, or deal with the waste in some other way such as treating it, recycling it, storing it in a safe place, or minimize its emission in the environment.
- **Other Measures**

- (i) Regular and efficient collection of waste and disposal in designated sites.
- (ii) Establishment of recycling plants by all local authorities.
- (iii) Compositing of organic waste which can be used as fertilizer.
- (iv) Provision of solid waste bins in business centres and residential areas.
- (v) Strict enforcement of by-laws by local authorities regarding public health and environment protection.
- (vi) Identification and classification of waste according to their potential impact on the environment;
- (vii) Monitoring and evaluation of contamination at dumpi sites as well as assessment of environmental impacts of current waste management practices;
- (viii) Documentation of sources and composition of various wastes as well as vigorous public awareness campaigns in waste minimization, disposal and management practices;
- (ix) Encouraging industries in the country to use cleaner production techniques and practices.

### **Principles of an Environmentally Friendly Policy**

- (i) Any discharge or emission should be regarded as harmful until proven harmless.
- (ii) Establish limits of pollution that the natural environment can withstand without becoming permanently damaged. This critical load should not be exceeded.
- (iii) All stages of the production process should be examined thoroughly with regard to pollution management and control.
- (iv) The natural environment is not free of charge. Industries must be stimulated to take the environment into consideration in all their operations so as to reduce pollution.
- (v) Poor technical solutions should not be used as an excuse for pollution even when better technology is available.

### **International Conventions and Agreements on the Environment.**

Other than sectoral legal instruments on the environment, Zambia is also a party to several international conventions and agreements on the environment. The signing and ratification of these conventions and agreements by the government is a clear indication of the commitment and willingness to co-operate with other countries and international organisations in the sustainable use and management of global resources. As a signatory to these conventions and agreements, the country has had access to international funding and capacity building in the environmental management sector. For example, from the Global Environmental Facility (GEF) and the United Nations Environmental Programme (UNEP). Some of these conventions and agreements are given below:

- (i) Basel Convention on the control of Transboundary movement of hazardous waste.
- (ii) Convention on the Conservation of Migratory species of wild animals.

- (iii) United Nations Convention to Combat Desertification.
- (iv) Convention on Wetlands (Ramsar Convention).
- (v) Convention on the Protection of World Cultural and National Heritage.
- (vi) Convention on the Protection of World Cultural and National Heritage.
- (vii) Convention on the Protection of the Ozone Layer.

### Exercise 6

1. Explain what is meant by ‘environmental management.’
2. Explain what is meant by the statement ‘environmental issues are cross – cutting by the nature.’
3. List down the functions of the Zambia Wildlife authority.
4. State possible legal actions that can be taken against environmental polluters.
5. List measures that local authorities can undertake to reduce pollution by solid waste in their areas.

### Biodiversity

Biodiversity or biological diversity is a term used to describe a large variety and variability of living things and the ecological environment in which they occur. There is a large variety of micro-organisms, plants and animals all around us. A close observation reveals that they all depend on each other.

Biodiversity is considered at three levels:

- a. *Genetic diversity*. This is a measure of the variability within and between species;
- b. *Species diversity*. Refers to the total number of species in a given area and
- c. *Ecosystem diversity*. This refers to the variety of habitats within which species occur.

### Significance of biodiversity

Human beings depend on a diversity of plants, animals and micro-organisms to survive and thrive. The air we breathe is purified by green plants. Medicines are obtained from plants and micro-organisms. Various animals are used for drought power, transportation and other tasks. Plant and animal products are also used to make clothes, tools and other useful objects. Homes and factories, including furniture, are made from plant and animal products. Some animals are kept as pets and some plants are grown as flowers or ornamental trees. All these are possible because of biodiversity.

In Zambia, biodiversity is particularly important for the following reasons:

- a. The Majority of people in Zambia, especially the rural population to a large extent depend on a variety of local resources available in their areas. These include plants for fruits, tubers, leaves, grains or seeds, stems and flowers, that are sources of food; and animals such as birds, mammals, fish and invertebrates which are the main sources of protein.

- b. Plants and animals are not only used as sources of food, but their products are also used in construction or as raw materials in the processing and manufacturing industries.
- c. Various biological resources such as micro-organisms are used in the preparation of medicines while some plants are widely used as herbal medicine.
- d. Biodiversity is also important to maintain ecological balance. The preservation of the *ecosystem* diversity ensures continuation of processes that maintain all forms of life in the environment, such as water and nutrient cycles.
- e. Biodiversity is also of *aesthetic* and recreational value. Game viewing, sight seeing, mountain climbing, Safari hunting and angling all depend on the continued existence of a variety of plant and animal species as well as the quality of habitats in which they are found.

### **Threats to Biodiversity**

Biodiversity in Zambia is increasingly coming under pressure from both human and natural factors. These include:

- a. Land use conflicts between humans and animals.
- b. Development of settlements and related activities.
- c. Pollution.
- d. Deforestation.
- e. Over exploitation of resources such as over-fishing and game poaching.
- f. Climatic change such as occurrence of frequent droughts.
- g. Lack of biodiversity knowledge by the public.

### **Activity 4**

1. Collect waste round your classroom. Sort out the waste either as biodegradable or non-biodegradable substances. This activity has to be done after the lessons end.

### **Management of Biodiversity**

In traditional Zambian society, conservation methods of resources were centred on customary laws. Indigenous calendar of food production was seasonal. For example, fishing, collection of forest products such as caterpillars, honey and mushrooms.

The culture of *totems* also prevented indiscriminate hunting of certain wildlife species, while some other wildlife were accorded special status such that express permission of the chief was needed to hunt them. Thus, there was no threat to the use of biological resources.

However, during the colonial period, indigenous land-use was replaced by European or western land-use standards or practices. Land was alienated for national parks, hunting reserves and forest reserves. It was also alienated for the protection of endangered animal species and habitats. The new system excluded local knowledge and value systems in the management of biodiversity. After independence, the western approach to the management of biodiversity has continued, but is gradually incorporating indigenous knowledge.

Zambia signed and ratified the Convention on Biological Diversity in 1992 and 1993 respectively. By ratifying this convention, Zambia committed itself to the conservation of genetic species and ecosystem diversity in a sustainable manner and to share equitably the benefits derived from the utilization of these resources.

### **Biodiversity Strategic Plan**

The strategic plan on Biodiversity in Zambia is based on the following goals:

- a. Ensure conservation of the natural ecosystem through a network of protected areas;
- b. Conservation of the genetic diversity of crops and livestock;
- c. Improvement of legal and institutional framework as well as human resource development to implement strategies for conservation, sustainable utilization as well as equitable sharing of benefits from biodiversity management;
- d. Development of an appropriate legal framework on the risks involved in the use of Genetically Modified Organisms (GMOs). This is because side-effects of GMOs are not yet well known.

### **Exercise 7**

1. What is biological diversity?
2. What is the significance of biodiversity to human beings?
3. List down threats to biological diversity in Zambia.
4. Explain how biodiversity was maintained in traditional Zambian Society.

### **Suggested Action Projects**

- (a) Allocate yourselves names of elements in your local environment such as grass, tree, soil, river, bird, human being, animal. The teacher will call out the name of one of the elements and the holder of the name should answer to the name. Answer briefly but clearly on what you as an element in the environment depend on for your survival. Relate your responses to how elements in the environment are interconnected.
- (b) Prepare a simple questionnaire to use in surveying the use of pesticides in your local community. The teacher will guide you. Carry out the survey and present your finding to the class in groups. Suggest measures that can be taken to minimise dangers in handling and use of the pesticide.
- (c) Collect waste around your school. Sort out the waste either as biodegradable or non-biodegradable. Find suitable ways of disposing the two types of wastes without harming the environment.

- (d) Write a lengthy feature article on how environmental degradation can be minimised in Zambia. Highlight who should be targeted first and give reasons.
- (e) Organise a “keep the environment clean” day at your school. Draw up activities that have to be done on this day.

# CHAPTER 6

## *GLOBAL ISSUES*

### **Specific Outcomes:**

- Define global issues and interdependence.
- Analyse global interdependence.
- Discuss Bilateral and Multilateral aid.
- Explain debt crisis and debt relief.
- Discuss the effects of debt crisis and debt relief on Zambia.
- Discuss international trade.
- Explain Millennium Development Goals (MDGs).
- Analyse Zambia's efforts towards the attainment of the Millennium Development Goals.

### **Introduction**

The word *globalisation* means making worldwide or extending to all parts of the world. *Globalisation*, *Global Economy*, *Global Village* and *Global Issues* are relatively new terminologies which have gained popular usage in the study of economics and other social sciences. It is argued that as a result of rapid developments in mass communication, transport systems and other areas of technology, the world has 'shrunk' in size and it has become a "Global Village" where all nations and peoples freely interact and depend on each other for survival and progress. Therefore, the term 'global issues' refers to all those developments and problems which affect the welfare of people in all nations. They include issues such as Human Rights and Good Governance, War and Peace, the World Refugee Crisis, the World Debt Crisis, the World Energy Crisis, International Trade, Global Warming, HIV/AIDS, the Bird Flu outbreak, Terrorism and Global Credit Crunch.

### **Global Interdependence**

We live in an increasingly *interdependent* world and no nation or region is able to survive in complete isolation from others. This development in international relations is referred to as *Global Interdependence*. Interdependence means that each nation's welfare may depend on the decisions and policies of other nation and vice-versa. For instance, the decision by the members of the Organisation of Petroleum Exporting Countries (OPEC) to increase oil prices by 400 percent after the Israeli-Arab War of 1973 sparked off a world-wide energy crisis that in turn created inflation which pushed the world economy to the brink of chaos.

Interdependence also means that each nation's welfare depends on goods and services offered by other countries. For instance, the developed countries of North America and Western Europe depend on some of the industrial raw materials from the developing Countries of Africa, Asia and Latin America. On the other hand, Developing Countries depend on some of the developed countries for marketing their raw materials and for products such as industrial machinery, motor vehicles, computers, and electrical appliances. The term developing countries refer to those countries which rely on developed countries for their budget support, goods and services.

### Exercise 1

- (a) Define the following terms: "Globalisation," "Global Issues" and "interdependence".
- (b) What is meant by the phrase 'Developing Countries' Support your answer with examples.
- (c) Briefly state why the US, Japan and other developed countries are said to be dependent on the developing countries.
- (d) In what ways are developing countries like Zambia, dependent on the US and other developed countries?
- (e) How are developing countries dependent on other developing nations? Support your answer with reference to Zambia and her neighbours.

### Foreign Aid.

Foreign aid refers to the international transfer of funds, goods and services in form of loans and grants from one country to another. There are two types of foreign aid. These are bilateral and multilateral aid:

- **Bilateral aid:** This is assistance from one country to another. For instance, Zambia receives aid from Swedish International Development Agency (SIDA), Japan International Co-operation Agency (JICA), Finnish International Development Agency (FINNIDA), United States Agency for International Development (USAID) and from Irish Aid.
- **Multilateral aid:** This is assistance from international agencies formed by several countries. These lending agencies do not belong to one country. Examples of them are the African Development Bank (ADB), the Arab Bank for Economic Development (ABEDA), the International Monetary Fund (IMF) and the World Bank.

Bilateral and multilateral aid usually comes in form of grants and loans. The grants and loans may come in form of financial assistance, capital goods (like machinery), relief food, or technical expertise (skilled labour).

- **Grants:** These are gifts from International Agencies to a government or from one government to another. They are not to be paid back.

- **Loans:** These are transfers of funds, goods and services from one financial entity to another which must be repaid, usually with interest. A *hard loan* refers to a loan given at a high rate of interest. A *soft loan* is a loan given at a low rate of interest or on which is repaid without any interest at all.
- **Tied aid:** It refers to loans and grants which have “strings” or stipulated conditions of use. For instance, the recipient country may be required to spend the loan on a specified project or to allow the donor country to build military bases in the recipient country.

### **The Role of the World Bank and the IMF**

- The World Bank is also known as the International Bank for Reconstruction and Development (IBRD). It is a multilateral financial institution with its Headquarters in Washington DC (United States). The World Bank consists of four affiliate institutions. These are: the *International Development Association* (IDA), the *International Finance Corporation* (IFC), the *Multilateral Investment Guarantee Agency* (MIGA), and the *International Centre for Settlement of Investment Disputes* (ICSID). The World Bank operates mainly with funds from Member States. It is one of the World’s largest sources of development aid and offers two types of loans:
  - **Loans for developing countries with higher income:** The IBRD gives loans to these countries and allows them more time to repay. For instance, 15 to 20 years with a three to five year grace period before the repayment of principle begins.
  - **Loans for poor countries:** These are loans given to countries which are not credit worthy in the international financial markets and they cannot afford to pay market interests rates on loans. Such loans are provided with a 10 year grace period and they are repayable in 35 to 40 years.

### **The International Monetary Fund (IMF)**

- The International Monetary Fund is a specialised agency of the UN and its main purpose is to regulate the international monetary system. The IMF controls fluctuations in the exchange rates of world currencies and it lends money to countries facing *balance-of-payments deficits*. It also offers advice and policy recommendations to overcome such financial problems, and often offers financial assistance in support of economic reform programmes.

### **Foreign Aid and the Development Debate**

There is an international debate on whether foreign aid hinders or promotes economic development in Third World recipient countries. The following are some of the arguments for and against foreign aid:

## Arguments for

- It provides foreign capital needed by the recipient country to supplement its locally available investment resources.
- It provides more foreign exchange if the loan or the grant is invested in a project which produces export products.
- It provides new technology and skills which the local people can later acquire by means of training. Such skills and technology are assumed to be both desirable and productive to the recipient nation.
- The recipient government earns more revenue by taxing enterprises established with the help of foreign aid and by participating financially in the operations of these enterprises.
- Food aid alleviates famine in case of natural disasters such as floods, droughts and earthquakes. Food aid also provides free or cheaper food to countries facing chronic food supply problems, and hence it alleviates famine and death from malnutrition.
- Foreign aid promotes international co-operation between the donor and the recipient countries.

## Arguments against

- Loans and Grants “Tied to the Donor” have to be spent on buying goods and services from the donor country. Very often, these goods and services are more expensive and of lower quality than those from other sources, otherwise there would be no need to “tie” the aid.
- Loans and Grants “Tied to Projects” can only be spent by the recipient country on projects agreed upon with the donor country. Therefore, tied aid undermines the economic and political independence of the recipient nation.
- Profits from foreign investments are usually externalised, and rarely re-invested in the recipient nation.
- Loans must be repaid with interest, and the larger the loan, the larger the *debt service burden*. This has led to the worsening of the debt burden in the Third World Countries. On the other hand, the repayment of high interest on loans enriches the donors. Therefore, “foreign aid” tends to make the rich countries richer, and the poor ones poorer.
- Food-aid may worsen food shortages as it tends to reduce food prices, hence killing the food market for farmers in the recipient country, which may in turn cause a reduction in domestic food production. Food aid (Relief Food) may also kill the local agriculture sector by encouraging laziness and creating a dependency syndrome, hence undermining self-reliance initiatives.
- Food-aid is also often given as tied-aid and the food aid contracts may require the receiving country to purchase certain goods from the donor country, or to support the donor country in foreign policy.

- Technical assistance given by donors is not always appropriate or beneficial to the needs of the recipient country, and it may require the importation of expensive machinery and spare parts from the donor nation. It is argued that “technical assistance” actually benefits the donor more than the recipient nation.
- The donor country:
  - earns more money in form of interest on loan repayments.
  - creates a market for its machinery and spare parts in the recipient country.
  - creates overseas employment opportunities in form of “technical expertise” for its citizens in the recipient country.
  - gains a sphere of political and economic influence in the recipient country.

**Exercise 2**

- Clearly distinguish between bilateral and multilateral aid.
- Define “*tied aid*”. What are its disadvantages?
- What reasons may make a country not accept tied aid? Support your answer.
- Summarise the arguments for, and against foreign aid in a table below. Copy the table into your exercise book. You can add any other arguments for, or against.

The Foreign Aid Debate

Arguments for	Arguments against
- It provides foreign capital	- Creates a debt burden: Loans have to be paid with interest.

**Activity 1**

Zambia needs more foreign aid for development.  
Discuss.

**International Trade**

**Types of Trade**

Trade is the selling and buying of goods and services. There are two types of trade. These are, Internal Trade and External Trade. Internal Trade is also known as Home or Domestic Trade. External Trade is also known as Foreign Trade or International Trade. This refers to the buying and selling of goods and services between two or more countries.

## Importance of International Trade

Nations, like individuals, engage in trade for various reasons. The following are some of them:

- **Uneven Distribution of Resources:** No nation is endowed with all natural resources essential for the functioning of a modern industrial economy. For instance, countries like Iraq and Kuwait have plenty of oil, while others have none.
- **Climatic Differences:** Climatic conditions in temperate countries like Canada and Russia are not favourable to the production of bananas, cane sugar and other topical crops. Such countries have to import tropical products from other nations.
- **Specialisation:** No country can produce all the goods and services it requires. Each country specialises in a given line of industries where it is most efficient. Surplus products must then be sold to other countries to pay for other goods and services. It may also be worthwhile for two countries to specialise and trade with each other if each has a definite and clear cut advantage in production of a particular commodity. In economics, this is known as having a *comparative cost advantage*. This takes place if the average costs of producing a particular commodity in one country are comparatively lower than in another. For instance, it may be cheaper for Zambia to import coal from Zimbabwe than to extract coal from Maamba mine.
- **Technological Differences:** Some countries do not possess the technological capacity to produce certain products such as aircraft, motor vehicles, mining and agricultural machinery and computers. This makes it necessary for them to buy such products from other nations.
- **Supplement Domestic Production:** A nation with vast demands or inadequate local supplies of certain products may import certain goods to supplement its own domestic production. For instance, China is one of the world's major producers of oil, but she still imports vast quantities of oil from the Middle East to add on to her domestic production.
- **Earn foreign exchange:** Trade is one way of increasing one's own wealth through profit making. Very often, a nation may still sell some of its products like grain, even when it does not have a domestic surplus in order to earn foreign exchange which is required to pay for other essential imports.
- **Promote International Co-operation:** Trade promotes international peace, co-operation and political friendship. For this reason, countries may continue trading together even if such trade ties were not economically beneficial to all parties.

### **Terms of Trade:**

Terms of trade means the rate at which a nation's exports are exchanged for imports from another nation. For instance, the rate at which British tractors are exchanged for Zambian Copper, that is how many tonnes of copper are required to pay for one tractor. The terms of trade depend on the prices of commodities on the International Market.

*Favourable Terms of Trade* means the prices for your country's exports are relatively *higher* than the prices for its imports. *Unfavourable Terms of Trade* means the prices for your country's exports are relatively *lower* than the prices for prices of imports.

Zambia has had unfavourable terms of trade since the late 1970's as a result of falling copper prices and rising prices of imports such as oil and machinery.

### **Balance of Trade**

*Balance of Trade* is the difference between the value of visible imports and exports over a particular period. For example, If the value of Zambia's visible imports is equal to her visible exports we say that *Trade Is Balanced*. However, this rarely happens in a real life situation. *Favourable Balance of Trade* is when the value of your country's visible exports exceeds the value of its visible imports. This is also known as a *Trade Surplus*. *Unfavourable Balance of Trade* occurs when the value of goods imported exceeds the value of goods exported. This is referred to as a *Trade deficit*. It is important to note that Balance of Trade only records the value of visible goods such as raw materials, capital goods like factory machinery, and consumer goods like food stuffs.

### **Balance of payments**

International trade is conducted in foreign currency. For example, when Zambia buys goods and services from abroad, she pays for them in foreign currency. When Zambia exports, she *earns* foreign currency.

Balance of payments means the difference in a country's spending (payments) and earnings from imports and exports respectively. It includes payments and earnings from both visible and invisible imports and exports. Invisible imports and exports are services such as insurance, transport, tourism and expatriate labour. For instance, tourists who visit Zambia and stay in hotels pay for these services in foreign currency. On the other hand, Zambia pays in foreign currency to run her embassies abroad or to pay education fees for Zambian students studying abroad. *Unfavourable Balance of payments* occurs when a country receives less foreign currency from its exports, but pays more foreign currency on its imports. We call this *a balance of payments deficit*. *Favourable balance of payments* takes place when a country receives more foreign currency from exports, but spends less foreign currency on imports. This is called a *balance of payments surplus*. The main foreign currencies used in International trade are the US dollar, the Sterling Pound, the Euro and the Japanese Yen.

## The World Trade Organisation (WTO)

Trade between countries is regulated by the World Trade Organisation (WTO). This is an international body dealing with the *global rules* of trade between nations.

### Origins of the WTO

The WTO was established in 1995 to replace the General Agreement on Tariffs and Trade (GATT) of 1947. The WTO is not a specialised agency of the United Nations, but it has cooperation arrangements and works closely with the UN.

### Functions of the WTO

The Functions of the WTO are:

- To help trade flow as freely as possible by reducing and eventually eliminating tariffs (trade taxes) and other barriers imposed by various nations.
- To set out rules for regulating international trade.
- To interpret trade agreements and impartially settle trade disputes between nations. The WTO serves as a neutral international forum for debating and settling trade disputes.
- To organise trade negotiations among its members.

### Principles of the WTO

The following are the Principles of the WTO:

- **Non – discrimination:** A country should not discriminate between its trading partners. Trading partners are all granted *the most favoured nation* (MFN) status. A country should also not discriminate between its own and foreign products, services or nationals. They are all given “*national treatment*”.
- **Free trade:** there should be free trade and all trade barriers should be reduced through negotiations.
- **Predictability:** foreign companies, investors and governments should be confident that tariffs and other trade barriers will not be raised arbitrarily. Tariffs and other market-opening commitments are *bound* in the WTO member states.
- **Competition:** There should be more free competition in international trade. Unfair practices such as export subsidies and dumping products at below cost to gain markets share are discouraged.
- **Special privileges for the less developed countries:** The trading system should be more beneficial for less developed countries (LDCs). This is done by giving them more time to adjust to international rules of trade.

## Structure of the WTO

The WTO has 146 member countries and its Headquarters are in Geneva, Switzerland. The WTO organs include the Council of Ministers (of Commerce) which meets every two years; the General Council, which meets six times a year; Sector Councils and several Committees.

## Weaknesses of the WTO

The WTO is often referred to as “a club for the rich” by its critics. Decisions made by the WTO are still strongly influenced and guided by the interests of the developed countries such as the United States and the European Union countries. The WTO believes that decisions should be made democratically and by consensus, but in practice less developed countries are often not given an equal platform to negotiate and defend their trade interests.

### Exercise 3

- (a) What benefits does a country obtain by engaging in International Trade?
- (b) What are the perceived disadvantages of International Trade?
- (c) Why is it important for Zambia to have adequate supply of foreign currencies?
- (d) What particular problems have arisen since the late 1970's which have made it more difficult for Zambia to trade with other countries? Suggest some solutions to these problems.
- (e) Explain the advantages and disadvantages of Zambia's position as a 'land-locked' country in relation to international trade.
- (f) Do you think the '*principles*' of the WTO are fair or unfair to Less Developed Countries such as Zambia? Give reasons for your answer.

### The Debt Crisis:

Globalisation and dependence on foreign aid have resulted in a debt crisis in the Third World Countries. At the end of 2004, Zambia owed 6.5 billion US dollars in external debt, mainly, to multilateral lenders like the IMF and the World Bank (57%), and bilateral lenders such as Britain, USA and Japan (35%). The rest was owed to private commercial lenders. The increase of debt in Third World countries is a result of various factors such as the following:

- **Unfair international trade:** Most of the commodities exported from Third World Countries are undervalued. Third World Countries are often forced to sell raw materials (like copper) cheaply to international firms, which in return use the raw materials to produce finished goods and make huge profits. This has resulted in a balance of payments deficit and an increase in the debt burden. Since Third world countries cannot raise money to repay the debts, the loans are often rescheduled with higher interest rates.

Hence Third World Countries are calling for a New World Order where international trade and globalisation will benefit many nations, not only a few.

- **Debt Servicing:** There are two aspects to a loan. One is that interest has usually to be paid on it. The second is that the loan has to be repaid. The process of paying interest on outstanding loans is known as *debt servicing*. Debt servicing has worsened the debt burden in Third World Countries as they often have to obtain new loans to service old loans. In 2004 Zambia required about 377 million US dollars to be spent on debt servicing, compared with 221 million US dollars spent on education in the same year. In fact, between 1990 and 2000 Zambia had been spending about 20% of her GDP on debt servicing.
- **Spending loans on consumption:** Another factor is the tendency of some Third World Countries to use loans to finance pure consumer products and hence the failure to repay the borrowed money due to lack of productivity. In addition to this, there is the issue of corruption and the diversion of funds by corrupt politicians and other government officials.

In the case of Zambia, the debt crisis was worsened by two other factors. These were the fall in copper prices in the 1970's and 1980s and the Southern African liberation wars. Earnings on copper exports were falling, yet spending on oil, machinery and other imports were increasing. In addition, as a result of the liberation wars, Zambia had to spend a lot of money on her defence forces, repairing destroyed infrastructure, hosting refugees and freedom fighters, and finding alternative routes for her exports and imports. As a result of all these factors, Zambia had a very unfavourable balance of payments since the late 1970's and her debt burden was increasing sharply.

#### **Debt Relief and the Heavily Indebted Poor Countries (HIPC) Initiative**

Since the year 2000 Zambia has tried to reduce her debt burden through the HIPC initiative. The Heavily Indebted Poor Countries (HIPC) initiative was introduced by the international donor (Creditor) Community in 1996 and it was revised in 1999. The World Bank and the IMF were given the responsibility to oversee its implementation. The objectives of the HIPC initiative were to:-

- Reduce the huge debt burden of the world's Heavily Indebted Poor Countries to *sustainable levels*, that is, to levels where these countries would manage to continue repaying debts without defaulting in payments.
- Provide funds for poverty reduction in form of debt relief (reduction in debt service payments). This means, funds saved as a result of reductions (relief) in debt service payments would be used to finance Poverty Reduction Programmes (PRP).

#### **HIPC Qualification and Structural Adjustments Programmes (SAPs)**

For a country to *qualify* to this initiative, it must successfully implement a number of IMF and World Bank led monetary reforms and Structural Adjustment Programmes (SAPs). Although conditions vary, SAPs usually require that a country must:

- Privatisise state-owned enterprises, that is, transfer Parastatal Companies and other government assets to the private sector, including foreign enterprises.
- Lift restrictions on foreign investment so that profits can easily be externalised (taken out of the country).
- Reduce its tariff barriers (custom duties) to encourage imports.
- Float its exchange rates so that they are freely determined by the market.
- Impose restrictive fiscal (financial) and monetary policies. Fiscal discipline means the government should *control spending*. For instance, by imposing a wage freeze and retrenching excess employees.
- Remove controls on prices and withdraw subsidies, even on essential commodities.
- Relax labour laws protecting workers and employers.

Zambia qualified to the HIPC initiative in December 2000 and was awarded a total debt relief package of 3.8 billion US dollars. This debt relief money was going to be written off by her creditors after reaching the HIPC *Completion Point*.

### **HIPC Completion Point Benchmarks**

The following were some of the conditions or benchmarks Zambia was required to implement in order to attain the HIPC completion point:

- **Poverty Reduction**
  - adopt the Poverty Reduction Strategic Paper (PRSP)
  - Present the 1<sup>st</sup> PRSP Progress Report.
  - Improve Poverty Database.
- **Education Sector**
  - Implement Education Sector Reform.
  - Increase share of education in the budget to 23%
  - Restructure the pay and benefits of teachers to encourage teachers to work in rural areas.
  - Reform the Basic Education Curriculum to improve literacy, innumeracy and communication skills.
- **Health Sector**
  - Adopt a strategic framework for HIV/AIDS.
  - Implement the strategic framework for HIV/AIDS.
  - Implement and scale up the Action Plan for Malaria Control.
  - Implement Health Sector Reform.
- **Macro-economic**
  - Finalise the privatisation of the Zambia Electricity Supply Corporation (ZESCO), the Zambia National Commercial Bank (ZANACO) and other state enterprises.

- **Water sub-Sector**
  - Rehabilitate urban water supply systems.

Zambia had to struggle for five years (2000 – 2005) to reach the HIPC Completion Point. In December, 2003 Zambia could not reach the Completion Point because the government had overspent. This forced the government to *freeze* wages and appeal to civil servants and ordinary Zambians to *sacrifice* in order for the country to reach the HIPC Completion Point. The country finally reached the HIPC Completion Point in April 2005. Besides Zambia, other countries that have already reached the completion point among the nineteen HIPC members include Benin, Bolivia, Burkina Faso, Ethiopia, Ghana, Guyana, Honduras, Madagascar, Mali, Niger, Rwanda, Senegal, Tanzania and Uganda.

### **Benefits of the HIPC Initiative**

The benefits of the HIPC Initiative to Zambia include the following:

- **Debt Relief Funds:** The total package of *debt relief* to Zambia is 3.8 billion US dollars. Zambia started getting debt relief in January 2001. The relief that came to Zambia between the Decision Point (the time when the country qualified to HIPC in December, 2000) and the Completion Point are known as “*interim relief*.” This money was mainly spent on Poverty Reduction Programmes. Some of these programmes were the rehabilitation of infrastructure such as colleges, schools, Health Centres, bridges and roads. After the HIPC Completion Point, Zambia expects to receive a debt relief of about 135 million US dollars per year.
- **Reduced External Debt Payment Levels:** If Zambia had not qualified for the HIPC initiative in December 2000, she would have been paying 450 million to 650 million US dollars per year as debt payment. The HIPC initiative has reduced this burden to an average of 100 million to 150 million US dollars per year. Over the 2006 – 2014 period, debt service savings will average 66 million US dollars per year with a peak at 114 million US dollars in 1910. This has given Zambia a breathing space (a relief or enough time to pay the debt).
- **Reduction in the Total Debt Stock:** After reaching the HIPC Completion Point it is expected that the total outstanding *debt stock* will gradually be extinguished.

### **CONCERNS ABOUT THE HIPC INITIATIVE**

- **Reduction in Debt Stock may not Occur:**

Uganda was forced to go into unsustainable levels of debt in the past because of continued borrowing after reaching the HIPC Completion Point. This may happen to Zambia if the cost of imports continue to rise as compared to export

earnings. In addition, the government has continued to borrow money from various sources such as China and India, to meet her development challenges.

- **Possible Misuse of Debt Relief Resources:**

There is a general fear that debt relief resources might be misused by some government officials. In the past, cases of misuse of HIPC relief funds were common. This may happen again unless measures are put in place to monitor the use of relief funds.

- **'Loss' of National Sovereignty:**

The implementation of HIPC initiative conditions (like SAPs) have meant that the government is actually implementing economic policies and reforms imposed by the international donor community. The government has little say on how these structural and economic reforms should be implemented to meet the real needs of the nation. This undermines the country's national sovereignty.

#### **Exercise 4**

Read the following passage and do the exercise that follow:

Over the years the Zambian government has tried different ways of dealing with her debt crisis.

*In 1987 President Kaunda simply stopped meeting the agreed debt servicing, arguing that it was not in the interests of the people of the country. That didn't please the creditors, and for the next few years Zambia was isolated, little or no funds at all were flowing into the country. The government backed down in 1989, and ever since it has been meeting its regular debt servicing and hoping for some better deals; renegotiation, partial cancellation schemes, rescheduling arrangements, and now the HIPC Initiative. Under the HIPC Initiative, Zambia will receive a debt relief of 3.8 billion US dollars delivered over a period of 20 years starting in 2001.*

**Source:** Jubilee Zambia 2004

- (a) Explain the following terms:
  - (i) debt crisis
  - (ii) debt servicing
  - (iii) debt relief
  - (iv) debt rescheduling and
  - (v) partial debt cancellation.
- (b) What are the benefits and the demerits of
  - (i) debt rescheduling?
  - (ii) partial debt cancellation?

- (c) Would you support former President Kaunda's decision to stop all debt repayments to the international donor community? Give reasons for your answer.
- (d) For what reasons might a country decide to continue borrowing money even though its heavy debt burden has been pardoned?
- (e) Suggests what should be done to ensure that Zambia does not fall into another debt crisis after reaching the HIPC Completion Point.

### **Millennium Development Goals (MDGs)**

The Millennium Development Goals (MDGs) are eight global development targets agreed upon by World leaders at the United Nations Millennium Summit in September 2000. The Summit's Millennium Declaration bind all the 189 UN member states to achieve these eight goals by the year 2015.

The following are the eight MDGs

- 1. Eradicate Extreme Poverty and Hunger:** By 2015 reduce by half the proportion of people living on less than One US dollar a day and those who suffer from hunger.
- 2. Achieve Universal Primary Education:** By 2015 ensure that all boys and girls complete primary school education.
- 3. Promote Gender Equality and Empower Women:** Eliminate the gender gap in Primary and Secondary School enrolment preferably by 2005 and at all levels by 2015.
- 4. Reduce Child Mortality:** By 2015 reduce the mortality rate among children under five by two thirds.
- 5. Improve Maternal Health:** By 2015 reduce by three quarters the ratio of women dying in childbirth.
- 6. Combat HIV/AIDS, Malaria and Other Diseases:** By 2015 stop and begin to reverse the spread of HIV/AIDS and the incidence of malaria and other major diseases.
- 7. Ensure Environmental Sustainability:** By 2015 integrate the principles of sustainable development into country policies and programmes and reverse the loss of *environmental resources*, for example, forests. By 2015 reduce by half the proportion of people without access to safe drinking water. And by 2020 achieve significant improvement in the lives of at least 100 million slum (shanty compound) dwellers world-wide.
- 8. Develop a Global Partnership for Development:** By 2015 develop further an open trading and financial system that will include a commitment to good governance, development and poverty reduction nationally and internationally.

Developing countries will do more to ensure their development, but developed countries will support them through aid, increased debt relief, better opportunities for trade and other measures.

**Progress in the implementation of the eight millennium development goals in some countries has already began to yield positive results. However, most developing countries have fallen short of targets they have set for themselves, mainly as a result of financial constraints and in certain cases, due to lack of political will.**

It is important to remember that although the MDGs were agreed upon at the UN, the achievement of these developmental targets has to be accomplished at country level.

*Suggested Action Projects*

1. Invite a speaker (from a Civil Society) to address Civic Education pupils at your school on the benefits and the problems of the HIPC Initiative.
2. Design a set of posters on MDGs for displaying around the school and the local community as an awareness campaign on the meaning and the importance of MDGs.
3. Carry out a survey in your community on the progress towards the achievement of the MDGs. You may conduct a survey on one of the following:
  - (i) Achieve Universal Primary Education by 2015. Interview about fifty children (boys and girls) aged 8 to 15 years who are out of school. Write a short report on why children fail to complete primary education in your area.
  - (ii) Promote Gender Equality. Find out the percentage of boys and girls per Grade at any one Basic School and one High School in your area (District). Find out which gender has more posts of responsibility in the school. Write a report stating whether you think the two schools will achieve the MDG on Gender Equality.

Name of Basic School.....

Grade	Total enrolled		Percentage	
	Boys	Girls	Boys	Girls
1				
2				
3				
4				
5				
6				
7				
8				
9				
Grand Totals				

Name of High School.....

Grade	Total Enrolled		Percentage Enrolled	
	Boys	Girls	Boys	Girls
10				
11				
12				
Grand Totals				

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