

GRADE 10 TOPICS

10.1 CONSTITUTION

A **constitution** is a body of fundamental laws, principles and conventions according to which a government of a state operates. It also refers to the system of laws, customs and principles usually written down, according to which a country or organisation is governed. It is the supreme law of the land to which all other laws of a country are subordinate.

10.1.1 Describe types of constitution

There are only two types of constitution namely;

(a) **Written constitution**- is a constitution whose provisions or contents are embodied or documented in a single formal document.

Merits

- It is clear and definite
- people can read understand the structure and functions of each organ of government
- it is drawn up with great care and deliberations
- It cannot be easily manipulated to suit populace emotions
- It affords protection to individuals and guarantees people's rights.

Demerits

It creates lacunae. A lacunae in Latin is a gap in the law. It may leave out some important aspects uncovered.

- It tends to compress into one document all the ideas and political principles of a nation.
- It is difficult to amend when rigidity and conservatism are carried too far.
- The power of interpretation is vested in the Judiciary and where it is not independent the power may be manipulated by judges.

(b) **Unwritten constitution**- is a constitution whose provisions are not found in a single document but in a collection of documents.

Merits

- It is flexible and adaptable to the changing conditions of a dynamic society
- It can be bent in order to meet emergencies without breaking its framework.
- It satisfies popular and demands.

Demerits

- Its existence in multiple documents makes it difficult to be mastered.
- It can be unstable and in a state of flux since it provides no guarantee of permanence may easily be amended or bent to suit the interests of a government.

Note: written or unwritten constitution can either be flexible or rigid constitution.

Forms of constitution

(a) **Flexible constitution** is a constitution whose provisions are easy to amend, example is the Zambian constitution.

Merits

- It is elastic and adaptable to change to meet new emergencies, circumstances and changing needs of society.
- It allows some constitutional demands to be conveniently postponed or brought forward.

Demerits

- It may cause political instability since it can be changed by those in power to satisfy their interests

- Frequent amendments may create uncertainty and people may lose confidence in the constitution
- It can be changed even when change is not necessary

(b) **Rigid Constitution** is one that is difficult to amend. It can only be amended by a special body and special procedure. Such bodies include *Constituent Assembly (CA)*, *National Constitutional Conference (NCC)* and the *Referendum (Plebiscite)*.

Merit

- It prevents rush and hasty amendments
- It is relatively permanent and stable
- It is free from dangers of changes resulting from popular passions and revolution
- It avoids manipulation by those in power

Demerits

- It may cause delay when there is an urgent need to amend the constitution to suit the changing needs of society
- Its amendments can be delayed indefinitely thereby leading to frustrations and revolts in society.

10.1.2 Explain the main parts of the **Zambian** constitution.

PARTS OF THE ZAMBIAN CONSTITUTION

PART	TITLE	CONTENT
1	National sovereignty and state.	Declaration of Zambia as a sovereign state.
2	Citizenship	Deals with the qualifications for Zambian citizenship and condition which can lead to withdrawal of Zambia citizenship.
3	Protection of the fundamental rights and freedoms of the individual.	-Deals with the rights and freedoms of individuals which are protected. -Stating and protection of rights and freedoms of individuals.
4	The Executives	Elections, tenure of the office and removal of president from office, functions of president, ministers and deputy ministers, secretary to the cabinet, Attorney general, solicitor general, DPP and advisory committee.
5	Legislature	Qualifications for election of national assembly, legislative powers, membership of parliament and composition of National Assembly.
6	The Judiciary	Courts and appointment of judges, High court, Supreme court, chairman and deputy chairman of Industrial Relations court.
7	Defence and National Security	The functions of the Zambian Defence force, the Zambia police service, the prisons service and the Zambia

		Security intelligence service.
8	Local Government System.	Structure and functions of local councils.
9	Directive principles of state policy and the duties of a citizen.	Development of national policies, implementation of national policies, making and enactment of laws and application of the constitution and any other law.
10	Finance	Taxation, withdrawal of monies from general revenue, financial reports, remuneration of officers, public.
11	Service Commissions.	Commissions, Pension laws and protection.
12	Human Rights Commission.	It establishes the independence, functions, powers, composition and procedures.
13	Chiefs and House of Chiefs.	Institutions of Chiefs, House of Chiefs, functions powers composition.
14	Miscellaneous	Resignations, re-appointments, concurrent appointment.

NOTE: The 1996 constitution begins with a preamble which is an introduction to the document.

10.1.3 Describe the process of constitution making and adoption.

- Zambia inherited the *Northern Rhodesia Self-government Constitution of 1964* which favoured the European settlers. This necessitated amendment to the constitution through appointment of a Constitutional Review Commission (CRC).
- A CRC is a group of people appointed by the president to go round the country to collect views from the public in relation with the constitution.
- Constitution making process in Zambia is initiated by the Executive organ of government. The following were the CRC;
- **Chona CRC- 1972:** It was chaired by *Mainza Chona*. It recommended abolishment of multi-party democracy and introduced one party State. It outlawed the existence of opposition political parties.
- **Mvunga CRC-1991:** It was chaired by *Patrick Mvunga*. It recommended re-introduction of multi-party democracy. It included children's rights in the constitution.
- **Mwanakatwe CRC-1995:** It was chaired by *John Mwanakatwe*. It recommended amendment to the parentage clause which stated that only a Zambian whose parents are Zambian by birth qualified to contest for presidency.
- **Mung'omba CRC-2005:** It was chaired by Willa Mung'omba. It recommended the adoption of the constitution through a Constituent Assembly (CA). It recommended expansion of the Bill of Rights to include Economic, Social and Cultural Rights. It recommended dual citizenship. It recommended the Vice President to be the running mate. It recommended Single Member Majoritarian electoral System for Presidential elections. It recommended appointment of Ministers from outside Parliament etc.
- **Silungwe Technical Committee-2012:** It was tasked to prepare the Constitution Amendment Bill based on the previous four CRCs with great emphasis on recommendations of the Mung'omba Commission. It adopted most of the recommendations of the Mung'omba CRC. Refer to Mung'omba CRC above. The Technical Committee prepared a draft constitution which was adopted by parliament and signed by President Edgar C Lungu on 6th January 2016.

Constitution adoption means the process of approving the copy of a draft constitution.

There are various methods of adopting the constitution, the most common model methods are;

1. **Through Parliament-** the draft constitution is taken to parliament where the members of parliament debate on the draft before adopting it. For example, Zambia used this three times in all the three constitution review commissions.

2. **Constituent Assembly- (CA)**

- This is a body of representatives elected by their respective interest groups to formulate, amend or adopt a constitution of a country.
- Representatives are drawn from churches, learning institutions, trade unions and student bodies.
- This method is more democratic and more favourable to Zambian citizenry because it is free from government interference.
- The adoption of the constitution by a CA is more representative than by parliament.
- Countries such as the United States of America, India, Namibia, Uganda, South Africa, Kenya, and Ethiopia adopted their constitutions through the CA.

3. **Referendum**

- The Draft constitution is subjected to the general public to approve it through a public vote.
- If more than half of the votes cast are in favour of the amendment (**50%+1**), the Constitution would have been adopted and the Republican President will assent the Draft copy to legitimise it.

****The National Constitutional Conference (NCC)** -*The choosing of the members of Assembly of the NCC is similar to that of the CA in that its members are drawn from various interest groups but it is a conventional method. The only difference is that the final draft constitution of the NCC has to be adopted by parliament.*

10.1.4 Discuss the characteristics of a good constitution

A good constitution should be:

- Clear- language used must not be too difficult for ordinary citizens must to understand.
- Be neither too rigid to prevent change nor too flexible to encourage tempering with the basic principles.
- Be stable and stand the test of time or must last for a long period of time (Durable).
- Protect and respond to the social, economic and political needs of citizens.
- Cater for the interests of various groups in society.
- Protect the rights of citizens.

10.1.5 Explain the importance of a constitution to a nation.

A constitution is important because it;-

- Protects and promotes the rule of law.
- Sets out the composition and functions of the wings of government.
- Safeguards the fundamental rights and freedoms of citizens.
- Is owned and guarded by citizens.
- Ensures democratic governance.
- Gives equal opportunities for individual development.

10.2 GOVERNANCE SYSTEM IN ZAMBIA

10.2.1 Explain governance

Governance: means the way people are ruled with or without consent. The two types of governance are good governance and bad governance.

10.2.2 Discuss the characteristics of good and bad governance

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Good governance means a government which is in authority is legitimate, competent, accountable and respects human rights and the rule of law. Bad governance is governance by a government which is illegitimate, incompetent, unaccountable and does not respect human rights and the rule of law. Dictatorship is a form of bad governance.

Below is a table showing characteristics of good and bad governance;

	GOOD GOVERNANCE	BAD GOVERNANCE
1	Citizen participation.	Lack of citizen participation
2	Separation of powers	Lack of separation of powers
3	Respect for human rights	Violation of human rights
4	Independence of judiciary	Judiciary is not independent
5	Checks and balances	Lack of press freedom
6	Political tolerance	Restriction of political activities
7	The rule of law	Use of unlawful means
8	Fairness	Arbitrary arrests
9	Accountability and transparency	No accountability or transparency
10	Regular, free and fair elections	Irregular and unfair elections
11	Existence of political parties	Lack of freedom of assembly and association
12	Existence of civil society	Non-existence of civil society
13	Helpful and caring	Neglect of public welfare, corrupt leadership

10.2.3 Analyse different electoral systems practiced in the world

Electoral systems are methods by which citizens use to choose their leaders or representatives. There are four main methods used by different countries around the world.

The table below shows four electoral systems.

	ELECTORAL SYSTEM	FEATURES
1	Single Member Plurality System (SMPS) or First-Past The-Post (FPTP)	Candidate who scores the highest wins. Simple Majority Winner takes all
2	Single member Majoritarian System (SMMS)	Candidate who scores over 50% of the votes cast (50%+1) wins the election. In case there is no absolute winner, an election re-run (second ballot) is conducted for the top two contenders
3	Proportional Representational System (PRS)	<ul style="list-style-type: none"> ▪ Use a party list system. Parliamentary seats are given according to what a party has obtained in an election (percentage). ▪ A leader of party with highest votes forms government. ▪ MPs are not directly elected by the people but are appointed by their respective political parties
4	Mixed Member Proportionality System (MMPS)	Combination of the First-Past The-Post and the Proportional Representation Systems

Elections are important because they;

- Oblige candidates to explain to the citizens why they should be elected.
- Make political parties accountable to the people.

- Provide a peaceful transfer of power.
- Offer regular opportunities for people to change government.
- Provide peace and stability necessary for development.

Characteristics of elections in good governance

1. **Periodic-** Elections must be held when they are due and elected officials must return to the electorates at agreed intervals to seek fresh mandate to continue in office.
2. **Competitive-** Elections must take place in a conducive political environment where all candidates can compete fairly. No violence is permissible.
3. **Inclusive-** All eligible voters should be allowed to vote without any discrimination. The definition of a voter must be broad enough to include a wide franchise population.
4. **Decisive-** The winning candidate or party should not be prevented from taking office this is because democratic elections determine the leadership of a government. No election rigging.

10.2.4 Explain Zambia’s electoral system

An electoral process is a series of stages of events involved in the selection of representatives through an election.

Note: *Under the 2016 Amended Constitution, Zambia uses two electoral systems namely Single Member Majoritarian System (50%+1) for Presidential elections and Single Member Plurality System (FTPT) for Ward Councillor, Mayoral and Parliamentary elections.*

The following are the stages involved in the electoral process of Zambia.

- ✓ Legislation
- ✓ Delimitation of constituencies, wards/polling districts
- ✓ Voters’ education
- ✓ Registration of voters
- ✓ Verification of voter’s roll
- ✓ Nomination of candidates
- ✓ Election campaigns
- ✓ Polling day
- ✓ Counting, tabulating/ verification of the votes
- ✓ Announcement of results and declaration of winners
- ✓ Resolving election-related disputes and complaints

The electoral code of conduct is a set of rules and principles that regulates the conduct of all stake holders before, during and after elections.

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

- The Electoral Code of Conduct of 2006 is a set of rules and principles that regulates the conduct of all stake holders before, during and after elections.
- These stake holders include the Electoral Commission of Zambia, political parties, media institutions, election monitors, election agents, Zambia Police and other law enforcement institutions.
- According to this code any person taking part in campaigns and elections should ensure that the conditions are conducive for the conduct of free and fair elections.
- All stakeholders should guarantee rights and freedoms of the electorate and contestants.
- The code does not allow any form of intimidation, violence, bribery, vote buying, corruption and office inducement as a means of winning elections.
- The code also does not allow the use of government facilities and transport for campaign purposes.

- The code mandates the ECZ to establish conflict management committees to settle electoral disputes.
- However, the ECZ has no authority to prosecute those who violate the electoral code of conduct.
- People who violate the code of conduct can only be prosecuted by law enforcement institutions such as the Police and Anti-Corruption Commission.

TYPES OF ELECTIONS

1. **Primary Elections**- These are held whenever a political party wants to choose candidates to stand in presidential, parliamentary and local government elections.
2. **By-Elections**- These are held when a Mayor (Council Chairperson), councillor or Member of Parliament:-
 - Dies
 - Resigns from his or her position.
 - Expelled from the party.
 - Imprisoned for more than six months.
3. **General elections**-These are held every five years to elect the President, Member of Parliament, Mayor (Council Chairperson) and ward councillors.

Note: In parliamentary or local government elections a candidate can either be sponsored by a political party or stand as an independent candidate. For presidential election a candidate must belong to a political party.

10.2.5 Describe the local government system in Zambia

Local government before independence was ruled by the British Colonial Administration through the central government and native authorities.

- The native fell under the ministry of native affairs.
- The native authorities consisted of chiefs and other traditional leaders
- The duties performed by natives included the;
 - Collection of taxes.
 - Issuing license such as dog, store and bicycle licenses.
 - Chiefs performed some judicial functions such as handling civil cases at local courts.
- After 1964 the ministry of local government became responsible for the administration of all local authorities in the country.
- In 1965, a uniform pattern of local authorities throughout the country was established under act number 69 and there were city, municipal, township and rural councils.
- Then in 1980, the local government decentralization act was enacted. The act allowed UNIP to take up full responsibility to control the operations of all councils in Zambia.
- It was at this point when, District Governors appointed by the president took over from the mayors and chairpersons and all councils in the country became district councils.

Reasons for the 1980 decentralisation were;

- Reduce delays as most decisions could be made on the spot instead of referring to headquarters.
- Make plans and programmes more relevant to local needs and conditions.

- Improve co-ordination between different government agencies in the area.
- Reduce the burden of senior staff at national level in order to improve their performance.
- The district council administration was headed by the district executive secretary and supported by secretaries.
- In 1991, the decentralisation Act was amended and it introduced three types of local councils, these were; City, municipal and district councils. *Town Clerks and Mayors are found in City and Municipal Councils while Council Secretary and Council Chairpersons are found in District councils.*
- This has continued to present. The MMD government wanted to give more powers to the councils so that there was less dependence on central government for funds.
- And this made the councils to operate freely without interference from political parties.

Functions of local councils are;

- Providing clean and safe water.
- Providing accommodation and plots for development.
- Maintaining the environment.
- Collecting levies.
- Making by-laws.
- Providing education facilities and control epidemics such as cholera.
- Awarding trading license to people.
- Sewage disposal.
- Providing street lighting.
- Maintaining streets and roads.
- Maintaining graveyards.
- Controlling livestock movements.
- Constructing and maintaining markets.
- Town planning.
- Providing recreation facilities such as swimming pools and parks.

10.2.6 Discuss the role of traditional leaders in governance

House of chiefs is a forum through which traditional leaders participate in governance.

- There are 30 chiefs in the house of chiefs. Each of the ten provinces elects three chiefs that represent them in the house.
- Term of these elected chiefs is **three** years, but a member can be re-elected for second term of three years after which he/she is not allowed to be re-elected.

- The house elects its chairperson and vice chairperson from among the members.
- The clerk of the house and other staffs carry out the administrative duties of the house.

Functions of the house of chiefs include;

- Discuss bills affecting customs and traditions.
- Debate and pass decisions on matters concerning customary laws and customs.
- Allocating plots under customary law.
- Participating in development projects in their area. To discuss and decide on any matters referred to it by the president – submit the resolutions of the house to the president who in turn submits them to the National Assembly.

Problems faced by the house of chiefs;

- It has no real influence on issues of governance and development.
- Plays an insignificant advisory role, as all its resolutions has to be debated upon by the National Assembly.
- Chiefs are not allowed to join a political party like Members of Parliament.

10.3 CITIZENSHIP

10.3.1 Explain the concept citizenship

Citizenship is a state of belonging to a particular country. Or it is the relationship between an individual (citizen) and the state he/she belongs to. The concept of citizenship originated from Greece.

- A citizen is a member of state who enjoys all fundamental rights and privileges granted to him or her by the State and in turn perform his or her duties towards the state. A citizen should show loyalty and allegiance to the State.

The two aspects of citizenship are;

1. Legal aspects

- A citizen is recognised by law and receives protection from the State both at home and abroad.
- A citizen enjoys total freedoms and rights.
- Failure to observe the law, an individual is liable for prosecution.

2. Moral aspect

- A citizen must have a sense of responsibility to fulfil all duties given to him or her by the State.
- Moral aspect also encourages a citizen to be self-disciplined and have self-control.
- He/she must be good and honourable sense to the state/family he/she belongs to.

There are two types of citizenship namely:-

1. Natural citizenship

This is the type or kind of citizenship that is acquired by blood (descent) or place of birth.

There are two rules that guide natural citizenship;

(i) Rule of Jus Sanguinis: This rule considers citizenship based on blood relation or descent.

- A child inherits the citizenship of his/her parents regardless of where that child is born.

- Most countries follow this rule including Zambia.

(ii) **Rule of Jus Soli:** Considers citizenship based on the place of birth.

- A person acquires a citizenship of a country he/she is born.
- For example a person born in Zambia from Zimbabwean parents is a Zambian.

Note: Countries that acknowledge both Jus Soli and Jus Sanguinis, minors result in having *dual citizenship* which Zambia according to the 2016 Amended Constitution recognises

2. Naturalized citizenship

This is the type of citizenship that is acquired upon meeting prescribed conditions or by registration.

These principles are:-

- Rule of residence-** states that an alien who lives in a host country for an uninterrupted period of time may apply to become a citizen of that country if he/she wishes so. For example, an alien who has lived in Zambia for ten years can apply for citizenship.
- Marriage-** allows a spouse to acquire citizenship of the wife or husband, but a host country can demand the evidence of good character before issuing citizenship.
- Principle of declaration on a prescribed form-** allows a foreigner or alien to fill in a prescribed application forms and provide important documents declaring that he/she wants to apply for citizenship in the host country. An alien must publish his/her declaration in the daily newspaper.
- Renunciation of previous citizenship-** an alien is required to give up his/her previous citizenship and take an oath of allegiance of the host country, also known as **expatriation**. However, a naturalised citizen can either be partial or complete.

(a) **Partial citizenship-** is a type where a citizen does not enjoy all the rights and privileges of the country. For example, he/she has no right to vote.

(b) **Complete citizenship-** is a type which allows a citizen to enjoy all the rights and privileges in the state.

10.3.2 State the qualifications of a Zambian citizen

The 2016 Amended Constitution outlines the following qualifications;

- A person was born in Zambia (citizen by birth).
- A person who has at least one or both parents that are Zambian (by descent).
- A person who has been ordinarily a resident of Zambia as a foreigner for a continued period of not less than 10 years, can apply for Zambian citizenship.
- An alien who is or was married a Zambian for a period of at least five years
- A child who is not a citizen and who is adopted by a citizen shall be a citizen on the date of the adoption

Loss of Zambian Citizenship

A naturalised citizen shall lose Zambian citizenship if;

- That citizenship was acquired by means of fraud,
- That citizenship was acquired through false representation or concealment of material fact

10.3.3 Describe the qualities of a good citizen.

- Live up to democratic principles such as voting honestly.
- Be able to **contribute towards national development**.
- Self-control- restrain oneself from doing bad things.

- Conscience- sense of responsibility and service towards the community.
- Patriotism- involves sense of love (loyalty) to a state by observing the values and principles of one's country.
- Empathy- concern or compassion for the well-being of others especially the vulnerable in society.
- Perseverance- willingness to attempt several times in order to accomplish intended goals.

10.3.4 Identify the factors that hinder good citizenship.

- i. **Poverty** - Poverty often makes some citizens engage in anti-social activities such as theft, cheating and voter apathy. A poor citizen may not participate in national issues.
- ii. **Ignorance**-An ignorant person often fails to differentiate between wrong and right and this prevents such citizens from making full contribution to national development.
- iii. **Self-interest**- An individual who is motivated by self-interest avoids public responsibility or simply ignores the general welfare of his/her society.
- iv. **Defects in the electoral system**- If a large section of the citizens have no confidence in the electoral system, it can make them lose interest in the affairs of a state.
- v. **Misinformation by the media**- The print and electronic media such as newspapers, radio, television and internet may twist the truth and misinform the public to such an extent that citizens are not able to assess issues knowledgeably and correctly.

10.3.5. Explain the rights and freedoms of a citizen

Rights are entitlements of an individual by virtue of being human. These are divided into three categories.

(a) **Natural rights**- these are rights that are enjoyed by individuals in the state of nature. For example, Right to life.

(b) **Moral rights**- these are rights acknowledged by the moral sense of the people, they exist due to custom, long usage and the strength of public opinion.

- No legal action can be taken against violation of moral rights but the way people feel about them is so strong.

(c) **Legal rights**- these are privileges given by the government of a nation and guaranteed by it and legal rights are recognised by states.

- They are justiciable. These rights are enshrined in the laws of a nation. The three kinds of legal rights are;

i. Civil rights

- Rights to personal safety and freedom.
- Right to family life.
- Right to freedom of speech and expression.
- Right to assembly and association.

- Right to property.
- Freedom of conscience and religion.

***Right to education is not a legal right in Zambia because it is non-justiciable since it is not found in the Bill of Rights. It falls under Economic, Social and Cultural rights.**

- ii. **Political rights**- these are rights that ensure that every person is given an opportunity to take part in the affairs of a state.

Democracy can only be possible by the active participation and cooperation of all citizens. Other political rights are;

- Right to vote.
- Right to belong to a political party.
- Right to be voted into public office.
- Right to petition in order to register grievance either individually or collectively.
- Right to criticize government.

iii. **Economic rights**

- Right to work
- Right to adequate wages.
- Right to reasonable hours of work.

10.3.6 Explain the duties and responsibilities of a citizen.

The 2016 Amended constitution of Zambia outlines the duties of a Zambian citizen as follows;

General duties and responsibilities of a Zambian citizen

- Be patriotic and loyal to Zambian and promote its well-being.
- Contribute to the well-being of the community here the citizen lives.
- Promote democracy and rule of law.
- Foster national unity and live in harmony with others.
- Vote in national and local government elections.
- Provide defence and military service when called upon.
- Carry out with discipline and honesty legal public functions.
- Pay all taxes and dues legally due to the state.
- Assist in enforcement of laws at all times.

Personal responsibilities of the citizen include the following;

- Taking care of one self.
- Supporting ones family.
- Adhering to morals, principles and values of one's society.
- Respecting the rights and interests of others.

Civic responsibilities or duties of a citizen include the following;

- Obey the law
- Paying taxes.
- Respecting the rights of others.
- Being concerned about public issues.
- Participate in civic activities such as voting.
- Performing public service.
- Observing and maintaining the security of the nation.

10.3.7 Identify groups of people and citizens with special needs

These are people that need special attention and treatment. Examples of people with special needs are;

- i. **Refugees**- these are people who leave their countries to seek safety and freedom in another country. The countries where refugees are found are known as countries of Asylum. The commission for refugees looks into the plight of refugees.
- ii. **Persons with disabilities**- they should be given employment, education and shelter without discriminating them so that they lead normal lives.
- iii. **The aged**- those who are sixty five (65) years old and above (senior citizens) need love, care and security.
- iv. **Orphans**- children without parents need care and support by providing basic needs for them. If no support is given they end up being street kids. Government should offer social security to these.
- v. **Unemployed youths**- a large number of youths have no employment that resort to crime and prostitution, as well as being street kids. The youths need skills to enable them for employment.

10.4 HUMAN RIGHTS

10.4.1 Describe human rights

Human rights are legal entitlements that a person has by virtue of being human.

Earliest documents proclaiming Human Rights

- (a) The Magna Carter of 1215
- (b) Charter of Mandé of 1222 (Oath Of Mandé)
- (c) English Bill of Rights of 1689
- (d) The French Declaration on the Rights of man and citizen of 1789
- (e) The USA Constitution and Bill of Rights of 1791

Charter of Mandé of 1222 (Oath Of Mandé)

- It was the earliest document in Africa where human rights were guaranteed by Soundiata Keita Mandé (King of Mali).
- He named the document the Charter of Mandé at his coronation.
- The document was written by elders, wise men and associations of the country commissioned by the king to draw up principles on how Malian empire should be ruled.

- The introduction of the document stressed much on equality of human beings as follows;
- “Every human life is life”. For this reason nobody should torment another human being.
- The charter also addressed two *evils: hunger and slavery* as follows- “hunger and slavery is not a good thing.” He considered these evils as worse calamities.
- In short the Charter condemned slavery and promised to eradicate all forms of hunger.
- However, these documents were not universal in nature for they excluded women, children, slave and persons of certain social, religious, economic and political groups.

The United Nations Universal Declaration of Human Rights (UDHR) of 1948

- After the United Nations member states promised to respect human rights, a commission on human rights was formed to promote the promise.
- The commission was assigned to draft a document putting in writing the meaning of fundamental rights and freedom that had been declared in the Charter. The chair of the commission was Eleanor Roosevelt, the wife of president Franklin Delano Roosevelt, president of US that time.
- The commission came up with the universal declaration of human rights which was adopted on 10th December, 1948.
- The UDHR is a set of principles by which United Nations members commit themselves to provide all people of the world with human dignity.
- Human Rights empower people to take action when and wherever the set standards are not met even if the laws of their country or leaders do not recognise them.
- The introduction of the UDHR states that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human life is foundation of freedom, justice and peace in the world.
- The UDHR emphasised on freedom and justice for all people throughout the country.

10.4.2 Discuss the characteristics of Human Rights

(a) Human rights are inherent

- Meaning they are inborn and are our birth rite, we are born with them. They cannot be transferred from one person to another.
- They are natural and permanent part of human beings until one dies, it does not matter whether one knows them or not, they still exist and cannot be bought.

(b) Human Rights are inalienable or inseparable

- Human rights cannot be separated or taken away or given away even when they are violated.
- Human rights cannot be grabbed even if the owner is not aware of them because they are natural and legal (lawful) claims.

(c) Human Rights are universal

- All human beings enjoy these rights worldwide. Universal means they are followed and apply to all people in the world regardless of race, sex, ethnicity, religion, social political or nationality.

(d) Human Rights are Inter-dependant, interrelated and Indivisible

- Human rights are equally important and cannot be divided, subtracted or removed from others.
- All rights should be enjoyed in totality.
- For example, one cannot be denied the right to food, clothes, medical care or shelter then be granted only the right to life.
- The right to life is dependant and related to the right to food, clothes and so on.
- If a person is denied the right to education, that person is likely to never fulfil his/her potential and earn a decent living.
- This means rights depend on each other to be fulfilled and enjoyed in full.

10.4.3 Explain the categories of human rights

These rights were classified into three categories and these categories are known as ‘generations.’ The generations are put according to their historical development of human rights.

- 1. Civil and political rights-** called first generation’s rights because they were the first to be recognised. These rights stress the freedom of the individual and urges government not to interfere in the life of an individual. In the 1996 constitution of Zambia, civil and political rights are found in part III and they include;
 - Right to life
 - Right to personal liberty
 - Protection from slavery or forced labour
 - Freedom from torture and inhuman treatments
 - Freedom of opinion
 - Freedom of expression, assembly and association
 - Freedom of movement
 - Protection of freedom of conscience
 - Protection from discrimination on grounds of race, age, sex, religion and many others.
- 2. Economic, social and cultural rights-** these are also known as second generation rights. They bring about social justice, dignity and equality when government creates good conditions to allow the enjoyment of these rights. This category includes;
 - Rights to food
 - Employment

- Social security
- Education
- Health (medical care)
- Clean environment
- Development and
- Adequate housing.

3. **Collective Rights or Solidarity rights** – these are also called as the third generation rights and are the most recently identified rights. Collective rights refer to those rights of people to be protected from attacks on their group interest and identity. The most important collective right is the right to self-determination. Collective rights include;

- Right to self-determination,
- Economic and social development,
- A health environment,
- Natural resources,
- Participation in cultural heritage and right to inter-generational equity and sustainability.

**These rights though they are not legally binding they create a framework for the enjoyment of all other rights.*

10.4.4 Identify the ways in which Human Rights are violated

There are many people in our society whose rights have been violated. The following are examples of violations of human rights;

- **Corporal punishment**- a child who is beaten with a stick for committing an offense, e.g. breaking school rules.
- **Child abuse** – the ill treatment of a child which can take the form of physical or mental abuse.
- **Child labour**-is the giving of a child work that is dangerous to the child.
- **Human trafficking**- this is illegal transportation and selling of children within or outside a country for prostitution, pornography, forced labour, crime and so on.
- **Gender based violence**- is physical or emotional force involving males and females in which the females are usually victims.
- **Forced marriages**- this is when girls are forced by their parents to get married. Mostly girls are dropped out from school just to get into marriage for the interest of their parents.
- **Arbitrary arrests**-this is when people are arrested for wrong reasons or falsely.

10.4.5 Discuss the significance of human rights

Human rights focus on the dignity of the human being. Dignity is honour, importance self-esteem and respect that a human being is entitled to. Thus, each individual needs to develop certain attitudes to promote human rights. These are;

- Respect for everyone’s life, their physical and mental integrity, freedom, property and privacy.
- Taking up responsibility in society- for rights come with responsibilities especially that of respecting other people’s rights.

- Respecting other people’s rights for they are protected by law and guaranteed by international standards.
- Recognising accountability and responsibility in the relationship between the individual, institution or state that has a duty to fulfil the rights called ‘the duty bearer’ and the other person with rights called ‘the rights holder.’ The duty bearer is accountable and has to make sure rights are respected, protected and fulfilled. The rights holder has the duty to respect and not violate the rights of others.
- Rights holders have to be empowered so as to claim and take part in public decision making. Empowerment includes giving knowledge and skills they need to make claims of their rights.
- Participation of both sexes and all ages in an important human right in every area of their lives.

10.5 CORRUPTION

10.5.1 Describe corruption

Corruption is the giving of money, valuables or rendering of a service to someone in return for a favour. It involves the abuse of public office and public resources for personal gain.

10.5.2 Discuss types of corruption

Five forms of corruption

- *Payment in kind*
- *Cash payments and receipt*
- *Commissions*
- *Kick back*
- *Loans and advances*

Three Categories (types) of corruption

- **Petty corruption-** this involves small payments. These payments are called bribes, commonly known as nchekelako (ndishamo) or give me a share as well. It is the widely practiced corruption at road blocks.
- **Grand corruption-** this involves huge amounts of money. It is usually practiced by high ranking officials or institutions. For example, payment made for favours in awarding government contracts, public appointments or privatization of government owned by assets or companies.
- **Political corruption-** this type of corruption is associated with the electoral process. It is usually practiced by those contesting for political power, for example;
 - i. Donation of money to influence the voter’s choice.
 - ii. Cash or material distribution to influence voters during election period.
 - iii. Provision of beer to influence voter’s choice.
 - iv. Provision of services such as electricity, water supply and road maintenance at a time of election.

10.5.3 Explain the causes of corruption

They are grouped into two main categories, these are;

1. **Social causes-** such as
 - Leaders in key positions are not capable of inspiring and influencing conduct of the highest moral standards.
 - Personal greedy and dishonesty

- Weak enforcement or absence of code of conduct.
- Punishment for offenders is weak.
- High poverty levels
- Large numbers of people compete for insufficient services like few school places.

2. Economic causes

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

3. Other causes of corruption and related crimes are;

- **Unnecessary long procedures (red-tape)**- some procedures that officers are expected to follow in work places may take too long making officers to take advantage of such delays to demand kick-backs for fast action.
- **Lack of political will**- some government lack political will to deal with corruption.
- **Lack of transparency and association**- if the government lacks checks and balances, there is mismanagement and misuse of public funds.
- **Abuse of power**- when there is too much concentration of power in the hands of an individual, he/she may hinder proper investigation of corrupt practices.
- **Lack of independent judiciary**- as a result courts may not act independently on matters of corruption if they are influenced by outside forces from the Executive.
- **Public reaction**- how the public views corruption plays an important role in fighting corruption.
- **Lack of press freedom**- the media plays a vital role in exposing cases of corruption.

10.5.4 Explain the effects of corruption

- It makes those involved in it become rich at the expense of other citizens.
- Enables those who pay bribes to benefit in areas which without corruption they would not.
- Causes widespread bitterness among those who cannot pay or refuse to pay for favours when they see those who pay bribes being favoured.
- Distorts standards because it enables those without expertise to win contracts.
- Interferes with the enforcement of the law and respect for the rule of law.
- Perpetuates human suffering through increasing poverty level of poor citizens.

Impact of corruption on the Zambian society

- **Law enforcement agencies**: citizens may take the law in their own hands (vendettas and instance justice) if the law enforcers are perceived to be compromised through corruption.
- **Judicial system**: Court records go missing in the courts of law. Outcomes in the justice system do not depend on availability of evidence but amounts of bribes offered. Justice is denied to the poor.
- **The Electoral system**: Due to Electoral malpractice, outcomes of the elections do not reflect the decisions of the voters but the corrupt. In turn ushering into office people who are incompetent and corrupt.
- **Security of the nation**: Due to corruption, foreigners acquire documents of National identity such as passports and National Registration Cards (NRCs) that endanger the lives of many Zambians.

- **The Economy:** Mostly witnessed through money laundering activities, tax evasion and tax exemptions leading to economic instability hence pushing the general populace into abject poverty.
- **The Education system;** Due to examination malpractices and conniving with enrolling officers at Higher Institutions of Learning, undeserving candidates get admitted with fake qualifications. Additionally, due to corruption in the training process, graduates are half-baked and cannot meet the demands of their job description leading to under development.
- **Land Administration;** only those who are financially capable and connected to land administrators acquire land. This has led to landlessness among many Zambians.
- **Procurement of goods and services:** Awarding of contracts in the procurement of goods and services and contracts in general is in most cases marred by corruption. This has led to shoddy works and shortages of goods and services in public institutions.

10.5.5 State institutions that fight against corruption in Zambia

1. Anti -Corruption Commission (ACC)

- It is official government institution mandated to fight against corruption in Zambia.
- It has a slogan “promote integrity, say no to corruption,” which enshrines the general fight against corruption.
- They encourage everyone to join the fight by reporting any corrupt practices seen to the commission.

Methods used by the ACC in the fight against corruption:

- **Prevention-** by undertaking necessary and effective measures to prevent corruption in public and private sectors.
- It also make sure that any work, methods or procedures prone to corruption are revised
- To do this, there is a Commission Prevention Department (CPD) which conducts managerial accountability workshops in both public and private sectors to set standards for accountability within the institutions.
- **Community education-** the community is educated on matters relating to corruption such as dangers and effects of corruption. This is done through the Commission’s Community Relations Department (CRD).
- The department uses radio and television programmes, public lectures, workshops and many more.
- **Investigations and prosecution-** these are involved in investigating complaints of suspected corrupt practices and if evidence is found, prosecution follows.

2. Zambia National Procurement (ZNPA)

- This was formed to control the procurement and regulate the goods and services by the government ministries, departments and parastatal organisations.
- It fights corruption by ensuring that the procedures in the procurement system are done in a transparent or accountable manner.

3. Parliament

- Its major role is to make laws but it also refuses to sign appointments and promotions of corrupt public officials including those in the Judiciary.

- It analyses the Auditor General's report with regard to appropriation (expenditure) of funds by various spending agencies. The *Public Accounts Committee (PAC)* is charged with this responsibility.

4. Auditor General's Office

- Its major responsibility is to ensure that public funds allocated by the parliament are used for the intended purpose.
- It also audits accounts relating to the general revenue of the country and the expenditure of monies apportioned by parliament.
- It also audits the Judicature, accounts relating to stock and stores of government and accounts of state-owned enterprise and corporation.

5. Investigator General's Office (Ombudsman)

- The IGO carries out investigations on a wide variety of complaints which include corruption cases.

6. Anti-Money Laundering Unit (AMLU) of the Drug Enforcement Commission

- The Act provides for the disclosure of information on the suspected personnel involved on money laundering activities.
- Money laundering is the act of receiving, possessing, concealing, disguising, disposing of or bringing into the country any property (which includes money and any item) derived or realised directly or indirectly from illegal or criminal activity

Civil Society involved in the fight corruption include-

- Transparency International Zambia (TIZ)
- National Movement Against Corruption (NAMAC)
- The media
- Foundation For Democratic Process (FODEP)

10.5.6 Identify the role of public officers, community and the youth in fighting corruption

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

- Changing attitudes from tolerance to total rejection of corruption.
- Accessing information on procedures of how to deal with corruption cases.
- Reporting corrupt officers to institutions such as the Zambia Police, TIZ and ACC.
- Supporting organizations that are fighting corruption.
- Demanding integrity and high sense of morality for public office bearers.
- Encouraging and supporting free press.
- Taking responsibility for one's actions.

10.6 CULTURAL STUDIES

10.6.1 Describe culture

- Culture refers to the whole way of life of a given people which includes their food, language, taboos, festivals, values, beliefs and traditions.

- Culture can also be defined as the sum total of behaviour which people have learned over a period of time and defines ways by which they do things.
- Culture is not something that one is born with but it is learnt.

10.6.2 Outline components of culture

A component is a unit or a part of something. It is an element of the whole, for example, two legs are a component of a human being because they are part of the whole human being.

There are eight major components of culture;

1. Language

- Language defines a cultural group even though the same language can be used in different countries. It is the vehicle through which culture is transmitted. It differentiates one culture from another.
- It reflects the nature and value of a culture.
- Language is not only spoken, it can also be unspoken. For example gestures are signs used to express different things such as showing a fist as a sign of strength or violence.

2. Religion

- Religious taboos, customs, ritual, dictate the behaviour of a given society.
- Religion can also dictate the type of food/ drink people take. For example, Hindus do not eat beef because they believe that when a person dies some of them will be born in an animal. Devoted Catholics used not to eat meat on Good Friday, while devoted Muslims do not drink alcohol.

3. Values and attitudes

- They are at the core of culture and do not change anyhow.
- Values and attitudes constitute the value systems of any given society.

Values + attitudes = the value system of a society

- A society value system guides people in what is considered right or wrong.
- It is the basis of society's way of life.
- Most value systems are based on a society central religion.

4. Education

- Education is an important part of culture. Since culture is learned behaviour.
- There are three types of learning that take place in a society:-

(a) Informal learning

- This is a type of learning in which a child learns by imitating the behaviour of its family members/friends or by watching characters portrayed in the movies/films.

(b) Formal learning

- This is a type of learning in which adults teach young family members on how to behave in certain situations. For example, Namwagas, Luvalas, Lungus and other cultures teach a child to kneel down when he/she is greeting/giving elders something as a form of respect.

(c) Technical learning

- This is a type of learning in which teachers instruct a child in an educational environment about what should be done, how it should be done and why it should be done. It takes place in a classroom.

5. Social organisations

- This is the way society organizes itself.
- It relates to how society defines relationships, social institutions such as marriage and status system such as the role of a woman and children. The extended family system is a common social institution in African societies for it provides mutual protection and social support on a daily basis.

6. Technology and material culture

- These refer to society's ability to create, design and use things.
- Technology and material culture relates to the way society organizes its economic activities.
- Terms like this industrialized nations and developing nations like Zambia refer to different technologies and cultures.
- Thus, we speak of being in the Stone Age when society used stone tools, Iron Age when iron tools were used, but now we talk of computer age culture since computers are the means of story of organising, calculating etc.
- Developed countries have reached Space Age culture by designing the most modern technology such as E-mail information.

7. Aesthetics

- This is a society's perception of what is considered beauty in art and in persons.
- It dictates what is considered good taste, might be considered bad taste in another culture, e.g. dressing in mini-skirts, tight trousers are acceptable in towns but condemned in villages in Zambia.

8. Law and politics

- These are the rules and structures that regulate the behaviour of individuals.
- Legal rules attract punishment when broken.
- Laws protect members of the society to live peace and free from in-human treatment.
- The political system of a society defines the structure of government and who occupies position in the structures.
- It also defines the roles and responsibilities of the leaders and the people led.

10.6.3 Explain the characteristics of culture.

Characteristics of culture

The following are the characteristics of culture or special features of culture:

- **Culture is dynamic:** Culture changes with time; it is not constant. For example, the use of cell-phones has been accepted as part of the Zambian way of life and yet these were not there a long time ago. However, there is a great debate on gender balance.
- **Culture is learnt:** it is passed on from generation to generation. It is taught to an individual by society in which by the society in which an individual is born. The way to speak, what and how to eat, how to relate to others and what to believe in are taught.
- **Culture is cumulative:** new things in new generations can be discovered and added to the existing culture. Owing to this cumulative effect, most high school learners are familiar with mathematical insights and solutions that ancient Greeks like Archimedes and Pythagoras struggled to discover in the world.
- **Culture is comprehensive:** since culture is the sum total of society's way of life, it is therefore comprehensive.
- **Culture is based on symbols:** in order for culture to be transmitted successfully from one person to the next, the system of symbols is created that translates the ideals of culture to members this may be done through language, art, money and religion.
- **Culture is shared:** members of society share a set of ideals, values and standard behaviour this set of ideals is what give meaning to their lives and what bonds them together as culture.
- **Culture is integrated:** in order to keep culture functioning, all its aspects must be integrated. For example the language should be able to describe all the functions within the culture in order for ideals and ideas to be transmitted from one generation to the next.
- **People are not aware of their culture until they come into contact with other cultures.** They only realise that their pattern of behaviour are universal when they come into contact with people from other culture.
- **People do not know all their culture:** no one knows everything about their culture. It is not possible for one to know everything about their culture.
- **Culture gives a society a range of permissible behaviour patterns.** Cultures commonly allow a range of ways in which men and women can be who they are.
- **Cultures no longer exist in isolation:** there is no society that can exist in isolation, thus languages and indigenous patterns are being replaced rapidly.

10.6.4 Discuss the importance of culture

Importance of culture

The fact that culture is part of us, it is important to study it due to the following reasons:

- **It reinforces ones' identity and ability to critically reflect on that identity.** This allows one to develop and interact with others, thus, bringing mutual understanding between societies and peoples.
- **It is important for the identity of the society.** Since culture includes language, music, dances, festivals, rituals and traditional craftsmanship, cultural heritage brings identity of a society. In times of need songs, art works, and texts can bring hope and comfort which reinforces cultural and self-awareness.
- **Learning about culture brings about development.** If culture is interpreted as a whole of beliefs, habits and customs of a society, then it is a foundation of development. Economic development without roots in culture can never result in sustainable development. It is a goal, a part of the daily reality and a vital factor in development of the people.
- Culture contributes to national development through traditional ceremonies that attract tourists. There is keen interest in the relationship between arts and culture, and the economic and social development of our communities.
- According to the Universal Declaration of Human Rights (UDHR), article 27, affirms every human being to freely participate in the **cultural life of one's country.**

10.6.5 Explain types of culture

Types of culture

There are ten types of culture and these include:

1. Mass culture

- This culture is produced from machines and consumed on large scale, for example, record industry, television and video tapes or cassettes.
- It is also spread through electronic media and other types of high technology. Thus, many children learn new behaviour that their parents did not know through this culture.

2. Popular culture

- This is a product of changing needs and innovation of people's lives, hence it is short lived.
- This culture is seen among the youth who have new music, fashion among others in entertainment.

3. Folk culture

- Also known as residual culture (remains of the past).
- The past is revived from elements of the forgotten past due to nostalgic tastes
- Nostalgic tastes is a desire of what used to be done in the past
- This culture is seen on the influences of technological changes on old traditions. For example, playing old music on the national television.

4. Synthetic culture

- This is also called artificial culture which has mainly destroyed cultural identities of developing countries like Zambia who adopt Western cultures.
- Indigenous culture has only been preserved as a tourist attraction to earn money as foreign exchange.
- This foreign culture is consumed mainly in form of films, television and radio. Above all, Western culture due to its high technological advances, it is admired and enjoyed by many.
- An important aspect of this culture is consumerism (popular consumption). Through adverts, people are made to buy and own products such as soap food and modern items like cell phones, televisions and radios.
- This leads to importing than to using local products.

5. Idea culture

- Refers to some kind of aspiration of where people would love to be. For example, every society views itself in a positive way and has the highest virtues and standards it aspires to be.
- In this regard, people in many cultures would describe their culture in ideal terms and not what is in reality. Ideals are not realised every day. For example, Zambia was described as a Christian nation but in reality its people do not live as Christians.

6. Real culture

- It refers to the real behaviour of people in a society.

- This is the actual culture practiced in a given society. For example, sleeping at a funeral until burial is Zambia's real culture.

7. Sub – culture

- This is the way of life or behaviour which a small group of individuals belonging to the same culture may portray.
- Sub- culture may arise due to different occupations in society which results in variations in power and prestige. For example, within the same cultural group, people with little education will behave differently from the well educated in society. Between the two groups, there will be differences in the way they dress, speak, play and will have different beliefs.
- In reality the rich and the well- educated may form an ‘elite culture’ which is assumed to be expensive.

8. Counter culture

- This refers to the behavioural patterns, and life styles shown by a group of people that are exposed to the generally accepted standard of behaviour in society. A group of street kids and unemployed youths will have their own way of talking, their leisure and behaviour, different from the larger society.
- Therefore, their behaviour will would constitute a counter culture of the general society, which is a form of social rebellion.

9. Cultural heterogeneity

- This refers to a society that contains a variety of groups of different races, beliefs, religions and nationalities.
- The republic of South Africa is one of such a culture. It has a slogan of ‘Rainbow Nation’, to emphasise on the diversities of cultures found there. This promote Pluralism which unifies recognizes and respects the contributions of different cultures to the entire society.

10. Cultural homogeneity

- This is a common culture of people of a similar race, beliefs, religion and nationality. For example, the North African Arabic Countries like Tunisia and Libya are the same race, share the same religion and nationality, thus, are classified as homogeneous.

10.6.5 Identify Zambia's societal core values

Zambia's Societal core Values

Core means essential or very important while value means the quality of being useful. Therefore, core values are shared values which are practiced in all societies in the world. The following are Zambia's core values:

- **Obedience to authority;** recognising and obeying those in power.
- **Tolerance to other people's view;** allowing the opinions of others to prevail.
- **Mutual respect;** treating each other with consideration.
- **Respect to privacy;** everyone requires sometime to be on their own.
- **Peaceful resolution of conflict** such as litigation, dialogue, counselling among
- **Honest;** the quality of telling the truth
- **Freedom of expression as long as the expression does not injure the other person.**
- **Belief in the equal worthiness of all human beings.**

- **Integrity;** the quality of being honest and upright.
- **Social justice;** treating any person fairly regardless of race, sex and tribe
- **Co-operation;** working together for the common goal.
- **Love;** the feeling of great affection for the other person
- **Loyalty;** faithfulness and truthfulness to people or groups or organisations
- **Peace;** not only absence of war but freedom from any form of disturbance or disorder
- **Trust;** reliance on the truth
- **Attainment of set goals:** belief in personal success in whatever one does.
- **Hard work;** the belief in the value and nobility of work as a working human understanding
- **Nationalism** extreme pride of one's country or loyalty to the country: a person can do anything for the country such as carrying the flag everywhere.
- **Patriotism;** love and loyalty to ones' country and willingness to take part in its protection and development
- **Efficiency and practicality:** belief in achieving an end with a least cost waste in the shortest time possible.
- **Material comfort:** equal distribution of wealth throughout the country to satisfy the needs of the people.
- **Scientific advancement:** the belief in science and technology as tools for making progress to secure material comfort and solving society's problems.
- **Individualism:** an art of concentration of one's welfare at the expense of others.

10.6.6 Discuss Zambia's cultural practices

Cultural practices in Zambia

The ethnic groups in Zambia share the following cultural practices

- **Respect for elders;** a belief that everyone older than oneself should be accorded respect in speech and treatment regardless of status, race or blood relation. Young people are supposed to kneel when speaking to elders.
- **Extended family system:** the Zambian culture advocates for the family system by keeping as many relatives as possible in addition to one's own nuclear family. In an event of both parents dying, the children would be taken to a family member.
- **Rites of passage:** they are rituals that one undergoes to mark an important change in a person's position in society. They include such rituals as the naming of a newly born baby, initiation, marriage, death and after death ceremonies.

Initiation rituals

- ☞ Nkolola
- ☞ Siyeke (Sikenge)
- ☞ Cisungu
- ☞ Mukanda

Marriage rituals

- ☞ Matebeto
- ☞ Cilanga mulilo
- ☞ Mungenisa Khaya (M'thimba)
- ☞ Mbusa

Death rituals

- ☞ Kupuzo-Ya-Bafu
- ☞ Mweesyo
- ☞ Isambo Lyamfwa
- ☞ Ukupyana
- ☞ Ubwalwa Bwe Shinda

- **Traditional ceremonies:** many traditional ceremonies are held to celebrate past events. Other functions of traditional ceremonies include:
 - i. Expressing, reflecting and reinforcing cultural relationships and virtues.
 - ii. Observing certain rituals.
 - iii. Communicating important cultural themes through the use of special forms of language, music and dance
 - iv. Connection to the ancestors
 - v. Providing oral history of settlement, patterns or migration.
 - vi. Reconciling inter – group conflict for peaceful co – existence.
 - vii. Assertion of local traditional leadership.
 - viii. Displaying symbols of ethnic citizenship or sense of belonging to ethnic groupings

Types of traditional ceremonies

- ☞ Harvest festivals
- ☞ Commemorative ceremonies focusing on honouring the dead, migration histories
- ☞ Religious festivals
- ☞ Ceremonies for small intimate groups such as boys or girls when these come of age.
- ☞ Ceremonies which move with rhythm of nature

Traditional ceremonies practiced in Zambia

- *Umutomboko* Ceremony of the Lunda people of Luapula
- *Kuomboka* Ceremony of the Lozi people
- *Ukusefya pa Ng'wena* Ceremony of the Bemba people
- *Likumbi Lya Mize* of the Luvale people
- *Mabadao* ceremony of the Tumbuka people
- *Lunda Lubanza of the Lunda people of North-Western province*
- *Kulamba ceremony* of the Nsenga people
- *Kulamba Kubwalo* ceremony of the Lenje people
- *Shimunenga ceremony* of the Illa people
- *Malaila ceremony* of the Kunda people
- *Lwiindi ceremony* of the Tonga people

- *Nc'wala ceremony* of the Ngoni people
- *Ibwela Mushi ceremony* of the Biswalala people
- *Chinamanongo ceremony* of the Bisa of Mpika

10.6.7 Identify factors that affect the appreciation of cultural diversity in Zambia

Cultural diversity in Zambia

Zambia has heterogeneous culture in terms of race, religion, language, tradition and customs. There are a lot of common cultural practices among the seventy – three ethnic groups in Zambia. Therefore, in order to appreciate cultural diversity that exists in Zambia, we should be mindful of certain aspects that affect cultural diversity negatively. Such are the following:

1. Stereotyping

- This is an ever generalized and pre – conceived ideas or impression of what characterises someone.
- Stereotyping is treating someone badly just because he or she is different from you. One may judge an individual on the basis of how one perceives the whole ethnic group.
- In Zambia for example, there is stereotyping. Some ethnic groups are labelled as thieves, others stingy, others are backward and others tribal.

2. Prejudice

- This is biased opinion based on insufficient knowledge or hostility towards particular racial, religious or ethnic groups.
- It is the practice of thinking badly about someone because he or she is different from you.
- It is illogical, irrational, hatred, and suspicious of particular group.
- Sometimes it can be based on gender, age, place of residence or even occupation.
- Prejudice and stereotyping lead to discrimination and conflict in society.
- If not checked it can lead to serious civil war, for example, the Rwanda genocide and Burundi civil wars.

3. Ethnocentrism

- This comes from the word ‘ethnocentric’, which is the belief that one’s’ own cultural traditional group or racial group is superior to all others.
- If other cultures are not like one’s own culture then, they are regarded as inferior.
- People tend to view the custom of others in light with their own beliefs and values. Ethnocentrism is also a belief that one’s way of life is best and others are judged by their standard.
- Ethnocentrism is a form of discrimination and leads to serious conflict even civil war. The Rwanda 1994 genocide is such a good example.

4. **Cultural relativism**

- This is a belief that each cultural group has the right to its own culture even if the culture does not please you.
- But such cultural practices should not violate individual basic human rights and freedom.
- Cultural diversity is the absence of direct and indirect discrimination in all areas of life.

10.6.8 Identify institutions that preserve cultural heritage in Zambia

(a) **Museums**- the national museums board administers these. Museums are responsible for;

- Collection of artefacts.
- Restoration of artefacts.
- Display of artefacts of historical, cultural, scientific, technological and economic significance to the nation.

(b) **National Heritage Conservation**- administers immovable heritage such as sites and monuments.

(c) **National Arts Council**- it promotes artistic and intellectual creativity and art education.

- It recognises that freedom of opinion and expression is essential for creative activities of artists and intellectuals alike.

(d) **International Cultural Cooperation**

- The colonial authorities regardless of cultural and ethnic realities arbitrarily drew up the geographical international borders of Zambia.
- Zambia acknowledges that international cultural exchanges and encounters contribute to the promotion of global peace, respect, mutual understanding and cooperation.
- Zambia is a member of the following multilateral cultural organisations;
- United Nations Educational, Scientific and Cultural Organisation (UNESCO)
- Southern African Development Community (SADC)
- International Centre for Bantu Civilisation (CICIBA)
- World Intellectual Property Organisation (WIPO)
- Southern African Development Community Association of Museums (SADCAM)
- World Crafts Council (WCC)
- International Council of Museums (ICOM)
- International Theatre Institute (ITI)

10.7 SUBSTANCE ABUSE

10.7.1 Describe types of substances often abused by people

Substance abuse is the taking something often that the body does not need and for wrong reasons. For example, taking medicine when one is not sick is substance abuse.

Classification of substances

Substances fall into two major categories: over the counter substances and controlled substances.

i. *Over the counter substances*

- These are substances that can be easily bought over the counter such as panadol and aspirin. One can buy these medicines of without a prescription.

ii. *Controlled substances:*

- These are substances which can only be obtained if one has a prescription or special authorisation.
- They can be dangerous if not used properly.

Examples of such medicines are valium (diazepam), morphine, mandrax, cocaine, pethidine and marijuana.

Classification of substances according to their chemical structure, or effects on the user

The following are some example:

Depressants: these are substances that slow down the action of the central nervous system.

- They are sometimes called sedatives or hypnotics. Alcohol and mandrax are the examples of depressant drugs.
- When taken in small amounts decreases awareness and tension.
- If taken in large amounts, they can lead into deep unconsciousness which may result in death.

Stimulants: this stimulates the central nervous system.

- They speed up the body processes.
- The most common are caffeine which is found in coffee, coca cola, chocolate and diet pills.
- Other stimulants include cocaine and nicotine. If stimulants are taken in large amounts, they become depressants and they slow down the central nervous system.

Hallucinogens: are substances that distort the way the brain translates impulses or the messages from the sensory organs, producing perceptual changes.

- Distortion makes the brain change messages about something real producing an illusion.
- The brain also produces images which do not exist in reality called hallucinations.
- Cocaine, magic mushrooms ecstasy are good examples.

Narcotics or Opiates: these are substances that make senses dull and relieve pain by depressing the cerebral cortex.

- The cerebral cortex is the outer layer of the brain responsible for consciousness including perception, memory and learning.
- These substances affect the thalamus which is the body's mood regulating centre.
- Narcotics are mainly derived from the opium poppy plant. They include raw opium, pethidine, marijuana, morphine, heroine methadone and codeine.

Inhalants or solvents: they are substances that are normally sniffed.

- These are substances found in household products such as glue, deodorants like perfume spray and fuel gases.
- Once inhaled, the capillaries to the surface of the lungs allow rapid absorption of the substance.
- It enters the brain at a very fast rate; intoxicating effects are very high.

10.7.2 Discuss substances and their effects

1. Alcohol:

- Though only adults are allowed to drink. Alcohol is a pure colourless liquid present in drinks such as beer, wines and brandy.
- Alcohol is also taken for medicinal purposes for many medicines contain alcohol in small percentages.
- Alcohol is abused when one takes too much and often. An alcoholic is a person who is addicted to alcohol beverages like beer.
- Alcoholism is a dangerous and severe condition caused by physical dependence on alcohol. It can destroy physical and mental health.
- The strength of any alcoholic beverages depend on the percentage concentration of a chemical known as ethanol per given volume.

*****If the beverage has a higher percentage of ethanol per volume, then a drink is more potent.***

Effects of alcohol

- Increases blood pressure and heart problems.
- Causes violent behaviour
- Negatively affects the brain
- Causes ***cirrhosis***; diseases of the liver: the liver becomes fatty and enlarged causing inflammation. This causes loss of appetite, abdominal discomfort and death, makes one feel warm, when one in reality is losing heat leading to ***hypothermia***.
- Distort understanding of time and space and affects the sight causing one having double or multiple vision.
- Causes withdrawal conditions called ***Delirium tremens***.

2. Tobacco

- This is a substance that is commonly abused. It contains Nicotine, Tar and Carbon Monoxide which are harmful to the body.
- When a person smokes these substances, they enter the blood stream and lungs.
- Nicotine is a colourless harmful drug. It acts as a stimulant and speeds up the transmission of nerve impulses if taken in small dose. If taken in large doses, it slows nerve impulses resulting in reduction of heart beat.
- Carbon monoxide is a deadly gas that affects the blood's ability to carry oxygen around the body. It also affects the action of the cilia (hair).
- It contains substances that cause cancer.

Effects of smoking

- **Bronchitis**
- **Emphysema**; lung disease which affects breathing
- Heart diseases; nicotine increases heartbeat which wears down the heart
- Cancer; 90% of deaths from cancer are due to cancer caused by smoking)
- Blood clots and stomach Ulcers.
- Damage to the unborn baby.
- Shortness of breath.
- Colds, flu and other infection.
- Non – smokers inhale smoke which makes them passive smokers.
- Deforestation due massive cutting of tree used as firewood in curing tobacco

3. Inhalants

- High blood pressure
- Headaches, stuttered speech and loss of motor co-ordination
- Rush around the nose and mouth.
- Violent behaviour.
- Unpredictable behaviour.
- Memory impairments.
- Abnormalities of the liver and kidney.
- Red, glassy watery eyes.
- Distorts understanding of time and space.

4. **Drugs**

- A drug is any substance which changes the chemistry of the body and affects the natural balance of the mind and the emotions.
- Drugs can either be natural or synthetic chemicals.
- Natural drugs are those found in certain plants such as Caffeine in coffee, tetrahydrocannabinol (THC), found in cannabis and nicotine in tobacco. Synthetic drugs are manufactured drugs such as Panadol and aspirin.

5. **Cannabis**

- This is a hard brown material or herbal mixture that comes from a cannabis plant and it is an illegal plant in Zambia.
- It is locally known as camba, dobo, fwaka ya ci Ngoni.
- Thus cannabis is in three form:
- Marijuana: this comes from the dried leaves, flowers or stems of the cannabis plant. It has a concentration of delta – 9 – tetrahydro cannabinol (THC) of about 0 – 12 %.
- Hashish: this is made from the stick of the plant. It contains 12 – 18 % of THC.
- Hashish Oil: made from compressing hashish to produce oil using solvent. Concentration of THC is about 18 – 25 % and its more potent than the rest.

Effects of cannabis

- Makes the user feel exhausted.
- Makes one have high appetite for food
- Affects the memory, concentration and co – ordination.
- Affects the reproductive system by reducing the sperm count in males and irregular menstrual cycles in females.
- Causes cancer.
- Makes the user paranoid and anxious
- Makes the user to be talkative.

6. **Heroin**

- It is a brown or white speckled powder made from juice extract from unripe capsules of opium poppy plants.
- Heroin is formed through a chemical process of modifying morphine known as **acetylation**.
- Morphine is used to ease severe pain; however, it is very dangerous when not used properly.
- Heroine is taken mainly by smoking, sniffing injecting into the veins. The street names for heroine are brown sugar, smack, skag, horse.

Effects of heroine

- Causes death due to over doze.
- Irregular menstrual periods in women.
- Damages the heart and the kidneys.
- Causes mood swings.
- Causes depression.
- Loss of appetite.
- Distorts the understanding of things.
- Disturbs the pattern of nerve, activity.

7. Cocaine

- Cocaine is a white powder made from the leaves of a coca plant.
- The leaves of coca plant when chewed can relieve fatigue and hunger. Cocaine can be smoked or injected in the blood.
- It can also be orally taken by mixing with a liquid or in a capsule form.
- The street names for cocaine are coke, Charlie, snow lady and dust.

Effects of cocaine

- Dry mouth.
- Sweating.
- Severe weight loss.
- Indigestion.
- Exhaustion and lack of sleep (Insomnia).
- Transmission of HIV/ AIDS through the sharing of needles.
- Death due to overdose.
- Ulceration of the nasal passage (sores in the nasal passages)
- Irregular menstrual cycle in women.
- Heart and blood circulation problems.
- Over alertness and elevation of mood.

10.7.3 Explain reasons for substance abuse

Reason for substance abuse

- **Curiosity:** a situation where one wants to taste and experience how it feels. This is done by young people who are keen to be adventurous and experiment things for themselves.

- **Peer pressure:** some young people end up using substances because they want to do what their friends are doing.
- **Ignorance:** some people take substances because they are not aware of the effects of which it may be too late when they realise it. Damage would have been done.
- **Stress:** sometimes people take substances because of stress, and they feel that drugs can console them. Stress can result from death loved ones, divorce and failure of an examination.
- **Availability of substances:** substances are readily available at the market. Substances such as solvents (glue, tipex and methylated spirit). Also, alcoholic beverages are sold on the market.
- **Alienation:** when a person feels isolated, fights to find a group to belong to especially those who are also isolated. Such a person may like to be in a group where substances being abused. Street kids and teenagers are examples.
- **Unemployment:** many young people are unable to find jobs despite being qualified. Such people resort to substances.
- **Lack of recreation activities:** many people have nowhere to spend their leisure time due to lack of recreational facilities, substance abuse becomes leisure to them.
- **Enhancement of self-confidence and performance:** some people believe that taking certain drugs may help them improve their self-confidence and performance in sports, sexual intercourse, examination and other activities.

Signs and symptoms of substance abuse

- Sudden change in personality.
- Unusual mood swing.
- Decline in school performance.
- Spending more time away from home and school.
- Theft and over borrowing of money.
- Heavy use of perfumes to disguise the smell of substance.
- Loss of appetite.
- Wearing of sunglasses to disguise ones appearance.
- Possession of certain materials such as straws, pill boxes, needles, glass bottles.

How to avoid substances abuse

- *Say **no thank you!** When somebody gives you a substance or drug.*
- *Giving a reason or excuse*
- *Changing the subject*
- *Walking away*
- *Avoid the situations where substances are abused*
- *Associate with non-users of substances*
- *Keeping one-self busy.*

Dependence on substances

- When someone entirely depends on substances, the situation is called addiction or dependence.
- Substance dependence can either take physical or psychological form.
- Physical dependence is when one tries to withdraw using a substance but faces physical effects such as shaking and poor co-ordination.
- While psychological effects is where one experiences anxiety and depression due to withdraw of abused substance.
- Some substance users may only feel the effect when they take larger doses of the substance. These users have reached the drug tolerance levels.

10.7.4 Discuss impact of substance abuse on individuals, community, national and international levels **Impact of substance abuse on society**

Individual level: an abuser of a substance is likely to have health problems resulting from the effects of the substance taken.

- Owing to poor health, the victims may affect working and studying culture.
- The victim may not have support from his or her loved ones.
- Due to overdependence, the abuser may be speeding a lot on substances.

Family level: substance abusers may tend to ignore their families as they only care about having the substance.

As a result they tend to have a lot of credit and stealing from their families and friends. Hence, their families are affected.

- This teaches young ones in the family to start abusing themselves also.

Community and national levels: some substance abusers end up committing crimes like murder and robbery to acquire money for the substance.

- Others may be involved in prostitution and drug trafficking.
- These illegal activities have a negative effect on the community and the nation at large.
- The spread of HIV and AIDS is likely to be very high among substance abusers due to risk of behaviour such as unprotected sex, and sharing of needles. The abuser when sick the all nation and community is affected.
- It causes accidents and violent behaviour such as GBV.

International level: drug trafficking is a major international problem.

- It refers to the manufacturing and selling of illegal drugs.
- Money laundering is common in drug trafficking for example, some drug traffickers use money obtained illegally to destabilise governments through corruption, violence and buying votes.
- Money laundering affects the economy of the nation by causing inflation.

- Therefore, the substance abuse has negatively affected societies at international level due to drug trafficking and money laundering.

Role of the community in combating substance abuse

- Abolishing of the cultivating of drug crops like marijuana and opium. The government must come in to make sure that no one is cultivating such crops.
- Educating the people on the bad effects of substance effects. And the need to control the use of these substances anyhow.
- Taking keen interest in one's community; people should love their community and identify the signs and symptoms of substance abuse, and report to the institutions concerned with such issues.
- Employment: the government and community at large should provide a wide range of employment opportunities to discourage unemployed people from substance abuse.
- Changing people's attitude towards substance abuse; through entertainment such as poems, drama and debate.
- Establishing groups and clubs; this may include anti – drug abuse club and community rehabilitation centres which control substance abuse.

Measures used to control and fight substance abuse in Zambia

- Government has enacted the law under Act No 37 of 1993 to prohibit trafficking, exporting, possessing, cultivating, manufacturing and use of Narcotics and psychotropic substances
- The public is sensitised on the dangers of substances abuse and the legal implication. Drug abuse is liable for punishment for a period not exceeding ten (10) years if found guilty.
- The government of Zambia also works with other countries to exchange information on drug trafficking and related crime in order to arrest offenders.

10.7.5. Identify institutions involved in fighting substance abuse in Zambia

Institution that fight substance abuse

- In 1989, the government established the Drug Enforcement Commission (DEC).
- This is a government department charged with the responsibility of curbing substance abuse.
- This commission has offices in all the provinces in Zambia with a National Education Campaign Division. The division is responsible for dissemination of information intended to sensitise the public on the effects of drug abuse.
- The department also works with Non-Governmental Organisation (NGOs) and other government departments to rehabilitate victims of substance abuse. Some NGOs involved are:
- Planned Parenthood Association of Zambia (PPAZ)
- Youth Alive
- Young Women's Christian Association (YMCA)
- Society for Family Health (SFH); Churches

- Sports in Action (SIA)
- Youth Media (trendsetters)

GRADE 11 TOPICS

11.1 THE ZAMBIAN BILL OF RIGHTS

11.1.1 Describe the 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. Is it the country's main instrument of protecting the rights and freedoms of the individual.

Elements of the bill of rights in the Zambian constitution:

The current Bill of Rights forms part (iii) of the 1996 constitution covering Articles 11 to 32.

Article 11: This is the preamble which is a general declaration of the rights every person in Zambia is entitled to regardless of race, place of origin, political opinion, colour and brief, religion, sex or marital status.

Article 12: Protection of the Rights to Life.

This right is described as the Supreme Human Right because all rights are dependent on it. It protects all forms of human life, including that of an unborn child. It gives government and an individual the obligation of preserving and protecting human life.

Article 13: Protection of the Right to Personal Liberty.

Every person is free unless one has broken the law.

Article 14: Protection from Slavery and Forced Labour.

This article prohibits any form of slavery and practices such as human trafficking, seldom, exploitation of children and servile (enslaving) forms of marriage.

Article 15: Protection from Inhuman Treatment.

The use of all forms of inhuman or degrading treatment and torture such as corporal punishment is prohibited.

Article 16: Protection from Deprivation of Property.

The article protects individuals from being deprived of their property except in cases permitted by law such as failure to pay tax, rates or dues and many such things.

Article 17: Protection for Privacy of Home and Other Property.

The article protects the privacy of the individual's homes and the other property. It prohibits the search of a person, his or her property or entry of premises unless permitted by law.

ARTICLE 18: Provision to Secure Protection of Law.

Every person has the right to have access to the protection of the law.

Article 19: Protection of Freedom of Conscience.

This article gives every human being the freedom of religion and thought which may also imply freedom to change religion or belief either alone or in a group with other people.

Article 20: Protection of Freedom of Expression.

Individuals are free to hold opinions and exchange information 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 associations for the protection of one's interest.

Article 22: Protection of Freedom of Movement.

Individuals are free to live, move, leave or return to Zambia unless restricted by the law such as under a state of emergency and when one is serving sentence of imprisonment.

Article 23: Protection from Discrimination.

Individuals are protected from being treated unfairly on ground of sex, place of birth, marital status, political opinion, ethnicity, or race.

Article 24: Protection of Young Persons from Exploitation. It ensures protection of young persons from physical ill-treatment and from all forms of neglect, cruelty and exploitation. It also prohibits the trafficking of young persons.

Article 25: Derogation from Fundamental Rights and Detention.

The article provides for limitation on fundamental rights in times of emergency except Articles 12, 14, 15 and 18.

ARTICLE 26: Provision relating to restriction

Largely the article deals with the provision relating to the rights of restricted and detained persons.

ARTICLE 27: Reference of certain matters to special tribunal

Under this article, members of parliament can stop a bill which infringes on the bill of rights. It further makes a provision for the appointment of a special tribunal of two judges by the chief justice. Who will report on a bill or statutory instrument which may not be consistent with the constitution?

ARTICLE 28: Enforcement of protective provisions

The article makes a provision for the enforcement of the rights provision in the bill of rights. Persons whose rights are violated can complain to the court of law, the high court.

ARTICLE 29-31: Special powers of the republican president

These articles deal with the special provision powers of the republican president such as declaration of war and of the state of emergency.

Describe ways of enforcing the Zambian bill of rights the judiciary arm of government is the main mechanism for the protection and enforcement of the rights and freedoms outlined in the bill of rights. A mechanism on the rights and freedoms can be enforced is provided for in article 28 of the constitution. The courts of law are given the vital role to enforce the bill of rights.

Limitations (derogations) of Zambia's Bill of Rights

- The right to life is not absolute in Zambia because the country still slaps death sentences on convicts found guilty of heinous crimes.
- Social and economic rights are not included in the Bill of rights. The current Bill of rights only contains Civil and Political rights
- The Bill of rights lacks protection against torture or inhuman treatment.

- The Bill of Rights is written in a very technical language which is very difficult for an ordinary person to understand or interpret.
- Though Zambia has ratified or acceded to various international human rights instruments she has not domesticated most of them.
- Rights such as economic, social and cultural if included in the Bill of rights may not be Justiciable because they depend on the government to provide resources for their enjoyment

11.1.3 Describe ways of enforcing the Zambian Bill of Rights

- The Judiciary arm of government is the main mechanism for the protection and enforcement of the rights and freedoms outlined in the bill of rights.
- A mechanism on the enforcement of the rights and freedoms is provided for in Article 28 of the constitution. The High Court is given the vital role to enforce the Bill of Rights.
- All communications involving constitutional disputes should be taken to the High court. A person aggrieved due to the violation of his or her fundamental rights, can petition the high court to remedy or set right (an undesirable or unfair situation. The high court is given the power to issue writs (written order) on lodged claims or complaints and give direction as it is considered appropriate.
- However, if a person is not happy with the decision of the high court, he /she may appeal to the highest court of appeal, the Supreme Court provided their case is not frivolous or vexatious.
- The Judicial review under order 53 of the rules of the Supreme Court is another mechanism used. This is applicable when the judiciary checks on whether the legislature and the executive are exercising their powers in accordance with the constitution. Under this mechanism, there is application for habeas copywriter of currier.
- The other mechanism is the use of the Human Rights Commission which acts as a watchdog it the courts in enforcing human right under be human rights Act No.39 of 1996, the commission has a mandate to monitor violations of human rights through investigations and public hearings. It also recommend and facilities mediation and conciliation in enforcing human rights.
- The office of the investigator General, who is also known as ombudsman, enforces human rights claims well. The investigations General are the chairperson of the commission of investigation for investigations. Any person is tree to write to the investigator General to complete human rights violations. The commission carries out investigations on people's complaints on corruption and other cases of abuses and human rights violations in the civil services. The investigator General gives advice to either the police or court to take actions after investigations have been carried out. The media, civil society, parliament, the Law Association of Zambia (LAZ) a trade unions are also involved in meaning human right violations. By so doing they supplement the work of the judiciary. Discuss the role and the investigations that promote human rights in Zambia. There are several institutions the government and non-government organizations that help enforce the Zambia bill of rights.

Institutions promoting Human Rights in Zambia

- **The Human Rights Commission (HRC)**

The Human Rights Commission was established by on Act of parliament No. 39 of 1996 and come into force in May, 1997 with the sole purpose of rights record in the second Republic and improve and promote image of human rights culture of the country. Some of the functions of the Human Rights Commission are as follows:-

- To investigate human rights violations
- To propose effective measures to prevent human rights abuse
- To visit correctional facilities and other detention or related facilities and see if conditions in such places are fit for detainee and make recommendations to solve existing problems.
- To rehabilitate victims of human rights abuse and improve the respect for and protection of human rights as well as establishing a continuous programme of research, education and information.
- Investigate human rights abuse either on its own initiative or after receiving complaints either from victim acting on his or her own free will, an individual on behalf of a victim, an association on behalf of its members.
- Issue summons or orders to attend by any person relevant to any investigations by the commission
- It produce any relevant documents to the commission
- Question any person in relation to any matter under investigations before commissions
- recommend punishment of any person found to have perpetuated any form of human rights abuse

Powers of the HRC of Zambia

- Investigate human rights abuses on its initiative or based on complaints or allegations.
- Issues summons or orders requiring attendance of persons relevant to any investigation of the Commission.
- Produce 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 to perpetuate human rights abuse

The Judiciary

The courts of law which are the judiciary system in Zambia play a vital role in promoting human rights in Zambia. It consist of the supreme court, the high court, the industrial relations court, the subordinate courts, the local courts and any other courts prescribed by an Act of Rights by applying laws to the cases role received from the petitioners where rights are violated. The judges of the courts are independent, impartial and subject only to the constitution and the law.

The Anti-Corruption Commission (ACC)

- It is an independent government body which helps strengthen Human Rights through its fight against corruption.
- The Anti-Corruption Commission Investigates any reported corruption cases which may be pointed of human rights violation. If evidence is established the findings are taken to the Director of Public Prosecutions who upon seeing the evidence may decide to take the matter to the court.

Zambia Police Service (ZPS)

- The major function of the Zambia Police Service is to maintain law and order.
- It makes sure that peoples fundamental rights are protected and promoted as it carries out its duties. It closely works with the courts in administering social order and justice.

- Through its Victim Support Unit (VSU), the Police provide services to the community by promoting and protecting rights of the victims of abuse or torture.
- The Police apprehend arrests and prosecutes law breakers in accordance with the law.

Amnesty International

- It is a worldwide self-governing movement of people whose aim is to campaign for internationally recognised human rights.
- It does not seek or accept any funds from government to carry out its mandate
- The vision is to ensure that every person enjoys all the human rights enshrined in UDHR and other international human rights instruments
- It conducts research and action focused on preventing physical and mental abuses of human rights
- It endeavours to promote integrity, freedom of conscience and expression and freedom from discrimination

Caritas Zambia

- A faith based organisation which is inspired by gospel values and social reaching of the Catholic Church.
- It promotes integral human development economic justice, human dignity and empowerment of the less privileged in society.
- It is done through consent station, advocacy, research, training and capacity building.

11.2 Civil Society and Media in Governance

11.2.1 Describe civil society organization

Civil society organisations are non-military, non-governmental organisations and individuals who make it their business to promote and defend the basic ideals of good governance outside the government.

11.2.2 Classify Civil Society

International Organisations

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

Pressure Groups

- Pressure groups are civil society organisations formed to influence government policy and decisions on a particular subject. They are disbanded upon meeting the objective for which they were established.

- Sometimes pressure groups are known as interest groups e.g. the Oasis Forum and the Citizens Forum. Pressure groups usually disband and cease to exist once their objective has been achieved. For instance, the Committee for Clean Campaign (CCC) disbanded after the 1996 elections.

Civic Organisations

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

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

Women’s Groups

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

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

Professional Associations

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

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

Industrial Organisations

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

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

Religious Organisations

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

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

11.2.3 Analyse the roles of Civil Society in governance

Some of the roles of the civil society are to:

- Defend the ideals of democracy by checking the growth of undemocratic tendencies in the policies of the government.
- To carry out civic education activities and promote public awareness on issues affecting society such as HIV/AIDS, human rights abuses, and poverty.
- Influence public opinion. Civil society organisations use the strategy of advocacy to influence public opinion in favour of specific objectives. For instance, they draw the attention of the government and the general public to the plight of the marginalized and disadvantaged people in society.
- Debate bills and influence amendments or decisions of the Legislature. Civil society organisations conduct seminars to debate some bills and in this way, influence the decisions of the legislature.
- Act as agents of democratic change. For example, by advocating for constitutional reform, gender equality, and free and fair elections.
- Defend and promote human rights and the rule of law. Rule of law means no one is above the law. It also means giving equal treatment to all people before the law.
- Promote accountability and transparency.
- Ensure that the government and other people in authority are accountable to the public. For instance, NAMAC and TIZ focus on issues of corruption and advocate for transparency in governance.

- Act as channels through which individuals can participate both in government and community decision-making processes.
- Act as a link between the community and the government. For instance, civil society organisations often transmit public opinion on various issues to the government. They also explain government policies to the community.
- Provide “checks and balances” by criticising bad government policies and suggesting alternative ideas.
- Publicise and articulate the demands of their members. For instance, the National Women’s Lobby Group demands for a minimum of 30% female representation in parliament and all other leadership and managerial positions to enhance gender equity.

11.2.4 Discuss forms of Citizen Participation in governance

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

Political activities:

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

Civil society activities:

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

Community activities:

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

11.2.5 Identify different types of media.

Media refers to institutions that disseminate information to the public. There are two types of news media. These are: print media and electronic media.

Print Media

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

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

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

Electronic Media

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

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

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

New Agencies

New agencies are media institutions that collect and supply information to media houses (organisations).

Examples of News Agencies

- Zambia News and Information Services (ZANIS) formerly the Zambia News Agency (ZANA) and the Zambia Information Services (ZIS)
- National Agriculture Information Services (NAIS)
- Reuters

11.2.6 Explain the role of the media in governance

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

- **To inform and educate:** Citizens cannot fully participate in governance unless they are well informed. The radio, television, cinema, and the daily newspapers are effective instruments for informing and educating the people and helping to form public opinion. This role is particularly crucial during elections since it is not possible for candidates to visit and talk to every voter. The voters mainly depend on the media to enable them make decisions about the suitability of a particular candidate or a political party's plans and achievements.
- **To act as a watchdog:** A free and impartial media is *indispensable* for the successful functioning of a democratic government. It plays the role of a watchdog and a jealous guardian of the rights of citizens by holding public officials accountable for their actions. In a democratic state, the media should not only publicise the activities of the ruling party in a favourable way. It should also investigate and expose the malpractices of government and other public officials.
- **To promote public debate:** The media provides a forum for the expression of views and opinions of both the government and the people on matters of public interest. The daily newspapers reserve columns for the public to express their views and grievances through "Letters to the Editor". Some radio and television programmes allow the public to debate community and national issues. The media can also campaign for or against some leaders or government policies.
- **To set the Agenda:** The media cannot report everything. They must choose what to report, and what issues to ignore. In this way, the media decides on behalf of the public what is *news* and what is not. Consequently, people see the world through the eyes of the media, and this in turn influences people's opinions about issues. Therefore, the media plays a key role in *forming public opinion*.

11.2.7 Analyse factors that limit media coverage

- **Ownership and control:** Those who own and control media organisations tend to use them to serve their own interests. Where the media is owned and controlled by the state, the task of the media is to unite the people behind the ruling party and its policies. Censorship is widespread and "news" is limited to what government leaders do or say. Even where media organisations are privately owned, the media is often used as a commercial enterprise.
- **Laws restricting press freedom:** Another limitation on the media is in the form of laws that restrict freedom of the press. For instance, under the penal code, it is an offence to publish seditious publication. Seditious publication is any material that can bring hatred or contempt against the government and its leadership. This makes it difficult for the media to report unfavourably on government policies and leaders even when they are not performing well.
- **Accessibility:** Public access to the media is restricted by various factors such as limited circulation, affordability, high levels of illiteracy, and the discriminatory policies of some media organizations which deliberately deny publicity to people holding views contrary to their own. In Zambia, about 60% of the population lives in rural areas where the circulation of the print media is almost non-

existent. Therefore, the rural population mainly relies on the radio news from the state owned broadcasting corporation although this is also dependent on the affordability of radio sets.

- **Poor road networks:** The media finds it very difficult to go to certain rural places to capture news and cries of the people. Very touching and alarming stories are out there in remote areas but because of the impassable roads such information is not captured to be brought to the attention of the public and the government.
- **Language limitation:** The media usually disseminate information in English thereby denying those who do not know English access to information. Very few programmes are presented in local languages, the print media is even worse- almost all the newspapers are in English and you should be aware that illiteracy levels in Zambia are very high.
- **Physically challenged:** The media does not fully cater for the blind and the deaf. There is no news in Braille unless otherwise. Some media houses have tried to bring on board sign language interpreters though limited to only certain programmes.
- **Cost of advertising:** It is very costly to advertise in the media. The poor, the majority of whom are in rural areas, are not able to market their products

Freedom of the Media

Freedom of the media is essential for the media institutions to serve the public without interference or censorship from any quota.

Attributes of freedom of the media:

1. Freedom of ownership:

- Everyone is free to start or own a media institution such as a newspaper, magazine or broadcasting station.
- Owners of media institutions enjoy full property rights.
- They do not live in fear of possible seizure or closure of their institutions by anyone.

2. Freedom of access and publication:

- Media practitioners are free to gather and publish or broadcast information.
- Media practitioners such as journalists and editors also enjoy professional autonomy. They are free to select information or to reject material for publication or broadcasting.
- The media practitioners are free to attend and report (or not report) on any meeting or event.

3. Right of the public to be informed:

- The public enjoy the right to receive fair, full and objective information.
- The public also enjoy their right to hear alternative views, including unpopular or disagreeable views.

4. Protection of media practitioners from undue restrictions:

- Favourable laws are enacted to protect media practitioners from undue restrictions such as prohibitive licensing requirements, discriminatory taxation and censorship regulations.

5. Professional and responsible journalism.

- *Media practitioners should not abuse their freedom of access to information to violate other people's privacy rights or reveal state security secrets.*
- Disclosing state secrets is criminal-never do that because you put your lovely country in danger!
- Journalists should also avoid engaging in unprofessional practices such as **media sensationalism**. *This means exaggerating stories and reporting things that are untrue.*
- Media professionalism also entail balanced coverage of all sectors of society be it the opposition political parties or ruling party-**no biasness** in reporting.

11.2.8 Identify factors that hinder the media from disseminating correct information

(a) Corruption

The media practitioners in some cases are corrupted by individuals and government officials to drive a particular agenda in their favour even when the information is false.

(b) Political pressure

The media both private and public are pressurised highly by political forces. This pressure if not contained leads to dissemination of propagandas to the public.

(c) Intimidation

In most cases, media houses that are perceived to be anti-government are threatened by the government with closure. This forces the media to report falsehoods hence misleading the general public

(d) Non-adherence to standards and ethics: The media at times become unethical in their reporting. They may report unverified information that alarms the public leading to confusion

(e) Censorship: The government restricts the operations of the media through editorial policies especially for the public media. Before news items are broadcasted or published, certain government officials read through and remove items that it perceives confidential.

11.3 Economic and Social Development

11.3.1 Explain economic and social development Development

Development means the process of improving the quality of human life. It also means change from the old to something completely new, or a replacement of the old by the new. Development means there is an improvement in the provision of basic needs. In other words, development is a process of improvement to meet people's needs at all levels, personal, local, national or international.

Economic Development

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

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

Social Development

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

It covers a lot of things. These are:

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

11.3.2. Discuss basic human needs

Human Needs and Wants

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

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

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

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

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

11.3.3 Describe factors that affect production

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

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

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

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

Land

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

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

Labour

Labour is a human effort – physical and mental - which is directed at the production of goods and services. Labour is not only a factor of production but also the reason why economic activities are carried out. The people who take part in production also consume the products of labour. It is the services of labour which are bought and sold and not labour itself. The reward for labour is *wages or salaries*.

The supply of labour depends on two things:

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

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

The Efficiency of Labour

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

11.3.4 Describe factors that affect efficiency of Labour

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

- **Education and training**

A person who is educated and has sound technical training would be more effective than one who lacks knowledge. Modern industrial operations require a highly skilled labour force.

- **Working conditions**

The efficiency of labour is influenced by good working conditions and a favourable working environment such as a living wage, good sanitation, and well ventilated workplaces.

- **Welfare Services**

Welfare services are services provided to a worker such as medical care, transport, housing and recreation facilities.

- **Motivation**

Motivation involves various incentives such as monetary reward as a means of stimulating output.

Capital

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

- **Working Capital**

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

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

- **Fixed Capital**

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

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

Capital Accumulation or Formation

Capital accumulation or formation is the basis of economic and technological progress in any society. Capital accumulation means increasing the production of capital goods in addition to what the country already has. At the same time it means the reduction in the production of consumer goods. For example, Zambia can set up a factory to produce cars for export and not for home use. More cars exported means more foreign exchange earned. If Zambia stops importing luxury goods, it means there will be more foreign exchange which can be used to build more car factories. This is known as *capital accumulation*.

11.3.5 Describe factors which affect capital formation

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The following factors affect capital formation

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

11.3.6 Describe financial Institutions

Banking

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

Types of Banks

Central Bank

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

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

11.3.7 Analyse the contributions of financial institutions to economic and social development

The following are the main functions of the Central Bank:

- Keeping money for commercial banks. It provides all of the banking services to the banking sector; commercial banks can draw bank notes from it.
- Keeping government revenues. It pays money on behalf of the government and carries out foreign transaction. It works closely with the Ministry of Finance and Development Planning. It advises the Ministry on all kinds of financial matters.
- Issuing out bank notes and coins. It also withdraws mutilated notes from circulation through commercial banks. It regulates money supply in the country. Too much money in circulation can lead to inflation.
- Clearing cheques and transferring of money to commercial banks.
- Keeping foreign currencies and selling them to commercial banks and bureaus. This is important for Zambia because the foreign exchange has to be disbursed to important sectors of development.
- Conducting ordinary banking business such as cashing government cheques and treasury bills. The Central Bank fixes the minimum amount a person can deposit. This is important in order to control inflation.
- Lending money to commercial banks as a last resort if they cannot get money from any other source.
- Servicing the national debt. The government, just like individuals, also borrows money from other countries and institutions such as the International Monetary Fund (IMF) the World Bank, the African Development Bank (ADB) or even from the public through the sale of bonds.

Commercial Banks

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

The basic functions of a commercial bank are to:

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

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

- **Current Accounts**

Current accounts are deposits which are withdrawn on demand and are subject to transfer by cheque. Such deposits do not earn interest and banks can make a charge for handling the cheques drawn on these accounts. Holders of current accounts can overdraw their accounts (Overdraft).

- **Deposit Accounts**

These are also called time deposits they earn interest but cannot be transferred by cheque or withdrawn on demand. Normally, a period of notice of withdrawal is required. A savings account is a deposit account. A person keeps money in the bank and receives interests for a period of time. The interest given differs from bank to bank. Each bank fixes a minimum amount of money that deposited should be Money can also be deposited using the automatic teller machines (ATM).

- **Large Fixed Term Deposits**

Banks offer higher rates of interest on large sums of money deposited for a fixed period of time.

- **Lending**

Banks are profit making enterprises. Their main source of income is the interest they charge on their loans. Banks lend to all types of enterprise as well as to the government and other public authorities. They also have a large number of personal loans.

- **Money Transmission Services**

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

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

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

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

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

Merchant Banks

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

Other Financial Institutions

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

For Example:

The Building National Building Society

The Development Bank of Zambia

The Savings Bank

The Stock Exchange

Building Society

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

Development Bank

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

Savings Bank

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

Stock Exchange

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

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

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

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

Insurance

Many people have life policies for which the insurance company collects premiums annually. The insurance company undertakes to pay a lump sum either on a specific date or upon the death of the assured. Insurance is a system of protection against all kinds of risk. People buy insurance policies to protect themselves against the loss of something which is very valuable to them, such as a car, a house, a farm and a factory. People who are insured pay money to the insurance company to compensate those who suffer loss.

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

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

- **Insurable Interest**

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

- **Utmost good faith**

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

- **Indemnity**

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

- **Subrogation**

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

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

Insurable Risks

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

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

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

Non-Insurable risk

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

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

- Loss of business due to bad management or Fashion change

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

The money paid is called a *premium*. **Premiums** are normally paid monthly, quarterly and annually. In return for the payment of a premium *an insurer or underwriter* agrees to compensate the insured in the event of his

or her suffering a specified loss. Loss of profit due to damage of property or destruction of premises is called *consequential loss*. A great variety of risks can be covered by insurance.

An insurance broker is an independent agent who links clients seeking insurance in touch with insurers who undertake that type of business.

He or she can advise clients which insurers can offer them the most favourable terms. Often an insurance company has a lot of money that it does not have to spend immediately. As a result, it can give out loans to other companies or buy shares from those companies, and thus make a profit.

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

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

11.3.7 State the types of insurance cover in national development

Types of Insurance Cover

Motor Vehicle Insurance Policy

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

This can be divided into three classes:

Third Party Insurance

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

Full Third Party

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

Comprehensive Insurance

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

Employers Liability

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

Fidelity guarantee policy

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

Bad debts

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

- **Life Assurance**

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

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

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

Life Policies

The following are some of the life policies:

- **Whole life**

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

- **Terms Policy**

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

- **Life Endowment Policy**

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

11.3.8 State the role of the informal sector in national development

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

The government is the biggest employer in the formal sector. However, the number of people employed as full time workers is far less than the demand for jobs by the labour market. A labour market is a place where individuals are looking for employment and are ready to sell their labour for a wage.

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

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

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

11.3.9 Explain the importance of positive work culture in economic and social development

Work Culture

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

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

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

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

Positive work culture is when one:

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

Importance of Positive Work Culture

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

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

Causes of negative work culture

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

11.4 Zambia's Legal System

11.4.1 Describe Law

The Law

The Law is a set of rules, which a society develops for itself to control the behaviour of its members to one another. It also includes the *meting* out of punishment to members of society that do not abide by the rules and the awarding of compensation to people who have been wronged. *Without law, society as we know it would be impossible because freedom without boundaries results in anarchy, which means total confusion.* From the time that human beings are born, their lives, safety, health and peace are controlled by law.

Rules which make up laws, the institutions that administer the Laws, the principles, ideas, theories, practices, procedures and techniques that develop over the years in dealing with the law make up a *legal system*.

11.4.2 Discuss elements of a good legal system

Elements of a Good Legal System

A good legal system is one that serves members of its society fairly and justly without violating their rights. There are six core elements that should be present in a good legal system. A good legal system has to be:

- **Simple:** A law has to be simply written, in a language that can be easily understood by a large section of society. The form of language and the level of difficulty should suit the needs of the majority of citizens.
- **Comprehensive:** It should not leave gaps but attempt to cover all possible areas of dispute, concern or debate. It should anticipate future problems and include them in the laws. It should not be constantly formulating new laws as wrongful acts take place.
- **Certain:** Citizens ought to know clearly what is prohibited by law. A law should not be so *ambiguous* that it is only fully understood and interpreted by a small number of people in society. It should therefore be documented so that it is possible to refer to it and that it should be clear to everyone who consults it.
- **Accessible:** It should be readily available to members of the public. This means that it should also be affordable. If citizens come into conflict with the law, they should be able to afford legal

representation. Similarly, a wronged person should be able to readily access legal means of having their problem dealt with. If the legal system is not affordable, then it excludes a large number of people.

- **Flexible:** Laws have to keep up with social change and therefore, they should change with time. If a type of dispute which was not there previously comes up, the law should change to take care of any new challenge. If it does not, then it is rejecting change. A good law should not reject change.
- **Moral Values:** The law should be based on the moral values of society. If laws do not reflect society's core values, citizens are unlikely to respect and uphold it.

11.4.3 Describe sources of Law in Zambia

Sources of law are the starting point to refer to in order to find what the law says when one is faced with a legal problem. Zambia has a *dual legal system* and relies on the English Law and African Customary Law.

- **English Law Sources**

Common Law is one of the English Laws that Zambia has adopted. Common Law is the law that started from customs that were common to all parts of England. When King William the Conqueror united England in 1066 AD, he sent his judges to go round the country to hear cases and to codify them by putting them into a system of rules and principles. From that exercise, some common rules of law were identified and came to be known as **English Common Law**. England later applied this law to its colonies such as Zambia. Therefore, the English Common Law is one of the sources of the Zambian Law.

- **Legislation**

Legislation or statutes is the largest source of law in Zambia. These are laws enacted by parliament. All powers to make laws are vested in parliament. There are three types of laws made by legislation.

- ***The Constitution***

The Constitution is the supreme law of the land. Article 1 Paragraph 3 of the 1996 amended Zambian Constitution states out its supremacy. It states. *'This Constitution is the supreme law of Zambia and if any other law is inconsistency of this law, that other law will be declared void'* This means that if any law does not conform with the constitution, then that law becomes void, which means invalid.

- ***Acts of Parliament***

Acts of Parliament are laws made through bills passed by the National Assembly and assented to by the President. The National Assembly and the President together make up Parliament. The process starts with the presentation of a bill in the National Assembly and passes through three reading stages before being presented to the President to either *assent* or withhold his or her assent. If he or she assents, the bill is *gazetted* and becomes law. If he or she withholds his or her assent, the bill is sent back to the National Assembly. The National Assembly can either debate further or make changes or it can send it back to the President in its original form. When this happens, the President has 21 days in which to either assent or dissolve Parliament to pave way for new elections.

- ***Delegated or Subsidiary Legislation***

Delegated or subsidiary legislation are laws delegated to the Executive wing of the government to make as provided for in an act of parliament. The law recognized that it would not be possible for parliament to make all laws. Therefore, parliament has allowed government ministers to make laws. For example, the Education Act allows the Minister of Education, through consultations to issue government circulars that become law. For instance, she or he could pass a law that abolishes the wearing of uniforms in schools.

- **Case Law**

This is the second largest source of law in Zambia. It is also known as *Law Reports* or *Judicial Precedent*. This is when, in disposing of a case, the court refers to how a similar case was decided upon by a superior court. In Zambia, superior courts are the Supreme Court, the Constitutional Court, the High Court and the Industrial Relations Court. The Supreme Court and the Constitutional Court enjoy the same status apart from the differences in their jurisdictions. The High Court and the Industrial Relations Court are at the same level, the difference is in the type of matters they handle. The High Court handles criminal and civil cases while the Industrial Relations Court handles employment or labour disputes. The three courts handle appeal cases and are therefore known as *appellant courts*. The Magistrate Courts and the Local Courts are lower courts.

The decisions of the appellant courts are reported in the Zambia Law Reports. Decisions of the appellant courts are binding on subordinate courts. For example, if a case handled by the Supreme Court is recorded in the Law Reports, this decision is binding on the High Court and the Industrial Relations Court. The imaginary case below illustrates this point:

Case Laws are important because they:

- Save time as there is no need for a whole new research.
- Show respect to the judges who made the previous decisions.
- Ensure equality, uniformity and stability in the law. If a murder case takes place and a decision is made, when another murder case takes place in similar circumstances the same decision as the first murder case should apply regardless of who committed the offence.

- **International Treaties**

In the Chapter on Human Rights, you learnt that Zambia has signed several international treaties. Contents of these treaties are also sources of law. However, these treaties do not automatically become law in Zambia unless an Act of Parliament *domesticates* them; meaning- includes them in the Zambian Statutes.

Note: *International law classifies countries (States) into monists and dualists. Dualist Countries recognises International Law as law but does not apply directly on the Country not until it is domesticated through an Act of Parliament while Monist countries considers International and domestic law as one.*

- **Customary Law**

- Customary Law is derived from custom, which is the practice of doing things in society.
- These practices differ from the ones in *Statutory Instruments* because they are not written and not *codified*.
- Before Zambia was colonized, the indigenous people were using their customs, most of which have been in use from prehistoric times, as their law.

- For a custom to be recognized and enforced by the courts as law, it must be in existence for a long time, sometimes over centuries and it must be freely accepted by most citizens for it to be binding on them.
- Most Zambians are governed by customary law in their personal affairs.
- The local courts which administer customary law are located all over the country and they are the ones commonly used by the less privileged and the vulnerable in society.
- They are easily accessible and conducted mainly in local languages, although English is also allowed. As a result, local courts hear 80% of the total cases brought before all the courts in the court system annually. Customary law is also applied in traditional courts, which are presided over by traditional rulers.
- Customary law uses advisors who are called assessors to give advice on particular matters. These assessors are not extra *Justices* but play the role of a *consultant*. For example, if a court is about to hear a case involving a Lamba customary law, it could invite a Lamba person of suitable character and social status to sit as an *assessor* for that particular case only. The advice of assessors is given in open court so that everyone can hear it and that the persons concerned shall be able to respond or bring evidence on matters after such advice is given.

11.4.4 Explain criminal and civil cases

A case is a matter being examined or judged in a court of law.

Civil Case

A civil case is a wrongful act that affects only the individuals or parties involved. It is any case that does not have a criminal element. For example, failing to settle a debt has no criminal element in it but the person who owes money can be sued in a civil case and the courts will compel him or her to repay the debt. Civil law is sub-divided into several sections. For example, Family Law, Employment Law, Law of Contract, Law of Tort, Land Law, Administrative Law and many more.

A **crime** is any wrongful act or omission in society, which the particular society thinks affects the interest of all members.

Elements of a Crime

Every crime has two elements:

- i. ***The Wrongful act or omission***, which creates the offence such as *rape, burglary or defilement*, has an element of physical act taking place. In a theft, there is the taking away of something and keeping it while in murder; there is the action of killing. This physical act is called ***actus reus*** in Latin.
- ii. ***The intention or desire to cause harm***, loss or injury known as the ***guilty state or blameworthy state of mind*** on the part of the offender. The Latin phrase for this is ***mens rea***, which simply means a *guilty mind or malice aforethought*.

Broadly, crimes are classified into:

- *Crimes of Specific Intent*

These are crimes that are committed with a specific intention. For example, wounding someone to cause grievous harm, theft, burglary, and robbery are crimes of specific intent. A person who beats another to the extent where she or he causes grievous bodily harm intended to do that. Or a person taking someone's property without the owner's permission or knowledge and then keeping it is a deliberate act.

- *Crimes of Basic Intent*

These are crimes committed through recklessness or on a sudden impulse such as driving past a red traffic light (robot), not stopping at a stop sign, exceeding the speed limit or manslaughter.

Specifically, crimes are classified into:

- *Misdemeanours*

These are petty crimes such as common assault, indecent exposure, pick-pocketing or littering.

- *Felonies*

These are serious crimes such as murder, treason, aggravated robbery, defilement or rape.

- *Statutory Crimes*

These are crimes that are committed contrary to what is contained in statutory instruments, such as voting twice in an election, rigging an election or failing to pay tax.

1. Rights of a Suspect in a Pre-trial procedure

A *suspect* is a person believed to have come in conflict with the law or is simply the *accused*. Every Zambian citizen's right to liberty is guaranteed in Article 13 of the Constitution.

- There are **derogations**, meaning exceptions to the right. One of them is that liberty may be taken away from a person who is reasonably suspected of having committed or about to commit a criminal offence.
- In this case the person's liberty will be taken away through the act of *arrest*.
- In order to make an arrest the Police officer should touch or confine the body of the person being arrested.
- If the person being arrested resists the Police are allowed by law to use reasonable force necessary to effect an arrest.

Detention for Questioning:

- Police have no power to detain a person for questioning unless he/she is arrested for criminal offence and informed of the reasons for the detention.
- A person detained for can compel Police to realise him/her or formally arrest him/her.
- If the relatives of the detainee know where he/she is, they could secure his/her freedom through *habeas corpus*.
- It is **illegal** for Police to detain relatives of suspects as hostages in order to compel suspects to turn themselves in.

Compensation for False Imprisonment

- A person who is unlawfully arrested or detained can sue for compensation for false imprisonment through the courts of law.
- If the police falsely imprisoned a person, that person can sue the state through the Attorney General, who is the government's legal representative.

Interrogation

- Though the Police are allowed to question persons who may be suspected of having committed the offence, such persons are under no obligation to *answer*.
- The police have **no powers** to use force to draw out statements from suspects.
- Article 15 of the 1996 Amended Zambian Constitution states that, “*A person shall not be subjected to torture or to inhuman or degrading punishment or other like treatment.*” This is the only right that has no derogation.
- This simply implies that torture of suspects is not allowed under any circumstances. A tortured suspect can sue the state for compensation.

Judges’ rule

- The rule that requires the Police to inform the accused of her/his right to remain *silent* if he/she wishes and if he/she wishes and that if he/she said anything, the statement may be used as evidence against him/her during trial.
- The Judges’ rule also provides that the accused to be allowed to consult lawyers or other legal practitioners even when placed under custody.

Law of Bail

- A person arrested, detained or appearing before the court may, while in custody, or at any stage of the proceedings, apply for bail.
- **Bail** is the sum of money an accused person pays as security that he/she will appear before the court until the case is disposed of.
- Bail may be secured by providing **sureties**, who are persons that go before the court to swear that they will make sure the accused person does not run away and that will appear in court whenever he/she is required to do so.
- Sometimes if the accused is a respectable member of society does not have to provide sureties and can hence be granted bail in his/her **cognisance**. This means that being aware or having conscious knowledge.
- In case of being granted bail in one’s own Cognisance, the accused is fully aware of the consequences of absconding from court.
- In Zambian law, bail is not granted in criminal cases such as **treason, aggravated robbery or murder**.

2. Rights of a Suspect at the Trial Stage

Apart from other rights of an accused person during trial, there are three basic principles of criminal procedure:

- The defendant (suspect) is presumed **innocent** until proven guilty by the court of law.
- The **Burden of Proof** is the duty that lies on prosecution to prove the criminal allegation labelled against the accused. The burden of proof is based on the rule of *he* who alleges must prove. The accused does not have to say anything in his or her defence.
- The **Standard of Proof** is the weight of evidence the prosecution must produce in order to establish the alleged crime. The **Standard of Proof** should be beyond reasonable doubt.

Other rights are:

i. Fair Trial and an Impartial Judge

- The Zambian Constitution provides that any person charged with a criminal offence shall be afforded a fair hearing within a reasonable time by an impartial and independent court established by law.

- The *principle of natural justice* states that no one should be a judge in his/her own case and that and that both sides of the case should be heard.
 - Where a judge feels he/she has interest in case should excuse him or herself from handling it.
- ii. **Right to a speedy and Public:** The justice system operates on the principle that *justice delayed is justice denied*, which means that not getting a speedy trial is tantamount (as good as) to not getting justice at all.
- Delays in trials undermine the *rule of law* as people lose confidence in the justice system by so doing people resort to resolving cases through unlawful means such as *instant justice and vendettas*.
- iii. **Right to Silence**
- The Burden of Proof lies solely on the prosecution the accused therefore has the right to remain silent.
 - The accused may therefore choose to be silent by not taking the stand in the *witness box* and giving an *oath*.
 - The accused may choose to give an *unsworn statement* from the dock.
 - The **dock** is the sitting place for the accused person (s) in a criminal court procedure.
 - The **right to silence** protects the accused against *incriminating* oneself also extends to not answering questions from the Police.
- iv. **Protection Against Double Jeopardy**
- This means that an accused person cannot be tried again for an offence of which he or she has been acquitted.
 - If a person has been acquitted of murder s/he cannot be tried on a lesser charge of manslaughter.
 - If the prosecution decides to try the person for murder and gets acquitted, the prosecution cannot later institute a lesser crime of manslaughter just to secure a conviction unless in a *nolle prosequi*.
- v. **Protection Against Ex Post Facto Law**
- This means that if a person commits a wrongful act which at the time does not constitute a crime, he or she cannot be tried at a later stage when that wrongful act becomes a crime.
 - This means that a law creating a criminal offence cannot be backdated.
- vi. **Right to Examine and Cross-Examine Witnesses**
- The defendant has the right to question the witnesses presented by the prosecution and examine his or her own witnesses.

- The method of examination used in the *Zambian courts* is the *question and answer method* that tries to elicit orderly and consistent stories, thereby avoiding the witness saying things that are not allowed as evidence in a court of law.

vii. The Right to an Attorney

- Both the civil and criminal trials in the *Zambian courts* are based on an *adversary procedure*.
- This is a system where the prosecution and the defence treat each other as opponents but not enemies.
- If one is too poor to afford a lawyer, the state should provide one through the Legal Aid Department of the Ministry of Justice.
- The Legal Aid Department is mandated to provide legal services to all persons accused of offences that are supposed to be tried in the appellate courts.

viii. Right to Defend Oneself

- Article 18 Paragraph 2 Section C of the *Zambian Constitution* requires that the accused be given enough time to provide for his or her defence.
- In *Zambia*, this rarely happens as the accused are usually in custody and are not given chance to collect evidence and as a result the defence merely reacts to the prosecution's witnesses.
- There is little independent questioning of the witnesses, visits to the scene of the crime, *alibi*, which is proof that the person accused of a crime was in another place from where the crime took place and that the person could not have committed the crime.

3. Rights of a Convicted Person at a Post-Trial Stage

Right of Appeal

- A convict has the *right to appeal* to higher courts if not satisfied with the decision of the lower court.
- This ensures that any error that may have been made in the lower courts can be corrected by an appellate court.
- The convicted person should be informed of his or her **right to appeal** at the end of the trial.

Other rights of the Accused

Article 18 of the 1996 Amended Constitution of *Zambia* guarantees the following additional rights to the accused:

- Right not to be tried for a criminal offence for which he or she has been pardoned by the Head of State.
- Right to have an interpreter if he or she does not understand the language being used during the proceedings.
- Right to be given a copy of the record of the proceedings made by the court within a reasonable time of judgement.
- Right not to be convicted of a criminal offence unless that offence is defined and the penalty written in law.

11.4.5 Describe the trial stages in a criminal justice process in the *Zambian Legal System*

- Arrest

Arrest is when the accused person is taken into custody with or without a warrant. An accused person may be arrested with a warrant, obtained from a court of law, for offences such as poaching from restricted areas. A cognizable offence such as theft allows arrest without a warrant. Arrest for traffic offences such as careless driving is done by *court summons*.

- **Plea**

Plea is when the charge against the accused is read. It is the first appearance in a court. When the charge is read, a plea will be taken. If the accused admits the offence then he or she is said to have taken a *plea of guilty*. If he or she denies the charge then a *plea of not guilty* is taken. The plea is recorded if the accused admits the charge. The prosecutor will read the *facts* of the case to the accused. If the facts are also admitted, the court convicts the accused. The prosecutor produces and reads previous records of conviction, if any. The accused accepts or denies these previous convictions. Mitigation then follows with the accused asking the court for leniency. Then a sentence is passed. If the accused denies the charge, a plea of not guilty is recorded and a date is set for trial

- **Trial**

The trial stage has the *prosecution* and *defence* parts to it.

The prosecution's case is when the prosecution calls their witnesses, known as prosecution witnesses. Each witness's narration is known as *examination in chief*. It is meant to build the case against the accused. Each witness may be cross examined by the accused and his or her legal representative who are known as the defence. They try to destroy the evidence given by the prosecutor's witness. After cross-examination, the prosecution re-examines the witness to try to correct the damage done by the Defence's cross-examination, if any. Then the prosecutor closes his or her case by summarizing the main points of the case and urging the court to convict the accused. The court will then consider whether the accused has a case to answer. If the court establishes that the accused has a case to answer, known in Latin as *prima facie*, then the accused is put on her or his defence.

- The Defence will then bring in their own witnesses known as *defence witnesses* whose narration of events will be the defence's examination in chief. The prosecution will then cross-examine the defence's witness to try to destroy the evidence offered by the witnesses' account. The defence will then re-examine to control damage done by the cross examination, if any. The defence will also close their case urging the court to find the accused innocent.

Both the prosecution and the defence will make what is known as final submissions by addressing the magistrate or the judge with their strong points.

- **Judgment.**

The magistrate or judge will then deliver judgment, which is the final ruling or verdict.

- **Records of Previous Convictions**

The prosecutor will then read to the court any previous convictions. The defendant will either accept or reject these.

- **Mitigation**

If the defendant is found guilty and convicted, he or she will then be required to provide reasons why he or she should be given a lenient sentence. This is called mitigation.

- **Sentencing**

The magistrate or judge will then sentence the accused, guided by the three principles of sentencing which are:

- i. *Retribution* - meant to punish the offender especially in rape cases.

- ii. *Deterrent* - meant to prevent the offender or other would be offenders from committing the crime.
- iii. *Reformation* or rehabilitation - meant to reform the offender in order to return to a decent life. This punishment is mainly applied to juvenile offenders and first offenders

11.4.6 Discuss capital punishment

The Death Penalty

The death penalty is the taking away of someone’s life. That is the reason why it is referred to as ‘punishment beyond punishment’. Mandatory sentences require judges to impose identical sentences on all persons convicted of the same offence. This is also called "fitting the punishment to the crime."

In terms of a crime the highest form of punishment is the death penalty. When a court of law passes the death penalty on an offender, he or she becomes a condemned person. They are referred to as condemned because they pay for the crime they committed with their lives, which is the ultimate punishment that can be meted out on a human being.

The death penalty has been with mankind ever since the formation of societies and the beginning of law in whatever forms it took. The methods of execution are many and varied. As societies advanced so have the methods of executions, from the most primitive method of burning a person to death to the most sophisticated method of lethal injection.

Crimes that are Punishable by Death

Very serious crimes are punished by death. However, a crime in one country is not necessarily a crime in another. Similarly, what is considered a terrible crime worth of the death penalty in one country might not warrant death in another country. For example, in countries which follow the Islamic Sharia Law, getting pregnant outside marriage is an offence punishable by death while in most countries it is disapproved but is not even classified as a crime. In the *Zambian Penal Code*, murder, treason and aggravated robbery are felonies currently listed as crimes whose mandatory sentence is the death penalty.

Arguments for and against Capital Punishment:

Arguments for abolition of the Death penalty	Arguments for maintaining the Death Penalty
The death penalty promotes the acceptance of violence by society because the government which is supposed to uphold the sanctity and dignity of life, also commits a violent act against the person they execute.	Taking an offender’s life is a more severe punishment than a prison sentence.
The death penalty is a violation of the United nations Human Rights, right to life, which is a fundamental human right and that the methods of execution are violation of the <i>Right not to be subjected to torture or any cruel, inhuman or degrading punishment</i> . The United Nations states that this right is one of the few rights where there is no derogation at all.	The death penalty will prevent future would-be offenders not to commit the crime and the executed person on being removed from society, will not commit the same offence or similar offence again.
Despite the death penalty being there, since time	Life imprisonment is not punishment enough

<p>immemorial, it has not prevented other people from committing murder and other serious crimes that are punishable by death. They say that studies have shown that people who commit murder are rarely rational at the moment. Such people probably have mental problems or they do it out of a moment of uncontrollable rage. People who do not kill stop themselves out of a sense of reason and not because there is the threat of a death penalty.</p>	<p>for killers and besides, some people serving life sentences are pardoned and in no time are back on the streets where they can kill again.</p>
<p>It is irrevocable and the risk of executing an innocent person is always there. History has proved that even the most sophisticated legal systems in the world are not hundred per cent perfect and studies have shown that innocent people have been executed. The finality of the death penalty requires a perfect judgment of the people involved in the legal system. For example, in the United States of America, which has sophisticated legal, it has been discovered that innocent people have been sentenced to death on numerous occasions. A study conducted by the Law School of Columbia University, on death sentences passed between 1973 and 1995 found that they were persistently and systematically fraught with error. It concluded that courts had found serious errors in 68% of the 4, 578 of the cases reviewed. This translates that out of 4, 578 death penalty cases 3, 113 cases had serious errors meaning 3, 113 people would have been killed for a crime they did not do. The death penalty is symptom of a culture of violence not solution to it and that civilised society's task is to maintain a system of justice based purely on laws not on emotions.</p>	<p>Revenge is a natural human emotion therefore the law should be based on an <i>eye for an eye and a tooth for a tooth.</i></p>
<p>The death penalty is especially brutal and cold-blooded form of killing because there is no passion or heat of the moment involved in the process.</p>	<p>It protects civilians and the police from being indiscriminately murdered and it expresses society's total hatred of murder.</p>
<p>The death penalty may make terrorists martyrs in the eye of their supporters.</p>	<p>Terrorists who indiscriminately kill people, can only sufficiently pay for their crimes through their death.</p>
<p>Rather than the death penalty, society should begin to look into the motives of the killers and the pressures that these put them through. For example, the reasons that in most cases of murder, the murder is related to the victim.</p>	<p>Society has the duty to kill in defence of its members and that the death penalty has a healing effect on the relatives of the offender's victim as they get a peace of mind through the killer's death.</p>
<p></p>	<p>Without the death penalty there is no sufficient punishment to met out to those serving a life sentence in prison if they decide to kill another person while in prison.</p>
<p></p>	<p>Punishment should fit the crime committed; therefore, it follows that if a person murders another person they should also be put to death.</p>
<p></p>	<p>The death penalty has biblical origins in Genesis 9:6 which reads: <i>Who so sheds a</i></p>

	<i>man's blood, by man shall his blood be shed; for man is made in the image of God.</i>
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11.4.7 Describe the procedures in a Civil Case

Procedures in a Civil Case

Whereas criminal law is a single branch, civil law is subdivided into several sections. Unlike in a criminal law procedure where the process is similar despite the type of court trying the case, there are variations in civil proceedings depending on the type of court.

- **Civil Procedure in the Local Court**

The procedure is generally informal because the aim of the proceedings is to administer necessary justice. These courts have not adopted complex procedures because most of the people who use these courts are not very educated and cannot easily understand complex court proceedings used in higher courts. Most of them are also too poor to afford legal representation. It is for these reasons that lawyers have been excluded from representing parties in local courts.

Civil proceedings in a local court start by *writ of summons* obtained from the court clerk by the *plaintiff*. A plaintiff is a person or persons with a complaint. Local court *summons* costs little to allow as many people as possible access to the courts. The court clerk fills in the particulars of the plaintiff and the *defendant*, a term given to the party being accused of a wrongful act or omission. The nature of the claim and the date of trial are also filled in. The summons is then *served* on the defendant at his or her residential address. A copy is left with the defendant.

During trial, the plaintiff will state his or her case against the defendant. His or her witnesses will also testify. To testify is to give evidence. When the plaintiff has closed his or her case, the defendant will also state his or her case and will be cross examined by the plaintiff. Witnesses will also testify before the defendant closes the case. The court will retire, which is going away to a separate room to consider the case, after which a decision will be reached, followed by judgment.

- **Civil Procedure in Subordinate Courts**

In these courts, the parties are required to follow strict rules of procedure. The plaintiff is required to give the defendant copies of the documents which they intend to rely upon during the trial.

The procedure begins with the serving of the *writ of summons* on the defendant.

During the trial, lawyers are permitted to represent parties. Examinations in chief cross examinations and re-examinations will take place before parties close their cases. After both parties close cases, the court will consider and deliver judgment.

- **Civil Procedure in the High Court**

Procedure in a high court is formal. The plaintiff must file in a *statement of claim*, which is not required in the subordinate court. The Statement of Claim is served together with a *writ of summons*. The defendant will fill in the *Enter of Appearance* form together with *defence*, which is a response to

the statement of claim. Trial will then take place leading up to the final submissions and then judgment. If the case is one of claim, a *warrant of distress* will be served on the defendant to seal the judgment. Where the amount of claim is known, a *specially endorsed writ* will be served on the defendant.

There are cases that come before the high court that are heard in *chambers*, which is the office of the judge. The word ‘chamber’ in this instance means private. We learnt earlier that court proceedings are preferred to be conducted in open court so that justice is seen to be done. However, there are cases that are classified as *chamber matters*, meaning that it is in the best interest of the parties concerned for the matter to be heard in privacy. Some examples of the chamber matters are:

- Uncontested divorce actions
- Application for an order of vacation in a property repossession
- Application for order of company dissolution also known as liquidation
- Application for maintenance in case of a divorced spouse and children

- **Procedure in the Industrial Relations Court**

This court handles only industrial matters, which cases are pertaining to employer versus employee relations. Procedure is similar to that of the high court. Lawyers are allowed and appeals go to the Supreme Court.

- **Civil Procedure in Supreme Court**

The procedure is similar to that found in the high court except that the Supreme Court does not conduct trials because its purpose is mainly to hear appeals, hence the reason it is referred to as the *Court of Appeal*. It only conducts trials in cases that a particular law expressly gives it power to hear, such as, a presidential elections petition. The procedure during an appeal is like the one in a high court. Lawyers are allowed to represent parties.

11.5 Gender Equity and Equality

11.5.1 Explain gender equity and gender equality.

Gender is defined as socially constructed and varying roles that men and women play in their daily lives. It is a cultural concept used to classify and categorise the differences between women (females) and men (males) and the respective roles that they play in society.

Gender Equity

Gender equity refers to a process by which women and men are treated fairly in accordance to their respective needs in society. Equity programmes, therefore, favour treating women and men differently in order to achieve their equal status.

A policy that has been used to promote fairness and foster equal opportunities is called *Affirmative Action*, which is also referred to as *positive discrimination*. Positive discrimination is a policy with special measures which are aimed at creating a state of equality between females and males through the implementation of policies and programmes aimed at elevating the status of the disadvantaged. For example, the Ministry of Education has been following a policy of affirmative action to maintain the proportion of girls at the Grade

Seven (7) and Nine (9) levels of education. The selection pass mark for girls is relatively lower than that of boys. This is done in order to encourage and retain female participation in the school system.

Gender Equality

This is a concept which states that all human beings, that is, girls and boys, women and men are free to develop their personal abilities without limitations set by *stereo-typed* rigid gender roles and prejudices. It means that the different behaviours and aspirations of all human beings are considered, valued and favoured equally. This does not mean that women and men have to become the same, but rather that their rights, responsibilities and opportunities will not depend on whether they are female or male. For Example, job offers in the employment sector should be done on merit as all human beings must enjoy the same rights and opportunities.

11.5.2 Outline the Historical background to gender equity and equality.

The Background to Gender

The need for gender equity and equality is a direct result of the critical areas that concern women and the girl child. These areas of concern on one hand are a result of the biological difference between men and women while on the other hand are issues of women's socio-economic situation. Arising from their biological differences are women's need for ante-natal, maternity and post-natal clinics. Equally important is the families planning advice and methods since these are more important for the person who bears children. Some issues that affect women's socio-economic needs include:

- Violence against women in general.
- The persistent and increasing burden of poverty on women.
- Inequalities and inadequacies in and unequal access to health care education and related services.
- Inequality in economic structures and policies in all forms of productive activities and in access to resources.
- Inequality between men and women in the sharing of power and decision making at all levels.
- Lack of respect for and inadequate promotion and protection of the human rights for women.
- Gender inequalities in the management of natural resources and in the safe-guarding of the environment.
- Persistent discrimination against and violation of the rights of the girl-child.
- Stereo-typing of women.

ADDRESSING WOMEN ISSUES BY THE INTERNATIONAL COMMUNITY

Although the principle of non-discrimination on grounds of sex is included in the International Bill of Rights, women and girls still suffer some of the worst discrimination all over the world. To this effect, the United Nations recognised the need for a human rights instrument that directly addressed women's issues.

In 1967, a declaration was made on the Elimination of all forms of discrimination against Women. However, this declaration did not effectively address the problems of female discrimination in the world hence the legally binding Convention on the Elimination of all forms of discrimination Against Women (CEDAW) was adopted in 1979, and is described as the International Bill of rights for women.

Since ratifying CEDAW, Zambia has taken a number of steps to implement the convention. These include:-

- *Attending the 1995 Beijing Conference on Gender* which demanded an end to all forms of discrimination against women.
- *The Setting up of the Gender in Development Division (GIDD)* for government to address the discrimination of women by setting up a desk for women in the Ministry of Finance and National Planning, under the National Commission for Development Planning in 1995. In 1996, the Government elevated the Women in Development Department to a Gender in Development Division (GIDD), which is the national gender machinery, at Cabinet Office. The Division's main task is to co-ordinate, monitor and evaluate the implementation of gender related development policies, projects and programmes to ensure that gender is integrated in government administration. In 1999, the Committee on Legal Affairs, Governance, Human Rights and Gender matters was established to ensure that gender issues are given priority and prominence. GIDD has also facilitated the establishment of gender focal points in various line ministries and provincial administration headquarters.
- *Adoption of National Gender Policy* - In March, 2000, the Government adopted the National Gender Policy. The policy aims at ensuring that men and women participate in, and benefit from the development process equitably.
- *Establishment of the Ministry of Gender* - In 2005, the Ministry of Gender was established to be responsible for gender issues and concern in all sectors of development.
- *Signing of the Southern African Development Community Declaration on Gender* - Zambia is also a signatory to the Southern African Development Community (SADC) Declaration which requires member countries to make gender an important element in the region's programme of action and community building initiatives. The success of the policy declaration requires 30 per cent women representation in parliament.

11.5.3 Distinguish gender roles from sex roles.

Gender Roles

Gender roles are prescribed activities, tasks and responsibilities which are assigned as female or male by a society. They are influenced by cultural, political, economic, religious, age, class and racial factors.

In most African societies, some roles are played by both women and men, while others are specifically conducted by a particular sex. The following are some of the examples of common gender roles:

- Business enterprise
- Water resource management
- Farming
- Gathering
- Tourism
- Crafts Work
- Environment Management.

Some of the specific roles assigned by society for women include:

- Health care provision
- Food preparation
- Pottery making
- Mat and basket weaving

- Crop harvesting
- Cutting grass for thatching
- Harvesting

Sex Roles

Sex is a biological term which refers to the exclusive physiological differences between females and males. **Sex roles** are, therefore, roles which females and males perform on the basis of their reproductive physiological or biological make up. **Sex roles** are generally the same in all societies because they are biologically determined. For example, sex roles for women may include child bearing and feeding, while those of men include siring.

Sex Roles Stereo-type

This is a belief that males and females, by virtue of their sex, perform certain roles.

It is a belief or myth (not necessarily factual) that associates certain traits of behaviour or acts with different sexes.

11.5.4 Explain the agents of socialisation.

Socialisation

Socialisation is a process by which females and males are assigned certain roles and responsibilities bases on the values of a particular society. It the process through which beliefs, values and norms of society are passed on from one generation to another.

Agents of Socialisation

The following institutions are some of the agents of socialisation.

The Family

The family is the primary agent of socialisation. It provides the first teaching for boys and girls. Socialisation is carried out by parents and relatives living within the family. From childhood, girls and boys are socialized to believe that girls are inferior to boys in all aspects of life. The social and cultural attitudes tend to favour the boy child. For example, the birth of a male child in a home gives parents more joy than that of a female child.

A male child receives the bulk of available resources as well as parental attention, health care and education. A girl child performs more house chores than a boy child, thereby, leaving her severely disadvantaged in terms of educational opportunities. It is believed that girls will ultimately find husbands to support them.

Similarly, women are made to believe that they are inferior to men. During pre-marital and initiation ceremonies, women are strictly taught to respect and please men. Zambia, being primarily a patriarchal nation, a tradition of male monopoly in the home is still common and is seen especially in decision-making over:

- control of resources
- sexual relationship and use of contraceptives
- polygamous marriages

The School

There are persistent sex differences in educational processes within schools, based on cultural beliefs about sex differences between women and men in both character and ability. Female and male learners are subjected to different socialization in the school system. The formal education provided tends to confine girls to domestic and household levels seen through the kind of subjects they take. For example, most girls tend not to take Mathematics, Science and Industrial Arts subjects like Metal or Wood Work, Technical Drawing and Geometrical and Mechanical Drawing. The practical subjects that they prefer to take include Home Economics, Food and Nutrition, Fashion and Designing and Typing. These subjects relate to their future roles as mothers, home makers and child's careers.

The school curriculum also has an impact on the process of socialization in the system. Some textbooks that the learners use usually portray females and males differently. They depict women and men in traditional roles and occupations which are sexually segregated.

The Media

The Media in Zambia, like other agents of socialization, has continued depicting the position of women as being subordinated to men. The relations between women and men should not be antagonistic, but rather friendly. Unfortunately, the messages in most songs are based on the patriarchal nature of society, normally describing the place of a woman as a wife in the home. Some of the songs played on radio and television describe the immoral behaviour of women while others emphasise their total submission to men. It is also important to note that most of the Zambian popular song lyrics are sung by men. Women are usually used as dancing "Queens". This gender stereo-typing is also portrayed on television and in newspaper advertisements, most of which are biased against women. Other examples are in the form of articles and newsletters which equally portray women as being subordinate to men.

Religious Institutions

Religious institutions play a key role in the socialisation process from early childhood. In general, all religions teach that women should be submissive to men. Also, men are recognised as leaders. They preside over all religious ceremonies while females are assigned subordinate roles such as cleaning the church. However, in modern societies, some religions allow women to assume leadership positions.

11.5.5 Describe Gender based violence **Gender Based Violence**

Gender based violence is violence involving men and women in which the female is usually the victim. It is not only about men who abuse women, but also includes women who abuse men physically and verbally. Gender violence takes various forms: physical, psychological and structural.

Physical Violence:

This form of violence is directed on the body. Physical violence can take the form of fondling, beating, slapping, punching, shooting, kicking, stabbing, rape and sexual assault.

Psychological Violence

This is one of the most destructive types of violence. It is concerned with violence towards the mind and often takes the form of humiliation, threats, harassment and attack on another person's self-worth. Psychological violence leads to depression, frustration, madness and suicide.

Structural Violence

This form of violence includes all the violence that exists within the structures of institutions. Structural violence occurs in the economic, political, social and military systems. It arises from unjust and repressive social structures. Gender based violence includes poverty and all forms of violence such as land eviction or lack of access to services.

Causes of Gender-Based Violence

There are several causes of gender- based violence:

- Socialization- learned behaviour based on cultural practices and beliefs that disadvantage women and children, especially the girl child.
- Gender roles-stereo-typing, societal beliefs, myths or attitudes that men and women by virtue of their socialization should perform certain tasks.
- Low self-esteem by the perpetrator.
- Insecurity- social and financial economic dependency by the abused.
- Beliefs that women provoke men by answering back.
- Suspected extra-marital affairs.
- Refusal or delay to serve food.
- Perceived rudeness and lack of respect for the husband.
- Belief that men show love by beating wives.
- Refusal to have sex.
- Failure to get permission from male partners to do something.
- Drunkenness.
- Petty jealousy.

Common forms of Violence

The most common forms of violence are:

- Physical (Spouse battering).
- Verbal abuse, for example, insults.
- Rape and defilement.
- Incest.
- Threats.
- Property grabbing.
- Cruelty by guardian.
- Lack of child or spouse support.

Effects of Gender-Based Violence

Gender-based violence has several effects:

- Oppression of the spouse: The abused cannot realise his or her potential and contribute fully to the development of the family and society.
- The abused may be fearful, angry or pre-occupied with their own safety and may not be willing to perform duties that are expected of them.
- Sexual violence contributes to the spread of HIV and AIDS and risk of contracting other Sexually Transmitted Infections (STIs).

- Physical mental injury and death.
- Permanent disability.
- Unplanned pregnancies.
- Suicide.
- Depression or trauma.
- Loss of self- esteem and confidence.
- Family disruption, for example, divorce.

Ways of Reducing Gender-Based Violence

The following are some of the ways in which gender-based violence can be reduced:

- Speaking out about the problem.
- Sensitising the community about gender violence and the need to work together to stop the vice.
- Assisting couples to discuss and resolve their problems.
- Reporting cases of violence to the Police Victim Support Unit for legal action and counselling.
- Encouraging victims to go for legal advice to NGOs or Drop-in Centres dealing with gender-based violence.

Measures to curb Gender-Based Violence and Child Abuse

- Lobbying for changes in the laws and enforcement of laws regarding gender-based violence.
- Making others aware of the extent and true nature of gender-based violence and child abuse through public education, training, public performance, newspaper articles, radio and television programmes.
- Establishing counselling centres for victims.
- Putting pressure on the community to make conditions safer for vulnerable people such as improving street lighting in certain areas.
- Researching and keeping records on child abuse and gender-based violence for social action and policy-making.
- Formulation of community based gender violence committees.

Institutions that Address Gender-Based Violence

- Police Victim Support Unit.
- Young Christian Women's Association.
- Young Christian Men's Association.
- Legal Aid Clinic for Women
- Other Non-Governmental Organisations

11.5.6 Discuss Gender issues in traditional and modern society.

Gender Issues in Traditional and Modern Society

In both traditional and modern societies there are certain features that are peculiar to both societies as far as gender issues are concerned. However, there are also cross- cutting differences.

Comparisons

- In both traditional and modern societies, there is a general misconception that regards women as inferior to men because of following both the customary and statutory laws. This is referred to as *dual system*.
- Tribal warfare, military force and male bravery and strength are usually attributed to men and not women. In cases where women have participated in war, they are not put in front line battle field.
- Land is predominantly owned by the men folk in the categories of husband, brothers, uncles and nephews. There are rare cases where a woman has been allowed to control and use the land of a deceased husband. This is due to the patriarchal nature of the Zambian society. The statutory and customary laws which govern the Zambian legal system are gender biased. They do not really help women to own and inherit land on an equal basis with men.
- Insufficient decision-making power in a home is experienced by most married women who find themselves in unfair situations as they strive to engage in business ventures meant to economically empower them. Their husbands have to decide for them the kind of business they should undertake. In addition, they also control the income generated from businesses run by their wives.
- A tradition of male monopoly of control over female reproduction has to an extent continued even in the modern society. It is believed that the husband has the right to control the sexual relationship in a home. He controls the use of condoms and in a way, this makes it difficult for a woman to protect herself from pregnancy, or contracting HIV/AIDS and other Sexually Transmitted Infections (STIs).
- Polygamy is still widely practised in Zambia, even when the economic situation may not favour this practice. Generally, Polygamy is another patriarchal element in traditional African society. It gives and makes a man retain the rights of a potential polygamist. For example, in a childless marriage where a wife is infertile, a husband may easily marry another woman but not vice versa.
- Women and their girl children spend more hours of work than their counterparts. In most African rural areas, for example, women carry out most of the agricultural activities as well as other tasks like preparing food, gathering firewood and collecting water.

Contrasts

- Traditionally, women were socialized to be passive and obedient while men were taught to be aggressive and dominant. The male traditional way of using physical violence as a way of controlling women is now being addressed by various law enforcement agents that deal with violence against women.
- To ensure gender equality, men and women can now mix and participate together in all areas of development. Traditionally, the source of power and influence in society was solely in the hands of men. However, women are now free to participate in the decision-making process. Formal positions of leadership can also now be held by both women and men.
- Women subordination in a marriage relationship due to *Lobola* or *Bride price* implied that women had little choice to abandon marriage. Marriage issues were not to be discussed in public as that would cause embarrassment on the man's side. However, women are now able to exercise their human rights and their concerns and grievances are being addressed by the courts of law.
- Traditionally, girls and women were expected to do the housework. Similarly at school, most of the work concerning the cleanliness of the environment was mainly done by girls. To achieve gender balance, the trend has now changed. Both genders are now encouraged to actively participate in bringing about social development at home and at school.

- To help curb the spread of HIV/AIDS and other Sexually Transmitted Infections in society, issues of sexual relationships between girls and boys are today freely being discussed by parents or legal guardians of the children. In the traditional African society, talking about such issues openly was a taboo. This task was left to grandparents or cousins of adolescent children.

11.5.7 Describe the distribution of Estates

Distribution of the Estates

Under the Intestate Succession Act, the distribution of the estate is as follows:

- 50 per cent for the children, taking into consideration their ages and educational needs. Children include those born within the marriages as well as those born out of wedlock. In a situation where there are no children this percentage goes to the parents.
- 20 per cent, for the surviving spouse(s), widow (s) or widower. This means that in case of a polygamous marriage, the percentage shall be distributed among all surviving spouses. However, the distribution is done according to the duration of the marriages and the spouses' contribution to the deceased property. If there is no spouse, the 20 per cent shall be given to the children.
- 20 per cent, for the deceased is for parents. In a case where there are no parents, the 20 per cent portion shall be distributed among the spouse, children and dependants, and
- 10 per cent for the dependants, if any.
- It is important to note that the brothers, sisters and any relatives of the deceased are not part of the beneficiaries. However, they can only benefit if there are no children, parents and dependants. In this case, the relatives get half and the surviving spouse(s) the other half of the estate.

Personal Chattels (Personal belongings) and House

Personal chattels or personal belonging: include things like clothing, household goods, agriculture and hunting equipment, books and many others. These are exclusively for the surviving spouse(s) and the children.

The house is for the surviving spouse(s) and the children. However, the surviving spouse only has a *life interest* in the house. He or she can only remain in the house as long as he or she lives and does not-remarry. If there is more than one house or cars, they shall be distributed accordingly between the spouse and the children and the relatives of the deceased. A breach of any part of the Intestate Act constitutes a criminal offence. This means that *property grabbing* is strongly prohibited under this Act.

11.5.8 Analyse the Intestate Succession Act of 1989.

- Customary law of inheritance in practice in Zambia does not protect the widows and the orphans due to the patriarchal nature of the Zambian society. Therefore, property grabbing is still rampant even with the existence of the Intestate Succession Act. This is inconsistent with the Universal Declaration of Human Rights.
- A 'common law marriage' or 'marriage by reputation' is a situation where a single woman and man live together as husband and wife without dowry or bride price. This is often referred to as co-habitation. A child born in this background should fully enjoy his or her rights. However, courts sometimes reluctantly recognize such unions which are not bound by bride price.
- Children born out of wedlock if not known or recognized by a surviving spouse do not benefit from the property of their deceased parent and the law is not protective.

- Section 10 of the Intestate Act provides for the surviving spouse to have life interest in property like the house and that if he or she remarries, he or she loses the rights to the house. However, the Act seems to be applicable only to widows and not widowers.
- Erring administrators must be punished under section 29 of the Intestate Act. However, practically and traditionally, this does not happen for fear of breaking cultural norms and customs.
- Section two of the Intestate Act does not favour and protect women over the control of traditional land which is primarily governed by customary laws. The Act is supposed to be above customary laws and Human Rights should not be violated.
- The Intestate Act supports the legality of polygamous marriages. In real sense, this deprives the first wife of her rightful status and position in a marriage. Moreover, polygamous marriages may be a risk in this HIV and AIDS era.
- The Intestate Act does not have a provision for assistance of the vulnerable children, especially complete orphans who may have been affected by the HIV and AIDS pandemic. Some of these children have no relatives to support them and hence find themselves in an economic crisis. The Act has no clear cut clues or statement encouraging relatives to support the deceased person's children.

11.5.9 Describe Government Institutions and Civil Society Organisations that promote gender equity and equality

Governmental and Non-Governmental Institutions that advocate for Gender Equity and Equality

There are a number of governmental and non-governmental organisations and institutions that advocate for gender equity and equality in Zambia. Some of these are discussed below:

The Zambia National Women Lobby Group (ZNWLG)

The Zambia National Women Lobby Group (ZNWLG) was formed in 1991 by women from Non-Governmental Organisations and political parties concerned about the discrimination that women suffer and their poor representation in government and other public offices.

The objectives of the organization are:

- Promotion of equal participation and representation of women and men in decision-making.
- Cultivation and promotion of a culture of gender equality and equity and respect for women's rights through changes in attitude, language and legal procedure.
- Undertaking training and managing resource mobilization programmes meant for capacity building, lobbying mechanism, advocacy and information dissemination and networking.
- Capacity building for female aspiring candidates for elections.
- Civic education relating to constitutional matters.
- Monitoring and observing elections.
- Holding monthly discussions on national and topical issues.
- Conducting community debates on topical issues.
- Information dissemination through publications.

Justice for Widows and Orphans Project (JWOP)

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The project was established in 2001 under the support of the embassy of Finland. Its main objective is to disseminate information on the rights of widows and orphans.

The project has managed to highlight and publish cases of violation of human rights committed in society so that they are addressed appropriately. It has also conducted sensitization programmes for community leaders and the general public. This is to help them understand and appreciate the importance of protecting the rights of the vulnerable groups in society.

The Young Women Christian Association (YWCA)

The Young Women Christian Association (YWCA) is a Christian Organisation dedicated to the empowerment of women for a better community. The advocacy programme which falls under the Women's Human Rights (WHR) Programme was established in 1993 following the finding of a study on cases of violence against women. The organization aims at:-

- Ensuring that women know their rights, duties and responsibilities in society.
- helping women realize their full potential as human beings and the contribution they should make to advance themselves, their families, community and the whole country.

Zambia Association for Research and Development (ZARD)

ZARD is a non-governmental organization formed in 1984 with an aim to uplift the status and positions of women through action-oriented participatory and gender sensitive research. ZARD undertakes research activities aimed at promoting gender balance in society. Its findings are disseminated through seminars and workshops. In addition, ZARD advocates, publishes, networks and undertakes consultancies based on women empowerment.

The Zambia National Association for Disabled Women Organisation (ZNADWO)

ZNADWO was formed in 1992. Its aim is to develop programmes for empowering women. The organisation also works in collaboration with the established associations in improving the plight of women with special needs.

Zambia Alliance of Women (ZAW)

The Zambia Alliance of Women (ZAW) was formed in 1978 but formerly registered in 1982. ZAW is involved in the following advocacy programmes for women:-

- Advocacy for women's rights as human rights, gender sensitization and popularizing CEDAW (Convention on the Elimination of All Discrimination Against Women).
- Promotion and enhancement of women's rights, women and inheritance, women and education and women and development in general.
- Advocacy for good governance and promotion of peace.
- Eradication of poverty through food security.
- Research and documentation in socio-economic programmes and in health and education matters
- Spearheaded the SADC Regional Rural Industrial Study to promote industries such as pottery, basketry, baking and fish processing, in order to economically empower women.
- Promoted house food security through crop diversification projects at village level.
- Developed agro – forestry programmes.
- Rendered support to mainly rural self-help pre-schools and health centres.

Zambia Police

The Victim Support Unit (VSU) of the Zambia Police was formed in 1994 and started operating in 1997. This unit has established offices in most police stations in the country. It mainly deals with cases of violence most of which affect women and children. The general aims of the police service include the following:-

- Preservation of Life
- Protection of property
- Prevention of crime and
- Maintenance of peace in society.

Parliament

The Legal Affairs, Governance, Human Rights and Gender Matters Committee. This is a committee of parliament which is expected to study government policies and activities to ensure that there is gender equality and equity.

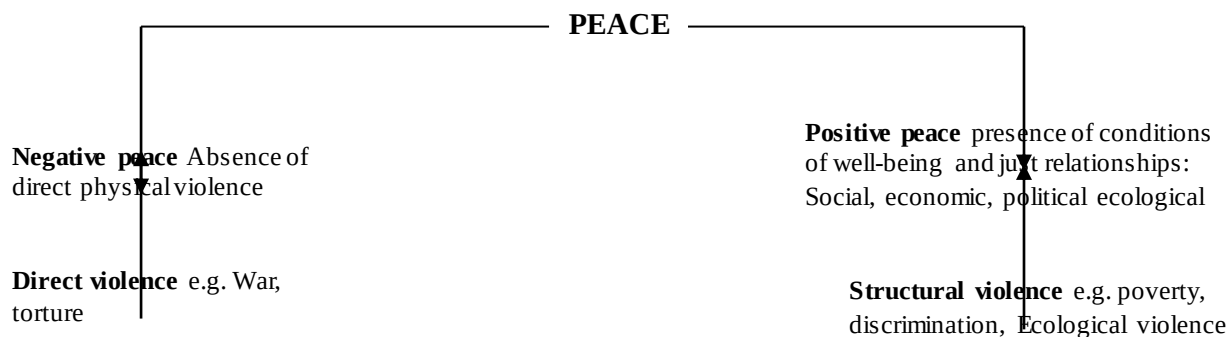
11.6 Culture of Peace

11.6.1 Explain culture of peace

The term **Peace** is defined differently by many people who use it. Some people define peace as the absence of war and violence. Others define peace as a state of harmony and brotherhood between men and women. Yet others define peace as unity of love. Other people have said that peace is a state of harmony with the environment and the planet. . For example, in the Great Lakes Region of Africa, the word for peace is Kindoki, which refers to a harmonious balance between human beings, the natural world and the cosmos. This vision is a much broader view of peace than a mere “absence of war” or even a presence of justice.”

Another meaning of peace refers to **inner peace**, which is a state of mind, body and perhaps soul. It is a peace within ourselves. People that experience inner peace say that such a feeling is not dependent on time, people, place or any external object or situation.

Yet another view of peace is one which subdivides it into “negative peace” and “positive peace”. In this definition, peace is the absence of “Violence” and “structural violence.” The following diagram explains the meanings of the above terms;





11.6.2 Describe methods of promoting peace

Methods of Promoting Peace

There are various methods by which peace may be promoted and brought about. The methods vary depending on the level at which peace should be promoted. Peace may be among individual persons, married couples, families, small communities, ethnic groups, nations or regions.

Peace is also required at the global level. Peace is very central and important to human affairs and development. Without peace, development suffers. Peace is a basic requirement of development.

The following are some of the methods of promoting peace:

Intermarriages – among people of different ethnic groupings, intermarriages are a good method for promoting peace. Some chiefs in the past used to ‘send’ some of their subjects or children to go and marry into a foreign tribe as a means of forging friendship.

Friendship – making friends with people secures peace and there are different degrees of friendship which could be created among people of different locations or origins. Among some ethnic groups, a deliberate process of exchanging human blood in a ritual is conducted. This is called *sikwamanyinga* in Lozi. This act of friendship-making is so strong that peace among such people is guaranteed forever.

Reciprocity – This is a process where two or more different people exchange gifts or favours in a mutual manner. When one person gets a gift, he/she gives something back in appreciation.

Mutual Aid

This type of creating peace involves exchanging help, assistance or aid in time of problems. When one person or groups of people are experiencing problems, the other people come in to give help. At some other time, the person or people who gave help may themselves experience problems, at which time they may be assisted by the person or people who were assisted last time. In this regard, the assistance is being mutually exchanged or interchanged.

Forgiveness

When somebody has committed an offence and people become kind enough to forgive such a person, peace can be generated. But often, a pre-requisite to forgiveness is apology and humility on the part of the offender.

Tolerance

This refers to a way of living with and accepting different or opposing viewpoints. This process often creates peace because people expressing different viewpoints are assured of being accepted and not condemned or punished.

Respect

This is very fundamental. It involves respecting other people’s languages and human nature in general. African cultures emphasize

Structural violence e.g.

poverty, discrimination,
Ecological violence

iefs, religions,

Justice

This refers to being fair and not being segregative in the manner we relate to other people. In this way, complaints which could lead to conflicts may be reduced.

11.6.4 Analyse causes of conflict

Causes of Conflict

It is very important for you to understand societies in conflict before you begin to prevent their conflicts. That is to say, if you want to understand conflicts you must first study the histories of the people in conflict.

We also need to know that violent conflicts have taken place in all continents, not only in Africa as it is portrayed in the media, especially on television, radio and in newspapers. Some causes of conflicts are:

- **History**

Research has revealed that historical reasons have contributed to emergency of conflicts in many parts of the world. The conflicts between Christian and Moslems in many parts of the Middle East have something to do with long standing animosities and mistrust dating back to the first millennium AD. It is also true that the interpretation of history may initiate a conflict between people as is the case in Rwanda and Burundi in the Lake Region of East Africa. The reasons for the unresolved conflict between the Lunda and Luvale in Zambia have something to do with their histories and how they are interpreted today.

- **Ethnicity**

Deep feelings against a group of people that do not belong to your own ethnic group can ignite deep frustration that can initiate conflicts between two ethnic groups. Normally, this happens where large groups are excluded from political and economic life on regional, ethnic or social reasons. Examples of these conflicts, illustrated by successional conflicts, come from Nigeria where between 1967 – 1970 Biafra, a province dominated by the Ibo ethnic group temporarily broke off from the country. They accused the Federal Government of Nigeria for excluding and discriminating against the Ibo people. Katanga (Shaba Province) region temporarily broke off from the Congo (DRC) immediately after political independence in 1960 for the same ethnic reasons.

- **Imbalance of natural resource**

In the last 40 years population has increased very fast in many parts of the world. The increased population has put too much pressure on natural resources. It has threatened the economic survival of many local people. Such a situation has created opportunities for conflicts as local people fight for the scarce resources available. Burundi and Rwanda are good examples of countries where imbalance in the natural resources has created violent conflicts.

- **Immigration**

In a region where there is high population against few resources, massive foreign immigration breeds resentments by the host people. In most cases, such a situation leads to political violence. Examples are found in Central and Western Cote d’voire (Ivory Coast) where an influx of immigrants has initiated serious **xenophobic** conflicts.

- **Economic and export resources**

Conflicts are often aimed at controlling or completely taking over economic and export resources especially in border regions. Boarder states sometimes fight over a piece of land that is suspected to have (or has confirmed) rich deposits of minerals. Such interstate conflicts have been recorded in many parts of Africa. For example: Chad-Libya conflict over the Aouzou Strip in 1973 – 94; Cameroon – Nigeria

conflict over the Bakassi Island until 2004; Mali – Burkina conflict in 1986 and the Ethiopia – Eritrea conflict in 2001.

- **Mismanagement of Economic Resources**

Conflicts are also started by groups of people in countries where there is poor governance, corruption and widespread poverty. In such countries people know that national resources are mismanaged and such realization triggers serious resentment and political instability leading to conflicts. This is worse where a small minority controls the state.

- **Refugees**

As a result of many conflicts in Africa, the population of refugees is also increasing. Large numbers of refugees increase pressure on local resources of host communities. Sometimes, refugees use these areas as springboards for attacking their government forces. This result into the invasion of foreign troops into the host communities and, in so doing, initiating border incidents and fighting. For example, the border incidents that were experienced between Zambia and Rhodesia (Zimbabwe) and between Angola (especially during the period of UNITA) and Zambia.

- **Poverty, illiteracy and unemployment**

In many Third World Countries poverty and inequality in accessing goods and services increase tensions that lead to conflicts in urban areas. It is in the **urban areas** where there are thousands or millions of the **unemployed poor people**, also known as the **Lumpen Proletariat** (in Zambia commonly called *Kaponya*) who are usually easy targets for war recruiters and political **extremists**.

- **Injustice**

Wherever there is injustice peace will never prevail. This is because injustice, which manifests itself in many ways, is the source of anger, frustration and resentment to the existing government. Wars of independence were fought in many parts of the world against the governments that did not practice justice. *Civil wars* are civil conflicts that are caused by unjust practice of the existing governments.

11.6.5 Discuss effects of conflict on society

Impact of Conflicts in Africa

Although some people have different opinions on them, conflicts in whatever form are predominantly negative to the people. The following are some of the negative impacts of conflicts:

- **Negative Impacts:**

- Conflicts lead to killing of many innocent people especially children, women, the disabled and old people. Apart from dying, women are also sexually harassed during conflicts. In the end conflicts bring frightening human suffering.
- Conflicts force people to run away from their homes to take refuge in areas where there is no war. This can be either within the country, as internal displacement, or outside the country as refugees. This means that conflicts uproot people from their local area to new areas. Africa has at least 350 million refugees running away from various conflicts in their countries. Zambia has a share of these refugees in Meheba in North-Western province, Mayukwayukwa in Western province, Ukwimi in Eastern province and other parts of Northern and Copperbelt provinces.

- Where conflicts take place, the infrastructure is badly damaged. These include bridges, buildings, airports, seaports, telecommunications and railway lines. Examples are found in Southern Sudan, Chad, DRC, Angola and Mozambique where wars have extensively destroyed parts of these countries. The railway line from the Copperbelt of Zambia to the Seaport of Benguela in Angola is not in use today because it was destroyed during the Angolan wars of independence.
- The economy of any country in conflict is negatively affected. Agriculture and trade decline as a result of conflicts. People find it difficult to go to their farms to cultivate and if there are crops to sell they find it difficult to transport their produce to the markets.
- During the period of conflict, public expenditure is predominantly for military effort. Such expenditure normally increases the national debt as the country borrows for the war effort. Insecurity stops investors from establishing industries in the countries experiencing conflict.
- By nature, civil conflicts or conventional wars destroy the environment. There is environmental degradation in places of war in Africa and elsewhere.
- Conflicts increase risky sexual behaviour of the people on the run and the combatants. Conflicts make the situation worse as they prevent activities to intervene in epidemics, leading to total collapse of health systems.
- **Conflict weakens governance institutions;** Countries that have been through armed or civil conflicts experience a breakdown or collapse of its social and political institutions, policy-making processes, and communication channels of the state. In such cases, the government becomes ineffective and unable to provide public goods and services such as Somalia (failed State).
- **Disruption of health services and food supplies;** this is one of the most immediate effects of armed conflict. It is asserted that during wars farmers become very fearful of working on the fields too far from their homes. Similarly, since health facilities remain open they are so vulnerable to looting and some are forced to close down. This disruption in most cases affects the women and children more than men and adults.
- **Disruption of educational services;** in armed conflicts, not even schools are spared from attacks. In rural parts of our continent a school may be the only substantial permanent structure, making it highly susceptible to shelling, closure and looting. Others have argued that teachers are in most cases prime targets because they are important community members or hold strong political views.
- **Emergency of Child Soldiers;** children as young as 8 years are forcibly recruited, coerced and induced to become combatants. This conscription leads to children participating in armed conflicts as active soldiers. They are also used in support functions such as cooks, messengers and spies. Others, mainly girls, are forced to provide sexual services. From support roles, the children sooner than later would become placed in the battlefield and as some commentators have argued, due to lack of training, they have become vulnerable.
- **Refugee In-flows;** associated with armed conflicts is the refugee situation the in-flow of refugees creates burdens and grievances in neighbouring countries and the possibilities of spill-over conflicts.

Positive effects of Conflicts:

Although conflicts are generally negative to the well-being of societies, they are also beneficial to a number of people. How does one benefit from conflicts?

- When one group captures the territory of the enemy, the resources such as minerals, timber, agriculture and land are plundered by the group that has captured the resources. The UNITA group in Angola gained economically from the conflict by exploiting diamonds for export to support the conflict. The same was true of the military group RUF in Sierra Leone. Most of the minerals in the eastern part of Congo DRC bordering Uganda and Rwanda are controlled and exploited by foreign armies in control of the territory.
- Conflicts require arms (guns), ammunitions, uniforms, boots, food and military hardware like tanks and planes. The companies producing these materials supply them at a cost to the groups fighting each other. In that way, the suppliers of military materials gain economically from conflicts.
- Many conflicts have resulted in one group being defeated. Such a defeat leads to territorial expansion by the victors in the conflict. For example, Israeli's territorial expansion into Syria after defeating it in a short but decisive 1973 Golan Heights war. The same was true in the 1967 Israeli – Egypt war that led to the capture and occupation of the Sinai Peninsula by Israeli.
- If the conflict involves more groups or nations, alliances are formed in order to defeat the other side. Such alliances created unity among the alliance members. In the DRC-Rwanda conflict, many countries joined the conflict and, hence, creating two alliances: those against DRC such as Uganda, Burundi and Rwanda and those supporting Congo DRC such as Libya, Angola, Zimbabwe and Namibia. Such alliances have cemented political unity.
- Those who work hard to bring peace in the regions of conflicts also benefit from the conflicts. They send peace-making teams to end the conflicts and also where necessary send peace-keeping troops to enhance a peaceful atmosphere in the conflict zones. The international community provided much funds to Zambia to bring about peace in DRC. The funds were used for co-ordination in the processes of negotiation, reconciliation and arbitration. Zambia was also given funds to cater for the thousands of refugees who settled in the country from the conflict zones.

11.6.6 Describe conflict resolution strategies

Methods of Resolving Conflicts

Conflict resolution is the settlement or avoidance of disputes between individuals or groups through solutions that avoid violence and attempt to re-unite and re-harmonise the people in conflict. Conflict resolution is also a means to maintaining peace, which in turn enables society to develop itself. Different methods have been tried at the same time to resolve conflicts. Conflict resolution methods should aim at addressing the main causes of the conflict. The following are not the only conflict handling skills people use. Some may apply to one conflict, others may not.

- **Counselling**

This method is used normally in individual situations. The counsellor is someone trusted by both parties. He or she explores and assesses the problem. After that the counsellor applies an appropriate intervention

to solve the problem. This helps to relieve the conflict and the individuals change their behaviours positively. Counselling is good for interpersonal (between persons) conflicts.

- **Negotiation**

This is a process conducted by a reliable and skilled negotiator directly between the disputing parties. The dispute can only be resolved if the parties or groups concerned reach a mutually acceptable solution that can be implemented. The negotiations that led to peace between the Sudanese government and the Garang's Liberation Movement in Southern Sudan is a good example of negotiation.

- **Mediation**

This is a method of conflict-handling by a neutral third party acceptable to the disputing parties or groups to arrive at an acceptable solution generated by the parties or groups themselves. This method aims at balancing the two sides and drawing them closer to each other by accommodating each other's views before reaching a resolution. The mediator is accepted by both sides. The mediation that went on to try and solve the Lunda-Luvale conflict in Zambia is a good example.

- **Arbitration**

This is a conflict-handling skill undertaken by an arbitrator who is appointed by the disputing parties or groups to resolve their differences. The arbitrator listens to the parties and afterwards provides a decision which is binding to the parties affected. Such a decision is normally provided in writing. The implementation depends on both parties accepting the final decision.

- **Litigation:**

This is one of the conflict resolution methods that allow the parties concerned to proceed to the public courts of law. Through legal representation, they resolve their difference by applying the laws of the country. In this method of resolving conflicts, a judge is empowered to make and implement decisions. Sometimes, disputes or conflicts between countries are taken to the International Court of Justice in The Hague to be resolved.

11.7 Child Abuse

11.7.1 Describe child abuse

A child is any person who is sixteen years or below. Child abuse is any form of ill treatment of a child. This ill-treatment could be either physical or mental. **Physical abuse** could be battery, canning, slapping, and pinching of the skin, pulling ears, burning of the skin, biting the child or any action that can cause physical impairment of the child. **Mental abuse** could be lack of love, neglect, insults, shouting at the child, name-calling or ridicule.

Child sexual abuse and sexual assault

- *Sexual abuse* is any sexual act imposed on a child or young person and includes fondling a child's genitals, making the child fondle the adult's genitals, intercourse, incest, rape, sodomy, exhibitionism and sexual exploitation. To be considered child abuse, these acts have to be committed by a person who is related or close to a child.
- *Sexual assault* is when a stranger commits the above acts to a child. Sexual abuse and sexual assault can be handled by the police and criminal courts.

11.7.2 Explain different forms of child abuse

- **Child defilement**

Defilement is the act of having unlawful sexual intercourse with a girl under the age of 16 years with or without her consent. Defilement is a crime and it should be reported immediately. The penalty for defilement is imprisonment. Attempting or trying to have sex with someone under the age of 16 can earn a person fourteen years imprisonment. Therefore, people who marry girls under the age of sixteen should be prosecuted for defilement.

- **Child battering**

Child battering is a form of child abuse where someone beats a child often. Most people beat up children as a form of punishment. This, however, is discouraged. It is better to discuss issues with children rather than resorting to beating when they do something wrong.

- **Child neglect**

Child neglect is a situation where children are not taken care of by their parents or guardians. Children are not given the love and care that they need for personal development. Sometimes, babies are abandoned. Some children are expected to fend for themselves. Other forms of child neglect include children fending for the family, lack of parental guidance, parents being pre-occupied with their careers and creating wealth for the family at the expense of taking care of their children.

- **Child labour**

Child labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children. This work normally interferes with the children's opportunity to attend school, their overall development and recreation. For instance, children are expected to combine school work with heavy work. Sometimes children leave school prematurely to work. However, it is worth noting that children need to work for their own personal development as well as that of their family by doing household chores. This is a form of training for life.

- **Child trafficking**

This is the illegal transportation and selling of children within or outside a country for prostitution, pornography, forced labour, crime or business involving selling of sexual private parts.

The effects on the victim may be classified under the headings of physical, mental and sexual. Physical effects include injury or physical harm. Mental effects include depression, anxiety, suicide and sexual effects may include unwanted pregnancies, Sexually Transmitted Infections (STIs).

- **Child prostitution**

Child prostitution can be described as sexual exploitation of children. Child prostitution can either be forced or voluntary. Forced child prostitution is a situation where girls are compelled to sell sexual services in brothels. Voluntary child prostitution is a situation where girls sell sexual services in order to pay for their school fees, drugs or to meet their daily needs.

11.7.3 Discuss ways of addressing child abuse

Ways of Addressing Child Abuse

Child abuse is a serious problem that needs concerted effort in order to alleviate it. It affects the whole society. The following are some of the ways by which child abuse can be addressed:

- *Legislation on child labour:*

This should include the legal definition of the minimum age below which children should not be engaged in particular types of work. It should prescribe penalties for practising, and encouraging all forms of child labour. According to the Zambian Labour Law, the minimum age for employment is 16 years.

- *Enacting stiff punishment for child defilers including those who batter or neglect their children.*
- *Sensitising the community about child abuse.*
- *Reporting cases of child abuse.*
- *Speaking out about the problem of child abuse.*
- *Encouraging victims to go to the Victim Support Unit, Drop in Centres and NGOs for counselling services and legal advice.*

11.7.4 Describe sexual harassment

Sexual harassment is when someone keeps on saying things or doing things of a sexual kind, like touching you or making sexual remarks, and he does this even though he knows you do not want it. It also includes a promise of a job, promotion, training and any favours in return for sexual favours. These promises may be spoken or strongly hinted. Sexual harassment also includes hints or threats that things will not go well for you if you refuse sexual demands.

Sexual harassment is not only when a person demands that you go out with him or sleep with him but also when men think they have a right to touch a woman or speak to her in a way the woman does not want.

11.7.5 Discuss ways of protection against sexual harassment and rape.

Protection against Sexual Harassment

- Make it clear you do not want that kind of behaviour from the person as a result, she or he has no excuse that you encouraged him or her to think that you approved his or her conduct.
- If he or she does not stop harassing you, keep a record of the incidents in a small note-book. Write them down and ask a friend to witness them. This way your friend will support you.
- Discuss the problem openly and you will probably find others who have been suffering the same problem. In that way, you can make the problem known, which may stop the harasser.
- Try to make your home as secure as possible.
- Do not let anyone into your home if you feel in any way doubtful or suspicious.
- Try to avoid situations that make you feel uncomfortable or unsafe, even if you can see no real reason for your feelings.
- Try to get help from the police immediately if you know or suspect that you are in danger.
- Try to get help from someone nearby, but stay alert and use your judgment. Otherwise you may escape from your attacker only to find that the person you appealed to for help takes advantage of your vulnerability.
- If you are walking and a car follows you or stops beside you, stay as far away from the car as possible and keep walking even if you are helping the driver by giving him direction.
- Hitch-hiking is risky especially for girls and women. If you have to take a lift, trust your judgment about the person or people in the car.
- When you travel alone using public transport, try to sit near another woman.
- Remember that most rapes are planned in advance. It is a good idea to vary your behaviour, such as the route you use and the times you take to fetch water or play with your friends.

- If you learn self-defence skills, remember that you are still vulnerable. Your attacker may have a gun or a knife, or he may simply be stronger or more skilled in martial arts than you are. Practice your self-defence skills regularly.

Rape

Q; Explain the meaning of rape.

Rape is when a man/woman has unlawful sexual intercourse with a woman or girl/man or boy without her or his consent by using force and or by means of threats or intimidation. Rape is legally defined as: *Any person who has unlawful carnal knowledge of a woman or girl without her or with her consent.*

Q: Suggest ways of Resisting Rape.

One can resist rape in the following ways:

- **Attention seeking tactics**: shouting, screaming or trying to get someone to help.
- **Non-cooperation tactics**: for example, refusing to take your clothes off.
- **Psychological tactics**: for example, reasoning with the rapist, trying to frighten him, disgust him or gain his sympathy.
- **Physical resistance**: fighting back or struggling.

However, it is worth noting that there is no single *right* way of reacting, when attacked by a rapist.

11.7.6 Explain causes of teenage pregnancies

This is attributed to a number of factors:

- **Peer pressure** – Sometimes boys and girls engage in sexual activities due to peer pressure and would like to be like others. This, often result in teen pregnancies.
- **Personal development** - As children grow up, they develop sexual feelings and emotions, which they do not understand. As a result, they want to fulfil these urges.
- **Lack of sex education** - Parents should discuss sexual issues with their children.
- **Influence from society and the media.** For example, the type of socialization, breakdown in morals, influence of other cultures, modern songs, television and radio programmes.
- **Cultural issues** – In some societies, girls are married off at a tender age. The traditional preference for the boy child to go to school rather than the girl child has disadvantaged the girl child. As such girls tend to be married off early.
- **Economic issues** – due to high poverty levels some girls tend to engage in sexual activities for monetary gains. This often results in pregnancies, Sexually Transmitted Infections (STIs) e.g. HIV and AIDS, and syphilis.

11.7.7 Explain the effects of teenage pregnancies.

Effects of Teenage Pregnancies

There are several effects of teenage pregnancies on the mother as well as the child:

- The health of the mother is affected because she is not yet mature for reproduction.
- The mother may not know how to take care of the baby; consequently, the baby may have poor health, for example, malnutrition.

- The girl may be stigmatized by society and may not bear the shame or may not cope with the emotions.
- The young couple may not cope with the costs involved in bringing up a child and may shift the burden to parents.
- Chances of the girl getting married are at stake.
- Child dumping.
- Disturbance in the education of the mother.

11.7.8 Identify ways of preventing teenage pregnancies

- abstinence
- avoiding bad company
- setting goals or principles
- discussing with friends
- avoiding alcohol and drugs
- resisting peer pressure
- upholding good moral values
- Being occupied with activities like joining the youth clubs.

11.7.9 Discuss institutions that address social challenges

- Police Victim Support Unit.
- Young Christian Women's Association.
- Young Christian Men's Association.
- Legal Aid Clinic for Women
- Other Non-Governmental Organisations

GRADE 12 TOPICS

12.1. INTERNATIONAL HUMAN RIGHTS INSTRUMENT

12.1.1. Describe the International Bill of Rights (IBR)?

- IBR is made up of the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and cultural Rights ICESCR) and the two Optional Protocols to the ICCPR.

12.1.2. Explain the Universal Declaration of Human Rights (UDHR)?

- The UDHR is an internationally recognised and agreed upon instrument which contains 30 Articles through which individuals and governments can work to deliver basic rights. It is a Declaration that was derived from the UN Charter.

NOTE: UDHR was adopted by United Nations on 10th December, 1948 in Geneva. 10th December is considered World Human Rights Day.

Some of the UDHR Articles are:

Everyone:

1. Is born in freedom, equality and dignity.

2. Has the right to life and to live in freedom and safety.
3. Has the right to liberty/freedom
4. Has the right to equality before the law and equal protection.
5. Has the right to be presumed innocent until proven guilty by an impartial Judge.
6. Has the right to privacy.
7. Has the right to nationality.
8. Has the right to marry.
9. Has the right to education.
10. Has the right to work.
11. Has the right to participate in the cultural life of the community.
12. Has the right of thought, conscience and religion.
13. Has the right to freedom of expression and opinion.
14. Has the right to freedom of assembly and association.
15. Has the freedom of movement.

12.1.3. Describe Treaty Based Human Rights Instruments.

- The Treaty Based Human Rights Instruments are legally binding documents. The International Covenant on Civil and Political Right (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both instruments were adopted in 1966.

NOTE: The ICCPR has two (2) optional protocols. An optional protocol is a provision attached to an International Instrument which is meant to offer more protection of the right in the treaty.

- a) The first Optional Protocol to the ICCPR provides a mechanism for an individual to complain on human rights violations contained in the ICCPR to the United Nations Human Rights Committee. It was adopted in 1966.
- b) The Second Optional Protocol to the ICCPR was adopted in 1989 and came into force in 1990. It aims at the abolishing death penalty in countries that ratify it.

12.1.4. Describe the Specialised Human Rights Instruments.

- These Human Rights Treaties are referred to as specialised because they focus on particular human rights issue or a particular group of people. Some of the specialised human rights instruments are: ICERD, CEDAW, CAT, CMW and UNCRC.

1. *The International Convention on the Elimination of all forms of Racial Discrimination (ICERD)-1965*

- This Convention was adopted in 1965 by the United Nations General Assembly and came into force in 1969. It was drafted to draw attention to racial discrimination which was still rampant in the world such as segregation of the blacks in America and *apartheid* in South Africa and the rest of Africa under colonial rule.

- Under the Convention (ICERD) State parties are expected to do the following:-
 - i. Condemn racial discrimination, segregation and apartheid.
 - ii. Condemn ideas that promote the superiority of one race or a group of persons of one colour.
 - iii. Use effective measure such as education, culture and information with a view of combating prejudices which lead to racial discrimination.

2. *The Convention on the Elimination of all forms of Discrimination against Women (CEDAW). (International Bill of Rights for Women)-1979*

- It was adopted by United Nations in 1979 after recognising the need for the human rights instrument that directly addresses women's issues, protects and promotes their socio-economic rights.
- Signatories to the Convention are obliged to exercise equal treatment of women and men. State parties are expected to undertake, among other things:-
 - i. To domesticate the principle of equality of men and women in their legislation (laws)
 - ii. To eliminate all forms of discrimination against women.
 - iii. To establish legal protection of the rights of women on an equal basis with men.
 - iv. Modify or abolish cultural practices which constitute discrimination against women.
 - v. To eliminate discrimination against women in all matters relating to marriages and property.

3. *The Convention Against Torture and Other Cruel Inhuman or Degrading Treatment (CAT)-1984*

- This Convention came into being on 10th December 1984 and Zambia signed it in 1998. The purpose of this Convention is to forbid absolutely without any reservation torture and inhuman or degrading treatment or punishment.
- The State parties are expected to do the following:-
 - i. Prohibit torture.
 - ii. Punish torturers.
 - iii. Educate citizens on the evils of torture.
 - iv. Rehabilitate the victims of torture through counselling.
 - v. Control the systems of interrogation and detention
 - vi. Not to 'refouler'. Refouler means to send back a person to a country where he or she is likely to undergo torture.

4. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)-1990

- This Convention was adopted in December 1990 by the United Nations General Assembly. The States that ratify or accede to the Convention are expected to ensure that migrant workers whose rights have been violated may seek judicial remedy.
- Categories of migrant workers outlined by the Convention are:
 - i. **Frontier Workers:** Are those who live in a neighbouring country to which they return daily or at least once a week.
 - ii. **Seafarers:** Are those who are employed on water vessels registered in a country other than their own.
 - iii. **Seasonal Workers:** Are those who get work in foreign countries during specific seasons such as the harvesting season.
 - iv. **Workers on offshore installations:** which are under the authority of a country other than their own.
 - v. **Itinerant:** Workers who move from place to place in search of work.
 - vi. **Migrants employed for a specific project:** For example, construction of roads, dams, industrial plants among others
 - vii. **Self-employed workers:** working for oneself.
- **The following are some of the provisions of the CMW.**
 - i. Non-discrimination of migrant workers and their families without distinction of any kind, such as sex, race, colour, language, religion, nationality, ethnic, age, origin.
 - ii. Migrant workers and members of their families shall be free to leave any State including their State of origin.
 - iii. The right to life of migrant workers and their families shall be protected.
 - iv. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.
 - v. No migrant worker or member of his or her family shall be held in slavery or servitude.

12.1.5. Explain the provisions of the African Charter on Human and People's Rights?

- The African Charter on Human and People's Rights (also known as the Banjul Charter) is an International Human Rights Instrument that is intended to promote and protect human rights and basic freedoms in the African Continent.
- It was adopted on 27th June 1981 and was entered into force on 21st October, 1986.

Reasons why the African Charter on Human and People's Rights is different from other International Human Rights Instruments

- Its provisions safeguard the rights of individuals as well as people or groups

- It proclaims both rights and duties
- It codifies and emphasises individual's as well as people's or group rights
- It guarantees civil and political rights as well as economic, social and cultural rights and group rights
- It permits the State parties to impose restrictions and limitations on the exercise of guaranteed rights

The following are some of the provisions of the African Charter on Human and People's Rights:-

- Respect of one's life.
- Equal protection of the law.
- Right to liberty and security of a person.
- Right to be heard.
- Freedom of conscience, the profession and free practice of religion should be guaranteed.
- Right to receive information, right to express and disseminate his opinion freely.
- Right to associate freely.
- Everyone should be equal; nothing shall justify the domination of one person by another.
- Family shall be national unit of the society and shall be protected by government.
- Right to national and international peace.
- Right to education

Duties

- The rights and freedoms of individuals and groups shall be exercised with due regard to other rights of other people
- African cultural values are prescribed 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

- Recognise the rights enshrined in the Charter
- Adopt legislative and other measures for their effectiveness
- Submit State reports on legislature and other measures
- Ensure independence of the Judiciary
- Undertake human rights training and awareness programmes
- Establish national institutions to promote and protect human rights

12.2.1. Describe Children's Rights

- A child according to the International Law is a person under the age of 18 while a right is a lawful claim a person expects from the society. Therefore, Children's Rights are rights which are enjoyed by persons below the age of 18.

Reasons for a separate Human Rights Instrument for Children

- Children experience discrimination and need a specialised instrument to protect their rights.
- Children are individuals with equal status as adults. Governments have a moral duty to acknowledge the rights of children as individual citizens at all levels.
- The highest level of development of a country can only be realised with the full and healthy participation of children.
- Children are more affected by government's action and policies than any other group.
- Children become independent only with the help of adults.
- Children have limited access to complaints mechanisms, the legal systems and courts to protect their rights.
- Children are more vulnerable to exploitation and abuse because of their physical, emotional and psychological immaturity and their dependence on adults.
- Children generally do not have the franchise hence not taking part in the political processes.
- Children are a safeguard of the human race without whom the human race will become extinct.

12.2.2. Describe the four (4) principles of the United Nations on the Rights of the Child (UNCRC)

• The United Nations Convention on the Rights of the Child was adopted by the United Nations on 20th November, 1989 and entered into force in 1990 and it is based on the following principles:-

- i. **Non-Discrimination:** No child should be treated unfairly on any basis such as; their language, their parents being poor or rich, race, religion or abilities.
- ii. **The best interest of the child:** All adults should do what is best for children. The best interest of the child should be the primary concern for the parents/guardians, the government and the entire community at large.
- iii. **Survival and Development:** Children have the right to live. Therefore, government should ensure that children survive and develop healthily. For the children to develop, they need education, play and leisure, access to information among others.
- iv. **Participation:** The Convention encourages adults to listen to the opinion of child and involve them in decision making. However, this does not mean giving children authority over adults, but giving them room to contribute according to their ability.

12.2.3. Discuss the provisions of the UNCRC and the two (2) optional protocols.

The UNCRC is composed of 54 articles/provisions with two (2) Optional Protocols. The following are some of the provisions:-

- i. **The right to have a name and nationality.** Every child is entitled to a name, nationality and has the right to know her/his parents and to be cared for.
- ii. **Freedom of thought, conscience and religion:** Children are free to think and believe what they want and to practice their religion. However, parents have a duty to guide their children in these matters.

- iii. **Right to Privacy, Honour, Reputation:** This right is for the protection of his or/her privacy, family, home, unlawful attacks on his or her honour and reputation.
- iv. **Non-Separation from parents:** This right ensures that if the child is separated from his or her parents, he or she has the right to keep contact with his or her parents.
- v. **The right to Health and Health Services:** Children have the right to good quality health care; safe drinking water, nutritious food, clean and safe environment.
- vi. **Right to Education:** All children have the right to a Primary Education which should be free. The School environment should be conducive for learning in a free and friendly atmosphere.
- vii. **The right to place and recreation:** Environments should recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and arts.
- viii. **Protection from child labour:** This is the right of the child to be protected from economic exploitation and from performing any work that is likely to be harmful to the child's health or physical, mental, moral or social development.
- ix. **Protection from sexual exploitation:** Children should be protected from all forms of sexual abuse example defilement.
- x. **Children with disabilities:** This right provides that a disable child has the right to special care, education and training to help him or her full and decent life
- xi. **Parental responsibility:** This provision give both parents joint primary responsibility for bringing up their children and should always consider what is best for each child.

UNCRC Optional Protocols

- i. **The CRC first Optional Protocol on the Sale of Children, Child prostitution and Child Pornography (CRC-OP-AC):** It prohibits the sale of children, child prostitution and child pornography.
- ii. **The CRC Second Optional Protocol on the Involvement of Children in Armed Conflicts (CRC-OP-AC):** It prohibits the involvement of children in Armed Conflicts. It ensures that persons below the age of 18 are not compulsorily recruited into Armed Forces.

Obligations of the Government in fulfilling the Rights of the Child

1. **Obligation to respect:** It requires the government to stop doing anything that would interfere with a child's enjoyment of their rights.
2. **Obligation to protect:** It requires the state to prevent violations of human rights by other people, it is done through enacting legislation that protect children.
3. **Obligation to fulfil:** It includes obligations to facilitate, promote and provide. The government takes steps to ensure the realisation of human rights.

12.3 FAMILY LAW

12.3.1 Describe family and marriage

A Family is a group of people who are related by blood or marriage.

There are four (4) types of families in Zambia.

- a) **A nuclear family:** A family that consists of a man, his wife or wives in case of polygamous marriage and their children.
- b) **An extended family:** It comprises a man, his wife or wives, their children and other relatives such as grandparents, uncles, aunts, nieces, nephews, cousins, in-laws and grandchildren.
- c) **A single headed family:** It consists of a single parent and children. This can be as a result of divorce or being widowed.
- d) **Child headed family:** Is a new type of a family that has emerged in Zambia mainly as a result of the HIV/AIDS pandemic that has claimed lives of many adults leaving children to bring themselves up (as double orphans).

Marriage

Marriage is a legal union of a man and woman or women as husband and wife or wives in an event of a polygamous marriage.

The marriage contract is based on the following:-

- i. **Rights:** Entitlements a wife or husband enjoys in the union.
- ii. **Obligations:** These 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.
- iii. **Capacities:** These are abilities or capabilities that each spouse brings to the union. For example, a wife has the ability to conceive and bear children for the union.
- iv. **Incapacities:** These are inability or incapacities that each spouse brings to the union. For example a wife who is not educated and not skilled in anything may bring to the union the inability to provide for the union.

12.3.2. Explain the elements of family law.

- i. **Marriage:** a legal union of a man and woman as husband and wife.
- ii. **Divorce:** the dissolution of marriage.
- iii. **Maintenance of spouse and children within and after marriage:**
 - Both within and after divorce a spouse has a duty to maintain his or her life partner.
 - Under customary after divorce a spouse is duty-bound to maintain his or her partner for a maximum of three (3) years or until he or she remarries whichever ever happens earlier.
- iv. **Custody of children after dissolution of marriage:**
 - When awarding custody of children the ages and needs of children are taken into consideration.
 - Usually the court gives custody to the mother if the children are very young. However, the father will provide maintenance.
- v. **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 categories of persons eligible to adopt children.
- A couple jointly wanting to adopt an infant (an infant is a child less than 7 years old)
- A mother or father of the child either along 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.
- 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 (3) months before the date of the application.
- The person intending to adopt notifies the Commissioner of the intention to adopt three (3) months before the application.
- 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.

vi. Legitimacy of children

- Based on the United Nations Convention on the Rights of the Child 1989 (UNCRC) new laws have equalised the position of children born outside marriage to those born in wedlock.

vii. Succession.

- Succession when death occurs in a family is usually defined by traditional names and customs of the ethnic group that family belongs to.
- For example the Bemba's trace their lineage through the mother (Matrilineal), therefore, when a Bemba person, chief or headman dies, his sons are not eligible to succeed him but one of his nephews would succeed him. A complete opposite in the case of the Ngoni.

viii. Inheritance of property.

- In Zambia today the inheritance of property is provided for in the Testate and Intestate succession Act of 1989.
 - a) **Testate Succession** deals with inheritance of property of a dead (deceased) who left a will.
 - A will is a declaration normally in writing stating how a person wants his or her property shared or distributed in the event of his or her death.
 - **Testator** is the person who makes the will in case of a male and the **Testatrix** is case of a female.
 - b) **Intestate Succession:** This is the Act used to distribute the property (estate) of the deceased who did not leave a will or someone who left a will but was nullified by the courts of law. The distribution is done as follows;
 - **20% of the estate goes to the surviving spouse.*

*50% of the estate will be distributed to the children both in and outside wedlock.

*20% will go to the parents or guardians of the deceased.

*10% will go to dependants in equal proportions.

ix. Property settlement (Sharing):

*After a divorce in a customary marriage the woman usually gets some form of compensation to allow her start life afresh.

*In a civil marriage the property is shared by the Deputy Registrar's court in the situation where one contributed in the earning of the union, he or she will be entitled to one third (1/3) of the total wealth of the couple.

*If both spouses contributed to the earnings of the couple the property will be shared at 50-50 basis.

12.2.3. Describe the types of marriage in Zambia

According to the Matrimonial Causes Act of 1973, it outlines **only** two types of marriages, namely Civil or Statutory Marriage and Customary marriage.

a) **Civil or Statutory Marriage:** It is a voluntary union of one wife and one husband at a time for life excluding all others. It is a monogamous marriage.

Characteristics of a Civil marriage

- It is voluntary
- It is monogamous. Any of the spouses that marry while still legally married commits Bigamy.
- Consummation and consent of parents or guardians legalises the marriage
- It is contracted in the High court. The High court has delegated its powers to the Civic Centre (Local councils)
- It is illegal to convert it to Customary marriage
- Divorce is very complicated to get
- It guarantees equal rights to both spouses in the marriage

Requirements under Civil marriage

- **Take out a Notice of Marriage:** This is done at the Registrar of Marriages. The Notice is published outside the Registrar's office for 21 days. After expiry of the 21 days period, the couple registers their marriage within three months.
- **Marriage payments:** The 1973 Matrimonial Causes Act does not provide any payments unless individuals concerned just want to observe the tradition of paying for marriage.
- **Age:** Under the Marriage Act the parties intending to marry should be 21 years. If the woman is below 21 years but above 16 years, she needs (i) a letter of consent from the parents or guardians and (ii) a sworn in affidavit obtained from the High court. **An affidavit is a written declaration or statement that a person makes under oath which will be used as a legal proof for evidence.**
- **Relationship:** The parties getting married should not be related to each other either by blood or marriage.

- ***Solemnisation of marriage:*** This is when the actual wedding is performed following the laid down rituals such as publicly declaring that s/he has agreed to marry the person standing next to them and saying the vows. The ceremony must take place in room with open doors and between 08:00 hours and 18:00 hours. The couple is issued a marriage certificate which is the evidence of marriage.

b) **Customary marriage**

It is the type of marriage that is contracted under customary practices.

Characteristics of Customary Marriage

- It is based on customs and traditions of the parties getting married
- The marriage is contracted at the Local Court
- It may not be voluntary because arranged or forced marriages are allowed
- Polygamy is allowed
- It is allowed to convert a Customary Marriage to Civil marriage
- Divorce is very cheap to get
- Marriage payments to the bridal family and consent from the parents or guardians of the woman legalises the marriage

Requirements in a Customary Marriage

- ***Consent:*** the parents or guardians to the woman getting married give permission for her to marry.
- ***Marriage payments:*** there is always marriage payment as recognition of marriage made by the man to the woman's family.
- ***Spouses:*** the parties getting married must be male and female. They must have reached puberty and above 16 years.
- ***Relationships:*** the parties intending to marry should not be related by blood or through marriage but in some cultures cousins can marry. The couple is issued a marriage certificate at the Local court by the Local Court Registrar.

Other marriages

- (a) **Cohabitation:** This is where the parties concerned decide to live together as husband and wife without consent from their parents or guardians and without following laid down procedures. Under the law this marriage is a void marriage no matter how long they have lived together. However, a cohabitation marriage can be validated into Statutory or Customary marriage.
- (b) **Void marriage:** It is a marriage that has no legal standing right from the beginning. It is null and void. Reasons for void marriage are:
 - Lack of parental consent
 - Non-publication of banns in church

- If the man is under 21 years
- If the woman is under 21 years and above 16 without consent of her parents or guardians
- If one of the parties is already married under the Marriage Act at the time of contracting the marriage
- Prohibited degrees of marriage which are relationships by blood (Consanguinity) or by marriage (affinity) are breached.

(c) Voidable marriage: Is one that is initially valid but later on is invalidated by the court of law. Reasons for voidable marriage are:

- If a child born is not the husband's child
- If a spouse has contracted an Sexually Transmitted Infections from elsewhere not from the spouse
- If the marriage is not consummated due to impotence. Consummation means making marriage legal by having sexual intercourse
- Wilful refusal to consummate by any of the parties
- Mental disorder of any of the parties.

Divorce: Is the dissolution of marriage which is done when the court handling the case satisfies itself that a marriage had actually existed.

Divorce under a Statutory Marriage

The Matrimonial Causes Act of 1973 states that there is only one ground for divorce which is *marriage is broken irretrievably*. This means that the marriage cannot be redeemed or saved. Situations that can lead to this are:

- Adultery of any of the spouses which should be proved with the third person known and named (caught in the act)
- One or both of the spouses conduct themselves in unreasonable behaviour, cruelty or violence (GBV) that makes it impossible to live safely.
- One partner deserts the other for a period of two years.
- Separation with consent of the couple for two years.
- Living apart for a continuous period of five years.

An application for divorce is filed in the High Court. The couple is issued with a temporal divorce certificate called *decree nisi* which lasts six weeks. If they fail to reconcile they are granted a permanent divorce certificate called *decree absolute*.

Divorce in a Customary Marriage

Divorce will take place depending on the custom the couple were married under. Some payments may have to be returned to the man's family. It is the man who divorces the wife and not vice versa. Grounds for divorce are:

- Adultery of the wife
- Cruelty of any party (GBV)
- Laziness of the wife
- Bad relations with the in-laws
- Infertility
- Lack of maintenance by the man
- Desertion

12.3.4. Assess the effects of separation, divorce and death on the family

The following are some of the impact on the spouse, children and extended family due to separation, divorce and death in the family:

- Children lack parental guidance and care;
- Children resort to substance abuse and prostitution;
- Girls enter into early marriages;
- Loss of family ties;
- Increase in the number of street kids; and
- Increase in the spread of HIV and AIDS
- Increase in juvenile delinquency
- Disruption of children's education
- Children grow without parental love

12.4. DEVELOPMENT PLANNING

12.4.1. Explain Development Planning

A plan is an intention or set of suggestions aimed at achieving set goals in the future.

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.

The purpose of development planning is to move towards self-sustaining growth.

12.4.2. Discuss types of Development Planning.

(a) **Short Term Plan:** Plan which may cover a short period from six months to one year

(b) Medium Term Plan: Plan that ranges between three and seven years, with five years as the most popular choice.

(c) Long Term Plan: It is sometimes referred to as the Long Range Development Plan (LRDP). It covers a period of ten to twenty years and above.

Note: Long term plan is mostly needed for the implementation of capital projects such as:

- Construction of Hydro-electric power Stations.
- Opening new Mines.
- Reforestation.
- Construction of new roads and railway lines.

12.4.3. Describe Methods of Planning

(a) Centralised Planning: Planning done by the central government without involvement of the local communities.

Note: This kind of planning has brought the following problems in developing countries like Zambia.

- Planning is normally dominated by expatriate advisors who know very little about local communities
- Local conditions are not regarded.
- It lacks participation of the local community in its formulation and implementation leading to lack of ownership of the outcome.
- Delays in approving the plan as it is referred to the headquarters before implementation.
- It denies the local people the sense of belonging as they are by passed since the plan is imposed in top-down fashion on local communities

(b) Decentralised Planning: Planning done at the grassroots by involving the local communities.

Note: Since the year 2000, Decentralised Planning has been re-introduced in Zambia through activity based budgeting plans in the community.

(c) Regional and Urban Planning: Planning based on a method of decision making that propose or identifies goals or ends and does so by the application of analytical techniques

12.4.4. Discuss the importance of budgeting and fiscal discipline in development planning.

- **Fiscal discipline means the strict control of public resources.** Therefore, budgeting and Fiscal discipline ensures strict control of public resources and compliance in taxation and public expenditure.

Some measures put in place to enhance fiscal discipline.

- Government to cut its expenditure and directs its resources only on essential areas such as education, health and agriculture.
- Punish Public officials who misuse or misappropriate government or public funds.
- Take measures to ensure compliance in taxation (Payment of tax)
- As much as possible avoid external borrowing unless that borrowing is towards economic growth through productive investment.

12.4.5. Explain the functions of Micro and Macro-Economic Financial Institutions.

A. Micro Financial Institution is an institution that gives financial assistance to individuals and entrepreneurs for small scale projects.

Examples of Micro Financial Institutions in Zambia

- Zambia Social Investment Fund. (ZAMSIF)
- Women Finance Cooperative of Zambia
- IZWE loans
- MICROFIN
- Bayport Finance Services

Functions of Micro Financial Institution

- Support projects that are initiated by and driven by the community.
- Provide soft loans to the group of people with low income.
- Provide financial assistance to entrepreneurs for small projects.
- Provide capital for starting small businesses.

B. Macro-Financial Institutions: Macro means large, thus, these are institutions which fund capital (large scale) projects such as construction of schools, bridges, roads, railway lines.

Some examples of Macro-Financial Institutions and their functions

1. International Monetary Fund (IMF): is a specialised agency of UN which was set up in 1944. Some of the objectives (functions) are:

- Promote International Monetary Cooperation.
- Promote stable exchange rates and maintain orderly exchange arrangement.
- Encourage full convertibility between currencies and an end to exchange controls.
- To shorten the period of balance of payment of member countries.

2. World Bank: It is also called the International Bank for Reconstruction and Development (IBRD) established in 1944 and began to operate in 1946.

- This bank encourages capital investments for construction and development of all member states.
- It gives loans for specific projects that are productive and provides financial assistance for foreign exchange (loans are usually for a period of 20 years with 5 years grace period).

3. African Development Bank (ADB)

- Was formed in August 1963 and started operating in 1966 (the headquarters are in Addis Ababa, Ethiopia).
- 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

- Loans are usually for a period of 20 years with a grace period of 5 years.

4. 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 headquarters are in Khartoum, Sudan.
- It gives loans to specific projects that are productive and provides finance for foreign exchange.
- Its main objective is to contribute to economic development in Africa.
- Like other Macro Financial Institutions, it gives loans for a period of 20 years and the grace period of 5 years.

12.4.6. Examine 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 are met.

(a) Gross National Product (GNP)

- GNP is also known as the National Income.
- GNP is the amount of goods and services produced within a country and abroad within a year. It is the total value in monetary form of goods and services produced from the resources owned by citizens within and outside the country normally per year.
- It helps the government to come up with policies and eventually increase the country's production levels.

(b) Gross Domestic Product (GDP): is the total value in money of the goods and services produced in the country per year.

Note: All products and services produced within the country are added up and calculated in monetary form.

- The higher the GDP the stronger the economy or the more developed the country is.

(c) Human Development Index (HDI): This is a measure of human development using four (4) items:-

- Life expectancy at birth.
- Adult literacy.
- Average years of schooling.
- Purchasing power of persons aged 25 years and above, expressed in dollars.

Note: If a country has high life expectancy at birth, a high adult literacy levels, a high average of schooling and a high purchasing power per person, it is said to have a high level of development,

(d) Per Capita Income: This is the average amount of money each citizen is expected to get per year. It is the GNP of a country divided by the total population.

$$\text{Per Capita income} = \frac{\text{GNP}}{\text{total population}}$$

12.4.7. Outline Zambia's National Development plans from Independence to present:

- The table below outlines Zambia's National Development Plans from Independence to date.

PERIOD	NATIONAL DEVELOPMENT PLAN	AIMS
1964-1965	Emergence Development Plan (EDP)	<ul style="list-style-type: none"> ▪ Restructure capitalist economy
1965-1966	National Transitional Development Plan (NTDP)	Improve on <ul style="list-style-type: none"> ▪ Transport ▪ Power ▪ Communication ▪ Agriculture ▪ Education
1966-1970	First National Development Plan (FNDP)	<ul style="list-style-type: none"> ▪ Diversify the economy from mining (copper) to agriculture ▪ Develop rural areas. ▪ Expand education services
1972-1976	Second National Development Plan (SNDP)	<ul style="list-style-type: none"> ▪ Increase food supply. ▪ Use of local materials ▪ Improve infrastructure country wide
1980-1983	Third National Development Plan (TNDP)	<ul style="list-style-type: none"> ▪ Diversification of the economy and rural development. ▪ Expand educational and training facilities to speed up the process of Zambianisation.
1984-1988	Fourth National Development Plan (FNDP)	<ul style="list-style-type: none"> ▪ Cut on importation of luxury goods. ▪ Reduce subsidies gradually. ▪ Carry out periodic review of the exchange rate and interest rates. ▪ Reduce inflation to below 20%
2002-2005	Poverty Reduction Strategy Paper (PRSP) Note: This programmes was under the IMF aimed at poverty reduction through sustained economic growth, hence the development of the Transitional National Development Plan (TNDP) of 2002-2005 Vision 2030	The programme concentrated on the following areas:- <ul style="list-style-type: none"> ▪ Cross-cutting issues. ▪ Education ▪ Health ▪ Agriculture ▪ Macro-economic issues. ▪ Aims at turning Zambia into a prosperous middle income nation by 2030. ▪ Zambia to live in a strong and dynamic middle-income industrial economy to provide opportunities for improving the well-being at all
2006-2010	Fifth National Development Plan (FNDP)	<ul style="list-style-type: none"> ▪ Infrastructure rehabilitation. ▪ Address cross-cutting issues e.g. HIV/AIDS. ▪ Rural electrification. ▪ Promote investment. ▪ Promote rural and urban water and sanitation.

		<ul style="list-style-type: none"> ▪ Develop entrepreneurship to reduce poverty. ▪ Promote accountability and transparent.
2011-2015	Sixth National Development Plan (SNDP)	<ul style="list-style-type: none"> ▪ Aimed at sustained economic growth and poverty reduction. ▪ Infrastructure development. ▪ Promote rural development. ▪ Increase access to land. ▪ Increasing access to health care. ▪ Increasing access to higher and tertiary education
2017-2021	Seventh National Development Plan (SNDP)	<ul style="list-style-type: none"> ▪ The goal is to create a diversified and resilient economy. ▪ Places emphasis on investment in energy, environmental protection, education and health sectors, and agriculture.

12.5. POVERTY REDUCTION IN ZAMBIA

12.5.1. (a) Describe poverty

Poverty is a condition of not having sufficient resources to meet basic needs of life. Poverty is either absolute or relative. Absolute (abject) poverty is a condition of life characterised by malnutrition, illiteracy, poor surrounding, high infant mortality and low life expectancy.

12.5.2. (b) Outline the three perspectives used to measure poverty

Poverty can be measured using the following three (3) perspectives.

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

Human Poverty Index as a measure used by the UNDP to measure poverty

The UNDP measures poverty in terms of deprivations. Namely;

- i. Deprivation of a long and healthy life expectancy of about 40 years
- ii. Deprivation of knowledge measured by illiteracy levels
- iii. Deprivation of economic provisions measured by people's access to food, clothing, shelter among others.

12.5.2. Explain the causes of poverty in Zambia.

- **Debt Burden:** This means that more money is spent on servicing the debt at the expense of investing in social and economic development.

- **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.
- **Changes in Agricultural Policies:** The negative changes in agricultural policies especially between 1992 and 2001 contributed to high levels of poverty especially in rural areas.
- **Climatic Variation:** The changing climatic and environmental conditions are also causes of poverty in Zambia. Example, rainfall patterns are increasingly erratic and droughts are a common feature and this has led to low food production, hence, food insecurity.
- **Morbidity (illness) and Mortality (deaths)**
 - The increase in illness and premature death that was experienced due to HIV/AIDS pandemic has contributed to poverty. Many families have lost productive members or bread winners. Also the cost of caring for a chronically ill family member makes the family poor.
- **Orphans:** The increase in the number of orphans requiring care and support from relatives causes a strain on families' resources.
- **Inequalities:** In Zambia, it has been observed that the gap between the rich and poor is widening. The inequality in terms of income, education, wealth and access to assets has led to high poverty levels.
- **Low salaries:** People with low pay fail to meet their basic needs, hence, depend on borrowing.
- **Conflict:** Conflict is also a cause of poverty. For example when there is conflict in a society, less time is spent on economic activities. Sometimes people lose their lives or they are forced to flee their homes. There will be no time to create wealth.
- **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 dependence syndrome.
- **High Unemployment levels:** People with no employment will lack income to support their welfare; hence they will depend on others to support them.
- **Corruption:** Rampant corruption makes the few privileged benefit while the majority are denied the chance to prosper hence, remain in poverty.

12.5.3. Assess the effects of poverty

The effects of poverty are interrelated and the following are some of them.

- Hunger or food insecurity.
- High unemployment levels.
- Increase in crime rate.
- Conflicts in the society.
- Increase in corruption and vandalism.
- Lower life expectancy due to low standard of living.
- Increase in prostitution, resulting in the increment of unwanted pregnancies and high levels of HIV and AIDS.

- Breakdown of extended family system one of Zambia's cultural practices.
- Increase in child labour and other violations of child rights.
- Depletion of natural resources due to more people exploiting the same inadequate resources, such as water, forest and soil.

12.5.3. Discuss Poverty alleviation strategies

Poverty alleviation is the process of lessening the suffering of the poor by meeting their immediate pressing needs.

The following are some of the ways in which poverty in Zambia can be alleviated.

- Improving the provision of education as education is a very powerful tool for poverty reduction.
- Improve food production and empower small scale farmers.
- Improve health status of people of Zambia especially the poor.
- Reduce the incidence, infection and socio-economic impact of HIV and AIDS.
- Increase access to safe water and sanitation.
- Promote agricultural sector which will be able to export and ensure increased household income and food security.
- Promote rural electrification to attract investments and reduce unemployment in rural areas.
- Increase access to factors of production such as land and farming implements.

12.5.4. Evaluate poverty alleviation strategies and their implementation in Zambia.

- 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.
 - i. **Macro Economics:** To achieve a high sustained real GDP growth.
 - ii. **Agriculture:** To promote a self-sustaining export led agricultural sector which ensure increased household income and good security.
 - iii. **Tourism:** To enhance the Tourism Sector's contribution to economic growth and poverty reduction.
 - iv. **Mining:** To promote investment in the Mining Industry and ensure the development of self - sustaining mineral based Industry.
 - v. **Industry:** To promote growth of an export led Industry leading to employment creation and poverty reduction.
 - vi. **Health:** To improve the health status of people in Zambia especially the poor.
 - vii. **Education:** To provide relevant equitable efficient and quality education for all.
 - viii. **HIV/AIDS:** To reduce the incidence, infection and socio-economic impact of HIV and AIDS.
 - ix. **Gender:** To promote gender balance to ease the burden of poverty especially of women at the household, community and national levels.
 - x. **Environment:** To formulate good policies on the protection of the environment, management and development of natural resources.
 - xi. **Energy:** To ensure optimum supply and utilization of energy.

- xii. **Water and Sanitation:** To contribute to poverty reduction through increased access to safe water and sanitation, increased food production and food security.
- xiii. **Transport and Communication:** To create an efficient transport and communication system that will promote economic growth and poverty reduction.
- xiv. **Roads:** To expand, rehabilitate and invest in the road sector so as to improve accessibility and mobility.

12.6. ENVIRONMENTAL EDUCATION

12.6.1. Explain Environment

The word environment refers to the surroundings and things found on earth both physical and cultural which differ from place to place.

It also means conditions within which something exists. It is made up of components which do not work independently but depend on each other.

COMPONENTS OF THE ENVIRONMENT

The components of the environment are divided into living and non-living components.

If human activities are considered central, then the environment is divided into natural and cultural components.

- i. **Natural Component:** Physical and living environment, atmosphere, hydrosphere, lithosphere, animal and plant.
- ii. **Political Environment:** Political instructions – decision – making.
- iii. **Economic Environment:** Economic systems, Economic Institutions, Rural and Urban landscape.
- iv. **Social and Cultural Environment:** Cultural and Social Institutions, beliefs, customs and Traditions.

12.6.2. Outline causes of environmental degradation.

Environmental degradation refers to any action that makes the environment less fit for human, plants and animal life. The following are some of the causes of environmental degradation:

- **Over population:** More people concentrated in one area. This brings a lot of environmental problems such as cutting more trees for construction, charcoal, production and many more.
- **Pollution:** It refers to the reduction in the quality of environment by introducing harmful material in it. Generally pollution takes two (2) forms.
 - i. **Natural Waste (Organic/Inorganic).** Organic waste are things like grass, leaves which do not pollute the environment while inorganic wastes include elements of compounds such as lead, Sulphur and copper found in rocks and one found in small quantities in our bodies. However, they are very poisonous, once mined. They contaminate rivers, streams, lakes, ground water supplies, soil and even air.
 - ii. **Synthetic Waste:** People are able to make new chemical compounds called synthetic chemicals such as pesticide, fertilizers, clothes, cleaning material, plastics, cosmetics, building materials. Some of these materials are proved to be harmful to the environment.

Note: **Biodegradable material** is the material that decomposes in the environment as a result of biological action.

Non Degradable materials: These are synthetic substances that do not decompose so easily for example; plastics can remain in the environment for hundred years because organisms that feed on them are rare.

- **Depletion of Resources:** A Resource is any source of raw material or object that human being are able to use to sustain life or produces wealth. A resource is depleted or used up when it becomes less available for its intended function or use. Resources can get depleted in three (3) ways: (converting them into another substance; displaced to another location; and by being polluted).

Examples of resource depletion

- Soil Erosion:** Comes as a result of the removal of the vegetation cover due to human activities.
 - Deforestation:** The high demand for timber and domestic use has led to the destruction of forests.
 - Desertification:** If a gradual destruction of the capacity of semi and lands for plant and animal production. Also overgrazing and over cultivation of grasslands leads to rapid decrease in soil nutrients reducing the chance for further growth of vegetation. Loss of plant cover promotes aridity and desertification.
 - Over Fishing.** Rapid increase in global fish harvest has resulted in over fishing. This leads to depletion of some fish species (e.g. the use of illegal fishing methods like use of mosquito net and poisoning).
 - Fresh Water:** The demand for water for irrigation, power generation, domestic and industrial use has exceeded sustainable supplies of the world resulting into depletion of fresh water.
- **Climate Change:** Human beings have altered the environment through many activities such as excess emission of carbon dioxide from burning fuels, chlorofluorocarbons (CFCS), from refrigerators, aerosol sprays, our conditions and methane into the atmosphere. This has led to global warming (increase in global temperature resulting in the melting of glaciers and rise in mean sea levels which in turn may cause flooding of the coastal regions).

Note: The gases contribute to the destruction of the ozone layer which filters harmful ultraviolet rays from the sun. Further, global warming has resulted in changes in the weather pattern globally.

- **War:** War is a combination of all environmental problems. It leads to pollutions and depletion of resources far more than any single peace time activity.

12.6.3. Identify major environment issues in Zambia.

Zambia Environment Management Authority (ZEMA) formally known as the Environmental Council of Zambia (ECZ) has identified the following major environmental concerns in Zambia:

- **Deforestation:** This is the indiscriminate destruction of forests. Vegetation is cleared for a purpose of wood fuel, timber, farming and settlement among others

Note: Unstable utilisation of forests when left unchecked eventually leads to forest depletion. Therefore, there should be deliberate effort by the government and the community as a whole to

replant trees (re-afforestation). Thus re-afforestation means planting of trees to replace destroyed forests while afforestation is the planting of trees where there was no forest before.

Benefits of afforestation and re-afforestation:-

- i. Assured supply of charcoal and firewood.
 - ii. Sustainable supply of building timber.
 - iii. Protection of soil from erosion.
 - iv. Some plants fix nitrogen in the soil.
 - v. Some plants provide fruits and herbs for medicine use.
 - vi. Collection of mushrooms, caterpillars, nuts and honey.
- **Wildlife depletion:** Various species of birds and animals are becoming few in number due to unlawful killing (poaching). Examples of endangered species are; black rhino and wild dog. Examples of vulnerable species include elephant shrew, black lechwe, Kafue lechwe, cheetah among others.
 - **Pollution:** Pollution of air, soil and water is an environmental issue in Zambia. This is as a result of rapid increase in the generation of wastes due to industries and rapid population increase.

Suggested legal actions to prevent pollution in Zambia

- (a) **Restrictions:** Some pollutants are so toxic that even in small quantity they can kill wildlife, domestic animals, agricultural crops and human beings. Thus the government should abolish the production of such harmful substances.
- (b) **Qualified Restrictions:** Some pollutants are not very dangerous such as Sulphur dioxide which is released whenever fossil fuels are burned. It is harmful in many ways. Therefore, the government can permit specific emission levels. If the mine emits more than expected, it must be fined.
- (c) **Subsidies:** Government can encourage environmentally friendly practices by Industries. Tax deduction can be given to these Industries and Companies that do not pollute the environment.
- (d) **Residual Charge:** Industries and individuals who pollute the environment can be charged the amount of money proportional to the quantity of the pollutant emitted.

Other Measures: Establishment of recycling plants by all local authorities (councils); regular and efficient collection and disposal of waste in designated sites, discourage the use of non-degradable materials such as plastic bags.

- i. **Waste:** Is another type of pollution. It includes food, dirt, paper, bottles, plastic bags and containers. Poor waste disposal and management leads to deterioration of the environment as a result there are a lot of diseases such as cholera and typhoid.
- ii. **Land Degradation:** Human activities have led to land degradation in the quest to bring economic development. Activities such as agriculture, settlement, mining and quarrying have made changes to the natural landscape.

- iii. **Inadequate Sanitation:** Poor sanitary conditions especially in towns like Lusaka, Ndola, Kitwe and Livingstone have been regarded as being responsible for the outbreak 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 contribute to the spread of such diseases.

12.6.4. Discuss Environmental Management.

Environmental Management refers to the measures and controls directed at environmental conservation and sustainable use of resources.

In Zambia Environmental Management activities are coordinated by an umbrella body called Zambia Environmental Management Authority (ZEMA) formally Environmental Council of Zambia (ECZ).

The table below shows some important institutions that promote environment management in Zambia, and their specific roles.

INSTITUTIONS	MAIN ROLES
Zambia Environmental Management Authority (ZEMA)	- Environmental protection - Pollution control. - Natural Resources management.
Ministry of Education	- Implementation of Environmental Education in Learning Institutions
Ministry of Local Government (Councils)	- Development of human settlement.
Ministry of Environment, Tourism and Natural Resources.	- Formulation of policy on matters of environment and natural resources. - Formulation of policies and legislation of tourism and wildlife management.
Ministry of Lands	- Formulation of policies on land issues.
Forestry Commission	- Management of the country's forests.
Department of Water Affairs	- Management of Water resources.
National Heritage Conservation Commission	- Identification and management of objects of aesthetic value.
Zambia Wildlife Authority (ZAWA)	- Management of wildlife estates. - Ensuring equitable sharing of benefits of wildlife management and conservation.
Fisheries Department	- Implementation of legislation on the development of the fishing sector - Regulate fishing methods and reinforcing fish ban between December and March (breeding period)

12.6.5. Discuss the importance of biodiversity in the management of the environment

Bio-diversity 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.

Bio-diversity is considered at three levels

- (a) **Genetic Diversity:** Is the measure of the variability within and between species.
- (b) **Species Diversity:** Refers to the total number of species in a given area.
- (c) **Ecosystem Diversity:** This refers to a variety of habitats within which species occur.

The significance of bio-diversity: In Zambia bio-diversity is important for the following reasons;

- The majority in Zambia depend on the variety of local resources in their areas which includes plants for various purposes such as fruits and leaves which act as a source of food. Apart from plants, human beings also depend on animals, fish and birds.
- Plants are not only used as a source of food but also for construction purposes.
- Various biological resources such as micro-organisms are used in the preparation of medicines.
- It also maintains ecological balance.
- Bio-diversity also has aesthetic and recreational value. Game viewing, sightseeing, mountain climbing, safari hunting all depend on bio-diversity.

Threats to Bio-diversity: Biodiversity in Zambia is increasingly coming under pressure by both human and natural factors. These include:

- i. Land use conflict between human and animals.
- ii. Massive development of settlement and related activities.
- iii. Pollution.
- iv. Deforestation.
- v. Over exploitation of resources such as over fishing and game poaching.
- vi. Climate change such as occurrence of frequent droughts.
- vii. Lack of biodiversity knowledge by the public.

Management of Biodiversity: Zambia signed and ratified the convention on Biodiversity in 1992 and 1993 respectively. By so doing 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.

The culture of totems manages biodiversity through customary laws.

Biodiversity Strategic Plan is based on the following:-

- (a) Ensure conservation of the natural ecosystem through network of protected areas.
- (b) Conservation of genetic diversity of crops and livestock.
- (c) Improvement of legal and institutional framework as well as human resource development to implement strategies and conservation; sustainable utilization as well as equitable sharing of benefits from biodiversity management.
- (d) Development of an appropriate legal framework on the risk involved in the use of genetically modified organism (GMOS).

12.6.6. State some International Conventions on Environmental Management.

- i. Basel Convention on the Control of Trans Boundary Movement of Hazardous Waste
- ii. United Nations Convention to Combat Desertification.
- iii. Convention on the protection of World Cultural and National Heritage.
- iv. Convention on the protection of the Ozone Layer.

12.7. GLOBAL ISSUES

12.7.1. Explain globalisation and global issues

Globalisation: The term globalisation means the emergence of global society in which economic, political, and cultural events in one part of the world quickly come to have significance for people in other parts of the world.

Note: Globalisation is as a result of advances in communication, transportation and information technological, and cultural linkages that connect individual communities, businesses, and governments around the world.

Globalisation also involves the growth of multinational corporations (businesses that have operations or investments in many countries) and transnational corporations (businesses that function in a global market).

Global Issues: Refer to all those developments and problems which affect the welfare of the people in all the countries.

- Thus global issues include; human rights, and good governance, war and peace; world refugee crisis, world debt crisis, world energy crisis, international trade, global warming, HIV and AIDS, tourism, global credit crunch among others.

12.7.2. Discuss Bilateral and Multilateral Aid.

Foreign Aid: refers to the international transfer of funds, goods and services in form of loans and grants from one country to another. There are two (2) types of foreign aid. These are Bilateral and Multilateral aid.

Types of foreign aid

- (a) **Bilateral Aid:** Is the assistance from one country to another. For instance, Zambia receives aid from Swedish International Development Agency (SIDA) or from United States Agency for International Development (USAID).
- (b) **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), the World Bank and the European Union (EU).

Forms of Bilateral and Multilateral Aid

It usually comes in form of grants and loans. The grants and loans may come in form of financial assistance, capital goods like machinery or technical expertise (skilled labour)

- i. **Grants:** Are gifts from International Agencies to a government or from one government to another. They are not to be paid back.
- ii. **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 refer to a loan given at a high rate of interest, while a soft loan is a loan given at a low rate of interest or is repaid without any interest.
- iii. **Tied Aid:** Refers to loans and grants which have ‘strings’ or stipulated condition of use. For example 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.

Foreign Aid and Development debate

There is an International debate on whether foreign aid hinders or promotes economic development in Third World countries. The following are some of the arguments for bilateral and multilateral 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 capital goods.
- It provides new technology and skills which the local people can later acquire by mean of training.
- Food aid alleviates famine in case of natural disasters such as floods, droughts and earthquakes.
- Foreign aid also promotes International Corporation between the donor and the recipient countries.

Arguments against:

- **Loans and Grants** ‘tied to donor’ have to be spent on buying goods and services from the donor country. Many offers of these goods and services are more expensive and lower quality than those from other sources.
- **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 on the recipient nation.
- **Profits from Foreign Investment:** 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 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 countries poorer.
- Foreign Aid promotes dependence syndrome in the recipient country thereby impact negatively on the general work culture of the people.
- Recipient countries may be force to support the donor country in foreign policy for them to receive aid.
- 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 from the donor nation.

12.7.3. Discuss International Trade

International or External or Foreign Trade refers to the buying and selling of goods and services between two and more countries.

Importance of or reasons for International Trade: Nations like individuals, engage in trade for various reasons. Among them are;

- **Uneven Distribution of Resources:** No nation has all the natural resources to use in industrial economy. For example Iraq and Kuwait have plenty oil while Zambia does not have.
- **Climate Differences:** Varying climate conditions does not allow the growing of certain crops. For example Mediterranean type of climate favours the growth of apples which may not do well in a tropical type of climate.
- **Specialisation:** Each country is specialised in a given line of industries for a country cannot be specialised in all. Sometimes, two countries may agree to specialise and trade with each other if each country has a clear cut advantage in producing a particular commodity. This is referred to as comparative cost advantage. This happens when the average cost of producing a particular commodity in one country is cheaper than in another.
- **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. Thus, a country has to buy these from other countries.
- **Supplement Domestic Product:** Due to high demand on local products a country may import to add to domestic production. For example Zambia produces cooking oil locally but it imports from

COMESA countries in order to supplement to local products, mainly the reason or to avoid shortages of goods and services in the country.

- **Earn Foreign Exchange (Forex):** Foreign Trade enables a country to earn foreign exchange (the more foreign exchange the country has, the more stable the economy will be)
- **Promote International Cooperation:** Trade promotes International peace, cooperation and political friendship.

Important terms in International or foreign Trade

- (a) **Terms of Trade:** Means the rate at which nation's exports are exchanged for imports from another nation. For example, the rate at which British tractors are exchanged for Zambian copper, that is how many tonnes of copper are required to pay for the tractor.
- (b) **Favourable Terms of Trade:** means the prices for your country's exports are relatively higher than the prices for its imports.
- (c) **Unfavourable Terms of Trade:** Means the prices of your country's exports are relatively lower than the prices of imports.
- (d) **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 export we say that Trade is balanced.
- (e) **Favourable balance of payments:** Takes place when a country receives more foreign exchange from exports, but spends less Forex on imports. This is called balance of payment surplus.
- (f) **Unfavourable balance of payments:** occurs when a country receives less foreign exchange from its exports but pays more foreign exchange on its imports. This is also called a balance of payment deficit.

12.7.4. State the role of the World Trade Organisation (WTO)

WTO is an International body dealing with the global rules of trade between nations. WTO was established in 1995 to replace the General Agreement on Tariffs and Trade (GATT) of 1947. The WTO is not a specialized agency of United Nations, but it has Cooperation, agreement and works closely with the UN.

Functions or roles of the WTO

- i. Helps trade flow as free as possible by reducing and eventually eliminating tariffs (trade taxes) and other barriers such as quotas imposed by various nations.
- ii. Sets its trade negotiations among its members.
- iii. Interprets trade agreements and impartially settles trade disputes between nations.

Principles of WTO

This trade organisation is based or centred on the following principles:-

1. **Non-discrimination:** All member states are treated as equal trade partners.
2. **Free Trade:** There should be free trade and all trade barriers should be reduced through negotiations.
3. **Predictability:** Foreign Companies, Investors and Governments should be confident that tariffs and other trade barriers will not be raised arbitrarily (wrongly or with wrong motives)
4. **Competition:** There should be free competition in International Trade. Unfair practices such as export subsidies and dumping products at below costs to gain market share are discouraged.
5. **Special privileges for the less developed nations.** The trading system should be more beneficial for less developed countries (LDC)

Note: WTO is made up of 146 member countries and its headquarters are Geneva, Switzerland. Council of Minister (Commerce) is among the organs of WTO and Zambia is a member.

12.7.5. Explain debt crisis and debt relief.

Debt Crisis is a situation where a country borrows beyond its capacity to pay back

Causes of debt crisis in Zambia

- **Unfair International Trade:** Exports are cheaply obtained while imports are very expensive, in developing countries, thus causing balance of payment deficit (unfavourable balance of payment).
- **Debt Servicing:** Is the process of paying interest on outstanding loans which has worsened debt. This means that the larger percentage of GDP is spent on servicing loans at the expense of development.
- **Spending loans on Consumption:** Loans are usually diverted to buy consumption products instead of intended projects, hence; the country has to borrow more to repay outstanding loans.
- **Falling Copper prices from 1970s and Liberation Wars:** As copper prices have continued to fall even to date, oil, machinery and other import product prices keep on increasing. With increased wars in neighbouring countries has made Zambia to have more refugees to look after.

Debt relief and the highly indebted poor countries (HIPC) Initiative

- This was a World Bank and IMF programme aimed at reducing the debt burden of the world's poorest countries that were unable to pay their debt. This programme had the following initiatives:-
- Reduce the huge debt burden of the highly indebted poor countries to sustainable levels (levels that these countries may manage)
- Provide funds for poverty reduction in form of debt relief (debt cancellation)
- Highly indebted poor countries (HIPC) to meet the conditions of the Structural Adjustment Programmes (SAP) set by the World Bank and IMF

Some of the Structural Adjustment Programme Conditions were:-

1. Privatise state owned enterprise.
2. Reduce its tariff barriers (custom duties) to encourage imports.
3. Impose restrictive fiscal and monetary policies to control spending by wage freeze and retrench excess employees.
4. Remove controls on prices and withdraw subsidies on essential commodities.

Zambia qualified HIPC initiative in December, 2005 and 3.8 billion US dollars was cancelled.

The benefits of the HIPC Initiative

- **Debt Relief Funds:** The money was spent on Poverty Reduction Programmes such as rehabilitating infrastructure like colleges, schools, health centres, bridges and roads.
- **Reduced external debt payment levels.**
- **Reduction in the total debt stock:** This is the total amount of money a debtor owes a creditor, thus, Zambia's reduced.

12.7.6. Discuss the effects of debt crisis in Zambia

- Spends the larger portion of its GDP on servicing the debts at the expense of development.
- Have limited money to fund social sectors such as education and health as it spends on servicing loans.
- Its sovereignty is compromised as the donors dictate on how the economy should be managed.
- The situation perpetuates external dependence and the country remains desperate because of the debt burden.

12.7.7. Explain Millennium Development Goals

The Millennium Development Goals (MDGS) are eight (8) global development targets agreed upon by world leaders at the United Nations Millennium Summit in September, 2000. The summit's Millennium Declaration binds all the 189 UN Member States to achieve these eight goals by the year 2015.

- The following are the eight (8) 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 child birth.
 6. **Combat HIV/AIDS, Malaria and other Diseases:** By 2015 stop and begin to reverse the spread of HIV/AIDS and the incidence of malarial 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 the environment 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:** This is to ensure an open trading and principle system that includes commitment to good governance, development and poverty reduction both at national and international levels.

12.7.8. Analyse Zambia's efforts towards the attainment of the Millennium Development Goals (MDGS).

The Zambian government took the following measures to implement the MDGS.

1. Poverty reduction

- Introduction of Poverty Reduction Strategy Paper (PRSP)
- Creation of Citizen's Economic Empowerment Commission.
- Provision of subsidised fertilizer to sustenance farmers.
- Attraction of Foreign Investments and reopening mines.
- Creation of Economic Zones.

2. Education sector

- Introduction of free basic education from Grade one to Seven (1-7)
- Introduction of School re-entry policy, to allow pregnant girls to go back to School (positive discrimination).
- Building more schools and increasing school enrolment.
- Train and deployment of more teachers in basic schools

3. Gender Equality and Women Empowerment

- Introduction of the Ministry of Gender.
- Implementation of affirmative action policy in the selection of students in colleges and universities.

4. Maternal Health

- Implementation of compulsory antenatal and postnatal health programmes.
- Implementation of family planning and child spacing programmes.

5. Combating HIV and AIDS, malaria and other diseases.

- Encouragement and implementation of free voluntary counselling and testing (VCT)
- Introduction of HIV and AIDS programmes at places of work.
- Free indoor residual or house spraying to control malaria.
- Provision of free mosquito nets to pregnant women and nursing mothers.

6. Environmental Sustainability

- Strengthening the capacity and operation of Zambia Environmental Management Authority (ZEMA)
- Implementation of annual Tree Planting Programmes.
- Enforcing Annual Fish Bans

7. **Global Partnership of Anti-corruption Policies.**

- Implementation of Anti-corruption policies.
- Strengthening of the Human Rights Commission
- Strengthening partnership with regional and international organisations; such as SADC, COMESA, EU and ACP (Asia Caribbean and Pacific) countries.

Note: The Millennium Development Goals initiative came to the end in the year 2015.

Sustainable Development Goals (SDGs)

The MDGs have been replaced by the Sustainable Development Goals (SDGs)

The SDGs are also known as Global goals are a universal call to action, to end poverty, protect the planet and ensure that all people enjoy peace and prosperity.

The following are some of the areas covered under the SDGs.

1. Ensure that extreme poverty in all forms is eradicated by 2030.
2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
3. Ensure healthy lives and promote well-being for all at all ages
4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
5. Achieve gender equality and empower all women and girls
6. Ensure availability and sustainable management of water and sanitation for all
7. Ensure access to affordable, reliable, sustainable and modern energy for all
8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
9. Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation
10. Reduce inequality within and among countries
11. Make cities and human settlements inclusive, safe, resilient and sustainable
12. Ensure sustainable consumption and production partners
13. Take urgent action to combat climate change and its impacts
14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss

16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
17. Strengthen the means of implementation and revitalise the global partnership for sustainable development

Guide lines on essay writing

- The essay must not have a heading
- No sub-titles are allowed in the essay
- No numbering of your work
- No bullets
- No underlining to emphasise a point
- No semi colonies (;) and full colonies (:)
- Write your essay in paragraphs
- Each paragraph to outline only one point
- Write legibly for easy marking of your work
- Use simple Grammar in the presentation of your work. Avoid bombastic words that have no meaning.
- Short essay questions in Section B should be written as a one whole paragraph.

Warning: failure to follow the benchmarks of essay writing results in loss of marks. You will lose half of the total marks you have scored in that essay question.

- Starting with essay questions in Section C is the best thing a candidate can do while your brain is still fresh.

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