

# CHAPTER 1

## HUMAN 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.

Referendum refers a political question to a popular vote.

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 Civil 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.

## 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:

**Preamble:** An introduction or preliminary statement to a legal document.

- **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 -:

**Servile:** Slave associated practices

- 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**

**Extradite:** to hand over a foreign criminal to their own state for prosecution.

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

**Prosecute:** To start legal proceedings against a suspect.

Convention Against Torture (CAT). Under convention, State parties have an obligation *extradite* or *prosecute* torturers.

this to

- **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 of an offence.

- **Article 17: protection for privacy of home and other property**

The article makes a provision for protection of 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, ethnic, 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 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 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*.

**Derogate:** To reduce or lessen the strength or authority of a right.

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 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 proceeding 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

**Gazette:** Government periodical that contains legal notices, and bulletins of official appointments and promotions.

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.**

**Vexatious:** A case that provokes trouble, anger or distress.

The article makes a provision for the *enforcement* of the rights provided in the Bill of Rights.

**Enforce:** This means to give form to a law or to make law effective.

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*.

**Not Frivolous:** Refers to a very serious case or situation.

- **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.

### Activity 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.
- (c) 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 the government may not be able to deliver them and this will discredit the constitution. On the other hand, the Lusumpuko Democratic Party argues that they should be included since they are basic rights.

Discuss the differing views of the two parties with a classmate. Which position would you adopt? Write an essay to support your views.

- (d) 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 at a public rally says that 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 newspaper publishes an editorial saying that the government is mismanaging national resources through corruption. Government responds by banning that newspaper.
  - (iv) A group of women forms a sports club for women only, and men strongly condemn this club.
- (e) Most Zambian ethnic groups of people still practice certain traditional customs and beliefs which affect certain 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 a behavioural and attitude change so that the right to Liberty and Security of persons as guaranteed in the Constitution is enjoyed by everyone, both in rural and urban communities?

## 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:-

**Obligation:** requirement by law to perform a certain duty.

- 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 of 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.

**Litigate:** to make a claim of the court of law.

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 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 of search and detention of 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 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 clean and health environment for the community is not acknowledged.

- **Lack of guarantee to democratic rights**

The constitution does not reflect 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 are 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 government on the grounds that they have been denied a right to health or education.

**Activity 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 follows:

***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 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:-

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.

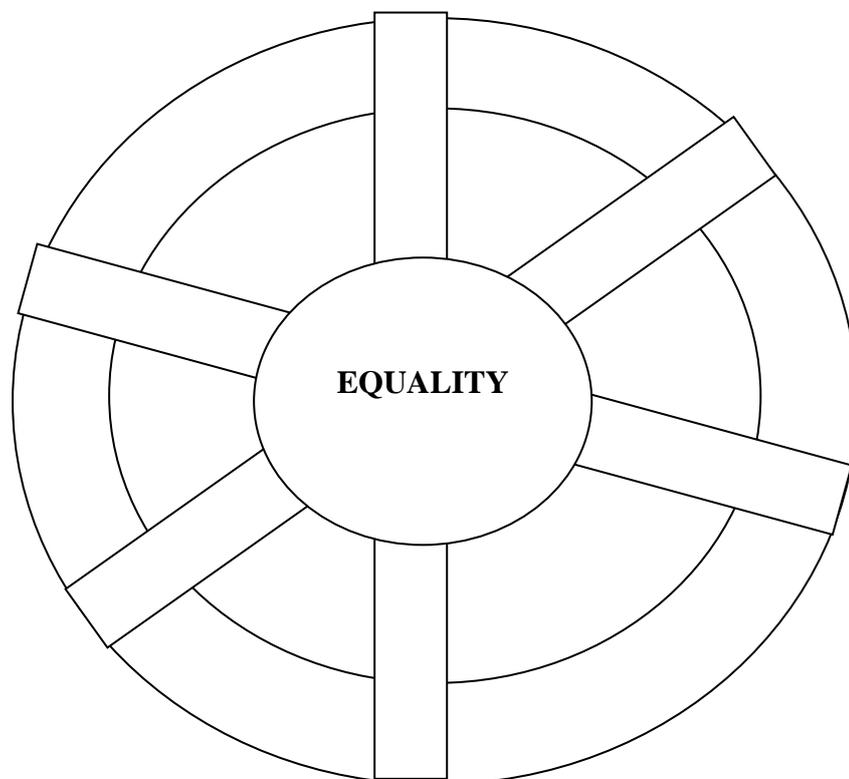
### **Ways of Enforcing the Bill of Rights**

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 3

- (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 it's fight against corruption. Through it's investigation and prosecution approach, 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.

- **Catholic Centre for Justice, Development and Peace (CCJDP)**

The Catholic Centre for Justice Development and Peace 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. It's 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.
- highlights 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**

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**

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)**

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)**

Zambia Civic Education Association is another non-governmental organisation which promotes especially Children's 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 primarily concern is to impartially protect human rights of affected individuals.

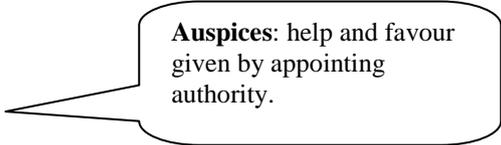
The vision of Amnesty International is to ensure that every person enjoys all of the human rights enshrined in the *Universal Declaration of Human Rights* and other international human rights conventions. In pursuing this vision, Amnesty International undertakes research and action focussed on preventing 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 4**

- (a) Does the Law always protect and promote human rights?
- (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) Write on the work of any Non-Governmental Organisation(s) which have effectively contributed towards the promotion of human rights in your area.

#### **The African Charter on Human and People's Rights**

A preliminary draft o 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.



**Auspices:** help and favour given by appointing authority.

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 seminar's, 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 standard 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 Permanent 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 5

- (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 occup 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. 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.

- (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.
- (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.

**SELECTED ARTICLE 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 meetings and to join associations in a peaceful way.</p>	<p><b>Article 2:</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.</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> 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>

**Article 23:**

Everyone has the right to work for a fair wage in a safe environment and to join a trade union.

**Article 26:**

Everyone has the right to go to school

**Article 29:**

Everyone must respect the rights of others, the community and public property.

**Article 15:**

Each person has the right to work under good conditions and to equal pay for equal work.

**Article 17:**

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.

**Article 28:**

Each person has the duty to respect others no matter who they are.

## CHAPTER 2 FAMILY LAW

### A family

In Zambia there are four types of families:

- 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/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 family 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. A marriage 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 inabilities or in capabilities 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 society as well.

However, the rights and obligations in the contract of marriage do not 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 then the relationship is based on law and can only be dissolved by following the procedures outlined in 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 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 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

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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

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 statutory and customary marriage.

- **Statutory Marriage:** This is also referred to as a **Civil Marriage**. 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 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:

- *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 21 days. 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 payment of marriage payment or anything is required unless the individuals concerned just want to observe the customary ritual of paying marriage payment. The Marriage Act does not stipulate any payment of any kind. Most Zambians intending to marry observe the traditional ritual of marriage payment.
- *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 of the 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 hrs and 18:00 hrs. 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 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 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 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 a 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 are 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 06:00hrs and 18:00 hrs with the doors of the church building open. The 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.

- **Cohabitation:** Lately in Zambia especially in urban areas where there is a mixing of 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 cohabiting or *mapoto* in Tonga and Lozi or *ukubuta* in Bemba.
- 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 never was 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 by 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 3

(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   | T | F |
| 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 |

(a) Turn all the sentences you circled F into correct statements

(b) Table 2: Types of Marriages

<b>Type of Marriage</b>	<b>Customary Marriage</b>	<b>Statutory Marriage</b>
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		

#### 4. Vocabulary

Use the clues given and complete the cross word puzzle

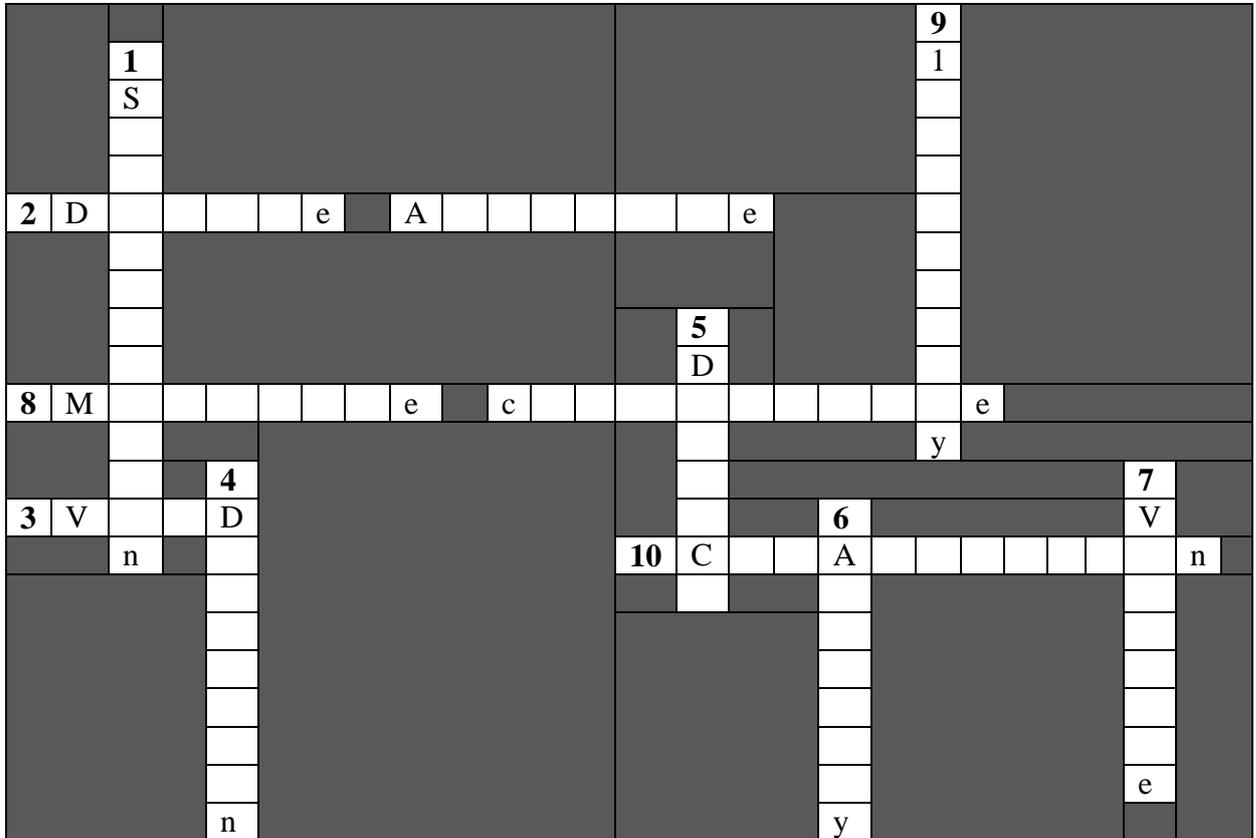
##### Across

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.....



## Divorce

Under the law a marriage can not be considered for divorce or dissolution until the court handling the case is satisfied that a marriage had actually existed.

- **Divorce in a Customary Marriage**

According to the Matrimonial Causes Act of 1973, a divorce under a customary law will take place depending on the custom the couple were married under. Some of the payments may have to be returned to the husband's side. It is expected under customary law that it is the man who divorces the wife and not the other way round. Causes acceptable as grounds for divorce in a customary marriage are:

- *Adultery which does not need to be proved*
- *Cruelty*
- *Laziness on the part of the wife*
- *Bad relations with the in-laws*
- *Infertility*
- *Lack of maintenance by the man*
- *Desertion*

A customary law divorce can be done by the families meeting together and making the decision or either party can sue for divorce in the local court. No other documents are filed in court except for the complainant's form and the summons to appear before the court. Plans and agreement about how the children are going to be looked after is based on the ethnic norms. The local courts which administer customary marriage divorces rarely address the issue of children adequately. When they do they impose impractical and inadequate amounts to the maintenance of children. Among patrilineal ethnic groups it is expected that children who are above 7 years old and school going will live with their father.

- **Divorce under Statutory Marriage**

The Marriage Causes Act states that there is only one ground for divorce, which is that *the marriage has broken down irretrievably*. This means that the marriage can not be saved or redeemed. This situation can arise out of the following reasons:

- *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.

<p style="text-align: center;">Case (a)</p> <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 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 style="text-align: center;">Case (b)</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 at Sesheke in November 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 marriage payment.</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 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 reportedly then 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 only 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 marriage payment?</li> <li>iii. Is abandonment a cause for divorce in this type of marriage?</li> <li>iv. What court could Monde go to for redress?</li> <li>v. What could she claim in court?</li> <li>vi. Could Monde sue Mwiya for living with the other woman? If so, why? If not why not?</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 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</p>	<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</p>

<p>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 the 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>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 arrested.</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 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, who ever has more money will pay compensation to the other. In a *Civil Marriage* after a divorce, the property is shared by the deputy registrar's court. 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 the spouses both 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 within and after marriage**

Within 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 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 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**

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 data-bbox="236 230 786 286">Rosemary Chibwe Vs Austin Chibwe (Zambia Law Reports, SCZ Appeal No 38/2000)</p> <p data-bbox="236 315 786 421">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 data-bbox="236 450 786 584">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 data-bbox="236 613 786 696">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 data-bbox="236 725 786 920">Mr and Mrs Chibwe had married under Ushi customary law. According to 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 data-bbox="236 949 786 1167">She again appealed to the Supreme Court that the High Court Commissioner had misdirected himself in 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 Registrar which should be enough to meet all educational expenses of the five children of the family.</p>	<p data-bbox="810 230 1359 293">Martha Mwiya Vs Alex Mwiya (Zambia Law Reports, Civil Case No. 1977/HPA/1)</p> <p data-bbox="810 322 1359 405">Mr and Mrs Mwiya both Lozi by ethnicity had married under Lozi customary law. They were granted divorce at Mulobezi Local Court.</p> <p data-bbox="810 434 1359 629">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 data-bbox="810 658 1359 1205">Mrs Mwiya appealed to the Livingstone High Court on the grounds that under Lozi customary law 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 back his wife, the Judge ruled that a marriage is an agreement and therefore the two parties have to be both 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>

- 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 Watchel* 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 be continuing provision 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>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 Courts ruling?</li> <li>5. Do you think she stands a chance of winning in the higher court? Why?</li> </ol>	<p><b>I Will Sue you after DNA Test</b></p> <p>A man who was reported to 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 Legal Resources Foundation of the same compound that he would take the ex wife to court after having a DNA test done on the child if 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 has 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 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>

## **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 16years 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

Newspaper or radio details	Indicate which element of family law is being written about	If this problem went to court, 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 opinion about this problem?
i. Name and Date of Newspaper or radio broadcast ii. Article Headline			

- 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)

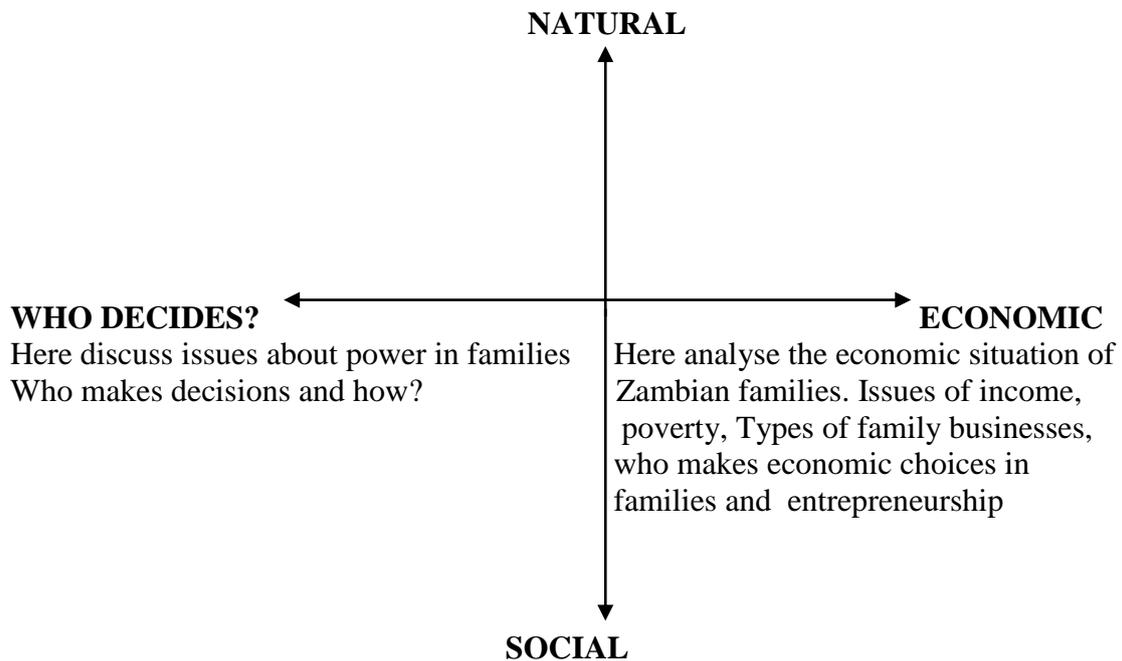
- iii. Causing grievous bodily harm (GBH)
- iv. Arson
- v. Malicious damage
- vi. Property grabbing
- vii. Incest
- viii. Sodomy
- ix. Indecent assault
- x. Child protection
- xi. Human trafficking

(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.



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, 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.

However, the programme did not include other sectors like security sectors like:

- Police
- Defence

Transitional National Development Plan – TNOP.

In order to include the above, therefore, the Transitional National Development Plan TNOP was developed. The TNOP 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 democracy
- respect for human rights
- good traditional and family values
- positive attitudes towards work
- peaceful co-existence
- provide 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 (LRDP) is sometimes referred to as the Long Range Development Plan. 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.

## **Activity 1**

- (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

## **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.

### **Level of Planning**

Planning takes place at all levels. It can be at individual, community and National levels. What planning tries to ensure is that the money raised will be spent intelligently. The essence of planning is matching needs against resources and determining priorities. A good plan should not make assumptions which are far from reality. However realistic a plan may be at the time it is made, its influence will decline unless it is continually revised. Events turn out differently from what was expected. Financial situation changes while new resources are discovered. Hence, a good plan must be flexible. A plan must not be considered to have failed merely because things turned out differently. Its value lies in organizing consistent thinking at the time it is made.

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.

## Activity 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 3

*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.”*

Briefly analyse the National Budget on Education and write a report.

## 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 =  $\frac{\text{GNP}}{\text{Total Population}}$

Total Population

**Activity 4:**

- (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:

Name of the organization	Function
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

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.

Because of the nature of poverty, it is difficult to measure it. Though difficult poverty can still be measured using three perspectives:

- **Income perspective:** A person is poor if his/her income falls below a defined money or *metric poverty line*. For example a person living on one dollar a day.
- **Basic needs perspective:** A person is poor if his/her requirements for a minimal acceptable fulfilment of human needs are not met.
- **Capability perspective:** A person is poor if she/he lacks certain capabilities to function such as adequate food, clothing, shelter and ability to participate in community activities.

*The Human Poverty Index:* (HPI) developed by United Nations Development Programme 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, 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 (83%) than in the urban areas (56%) 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%.

The different ways in which people experience poverty tend to affect the manner in which they perceive poverty. 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 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 can not 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.”*

### **Activity 1**

- (a) Define the term *poverty* and outline its characteristics.
- (b) Analyse the three perspectives by which poverty is measured: Income, Basic Needs and capabilities perspectives.
- (c) What is the *Human Poverty Index*?
  - (i) Analyse the perceptions on poverty.
  - (ii) Suggest measures for each situation.
- (d) 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:

Give reasons why Zambia's life expectancy has reduced. How does life expectancy relate to poverty.

- (iii) Analyse Zambia's Adult Illiteracy rate, (23.7%) percentage population without access to safe water (62%) and percentage population without access to health services (25%.) Give reasons for Zambia's situation. What measures should be put in place for the three poverty indicators to improve the situation?

### **Causes of Poverty in Zambia**

According to world ranking, Zambia was ranked as the second poorest country 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 Production (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 extension services and market information.
- Endemic livestock diseases.
- Poor road infrastructure especially in rural areas.

All these problems have left most 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 percent of the Gross Domestic Product (GDP), while the social sector accounted for only 5 percent. 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/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/AIDS which has led to loss of human resources through death and loss of man hour 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/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 of 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.  
Dependency syndrome.

- **Individual weakness**

Laziness and lack of responsibility can lead to poverty and dependency syndrome.

### **Activity 2**

- a) What arguments and evidence 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) Analyse some of the main causes of poverty and suggest possible solutions.
- d) *“Poverty runs from generation to generation in families”*. Outline points for or against the motion.
- e) *“Poverty brings vices like corruption and vandalism”*. Discuss.

- f) Read the case studies and answer questions that follow:

### **Case Studies**

*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 puddles 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 turned 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) In practice, how do you think you could identify vulnerable households like the ones in the case study.

### **Effects of Poverty**

The effects of poverty are interrelated and the following are some of them:-

- Hunger/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/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 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/AIDS** – to reduce the incidence, infection and the socio – economic impact of HIV/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.

### Activity 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. Analyse how these affect the Zambian population and suggest possible and practical solutions to these challenges.
- c) Analyse the dependence syndrome situation in Zambia. Suggest practical solutions to this syndrome.
- d) Some people argue that HIV/AIDS causes poverty while others say poverty causes HIV/AIDS. Analyse this statement giving reasons for your answer.
- e) One of the poverty alleviation measures is to reduce the incidence infection and the socio economic impact of HIV/AIDS. Suggest ways in which this measure can be implemented.
- 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.
  - (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 4

#### 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 the class.
- 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 min 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.

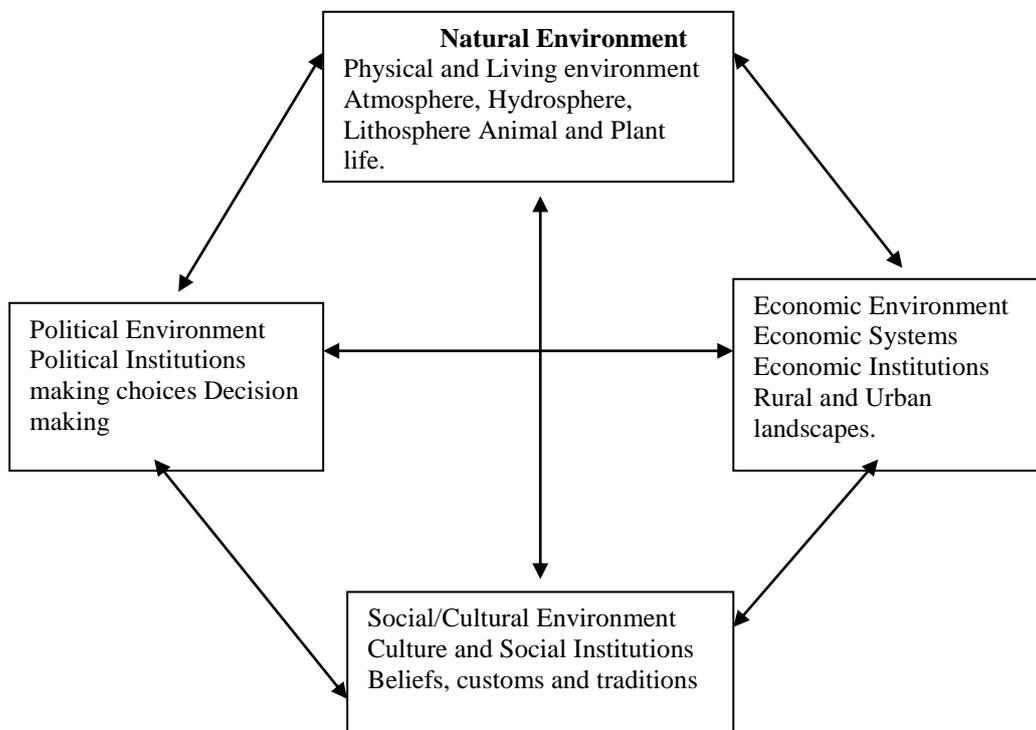
## CHAPTER: 5 ENVIRONMENTAL EDUCATION

### 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.



**Main Components of the environment**

## Activity 1

- a) In your own words explain what you understand by the word environment
- b) 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 less 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:

- *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.



**A Pollutant** is any material that contaminates the environment

- *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 of synthetic chemicals such as paints and dyes are very poisonous.

**Materials** that do not easily decompose in the environment are called non-biodegradable.

- **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:

- By converting them into another substance or product, for example, coal or oil are destroyed when they are burnt to produce energy;
- 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;
- 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**

- **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 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*.

- **Forests:** 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

**Acid rain** refers to rainfall, fog, snow or sleet which is more acidic than normal often caused by sulphur and nitrogen oxides combining with water vapour from exhausts and industrial chimneys.

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.

- **Grasslands:** 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

**Desertification** is the gradual destruction or reduction of the capacity of semi-arid lands for plant and animal production

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.

- **Fisheries:** 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.

- **Water:** 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, *chlorofluorocarbons* (CFCs) from refrigerators, aerosol sprays, air conditioners and methane into the atmosphere is 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.

### **Activity 2**

- a) Explain what the term *environmental degradation* mean.
- b) Identify major causes of environmental degradation and explain how they affect the environment and suggest possible solutions.
- c) Discuss the difference between a *biodegradable* and *non-biodegradable* substance. Give examples from the environment around your school.
- d) Explain how resources can get depleted with specific examples in your local area.
- e) 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

**Deforestation** is the removal of tree cover from an area.  
To *re-afforest* is to plant trees in areas that have been deforested.  
Afforestation refers to planting of trees in areas that did not have tree cover before.

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.

### Benefits of Re-afforestation and afforestation

- Assured supply of charcoal and fuel-wood;
- Sustainable supply of building and fencing timber;
- Protection of soil from agents of erosion;
- Plant leaves can be used as fodder by livestock;
- Some plants fix nitrogen in the soil;
- Some plants provide fruits and herbs for medicinal use;
- Collection of mushrooms, caterpillars, nuts and honey

### Activity 3

- a) What is deforestation?
- b) Briefly explain activities that can lead to deforestation.
- c) Explain why forests are important.
- d) Give three reasons why people should grow trees.
- e) 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*

What arguments can you use against Mr. Mbata's letter in order to conserve the Mufungo forest. List them down in your homework book.

Clearly distinguish between afforestation and re-afforestation. Why are these activities important?

### **Wildlife Depletion**

Wildlife, apart from being a natural beauty and biological diversity, it 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.

**A national park** is an area that is protected by law for the conservation of wildlife. Other than game cropping, hunting is not allowed.

A *game management area* is also a protected area for wildlife in which legalised hunting is permitted.

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.

**A trophy** is something of value that is kept to remember or show other people one's achievements. Trophies are things like rhino horns, leopards skins and elephant tusks.

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 has resulted in many plant and animals 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.

Species	Status
Shoebill	Vulnerable
Wattled Crane	Vulnerable
Slatey 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, 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.

**Endangered** species are species that are likely to become extinct if measures are not taken to protect them for example, the black rhino in Zambia.  
**Vulnerable** species are species that are likely to be endangered if conservation measures are not taken to protect them.

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 to develop a sense of ownership and hence, can not collaborate covertly with poachers.

#### Activity 4

- a) Give reasons why wildlife is important.
- b) State reasons why large game has declined in both national parks and game management areas.
- c) Explain the difference between vulnerable and endangered species.
- d) State measures that the government has taken to encourage sustainable utilization of wild life resources.

#### 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:

- Uncontrolled excavations especially by small scale miners around Lusaka (Quarrying) and the Copperbelt;
- Removal of vegetation cover accelerating soil erosion by wind and water;
- Loss of flora and fauna either directly or indirectly through clearing or spread of *pathogens* and fragmentation of *habitats*;
- Siltation and *sedimentation* of drainage systems and natural water courses either as discharges, spillage, or erosion of over burden dumps;
- 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.
- 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

**A defoliant** is a chemical that causes leaves to drop of plants, for example, ‘*agent orange*’ was used by the United States to destroy forests during the Vietnam War. *Non-target organism* is an organism that is not intended to be killed by use of a pesticide.

streams that surrounding communities use for their domestic and agricultural water supply. In addition, these emissions have been associated with discomfort of 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.

## Activity 5

- a) State mining operations that lead to environmental degradation.
- b) Explain what is meant by the word “pollutant”?
- c) Discuss how excessive use of pesticides can lead to environmental degradation.
- d) In your own words define the term ‘waste’ and give three examples of household waste.
- e) Explain the relationship between the occurrence of communicable diseases like cholera and lack of good sanitation.
- f) 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 as well as 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 control 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 match (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**

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 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 should 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**
  - Regular and efficient collection of waste and disposal in designated sites.
  - Establishment of recycling plants by all local authorities.
  - Compositing of organic waste which can be used as fertilizer.
  - Provision of solid waste bins in business centres and residential areas.

- Strict enforcement of by-laws by local authorities regarding public health and environment protection.
- Identification and classification of waste according to their potential impact on the environment;
- Monitoring and evaluation of contamination at dumpi sites as well as assessment of environmental impacts of current waste management practices;
- Documentation of sources and composition of various wastes as well as vigorous public awareness campaigns in waste minimization, disposal and management practices;
- Encourage industries in the country to use cleaner production techniques and practices.

### **Principles of an Environmentally Friendly Policy**

- Any discharge or emission should be regarded as harmful until proven harmless.
- Establish limits of pollution that the natural environment can withstand without becoming permanently damaged. This critical load should not be exceeded.
- All stages of the production process should be examined thoroughly with regard to pollution management and control.
- 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.
- 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 Global Environmental Facility (GEF) and the United Nations Environmental Programme (UNEP). Some of these conventions and agreements are given below:

- Basel Convention on the control of Transboundary movement of hazardous waste
- Convention on the Conservation of Migratory species of wild animals
- United Nations Convention to Combat Desertification
- Convention on Wetlands (Ramsar Convention)
- Convention on the Protection of World Cultural and National Heritage
- Convention on the Protection of World Cultural and National Heritage.
- Convention on the Protection of the Ozone Layer

## Activity 6

- a) Explain what is meant by 'environmental management.'
- b) Explain what is meant by the statement 'environmental issues are cross – cutting by the nature.'
- c) List down the functions of the Zambia Wildlife authority.
- d) State possible legal actions that can be taken against environmental polluters.
- e) 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:

- *Genetic diversity*. This is a measure of the variability within and between species;
- *Species diversity*. Refers to the total number of species in a given area and
- *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:

- 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.
- 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.

- Various biological resources such as micro-organisms are used in the preparation of medicines while some plants are widely used as herbal medicine.
- 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.
- Biodiversity is also of *aesthetic* and recreational value. Game viewing sight seeing, mountain climbing, Safari hunting and angling all depend on continued existence of a variety of plant and animal species as well the quality of habitats in which they are found.

**Ecosystem** is a group of plants and animals occurring together with the physical environment in which they interact.

*Aesthetic* is any object or work of art that displays great beauty.

### Threats to Biodiversity

Biodiversity in Zambia is increasingly coming under pressure by both human and natural factors. These include:

- Land use conflicts between humans and animals.
- Development of settlements and related activities.
- Pollution.
- Deforestation.
- Over exploitation of resources such as over-fishing and game poaching.
- Climatic change such as occurrence of frequent droughts.
- Lack of biodiversity knowledge by the public.

### 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

**Culture of totems** refers to a system of beliefs associating clans with names of animals and plants such as *bena ngádu* – crocodile clan, *benabowa* – mushroom clan.

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 system 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:

- Ensure conservation of the natural ecosystem through a network of protected areas;
- Conservation of the genetic diversity of crops and livestock;
- 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;
- 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.

### **Activity 7**

- a) What is biological diversity?
- b) What is the significance of biodiversity to human beings?
- c) List down threats to biological diversity in Zambia.
- d) Explain how biodiversity was maintained in traditional Zambian Society.

### **Activity 8**

#### **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 dearly 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 given 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

#### 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 use 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, and Terrorism.

#### 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 another 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 Third World Countries. On the other hand, Third World 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.

#### Activity 1

- (a) Define the following terms: ”*Globalisation*” “*Global Issues*” and “interdependence”.
- (b) What is meant by the term Third World Countries? Support your answer with examples.
- (c) Briefly explain why the US, Japan and other developed countries are said to be dependent on the Third World countries.
- (d) In what ways are Third World countries like Zambia, dependent on the US and other developed countries?
- (e) How are Third World countries dependent on other Third World nations? Explain your answer with reference to Zambia and her neighbours.

## Foreign Aid.

Foreign Aid refers to the international transfer of funds, goods and services in the 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:** 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:** is assistance from international agencies formed by several countries. These lending agencies do not belong to one country. For instance, 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:** are gifts from International Agencies to a government or from one government to another; they are not to be paid back.
- **Loans:** refer to 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 is repaid without any interest at all.
- **Tied Aid:** 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. The World Bank is one of the World’s largest sources of development aid, and it 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 countries are usually not credit worthy in the international financial markets and they cannot afford to pay market interests rates on loans. These 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*. The IMF also offers advice and policy recommendations to overcome these 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 bilateral and multilateral 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.

## Activity 2

- (a) Clearly distinguish between bilateral and multilateral aid.
- (b) Define “*tied aid*”. What are its disadvantages?
- (c) What reasons may make a country not accept tied aid? Explain your answer.
- (d) Organise a debate based on the motion “Zambia needs more foreign aid for development.
- (e) 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.

## 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 the reasons:

- **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 tropical 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

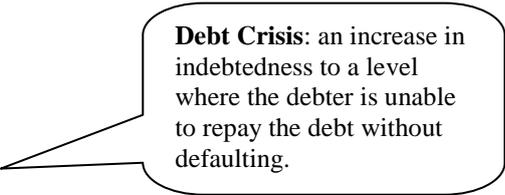
The WTO is often referred to as “a club for the rich” by its critics. Decisions made by the WTO are still strongly influenced and guided by the interests of the developed countries such as the United States and the European Union countries. The WTO believes that decisions should be made democratically and by consensus, but in practice less developed countries are often not given an equal platform to negotiate and defend their trade interests.

### Activity 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 a 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 abroad? 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 end of 2004, Zambia owed 6.5 billion 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



**Debt Crisis:** an increase in indebtedness to a level where the debtor is unable to repay the debt without defaulting.

the  
US

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. Infact, 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, numeracy 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 2010. 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.

### Activity 4

Read the following passage and do the exercise that follow:

Over the years the Zambian government has negotiated 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 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 begun 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.

### **Activity 5**

#### **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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