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# **Construction of alternative indices of political freedoms, property rights and political instability for Zambia**

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**Abstract:** This study presents new institutional measures for Zambia. Coverage is of political rights and freedoms, of property rights, and of political instability. The sample period is from 1947 to 2007. Comparison of the indices with directly comparable Zimbabwean and Malawian series, shows strong sources of divergence in institutional conditions.

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To Luguia Weng San  
*for her unconditional love*

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## 1. Introduction

The economic performance of Zambia has been disappointing since its independence in the 1964. For instance, from 1973 to 1991, Zambia's average per capita annual income declined by 2.5 per cent per year. The average inflation rate since independence is about 47%. After a long period of economic contraction or very sluggish growth, Zambia's economy has started growing by an average of 4.7 percent per year only in the last decade (see table 1).

A variety of factors ranging from a resource curse and terms of trade shocks to poor macroeconomic management have been offered to account for Zambia's poor economic performance. However, there is also a view that the weak institutional framework characterised by insecure property rights and an unreliable rule of law is at the centre of the persistent growth problem.<sup>1</sup> This view is in line with the New Institutional Economics (NIE) literature which argues that high quality institutions are the fundamental input for good economic performance. Testing this hypothesis, however, is not straightforward. One of the problems is that it requires reliable measures of institutions which span a long time period.

There are many indicators aimed at measuring the quality of institutions. The tradition in the institutions-growth literature has been, however, the reliance on subjective indicators constructed on the basis of surveys of international and domestic investors and of international economic and political consultants who deal with the business climate of numerous countries. Despite the fact that these indicators are widely used in empirical studies, they suffer from various weaknesses. Two of these weaknesses are particularly important for the purpose of this study.

First, there is a mismatch between the way institutions are conceptually defined and the way they are measured. As Glaeser, La Porta, Lopez-de-Silanes, & Shleifer (2004) note, most of these indicators are invalid as measures of institutions because they do not reflect institutions as inputs into production. This inadequacy may render the causal link between institutions and economic growth questionable. Second, most existing empirical indicators measuring institutions have

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<sup>1</sup> See, for instance, Du Plessis & Du Plessis (2006)

limited temporal coverage, particularly for Zambia, which impedes testing the long-run link between institutions and economic growth. As Kaufman, Kraay, & Mastruzzi (2003) point out, the longer the length of time being covered, the higher the likelihood of observing significant changes over time in institutional variables.

Although many researchers have pointed out these problems and called for the construction of more reliable country-level data sets of institutional indicators that span lengthy time periods, studies devoted to this purpose in Zambian context are rare, not to say non-existent. This study is an attempt to fill this gap and presents new indices that overcome the two limitations raised above. This objective is achieved by constructing the *de jure* indices of political freedoms and property rights and a *de facto* index of political instability for Zambia for the period 1947 to 2008.

The study proceeds as follows. Sections two and three review the literature. While the former outlines the theoretical framework, the later reviews the existing indices of political freedoms, property rights and political instability and show their shortcomings. Section four and five are devoted to the construction of alternative indices for Zambia. Section four presents political freedoms and property rights indices while section five constructs a political instability index. Finally, section six concludes.

## **2. Theoretical framework**

In explaining what accounts for the prevailing patterns of economic growth around the world, growth theory have traditionally focused on physical and human capital accumulation, and later on technological change. The question arising, however, is why is it that countries do not improve their technologies and invest more in physical and human capital accumulation? This led to the conclusion that accumulation and technological change are the proximate but not the fundamental causes of economic growth.

In the investigation of the fundamental causes of economic growth, three lines of research stand out in the literature (Rodrik, Subramanian, & Trebbi, 2004). First, some believe that geography (soil quality, climate, endowment of natural resources, topology and the disease environment) affects economic growth through its impact on agricultural productivity, transport costs and communication, and the quality of human resources. This is mostly associated with Jeffrey Sachs (Gallup, Sachs, & Mellinger, 1998, and Sachs, 2001). A second line of research emphasizes the role of openness to international trade in fostering economic convergence among rich and poor countries. Recent research in this camp includes Frankel & Romer (1999).

A third line of research focuses on institutions. Institutions are defined as the formal and informal rules, and their enforcement mechanisms, that shape the behaviour of individuals and organizations in a society. Formal rules include the constitution, laws and regulations, and contracts while informal rules include ethics, trust, religious precepts, and other unwritten codes of conduct. Most economists studying economic growth agree that, at some level, the country's quality of institutions and its economic performance are related. The exact ways in which both are related, however, is incompletely understood. High quality institutions may be both a determinant and an outcome of economic growth.

Modernization theory argues that the causation runs from economic growth to institutions. According to Lipset (1959), as a country becomes more industrialised, more urbanised, and its education levels rise, its social structures becomes more complex, new groups emerge with their own interests and power, and it becomes therefore more difficult to sustain "bad" institutions such as an autocratic regime. The empirical evidence on this is mixed. Helliwell (1994) and Barro (1996) found a positive impact of GDP per capita on democracy and civil liberties (but only if variables such as educational attainment and investment rates are omitted as explanatory variables), which supports the hypothesis. Alvarez, Cheibub, Limongi, & Przeworski (2000), on the other hand, found that higher income does not raise the probability of a switch from autocracy to democracy, but rather that democracies are more likely to survive in higher-income countries. This higher survival probability may explain the positive correlation between income per capita and democracy (Helpman, 2004).

Notwithstanding how important the Lipset hypothesis might be, a voluminous research on the effects of institutions on economic performance has consistently presented evidence supporting the importance of these elements of social structure.<sup>2</sup> According to this line of research, rich countries are those where the rules of the game are such that investors' property rights are protected, the rule of law prevails, contracts are enforced, and citizens have recourse to political freedoms. Alternatively, poor countries are those where such rules are absent or ill-formed. This view is associated most strongly with Douglass North (North, 1990, 1991; North & Thomas, 1973) and has received careful econometric treatment by Acemoglu, Johnson, & Robinson (2001).

Modernisation theory and the NIE theory share in common the importance attributed to property rights as a mean to secure investment and growth and both see such security as (unconstrained in the former and constraint in the later) choices made by the government. In an effort to unbundle institutions, Acemoglu & Johnson (2005) separate the effect of property rights from contracting institutions and their findings support the primacy of property rights in fostering economic progression.<sup>3</sup>

Economic growth is a very complex phenomenon and need not be restricted to the impact of the state of institutions. Political freedoms and property rights are not the only sources of economic growth. Some researchers have shown that political instability affects negatively economic growth by increasing uncertainty and by reducing the quality of economic policy formulation.<sup>4</sup> Olson (1982), on the other hand, has suggested that political instability may have a positive impact on growth because it has the potential to disrupt rent-seeking activities in the society.

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<sup>2</sup> See also Knack & Keefer (1995), Mauro (1995), Hall & Jones (1999), Acemoglu, Johnson, & Robinson (2002), Easterly & Levine (2003) and Rodrik, Subramanian, & Trebbi (2004).

<sup>3</sup> See also Fedderke (1997) and Wu & Davis (1999).

<sup>4</sup> See, for example, Alesina & Perotti (1996); Alesina, Ozler, Roubini, & Swagel (1996); and Knack & Keefer (1995).



This study will contribute to the growing institutions-growth empirical literature by providing alternative indices of political freedoms, property rights, and political instability for Zambia for the period 1947-2007.

### **3. Review of existing indices of political freedoms, property rights and political instability**

The measurement of political freedoms and property rights has been dealt with by many scholars. As a consequence of a lack of a uniform framework to measure institutions, authors have devised a variety of indicators. Here, only the indicators that dominate the empirical growth literature are reviewed.<sup>5</sup> The recent indicators in Fedderke, de Kadt, & Luiz (2001) and Gwenhamo, Fedderke, & de Kadt (2008), which this study follows, are also reviewed.

#### **3.1 Indices of political freedoms**

Existing indicators of political freedoms can be grouped into objective and subjective measures. Some of the objective measures include voter turnout statistics (Leaner, 1958; Vanhanen, 2000); the composition of the legislative and executive branches of government (Cutright, 1963; Vanhanen, 1990, 2000); and the franchise in a political system (Cutright & Wiley, 1969). Bollen (1980) and Bollen & Paxton (2000) argue that objective indicators are flawed because they are influenced by many factors that are not directly related to political rights and political liberties.

The subjective measures dominate the institutions-growth literature because they are generally viewed as better measures of institutions when compared to the objective indicators (Bollen & Paxton, 2000). They consist of expert judges who rate countries' standing on various aspects of political freedoms such as fairness of elections, the freedom of the media, or the liberties of political groups. The key subjective indicators are reviewed below.

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<sup>5</sup> For a survey of the various indicators of institutions and the growth references using such measures see Aron (2000); see also Glaeser et al. (2004). For a detailed analysis of some of the indicators presented here see Bollen (1986).

The Freedom House constructs annual indicators of political rights and civil liberties for many countries around the world, including Zambia. The quantitative measure of political rights is obtained on the basis of qualitative judgment (but not by local observers), based on published and unpublished information, of the following variables: the presence of free and fair elections, the existence of competitive political parties and organizations, and the potential for regional autonomy. Similarly, the civil liberties indicator is measured by rating the degrees of the freedom of speech, assembly, demonstration, and religion as well the protection of the individuals from political violence and other state powers. Both indicators are coded on a seven-point scale, with high scores indicating low degrees of freedom, and are then averaged to give a country a status of Free, Partly Free, or Not Free. Countries rating between 1 to 2.5 are considered Free, 3 to 5.5 Partly Free, and 5.5 to 7 Not Free. Zambia has been categorized as Partly Free since the inception of the index in 1972.

Bank (1971) assembled a Cross-Polity Time-Series, a dataset containing social, economic, and political indicators for virtually all independent nations of the world for the period 1815 to 1966, but excludes the years of the two major wars, 1914-1918 and 1940-1945. Zambia is included since 1964. The political rights indicator is based on the subjective interpretation of the following measures, but not limited to: openness of the nomination process of the chief executive, selection process of the chief executive and the legislature, the freedom of group opposition, and the effectiveness of the elected legislative body. These measures are rated on a three or four point scale.

Bollen (1980, 1990) constructs an index of democracy for more than 110 countries at two points in time, 1960 and 1965 (Zambia is only included in 1965), using the concepts of popular sovereignty and political liberties. Each of these concepts is measured using a combination of objective and subjective data. Political liberty is measured using: freedom of the press, freedom of group opposition, and government sanctions (based on the number of such events). Popular sovereignty is measured using: fairness of elections, executive selection, and the legislative selection. The composite index of political democracy is the average of the six components, which are linearly transformed to range from zero (low democracy) to 100 (high democracy).

The primary source of the data is Nixon (1960, 1965), Banks (1971) and Taylor & Hudson (1972).

Jagers & Marshall's (2000) Polity IV database shows, building on the earlier Polity III database by Jagers & Gurr (1995), measures of regime type ranging from +10 (full democracy) to -10 (full autocracy). The Democracy indicator is a weighted average of three indicators resulting from subjective scoring of: (1) existence of formal institutions for electing political leaders; (2) existence of formal constraints on the exercise of executive power; and (3) guarantees of civil liberties to all citizens. The autocracy indicator is measured by assessing the degree of competitiveness of political participation, the openness and the competitiveness of executive recruitment. Due to paucity of data on civil liberties, their indicator of democracy only includes the first two dimensions. The indicator is then used to produce annual measures of democracy and autocracy for all independent countries from 1800. Zambia is included from 1964. The measure on the "constraints on the executive" is perhaps the most used measure in the empirical literature.

Daniel Kaufman and his colleagues at the World Bank Institute (Kaufman, Kraay, & Mastruzzi, 2005, 2009, and Kaufman, Kraay, & Zoido-Lobaton, 1999) developed a series of governance indicators for more than 150 countries, including Zambia, and starts from 1996. The indicators are: voice and accountability, political instability and violence, government effectiveness, regulatory burden, rule of law, and control of corruption. Using an unobserved components model, the World Governance Indicators are constructed using opinion-based data from a wide array of sources. One difficulty with these measures, however, is their assumption that governance is normally distributed with mean zero and unity standard deviation because it removes the time dimension, i.e., it does not allow a measure of absolute changes in a country's rights, only its relative position vis-à-vis other country.

All the above indicators, however, are subject to Glaeser et al.'s (2004) critique that they are measures of outcomes rather than institutions as defined as input into production. In addition, their limited temporal coverage is a constraint in country-specific time-series studies.

Fedderke et al. (2001) construct an indicator of political freedoms that addresses the above drawbacks by relying heavily on formal legislation and covers the 1935 to 1997 period. The indicator is obtained by assessing whether the legal framework provides for the following rights and freedom: voting rights, freedom of association, freedom of assembly, freedom of expression, minimisation of arbitrary executive power, independence of the judiciary and the legislature, minimisation of government secrecy or indemnity, the due process of law, freedom of movement, academic freedom, and religious freedom. Each of these sub-components is assigned a weight based on their relative importance and all sum up to 100 points. The rating of the subcomponent is done on the background without explicit scores being assigned to them.

Gwenhamo et al. (2008) extend the methodology in Fedderke et al. (2001) by providing explicit scores for the subcomponents, which are then combined to produce a single composite index. The limitation of these two studies is their limited geographical coverage provided that the indicators are only available for South Africa and Zimbabwe respectively.

### **3.2 Indices of property rights**

Despite the pre-eminence of property rights in the theoretical growth literature, there aren't many studies devoted to quantify these institutions. The Fraser Institute constructs a composite index of economic freedom comprising 5 elements: size of the government, protection of property rights, sound money, international trade, and regulation of business. These indicators are compiled by Gwartney, Lawson, & Block (1975-1996) and Gwartney & Lawson (1997-2006). The property rights indicator assesses the independence of the judiciary, law and order, and the involvement of the military in politics. It ranges from 0 to 100, with higher scores being more desirable. While all the indicators are available at 5 years intervals from 1975 for Zambia, the protection of property rights indicator is only available from 1980.

The Heritage Foundation (Johnson & Sheehy, 1996-2006) constructs an annual clustered indicator of economic freedom that consists of the assessment of the following elements: the degree to which private property rights are guaranteed and protected; the extent to which the government regulates the acquisition of property and ensures clear rights of property; the extent

to which state companies are privatised according to the principles of the market; the extent of enforcement of property and contract rights; and the assessment of the ability of individuals to accumulate private property, secured by clear laws that are fully enforced by the state. The indicator is graded in a 0 to 100 scale, with 100 representing maximum protection given to property rights. The indicator is part of the Freedom House composite index of economic freedom. The short time coverage of these indicators is a limitation in studying the long-run link between institutions and economic growth.

Many scholars are increasingly proxying economic institutions by one or more measures produced by firms specializing in evaluating the political risk for international investors. The major firms are the Business International, the International Country Risk Guide and the Business Environmental Risk Intelligent. The indicators produced by these firms come from surveys of international and domestic investors and economic and political consultants who provide subjective ratings on various features of the country including: law and order, bureaucratic quality, corruption, risk of expropriation by the government, and risk of government contract repudiation. These measures have dominated empirical studies linking economic institutions to economic growth. Some of the most influential papers using these indicators include Mauro (1995), Knack & Keefer (1995), Hall & Jones (1999), and Acemoglu et al. (2001, 2002). Besides covering a limited time period, these measures of institutions are also subject to Glaeser et al.'s (2004) critique raised above.

Fedderke et al. (2001) constructed an index of property rights for South Africa covering the period 1950 to 1997. The data was obtained through ratings of the impact of annual legislation passed by the government on the ownership of land, using the following criteria: the right to possess, the right to use, the right to manage, the right to capital, the right to security, the right to transfer and liability to execution. These incidents have varying scales based on their relative importance. Land was chosen for its importance in an agro-mining economy such as South Africa. This method was then later replicated by Gwenhamo et al. (2008) for Zimbabwe. Again, the sample size of these indicators is their major shortcoming.

### **3.3 Indices of political instability**

Only few political instability indices exist. Attempts to measure political stability include Russett, Deutsch, Lasswell, & Alker (1964), who looked only at how long rulers remain in power, and Jackman (1978), who focused on coups d'etat. These conceptions appear to be very simplistic because political (in)stability is a multidimensional phenomenon. To fill this gap some scholars have developed composite measures of political stability based on the incidence of strikes, riots, armed attacks and other events. Example of such indices includes Bollen & Jones (1982), and more recently Fedderke et al. (2001) for South Africa and Gwenhamo et al. (2008) for Zimbabwe. These indicators do not include Zambia. In addition, the task of construction of an objective indicator for Zambia is faced with lack of data when covering longer periods of time.

## **4. Construction of alternative indices of political freedoms and property rights for Zambia: 1947-2007**

The previous section has shown that there have been numerous attempts to measure various dimensions of institutions. Most of the existing institutional indicators, however, are either outcome-based and do not measure institutions as inputs, or have very limited temporal or sample coverage. This section introduces alternative measures of political and economic institutions for Zambia which are more close to the theoretical definition of institutions and also covers a far more extended time period (from 1947-2007). The next section deals with the measurement of political instability.

### **4.1 Empirical methodology**

This study borrows the methodology in Fedderke et al. (2001) and extended in Gwenhamo et al. (2008) which is based on four building blocks. First, the concept of the indicator being constructed and the criteria to be used in the rating process are established prior to the collection of information. The definitions and the relevant set of criteria are informed by an appropriate theoretical foundation of the rights or freedom of concern.

Second, rating scales for the sub-components are set using a participatory approach which involves experts (political scientists, political economists, property lawyers and social scientists) assigning weights to the different sub-components. The guiding principle is to assign heavier weights to sub-components that are more fundamental to the rights being evaluated. This study adopts the same weights as in Gwenhamo et al. (2008) in order to ensure comparability.

Third, relevant legislation passed by the government in each year is collected and scores are assigned to each sub-components of the relevant index based on changes introduced by that year's legislation relative to the preceding year. If in a specific year there was no relevant legislation passed by the government nor significant changes were introduced, the previous year scores are maintained for that year. In this fashion, annual scores for political freedoms and property rights were obtained.

This method makes the initial rating, therefore, of particular importance. In this study, the initial rating was informed by Gwenhamo et al. (2008) who studying Zimbabwe start from the same period. According to Ng'ong'ola (1992) the statutes in force in the Bechuanaland Protectorate (Botswana), Northern Rhodesia (Zambia) and Nyasaland (Malawi) were remarkably similar. This was due to the common ancestry of the legislation.

Finally, the constructed indexes are presented to an independent panel of leading social scientists, political economists, and lawyers who are well versed with issues in Zambia. Adjustments to the measures are undertaken on the basis of the feedback.

The rationale for adopting this methodology is threefold. Firstly, by using formal legislation instead of political and economic outcomes for evaluating the status of rights, the methodology safeguards against the validity problem pointed out by Glaeser et al. (2004) of generating outcome-based indicators that do not measure institutions as inputs into production. Secondly, by assigning scores to each sub-component of the index, the methodology minimizes the aggregation problem associated with composite indicators. In addition, the methodology also minimizes the usual caveats associated with the "interpretation bias," resulting from the influence of the researcher in the rating at any of the following steps of the process: the

collection of the laws judged relevant and to be rated; the interpretation and evaluation of the laws; and the transformation of the assessment of the law into a number. Consequently, the indicators provide a precise reflection of institutional quality. Finally, the resulting new data set constructed using this methodology is comparable to the data set of South Africa in Fedderke et al. (2001), Zimbabwe in Gwenhamo et al. (2008), Malawi in Fedderke & Garlick (2010) and Namibia and Tanzania in Bernie (forthcoming). The dataset in all these studies will allow testing various institutional hypotheses.

## **4.2 Political rights and civil liberties index**

Following the above methodology, this section presents the construction of the political rights and civil liberties index for Zambia. It starts by presenting the working definition of political rights and civil liberties, followed by the identification of the scaling and rating system. The section ends by providing an interpretation of the constructed index.

### ***4.2.1 The concept of political rights and civil liberty***

The concept of political freedoms or democracy is much debated in the literature. Bollen (1990) argues that providing a universally accepted definition is impossible. This study makes no attempt to solve disputes. Rather, following Gwenhamo et al. (2008), the study adopts the definition by Jagers & Gurr (1995) who defines a country as democratic if there are (1) institutions and procedures through which citizens can express effective preferences about alternative political policies and leaders; (2) institutionalised constraints on the exercise of executive power; and (3) guarantees of civil liberties to all citizens in their daily lives and in acts of political participation.

In order to capture these three theoretical dimensions the study assesses whether the Zambian legal framework (the Constitution, Acts of Parliament, and Statutory Instruments) provides for the following rights and freedoms:

- Voting rights;
- Freedom of association;
- Freedom of assembly;



- Freedom of expression;
- Minimisation of arbitrary executive power;
- Independence of the judiciary and the legislature;
- Minimisation of government secrecy or indemnity;
- The due process of law;
- Freedom of movement;
- Academic freedom;
- Religious freedom; and
- Other rights and freedoms.

#### ***4.2.2 Scaling and rating system for political rights and civil liberties***

The scales for political freedoms index can be generated using a principal component analysis such as in Bernie (forthcoming). For the sake of comparability, however, this study uses the same criteria and weightings as in Gwenhamo et al. (2008). The first eight sub-components are each assigned a weight of 10, yielding a total of 80 points, and the last four are each given a weight of 5, yielding a total of 20 points. As referred to above, the guiding principle was to assign heavier weights to sub-components that are more fundamental to political rights and civil liberties. The final index is a sum across all sub-components and provides a broad measure of the overall quality of political freedoms in a 100 points scale.<sup>6</sup> The information used in the ratings was obtained from a variety of secondary sources.<sup>7</sup>

Increases in the score indicate a move toward the full recognition of the right, and decreases indicate a move away from the ideal. A country with a score between 88 and 100 would indicate an ideal liberal democracy, with de jure protection of all personal and political freedoms. A country scoring between 75 and 87 has entrenched limits on state action, but the enjoyment of the guaranteed individual rights is not absolute. Between 51 and 74 sit countries which allow reasonable levels of civil and political rights and some constraints on arbitrary government power, but may well include discriminatory laws related to various freedoms, including

<sup>6</sup> Annexes 2 gives annual scores for each sub-component of the index and some implications of relevant laws.

<sup>7</sup> Government of the Republic of Zambia (1999); Chanda (1992, 1998); Ndulo & Kent (1998); Chirwa (1997); Heynes (2004); Rubin & Cotran (Eds) (various years).

franchise. If the arbitrariness of state power is only slightly constrained and the legal provisions of personal freedoms are weak, a country will fall between 38 and 50. A score between 13 and 37 indicates a state whose rights structure grants great arbitrary power to the state and most of the individual rights and freedoms are not recognized. Finally, a score between 0 and 12 would be indicative of a de jure “totalitarian” state of the type exemplified by Nazi Germany and the Soviet Union during the Stalin years.

#### ***4.2.3 Interpretation of political rights and civil liberties index***

Figure 1 plots the aggregate political rights and civil liberties index and figure 2 shows the 12 sub-components of the index. Some caveats need to be issued at the outset. First, the resulting index corresponds to the specification of rights and freedoms within the legislation and is not an outcome of whether or not the legislation was actually applied. Second, unlike the Freedom House indices, political rights and civil liberties are not separated. Finally, because the index covers a long period, issues of commensurability may arise. This is due to the fact that over the period covered by the study (1947-2007), Zambia went through complex phases of legal regimes making it difficult to assume a unified political system.

The quality of political rights and civil liberties in the initial year of the study, 1947, has been attributed a score of less than average because up to 1947 a set of legislation was enacted by the colonial government which when taken together severely restricted the political and civil freedoms of Zambians. The Vagrancy Ordinance No. 35 of 1929,<sup>8</sup> the Registration of Natives Ordinance No. 50 of 1929 which required Africans to carry “Situpas” (passbooks) upon them at all times, the Natives and Private Estates Ordinance No. 57 of 1929, the Townships Ordinance No. 53 of 1929, the Town Planning Ordinance No. 60 of 1929, and the Public Health Ordinance No. 13 of 1930, all had the effect of restricting the movement of Natives between rural and urban areas as well as within urban areas. This set of legislation was aimed at eliminating the towns of unemployed Africans since the towns were meant for white occupation only (Chanda, 1992).

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<sup>8</sup> According to section 3, a Vagrant was: “(a) any person wandering about and unable to show that he has visible and sufficient means of subsistence; (b) any person lodging in any veranda, outhouse, shed, or unoccupied building of any cart, vehicle or other receptacle without leave of the owner thereof, and not having any means of subsistence thereof...”

Freedom of expression was also limited by the colonial government by wide use of sedition and censorship laws. The Penal Code Ordinance No. 42 of 1930, for example, empowered the Governor in council to declare any publication to be a seditious publication, and to prohibit the importation of any newspaper, book, or document if deemed a sedition publication. In addition, Africans were also denied the right to vote. According to the Legislative Council Ordinance No. 25 of 1925, only British subjects, who were literate, spoke English, and owned a property of a certain value could vote or stand for elections. Africans did not meet these qualifications.

In a meaningful sense there was no constitution before 1952. There were a series of structural arrangements decreed by the British government which were loosely termed "Constitutions" (Ndulo & Kent, 1996). These consisted of the Northern Rhodesia Order in Council, 1924, the Northern Rhodesia (Legislative Council) Order in Council, 1924, and Royal Instructions (Chanda, 1992, GRZ, 2005). Under these arrangements, all executive power was vested in the Governor. Legislative power was vested in the Legislative Council, which comprised the Governor as President. According to Ndulo & Kent (1996), these constitutions could easily be amended in response to pressures and crises. Another piece of legislation which provided considerable power to the government was the Emergency Powers Ordinance No. 9 of 1927.

It is evident from the graph that from the initial year up to 1961 there was a sustained decline in the state of political freedoms in Zambia. In 1948 the colonial authority passed the African Migrant Workers Ordinance No. 30, according to which indigenous Africans were required to have passes to leave for other territories. This was an arrangement designed to implement an inter-territorial agreement made with Southern Rhodesia and Nyasaland for the regulation of immigrant African workers.

The slight improvement shown in the graph in 1949 resulted from the enactment of the Trades Disputes Ordinance No. 23 and the Industrial Conciliation Ordinance No. 24, which laid down the legal infrastructure for the operation of trade unions. As Chanda (1992) notes, two factors contributed to such change. In the first place, the newly-elected Labour government in Britain put pressure on British dependencies to facilitate the development of trade unionism. In addition,

there was considerable pressure from African workers for the colonial government to improve industrial organization and relations.

The period that followed the formation of the Federation of Rhodesia and Nyasaland in 1953 was characterised by the consolidation of European dominance over Africans and the erosion of their political and civil freedoms through the enactment of a vast body of legislation. The freedom of assembly and expression were restricted even further by the enactment of the Defamation Ordinance No. 46 of 1953, the Public Order Ordinance No. 38 of 1955,<sup>9</sup> the Northern Rhodesia Police (Amendment) Ordinance No. 10 of 1955, the Public Order (Amendment) Ordinance No. 17 of 1956, the Northern Rhodesia Police (Amendment) No. 70 of 1957, and the Preservation of Public Security Ordinance No. 5 of 1960.

The Societies Ordinance No. 65 of 1957, the Trade Unions and Trade Disputes (Amendment) Ordinance No. 18 of 1958 and the Industrial Conciliation (Amendment) Ordinance No. 17 of 1958 provided for a stricter control of the freedom of association. Restriction of movement was also tightened after Federalism through the enactment of the Inter-Territorial Movement of Persons (Control) Ordinance No. 34 of 1954 and the Protected Places and Areas Ordinance No. 6 of 1960.

Government arbitrary power during this period was also increased. The oppression of the Natives could only be maintained through a repressive government with arbitrary powers. For such purpose, legislation such as the Emergency (Transitional Provisions) Ordinance No. 38 of 1956 and subsequent amendments to Emergency Powers Ordinance of 1927<sup>10</sup> enhanced government power. This legislation gave the government wide discretionary power to declare states of emergency, to stifle political dissent and to limit personal freedoms.

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<sup>9</sup> Under the Public Order Ordinance No. 38 of 1955, public assembly or procession required a written permit from the authorities. Apart from rejecting the permit outright, the Ordinance empowered the Regulating Officer to impose conditions such as those relating to the person(s) who may or may not be permitted to address an assembly, and the matters which may not be discussed at such assembly (Chanda, 1992).

<sup>10</sup> Emergency Powers (Amendment) No. 48 of 1957; Emergency (Transitional Provisions) (Amendment) Ordinance No. 7 of 1957, and the Emergency Powers (Amendment) Ordinance No. 9 of 1959.

The end of the Federation of Rhodesia and Nyasaland and the adoption of a new constitution in 1953 were accompanied by major improvement in political rights and civil liberties. This is attributed to the introduction, for the first time in Zambia's history, of a Bill of Rights in the constitution. The enjoyment of these rights, however, was by no means absolute. They were subject to a number of limitations. A very significant limitation was that most of the rights guaranteed could be abridged when the country when an emergency declaration was in force (Chanda, 1992). The 1963 constitution also increased African franchise.

At independence on the 1964, Zambia adopted, with only minor modification, almost all the institutions left by the colonial masters, including the repressive legislation (Chanda, 1992). In the Independence Constitution of 1964 the Bill of Rights of the self-governing constitution of 1963 has been reproduced verbatim. The reason for this, as Ng'ong'ola (1992) points out, is associated with the fact that the Zambian government was very little concerned with the intrinsic worth of the inherited Bill of Rights, but with a better redistribution of the country's resources, particularly land. As a result, most of the fundamental rights were not affected, resulting in little changes in the quality of political freedoms as shown in the figure. The only change was with regard to the right to vote. Although African franchise became considerable in 1963, full suffrage was only introduced with the arrival of independence in 1964.

Political rights and civil liberties had a sharp decline in 1973 (see graph) as a result of the introduction of a one-party constitution, which marked the birth of the Second Republic. The constitution declared the United National Independence Party as the only political party allowed to exist and made it unlawful to form, belong to, or assemble with any other political party or organization. These provisions had the effect of restricting individual freedoms of association, assembly and expression. In addition, the constitution increased the scope for arbitrary government power and for the minimization of due process of law by providing, in the case of a state of emergency, for the application of the Emergency Powers Act, the Public Security Regulations and detention without trial.

During the second republic there was a continuous enactment of legislation allowing for arbitrary state action at the expense of the individual freedoms. The Diplomatic Immunities and Privileges (Amendment) Act No. 12 of 1977, the Local Administration Act No. 15 of 1980, and the Zambia National Broadcasting Corporation Act No. 16 of 1987 all had the impact of restricting political rights and civil liberties.

The improvement in 1991 is a result of the shift in the political order which led to the crumbling of the one-party rule and the adoption of a multi-party democracy, marking the birth of the Third Republic. Regarding the fundamental rights, the 1991 constitution reproduced, save one or two changes, the Bill of Rights of its predecessor. One of these changes was the improvement in the freedom of expression by introducing, for the first time, the freedom of the press. The new constitution also provided for the removal of Article 4 of the 1973 constitution, which restricted formation of parties to one. Finally, the constitution strengthened the independence of the judiciary and the legislative and reduced the domination of the executive.

The deterioration of the quality of political rights and civil liberties after the formation of the Third Republic resulted from the enactment of the Industrial and Labour Relations Act No. 27 of 1993, which diluted the worker's right to strike by requiring the employer to consent to a strike ballot, and of the Radio communication Act No. 25 of 1994, which provided for control and supervision of radio communications services. Other laws impinging on human rights are the Criminal Procedure Code (Amendment) Act No. 35 and the Narcotics Drugs and Psychotropic Substances Act No. 37 both of 1993, which prohibits the grant of bail to those accused of capital offenses.

In 1996 a new Constitution was introduced. In the new constitution, Zambia was declared a Christian nation. The other fundamental rights were left unchanged. The improvements from 1996 resulted from the enactment of laws such as the Public Order (Amendment) Act No. 1, according to which there was no longer the requirement to obtain a police permit for any public gathering to take place. The provision of this Act was clearly inconsistent with the freedoms of expression, assembly, and association as granted in the constitution. Other Acts which enriched individuals' rights were the Zambia Police (Amendment) Act No. 14 of 1999, the Legal Aid

(Amendment) Act No. 17 of 2000, and the Independent Broadcasting Act No. 17 of 2002. Despite these improvements, however, Zambia remains no better than end 60's.

### **4.3 Property rights indices**

Zambia is predominantly a primary sector economy, with heavy reliance on mining and agriculture. Furthermore, all the great political and economic milestones of the country's history are associated, direct or indirectly, with access and control over land and land resources. It can be argued, thus, that land is a very important form of property in Zambia, and that changes in the rights to this property will have great effects on economic growth of the country. For this reason, the property rights index constructed in this study focus on land property.

Because of its colonial history, however, the construction of a land property rights index for Zambia presents methodological difficulties. The difficulties arise because land ownership rights during colonial period were mainly expressed in two systems of land tenure, namely leasehold and communal. The leasehold tenure system was practiced in the colonial state land (known as Crown land),<sup>11</sup> which constituted about 6% of all land while the communal tenure system was prevalent in the Africans Reserves and Trust Land. This constituted the remaining 94% of all land mass. These two categories of land were given legal status by the Northern Rhodesia (Crown Lands and Native Reserves) Order-in-Council 1928 and the Northern Rhodesia (Trust Land) Order-in-Council 1947. The actual land ownership rights derive from this colonial legacy of dualism in land ownership.

In studying property rights under such dualist tenure, it is necessary to study the nature of rights in each tenure separately (Gwenhamo et al, 2008). Contrary to Gwenhamo et al., however, the two separate indicators are not merged into a single indicator because if weighted by the land proportion of each of the tenure systems the overall indicator would be heavily biased towards

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<sup>11</sup> State land could also be held under freehold tenure system during the colonial period. This was not, however, the dominant tenure and was practiced in less than 1 percent of all European land. In addition, the freehold tenure was abolished in 1975 (Bruce, Kachamba, & Hansungule, 1995, p. 49). Thus, only leasehold system allows for a continuous series.

the communal system which constitutes 94% of all land, hiding, therefore, the dynamics within the leasehold tenure system.

#### ***4.3.1 The concept of property rights***

Property right is another much debated concept. In a short study such as this, however, it is not possible to provide an exhaustive review of the debates, nor is it possible to solve disputes. The most widely used conception of ownership, however, is due to Honoré (1961), according to which ownership of an object consists of a bundle of 11 incidents. These incidents of ownership are the basis on which jurisprudence of ownership as it is conceived of in the Western liberal philosophy is based (Krishna, 2003).

Fedderke et al. (2001) abridged, in accordance with Waldron (1988) who argues that some of the elements of ownership listed by Honoré could be ruled out, Honoré's incidents of ownership to only 7: the right to possess; the right to use; the right to manage; the right to capital; the right to security; the right to transfer; and liability to execution. It is briefly explained, in turn, what each of these incidents entails.

- The right to possess the property is the right to have the exclusive control of the property. This is the most important incident of ownership (Lewis, 1985);
- The right to use is the right to use the property at the owner's discretion, including not putting it to use. According to Krishna (2003), it can also be regarded as including the right to any income or products derived from the property;
- The right to manage is the owner's right to decide how and by whom the property owned should be used. This includes, for example, the owner's right to choose which crops shall be produced and the right to direct others to use the property in accordance with his wishes;
- The right to capital refers to the owner's rights to alienate the property to whomever and at whatever price he or she determines;
- The right to security is the owner's right to remain owner indefinitely if he chooses and remains solvent. Also referred to as security of tenure, this is the legal immunity from expropriation. In case the state takes over the property for public purposes, it is expected that adequate compensation will be paid (Krishna, 2003);



- The right to transfer is the owner's right to leave or sell his property to whomever and at whatever price he determines;
- Liability to execution means that an owner's interest in property can be taken away for debt, either by execution of a judgment debt or insolvency.

#### ***4.3.2 Scaling and rating system for property rights indices***

This study uses the incidents of ownership as defined above as the basis of examination of the content of ownership of land in Zambia. Similar to previous indicator, the scale for property rights is also defined to range from 0 to 100. The full existence of all seven incidents as identified above corresponds to the ideal type of property rights and would be equivalent to 100 points. Any legal limitation to the enjoyment of those rights would thus correspond to a less than perfect score.

Raw points are awarded to each of the seven elements using varying scales. Again, the criterion was to assign higher weights to more relevant incidents. The right to possess is assigned a weight of 20; the right to use, the right to manage, the right to capital and the right to security have been assigned a weight of 15; finally, transmissibility and liability to execution have weights of 10 each. As the protection of a right approaches the full and ideal scenario, the score awarded to a criterion increases.<sup>12</sup> The information used in the ratings was obtained from a variety of secondary sources.<sup>13</sup>

#### ***4.3.3 Interpretation of property rights index for leasehold tenure***

Figure 3 plots the overall formal property rights index in the leasehold land tenure and figure 4 plots the sub-components of the same index. As figure 3 shows, the colonial period was characterised by a stable institutional framework for the leasehold tenure system. The initial deterioration of individual property rights in 1949 and 1950 resulted from the enactment of Town Planning (Amendment) Ordinance No. 8 of 1949 and Natural Resources Ordinance No. 3 of

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<sup>12</sup> Annexes 3 and 4 give annual scores for each sub-component of the indices and some implications of relevant laws.

<sup>13</sup> Ng'ong'ola (1992); Nvunga (1982); Roth (Ed) (1995); Brown (2005); Chanda (1992); Government of Zambia (1998, 2006); Kajoba (1990, 1998); Rubin & Cotran (Eds) (various years); Brown (2005); UN-HABITAT (2005); Adams (2003).

1950, which had an intrusive effect on the landowner's right to use his property as he or she wishes. Regarding town planning legislation, Lewis (1984: 36-37) acknowledges that "...a town planning scheme controls the type of use property may be put by permitting or refusing certain uses in certain areas (zones) or by allowing some uses with the special consent of the local authority in question." Lewis argues that such schemes erode extensively the individual landowner's property rights.

In the two and a half decades that followed independence in 1964, Zambian land tenure policy was characterised by economic socialism and nationalism. This led to the erosion of private property rights. The attainment of political independence, however, did not lead to any immediate radical changes being taken with regard to land rights, as shown by the graph. One justification of particular interest is that safeguards were included in the legislation to protect the interests in land of the departing settlers (Kajoba, 1998). This was typical of neo-colonial independence solutions in Africa which ensured that although political power was transferred to local people, the economic interests of the colonialists were still secured (Woddis, 1967).

The legal infrastructure was laid down in the Zambia (State Lands and Native Reserves) order 1964, the Zambia (Trust Land) Order 1964, and the Zambia (Gwembe District) Order 1964. All had the provision that "any estate, right or interest in or over any land or immovable property which the governor of Northern Rhodesia (how Zambia was then known) prior to independence created, granted, recognized or otherwise acknowledged...should continue to have the same validity as they had before independence" (GRZ, 1967). In addition, the constitution entrenched rights by protecting people from deprivation of their property except upon the payment of adequate compensation. This provision of the constitution could only be amended if approved by a national referendum.

The above legal provisions were considered by the Zambian government as protecting foreign colonialist interests. This led to pressures to change formal property rights. After removing the need for a referendum to amend the constitution, Kaunda's land reform was accomplished by a number of legislative Acts which lowered the protection of property rights, as shown by the graph.

The initial fall in 1969 and 1970 resulted from the enactment of the Constitution (Amendment) (No.5) Act No. 33 of 1969, the Constitution (Amendment) Act No. 44 of 1970 and the Constitution (Amendment) (No. 2) Act No. 58 of 1970 which had, among others, the provision that the government could acquire, without compensation, any abandoned, unoccupied, unutilised or underdeveloped property as well as property of absent or non-resident owners. The Lands Acquisition Act No. 2 of 1970 provided that (i) the President could acquire property whenever he perceives it to be desirable or expedient in the interests of the Republic; (ii) compensation was paid only for the improvements on the land; and (iii) there is no appeal for matters involving property compulsorily acquired.

There was also a comprehensive legislation dealing with natural resources and mining rights. This includes Mines and Mineral Act No. 46 of 1969, the Mines Acquisition (Special Provision) Act No. 28 of 1970, Curtailing of Mineral Production S.I. No. 7 of 1970, the Reserved Mines S.I. No. 304 of 1970, Mineral Tax Act No. 27 of 1970, the Registration of Mining Rights Regulations S.I. No. 46 of 1970. The essential feature of this body of legislation is the restriction in the use of land, the placing of all rights of ownership in mineral in the President, and the restriction of acquisition of mineral rights to non-Zambians.

The set of legislation required to implement fully President Kaunda's blueprint for economic development on socialist lines couldn't be completed overnight. Thus, the two decades that followed saw legislation to further consolidate the placing of land and natural resources under the state control. In 1973 the deterioration of individual property rights shown in the graph resulted from the introduction of the 1973 constitution, which prevented leaders from owning more than 10 acres of land, and from the enactment of the Forest Act No. 39 which, besides vesting the ownership of all trees and forest produce in the President, declared as a forest offence to fell, cut, or collect any forest produce and graze domestic animals without licence. It also provided for the seizing of a property suspected to be used in the commission of a forest offence.

Far-reaching incursions on private land rights were made by the passage of the Lands (Conversion of Titles) Act No. 20 of 1975. Firstly, the Act vested all land in Zambia in the

President. Secondly, the Act converted all leaseholds exceeding 100 years to statutory leases for 100 years and provided that no compensation was payable as a result of the abridgement of the rights. Thirdly, all transactions in land required prior consent of the President. In granting the consent, the president fixes the amount for the transaction based only on the improvements on the land and not on the value of the land itself. This led to the conclusion that undeveloped land was valueless. Finally, the Act empowered the government to impose the maximum size of agricultural land which a person could hold. Later, the Land (Conversion of Titles) Act No. 5 of 1985 restricted non-Zambian access to land by providing that non-Zambians could only own title provided that they qualify as investors or are approved by the president. This completed Kaunda's land reforms, which made wide inroads into private property rights.

The last phase of land rights in Zambia dates from the Third Republic, characterized by the adoption of a multi-party democracy in 1991. The newly elected government led by Frederick Chiluba broke with Kaunda's socialist policies and instigated market-based reforms. A market-based land policy was deemed to be an essential component of these reforms.<sup>14</sup> As a result of these changes, it was necessary to revisit the legal framework governing land ownership, in order to bring it more in line with the country's ideology of a liberalised economy. The Lands Act No. 25 of 1995 was then enacted to provide legal machinery through which the administration of land would be governed.

As shown in the graph, the passage of the Lands Act significantly strengthened individual property rights on land. Firstly, the Act recognises land as a valuable commodity by providing that the President shall not alienate any land without receiving any consideration in money for such alienation. This provision had the effect of bringing land into the property market as security for credit (Mulimbwa, 1998). Secondly, although the Act retained the requirement for presidential consent for any person to sell, transfer or assign any land, it provided that the President was required to give reasons in case of refusal to grant such consent. In addition, the President was no longer empowered to determine prices for land transactions. A third improvement compared to its predecessor was the creation of a Lands Tribunal to settle any

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<sup>14</sup> Brown (2005, p. 85) points out, however, that these reforms were one of the key conditions that the Zambian government was required to meet in order to restructure its foreign debt.

disputes arising from the application of the Act. Finally, it eased some restrictions on land-ownership by foreigners. Besides foreign investors (who were the only foreigners allowed in the 1975 Act), foreigners who are Zambian residents and foreigners who have received personal presidential consent could also acquire title to land. The Lands Act remains the substantive land law in place in Zambia.

#### ***4.3.4 Interpretation of property rights index for customary tenure***

Figures 5 and 6 show the resulting property rights index for customary tenure. Customary systems of tenure in Zambia, with all their variations among ethnic groups, is only applied and practiced in Reserves and Trust lands, category within which rural areas fall. Property rights in this category of land are governed by customary law, but subject to certain legal provisions. By the Zambia (State land and Reserves) Order-in-Council 1928 and the Zambia (Trust land) Order-in-Council 1947, Reserves and Trust lands were vested in the president for the use and common benefit, direct or indirect, of native Zambians. Non-Zambians could only be granting rights of occupancy for 99 years or leases for 5 years, except missionaries or charitable organizations for which the lease was for 33 years (Mvunga, 1982). In 1962, the colonial administration, through the Reserves and Trust Land (adjudication of titles) Ordinance No. 32, introduced the right to convert customary tenure to leasehold.

Since independence in the 1964, most of the legislation affecting land rights was of general application, affecting similarly both customary and leasehold land rights. The initial fall in 1969 and 1970 resulted thus from the enactment of legislation such as the Natural Resources Conservation Act No. 53 of 1970, which limited the use of land in rural areas, and from the Lands Acquisition Act No. 2 of 1970, which provided that the President could acquire, if necessary, and without compensation, any property.

The sharp fall in 1975 is a result of the passage of the Lands (Conversion of Titles) Act No. 20, which was made applicable to land of any tenure. This Act provides for the vesting of all land in the president, the imposition of restrictions on the size of agricultural holdings, the imposition of control over dealings in land, and the introduction of the concept of land without value. The 1985 amendment to the Act restricted access to customary land by non-Zambians.

Substantive changes to the administration of customary land tenure were introduced by the Lands Act No. 29 of 1995. First, the Act repealed the Zambia (State Lands and Reserves) Orders 1928, the Zambia (Trust Land) Orders 1947, the Zambia (Gwembe District) Orders 1959, the Land (Conversion of Titles) (Amendment) Act No. 5 of 1985 and other previous land laws. Second, it protects customary interests in land by providing that nothing in the Act or any other law in Zambia should be constructed to infringe any customary rights already existing. Finally, and more importantly, the Act provided that any person (Zambian or non-Zambian) holding land under customary tenure could convert it into statutory leasehold. The Act gives chiefs the legal power to approve requests for tenure conversions. According to Brown (2005: 98-99), such power, however, has been a source of maladministration and corruption in the process of converting land from customary to leasehold tenure.

## **5. Construction of alternative index of political instability for Zambia: 1947-2007**

This section of the study presents a subjective index of political instability for Zambia for the period 1947-2007. The section starts by defining the methodology and then it is followed by the interpretation of the constructed index.

### **5.1 Empirical methodology and definitions**

The task of measuring political instability is not easy. Because almost all societies have political activities, the difficulty is to identify when that activity constitutes instability. The study distinguishes between four broad categories or degrees of political activity in a country:

- The first category is a normal political activity, the one which is part of everyday political life and which may, in some key respects, be a requirement for political stability as distinct from signalling political instability.
- The second category of political activity constitutes evidence of a potential threat to the system of rules by which a society is regulated. This kind of activity is usually absorbed by

the system, but will issue responses that range from mere awareness of the potential threat to active, pre-emptive policy initiatives on the part of governments or other significant agents (such as organized 'big businesses' or labour unions).

- The third category of political activity constitutes direct and immediate threats either to the regime or to the entire institutional order. Such activity will result in adaptive changes made to the system. The regime or government will not be displaced or replaced, but its mode of operation and key aspects of the functioning of the system will change (new laws, new procedures and policies, new alliances, etc.).
- The fourth category of activity will issue in non-manageable pressures on the regime or government. In such situations the continuation of government in office will be threatened and the system will appear unstable and the levels of perceived uncertainty will be high. It is in contexts such as these that regimes are changed and governments ousted in military coups.

The notion of instability adopted in this study captures the idea of riots, deaths from domestic violence, armed attacks, protest demonstrations, regime support demonstrations, socio-political unrests, and other disturbances. The annual incidence of these events constitutes the basis on which each of these categories is judged to prevalence. The information on the prevalence of such events was obtained from a variety of secondary sources.<sup>15</sup>

## **5.2 Scaling and rating system**

Scores are assigned to each of the four categories above using a 0 to 10 scale. Increases in the score awarded to a category indicate an increase of political activities related to that category. The final index of political instability is a weighted sum of the four categories. The first and the second categories received a weight of 0.1, the third a weight of 0.2 and the fourth category a weight of 0.6. The reasoning for this weighting is based on the assumption that a political instability is a non-linear function of time.

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<sup>15</sup> Goudie & Neyapti (2006); Heynes (2004); Tordoff (Ed)(1974); and various local and international news papers and magazines.

A country with a score between 1 and 2 would indicate a very stable system and would fall under the first category. A country scoring between 3 and 4 falls under the second category. The third category prevails in countries scoring between 5 and 6. Finally, a country with a score between 7 to 10 would mean a country with a system in systemic political turmoil.

### **5.3 Interpretation of the political instability index for Zambia**

Figure 7 plots the overall index of political instability for Zambia. As the figure shows, the pick years of political instability in Zambia were begin and end of the 60s as well as end of the 80s. The sources of political instability in each of these phases have changed over time. The rising levels of political instability in the beginning of the 60s have its roots in the mass movement based on widespread demands for independence and racial equality.

During the First Republic, 1964-1971, three major sources contributing to increasing political instability can be identified. First, trade unions organised many strikes and riots as a mean to demand high wages as compensation for their role in the independence movement. Second, in response to the increasing strength of opposition parties, the UNIP increased repression of opposition movements and declared Zambia as a single party state in 1972. Finally, neighbouring countries were going through liberalisation struggles during this period – Mozambique (1964-1974), Angola (1961-74), Zimbabwe (1965-78), and Namibia (1966-1988). Zambia provided a base for the liberalisation movements of these countries and as remained vulnerable to the attacks of most colonialist regimes in Southern Africa.

Towards the end of the 1980s, bad economic management during the Second Republic and political repression led to increased pressure from business, trade unions, and donor organisation, as well as from within the UNIP, to transform the political system. This resulted in the introduction of multiparty democracy in the 1991. From the 1990s, Zambian economy is experiencing considerable reduction in the levels of political instable due both to an improved regional environment and to a relatively more democratic regime.



## **6. Conclusion**

The poor economic performance of Zambia is believed to be related to its weak political, economic and social institutions. This is in line with the NIE which argues that institutions, that is, the rules of the game in a society, are the fundamental input for the growth of nations because institutions provide the required incentives for individuals and organizations to accumulate capital and innovate. Testing this hypothesis requires measures.

The study has shown that many attempts to quantify various dimensions of institutions such as political freedoms, property rights and political instability are not satisfactory. Most of the widely used indicators are either outcome-based and do not measure institutions as inputs, or have very limited temporal/sample coverage. To fill this gap, the study applied the methodology developed in Gwenhamo et al. (2008) and assembled a new set of institutional measures for Zambia which are more close to the theoretical definition of institutions and cover the time period 1947-2007. It has also constructed a subjective index of political instability for the same period.

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## Appendices

### Appendix 1: Tables and Figures

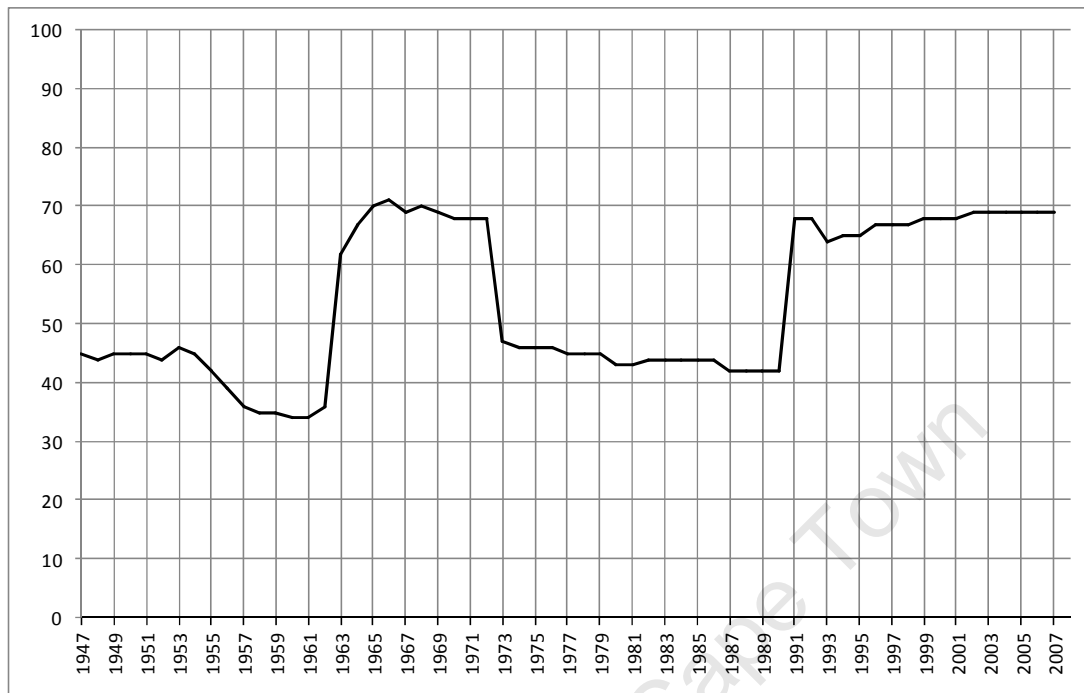
**Table 1: Selected macroeconomic indicators for Zambia: 1964-2007**

Year	Real GDP growth rate (%)	Per capita GDP growth rate (%)	Inflation rate (%)	GFCF (% of GDP)	External debt stock (% of GNI)	FDI, net inflows (% of GDP)
1964-1972	5	2	..	..	..	..
1973	-1	-4	11	26	46	1
1974	6	3	10	27	44	1
1975	-2	-6	9	38	74	2
1976	6	3	17	31	78	1
1977	-5	-8	21	24	97	2
1978	1	-3	12	19	98	1
1979	-3	-6	11	17	99	1
1980	3	0	12	18	90	2
1981	6	3	14	18	93	-1
1982	-3	-6	12	17	101	1
1983	-2	-5	20	15	122	1
1984	-0	-3	20	13	154	1
1985	2	-2	37	10	226	2
1986	1	-2	55	11	415	2
1987	3	0	47	9	337	3
1988	6	3	54	8	202	3
1989	-1	-4	128	7	183	4
1990	-0	-3	110	13	230	6
1991	-0	-3	98	11	232	1
1992	-2	-5	166	11	234	1
1993	7	4	183	11	215	10
1994	-9	-11	55	11	219	1
1995	-3	-5	35	12	215	3
1996	7	4	43	11	230	4
1997	3	0	24	13	182	5
1998	-2	-5	24	15	228	6
1999	2	-1	27	15	197	5
2000	4	1	26	16	186	4
2001	5	3	22	18	176	2
2002	3	0	22	21	185	8
2003	6	3	21	24	161	4
2004	5	3	18	23	145	7
2005	5	3	18	23	80	5
2006	6	4	9	23	24	6
2007	6	4	11	24	28	9

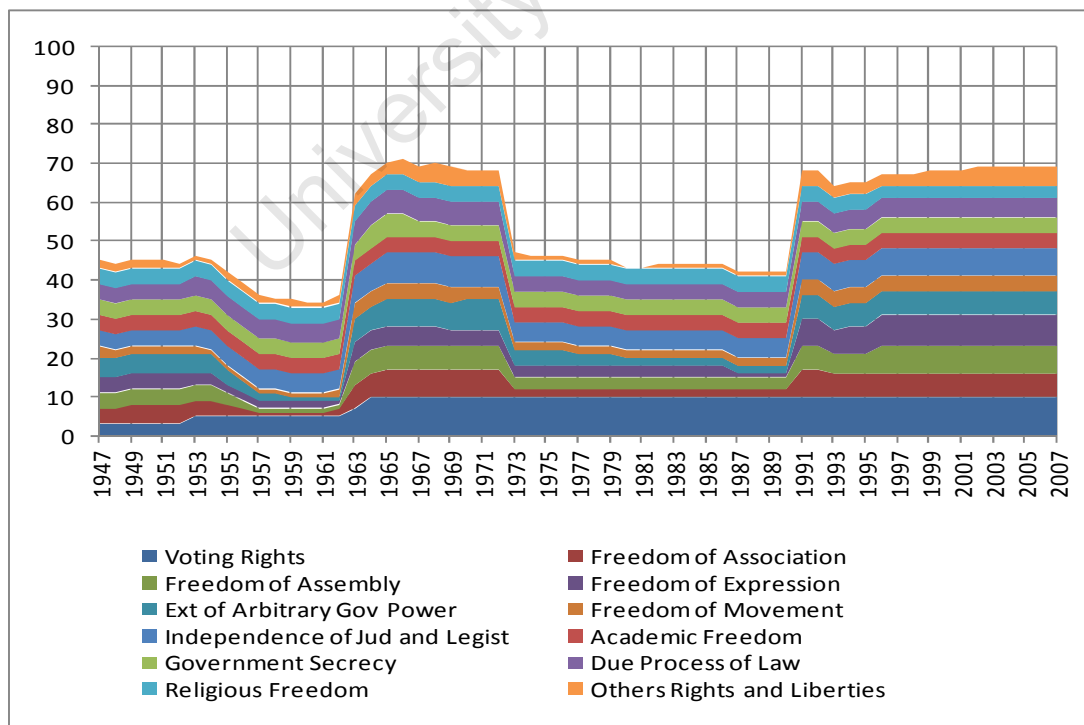
Sources: World Bank (2009), except inflation rate, which is from IMF (1994, 2009)



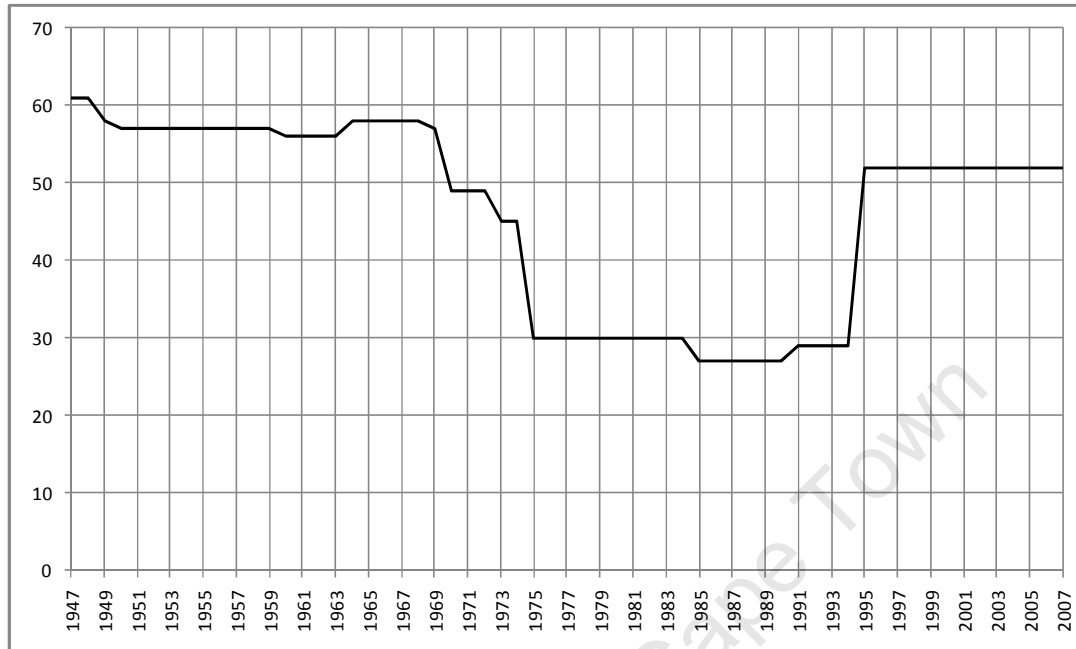
**Figure 1: Political rights and civil liberties index for Zambia: 1947-2007**



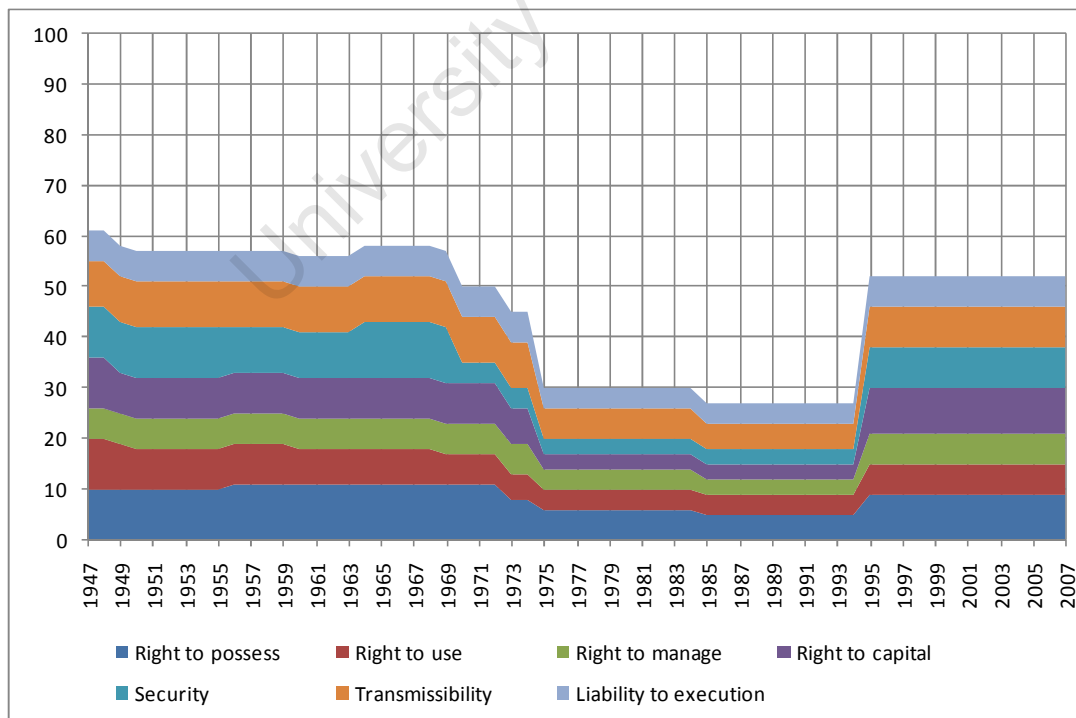
**Figure 2: Sub-components of the political rights and civil liberties**



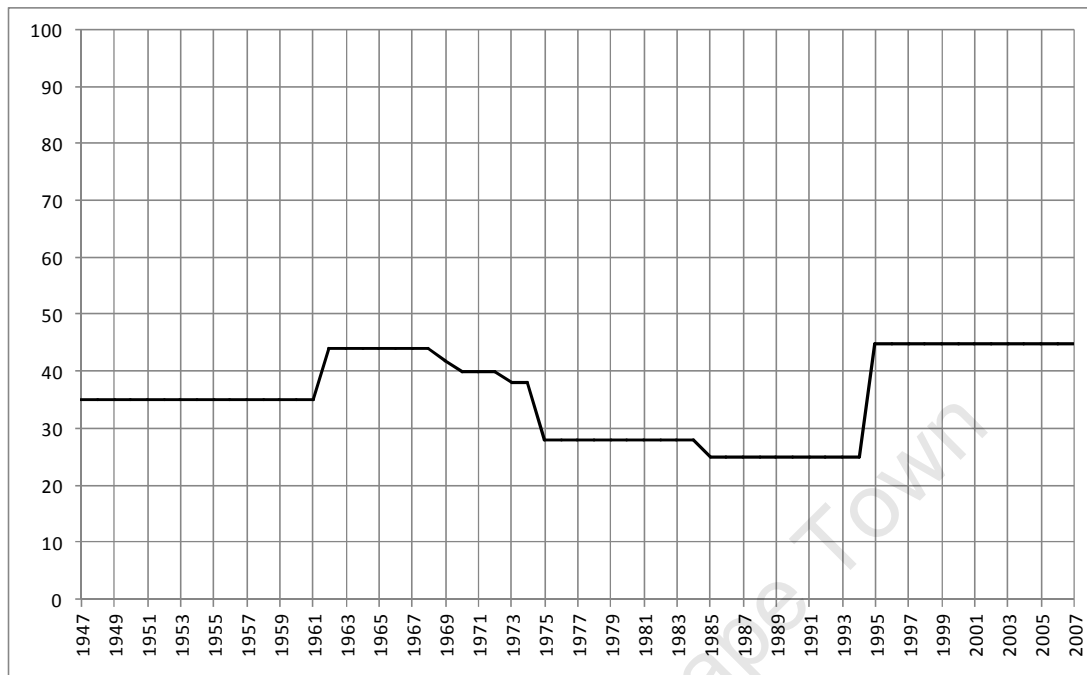
**Figure 3: Property rights index for the Zambian leasehold land tenure: 1947-2007**



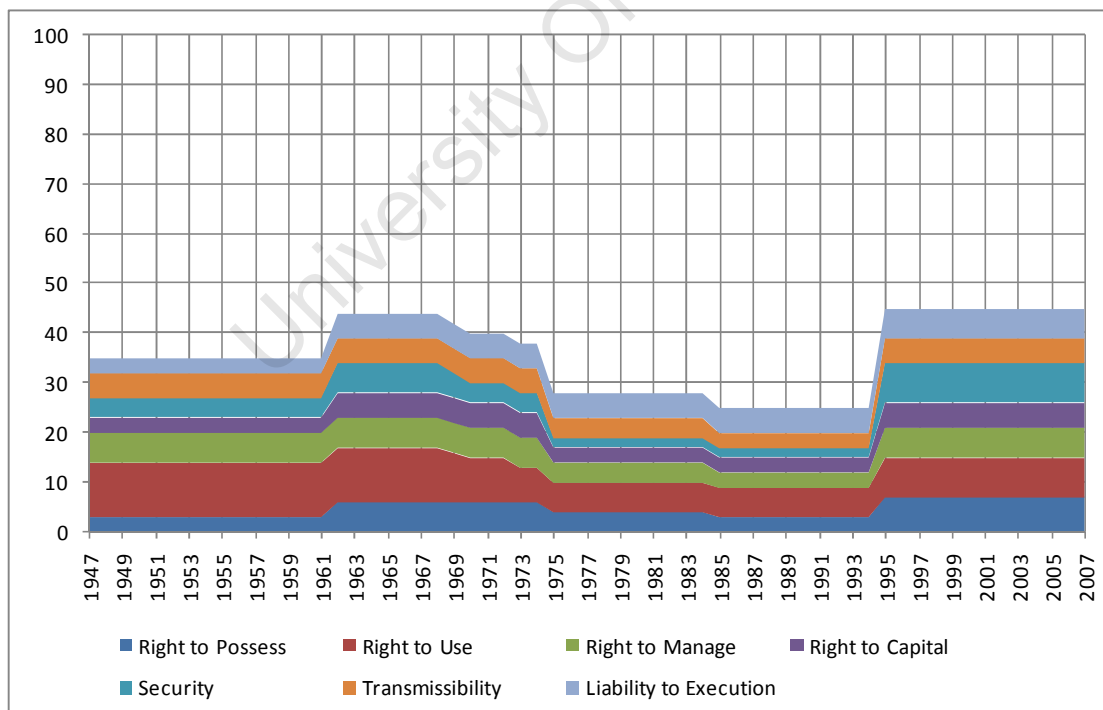
**Figure 4: Sub-components of the property rights index for the leasehold land tenure**



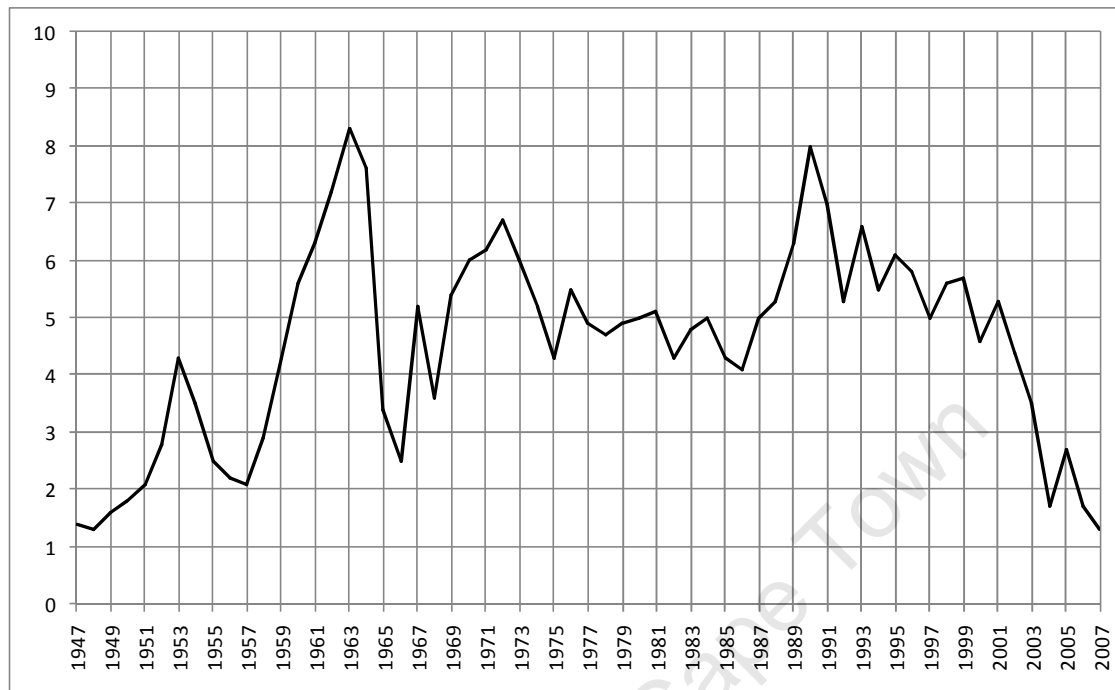
**Figure 5: Property rights index for the Zambian customary land tenure: 1947-2007**



**Figure 6: Sub-components of the property rights index for the customary land tenure**



**Figure 7: Political Instability index for Zambia: 1947-2007**



## Appendix 2: Rating matrix for political rights and civil liberties

### Colonial Period (1947-1964)

Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights	Ordinances/Acts/Amendments
0-10	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10	
Up to 1947	2	4	4	4	4	4	3	5	4	4	4	3	<p><u>Northern Rhodesian (Crown Lands and Native Reserves) Order in Council, 1928</u></p> <ul style="list-style-type: none"> <li>Divides Northern Rhodesia into a European Area (crown land), an African Area (native reserves).</li> <li>Effectively prevents Africans from leasing, acquiring or occupying property in European areas and Europeans from doing the same in African Areas.</li> </ul> <p><u>Public Health Ordinance No. 13; Natives and Private Estates Ordinance No. 57; Townships Ordinance No. 53; and the Town Planning Ordinance No. 60</u></p> <ul style="list-style-type: none"> <li>All had the effect of restricting the movement of Natives between rural and urban areas as well as within urban areas</li> </ul> <p><u>Constitution of the country consisted of the Northern Rhodesia Order in Council, 1924, the Northern Rhodesia (Legislative Council) Order in Council, 1924, and Royal Instructions</u></p> <ul style="list-style-type: none"> <li>Under the above arrangements, all executive power was vested in the Governor who was also Commander-in-Chief of the territorial armed forces;</li> <li>Legislative power was vested in the Legislative</li> </ul>



Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights	Ordinances/Acts/Amendments
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10	
													<p>warrant, any person who was apparently a vagrant (any person wandering about and unable to show that he has visible and sufficient means of subsistence)</p> <p><u>Penal Code, No. 42 of 1930</u></p> <ul style="list-style-type: none"> <li>Government attempted to stifle freedom of expression by the wide use of sedition laws and censorship;</li> <li>The laws against sedition was very comprehensive;</li> <li>The governor in council was empowered, by proclamation, to declare any newspaper, book of document to be a seditious publication, and to prohibit the importation into the territory of any newspaper, book of document</li> </ul>
1948	2	4	4	4	4	4	2	5	4	4	4	3	<p><u>African Migrant Workers Ordinance No. 30</u></p> <ul style="list-style-type: none"> <li>Designed to implement an inter-territorial agreement made with Southern Rhodesia and Nyasaland for the regulation of immigrant African worker</li> <li>Indigenous Africans were required to have pass to leave for specified territories.</li> </ul>
1949	2	4	4	4	4	4	2	5	4	4	5	3	<p><u>Marriage Amendment Act No. 12</u></p> <ul style="list-style-type: none"> <li>Any marriage between persons either of which is under the age of sixteen shall be void.</li> </ul> <p><u>Industrial Conciliation Ordinance No. 25; and Trade Disputes Ordinance No. 23</u></p> <ul style="list-style-type: none"> <li>This two ordinances laid down the legal infrastructure for the operation of trade unions</li> </ul>
1950	2	4	4	4	4	4	2	5	4	4	5	3	<p><u>Marriage Amendment Act No. 36</u></p>

Ordinances/Acts/Amendments												
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10
1951	2	4	4	4	4	4	2	5	4	4	5	3
1952	1	4	4	4	4	4	2	5	4	4	5	3
1953	1	4	5	4	4	5	2	5	3	4	4	5

- After the issue of a certificate or of a special licence, the parties may, if they think fit, contract a marriage before a Registrar in the presence of two witnesses, in his office with open doors, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, in accordance with the prescribed procedure.

Employment of Women, Young Persons and Children Amendment Act No. 49

- No person shall employ a young person under the age of sixteen years old in any industrial undertaking other than an undertaking in which only members of the same family are employed.

Repatriation (Amendment) Ordinance No. 6

- Makes restrictions on the making of repatriation orders by Judges
- Makes provision for a person to be repatriated to be informed and warrant to be provided in case of arrest

Federation of Rhodesia and Nyasaland (Constitution) Order in Council 1953

- Franchise is conferred on all citizens of the United Kingdom and the colonies, citizens of Rhodesia and Nyasaland and British Protected Persons, male and female, over twenty-one years of age, subject to education, property of income, and residential





Ordinances/Acts/Amendments												
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10
1955	2	4	5	4	4	5	1	4	2	3	3	5
<p>into Northern Rhodesia and for the removal of certain persons, in specified circumstances, to other federal territories</p> <p><u>Public Order Ordinance No. 38</u></p> <ul style="list-style-type: none"> <li>• It prohibits the wearing of uniforms in connection with political objects and the maintenance by private persons of associations of military.</li> <li>• Prohibit selected political assemblies;</li> <li>• Under this Act, persons or organizations wishing to hold an assembly, public meeting, or procession must first apply for a permit;</li> <li>• Empowered the Regulation Officer to impose conditions such as those relating to the persons who may or may not be permitted to address an assembly, and the matters which may not be discussed at such assembly (S. 4A (4) (5) (C)).</li> </ul> <p><u>Marriage Amendment Act No. 6 of</u></p> <ul style="list-style-type: none"> <li>• A marriage between persons either of whom is under the age of sixteen years shall be void however, marriages contracted before the 20th of May 1949 shall be exempted from this provision.</li> </ul> <p><u>Northern Rhodesia police (Amendment) Ordinance No. 10</u></p> <ul style="list-style-type: none"> <li>• Dealt, inter alia, with the power of a police officer to disperse unauthorized procession and assemblies</li> </ul>												
1956	2	4	5	4	4	5	1	3	2	2	2	5
<u>Legislative Council (Powers and Privileges) Ordinance No. 34</u>												



Ordinances/Acts/Amendments												Year
Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights	
0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10	
												<p>not only to assemblies and processions taking place on a public road.</p> <p><u>Societies Ordinance No. 65</u></p> <ul style="list-style-type: none"> <li>• Repealed and replaced the Ordinance of the same name;</li> <li>• Provides for a stricter control of societies by means of compulsory registration of societies and the imposition of penalties for managing of being a member of or harbouring unlawful societies.</li> </ul>
1	4	5	4	4	5	1	2	2	1	1	5	1958
												<p><u>Trade Unions and Trade Disputes (Amendment) Ordinance No. 18; and Industrial Conciliation (Amendment) Ordinance No. 17</u></p> <ul style="list-style-type: none"> <li>• These two ordinances were enacted to give effect to the recommendations of the Honeyman commission that secret ballots should be held before strikes and lockouts are called and that provisions should be made to minimize the possible adverse effect of a “closed shop” agreement upon members of a trade union.<sup>17</sup></li> </ul>
2	4	5	4	4	5	1	1	2	1	1	5	1959
												<p><u>Public Order (Amendment) Ordinance No. 10</u></p> <ul style="list-style-type: none"> <li>• Every person who intends to assemble or convene a public meeting, procession, or demonstration shall give the police at least seven days notice of that person’s intention to hold such meeting.</li> </ul>

<sup>17</sup> The introduction of secret ballots could have either positive or negative effect on the political rights and civil liberties. We assumed that this impacted negatively on political freedoms.

Ordinances/Acts/Amendments												
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10
1960	1	4	5	4	4	5	1	1	2	1	1	5
<ul style="list-style-type: none"> <li>Any person who knowingly violates any condition of a permit to assemble shall be guilty of an offence and may be arrested without a warrant.</li> </ul> <p><u>Preservation of Public Security Ordinance No. 5</u></p> <ul style="list-style-type: none"> <li>Repeals the Emergency Powers Ordinance of 1927;</li> <li>It embodies all the substantive provisions of the 1927 Ordinance, as amended over the years.</li> </ul> <p><u>Protected Places and Areas Ordinance No. 6</u></p> <ul style="list-style-type: none"> <li>It makes provision for the control of entry of persons into certain places and for the control and movements of persons within certain areas.</li> </ul>												
1961	1	4	5	4	4	5	1	1	2	1	1	5
1962	2	4	5	4	4	5	2	1	1	1	2	5
<p><u>Alien Natives Registration (Amendment) Ordinance No. 3</u></p> <ul style="list-style-type: none"> <li>Repealed the provisions relating to passes and the carrying and production by an alien native of his Certificate of Registration.</li> </ul> <p><u>African Education Amendment Act No. 29</u></p> <ul style="list-style-type: none"> <li>No person shall be permitted to join the Unified African Teaching Service as from the 1st of November 1962.</li> <li>The Minister is authorized to appoint Regional Teaching Committee for each Region; which shall be constituted and regulate its procedure in such a manner and carry out such functions as may be prescribed.</li> <li>It repeals the African Education Amendment Act No.</li> </ul>												

Ordinances/Acts/Amendments												
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10
1963	3	4	6	4	4	7	4	6	5	6	6	7
<p>41 of 1961.</p> <p><u>The Self-Government Constitution of 1963 (Federation dissolved)</u></p> <ul style="list-style-type: none"> <li>Introduced a qualified franchise system with two separate classes of voters: upper roll constituencies and lower roll constituencies;</li> <li>The intention of the lower roll franchise was to lower the general income and educational qualifications and to add certain categories of voters who held special offices or special qualifications, but who could not comply with the normal income or property holding requirements (e.g. ex servicemen and members of the Native Authorities);</li> <li>A Bill of Rights was introduced for the first time in the Northern Rhodesia's history.</li> <li>The enjoyment of these rights was made subject to a number of limitations: respect for the rights and freedoms of others, and the public interests.</li> <li>In addition to these two general limitations which applied to all the guaranteed rights, most of the protected rights contained numerous derogation clauses;</li> <li>In case of most of rights considered here, the qualifications to the right were so numerous and wide-ranging as to negate the right or render it meaningless;</li> <li>The derogation clauses allowed the legislature to enact</li> </ul>												







Ordinances/Acts/Amendments											
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10
1965	3	4	6	6	4	8	4	7	5	6	7
<p>exclusively declared state of emergency</p> <ul style="list-style-type: none"> <li>• It paces legislative power in the President and the National assembly.</li> <li>• It placed judicial power in the court of appeal, High Court and other inferior courts.</li> <li>• The amendment of the Bill of Rights was possible only through a Referendum.</li> </ul> <p><u>Diplomatic Immunities and Privileges Act No. 30</u></p> <ul style="list-style-type: none"> <li>• It repeals the Immunities and Privileges Act of 1956.</li> </ul> <p><u>University of Zambia Act No. 66</u></p> <ul style="list-style-type: none"> <li>• Establishes the University of Zambia</li> </ul> <p><u>Employment Act No. 57</u></p> <ul style="list-style-type: none"> <li>• Notwithstanding the provisions of the Employment of Young Persons and Children Act, no person shall employ or cause to be employed, any person under the age of fifteen.</li> <li>• Family of employee shall not be bound by the contract of its family member.</li> </ul>											
1966	4	4	6	6	4	8	4	7	5	6	7
<p><u>Education Act No. 28</u></p> <ul style="list-style-type: none"> <li>• The minister is authorised to cancel registration of public school where he deems necessary.</li> <li>• The Secretary shall be responsible for co-ordination between the Government, the Teaching Service Commission and the Regional Teaching Service Committees in the Control of the Teaching Service and the Unified Teaching Service.</li> </ul>											



Ordinances/Acts/Amendments												
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10
1968	5	4	6	4	4	8	4	7	5	6	7	10
1969	5	4	6	4	4	8	4	7	4	6	7	10
<ul style="list-style-type: none"> <li>The aims of the new act are to secure public safety by providing for the protection of official information and the prevention of wrongful communication of information by persons who take the security oath.</li> </ul> <u>Employment of Women Young People and Children Amendment Act No. 36</u> <ul style="list-style-type: none"> <li>It amends the principal act by defining “night” as a period of at least eleven consecutive hours, including the interval between ten o’clock in the evening and five o’clock in the morning.</li> <li>Every employer is obliged to keep a register of all persons under the age of sixteen years employed by him and of the date of births. He shall produce the same when required by a Labour Officer or police officer.</li> </ul> <u>Referendum Act No. 39</u> <ul style="list-style-type: none"> <li>The President has the power to order a referendum.</li> <li>No person shall be required to show how he or she has voted in a referendum.</li> </ul>												
<u>State Security Act No. 36</u> <ul style="list-style-type: none"> <li>Limits free speech and media freedom - in the name of state security - restricting the possibility of criticising the government and officials.</li> </ul> <u>Constitutional (Amendment) (No. 3) Act No. 10</u> <ul style="list-style-type: none"> <li>Amended the Constitution so that, after it became law,</li> </ul>												

Ordinances/Acts/Amendments												
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10
1970	4	4	6	4	4	8	3	8	4	6	7	10
<p>it would no longer be necessary to submit to a referendum any Act of Parliament which provided for the alteration of Chapters III and VII and arts. 71(2), 72 and 73 of the Constitution.</p> <p><u>National Assembly (Powers and Privileges) (Amendment) No. 6</u></p> <ul style="list-style-type: none"> <li>This act precludes information being given in Parliament upon military matters and concerning the public service, unless the president himself consents.</li> </ul> <p><u>Refugee Control Act No. 40</u></p> <ul style="list-style-type: none"> <li>Imposes controls on the movement of refugees in Zambia;</li> <li>Empowers the Minister to expel refugees from Zambia at any time.</li> </ul> <p><u>Education Act No. 56</u></p> <ul style="list-style-type: none"> <li>It repeals section 19 of the Education Act No. 28 of 1966.</li> <li>The Minister may establish a board of governors for any educational institution owned by the Government.</li> <li>Every board of governors shall be a body corporate, having perpetual succession and a common seal and shall be capable suing and being sued.</li> </ul> <p><u>University of Zambia Amendment Act No. 10</u></p> <ul style="list-style-type: none"> <li>The Senate shall appoint the Boards of Studies for the purpose of organising the structure and content of courses of instruction in the respective disciplines.</li> </ul>												

Ordinances/Acts/Amendments											
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10
1971	4	4	6	4	4	8	3	8	4	6	7
<u>Employment Amendment Act No. 28</u> <ul style="list-style-type: none"> <li>• Every employment agency shall afford all facilities which may be reasonable or necessary to enable the Labour Commissioner or any labour officer to exercise any power conferred upon him. Any employment agency failing to do so shall be guilty of an offence.</li> <li>• Employer is required to keep records of payments.</li> </ul>											
1972	4	4	6	4	4	8	3	8	4	6	7
<u>Education Amendment Act No. 40</u> <ul style="list-style-type: none"> <li>• It is the Minister's duty to cause inspections to be made of every school and every hostel at such intervals as appear to him to be appropriate.</li> </ul> <u>Education Amendment Act No. 48</u> <ul style="list-style-type: none"> <li>• The Minister may make grants or loans to any person or the parent of a person by way of a bursary for the furtherance of the education of that person.</li> </ul> <u>Constitutional (Amendment) (No. 5) Act No. 29</u> <ul style="list-style-type: none"> <li>• Provides for the existence of only one political party</li> </ul>											
1973	2	4	4	4	4	5	2	4	3	3	2
<u>The 1973 Constitution of Zambia: One Party State</u> <ul style="list-style-type: none"> <li>• The Bill of Rights has, save for one or two changes, been reproduced verbatim;</li> <li>• Under Article 4 of the new Constitution, only UNIP was to exist and, accordingly, it was unlawful for anyone to form or belong to or assemble with any other political party or organization.</li> <li>• The President's position was also strengthened by the</li> </ul>											



Ordinances/Acts/Amendments											
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association
0-10	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10
10	1	4	4	4	4	5	2	4	3	3	2
1974	<p>election, who has been guilty of any corrupt practice or and who has been convicted of any illegal practice within a period of five years preceding the election shall be disqualified from voting.</p> <ul style="list-style-type: none"> <li>• A citizen of Zambia who has attained age of eighteen years shall be eligible to vote.</li> <li>• An election petition can be presented by who lawfully voted or had the right to vote at the election to which the election petition pertains.</li> <li>• It repeals the Electoral Act No. 44 of 1973</li> </ul> <p><u>Constitution of Zambia Amendment Act No. 18</u></p> <ul style="list-style-type: none"> <li>• Where a person's freedom of movement is restricted, or he is detained, he shall in not more than fourteen days after the commencement of his detention or restriction is furnished with a statement in writing in a language he understands specifying in detail the grounds upon which he is restricted.</li> </ul>										
10	1	4	4	4	4	5	2	4	3	3	2
1975	<p><u>Citizenship of Zambia Act No.26</u></p> <ul style="list-style-type: none"> <li>• It repeals and replaces the Citizenship of Zambia Act</li> <li>• It provides for the establishment of the Citizenship Board and determines its function and composition.</li> <li>• The President may as a token of honour cause to be a registered citizen any person who in his opinion has done a signal honour or rendered distinguished service to Zambia.</li> </ul> <p><u>Employment Amendment Act No. 29</u></p>										

Ordinances/Acts/Amendments												
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10
1976	1	4	4	4	4	5	2	4	3	3	2	10
1977	1	4	4	4	4	5	2	3	3	3	2	10
1978	1	4	4	4	4	5	2	3	3	3	2	10
1979	1	4	4	4	4	5	2	3	3	3	2	10
1980	0	4	4	4	4	5	2	2	3	3	2	10
1981	0	4	4	4	4	5	2	2	3	3	2	10
1982	1	4	4	4	4	5	2	2	3	3	2	10
1983	1	4	4	4	4	5	2	2	3	3	2	10
1984	1	4	4	4	4	5	2	2	3	3	2	10
1985	1	4	4	4	4	5	2	2	3	3	2	10



Ordinances/Acts/Amendments											
Year	Others Rights and Liberties	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association
0-10	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10
1986	1	4	4	4	4	5	2	2	3	3	2
1987	1	4	4	4	4	5	2	2	1	3	2
<u>Public Universities Acts No. 19 and 20</u> <ul style="list-style-type: none"> <li>Establishment of the Copperbelt University</li> </ul> <u>Zambia National Broadcasting Corporation Act No. 16</u> <ul style="list-style-type: none"> <li>Establishment of the Broadcasting Corporation.</li> <li>Empowers the Minister of Information to censor any broadcast at anytime;</li> <li>Empowers the Minister to hire and fire the Board of Directors of ZNBC;</li> <li>Empowers the Minister to issue radio and TV licences as well as to suspend or cancel them, justified in the public interest.</li> </ul>											
1988	1	4	4	4	4	5	2	2	1	3	2
1989	1	4	4	4	4	5	2	2	1	3	2
<u>Employment of Women, Young Persons and Children Amendment Act No. 14</u> <ul style="list-style-type: none"> <li>It prohibits employment of young persons in employment or work detrimental to health, safety and morals.</li> </ul>											
1990	1	4	4	4	4	5	2	2	1	3	2

### Third Republic (1991 –2007)

Ordinances/Acts/Amendments	Year	Others	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights
		0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10
<p><u>Electoral Act No. 2</u></p> <ul style="list-style-type: none"> <li>• Election to the office of the President shall be held in every constituency in Zambia.</li> <li>• Every citizen of Zambia, who has attained the age of eighteen years, shall be qualified for registration as a voter in direct elections.</li> <li>• A person under a sentence of death or a sentence of imprisonment shall be disqualified from registration of voters.</li> <li>• Any person who is convicted of any corrupt practice by the High Court upon the trial of an election petition shall not be qualified for election as a member of the National Assembly for a period of five years from the date of such conviction.</li> </ul> <p><u>Constitution of Zambia Act No. 1</u></p> <ul style="list-style-type: none"> <li>• Removal of Article 4 of the 1973 Constitution, which restricted formation of parties to one;</li> <li>• Fundamental human rights and freedoms in general terms corresponded with those contained in the 1964 and 1973 Constitutions, only extended to include some children's rights and reduce presidential tenure;</li> <li>• The constitution provides for an independent judiciary</li> <li>• The Constitution now provides that no law shall</li> </ul>	1991	4	4	5	4	4	7	4	6	7	6	7	10



Year	Others	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights	Ordinances/Acts/Amendments
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10	
													<p>abuse of office;</p> <ul style="list-style-type: none"> <li>Although the law gives the University Council a mandate to address faculty concerns, the minister of education was empowered to appoint the members of the council; some academics criticized this provision as an infringement of academic freedom;</li> <li>Although the law does not require a permit to hold a rally, it requires organizers to notify police seven days in advance. Police are empowered to decide when and where rallies are held and who may address participants</li> <li>The law provides for freedom of association, but the government placed some limits on this right. All organizations must formally apply for registration to the Registrar of Societies</li> </ul> <p><u>Zambia Institute of Mass Communications Act No. 9</u></p>
1992	4	4	5	4	4	7	4	6	7	6	7	10	<p><u>University Act No. 26</u></p> <ul style="list-style-type: none"> <li>Makes provision for the establishment of councils of public universities.</li> <li>A council shall be responsible for the formulation of the policy of its university.</li> </ul>
1993	3	4	5	4	4	7	4	6	6	5	6	10	<p><u>Criminal Procedure Code (Amendment) No. 35</u></p> <ul style="list-style-type: none"> <li>Prohibits the grant of bail to those charged with murder, treason, aggravated robbery, misprision of treason or any other capital offence.</li> </ul> <p><u>Narcotics Drugs and Psychotropic Substances Act No.</u></p>

Ordinances/Acts/Amendments	Year	Others	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights
		0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10
<u>37</u> <ul style="list-style-type: none"> <li>Prohibits the grant of bail to a person accused of drugs related offences.</li> </ul> <u>Industrial and Labour Relations Act No. 27</u> <ul style="list-style-type: none"> <li>It repeals the Trade Unions and Trade Disputes Act No. 35 of 1956.</li> <li>Dilute the workers right to strike by requiring the employer to consent to a strike ballot.</li> </ul>													
<u>Radio communication Act No. 25</u> <ul style="list-style-type: none"> <li>Communications Authority shall have general control and supervision of radio communications and radio communication services.</li> </ul>	1994	3	4	5	4	4	7	4	6	7	5	6	10
<u>Electoral Amendment Act No. 7</u> <ul style="list-style-type: none"> <li>An election petition shall e tried and determined by the High Court in open court and within hundred and eighty days of presentation of the election petition.</li> </ul>	1995	3	4	5	4	4	7	4	6	7	5	6	10
<u>Public Order (Amendment) Act No. 1</u> <ul style="list-style-type: none"> <li>There is no longer the requirement to obtain a police permit for any public gathering to take place</li> <li>What is required is to notify the police within the prescribed period and the Police, in turn, should oblige</li> <li>If they are unable to police the event for reasons stipulated under the Act, they should suggest alternative dates for the public event</li> </ul> <u>Constitution of Zambia Act No. 17</u>	1996	3	3	5	4	4	7	4	6	8	7	6	10

Year	Others	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights	Ordinances/Acts/Amendments
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10	
													<ul style="list-style-type: none"> <li>Christianity declared as the official religion of Zambia</li> <li>Any person who has attained the age of twenty one years and has been ordinarily resident in Zambia for a period not less than ten years should be entitled to apply to be registered as a citizen of Zambia.</li> </ul> <u>Electoral Amendment Act No. 23</u> <ul style="list-style-type: none"> <li>Provision for the formation of the Electoral Commission.</li> <li>The Commission has regulatory power to determine how all elections activities shall be run.</li> </ul> <u>Zambia Institute of Mass Communications Act No. 19</u> <ul style="list-style-type: none"> <li>It repeals the Zambia Mass Communications Act No. 9 of 1991.</li> </ul>
1997	3	3	5	4	4	7	4	6	8	7	6	10	<u>Employment Amendment Act No. 15</u> <ul style="list-style-type: none"> <li>Where an employee is summarily dismissed, he shall be paid on dismissal the wages and other allowances due to him up to the date of such dismissal.</li> </ul>
1998	3	3	5	4	4	7	4	6	8	7	6	10	
1999	4	3	5	4	4	7	4	6	8	7	6	10	<u>Zambia Police (Amendment) Act No. 14</u> <ul style="list-style-type: none"> <li>Provided for the creation of Policy Complaints Authority whose function is to investigate complaints by the public against police misconduct.</li> </ul>
2000	4	3	5	4	4	7	4	6	8	7	6	10	<u>Legal Aid (Amendment) Act No. 17</u> <ul style="list-style-type: none"> <li>Provided for the creation of a Legal Aid Fund from which private legal Practitioners are to be paid for</li> </ul>

Year	Others	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights	Ordinances/Acts/Amendments
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10	
2001	4	3	5	4	4	7	4	6	8	7	6	10	<p>representing indigent clients.</p> <p><u>Electoral Amendment Act No. 4</u></p> <ul style="list-style-type: none"> <li>The Commission shall compile, maintain and update on a continuing basis, a register of voters, which shall include the names of all persons entitled to vote in any direct election, local government election under the Local Government Elections Act or referendum under the Referendum Act.</li> </ul>
2002	5	3	5	4	4	7	4	6	8	7	6	10	<p><u>Independent Broadcasting Act No. 17</u></p> <ul style="list-style-type: none"> <li>Establish the Independent Broadcasting Authority.</li> <li>A political party or organization or a legal entity founded by apolitical party or organization shall not qualify to hold a broadcasting licence and a person who is not a citizen of Zambia shall not qualify to hold a broadcasting licence.</li> </ul>
2003	5	3	5	4	4	7	4	6	8	7	6	10	
2004	5	3	5	4	4	7	4	6	8	7	6	10	
2005	5	3	5	4	4	7	4	6	8	7	6	10	
2006	5	3	5	4	4	7	4	6	8	7	6	10	<p><u>Electoral Act No. 12</u></p> <ul style="list-style-type: none"> <li>A registered voter or person who has applied for registration as a voter and whose name or ordinary place of residence has changed, shall apply, in the prescribed manner, to have that change recorded in the voters' roll or in that person's application, except that a person need not apply when a change of name is due to change in marital status.</li> </ul>

Ordinances/Acts/Amendments												
Year	Others	Religious Freedom	Due Process of Law	Government Secrecy	Academic Freedom	Independence of Jud and Legist	Freedom of Movement	Ext of Arbitrary Gov Power	Freedom of Expression	Freedom of Assembly	Freedom of Association	Voting Rights
	0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10
2007	5	3	5	4	4	7	4	6	8	7	6	10

- The Commission shall, for the compilation of the voters' roll, conduct a general registration of voters.
- A copy of the voters' roll as it exists at any time shall be available for inspection during office hours at the Commission's head office.
- The Commission shall allow a person to apply for a special vote if that person cannot vote at a polling station in the polling district in which the person is registered as a voter.
- Allows the president to decide the date of election



### Appendix 3: Rating matrix for property rights in the leasehold land tenure

#### Colonial Period (1947-1964)

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
10	10	6	10	10	9	6	Up to 1947	<p><u>Northern Rhodesian (Crown Lands and Native Reserves) Order in Council 1928</u></p> <ul style="list-style-type: none"> <li>Divides Northern Rhodesia into a European Area (crown land), an African Area (native reserves).</li> <li>Governs the administration of reserve and crown lands.</li> <li>Effectively prevents Africans from leasing, acquiring or occupying property in European areas and Europeans from doing the same in African Areas.</li> </ul> <p><u>Northern Rhodesia (Native Trust Land) Order in Council 1947</u></p> <ul style="list-style-type: none"> <li>Reversed the policy which reserved a large proportion of the country for Europeans</li> <li>Around 57% of the country, formerly ‘unassigned’ land, forest and game land and unutilised Crown Land was returned to Africans and named ‘Trust Land’.</li> <li>But, as with the Reserves, interests and land rights in Trust Land fell under customary law and the administration of the traditional authorities.</li> </ul>
10	10	6	10	10	9	6	1948	<u>Public Lands Acquisition Ordinance No. 45</u>
10	9	6	8	10	9	6	1949	<p><u>Town Planning (Amendment) Ordinance No. 8</u></p> <ul style="list-style-type: none"> <li>Restricts the rights to use land, or change the existing use, as one sees fit;</li> <li>Restricts the right to a alienate land.</li> </ul> <p><u>Fencing Ordinance No. 19</u></p> <ul style="list-style-type: none"> <li>An act to regulate the erection and maintenance of dividing fences.</li> </ul>
10	8	6	8	10	9	6	1950	<p><u>Natural resources ordinance No. 3</u></p> <ul style="list-style-type: none"> <li>Restricts the use of land by the owner in case protection of natural resources is judged necessary.</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								<u>Fencing Amendment Act No. 32</u> <ul style="list-style-type: none"> <li>An act to amend the Fencing Act No. 19 of 1949 by making provision for the Minister to, by statutory instrument make regulations relating to the provision of gates and cattle grids in fences adjoining roads and insertion of cattle grids in roads.</li> </ul>
10	8	6	8	10	9	6	1951	<u>Lands and Deeds Registry (Amendment) Ordinance No.50</u> <ul style="list-style-type: none"> <li>If any person has in his possession any document or evidence of title affecting the same land to the production of which the applicant or any trustee is entitled, the Registrar may order such person to produce the same within a time to be fixed by him at the expense of the applicant registration.</li> </ul>
10	8	6	8	10	9	6	1952	
10	8	6	8	10	9	6	1953	<u>Fencing Amendment Act No. 37</u> <ul style="list-style-type: none"> <li>It makes provision for arbitration settlement to be used if three months after service notice, the person serving and the one served with such notice do not agree to the type of the fence to be erected and the position of the fencing .</li> </ul>
10	8	6	8	10	9	6	1954	<u>Lands and Deeds Registry (Amendment) Ordinance No. 17</u> <ul style="list-style-type: none"> <li>An Ordinance to amend the Land and Deeds Registry Ordinance.</li> <li>It exempts documents of a lease relating to only a portion of a building or a contract for sale of land from being described by reference to a diagram, plan or description of the land.</li> <li>It authorizes the Registrar to refuse to register any document of which the proper number of copies is not handed to him.</li> </ul>
10	8	6	8	10	9	6	1955	
11	8	6	8	9	9	6	1956	<u>Municipal Corporations (Amendment) (No. 2) Ordinance No. 8</u> <ul style="list-style-type: none"> <li>Empowered any municipal corporation compulsorily acquire land for the purpose of carrying out any of the statutory powers of such corporation.</li> </ul> <u>Agricultural Lands Ordinance No.51</u> <ul style="list-style-type: none"> <li>Introduced the concept of progression whereby a farmer who performed satisfactorily could</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								upgrade tenure from leasehold to freehold.
11	8	6	8	9	9	6	1957	<u>Lands and Deeds Registry Act No. 20</u> <ul style="list-style-type: none"> <li>Where a description of a piece of land has been registered, and no plan or diagram has been registered, the Registrar may on application of any person interested and after considering objections from any person interested, revise, modify or amend the description.</li> </ul> <u>Agricultural Lands Amendment Act No. 39</u>
11	8	6	8	9	9	6	1958	<u>Land and Deeds Registry (Amendment) Ordinance No. 31</u> <ul style="list-style-type: none"> <li>It makes provision for a mortgage of any estate or interest in land to have effect as security and not to operate as a transfer or lease of the state or interest thereby mortgaged. The mortgagee however, will have and will be deemed to have always had the same protection and remedies as if the mortgage had operated as a transfer or lease of the estate or interest mortgaged.</li> </ul>
11	8	6	8	9	9	6	1959	<u>Land and Deeds Registry (Amendment) Ordinance No. 25</u> <ul style="list-style-type: none"> <li>This Ordinance makes provision for any person aggrieved by any order of the registrar regarding documents required for registration, to appeal to the court which may annul or confirm the order of the Registrar with or without modification.</li> </ul>
11	7	6	8	9	9	6	1960	<u>Land Survey Ordinance No. 59 of 1960</u> <ul style="list-style-type: none"> <li>Repeals previous Land Survey Ordinances;</li> <li>This Ordinance makes further and more comprehensive provision for the registration and licensing of land surveyors;</li> <li>Provides for the manner in which land surveys are carried out and the diagrams and plans connected therewith;</li> <li>Provides for the protection of survey beacons and other survey markers</li> <li>Provides for the establishment and powers of a Survey Control Board responsible for the registration and licensing of land surveyors, and for the exercise of disciplinary control over such surveyors.</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								<u>Agricultural Lands Ordinance No. 57 of 1960</u> <ul style="list-style-type: none"> <li>• It repeals the Agricultural Lands Act No. 14 of 1958</li> <li>• Every lessee is required to take up personal residence on the holding within 6 months of the commencement of the lease, or as otherwise agreed by the board;</li> <li>• Use conditions are specified, including (as approved by the board) annual cultivation of some portion of the plot, maintenance of stock, or development of dipping/spraying facilities, paddock fencing and water supplies as considered adequate by the board;</li> <li>• The lessee, while allowed to use timber from the holding for own farming or domestic purposes, is prohibited from selling or removing any timber without the president's consent;</li> <li>• A lessee is not entitled to assign, sublet, mortgage, charge, encumber, enter into a partnership, or part in any way with the holding without the prior consent of the president..</li> </ul>
11	7	6	8	9	9	6	1961	
11	7	6	8	9	9	6	1962	<u>Town and Country Planning Ordinance No. 32</u> <ul style="list-style-type: none"> <li>• Provides for the control, use and change of land use zones and reservations for various purposes, e.g. siting of work sites;</li> <li>• It also provides for the compensation of those affected by planning decisions and regulated development subdivisions.</li> </ul>
11	7	6	8	9	9	6	1963	<u>Agricultural Lands Ordinance No. 42</u> <ul style="list-style-type: none"> <li>• This is an amendment of The Agricultural Lands Ordinance No. 57 of 1960.</li> <li>• It makes provision for the appointments of members of the Board other the three public officers, to be made by name.</li> </ul> <u>Mine Townships (Amendment) Ordinance No. 19</u> <ul style="list-style-type: none"> <li>• Amendment of Mine Townships Act No 11 of 1932 by giving Board members, any officer or servant authorized by the Board, the power to enter and inspect any land or buildings within the Mine Township.</li> </ul>

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### First and Second Republics (1964 – 1990)

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
11	7	6	8	11	9	6	1964	<p><u>The 1964 Independence Constitution of Zambia</u></p> <ul style="list-style-type: none"> <li>Protected people from deprivation of their property except upon the payment of full adequate and prompt compensation</li> <li>Under section 72(3) of the Constitution the fundamental rights were entrenched in such a way that they could not be amended without a referendum.</li> </ul> <p><u>The Zambia (State Lands and Native Reserves) order 1964; The Zambia (Trust Land) Order 1964; and The Zambia (Gwembe District) Order 1964,</u></p> <ul style="list-style-type: none"> <li>All had the provision that "any estate, right or interest in or over any land or immovable property which the governor of Northern Rhodesia prior to independence created, granted, recognized or otherwise acknowledged...should continue to have the same validity as they had before independence"</li> </ul> <p><u>Mine Townships Amendment Ordinance No. 55</u></p> <ul style="list-style-type: none"> <li>It gives the Minister power with regards to regulations.</li> <li>The Minister may, by statutory instrument, make regulations for any such things as are necessary or desirable for the maintenance of the health, safety and well-being of the inhabitants of Mine Townships.</li> </ul>
11	7	6	8	11	9	6	1965	<p><u>Lands and Deeds Registry Act No. 65</u></p> <ul style="list-style-type: none"> <li>This as an amendment of The Lands and Deeds Registry Act No. of 1940.</li> <li>According to this act, no document relating to land other than a State Grant of Land shall be registered by the Registrar unless it is presented for registration by some person interested or by legal a practitioner practicing in Zambia and having an office there.</li> </ul>
11	7	6	8	11	9	6	1966	
11	7	6	8	11	9	6	1967	<p><u>Lands and Deeds Registry No. 9</u></p> <ul style="list-style-type: none"> <li>An amendment of the Land Perpetual succession Act No. 21 of 1926.</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								<ul style="list-style-type: none"> <li>It authorises the Minister to make regulations prescribing the forms of applications, certificates and other forms to be used and the documents to be submitted with any application.</li> <li>Where a transfer has been lodged for registration without production of the outstanding provisional Certificate or Certificate of Title, the registrar may according to his discretion, register the transfer and issue a new certificate in the name of the purchaser without such cancellations.</li> </ul> <p><u>Land Perpetual Succession Act No. 25</u></p> <ul style="list-style-type: none"> <li>This Amends the Land Perpetual Succession Act No. 21 of .1940.</li> <li>It authorises the Minister to make regulations prescribing the forms of applications, certificates and other forms to be used and the procedure to be followed for the purpose of changing the name of owner.</li> </ul>
11	7	6	8	11	9	6	1968	<p><u>Mine Townships Amendment Act No.42</u></p> <ul style="list-style-type: none"> <li>It amends the Mine Townships Act No.11 of 1932 by authorising the Minister to revoke by-laws. At the request of the Board, the Minister may by a statutory notice declare that all or any of the regulations applied to the whole or any part of a Mine Township shall cease to apply.</li> </ul> <p><u>Protected Areas and Places Amendment Act No. 4</u></p> <ul style="list-style-type: none"> <li>It makes it the duty of security guards to protect and guard protected areas and places and to exercise the powers and perform the duties conferred or imposed upon them.</li> </ul>
11	6	6	8	11	9	6	1969	<p><u>Constitution (Amendment) (No.5) Act No. 3</u></p> <ul style="list-style-type: none"> <li>Repealed section 18 of the constitution, the property clause, and replaced it by a new section which introduced different conditions for expropriating property</li> <li>Made it easier for the government to expropriate property.</li> </ul> <p><u>Mines and Mineral Act No. 46</u></p> <ul style="list-style-type: none"> <li>Vested all rights of ownership in mineral deposits in the President and provided that</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								acquisition of mineral rights shall henceforth be limited to Zambian citizens and companies incorporated under the laws of Zambia.
11	6	6	8	4	9	6	1970	<p><u>Constitutional (Amendment) Act No. 44</u></p> <ul style="list-style-type: none"> <li>• Provided that no taking of property shall be contrary to the protective provisions of section 18 if it is in pursuance of a comprehensive land policy of it is to make the statutes, common law and equity apply uniformly throughout the Republic.</li> </ul> <p><u>Constitution (Amendment) (No. 2) Act No. 58</u></p> <ul style="list-style-type: none"> <li>• Provided that the forfeiture of property of a person who has left the country ‘...for the apparent purpose...’ of defeating the ends of justice, does not infringe the right to private property.</li> </ul> <p><u>Land Acquisition Act No. 2</u></p> <ul style="list-style-type: none"> <li>• It repeals the Land Acquisition Ordinance No. 45 of 1948.</li> <li>• It authorises the President to acquire property whenever he perceives it to be desirable or expedient in the interests of the Republic.</li> <li>• The act also made provision for compensation to be paid for such property acquired;</li> <li>• No compensation is payable in respect of undeveloped or underutilized land;</li> <li>• In assessing compensation, the value of property is the amount of the improvement on the land, not the value of the land itself.</li> </ul> <p><u>Mines Acquisition (Special Provision) Act No. 28; Curtailing of Mineral Production S.I. No. 7; Reserved Mines S.I. No. 304; Mineral Tax Act No. 27; Registration of Mining Rights Regulations S.I. No. 46; Natural Resources Conservation Act No. 53</u></p> <ul style="list-style-type: none"> <li>• Comprehensive legislation dealing with conservation of natural resources, especially in rural areas, and relating to proper use of land.</li> </ul> <p><u>Land and Deeds Registry Act No. 47</u></p> <ul style="list-style-type: none"> <li>• Probate of a will affecting land or any interest in land shall be registered within twelve months of the grant or the sealing thereof.</li> </ul>



Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
11	6	6	8	4	9	6	1971	<u>Landlord and Tenant Act No. 34</u> <ul style="list-style-type: none"> <li>Is aimed at providing security of tenure for tenants occupying property for business and professional purposes;</li> <li>This act provides security of tenure for tenants occupying property for business, professional and certain other purposes: to enable such tenants to obtain tenancies in certain cases.</li> </ul> <u>National Housing Authority Act No. 16</u> <ul style="list-style-type: none"> <li>An act to make better provision for the development and control of housing throughout the Republic.</li> <li>Subject to any direction given by the Minister, the Authority shall have the sole management and control of the property, income and funds of the Authority and the affairs and business thereof.</li> </ul>
11	6	6	8	4	9	6	1972	<u>Rent Act No. 10</u> <ul style="list-style-type: none"> <li>An act to make provision for restricting the increase of rents, determining the standard rents, prohibiting the payments of premiums and restricting the right to possession of dwelling-houses.</li> </ul>
8	5	6	7	4	9	6	1973	<u>Land Survey (Amendment) Act No.9</u> <ul style="list-style-type: none"> <li>It amends the Land Survey Act by providing for any person entitled to be granted or to apply for a licence to make written application to the Board and such application to be accompanied by proof of such entitlement.</li> </ul> <u>One-party Constitution</u> <ul style="list-style-type: none"> <li>The Leadership Code, which was incorporated in the One Party Constitution of 1973, prevented leaders from owning more than 10 acres of land.</li> </ul> <u>Forest Act No. 39</u> <ul style="list-style-type: none"> <li>Vests the ownership of all tress and forest produce derived therefrom on State Lands, Reserves, Trust Lands, National Forests and Local Forests in the President unless otherwise transferred or assigned under the Act or any other written law;</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								<ul style="list-style-type: none"> <li>Where there has been a demarcation, there is provision for compensation for the extinction of existing rights or a recognition of such rights;</li> <li>In assessing the compensation, it will not be taken into account any right, easement or profit relating to the collection of forest produce, fishing or pasturing any domestic animal;</li> <li>No person shall without a license, fell cut, collect any forest produce and graze domestic animals</li> <li>Where there is reason to believe that a forest offence has been committed, other property suspected to have been used in the commission of the offense may be seized by the forestry officer and detained until order of court as to the disposal thereof is made.</li> </ul>
8	5	6	7	4	9	6	1974	<u>Housing Act No. 30</u> <ul style="list-style-type: none"> <li>An act to provide for the control and improvement of housing in certain areas. It also authorizes the Minister to declare any area of land within the jurisdiction of a council to be a Statutory Housing Area.</li> <li>It also provides for the issuance of certificates of titles and occupancy licences.</li> </ul> <u>Land Survey Amendment Act No. 34</u> <ul style="list-style-type: none"> <li>This amends the Land Survey Act by making the Surveyor-General entitled to be granted a licence if he satisfies the requirements.</li> </ul>
6	4	4	3	3	6	4	1975	<u>Land (Conversion of Titles) Act No. 20</u> <ul style="list-style-type: none"> <li>All land in Zambia is administered and controlled by the President for the use or common benefit, direct or indirectly, of the people of Zambia;</li> <li>All land previously held under freehold title be converted to statutory leasehold, held for 100 years;</li> <li>Upon expiry, a lease may be extended for a further 100 years or less as the president may see fit;</li> <li>All transactions in land (including the subdivision and sublease) had to have the prior consent of the president and that in the exercise of this power, the President could fix the</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								<p>maximum amount that could be received in any land transaction.</p> <ul style="list-style-type: none"> <li>The minister may, by regulations, prescribe the maximum area of agricultural land, and different maxima may be so prescribed for different areas, districts, or provinces;</li> <li>Further under the first schedule to the Act, the lessor or the state maintains the right of possession of all mineral oils and precious stones and right of entry on all lands to prospect for and mine such minerals;</li> <li>Also, the lessee is not allowed to let the land remain idle for a period of more than three years except with written consent of the lessor.</li> </ul>
6	4	4	3	3	6	4	1976	<p><u>Mines and Mineral Act No 32</u></p> <ul style="list-style-type: none"> <li>An act to regulate the law relating to mines and minerals and to provide for the granting of, renewal and termination of mining rights.</li> <li>President holds the rights to minerals behalf of the Republic.</li> <li>The Minister is authorized to approve the transfer of mining licence.</li> </ul>
6	4	4	3	3	6	4	1977	
6	4	4	3	3	6	4	1978	
6	4	4	3	3	6	4	1979	
6	4	4	3	3	6	4	1980	
6	4	4	3	3	6	4	1981	<p><u>Forests Amendment Act No.15</u></p> <ul style="list-style-type: none"> <li>Under this act, a person shall be guilty of an offense if fells, cuts or cooks any major forest produce.</li> </ul>
6	4	4	3	3	6	4	1982	
6	4	4	3	3	6	4	1983	
6	4	4	3	3	6	4	1984	<p><u>Property Transfer Tax Act No. 12</u></p> <ul style="list-style-type: none"> <li>Whenever any property is transferred, there shall be charged upon and collected from the person transferring such property, a property transfer tax.</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
5	4	3	3	3	5	4	1985	<u>Land Conversion of Titles (Amendment) Act No. 5</u> <ul style="list-style-type: none"> <li>The Act provides that no land is to be transferred to a non-Zambian unless certain requirements are met.</li> </ul>
5	4	3	3	3	5	4	1986	<u>Property Transfer Amendment Act No. 4</u> <ul style="list-style-type: none"> <li>This amends the Property Transfer Tax Act by stipulating the time within which the tax should be paid.</li> <li>It also provides for a penalty to be charged if tax is not paid within the stipulated time frame.</li> </ul>
5	4	3	3	3	5	4	1987	<u>Property Tax Transfer Amendment No. 11</u> <ul style="list-style-type: none"> <li>The Minister is authorized to exempt from tax any person, transfer or property or any class thereof.</li> </ul>
5	4	3	3	3	5	4	1988	
5	4	3	3	3	5	4	1989	<u>Intestate Succession Act No. 5 of 1989</u> <ul style="list-style-type: none"> <li>This act deals with estates of persons who did not leave a will. It has no bearing on land held under customary law, family property, or chieftainship property. If the estate contains a house, the surviving spouse(s) and child (ren) shall receive title to the house as tenants in common.</li> </ul>
5	4	3	3	3	5	4	1990	

### Third Republic (1991 –2007)

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
5	4	3	3	3	5	4	1991	<u>The Constitution of Zambia Act No. 1</u> <ul style="list-style-type: none"> <li>• Subject to this Act and the Constitution, all property of every nature and kind whatsoever and all assets that immediately before the commencement of this Act were vested in, or held in trust for, the President or in any other person in right of or for the purposes of the Government of Zambia shall after the commencement of this Act continue to be so vested or held in trust, as the case may be.</li> <li>• Any property which, immediately before the commencement of this Act, was liable to escheat or to be forfeited to the President for the purposes of the Government of Zambia, after the commencement of this Act, shall continue to be liable to escheat or to be forfeited to the President on behalf of the Government of Zambia.</li> </ul>
5	4	3	3	3	5	4	1992	
5	4	3	3	3	5	4	1993	
5	4	3	3	3	5	4	1994	<u>Mineral Royalty Tax Act No. 32</u> <ul style="list-style-type: none"> <li>• It repeals and replaces the Mineral Export Tax Act No. 5 of 1983 and Mineral Tax Act No. 3 of 1993</li> </ul> <u>Lands and Deeds Registry (Amendment) Act No. 38</u> <ul style="list-style-type: none"> <li>• This amends the deeds and Registry Act No. of 1914 by outlining the details of registration namely; the names of the parties, the date of the document, the date of registration and a brief description of the nature of the document.</li> <li>• It provides for the registers, and the files relating to the several registers to be kept separately. It makes provision for register to be open for search.</li> <li>• This act applies only to land known as State land, about 7% of the total area of Zambia.</li> </ul> <u>Common Leasehold Schemes Act No. 39</u> <ul style="list-style-type: none"> <li>• An act to provide for the division of land and buildings into units with separate titles by</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								means of common leasehold schemes.
9	6	6	9	8	8	6	1995	<p><u>Lands Act No. 29</u></p> <ul style="list-style-type: none"> <li>• Repeals the Zambia (State Lands and Reserves) Orders, 1928 to 1964, the Zambia (Trust Land) Orders, 1947 to 1964, the Zambia (Gwembe District) Orders, 1959 to 1964, the Western Province (Land and Miscellaneous Provisions ) Act, 1970; and the Land (Conversion of Titles) (Amendment) Act No. 5 of 1985 and other previous land laws;</li> <li>• Provide for the continuation of Leaseholds and leasehold tenure</li> <li>• The President remains in charge of all land in Zambia and holds it in perpetuity on behalf of the people of Zambia;</li> <li>• The President is required to give consent to a person who wishes to sell, transfer or assign any land, but these were reduced to mere formalities;</li> <li>• This act prohibits unauthorised occupation of land.</li> <li>• provide for the statutory recognition and continuation of customary tenure</li> <li>• The conversion of rights from a customary tenure to a leasehold tenure shall have effect only after the approval of the chief and the local authorities in whose area the land to be converted is situated.</li> <li>• This act actually creates a new land category, namely ‘Customary Area’ also known as Traditional Land.</li> </ul> <p><u>Mines and Minerals Act No. 31</u></p> <ul style="list-style-type: none"> <li>• This act vests all rights of ownership of mines, searching for and mining and disposing of minerals in the President of the Republic. It disqualifies certain person from holding a mining right.</li> <li>• This act also repeals the Mines and Minerals Act No. 32 of 1976.</li> <li>• It provides for the termination of gemstone licence where there is insufficient production. According to this act, a company holding a mining right shall not transfer control of company without a written consent of the Minister.</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
9	6	6	9	8	8	6	1996	<u>Lands (Amendment) Act No.20</u> <ul style="list-style-type: none"> <li>Amendment of the Lands Act No. 29 of 1995 by authorising the Minister to make regulations for the better carrying of the provisions of the Lands Act. Such regulations may prescribe the terms, conditions and covenants of leases and the procedure for converting customary tenure to leasehold tenure.</li> </ul>
9	6	6	9	8	8	6	1997	<u>Rating Act No. 12</u> <ul style="list-style-type: none"> <li>An act to provide for the declaration of rateable areas, to make assessment of rateable property and to provide for the levying of rates.</li> <li>A leaseholder has to be notified before inspection of property.</li> </ul>
9	6	6	9	8	8	6	1998	
9	6	6	9	8	8	6	1999	<u>Mines and Minerals Amendment Act No. 5</u> <ul style="list-style-type: none"> <li>The holder of a large-scale mining licence shall pay to the Republic, a royalty on the gross value of minerals produced under the licence at the rate of two per centum.</li> </ul>
9	6	6	9	8	8	6	2000	
9	6	6	9	8	8	6	2001	
9	6	6	9	8	8	6	2002	
9	6	6	9	8	8	6	2003	
9	6	6	9	8	8	6	2004	
9	6	6	9	8	8	6	2005	
9	6	6	9	8	8	6	2006	
9	6	6	9	8	8	6	2007	

#### Appendix 4: Rating matrix for property rights in the customary land tenure

##### Colonial Period (1947-1964)

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
3	11	6	3	4	5	3	Up to 1947	<p><u>Northern Rhodesian (Crown Lands and Native Reserves) Order in Council 1928</u></p> <ul style="list-style-type: none"> <li>Divides Northern Rhodesia into a European Area (crown land), an African Area (native reserves).</li> <li>Governs the administration of reserve and crown lands.</li> <li>Effectively prevents Africans from leasing, acquiring or occupying property in European areas and Europeans from doing the same in African Areas.</li> </ul> <p><u>Northern Rhodesia (Native Trust Land) Order in Council 1947</u></p> <ul style="list-style-type: none"> <li>Reversed the policy which reserved a large proportion of the country for Europeans</li> <li>Around 57% of the country, formerly 'unassigned' land, forest and game land and unutilised Crown Land was returned to Africans and named 'Trust Land'.</li> <li>But, as with the Reserves, interests and land rights in Trust Land fell under customary law and the administration of the traditional authorities.</li> <li>Alienation of land in Native Reserves and Native Trusts to Europeans or other non-indigenous people was restricted and required the consent of the native authority and the government. <ul style="list-style-type: none"> <li>In reserves, five-year renewable 'rights of occupancy' could be granted to 'non-natives' at the behest of the native chief and the central government.</li> <li>In trusts, the governor could grant Europeans and other non-indigenous people 'rights of occupancy' for a period of ninety-nine years and demand rent for the use of the land.</li> </ul> </li> </ul>



Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								<ul style="list-style-type: none"> <li>These lands, however, could not be converted to crown land.</li> </ul>
3	11	6	3	4	5	3	1948	<u>Public Lands Acquisition Ordinance No. 45</u>
3	11	6	3	4	5	3	1949	
3	11	6	3	4	5	3	1950	
3	11	6	3	4	5	3	1951	
3	11	6	3	4	5	3	1952	
3	11	6	3	4	5	3	1953	
3	11	6	3	4	5	3	1954	
3	11	6	3	4	5	3	1955	
3	11	6	3	4	5	3	1956	
3	11	6	3	4	5	3	1957	
3	11	6	3	4	5	3	1958	
3	11	6	3	4	5	3	1959	
3	11	6	3	4	5	3	1960	
3	11	6	3	4	5	3	1961	
6	11	6	5	6	5	5	1962	<u>Reserve and Trust Land (Adjudication and Conversion of Titles) Ordinance No. 32</u> <ul style="list-style-type: none"> <li>Introduces the right to convert customary tenure to leasehold</li> </ul> <u>Town and Country Planning No. 32</u> <ul style="list-style-type: none"> <li>Provides for the control, use and change of land use zones and reservations for various purposes, e.g. siting of work sites;</li> <li>It also provides for the compensation of those affected by planning decisions and regulated development subdivisions.</li> </ul>
6	11	6	5	6	5	5	1963	

### First and Second Republics (1964 – 1990)

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
6	11	6	5	6	5	5	1964	<p><u>The Zambia (State Lands and Native Reserves) order 1964; The Zambia (Trust Land) Order 1964; and The Zambia (Gwembe District) Order 1964,</u></p> <ul style="list-style-type: none"> <li>All had the provision that "any estate, right or interest in or over any land or immovable property which the governor of Northern Rhodesia prior to independence created, granted, recognized or otherwise acknowledged...should continue to have the same validity as they had before independence."</li> </ul>
6	11	6	5	6	5	5	1965	
6	11	6	5	6	5	5	1966	
6	11	6	5	6	5	5	1967	
6	10	6	5	5	5	5	1968	
6	9	6	5	4	5	5	1969	<p><u>Mines and Mineral Act No. 46</u></p> <ul style="list-style-type: none"> <li>Vested all rights of ownership in mineral deposits in the President and provided that acquisition of mineral rights shall henceforth be limited to Zambian citizens and companies incorporated under the laws of Zambia.</li> </ul>
6	9	6	5	4	5	5	1970	<p><u>Natural Resources Conservation Act No. 53</u></p> <ul style="list-style-type: none"> <li>A comprehensive act dealing with conservation of natural resources, especially in rural areas, and relating to proper use of land.</li> </ul> <p><u>Land Acquisition Act No. 2</u></p> <ul style="list-style-type: none"> <li>It repeals the Land Acquisition Ordinance No. 45 of 1948.</li> <li>It authorises the President to acquire property whenever he perceives it to be desirable or expedient in the interests of the Republic.</li> <li>The act also made provision for compensation to be paid for such property acquired (it does not affect security);</li> <li>No compensation is payable in respect of undeveloped or underutilized land;</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								<ul style="list-style-type: none"> <li>In assessing compensation, the value of property is the amount by which the unexhausted improvements would be realized if sold on the open market</li> </ul> <u>Land and Deeds Registry Act No. 47</u> <ul style="list-style-type: none"> <li>Probate of a will affecting land or any interest in land shall be registered within twelve months of the grant or the sealing thereof.</li> </ul> <u>Western Province (Land and Miscellaneous Provisions) Act No. 47</u> <ul style="list-style-type: none"> <li>It vests all land in the Western Province in the President of Zambia as a Reserve.</li> </ul> <u>Comments:</u> <ul style="list-style-type: none"> <li>Under the terms of the Barotseland Agreement of 1964, the litunga's powers over land in Barotseland, as governed by Lozi customary law, were recognized and guaranteed, as they were in Article 8(2) of the Independence Constitution of 1964.</li> <li>Land in Barotseland continued under the control of the litunga until the approval of this act.</li> </ul>
6	9	6	5	4	5	5	1971	
6	7	6	5	4	5	5	1972	
6	7	6	5	4	5	5	1973	<u>Land Survey (Amendment) Act No. 9</u> <ul style="list-style-type: none"> <li>It amends the Land Survey Act by providing for any person entitled to be granted or to apply for a licence to make written application to the Board and such application to be accompanied by proof of such entitlement.</li> </ul> <u>Forest Act No. 39</u> <ul style="list-style-type: none"> <li>Vests the ownership of all tress and forest produce derived therefrom on State Lands, Reserves, Trust Lands, National Forests and Local Forests in the President unless otherwise transferred or assigned under the Act or any other written law;</li> <li>Where there has been a demarcation, there is provision for compensation for the extinction of existing rights or a recognition of such rights;</li> <li>In assessing the compensation, it will not be taken into account any right, easement or profit relating to the collection of forest produce, fishing or pasturing any domestic animal;</li> </ul>

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
								<ul style="list-style-type: none"> <li>No person shall without a license, fell cut, collect any forest produce and graze domestic animals</li> <li>Where there is reason to believe that a forest offence has been committed, other property suspected to have been used in the commission of the offense may be seized by the forestry officer and detained until order of court as to the disposal thereof is made.</li> </ul>
4	6	4	3	2	4	5	1974	
4	6	4	3	2	4	5	1975	<u>Land (Conversion of Titles) Act No. 20</u> <ul style="list-style-type: none"> <li>All land in Zambia is administered and controlled by the President for the use or common benefit, direct or indirectly, of the people of Zambia;</li> <li>All land previously held under freehold title be converted to statutory leasehold, held for 100 years;</li> <li>Upon expiry, a lease may be extended for a further 100 years or less as the president may see fit;</li> <li>All transactions in land (including the subdivision and sublease) had to have the prior consent of the president and that in the exercise of this power, the President could fix the maximum amount that could be received in any land transaction.</li> <li>the minister may, by regulations, prescribe the maximum area of agricultural land, and different maxima may be so prescribed for different areas, districts, or provinces;</li> <li>Further under the first schedule to the Act, the lessor or the state maintains the right of possession of all mineral oils and precious stones and right of entry on all lands to prospect for and mine such minerals;</li> <li>Also, the lessee is not allowed to let the land remain idle for a period of more than three years except with written consent of the lessor.</li> </ul>
4	6	4	3	2	4	5	1976	
4	6	4	3	2	4	5	1977	

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
4	6	4	3	2	4	5	1978	
4	6	4	3	2	4	5	1979	
4	6	4	3	2	4	5	1980	<u>Local Administration Act No. 15</u> <ul style="list-style-type: none"> <li>It stipulates that the consent of the chief must be obtained before an application of leasehold on customary land could be approved.</li> </ul>
4	6	4	3	2	4	5	1981	<u>Forests Amendment Act No.15</u> <ul style="list-style-type: none"> <li>Under this act, a person shall be guilty of an offense if fells, cuts or cooks any major forest produce.</li> </ul>
4	6	4	3	2	4	5	1982	
4	6	4	3	2	4	5	1983	
3	6	3	3	2	3	5	1984	
3	6	3	3	2	3	5	1985	<u>Land Conversion of Titles (Amendment) Act No. 5</u> <ul style="list-style-type: none"> <li>The Act provides that no land is to be transferred to a non-Zambian unless certain requirements are met.</li> </ul> <u>Land circular No. 1</u> <ul style="list-style-type: none"> <li>The circular laid down detailed procedure to be followed on land alienation.</li> <li>Chiefs and District Councils were restricted to recommend up to 250 ha of land on title, per applicant, in Reserves or Trust Lands;</li> <li>Chiefs and District Councils were to certify that they had physically inspected the land in question and that no person's rights or interests were affected.</li> </ul>
3	6	3	3	2	3	5	1986	
3	6	3	3	2	3	5	1987	
3	6	3	3	2	3	5	1988	
3	6	3	3	2	3	5	1989	
6	11	6	5	6	5	5	1990	

### Third Republic (1991 –2007)

Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year	Ordinances/Acts/Amendments
0-20	0-15	0-10	0-15	0-15	0-15	0-10		
3	6	3	3	2	3	5	1991	<u>The Constitution of Zambia Act No. 1</u> <ul style="list-style-type: none"> <li>• Subject to this Act and the Constitution, all property of every nature and kind whatsoever and all assets that immediately before the commencement of this Act were vested in, or held in trust for, the President or in any other person in right of or for the purposes of the Government of Zambia shall after the commencement of this Act continue to be so vested or held in trust, as the case may be.</li> <li>• Any property which, immediately before the commencement of this Act, was liable to escheat or to be forfeited to the President for the purposes of the Government of Zambia, after the commencement of this Act, shall continue to be liable to escheat or to be forfeited to the President on behalf of the Government of Zambia.</li> </ul>
3	6	3	3	2	3	5	1992	
3	6	3	3	2	3	5	1993	
3	6	3	3	2	3	5	1994	
7	8	6	5	8	5	6	1995	<u>Lands Act No. 29</u> <ul style="list-style-type: none"> <li>• Repeals the Zambia (State Lands and Reserves) Orders, 1928 to 1964, the Zambia (Trust Land) Orders, 1947 to 1964, the Zambia (Gwembe District) Orders, 1959 to 1964, the Western Province (Land and Miscellaneous Provisions ) Act, 1970; and the Land (Conversion of Titles) (Amendment) Act No. 5 of 1985 and other previous land laws;</li> <li>• Provide for the continuation of Leaseholds and leasehold tenure</li> <li>• The President remains in charge of all land in Zambia and holds it in perpetuity on behalf of the people of Zambia;</li> <li>• The President is required to give consent to a person who wishes to sell, transfer or assign</li> </ul>

Ordinances/Acts/Amendments							
Right to possess	Right to use	Right to manage	Right to capital	Security	Transmissibility	Liability to execution	Year
0-20	0-15	0-10	0-15	0-15	0-15	0-10	
							<p>any land, but these were reduced to mere formalities;</p> <ul style="list-style-type: none"> <li>• This act prohibits unauthorised occupation of land.</li> <li>• provide for the statutory recognition and continuation of customary tenure</li> <li>• The conversion of rights from a customary tenure to a leasehold tenure shall have effect only after the approval of the chief and the local authorities in whose area the land to be converted is situated.</li> <li>• This act actually creates a new land category, namely ‘Customary Area’ also known as Traditional Land</li> </ul> <p><u>Mines and Minerals Act No. 31</u></p> <ul style="list-style-type: none"> <li>• This act vests all rights of ownership of mines, searching for and mining and disposing of minerals in the President of the Republic. It disqualifies certain person from holding a mining right.</li> <li>• This act also repeals the Mines and Minerals Act No. 32 of 1976.</li> <li>• It provides for the termination of gemstone licence where there is insufficient production. According to this act, a company holding a mining right shall not transfer control of company without a written consent of the Minister.</li> </ul>
7	8	6	5	8	5	6	1996
7	8	6	5	8	5	6	1997
7	8	6	5	8	5	6	1998
7	8	6	5	8	5	6	1999
7	8	6	5	8	5	6	2000
7	8	6	5	8	5	6	2001
7	8	6	5	8	5	6	2002
7	8	6	5	8	5	6	2003
7	8	6	5	8	5	6	2004

Ordinances/Acts/Amendments							
Year	Liability to execution	Transmissibility	Security	Right to capital	Right to manage	Right to use	Right to possess
0-10	0-15	0-15	0-15	0-15	0-10	0-15	0-20
2005	6	5	8	5	6	8	7
2006	6	5	8	5	6	8	7
2007	6	5	8	5	6	8	7