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Abstract

This paper 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. The paper also considers interaction amongst the institutional measures, and between the institutional measures and measures of economic development. We find that there is an association among the institutional variables, with the various rights dimensions moving together, and being negatively associated with political instability. The evidence further suggests that the institutional measures are associated benevolently with economic development. In this sense the indicators of the present paper therefore conform to the precepts of the new institutional economics.

Keywords: Institutions, Political freedom, Property rights, Political Instability and Zambia

JEL classification: E02, K00, N4, O1.

1. Introduction

The economic performance of Zambia has been very disappointing since the advent of independence in 1964. For instance, between 1973 and 2007, the average inflation rate was about 40 percent, and between 1975 and 1991 per capita income declined on average by 2.5 percent per year. After a long period of economic contraction or very sluggish growth, during the last decade Zambia's economy started growing by an average of 4.7 percent per year (see Table 1).

INSERT TABLE 1 ABOUT HERE.

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 characterized by insecure property rights and an unreliable rule of law is at the centre of the growth failure. This view is in line with the New Institutional Economics (NIE) 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 that are used to measure the quality of institutions. The institutions and growth literature has frequently relied on 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.

Firstly, 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) point out, most of these indicators are invalid as measures of institutions because they do not reflect institutions as inputs into production. This inadequacy may render any causal link between institutions and economic growth questionable. Secondly, most existing empirical indicators measuring institutions have 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 the Zambian context are rare, not to say non-existent. This study is an attempt to fill this gap by presenting new indices that overcome the two limitations raised above. This objective is achieved by constructing *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 highlights their shortcomings. Section four and five are devoted to the construction

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of alternative indices for Zambia. Section four presents political freedoms and property rights indices while section five constructs a political instability index. Section six provides a comparative analysis among Zambia, Zimbabwe and Malawi. Section seven presents a short examination of the statistical interaction between our institutional indicators, and well as their impact (if any) on a range of economic and social development indicators. Finally, section eight concludes.

2. Theoretical framework

In the investigation of the fundamental causes of economic growth, three lines of research stand out in the literature (Rodrik, Subramanian, & Trebbi, 2004). Firstly, 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 (see for instance Gallup, Sachs, & Mellinger, 1998, and Sachs, 2001). A second line of research emphasizes the role of openness, and openness to international trade in particular in fostering long run economic development - see for instance Frankel & Romer (1999).

The third focus is on institutions. In the literature institutions are most often 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. While many economists concur that at some level, the country's quality of institutions and its economic performance are related, the exact nature of this interaction remains the topic of ongoing research, particularly since 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 industrialized, more urbanized, and its education levels rise, its social structures become 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 view is, however, mixed. Helliwell (1994) and Barro (1996) found a positive impact of GDP per capita on democracy, which supports the hypothesis. Alvarez, Cheibub, Limongi, & Przeworski (2000), by contrast, 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 the empirical debate surrounding modernization theory, a voluminous research on the effects of institutions on economic performance has consistently presented evidence supporting the importance of these elements of social structure.¹ According to this evidence, 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 (see for instance North, 1990, 1991; North & Thomas, 1973; Acemoglu, Johnson, & Robinson, 2001). 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.²

However, even in the context of the impact of institutions on growth, political freedoms and property rights are not the only sources of economic growth. Thus some researchers have shown that political instability affects negatively economic growth by increasing uncertainty and by reducing the quality of economic policy formulation.³

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

¹See also Knack & Keefer (1995), Mauro (1995), Hall & Jones (1999), Acemoglu, Johnson, & Robinson (2002), Easterly & Levine (2003) and Rodrik, Subramanian, & Trebbi (2004).

²See also Fedderke (1997) and Wu & Davis (1999).

³See, for example, Alesina & Perotti (1996); Alesina, Ozler, Roubini, & Swagel (1996); and Knack & Keefer (1995). By contrast, Olson (1982), on the other hand, suggested that political instability may have a positive impact on growth because it has the potential to disrupt rent-seeking activities in the society.

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 the lack of a uniform framework to measure institutions, authors have devised a variety of indicators. Here, we restrict discussion to indicators that show perhaps the greatest frequency of use in the empirical growth literature.⁴ Since they provide the methodology this study follows, the recent indicators in Fedderke, de Kadt, & Luiz (2001) and Gwenhamo, Fedderke, & de Kadt (2008), are also reviewed.

3.1. *Indices of political freedoms*

Existing indices 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 measures are flawed because they are influenced by and reflect many factors that are not directly related to political rights and political liberties, or rules of the game governing behaviour more widely construed.

For this reason, and since they attempt to directly quantify the state of institutions in countries, subjective measures of institutions are perhaps the predominant form of institutional representation in the institutions and growth literature (Bollen & Paxton, 2000). They generally represent expert ratings of countries' standing on various aspects of political freedoms, property rights, the degree of political risk or instability, such as for instance the fairness of elections, the freedom of the media, or the liberties of political groups. Three key subjective measures of institutions are reviewed below.⁵

The Freedom House constructs annual indicators of political rights and civil liberties for virtually all 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), using both 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 as 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. A critical limitation of the Freedom House measures of political rights and civil liberties is that they do not extend beyond 1972 for any country.

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 index 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 index is measured by assessing the degree of competitiveness of political participation, and the openness and the competitiveness

⁴For a survey of the various measures 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 measures presented here see Bollen (1986).

⁵There are two important earlier contributions to subjective measures of rights. 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 has been included since 1964. The political rights indicator is based on the subjective interpretation of, but not limited to, the following measures: 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. Second, Bollen (1980, 1990) constructed 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 assessing: the freedom of the press, the freedom of group opposition, and government sanctions. Popular sovereignty is measured by assessing: the fairness of elections, and the process of the executive 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).

of executive recruitment. Due to the paucity of data on civil liberties, their index of democracy only includes the first two dimensions. The index is then used to produce annual measures of democracy and autocracy for all independent countries from 1800. While this provides extended historical time series of institutional dimensions for many developed countries, for most developing countries, and particularly those with a colonial history, data is only available for the period since independence. Zambia is included from 1964. Nevertheless, the measure on the “constraints on the executive” is perhaps the most widely used measure in the empirical literature.

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, starting 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. While the advantage of these measures is that they are available for many countries, and provide data on the sub-components of the institutional measures, these indicators also face crucial limitations. The most obvious is that the indicators are only available since 1996. But perhaps most critically, the indicators are constructed as a country ranking for each year of measurement, effectively measuring the extent to which a country's institutional structure deviates from the cross-country mean in any given year. As such the measures are not well suited to comparisons over time, since there is no means of telling to what extent the mean has shifted in any given year.

Finally, all of the indicators reviewed above are arguably subject to Glaeser et al.'s (2004) critique that they are measures of the outcomes institutions are meant to effect, rather than measures of institutions defined as inputs into production.

One means of addressing the Glaser et al (2004) concern, has been proposed by Fedderke et al. (2001). They construct an index of political freedoms that addresses the concern by relying heavily on formal legislation, such that the focus is squarely on a *de jure* measure of underlying institutional structure, rather than perceptions of *de facto* outcomes. The index is obtained by assessing whether the legal framework provides for the following rights and freedoms: voting rights, freedom of association, freedom of assembly, freedom of expression, minimization of arbitrary executive power, independence of the judiciary and the legislature, minimization 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 are aggregated into a 100 points index. While Fedderke et al (2001) published only an aggregate score, without detailing the sub-component measures for South Africa over the 1933-1997 period, Gwenhamo et al. (2008) extend the methodology for Zimbabwe for the 1945-2007 period, by providing explicit scores for the sub-components, which are then combined to produce a single composite index. The limitation of these two studies is their limited geographical coverage – that the indicators are only available for South Africa and Zimbabwe respectively. This study represents a further attempt to extend the geographical coverage further.

3.2. Indices of property rights

Despite the pre-eminence of property rights in the theoretical growth literature, there are not many studies devoted to quantifying 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 privatized 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 indicators are graded on a 0 to 100 scale, with 100 representing maximum protection given to property rights.

Independently of any conceptual shortcomings of these indicators, both suffer from the limitation that they cover only relatively short time runs, limiting their utility in exploring the long-run link between institutions and economic growth.

Scholars have also proxied economic institutions by one or more measures produced by firms specializing in the evaluation of the political risk of countries 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 from economic and political consultants who provide subjective ratings on the following features of a country: law and order, bureaucratic quality, corruption, risk of expropriation by the government, and risk of government contract repudiation. Some of the most influential papers using these indicators include Mauro (1995), Knack & Keefer (1995), Hall & Jones (1999), and Acemoglu et al. (2001, 2002). Again, however, these indicators are available only over a relatively short time period, and again are open to the Glaeser et al. (2004) critique that what is being measured are not the institutional inputs of interest, but the outcomes that they are meant to effect.

This paper therefore again follows the approach taken by Fedderke et al. (2001), who constructed an index of property rights for South Africa covering the period 1950 to 1997. The index was obtained through ratings of the legislative framework governing property rights in 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 sub-components have varying scales based on their relative importance for the execution on property rights as proposed by legal theory. 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, and Fedderke and Garlick (2010) for Malawi.

3.3. Indices of political instability

Very few political instability indices exist. Attempts to measure political stability include Russett, Deutsch, Lasswell, & Alker (1964), who only looked at how long rulers remain in power, and Jackman (1978), who focused on coups d'état. 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, but not restricted to, the incidence of strikes, riots, armed attacks and other events. Examples of such indices include Bollen & Jones (1982), and more recently Fedderke et al. (2001) for South Africa, Fedderke and Garlick (2010) for Malawi, and Gwenhamo et al. (2008) for Zimbabwe.

The task of constructing an objective measure of political instability as in the previous studies has revealed to be difficult in other contexts. Fedderke and Garlick's (2010) objective index of political instability for Malawi, for instance, has holes as a result of poor data sources. This is problematic for time-series studies.

Zambia, such as Malawi, has very poor data sources. As such, this study presents a new approach based on a subjective measurement of political instability. This approach consists, firstly, in identifying the various categories or degrees of political activity in a country. Secondly, the prevalence of each category is assessed on a 0 to 100 point scale, with higher scores indicating more political activity related to that category taking place in each year. Finally, these various categories are aggregated using predefined weights, to produce a composite index of political instability.

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 measures, however, are either outcome-based and do not measure institutions as inputs into production, or have very limited temporal and/or temporal coverage. This section introduces alternative measures of political and economic institutions for Zambia which are closer to the theoretical definition of institutions and also covers a more extensive time period (from 1947-2007) than is available from other sources for Zambia.

4.1. *Empirical methodology*

This study employs 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 index 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 freedoms of concern.

Second, rating scales for the sub-components are set using a variant of the Delphi technique, in terms of which relevant experts (political scientists, political economists, property lawyers and social scientists) assign weights to the different sub-components that constitute the composite rights index. The guiding principle is to assign heavier weights to sub-components that are more foundational to the rights being evaluated. This study adopts the same weights as in Gwenhamo et al. (2008) in order to ensure comparability.

Finally, relevant legislation passed by the government in each year is collected and scores are assigned to each sub-component 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) whose study of Zimbabwe started 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 in a common British colonial heritage.

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), and Malawi in Fedderke & Garlick (2010).

4.2. *Political rights and civil liberties index*

Following the methodology outlined above, this section constructs an alternative index of political rights and civil liberties for Zambia. The section starts by presenting the working definition of political rights and civil liberties, followed by the identification of the scaling and rating system. It 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 not possible. This study makes no attempt to solve these disputes. Rather, following Gwenhamo et al. (2008), it 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) institutionalized 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: the right of individuals to express their preferences about political leaders and policies;
- Freedom of association: the freedom to associate with any individual or organization one chooses;
- Freedom of assembly: the right to hold public meetings without interference by the government;
- Freedom of expression: the freedom of individuals to express their views and opinions freely;
- Legal limitations on the exercise of arbitrary executive power;
- Independence of the judiciary and the legislature from government interference;
- Minimization of government secrecy or indemnity: the right of everyone to access records and/or information held by the government;
- The due process of law: the right that individuals shall not be deprived of life, liberty, or property without notice and an opportunity to defend themselves;
- Freedom of movement: the right to leave and return to the country at any time; and also to reside in and/or work in any part of the country one wishes;
- Academic freedom: the freedom of a university to appoint lecturers and students and to choose what should be taught;
- Freedom of religion: the freedom of an individual to choose, manifest and change its religion; and
- Other rights and freedoms.

4.2.2. Scaling and rating system for political rights and civil liberties

For the sake of comparability, this study uses the same criteria and weighting 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 indicated 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.⁶ The information used in the ratings was obtained from a variety of secondary sources.⁷

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. A score between 51 and 74 would 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. If the arbitrariness of state power is only slightly constrained and the legal provisions of personal freedoms are weak, a country will score 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.

⁶ Annexure 1 gives annual scores for each sub-component of the indices and some implications of relevant laws.

⁷ Ministry of Legal Affairs (1998); Chanda (1992, 1998); Ndulo & Kent (1998); Chirwa (1997); Heynes (2004); Rubin & Cotran (Eds) (various years).

4.2.3. Interpretation of political rights and civil liberties index

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

INSERT FIGURES 1 AND 2 ABOUT HERE.

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 1929,⁸ 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" (Africans) between rural and urban areas as well as within urban areas. This set of legislation was aimed at eliminating unemployed Africans from towns, since the towns were meant for white occupation only (Chanda, 1992).

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 instance, 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 it to be considered 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 the 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.

From 1947 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 (Zimbabwe) and Nyasaland (Malawi) for the regulation of immigrant African workers.

A slight improvement 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 characterized by the consolidation of European dominance over Africans, and the erosion of their political freedoms through the enactment of a substantial 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

⁸According 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..."

Ordinance No. 38 of 1955,⁹ 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 increased 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. Legislation such as the Emergency (Transitional Provisions) Ordinance No. 38 of 1956 and subsequent amendments to Emergency Powers Ordinance of 1927 enhanced government power.¹⁰ This legislation gave the government wide discretionary power to declare states of emergency, to stifle political dissent and to limit personal freedoms.

The end of the Federation of Rhodesia and Nyasaland and the adoption of a new constitution in 1963 were accompanied by major improvement in political rights and civil liberties. This is attributed to the introduction 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 an emergency declaration was in force (Chanda, 1992). The 1963 constitution also increased the African franchise.

At independence in 1964, Zambia adopted, with only minor modification, almost all the institutions left by the colonial power, including the repressive legislation (Chanda, 1992). The independence constitution of 1964 reproduced verbatim the Bill of Rights of the 1963 constitution. The reason for this, as Ng'ong'ola (1992) points out, is associated with the fact that the Zambian government was little concerned with the intrinsic worth of the inherited Bill of Rights, as opposed to a redistribution of the country's resources. 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 1. The only change was with regard to the right to vote. Although the African franchise became considerable in 1963, full suffrage was only introduced with the arrival of independence in 1964.

Political rights and civil liberties experienced a sharp decline in 1973 (see graph) as a result of the introduction of the 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 of political freedoms in 1991 was 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 the 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 political parties. Finally, the constitution strengthened the independence of the judiciary and the legislative and restricted the powers of the executive.

The deterioration of the quality of political rights and civil liberties after the formation of the Third

⁹Under 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).

¹⁰Emergency 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.

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 the control and supervision of radio communication 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. 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, the index leaves Zambia no better off than at the end of the 1960s in the formal legal sense.

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, directly or indirectly, with access and control over land and land resources. It can be argued, therefore, 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 focusses on property rights in land.

Due to 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 the 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),¹¹ which constituted about 6 percent of all land, while the communal tenure system was practiced in the African Reserves and Trust Land. This constituted the remaining 94 percent of the 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 composite index because if weighted by the land proportion of each of the tenure systems the overall index would be so heavily biased towards the communal system which constitutes 94 percent of all land, that it would hide the dynamics within the leasehold tenure system.

4.3.1. *The concept of property rights*

This study follows Gwenhamo et al (2008) in using the conception of ownership 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 Western liberal philosophy (Krishna, 2003).

Following Waldron (1988), who argues that not all of the elements of ownership listed by Honoré are required for a full specification of property rights, Fedderke et al. (2001) reduced Honoré's 11 incidents of ownership to 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. It is this approach that was adopted by Gwenhamo et al (2008). The seven incidences can be described as follows:

- 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, 1984);

¹¹State 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 right to use refers to the right to use the property at the owner's discretion, including not putting it to use. It can also be regarded as including the right to any income or products derived from the property (Krishna, 2003);
- 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 the 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 was assigned a weight of 20; the right to use, the right to manage, the right to capital, and the right to security were assigned a weight of 15; finally, transmissibility and liability to execution have weights of 10 each. As the legal protection of a right approaches the ideal scenario, the score awarded to that right increases.¹² The information used in the ratings was obtained from a variety of secondary sources.¹³

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

Figure 3 plots the overall formal property rights index for the leasehold land tenure in Zambia and Figure 4 plots the sub-components of the same index. As Figure 3 shows, the colonial period was characterized by a stable institutional framework for leasehold tenure. The initial deterioration of individual property rights in 1949 and 1950 resulted from the enactment of the Town Planning (Amendment) Ordinance No. 8 of 1949 and the Natural Resources Ordinance No. 3 of 1950, which had an intrusive effect on the landowner's right to use his property as he or she wishes.

INSERT FIGURES 3 AND 4 ABOUT HERE.

In the two and a half decades that followed independence in 1964, Zambian land tenure policy was characterized 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 with regard to land rights. 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 under which political power was transferred to the local (African) population, but the economic interests of the colonial settlers remained secure (Woddis, 1967).

¹²Annexures 2 and 3 give annual scores for each sub-component of the indices and some implications of relevant laws.

¹³Ng'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).

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 colonial interests. This led to pressures to change formal property rights. After removing the constitutional clause which required a referendum to amend the constitution, Kaunda's land reforms were accomplished by a number of Legislative Acts which lowered the protection of individual 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, unutilized 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 the Mines and Mineral Act No. 46 of 1969, the Mines Acquisition (Special Provision) Act No. 28 of 1970, the Curtailing of Mineral Production S.I. No. 7 of 1970, the Reserved Mines S.I. No. 304 of 1970, the Mineral Tax Act No. 27 of 1970, and 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 of mineral rights in the president, and the restriction of acquisition of mineral rights by non-Zambians.

The set of legislation required to fully implement president Kaunda's blueprint for economic development on socialist lines could not be completed overnight. Thus, the two decades that followed saw legislation to further consolidate the placing of land and natural resources under 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 tress and forest produce in the president, declared as a forest offence to fell, cut, or collect any forest produce and to graze domestic animals without licence. It also provided for the seizing of a property suspected of being 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 to statutory leases not exceeding 100 years and 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 was empowered to fix the amount for the transaction based only on the improvements on the land and not on the value of the land itself. Finally, the Act empowered the government to impose a maximum size on agricultural land which a person could hold. Later, the Land (Conversion of Titles) (Amendment) Act No. 5 of 1985 restricted access to land by non-Zambian, unless they qualify as investors or were 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.¹⁴ As a result of these changes, it was necessary to revisit the legal framework governing land ownership. The Lands Act No. 25 of 1995 was then enacted to provide legal machinery through which the administration of land would be governed.

¹⁴Brown (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.

As reported in the graph, the passage of the Lands Act significantly strengthened individual property rights on land. Firstly, the Act recognizes land as a valuable commodity by providing that the president shall not alienate any land without receiving 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 Land Tribunal to settle any 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 in Zambia. Customary systems of tenure in Zambia, with all their variations among ethnic groups, is only applied and practiced in Reserves and Trust Land, the 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 Land were vested in the president for the use and common benefit, direct or indirect, of native Zambians. Non-Zambians could only be granted 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. According to Sichone (2008, p. 8), this Ordinance was never applied because there was no demand to do so at the time.

INSERT FIGURES 5 AND 6 ABOUT HERE.

Since independence in 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 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 was 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 provided 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 (Amendment No. 5) 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) Order 1928, the Zambia (Trust Land) Order 1947, the Zambia (Gwembe District) Order 1959, the Land (Conversion of Titles) Act No. 20 of 1975 and other previous land laws. Second, it protected 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, however, gives local tribal authorities/or chiefs the legal power to approve requests for tenure conversions. According to Brown (2005, pp. 98-99), such power has been a source of mal-administration and corruption in the process of converting land from customary to leasehold tenure.

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

This section of the study presents an index of political instability for Zambia for the period 1947-2007. The section starts by defining the methodology, the scaling and rating system adopted, 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, much of which is adversarial in nature, the difficulty is to identify when that activity constitutes instability in the systemic sense. The study distinguishes between four broad categories or degrees of political activity in a country:

- The first category is normal political activity, 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 political activity may well take the form of adversarial activity and expression of views critical of office holders and government.
- 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 covers measures such as riots, deaths from political violence, armed attacks, protest demonstrations, regime support demonstrations, socio-political unrest, and other disturbances. The source of these events can be internal, external or both. The annual incidence of these events constitutes the basis on which each of these categories is judged to prevail. The information on the prevalence of such events was obtained from a variety of secondary sources.¹⁵

5.2. *Scaling and rating system*

Scores are assigned to each of the four categories using a 0 to 100 scale. Increases in the score awarded in a category indicate that more political activity related to that category is taking place. 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 last two categories are assigned heavier weights because they represent major threats to political stability in a country.

A score between 10 and 20 would indicate a stable system. A score between 30 and 40 demonstrates unrest, and the expression of dissent, short of instability. A score between 50 and 60 indicates substantial instability, but short of regime-threatening levels. Finally, a score between 70 to 100 would represent a system in political turmoil, facing substantial pressure for imminent change of regime.

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

Figures 7 and 8 plot the index of political instability for Zambia. As Figure 7 shows, the pick years of political instability in Zambia were the beginning and end of the 1960s as well as the end of the 1980s. The sources of political instability differ in each of these phases. The high levels of political instability in the beginning of the 1960s have its roots in the mass movement based on widespread demands for independence and racial equality.

INSERT FIGURES 7 AND 8 ABOUT HERE.

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

During the First Republic, 1964-1971, three major sources contributing to increasing political instability can be identified. First, trade unions organized many strikes and riots as a mean to demand higher wages as compensation for their role in the independence movement. Second, the repression to opposition movements and the declaration of Zambia as a one-party state by the UNIP in 1972 led to increased political demonstrations, socio-political unrest, and riots. Finally, neighbouring countries were going through liberalization struggles during this period – Mozambique (1964-1974), Angola (1961-74), Zimbabwe (1965-78), and Namibia (1966-1988). Zambia provided a base for the liberalization movements of these countries and as such was vulnerable to attacks from colonial 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 organization, as well as from within the UNIP, to transform the political system. This resulted in the introduction of multiparty democracy in 1991. From the 1990's, Zambia has experienced a considerable reduction in the levels of political instability due both to an improved regional environment and to a relatively more democratic regime.

6. Comparison of the Zambia, Malawi, and Zimbabwe indices

The aim of this section is to briefly compare the structure and evolution of political freedoms and property rights in Zambia, Malawi, and Zimbabwe, three counties with strong colonial ties, including their legal origin. This will be accomplished by monitoring the evolution of the indexes for Zambia constructed in this study and those for Malawi and Zimbabwe supplied by Fedderke and Garlick (2010) and Gwenhamo et al. (2008) respectively.

6.1. Political rights and civil liberties

Figure 9 compares political freedoms in the three countries. As the Figure shows, during the period of federation, 1953-1963, political freedoms indices in the three countries show similar trends. This is due to the influence of federal legislation, on the three members of the Federation. During this period, the quality of political freedoms in Zambia was the worst among the three countries.

INSERT FIGURE 9 ABOUT HERE.

Another feature of particular interest is that the quality of political institutions in the three countries improved immediately after independence, but then experienced a period of a long deterioration. The advent of independence in Zambia in 1964 led to considerable improvement in the quality of political institutions, surpassing both Zimbabwe and Malawi. This position, however, changed towards the end of the 1970s as a result of the enactment of continuous legislation restricting political freedoms in Zambia as well as the advent of independence in Zimbabwe in 1980.

After the introduction of a democratic regime in Zambia in 1991, the quality of political freedoms has improved again. Although this improvement resulted in better quality of political institutions than those prevailing in Zimbabwe since 1985, it was below the levels of institutional quality enjoyed by Malawians which also introduced democratization in the 1990s.

6.2. Property rights

In the three countries under analysis, as in most of the former British dependencies in East, Central and Southern Africa, the imposition of colonial rule saw the emergence of dual land tenure system. The most valuable and productive land was often set aside for European settlers and occupied under “alien” received forms of tenure. The rest of the land was occupied by indigenous populations under customary and other tenure systems evolved for them by the colonial power (Ng’ong’ola, 1992).

In Zimbabwe and Malawi, the freehold tenure system was practiced for white owned land. In the land occupied by indigenous people, the colonial rulers maintained a non-freehold tenure (communal and leasehold). To capture this dualistic feature, the studies for Zimbabwe and Malawi constructed two separate indices of property rights, one for freehold, and another for non-freehold tenure system (primarily communal tenure) system. The striking feature of Zambia is that white land was held under leasehold while Africans could only hold land under communal tenure. As a result, this study constructed separate indexes for leasehold

and communal tenure systems, rendering these indices of property rights not directly comparable with those for Zimbabwe and Malawi.

7. Rights, Economic and Social Development Indicators

The focus of the present paper is on the construction of reliable indicators of property and political rights, as well as of political instability, rather than testing for the impact of the institutional dimensions on a range of potential economic and social outcome variables.

On the other hand, the ultimate purpose of the indices themselves will lie in their usefulness in accounting for economic and social changes.

As a consequence we conclude the analysis with a brief examination of the plausibility of an association between our institutional indicators, and some measures of economic and social development, obtained from the World Bank Development Indicator Data Base, covering the period from 1960 to 2006.

For economic development we use two measures of real gross domestic product (GDP), one in constant US dollars (denoted GDPcD), and one in constant purchasing power adjusted dollar terms (denoted GDPPPP). Symmetrically, we also employ per capita GDP measures, again in constant US dollar (denoted GDPpc) and in constant purchasing power adjusted dollar terms (denoted GDPpcPPP). In addition, we also employ a measure of foreign direct investment (FDI) flows measured in constant US dollars, denoted (FDIcD).

For the social development measures, we employ the crude death rate per 1000 of population (denoted DeathRat), and a measure on infant mortality per 1000 live births (denoted MortInfa) and of under 5 mortality per 1000 (denoted MortU5). Ideally we would have wished to include measures of educational investment and/or outcomes also. Unfortunately data for Zambia in these dimensions in the World Bank data base does not extend beyond the early 1990s at best, precluding the use of the standard data hungry time series techniques we employ. For this reason, no education measure is employed in this paper.

Given space constraints, we do not deploy a full theoretically grounded identification strategy to explore the precise form that the link between the institutional measures and the outcome variables might take, especially given the relatively short time period for which data is available. Instead, we restrict ourselves to a direct exploration of whether a link between the rights dimensions and the economic and social developmental indicators is statistically plausible, or not.

7.1. Univariate time series structure of the data

For the empirical operationalization of the question posed in the present section, we employ the measures of economic and social development specified above. In addition we consider the political rights (PolRight) the leasehold property rights (Leasehold) and communal (traditional) property rights (Tradit) and the political instability (PolInstab) measures developed by this study. Since the measures of economic and social development are restricted to a starting date of 1960, we restrict our analysis to the 1960-2007 period.

INSERT TABLE 2 ABOUT HERE.

In Table 2 we report statistics on the univariate time series structure of the data. Note that the stationarity findings are invariant to the use of the standard Dickey and Fuller (1979) test statistic, or the use of the Elliot et al (1996) variant which has improved power characteristics in the presence of unknown trends and means, the Leybourne (1995) variant with improved power characteristics, and the Park and Fuller (1995) weighted symmetric test variant. Findings confirm that all variables are first difference stationary ($\sim I(1)$), with the exception of the social development indicators (DeathRat, MortInfa, MortU5), which are integrated of order 2 ($\sim I(2)$). Given that all rights variables are $\sim I(1)$, the $\sim I(2)$ status of the our indicators of social development therefore precludes the possibility of a statistically meaningful association between the rights measures and the social development variables.¹⁶ Since all of the social development indicators are available only at 5 year intervals, and we have obtained an annual time series by means of linear interpolation (these are the only variables to which interpolation applies), the finding of the $\sim I(2)$ structure in the data may be an artefact of the nature of the data construction. For these reasons, we therefore exclude the social development indicators from further analysis.

¹⁶Note that this finding is invariant in the scale of measurement - the same structure applies to the natural log transform.

7.2. Estimation methodology

Given the nonstationarity of our data, in estimation we proceed by means of a vector error correction mechanism (VECM) estimator as the default. We employ that of Johansen.

Johansen¹⁷ techniques of estimation are standard. We employ a vector error-correction (VECM) framework, for which in the case of a set of k variables, we may have cointegrating relationships denoted r , such that $0 \leq r \leq k - 1$. This gives us a k -dimensional VAR:

$$z_t = A_1 z_{t-1} + \dots + A_m z_{t-m} + \mu + \delta_t \quad (1)$$

where m denotes lag length, μ deterministic elements, and δ a Gaussian error term. While in general z_t may contain $I(0)$ elements, given our bivariate association, as long as non-stationary variables are present we are exclusively restricted to $I(1)$ elements. Reparametrization provides the VECM specification:

$$\Delta z_t = \sum_{i=1}^{k-1} \Gamma_i \Delta z_{t-i} + \Pi z_{t-k+1} + \mu + \delta_t \quad (2)$$

The existence of r cointegrating relationships amounts to the hypothesis that:

$$H_1(r) : \Pi = \alpha\beta' \quad (3)$$

where Π is $p \times p$, and α, β are $p \times r$ matrices of full rank. $H_1(r)$ is thus the hypothesis of reduced rank of Π . Where $r > 1$, i.e. there is more than one cointegrating relationship present in the data, issues of identification arise.¹⁸

Where appropriate (that there exist a unique cointegrating relation), we also employ the Pesaran, Shin and Smith (1996, 2001) bounds testing and ARDL approach to cointegration (hereafter PSS), as a means of verifying the direction of association between variables. Suppose that the question is whether there exists a long run relationship between the set of variables $y_t, x_{1,t}, \dots, x_{n,t}$. Univariate time series characteristics of the data are not known. The PSS approach to testing for the presence of a long run relationship proceeds by estimating the error correction specification given by:

$$\Delta y_t = \alpha_0 + \sum_{i=1}^p \beta_i \Delta y_{t-i} + \sum_{j=1}^n \sum_{i=1}^p \gamma_{j,i} \Delta x_{j,t-i} + \left(\delta_1 y_{t-1} + \sum_{k=2}^{n+1} \delta_k x_{k,t-1} \right) + \varepsilon_t \quad (4)$$

The order of augmentation, p , is determined by the need to render the error term white noise, and is chosen from the set of all feasible lag structure combinations by means of an information criterion (for instance Akaike). The test proceeds by computing an F-statistic for the joint significance of $\delta_1 = \delta_2 = \dots = \delta_{n+1} = 0$. While the distribution of the test statistic is non-standard, and influenced by whether the $x_{i,t}$ are $I(0)$ or $I(1)$, the critical values are tabulated by Pesaran, Shin and Smith, with $x_{i,t}I(1)$ providing a lower bound value, $x_{i,t}I(1)$ an upper bound value to the test statistic. Where the estimated test statistic exceeds the upper bound value, we reject $\delta_1 = \delta_2 = \dots = \delta_{n+1} = 0$, and infer the presence of a long run equilibrium relationship. Where the estimated test statistic lies below the lower bound value, we accept, $\delta_1 = \delta_2 = \dots = \delta_{n+1} = 0$, and infer the absence of a long run equilibrium relationship.¹⁹ We follow a two step strategy, selecting the ARDL orders on the basis of the Akaike Information criterion (AIC), then estimating the long and short run coefficients on the basis of the selected model. Estimation can be shown to be feasible on the basis of the ‘‘Bewley regression’’:

$$y_t = \zeta + \eta t + \sum_{i=1}^k \theta_i x_i + \sum_{j=0}^{p-1} \gamma_j \Delta y_{t-j} + \sum_{m=0}^{q-1} \delta_m \Delta x_{t-m} \quad (5)$$

by the instrumental variables method, where $1, t, \sum_{i=1}^k x_i, \sum_{j=0}^{p-1} \Delta y_{t-j}, \sum_{m=0}^{q-1} \Delta x_{t-m}$, serve as instruments.²⁰

¹⁷See Johansen (1988, 1991) and Johansen and Juselius (1990, 1992).

¹⁸See Wickens (1996), Johansen and Juselius (1990, 1992).

¹⁹For a full exposition of why the inference of direction of association is legitimate, see Fedderke and Luiz (2008: footnote 9).

²⁰The methodology presumes that the x_i and ϵ are uncorrelated. where they are correlated, the methodology remains valid, but the ‘‘Bewley regression’’ requires augmentation.

7.3. Rights interdependence

The first issue we confront is whether there is any evidence supporting an interdependence between the different institutional dimensions.

To render the problem precise, in this subsection we ask two related questions. The first is whether the two measures of property rights that we have developed (Leasehold, Tradit) are cointegrated. The presence of cointegration would confirm that in the long run the separate measures of property rights can be represented in the form of a stable linear equilibrium association. The second is the related question of whether the property rights measures, or some subset of the property rights measures, are cointegrated with the political rights and the political instability measures.

INSERT TABLES 3 AND 4 ABOUT HERE.

Table 3 reports the trace of the stochastic matrix, indicating the number of cointegrating vectors present between the variables.²¹ Estimated cointegrating vectors are reported in Table 4, with columns labelled to indicate correspondence with the relationships considered in Table 3.

Statistics reported in column 1 of Table 3 demonstrate that the property rights measures cointegrate amongst themselves.²² What is more, as the F-statistics reported in column 1 of Table 4 confirm, the variable being forced in the association is the Leasehold formal property rights variable. The inference is of a close association between the development of formal and traditional property rights in Zambia, such that the two rights measures have developed alongside one another over time, rather than in opposition to one another.

In examining the association between the property rights measures, the implication of the results is that not only does there exist a stable equilibrium relationship between the property rights measures,²³ and that the association is statistically significant, but the association between them is positively signed, such that the two measures move together. Specifically, we find that (from column 1 of Table 4):

$$\begin{aligned} Leasehold &= 1.41Tradit \text{ (VECM)} \\ Leasehold &= 1.39Tradit \text{ (ARDL)} \end{aligned} \tag{6}$$

Moreover, note that the positive association between Tradit and Leasehold is robust to the inclusion of the PolRights and/or the PolInstab measures, with the associated F-tests continuing to confirm that Leasehold is the outcome variable in the multivariate specifications (see columns 2 through 4 of Table 4). In fact, the only impact the inclusion of the additional institutional measures has on the association between Tradit and Leasehold, is that specifications that include PolRight reduce the strength of the association. The inference continues to be that the evolution of political rights in Zambia was also associated with the development of leasehold property rights.

Thus the development of leasehold private property rights as measured by the Leasehold measure, was not associated with the erosion of traditional community rights as measured by Tradit - instead, the evolution of the Leasehold measure appears to have gone hand in hand with the improved definition of communitarian property rights measures. It is worth noting here that despite their common colonial heritage, and geographical proximity, Zambia and Malawi thus appear to have quite distinct dynamics in terms of the interaction between modern and traditional land tenure measures, since for Malawi the sign of association is negative, implying that formal private property rights eroded traditional property rights.²⁴

In the case of the association between the property rights variables and the political rights and political instability measures, we continue to find a unique cointegrating vector between the institutional variables (see columns 2 through 4 of Table 3). Estimation under the bounds testing approach also continues to confirm the Leasehold measure as the variable being forced (see columns 2 through 4 of Table 4). PolRights we find to be consistently positively and statistically significantly associated with the Leasehold measure

²¹Under the small data sample at our disposal, we report only the trace statistic, and not the maximal eigenvalue statistic, given the superior small sample power characteristics of the trace statistic. However, results from the maximal eigenvalue statistic are consistent with those of the trace. Results are available from the authors on request.

²²Structural VAR-orders are determined under appropriate Akaike information criteria tests on the associated unstructured VAR.

²³For all cointegrating vectors we tested for stability of association, through impulse response functions. All reported cointegrating vectors are stable.

²⁴See Fedderke and Garlick (2010).

The *PolInstab* measure is associated with weaker estimation results, showing either statistical insignificance or a relatively weak negative association with the *Leasehold* measure.

Again, the resultant cointegrating vectors prove stable, and estimated associations are statistically significant (except for *PolInstab*, with one exception), giving (for column 2 of Table 4):

$$\begin{aligned} Leasehold &= 0.78Tradit + 0.54PolRight \text{ (VECM)} \\ Leasehold &= 1.16Tradit + 0.23PolRight \text{ (ARDL)} \end{aligned} \tag{7}$$

and (for column 4 of Table 4):

$$Leasehold = 0.45Tradit + 0.80PolRight - 0.21PolInstab \text{ (VECM)} \tag{8}$$

Associations between the institutional measures which exclude one or both of the property rights measures, show no signs of cointegration - see columns 5 to 7 of Table 3.

The inference is thus that the property rights measures positively co-move both together, and with political rights. Weaker evidence suggests that the property rights measures negatively co-move with political instability.

These results can be interpreted as a nexus of rights measures that move together, while political instability has a potentially negative impact on rights outcomes.

7.4. *Economic development and the rights measures*

Finally, we examine whether there exists any interaction of economic development indicators with the various institutional measures that this paper has presented. A full investigation of such a link would require the development of a full theoretical model that is beyond the scope of this paper. For this reason, we restrict ourselves to direct associations between our rights measures, and five indicators of economic development. We exclude the social development indicators since their information content is low, and their univariate time series structure precludes association with the institutional measures of this paper.

Table 5 reports the trace of the stochastic matrix, indicating the number of cointegrating vectors present between the individual economic measures and the institutional variables.²⁵

INSERT TABLE 5 ABOUT HERE.

Results confirm the presence of single cointegrating vectors in the instance of the aggregate GDP measure (*GDPcD* - see column 1 of Table 5), as well as the FDI measure (*FDIcD* - see column 5 of Table 5). Note, however, that since the FDI variable is available only from the early 1970s, statistical power for all estimation results incorporating this variable is very limited. In neither of the two specifications that incorporate measures of output that are PPP-adjusted (*GDPPPP*, *GDPpcPPPD*) do we find evidence of cointegration (see columns 3 and 4 of Table 5). Given that in section 7.3. we have already identified a cointegrating relationship between the institutional measures that are present in the augmented specifications including the measures of economic development, the cointegrating relationships from the previous sub-section will therefore form the starting point of our analysis.

Finally for the per capita GDP measure (*GDPpc*), the trace statistic reports the presence of at least two, and possibly three cointegrating vectors in the data, necessitating the need for an identification strategy - recall the discussion of section 7.2..

Given the absence of clear theoretical guidance for identification, we proceed as follows. In all instances, since we have already established the presence of a cointegrating relationship between the institutional measures in section 7.3., we posit the association already identified between the institutional variables as one of the cointegrating vectors. Given our sample size, and the concern this raises for an identification structure with three cointegrating vectors, we then allow either two, or three cointegrating vectors. Where we estimate in the presence of two cointegrating vectors we allow the measure of economic development to be an outcome variable, being forced by the institutional measures under a just identifying restriction zero-restriction on

²⁵We report only the trace statistic, for the same small sample properties as in the preceding subsection.

political instability, consistent with modernization theory.²⁶ This gives us the following identification:

$$\begin{aligned} \Pi z_{t-k+1} &= \alpha \beta' z_{t-k+1} & (9) \\ &\text{where} \\ \beta' &= \begin{bmatrix} 1 & \beta_{12} & \beta_{13} & \beta_{14} & 0 \\ 0 & 1 & \beta_{23} & \beta_{24} & \beta_{25} \end{bmatrix} \\ z_{t-k+1} &= \begin{bmatrix} GDPpc \\ Leasehold \\ Tradit \\ PolRight \\ PolInstab \end{bmatrix} \end{aligned}$$

Where we estimate under three cointegrating vectors, we again proceed under a broad modernization theory framework. Specifically we allow the measure of economic development to continue to be an outcome variable being forced by leasehold property rights and political rights. Political rights provide the third outcome variable, being forced by leasehold property rights and political instability. This gives us the following identification:

$$\begin{aligned} \Pi z_{t-k+1} &= \alpha \beta' z_{t-k+1} & (10) \\ &\text{where} \\ \beta' &= \begin{bmatrix} 1 & \beta_{12} & 0 & \beta_{14} & 0 \\ 0 & 1 & \beta_{23} & \beta_{24} & 0 \\ 0 & \beta_{31} & 0 & 1 & \beta_{35} \end{bmatrix} \\ z_{t-k+1} &= \begin{bmatrix} GDPpc \\ Leasehold \\ Tradit \\ PolRight \\ PolInstab \end{bmatrix} \end{aligned}$$

Estimation results are reported in Table 6. Column headings refer to the corresponding columns in Table 5, with column 3a reporting results for identification structure (9), column 3b for identification structure (10).

INSERT TABLE 6 ABOUT HERE.

In terms of substantive results, for the single equation specifications (columns 1 and 5 of Table 6), the Leasehold property rights measure continues to be the variable being forced - see the F-stat bounds test reported for columns 1 and 5 of Table 6. What is more, the patterns of association between the Tradit, PolRight and PolInstab and the Leasehold variables already reported in section 7.3. are confirmed in the specifications that control for the GDP measures. There is a positive association between leasehold property rights and both communitarian property rights and political rights, and a negative (or insignificant) association between Leasehold and PolInstab, for both the VECM and the ARDL estimators. For both specifications, there is little evidence in support of modernization theory, however, since both the GDP and the FDI measure are negatively (or statistically insignificantly) associated with the Leasehold property rights measure.

The two cointegrating vector structure of (9) similarly confirms the institutional variable nexus of section 7.3., with the positive association between leasehold property rights and both communitarian property rights and political rights, and a negative association between Leasehold and PolInstab. In the second cointegrating vector, the per capita GDP measure is positively (though insignificantly) associated with the leasehold and communitarian property rights measures, and negatively with political rights. Since the economic development measure is thus the outcome, rather than the forcing variable, the specification is

²⁶The proposition is that economic development leads, and ultimately forces political development. The seminal reference is Lipset (1959), though the associated literature is extensive.

again inconsistent with modernization theory. Thus we have:

$$\begin{aligned} GDP_{pc} &= 4288.3Freehold + 10132Tradit - 16562PolRight \\ Leasehold &= 0.7192Tradit + 0.48602PolRight - 0.26093PolInstab \end{aligned} \quad (11)$$

Finally, in the three cointegrating vector structure of (10), the nexus of associations between the institutional variables (Leasehold, Tradit, PolRight, PolInstab) continues to be present, though now spread across two cointegrating vectors, with PolRight also serving as an outcome variable. The per capita GDP measure again rather than driving the institutional measures as predicted by modernization theory, is being forced by the leasehold and the political rights measures instead. Thus we have:

$$\begin{aligned} GDP_{pc} &= 10823Leasehold - 14298PolRight \\ Leasehold &= 1.5505Tradit - 0.3464PolRight \\ PolRight &= 0.82907Leasehold + 0.40348PolInstab \end{aligned} \quad (12)$$

The inference throughout is that the economic development measures we employ are either an outcome variable driven by the range of institutional measures developed by the present paper (see 11 and 12), or that the impact of economic development retards institutional development (see column 1 and 5 of Table 6). As such, the Zambian experience does not appear to support modernization theory. However, the evidence does support both that the institutional variables form a nexus of association amongst themselves, codetermining one another, and that the institutional measures are associated benevolently with economic development. In this sense the indicators of the present paper conform to the precepts of the new institutional economics.

8. 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 inputs for the growth of nations because they provide the required incentives for individuals and organizations to accumulate capital and innovate. Testing this hypothesis requires measures of institutions.

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.

The cross-country comparisons show that political freedoms in Zambia followed broadly similar patterns to other two countries, particularly to Malawi. There is less similarities between these three countries on property rights.

Consideration of the interaction amongst the institutional measures, and between the institutional measures and measures of economic development, indicates two broad sets of conclusions. First that there is an association among the institutional variables, with the various rights dimensions moving together, and being negatively associated with political instability. Second, that the institutional measures are associated benevolently with economic development. In this sense the indicators of the present paper therefore conform to the precepts of the new institutional economics.

References

- Acemoglu, D., & Johnson, S. (2005). Unbundling Institutions. *Journal of Political Economy*, 113, 949-995.
- Acemoglu, D., Johnson, S., & Robinson, J. (2001). The colonial origins of comparative development: An empirical investigation. *American Economic Review*, 91, 1369-1401.

- Acemoglu, D., Johnson, S., & Robinson, J. (2002). Reversal of fortune: Geography and institutions in the making of the modern world income distribution. *Quarterly Journal of Economics*, 117, 1231-1294.
- Adams, M. (2003). Land tenure policy and practice in Zambia: Issues relating to the development of the agricultural sector. Oxford: Makoro Consulting.
- Alesina, A., & Perroti, R. (1996). Income distribution, political instability and investment. *European Economic Review*, 40, 1203-1228.
- Alesina, A., Ozler, S., Roubini, N., & Swagel, P. (1996). Political instability and economic growth. *Journal of Economic Growth*, 2, 189-211.
- Alvarez, M., Cheibub, J., Limongi, F., & Przeworski, A. (2000). *Democracy and development: Political institutions and material well-being in the world, 1950-1990*. Cambridge: Cambridge University Press.
- Aron, J. (2000). Growth and institutions: A review of the evidence. *World Bank Research Observer*, 15, 99-135.
- Banks, A. (1971). *Cross polity time-series data*. Cambridge MA: MIT Press.
- Barro, R. (1996). Democracy and Growth. *Journal of Economic Growth*, 1, 1-27.
- Bollen, K. (1980). Issues in comparative measurement of political democracy. *American Sociological Review*, 45, 438-457.
- Bollen, K. (1986). Political rights and political liberties in nations: An evaluation of human rights measures, 1950 to 1984. *Human Rights Quarterly*, 8, 567-591.
- Bollen, K. (1990). Political democracy: conceptual and measurement traps. *Studies in Comparative International Development*, 25, 7-24.
- Bollen, K., & Jones, S. (1982). Political instability and direct foreign investment: The motor vehicle industry, 1948-65. *Social Forces*, 60, 1070-1088.
- Bollen, K., & Paxton, P. (2000). Subjective measures of liberal democracy. *Comparative Political Studies*, 33, 58-86.
- Brown, T. (2005). Contestation, confusion and corruption: Market based land reform in Zambia. In S. Evers, M. Spierenburg, & H. Wels, *Competing jurisdictions: Settling land claims in Africa*. Leiden: Brill Academic Publishers.
- Bruce, J., Kachamba, F., & Hansungule, M. (1995). Land administration: Processes and constraints. In M. Roth, *Land tenure, land markets, and institutional transformation in Zambia* (pp. 47-77). Madison: Land Tenure Center, University of Wisconsin.
- Chanda, A. (1992). Zambia: A case study in human rights in commonwealth Africa. Unpublished JSD thesis, Yale University.
- Chanda, A. (1998). Freedom of expression and the law in Zambia. *Zambia Law Journal*, 30, 123-145.
- Chirwa, C. 1997. *Press freedom in Zambia*. Lusaka: Zambia Independent Media Association.
- Cutright, P. (1963). National political development: Measurement and analysis. *American Sociological Review*, 28, 253-264.
- Cutright, P., & Willey, A. (1969). Modernization and political representation: 1927-1966. *Studies in Comparative International Development*, 5, 23-44.
- Easterly, W., & Levine, R. (1997). Africa's growth tragedy: Policies and ethnic divisions. *Quarterly Journal of Economics*, 112, 1203-1250.

- Elliot, G., Rothenberg, T.J., and Stock, J.H., 1996, Efficient Tests for an Autoregressive Unit Root, *Econometrica*, 64(4), 813-36.
- Fedderke, J. (1997). Political and social dimensions of economic growth. *Theoria*, 89, 1-42.
- Fedderke, J., & Garlick, J. (2010). Measuring institutions: Indicators of political rights, property rights and political instability in Malawi. ERSA Working Paper No. 165
- Fedderke, J., de Kadt, R., & Luiz, J. (2001). Indicators of political liberty, property rights and political instability in South Africa: 1935-97. *International Review of Law and Economics*, 21, 103-134.
- Fedderke, J.W., and Luiz, J.M., 2008, Does Human Generate Social and Institutional Capital? Exploring Evidence from South African Time Series Data, *Oxford Economic Papers*, 60, 649-82.
- Frankel, J., & Romer, D. (1999). Does trade cause growth? *American Economic Review*, 89, 379-99.
- Gallup, J., Sachs, J., & Mellinger, A. (1998). Geography and economic development. NBER Working Paper No. w6849.
- Glaeser, E., La Porta, R., Lopez-de-Silanes, F., & Shleifer, A. (2004). Do institutions cause growth? *Journal of Economic Growth*, 9, 271-303.
- Goudie, A., & Neyapti, B. (2006). *Conflict and growth in Africa: Southern Africa*. Paris: OECD Development Centre.
- Government of the Republic of Zambia. (1967). *Report of the Land Commission*. Lusaka: Government Printer.
- Government of the Republic of Zambia. (2005). *Mung'omba constitution review commission: Final report*. Lusaka: Government Printer.
- Government of the Republic of Zambia. Ministry of Lands. (2006). *Draft land administration and management policy*. Lusaka: Government Printer.
- Gwartney, J., & Lawson, R. (1975-1996). *Economic freedom of the world*. Vancouver: Freedom House.
- Gwartney, J., & Lawson, R. (1997-2006). *Economic freedom of the world*. Vancouver: Fraser Institute.
- Gwenhamo, F., Fedderke, J., & de Kadt, R. (2008). Measuring institutions: The Zimbabwe case. ERSA Working Paper No.112.
- Hall, R., & Jones, C. (1999). Why do some countries produce so much more output per worker than others? *The Quarterly Journal of Economics*, 114, 83-116.
- Helliwell, J. (1994). Empirical linkages between democracy and economic growth. *British Journal of Political Science*, 24, 225-248.
- Helpman, E. (2004). *The mystery of economic growth*. Cambridge MA: Harvard University Press.
- Heynes, C. (Eds). (2004). *Human rights law in Africa: Domestic human rights law in Africa (Vol. 2)*. Leiden: Martinus Nijhoff Publishers.
- Honoré, A. (1961). Ownership. In A. Guest (Eds), *Oxford Essays in Jurisprudence* (pp. 107-47). Oxford: Oxford University Press.
- International Monetary Fund. (1994). *International financial statistics yearbook*. Washington, D.C., International Monetary Fund.
- International Monetary Fund. (2009). World economic outlook database. Retrieved January, 20, 2009, from <http://www.imf.org/external/pubs/ft/weo/2009/02/weodata/weoselgr.aspx>

- Isham, J., Kaufmann, D., & Pritchett, P. (1997). Civil liberties, democracy, and the performance of government projects. *The World Bank Economic Review*, 11, 219-42.
- Jackman, R. (1978). The predictability of coups d'état: A model with African data. *American Political Science Review*, 72, 1262-74.
- Jagers, K., & Gurr, T. (1995). Tracking democracy's third wave with the polity III data. *Journal of Peace Research*, 32, 469-482.
- Jagers, K., & Marshall, M. (2000). Polity IV Project. Center for International Development and Conflict Management, University of Maryland.
- Johansen, S., [1988]. Statistical analysis of cointegrating vectors, *Journal of Economic Dynamics and Control*, 12, 551-70.
- Johansen, S., [1991]. Estimation and Hypothesis Testing of Cointegration Vectors in Gaussian Vector Autoregressive Models, *Econometrica* 59(6), 1551-80
- Johansen, S., and K. Juselius, [1990]. Maximum Likelihood Estimation and Inference on Cointegration - with applications to the demand for money, *Oxford Bulletin of Economics and Statistics* 52(2), 169-210.
- Johansen, S., and Juselius, K., [1992]. Testing structural hypotheses in a multivariate cointegrating analysis of the PPP and the UIP for UK, *Journal of Econometrics*, 53, 211-44.
- Johnson, B., & Sheehy, T. (1995-2006). *The Index of Economic Freedom*. The Heritage Foundation.
- Kajoba, G. (1990). Some aspects of land administration in Zambia in historical perspective. *Zambia Journal of History*, 3, 1-19.
- Kajoba, G. (1998). The landmarks of Zambia's land tenure system: From protectionism to empowerment. Paper presented at the international conference on Land Tenure in the Developing World with a focus on Southern Africa, 27-29 January, Cape Town, South Africa.
- Kaufmann, D., Kraay, A., & Mastruzzi, M. (2003). *Governance matters III: Updated governance indicators for 1996-2002*. Washington, DC: World Bank.
- Kaufmann, D., Kraay, A., & Mastruzzi, M. (2005). *Measuring governance using cross country perception data*. World Bank: Washington, DC.
- Kaufmann, D., Kraay, A., & Mastruzzi, M. (2009). Governance matters VIII: Aggregate and individual governance indicators, 1996-2008. World Bank Policy Research Working Paper No. 4978.
- Kaufmann, D., Kraay, A., & Zoido-Lobaton, P. (1999). Aggregating governance indicators. World Bank Policy Research Working Paper No. 2195.
- Knack, S., & Keefer, P. (1995). Institutions and economic performance: Cross-country tests using alternative institutional measures. *Economics and Politics*, 7, 207-27.
- Krishna, S. (2003). The concept of ownership: A contemporary perspective. *Central India Law Quarterly*, 16, 90-107.
- Leaner, D. (1958). *The passing of traditional society*. Glencoe: Free Press.
- Lewis, C. (1984). The modern concept of ownership of land. Unpublished master's dissertation, Johannesburg, University of Witwatersrand.
- Leybourne, S., [1995]. Testing for Unit Roots Using Forward and Reverse Dickey-Fuller Regressions, *Oxford Bulletin of Economics and Statistics*, 57(4), 559-71.
- Lipset, S. (1959). Some social requisites of democracy: Economic development and political legitimacy. *American Political Science Review*, 53, 69-105.

- Mauro, P. (1995). Corruption and growth. *Quarterly Journal of Economics*, 110, 681-712.
- Mulimbwa, A. (1998). Land policy and economic development. *Zambian Law Journal*, Special Edition, 79-102.
- Mvunga, M. (1982). Land law and policy in Zambia. Lusaka: Institute for Zambian Studies (Zambian Papers No. 17), University of Zambia.
- Ndulo, M., & Kent, R. (1998). The Constitutions of Zambia. *Zambia Law Journal*, 30, 1-28.
- Ng'ong'ola, C. (1992). The post-colonial era in relation to land expropriation laws in Botswana, Malawi, Zambia and Zimbabwe. *International and Comparative Law Quarterly*, 41, 117-136.
- Nixon, R. (1960). Factors related to freedom in national press systems. *Journalism Quarterly*, 37, 13-28.
- Nixon, R. (1965). Freedom in the world's Press: A fresh appraisal with new data. *Journalism Quarterly*, 42, 9-14.
- North, D. (1990). *Institutions, institutional change, and economic performance*. New York: Cambridge University Press.
- North, D. (1991). Institutions. *Journal of Economic Perspectives*, 5, 97-112.
- North, D., & Thomas, R. (1973). *The Rise of the western world: A new economic history*. New York: Cambridge University Press.
- Olson, M. (1993). Dictatorship, democracy and development. *American Political Science Review*, 87, 567-576.
- Park, H.J., and Fuller, W.A., [1995], Alternative Estimators and Unit Root Tests for the Autoregressive Process, *Journal of Time Series*, 16(4), 415-29.
- Pesaran, M.H., Shin, Y. and Smith, R.J. (1996) Testing for the existence of a long run relationship. Unpublished manuscript, University of Cambridge.
- Pesaran, M.H., Shin, Y., and Smith R. (2001) Bounds testing approaches to the analysis to the testing of level relationships, *Journal of Applied Econometrics*, 16, 289-326.
- Rodrik, D., Subramanian, A., & Trebbi, F. (2004). Institutions rule: The primacy of institutions over geography and integration in economic development. *Journal of Economic Growth*, 9, 131-165.
- Roth, M., & Khan, A. Z. (1995). Legal framework and administration of land policy in Zambia. In M. Roth (Ed), *Land tenure, land markets, and institutional transformation in Zambia* (pp. 1-46). Madison: Land Tenure Center, University of Wisconsin.
- Rubin, N., & Cotran, E. (Eds). (1969-1973). *Annual survey of African law (Vols. I-IV)*. London: Frank Cass and Company Limited.
- Russett, B., Deutsch, K., Lasswell, H., & Alker, H. (1964). *World handbook of political and social indicators*. New Haven: Yale University Press.
- Sachs, J. (2001). Tropical underdevelopment. NBER Working Paper No. w8119.
- Sichone, F. (2008). Land administration in Zambia with particular reference to customary land. Paper presented at a seminar organized by the Zambia Land Alliance, 28 June, Lusaka, Zambia.
- Taylor, C., & Hudson, M. (1972). *World handbook of political and social indicators*. New Haven, Conn: Yale University Press.
- Tordoff, W. (Ed). (1974). *Politics in Zambia*. Manchester: Manchester University Press.
- UN-HABITAT. (2005). *Zambia: law, land tenure and gender review*. Nairobi: United Nations Human Settlements Programme.

- Vanhanen, T. (1990). *The process of democratization: A comparative study of 147 states, 1980-88*. New York: Crane Russak.
- Vanhanen, T. (2000). A new data set for measuring democracy: 1810-1998. *Journal of Peace Research*, 37, 251-265.
- Waldron, J. (1988). *The right to private property*. Oxford: Clarendon Press.
- Wickens, M.R., [1996]. Interpreting cointegrating vectors and common stochastic trends, *Journal of Econometrics*, 74, 255-71.
- Woddis, J. (1967). *An introduction to neo-colonialism*. New York: International Publishers.
- World Bank. (2009). World development indicators 1964-2007. Retrieved January, 20, 2009, from <http://ddp-ext.worldbank.org/ext/DDPQQ/report.do?method=showReport>.
- Wu, W., & Davis, O. (1999). The two freedoms, economic growth and development: An empirical study. *Public Choice*, 100, 39-64.
- Zaaruka, B. (2010). Institutions and capital accumulation: Evidence from Namibia and Tanzania. Mimeo: University of Cape Town.
- Zambia. Ministry of Legal Affairs. (1998). *Laws of the Republic of Zambia (1995 revised edition)*. Lusaka: Government Printer.

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)

Variable (X):	ADF X	ADF ΔX	ADF $\Delta^2 X$	ADF-GLS X	ADF-GLS ΔX	ADF-GLS $\Delta^2 X$	ADF-MAX X	ADF-MAX ΔX	ADF-MAX $\Delta^2 X$	ADF-WS X	ADF-WS ΔX	ADF-WS $\Delta^2 X$
GDPcD	0.026510	-7.7708*	-	1.9926	-7.8664*	-	0.026510	-7.7708*	-	1.9673	-7.2806*	-
GDPPPP	1.4413	-4.1397*	-	1.6566	-3.8845*	-	1.4413	-4.1397*	-	1.2537	-4.9316*	-
GDPpc	-0.92535	-11.4789*	-	-0.36361	-11.5636*	-	-0.92535	-7.6934*	-	-0.87639	-7.8906*	-
GDPpcPPP	-1.9621	-4.0008*	-	-0.13506	-3.6723*	-	0.67703	-4.0008*	-	0.26627	-4.9064*	-
FDIcD	-1.3984	-4.7872*	-	-1.1203	-4.8854*	-	-1.3674	-4.7872*	-	-1.4475	-5.4195*	-
DeathRat	-1.8179	-2.1355	-6.10*	-1.8369	-1.4980	-6.17*	-1.8179	-1.1158	-6.10*	-2.2403	-1.5068	-6.63*
MortInfra	-2.4721	-1.5843	-8.55*	-1.1201	-1.0153	-8.66*	-0.69928	-0.94939	-8.55*	-0.95661	-1.3648	-9.26*
MortUS	-2.2197	-1.8351	-8.96*	-1.2730	-1.3464	-9.07*	-1.0454	-1.2634	-8.94*	-1.2662	-1.6503	-9.68*
PolRight	-1.3871	-6.2622*	-	-1.0181	-6.3031*	-	-1.3871	-5.7225*	-	-1.4341	-6.2049*	-
Leasehold	-1.4522	-6.2831*	-	-1.1354	-6.3583*	-	-1.0723	-6.2801*	-	-1.3046	-6.8050*	-
Tradit	-1.2667	-6.2765*	-	-1.2818	-6.3507*	-	-1.2667	-6.2765*	-	-1.6106	-6.8316*	-
Pollnstab	-2.6988	-8.9727*	-	-2.6616	-8.4127*	-	-2.6988	-6.9565*	-	-2.4314	-7.5499*	-

Table 2: Stationarity Tests. Δ denotes the first difference operator. * denotes rejection of the null of the presence of a unit root. ADF denotes Augmented Dickey-Fuller test. ADF-GLS the Elliot et al (1996), ADF-MAX the Leybourne (1995), and ADF-WS the Park and Fuller (1995) variants on the ADF.

	1	2	3	4	5	6	7
	Leasehold Tradit	Leasehold Tradit PolRight	Leasehold Tradit Pollnstab	Leasehold Tradit Polright Pollnstab	Leasehold PolRight	Leasehold Pollnstab	Leasehold Pollnstab
	1960-2007	1960-2007	1960-2007	1960-2007	1960-2007	1960-2007	1960-2007
	VAR=1	VAR=1	VAR=1	VAR=1	VAR=1	VAR=1	VAR=1
r = 0 r >= 1	18.1096* [17.8600]	34.3954* [31.5400]	29.0676** [31.5400]	55.0105* [53.4800]	13.6222 [20.1800]	7.5692 [17.8600]	17.1441 [17.8600]
r <= 1 r >= 2	1.7361 [8.0700]	12.6386 [17.8600]	10.1978 [17.8600]	28.6631 [34.8700]	1.1445 [9.1600]	1.6784 [8.0700]	7.1413 [8.0700]
r <= 2 r >= 3	-	0.99054 [8.0700]	1.4819 [8.0700]	10.5151 [20.1800]	-		
r <= 3 r >= 4	-	-		1.8257 [9.1600]	-		

Table 3: Trace Tests Statistic for Reduced Rank. * denotes significance at the 5% level. ** denotes significance at the 10% level. Figures in square parentheses are 95% critical values.

Cointegrating Vector	1		2		3		4	
	1960-2007	1960-2007	1960-2007	1960-2007	1960-2007	1960-2007	1960-2007	1960-2007
	VAR=1	ARDL(2) AIC	VAR=1	ARDL(2) AIC	VAR=1	ARDL(2) AIC	VAR=1	ARDL(2) AIC
Leasehold	1.00	LHS	1.00	LHS	1.00	LHS	1.00	LHS
Tradit	-1.4123* (0.10701)	1.3929* (0.070340)	-0.77742 (0.22700)	1.1577* (0.12055)	-1.5048* (0.098647)	1.4037* (0.072094)	-0.44601 (0.30089)	1.1756* (0.12314)
PolRight			-0.54027* (0.15066)	0.22752* (0.091165)			-0.79890* (0.20079)	0.21989* (0.090102)
PollInstab					-0.10180 (0.059180)	0.020246 (0.041502)	0.21438 (0.14018)	0.018849 (0.042437)
INPT		-8.5852* (2.5909)		-13.3881* (3.2532)		-9.9653* (3.7947)		-14.5120* (4.1292)
ECM1	-0.056095 (0.16965)	-0.36431* (0.066324)	-0.14853** (0.085795)	-0.32479* (0.061493)	-0.023408 (0.17187)	-0.37610* (0.071407)	-0.094565 (0.056334)	-0.33472* (0.066215)
Impulse:	stable		stable				stable	
F-stat		15.1925* <6.0474>		11.9043* <5.1278>		10.0264* <5.1278>		8.8992* <4.7534>
W-stat		30.3850* <12.0949>		35.7129* <15.3833>		30.0791* <15.3833>		35.5967* <19.0134>

Table 4: Cointegrating Vectors Amongst Rights Variables. * denotes significance at the 5% level. Figures in round parentheses denote standard errors. Figures in sharp parentheses denote 95% upper bound values for the associated bounds test.

	(1)	(2)	(3)	(4)	(5)
	GDPcD Leasehold Tradit PolRight Pollnstab	GDPPPP Leasehold Tradit PolRight Pollnstab	GDPpc Leasehold Tradit PolRight Pollnstab	GDPpcPPP Leasehold Tradit PolRight Pollnstab	FDIcD Leasehold Tradit PolRight Pollnstab
	VAR=1	VAR=1	VAR=5	VAR=1	VAR=1
$r = 0 \quad r \geq 1$	72.0901* [70.4900]	46.4603 [70.4900]	176.3504* [70.4900]	59.6747 [70.4900]	72.3928* [70.4900]
$r \leq 1 \quad r \geq 2$	42.2118 [48.8800]	19.5824 [48.8800]	111.9906* [48.8800]	39.3490 [48.8800]	34.1246 [48.8800]
$r \leq 2 \quad r \geq 3$	21.3630 [31.5400]	7.2892 [31.5400]	54.8745* [31.5400]	24.0935 [31.5400]	19.4803 [31.5400]
$r \leq 3 \quad r \geq 4$	8.4799 [17.8600]	2.6502 [17.8600]	16.9687 [17.8600]	13.9955 [17.8600]	8.6714 [17.8600]
$r \leq 4 \quad r = 5$	0.46550 [8.0700]	0.063015 [8.0700]	4.5737 [8.0700]	4.8280 [8.0700]	1.6689 [8.0700]

Table 5: Trace Tests Statistic for Reduced Rank. * denotes significance at the 5% level. ** denotes significance at the 10% level. Figures in square parentheses are 95% critical values.

	(1)		(3a)		(3b)			(5)	
	VECM VAR=1	ARDL(2) AIC	VECM VAR=5		VECM VAR=5			VECM VAR=1	ARDL(3) AIC
Leasehold	1.00	LHS	-4288.3 (5440.3)	1.00	-10823* (1515.4)	1.00	-0.82907* (0.084741)	1.00	LHS
Tradit	-1.0248* (2.6099e-018)	1.2028* (0.040550)	-10132 (8311.9)	-0.71920* (0.13060)	0.00	-1.5505* (0.11079)	0.00	-1.1666* (1.9008e-016)	1.2317* (0.040893)
PolRight	-0.27429* (7.5690e-018)	0.14271* (0.026384)	16562* (2178)	-0.48602* (0.081872)	14298* (1418.0)	0.34640* (0.074293)	1.00	-0.27827* (3.4582e-016)	-0.0082381 (0.051246)
Pollnstab	0.18137* (1.1507e-017)	-0.051669* (0.018917)	0.00	0.26093* (0.079922)	0.00	0.00	-0.40348* (0.11537)	0.011028* (9.7806e-017)	-0.029194 (0.026195)
GDPcD	0.6426E-8* (1.2882e-009)	-0.5189E-8* (.4653E-9)							
GDPpc			1.00	0.00	1.00	0.00	0.00		
FDicD								4.7478e-008* (5.8871e-009)	0.9619E-8 (0.5577E-8)
INPT		7.1710* (2.2554)							
ECM1	-0.24010 (0.16285)	-0.74876* (0.078140)	-0.048736 (0.031199)	-5.4715e-006 (4.8276e-006)	-3.1562e-006 (1.3775e-005)	-0.28526* (0.062617)	-4.5951e-005 (4.0011e-005)	-0.48527* (0.00000)	-0.50420* (0.093594)
ECM2	-	-	220.11 (1019.4)	-1.0768* (0.15774)	-0.58410* (0.28550)	4778.1 (1297.8)	-0.031086 (0.82927)		
					0.68675* (0.11774)	836.89 (535.22)	0.13014 (0.34199)		
F-stat		17.2031* <4.4173>							14.2946* <4.7141>
Impulse	Stable		Stable		Stable			Stable	

Table 6: Cointegrating Vectors Amongst Socioeconomic and Rights Variables. * denotes significance at the 5% level. Figures in round parentheses denote standard errors. Figures in sharp parentheses denote 95% upper bound values for the associated bounds test.

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

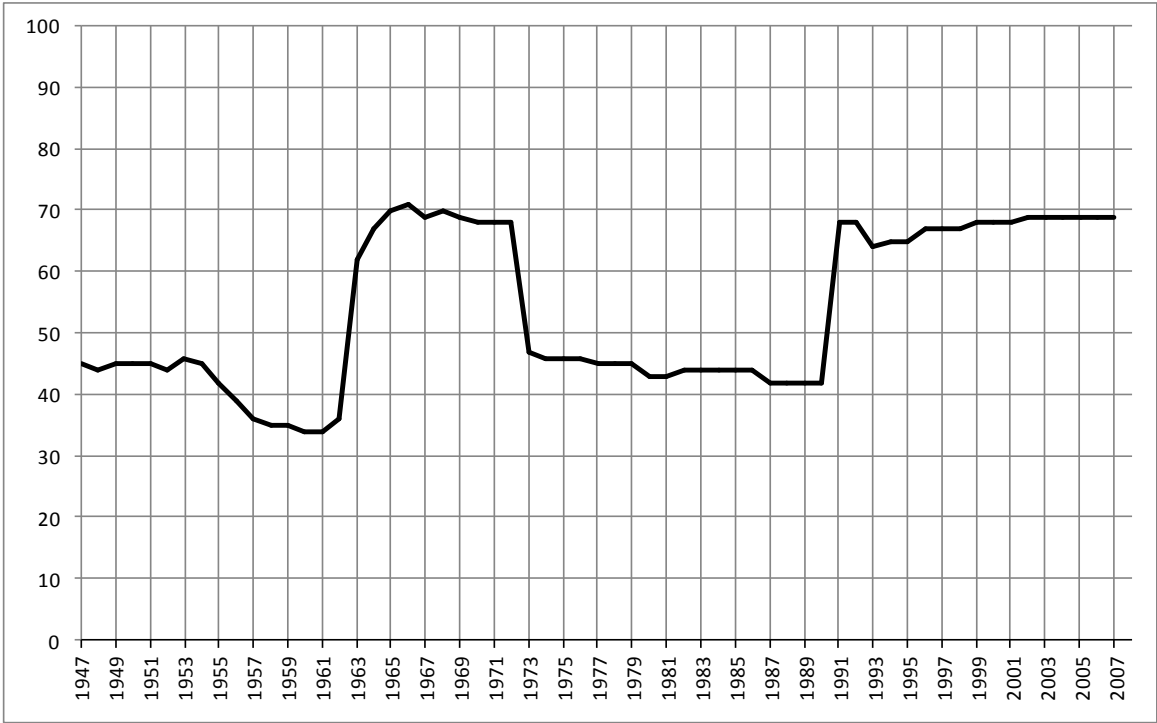


Figure 2: Sub-components of the political rights and civil liberties

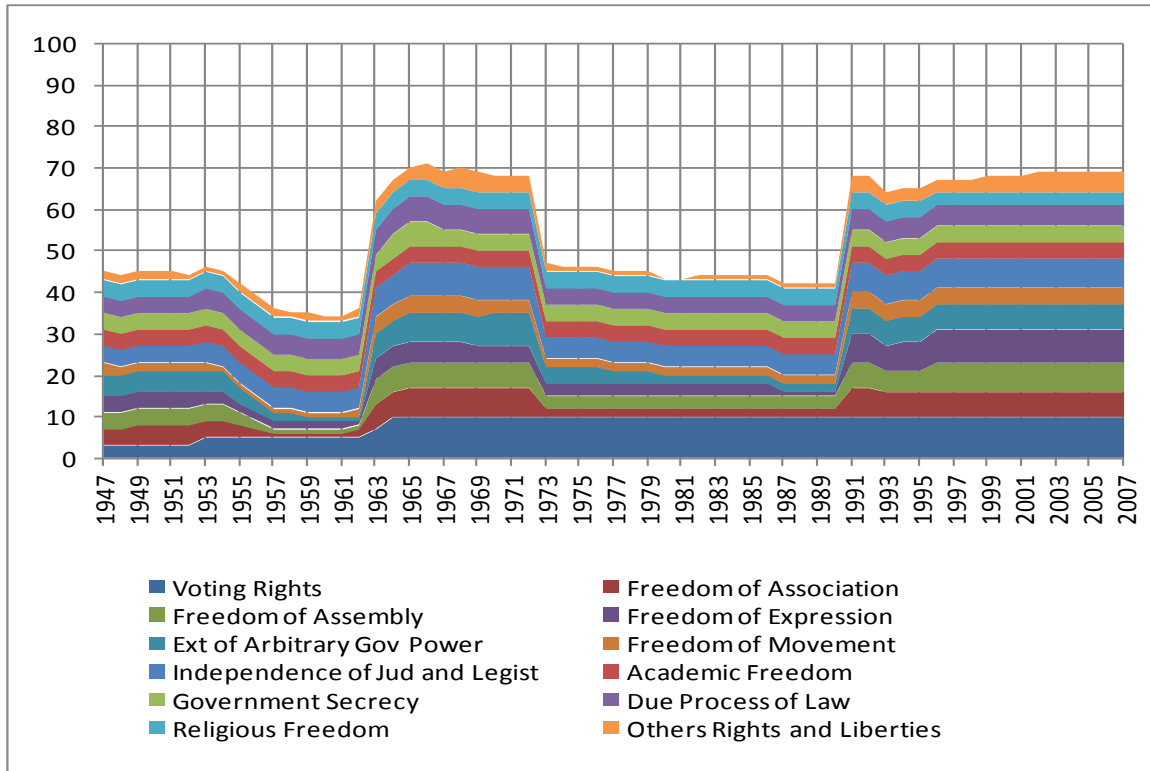


Figure 3: Property rights index for the Zambian leasehold land tenure: 1947-2007

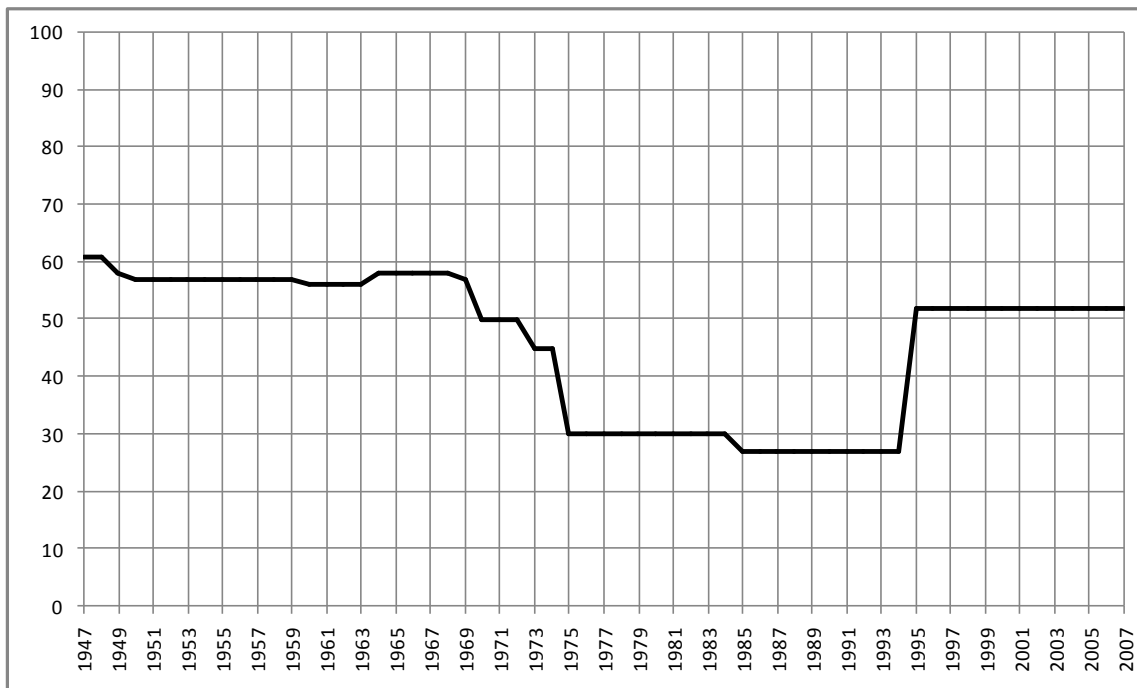


Figure 4: Sub-components of the property rights index for the leasehold land tenure

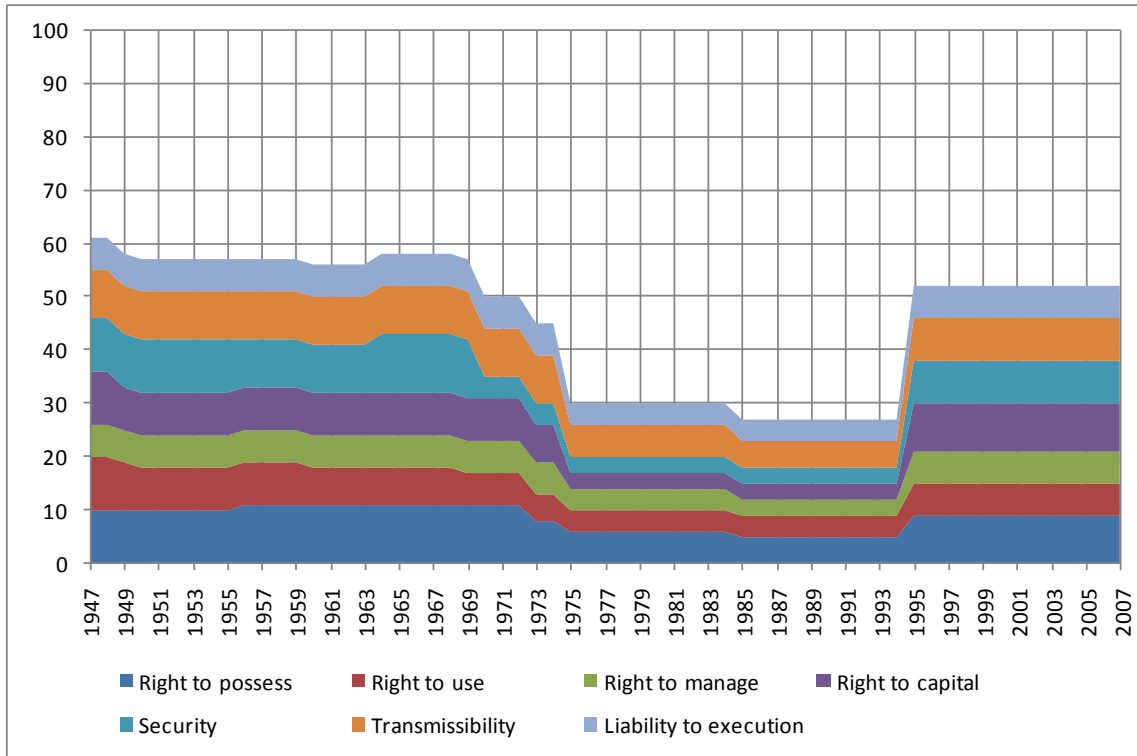


Figure 5: Property rights index for the Zambian customary land tenure: 1947-2007

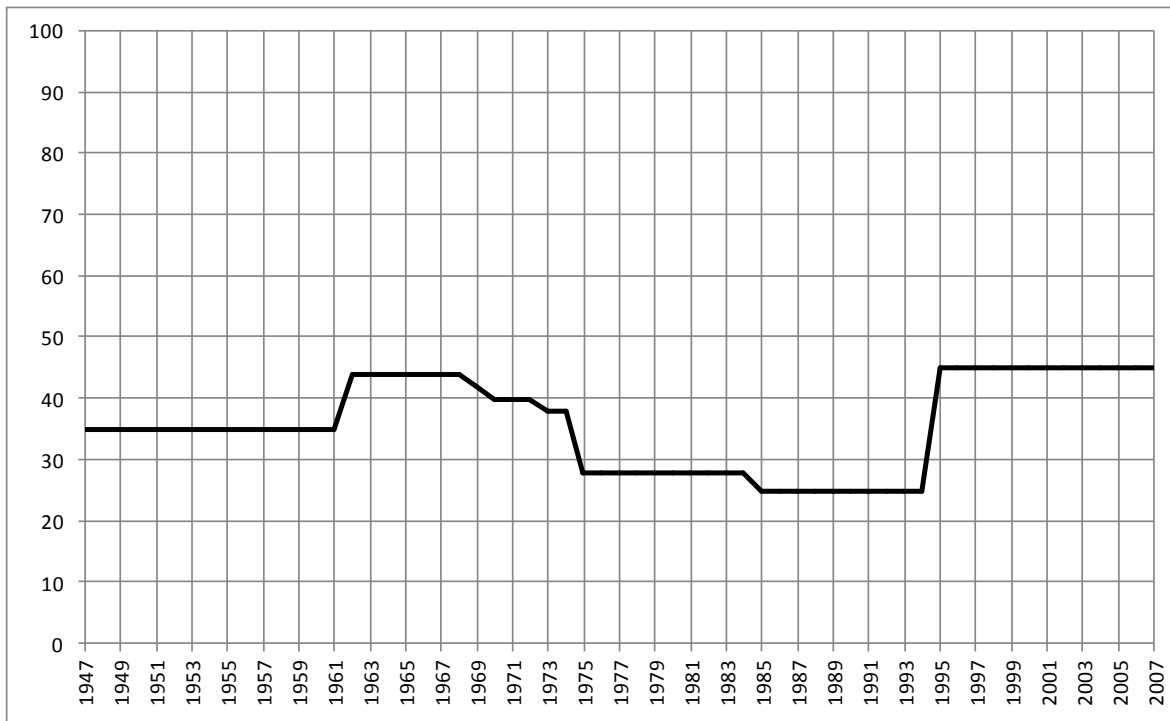


Figure 6: Sub-components of the property rights index for the customary land tenure

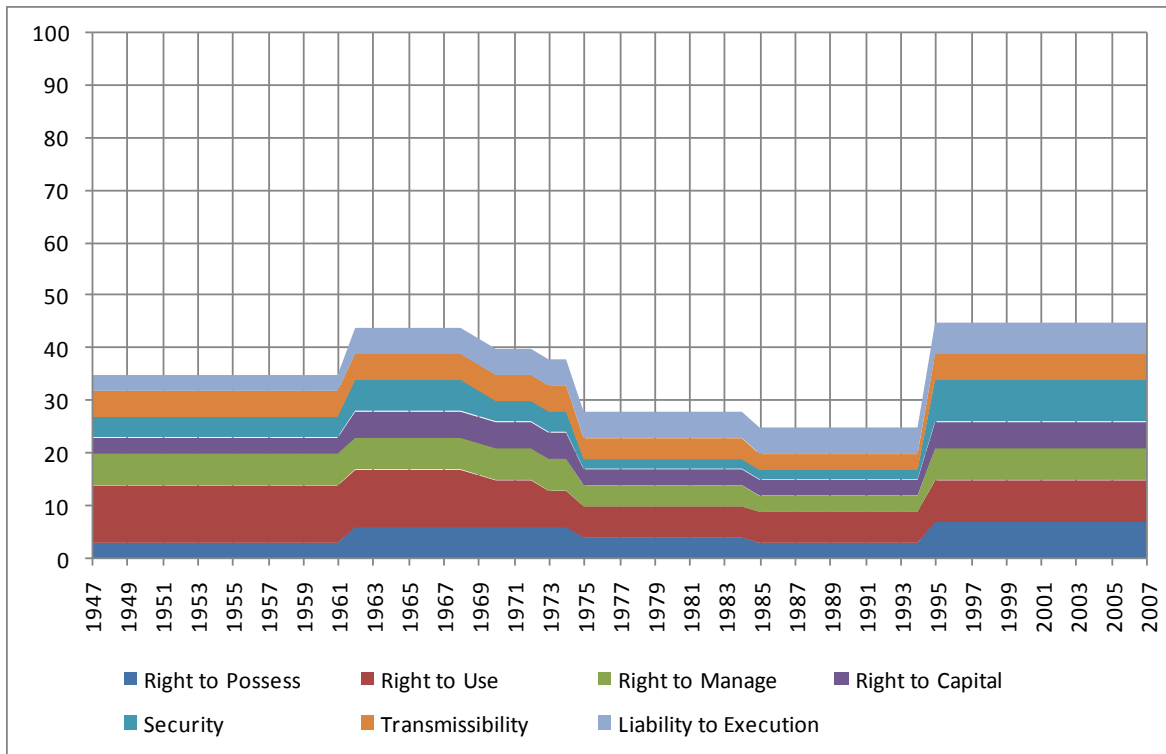


Figure 7: Political Instability index for Zambia: 1947-2007

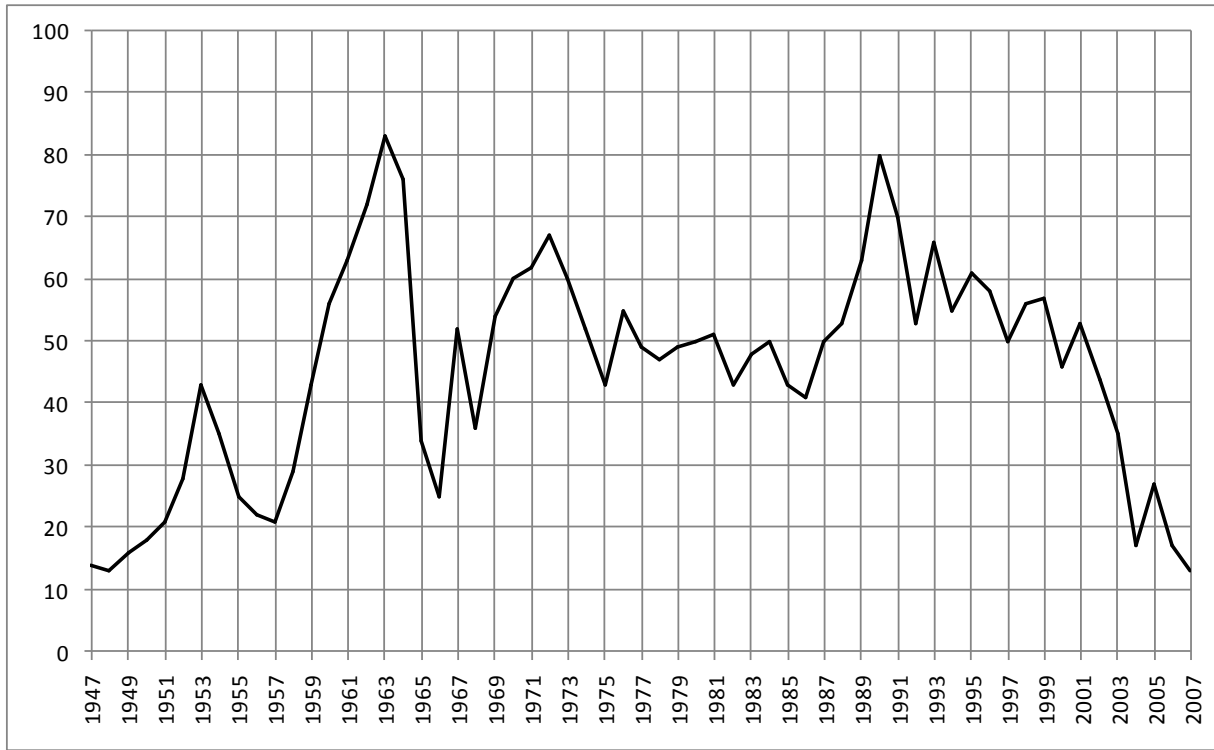


Figure 8: Sub-components of political instability index

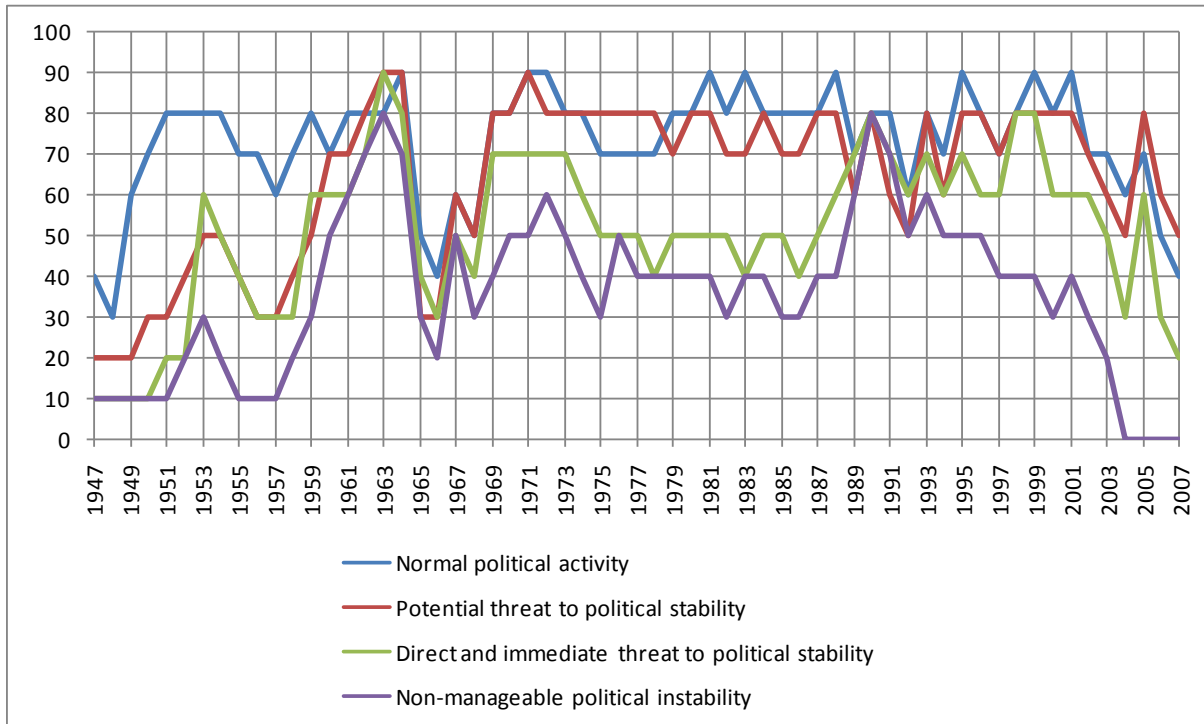
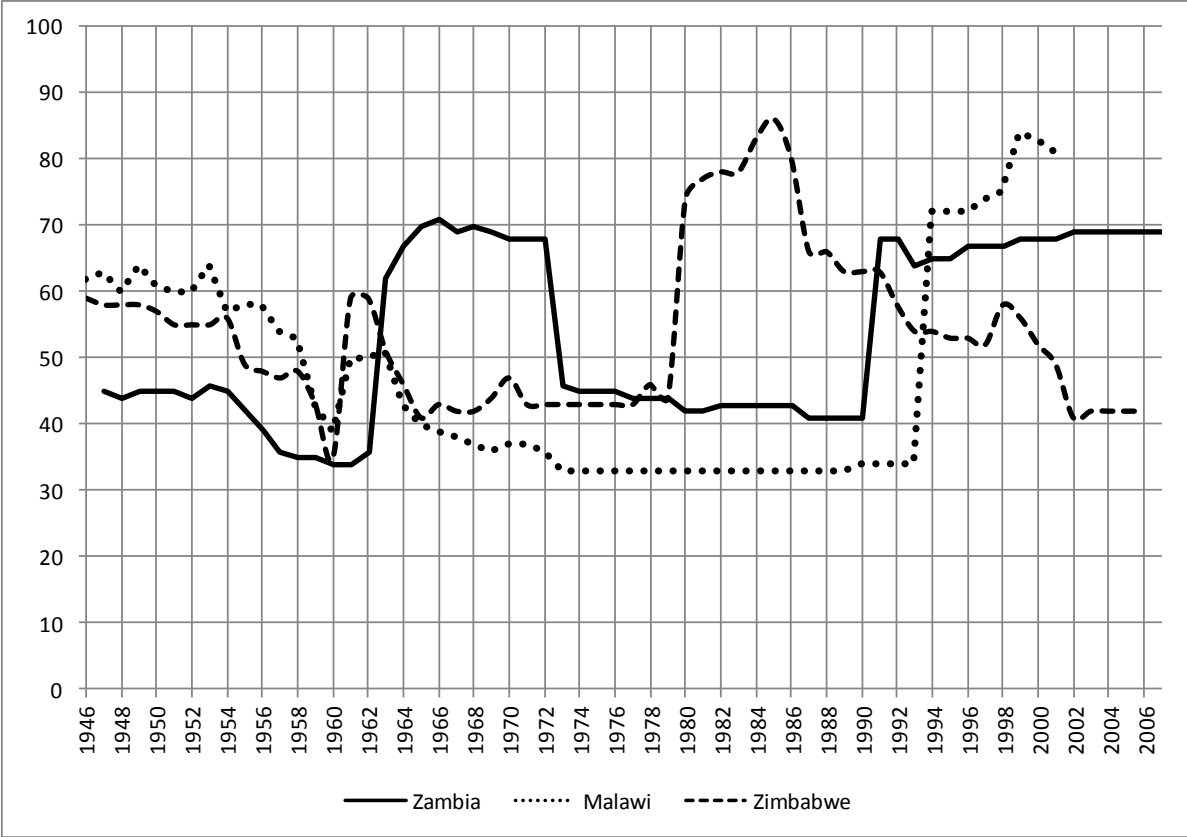


Figure 9: Political freedoms: Zambia compared to Malawi and Zimbabwe



Annexure 1: 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
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"> Divides Northern Rhodesia into a European Area (crown land), an African Area (native reserves). Effectively prevents Africans from leasing, acquiring or occupying property in European areas and Europeans from doing the same in African Areas. <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"> All had the effect of restricting the movement of Natives between rural and urban areas as well as within urban areas <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"> Under the above arrangements, all executive power was vested in the Governor who was also Commander-in-Chief of the territorial armed forces; Legislative power was vested in the Legislative Council, which comprised the Governor as President <p><u>Marriage Act No. 35 of 1947</u></p> <ul style="list-style-type: none"> A Judge of the High Court may give consent to the marriage in case of refusal or absence of parent or guardian. <p><u>Evacuees (Control and Removal) Ordinance No. 5</u></p>

Year	Ordinances/Acts/Amendments	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	Voing Rights
0-5		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"> Arrest without warrant any person Restriction of movement <u>Legislative Council Ordinance No. 25 of 1925</u> 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 <u>Legislation passed in 1943 prevented Africans from becoming industrial apprentices¹</u> <u>Registration of Natives Ordinance No. 50 of 1929</u> Required every adult male Native to carry an identity certificate upon his person; Natives found without identity certificates were prosecuted and jailed; Policy officers could stop any Native at any time and demand to see his identity certificate. <u>Vagrancy Ordinance No. 35 of 1929</u> Empowered any policy officer to arrest, without 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) <u>Penal Code, No. 42 of 1930</u> Government attempted to stifle freedom of expression by the wide use of sedition laws and censorship; The laws against sedition was very comprehensive; The governor in council was empowered, by proclamation, to declare any newspaper, book of document to be a 												

¹ Source: Chanda (1992). This counts in the residual subcomponent.

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others Rights and Liberties	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
													sedition publication, and to prohibit the importation into the territory of any newspaper, book of document
3	4	4	4	5	2	4	4	4	4	4	2	1948	<u>African Migrant Workers Ordinance No. 30</u> <ul style="list-style-type: none"> Designed to implement an inter-territorial agreement made with Southern Rhodesia and Nyasaland for the regulation of immigrant African worker Indigenous Africans were required to have pass to leave for specified territories.
3	5	4	4	5	2	4	4	4	4	4	2	1949	<u>Marriage Amendment Act No. 12</u> <ul style="list-style-type: none"> Any marriage between persons either of which is under the age of sixteen shall be void. <u>Industrial Conciliation Ordinance No. 25; and Trade Disputes Ordinance No. 23</u> <ul style="list-style-type: none"> This two ordinances laid down the legal infrastructure for the operation of trade unions
3	5	4	4	5	2	4	4	4	4	4	2	1950	<u>Marriage Amendment Act No. 36</u> <ul style="list-style-type: none"> 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. <u>Employment of Women, Young Persons and Children Amendment Act No. 49</u> <ul style="list-style-type: none"> 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.
3	5	4	4	5	2	4	4	4	4	4	2	1951	
3	5	4	4	5	2	4	4	4	4	4	1	1952	<u>Repatriation (Amendment) Ordinance No. 6</u>

Year	Ordinances/Acts/Amendments	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	Voing 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
	<ul style="list-style-type: none"> • 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 												
1953	<p><u>Federation of Rhodesia and Nyasaland (Constitution) Order in Council 1953</u></p> <ul style="list-style-type: none"> • 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 qualifications; • Did not include a Bill of Rights; • The legislative power of the Federation was vested in the Federal Legislature although Her Majesty reserved the right to legislate for the Federation (Art. 3 and 29(7)); • As regards the Judiciary, a Federal Supreme Court was established as the highest court of appeal in the Federation. It consisted of the Chief Justice as President and Federal Justices, all of whom were appointed by the Governor General (Arts. 45-47). <p><u>Defamation Ordinance No. 46</u></p> <ul style="list-style-type: none"> • Restricts freedom of expression, among other things by criminalizing defamation. <p><u>Marriage Amendment Act No. 48</u></p> <ul style="list-style-type: none"> • Marriages may be solemnised in any licensed place of worship by any licensed minister of the church, denomination or body to which such place of worship belongs and according to the rites and usages of marriage observed in such church, denomination or body, or with the consent of a recognised minister of the church. 	1	4	5	4	4	5	2	5	4	3	4	5

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others Rights and Liberties	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
5	4	4	3	5	1	5	4	4	5	4	1	1954	<u>Inter-Territorial Movement of Persons (Control) Ordinance No. 34</u> <ul style="list-style-type: none"> • Make provisions for the control of voluntary movement of persons from other federal territories into Northern Rhodesia and for the removal of certain persons, in specified circumstances, to other federal territories
5	3	3	2	4	1	5	4	4	5	4	2	1955	<u>Public Order Ordinance No. 38</u> <ul style="list-style-type: none"> • It prohibits the wearing of uniforms in connection with political objects and the maintenance by private persons of associations of military. • Prohibit selected political assemblies; • Under this Act, persons or organizations wishing to hold an assembly, public meeting, or procession must first apply for a permit; • 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)). <u>Marriage Amendment Act No. 6 of</u> <ul style="list-style-type: none"> • 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. <u>Northern Rhodesia police (Amendment) Ordinance No. 10</u> <ul style="list-style-type: none"> • Dealt, inter alia, with the power of a police officer to disperse unauthorized procession and assemblies
5	2	2	2	3	1	5	4	4	5	4	2	1956	<u>Legislative Council (Powers and Privileges) Ordinance No. 34</u> <ul style="list-style-type: none"> • To declare and define the powers, privileges and immunities of the Legislative Council and its officers, and to prescribe penalties for offences against the council or its members.

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others Rights and Liberties	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
													<p><u>Emergency (Transitional Provisions) Ordinance No. 38</u></p> <ul style="list-style-type: none"> It was designed to provide a mechanism for the continued control of detained persons after the expiry of a declaration of a state of emergency. <p><u>Trade Unions and Trade Disputes (Amendment) Ordinance No. 35</u></p> <ul style="list-style-type: none"> Provides for compulsory registration of trade unions and for the inspection of the records relating to financial transactions of such trade union. <p><u>Public Order (Amendment) Ordinance No. 17</u></p> <ul style="list-style-type: none"> Any person who entices a strike in certain circumstances shall be guilty of an offence.
5	1	1	2	2	1	5	4	4	5	4	2	1957	<p><u>Emergency (Amendment) Ordinance No. 48</u></p> <ul style="list-style-type: none"> Enabled the governor to make emergency regulations even in the absence of a declaration of a state of emergency provided there was an imminent threat to peace and order. <p><u>Northern Rhodesia Police (Amendment) No. 70</u></p> <ul style="list-style-type: none"> The major object was to replace the existing section 28 of the principal ordinance, relating to the control of assemblies and processions, by a section which extends such control to the whole of the Territory and not only to assemblies and processions taking place on a public road. <p><u>Societies Ordinance No. 65</u></p> <ul style="list-style-type: none"> Repealed and replaced the Ordinance of the same name; 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.
5	1	1	2	2	1	5	4	4	5	4	1	1958	<p><u>Trade Unions and Trade Disputes (Amendment) Ordinance No. 18; and Industrial Conciliation (Amendment) Ordinance No. 17.</u></p>

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others Rights and Liberties	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
													<ul style="list-style-type: none"> 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.²
5	1	1	2	1	1	5	4	4	5	4	2	1959	<u>Public Order (Amendment) Ordinance No. 10</u> <ul style="list-style-type: none"> 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. 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.
5	1	1	2	1	1	5	4	4	5	4	1	1960	<u>Preservation of Public Security Ordinance No. 5</u> <ul style="list-style-type: none"> Repeals the Emergency Powers Ordinance of 1927; It embodies all the substantive provisions of the 1927 Ordinance, as amended over the years. <u>Protected Places and Areas Ordinance No. 6</u> <ul style="list-style-type: none"> It makes provision for the control of entry of persons into certain places and for the control and movements of persons within certain areas.
5	1	1	2	1	1	5	4	4	5	4	1	1961	
5	2	1	1	1	2	5	4	4	5	4	2	1962	<u>Alien Natives Registration (Amendment) Ordinance No. 3</u> <ul style="list-style-type: none"> Repealed the provisions relating to passes and the carrying and production by an alien native of his Certificate of

² 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.

Year	Ordinances/Acts/Amendments	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	Voing Rights
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
	<p>Registration.</p> <p><u>African Education Amendment Act No. 29</u></p> <ul style="list-style-type: none"> No person shall be permitted to join the Unified African Teaching Service as from the 1st of November 1962. 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. It repeals the African Education Amendment Act No. 41 of 1961. 												
1963	<p><u>The Self-Government Constitution of 1963 (Federation dissolved)</u></p> <ul style="list-style-type: none"> Introduced a qualified franchise system with two separate classes of voters: upper roll constituencies and lower roll constituencies; 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); A Bill of Rights was introduced for the first time in the Northern Rhodesia's history. 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. In addition to these two general limitations which applied to all the guaranteed rights, most of the protected rights contained numerous derogation clauses; In case of most of rights considered here, the qualifications 	3	4	6	4	4	7	4	6	5	6	6	7

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	Voing Rights
<p>to the right were so numerous and wide-ranging as to negate the right or render it meaningless;</p> <ul style="list-style-type: none"> • The derogation clauses allowed the legislature to enact laws that might result in the taking away of the substance of rights granted; • A very significant limitation on the enjoyment of human rights was that most of the rights guaranteed might be abridged when the country was at war or when an emergency declaration was in force; • Article 26 allowed the suspension of all the rights except the right to life, protection from slavery or forced labour, protection from torture and inhuman treatment, and equal protection of the law, when the emergency declaration was in force or when the country was at war. • Did not include freedom of the press. <p><u>General Laws Amendment Act No 47</u></p> <ul style="list-style-type: none"> • A young person under the age of sixteen shall be employed in an industrial undertaking where there is no member of his family if he is employed under a contract of apprenticeship and or if he is in possession of a certificate signed by a Labour Officer authorizing such employment. <p><u>Marriage Amendment Act No. 48</u></p> <ul style="list-style-type: none"> • Any person who contracts a marriage under the Marriage Act, being at the time married in accordance with African customary law to any person other than the person with whom such marriage is contracted; shall be guilty of an offense. • Any person who, having contracted a marriage under this Act, during the continuance of such marriage contracts a marriage in accordance with African customary law; shall 		0-5	0-5	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-10	0-10	0-10

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	Voing 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	
													be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

First and Second Republics (1964 – 1990)

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	Voing 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	
1964	3	4	6	6	4	7	4	6	5	6	6	10	<p><u>The 1964 Independence Constitution of Zambia</u></p> <ul style="list-style-type: none"> • This Constitution was based on a Westminster model designed for the emerging nations of former British Colonies and Protectorates • The Bill of Rights of the 1963 constitutions was reproduced, with minor amendments, in the Independent Constitution • The limitations particularly took a heavy toll in cases involving detentions without trial on the basis of an exclusively declared state of emergency • It paces legislative power in the President and the National assembly. • It placed judicial power in the court of appeal, High Court

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others Rights and Liberties	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
													and other inferior courts. <ul style="list-style-type: none"> The amendment of the Bill of Rights was possible only through a Referendum.
10	7	6	5	7	4	8	4	6	6	4	3	1965	<u>Diplomatic Immunities and Privileges Act No. 30</u> <ul style="list-style-type: none"> It repeals the Immunities and Privileges Act of 1956. <u>University of Zambia Act No. 66</u> <ul style="list-style-type: none"> Establishes the University of Zambia <u>Employment Act No. 57</u> <ul style="list-style-type: none"> 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. Family of employee shall not be bound by the contract of its family member.
10	7	6	5	7	4	8	4	6	6	4	4	1966	<u>Education Act No. 28</u> <ul style="list-style-type: none"> The minister is authorised to cancel registration of public school where he deems necessary. 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. No pupil shall be refused admissions on grounds of race or religion A pupil can be exempted from observing religious observance on parent's request Any association representing teachers and any parents and teachers associations will be recognised. <u>Organisations (Control of Assistance) Act No. 11</u> <ul style="list-style-type: none"> It regulates the giving of assistance to organisations by

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others Rights and Liberties	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
													<p>foreign governments. No organisation shall, without prior approval from the President in writing, accept assistance from any foreign government or from any agency or person acting on behalf of any government.</p> <p><u>Employment’s Special Provision Act No. 29</u></p> <ul style="list-style-type: none"> • The President may make regulations when necessary, for securing the continued employment of employees and for regulating the conditions of service for employees whose continued employment is secured by virtue of regulations. • Establishment of a tribunal for the purpose of reviewing the decisions of an officer or authority • The provisions of this act shall have effect only during a period when a declaration of a State of Emergency under the Constitution is in force.
10	7	6	5	7	4	8	4	4	6	4	4	1967	<p><u>Official Secrets Act No. 12</u></p> <ul style="list-style-type: none"> • Repeals and replaces the Official Secrets Ordinance, cap. 38; • 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. <p><u>Employment of Women Young People and Children Amendment Act No. 36</u></p> <ul style="list-style-type: none"> • 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. • 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

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	Voing 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>a Labour Officer or police officer.</p> <p><u>Referendum Act No. 39</u></p> <ul style="list-style-type: none"> The President has the power to order a referendum. No person shall be required to show how he or she has voted in a referendum.
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	<p><u>State Security Act No. 36</u></p> <ul style="list-style-type: none"> Limits free speech and media freedom - in the name of state security - restricting the possibility of criticising the government and officials. <p><u>Constitutional (Amendment) (No. 3) Act No. 10</u></p> <ul style="list-style-type: none"> Amended the Constitution so that, after it became law, 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.
1970	4	4	6	4	4	8	3	8	4	6	7	10	<p><u>National Assembly (Powers and Privileges) (Amendment) No. 6</u></p> <ul style="list-style-type: none"> This act precludes information being given in Parliament upon military matters and concerning the public service, unless the president himself consents. <p><u>Refugee Control Act No. 40</u></p> <ul style="list-style-type: none"> Imposes controls on the movement of refugees in Zambia; Empowers the Minister to expel refugees from Zambia at any time. <p><u>Education Act No. 56</u></p> <ul style="list-style-type: none"> It repeals section 19 of the Education Act No. 28 of 1966. The Minister may establish a board of governors for any educational institution owned by the Government. Every board of governors shall be a body corporate, having

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others Rights and Liberties	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
													<p>perpetual succession and a common seal and shall be capable suing and being sued.</p> <p><u>University of Zambia Amendment Act No. 10</u></p> <ul style="list-style-type: none"> 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.
10	7	6	4	8	3	8	4	4	6	4	4	1971	<p><u>Employment Amendment Act No. 28</u></p> <ul style="list-style-type: none"> 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. Employer is required to keep records of payments.
10	7	6	4	8	3	8	4	4	6	4	4	1972	<p><u>Education Amendment Act No. 40</u></p> <ul style="list-style-type: none"> 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. <p><u>Education Amendment Act No. 48</u></p> <ul style="list-style-type: none"> 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. <p><u>Constitutional (Amendment) (No. 5) Act No. 29</u></p> <ul style="list-style-type: none"> Provides for the existence of only one political party
10	2	3	3	4	2	5	4	4	4	4	2	1973	<p><u>The 1973 Constitution of Zambia: One Party State</u></p> <ul style="list-style-type: none"> The Bill of Rights has, save for one or two changes, been reproduced verbatim; 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.

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others Rights and Liberties	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
													<ul style="list-style-type: none"> • A citizen of Zambia who has attained age of eighteen years shall be eligible to vote. • 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. • It repeals the Electoral Act No. 44of 1973
10	2	3	3	4	2	5	4	4	4	4	1	1974	<u>Constitution of Zambia Amendment Act No. 18</u> <ul style="list-style-type: none"> • 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.
10	2	3	3	4	2	5	4	4	4	4	1	1975	<u>Citizenship of Zambia Act No.26</u> <ul style="list-style-type: none"> • It repeals and replaces the Citizenship of Zambia Act • It provides for the establishment of the Citizenship Board and determines its function and composition. • 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. <u>Employment Amendment Act No. 29</u> <ul style="list-style-type: none"> • An employer is not bound to give a testimonial, reference or certificate of character to any employee at the termination of his service.
10	2	3	3	4	2	5	4	4	4	4	1	1976	
10	2	3	3	3	2	5	4	4	4	4	1	1977	<u>Diplomatic Immunities and Privileges Amendment Act No. 12</u> <ul style="list-style-type: none"> • The President has the power to control supplies of tax-free goods.
10	2	3	3	3	2	5	4	4	4	4	1	1978	
10	2	3	3	3	2	5	4	4	4	4	1	1979	

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others Rights and Liberties	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
10	2	3	3	2	2	5	4	4	4	4	0	1980	<u>Local Administration Act No. 15</u> <ul style="list-style-type: none"> Restricted participation in local government elections to UNIP members only.
10	2	3	3	2	2	5	4	4	4	4	0	1981	
10	2	3	3	2	2	5	4	4	4	4	1	1982	<u>Employment Amendment Act No. 18</u> <ul style="list-style-type: none"> Prohibition of termination of employment for reasons connected with pregnancy. Any female employee who has completed at least two years of continuous service with her employer shall on production of a medical certificate as to her pregnancy signed by a registered medical practitioner be entitled to maternity leave of twelve weeks with full pay.
10	2	3	3	2	2	5	4	4	4	4	1	1983	
10	2	3	3	2	2	5	4	4	4	4	1	1984	
10	2	3	3	2	2	5	4	4	4	4	1	1985	
10	2	3	3	2	2	5	4	4	4	4	1	1986	
10	2	3	1	2	2	5	4	4	4	4	1	1987	<u>Public Universities Acts No. 19 and 20</u> <ul style="list-style-type: none"> Establishment of the Copperbelt University <u>Zambia National Broadcasting Corporation Act No. 16</u> <ul style="list-style-type: none"> Establishment of the Broadcasting Corporation. Empowers the Minister of Information to censor any broadcast at anytime; Empowers the Minister to hire and fire the Board of Directors of ZNBC; Empowers the Minister to issue radio and TV licences as well as to suspend or cancel them, justified in the public interest.
10	2	3	1	2	2	5	4	4	4	4	1	1988	
10	2	3	1	2	2	5	4	4	4	4	1	1989	<u>Employment of Women, Young Persons and Children</u>

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	
													<u>Amendment Act No. 14</u> <ul style="list-style-type: none"> It prohibits employment of young persons in employment or work detrimental to health, safety and morals.
1990	1	4	4	4	4	5	2	2	1	3	2	10	

Third Republic (1991 –2007)

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	
1991	4	4	5	4	4	7	4	6	7	6	7	10	<u>Electoral Act No. 2</u> <ul style="list-style-type: none"> Election to the office of the President shall be held in every constituency in Zambia. Every citizen of Zambia, who has attained the age of eighteen years, shall be qualified for registration as a voter in direct elections. A person under a sentence of death or a sentence of imprisonment shall be disqualified from registration of voters. Any person who is convicted of any corrupt practice by

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	Voing 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>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.</p> <p><u>Constitution of Zambia Act No. 1</u></p> <ul style="list-style-type: none"> • Removal of Article 4 of the 1973 Constitution, which restricted formation of parties to one; • 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; • The constitution provides for an independent judiciary • The Constitution now provides that no law shall make provision that derogates from freedom of the press. <p>Comments:</p> <ul style="list-style-type: none"> • While the Constitution provides for freedom of expression and of the press, the Penal Code lists various prohibited activities (for example, prohibiting defamation of the President, regulations requiring prior notification of rallies and libel legislation) that may be broadly interpreted and in effect restrict freedom of expression and the press³ • Zambian law includes provisions for investigative tribunals to call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with the tribunal may result in charges of contempt punishable by up to 6 months. This is seen by the media as a clear infringement

³ According to Bureau of Democracy, Human Rights, and Labor's report

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
													<p>on press freedom</p> <ul style="list-style-type: none"> The constitution and law provide that authorities obtain a warrant before arresting a person for some offenses, but other offenses have no such requirement. For example, police are not required to obtain a warrant when they suspect that a person has committed offenses including treason, sedition, defamation of the president, unlawful assembly, or abuse of office; 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; 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 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 <p><u>Zambia Institute of Mass Communications Act No. 9</u></p>
10	7	6	7	6	4	7	4	4	5	4	4	1992	<p><u>University Act No. 26</u></p> <ul style="list-style-type: none"> Makes provision for the establishment of councils of public universities. A council shall be responsible for the formulation of the policy of its university.
10	6	5	6	6	4	7	4	4	5	4	3	1993	<p><u>Criminal Procedure Code (Amendment) No. 35</u></p> <ul style="list-style-type: none"> Prohibits the grant of bail to those charged with murder, treason, aggravated robbery, misprision of treason or any

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
													<p>other capital offence.</p> <p><u>Narcotics Drugs and Psychotropic Substances Act No. 37</u></p> <ul style="list-style-type: none"> Prohibits the grant of bail to a person accused of drugs related offences. <p><u>Industrial and Labour Relations Act No. 27</u></p> <ul style="list-style-type: none"> It repeals the Trade Unions and Trade Disputes Act No. 35 of 1956. Dilute the workers right to strike by requiring the employer to consent to a strike ballot.
10	6	5	7	6	4	7	4	4	5	4	3	1994	<p><u>Radio communication Act No. 25</u></p> <ul style="list-style-type: none"> Communications Authority shall have general control and supervision of radio communications and radio communication services.
10	6	5	7	6	4	7	4	4	5	4	3	1995	<p><u>Electoral Amendment Act No. 7</u></p> <ul style="list-style-type: none"> 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.
10	6	7	8	6	4	7	4	4	5	3	3	1996	<p><u>Public Order (Amendment) Act No. 1</u></p> <ul style="list-style-type: none"> There is no longer the requirement to obtain a police permit for any public gathering to take place What is required is to notify the police within the prescribed period and the Police, in turn, should oblige If they are unable to police the event for reasons stipulated under the Act, they should suggest alternative dates for the public event <p><u>Constitution of Zambia Act No. 17</u></p> <ul style="list-style-type: none"> Christianity declared as the official religion of Zambia Any person who has attained the age of twenty one years and has been ordinarily resident in Zambia for a period not

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
													<p>less than ten years should be entitled to apply to be registered as a citizen of Zambia.</p> <p><u>Electoral Amendment Act No. 23</u></p> <ul style="list-style-type: none"> • Provision for the formation of the Electoral Commission. • The Commission has regulatory power to determine how all elections activities shall be run. <p><u>Zambia Institute of Mass Communications Act No. 19</u></p> <ul style="list-style-type: none"> • It repeals the Zambia Mass Communications Act No. 9 of 1991.
10	6	7	8	6	4	7	4	4	5	3	3	1997	<p><u>Employment Amendment Act No. 15</u></p> <ul style="list-style-type: none"> • 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.
10	6	7	8	6	4	7	4	4	5	3	3	1998	
10	6	7	8	6	4	7	4	4	5	3	4	1999	<p><u>Zambia Police (Amendment) Act No. 14</u></p> <ul style="list-style-type: none"> • Provided for the creation of Policy Complaints Authority whose function is to investigate complaints by the public against police misconduct.
10	6	7	8	6	4	7	4	4	5	3	4	2000	<p><u>Legal Aid (Amendment) Act No. 17</u></p> <ul style="list-style-type: none"> • Provided for the creation of a Legal Aid Fund from which private legal Practitioners are to be paid for representing indigent clients.
10	6	7	8	6	4	7	4	4	5	3	4	2001	<p><u>Electoral Amendment Act No. 4</u></p> <ul style="list-style-type: none"> • 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.

Voing Rights	Freedom of Association	Freedom of Assembly	Freedom of Expression	Ext of Arbitrary Gov Power	Freedom of Movement	Independence of Jud and Legist	Academic Freedom	Government Secrecy	Due Process of Law	Religious Freedom	Others	Year	Ordinances/Acts/Amendments
0-10	0-10	0-10	0-10	0-10	0-5	0-10	0-5	0-10	0-10	0-5	0-5		
10	6	7	8	6	4	7	4	4	5	3	5	2002	<u>Independent Broadcasting Act No. 17</u> <ul style="list-style-type: none"> Establish the Independent Broadcasting Authority. 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.
10	6	7	8	6	4	7	4	4	5	3	5	2003	
10	6	7	8	6	4	7	4	4	5	3	5	2004	
10	6	7	8	6	4	7	4	4	5	3	5	2005	
10	6	7	8	6	4	7	4	4	5	3	5	2006	<u>Electoral Act No. 12</u> <ul style="list-style-type: none"> 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. 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
10	6	7	8	6	4	7	4	4	5	3	5	2007	

Annexure 2: 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"> Divides Northern Rhodesia into a European Area (crown land), an African Area (native reserves). Governs the administration of reserve and crown lands. Effectively prevents Africans from leasing, acquiring or occupying property in European areas and Europeans from doing the same in African Areas. <p><u>Northern Rhodesia (Native Trust Land) Order in Council 1947</u></p> <ul style="list-style-type: none"> Reversed the policy which reserved a large proportion of the country for Europeans Around 57% of the country, formerly ‘unassigned’ land, forest and game land and unutilised Crown Land was returned to Africans and named ‘Trust Land’. But, as with the Reserves, interests and land rights in Trust Land fell under customary law and the administration of the traditional authorities.
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"> Restricts the rights to use land, or change the existing use, as one sees fit; Restricts the right to alienate land. <p><u>Fencing Ordinance No. 19</u></p> <ul style="list-style-type: none"> An act to regulate the erection and maintenance of dividing fences.
10	8	6	8	10	9	6	1950	<p><u>Natural resources ordinance No. 3</u></p> <ul style="list-style-type: none"> Restricts the use of land by the owner in case protection of natural resources is judged necessary. <p><u>Fencing Amendment Act No. 32</u></p> <ul style="list-style-type: none"> 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.
10	8	6	8	10	9	6	1951	<u>Lands and Deeds Registry (Amendment) Ordinance No.50</u>

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"> 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.
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"> 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 .
10	8	6	8	10	9	6	1954	<u>Lands and Deeds Registry (Amendment) Ordinance No. 17</u> <ul style="list-style-type: none"> An Ordinance to amend the Land and Deeds Registry Ordinance. 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. It authorizes the Registrar to refuse to register any document of which the proper number of copies is not handed to him.
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"> Empowered any municipal corporation compulsorily acquire land for the purpose of carrying out any of the statutory powers of such corporation. <u>Agricultural Lands Ordinance No.51</u> <ul style="list-style-type: none"> Introduced the concept of progression whereby a farmer who performed satisfactorily could 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"> 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. <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"> 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

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		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.
11	8	6	8	9	9	6	1959	<u>Land and Deeds Registry (Amendment) Ordinance No. 25</u> <ul style="list-style-type: none"> 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.
11	7	6	8	9	9	6	1960	<u>Land Survey Ordinance No. 59 of 1960</u> <ul style="list-style-type: none"> Repeals previous Land Survey Ordinances; This Ordinance makes further and more comprehensive provision for the registration and licensing of land surveyors; Provides for the manner in which land surveys are carried out and the diagrams and plans connected therewith; Provides for the protection of survey beacons and other survey markers 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. <u>Agricultural Lands Ordinance No. 57 of 1960</u> <ul style="list-style-type: none"> It repeals the Agricultural Lands Act No. 14 of 1958 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; 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; 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; 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..
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"> Provides for the control, use and change of land use zones and reservations for various purposes, e.g.

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		
								siting of work sites; <ul style="list-style-type: none"> It also provides for the compensation of those affected by planning decisions and regulated development subdivisions.
11	7	6	8	9	9	6	1963	<u>Agricultural Lands Ordinance No. 42</u> <ul style="list-style-type: none"> This is an amendment of The Agricultural Lands Ordinance No. 57 of 1960. It makes provision for the appointments of members of the Board other the three public officers, to be made by name. <u>Mine Townships (Amendment) Ordinance No. 19</u> <ul style="list-style-type: none"> 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.

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	<u>The 1964 Independence Constitution of Zambia</u> <ul style="list-style-type: none"> Protected people from deprivation of their property except upon the payment of full adequate and prompt compensation

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"> 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. <u>The Zambia (State Lands and Native Reserves) order 1964; The Zambia (Trust Land) Order 1964; and The Zambia (Gwembe District) Order 1964.</u> 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" <u>Mine Townships Amendment Ordinance No. 55</u> It gives the Minister power with regards to regulations. 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.
11	7	6	8	11	9	6	1965	<u>Lands and Deeds Registry Act No. 65</u> <ul style="list-style-type: none"> This as an amendment of The Lands and Deeds Registry Act No. of 1940. 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.
11	7	6	8	11	9	6	1966	
11	7	6	8	11	9	6	1967	<u>Lands and Deeds Registry No. 9</u> <ul style="list-style-type: none"> An amendment of the Land Perpetual succession Act No. 21of 1926. 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. 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. <u>Land Perpetual Succession Act No. 25</u> <ul style="list-style-type: none"> This Amends the Land Perpetual Succession Act No. 21 of .1940. 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

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		owner.
11	7	6	8	11	9	6	1968	<p><u>Mine Townships Amendment Act No.42</u></p> <ul style="list-style-type: none"> 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. <p><u>Protected Areas and Places Amendment Act No. 4</u></p> <ul style="list-style-type: none"> 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.
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"> Repealed section 18 of the constitution, the property clause, and replaced it by a new section which introduced different conditions for expropriating property Made it easier for the government to expropriate property. <p><u>Mines and Mineral Act No. 46</u></p> <ul style="list-style-type: none"> 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.
11	6	6	8	4	9	6	1970	<p><u>Constitutional (Amendment) Act No. 44</u></p> <ul style="list-style-type: none"> 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. <p><u>Constitution (Amendment) (No. 2) Act No. 58</u></p> <ul style="list-style-type: none"> 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. <p><u>Land Acquisition Act No. 2</u></p> <ul style="list-style-type: none"> It repeals the Land Acquisition Ordinance No. 45 of 1948. It authorises the President to acquire property whenever he perceives it to be desirable or expedient in the interests of the Republic. The act also made provision for compensation to be paid for such property acquired; No compensation is payable in respect of undeveloped or underutilized land;

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"> In assessing compensation, the value of property is the amount of the improvement on the land, not the value of the land itself. <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> <ul style="list-style-type: none"> Comprehensive legislation dealing with conservation of natural resources, especially in rural areas, and relating to proper use of land. <u>Land and Deeds Registry Act No. 47</u> <ul style="list-style-type: none"> Probate of a will affecting land or any interest in land shall be registered within twelve months of the grant or the sealing thereof.
11	6	6	8	4	9	6	1971	<u>Landlord and Tenant Act No. 34</u> <ul style="list-style-type: none"> Is aimed at providing security of tenure for tenants occupying property for business and professional purposes; 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. <u>National Housing Authority Act No. 16</u> <ul style="list-style-type: none"> An act to make better provision for the development and control of housing throughout the Republic. 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.
11	6	6	8	4	9	6	1972	<u>Rent Act No. 10</u> <ul style="list-style-type: none"> 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.
8	5	6	7	4	9	6	1973	<u>Land Survey (Amendment) Act No.9</u> <ul style="list-style-type: none"> 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. <u>One-party Constitution</u> <ul style="list-style-type: none"> The Leadership Code, which was incorporated in the One Party Constitution of 1973, prevented leaders from owning more than 10 acres of land.

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>Forest Act No. 39</u> <ul style="list-style-type: none"> • Vests the ownership of all trees 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; • Where there has been a demarcation, there is provision for compensation for the extinction of existing rights or a recognition of such rights; • 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; • No person shall without a license, fell cut, collect any forest produce and graze domestic animals • 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.
8	5	6	7	4	9	6	1974	<u>Housing Act No. 30</u> <ul style="list-style-type: none"> • 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. • It also provides for the issuance of certificates of titles and occupancy licences. <u>Land Survey Amendment Act No. 34</u> <ul style="list-style-type: none"> • This amends the Land Survey Act by making the Surveyor-General entitled to be granted a licence if he satisfies the requirements.
6	4	4	3	3	6	4	1975	<u>Land (Conversion of Titles) Act No. 20</u> <ul style="list-style-type: none"> • 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; • All land previously held under freehold title be converted to statutory leasehold, held for 100 years; • Upon expiry, a lease may be extended for a further 100 years or less as the president may see fit; • 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. • The minister may, by regulations, prescribe the maximum area of agricultural land, and different

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>maxima may be so prescribed for different areas, districts, or provinces;</p> <ul style="list-style-type: none"> • 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; • 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.
6	4	4	3	3	6	4	1976	<p><u>Mines and Mineral Act No 32</u></p> <ul style="list-style-type: none"> • An act to regulate the law relating to mines and minerals and to provide for the granting of, renewal and termination of mining rights. • President holds the rights to minerals behalf of the Republic. • The Minister is authorized to approve the transfer of mining licence.
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"> • Under this act, a person shall be guilty of an offense if fells, cuts or cooks any major forest produce.
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"> • Whenever any property is transferred, there shall be charged upon and collected from the person transferring such property, a property transfer tax.
5	4	3	3	3	5	4	1985	<p><u>Land Conversion of Titles (Amendment) Act No. 5</u></p> <ul style="list-style-type: none"> • The Act provides that no land is to be transferred to a non-Zambian unless certain requirements are met.
5	4	3	3	3	5	4	1986	<p><u>Property Transfer Amendment Act No. 4</u></p> <ul style="list-style-type: none"> • This amends the Property Transfer Tax Act by stipulating the time within which the tax should be paid. • It also provides for a penalty to be charged if tax is not paid within the stipulated time frame.

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	1987	<u>Property Tax Transfer Amendment No. 11</u> <ul style="list-style-type: none"> The Minister is authorized to exempt from tax any person, transfer or property or any class thereof.
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"> 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.
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"> 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. Any property which, immediately before the commencement of this Act, was liable to escheat or to be

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		
								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.
5	4	3	3	3	5	4	1992	
5	4	3	3	3	5	4	1993	
5	4	3	3	3	5	4	1994	<p><u>Mineral Royalty Tax Act No. 32</u></p> <ul style="list-style-type: none"> It repeals and replaces the Mineral Export Tax Act No. 5 of 1983 and Mineral Tax Act No. 3 of 19931 <p><u>Lands and Deeds Registry (Amendment) Act No. 38</u></p> <ul style="list-style-type: none"> 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. 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. This act applies only to land known as State land, about 7% of the total area of Zambia. <p><u>Common Leasehold Schemes Act No. 39</u></p> <ul style="list-style-type: none"> An act to provide for the division of land and buildings into units with separate titles by 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"> 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; Provide for the continuation of Leaseholds and leasehold tenure The President remains in charge of all land in Zambia and holds it in perpetuity on behalf of the people of Zambia; 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; This act prohibits unauthorised occupation of land.

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"> provide for the statutory recognition and continuation of customary tenure 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. This act actually creates a new land category, namely ‘Customary Area’ also known as Traditional Land. <p><u>Mines and Minerals Act No. 31</u></p> <ul style="list-style-type: none"> 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. This act also repeals the Mines and Minerals Act No. 32 of 1976. 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.
9	6	6	9	8	8	6	1996	<p><u>Lands (Amendment) Act No.20</u></p> <ul style="list-style-type: none"> 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.
9	6	6	9	8	8	6	1997	<p><u>Rating Act No. 12</u></p> <ul style="list-style-type: none"> An act to provide for the declaration of rateable areas, to make assessment of rateable property and to provide for the levying of rates. A leaseholder has to be notified before inspection of property.
9	6	6	9	8	8	6	1998	
9	6	6	9	8	8	6	1999	<p><u>Mines and Minerals Amendment Act No. 5</u></p> <ul style="list-style-type: none"> 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.
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	

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	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	

Annexure 3: 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"> • Divides Northern Rhodesia into a European Area (crown land), an African Area (native reserves). • Governs the administration of reserve and crown lands. • Effectively prevents Africans from leasing, acquiring or occupying property in European areas and Europeans from doing the same in African Areas. <p><u>Northern Rhodesia (Native Trust Land) Order in Council 1947</u></p> <ul style="list-style-type: none"> • Reversed the policy which reserved a large proportion of the country for Europeans • Around 57% of the country, formerly ‘unassigned’ land, forest and game land and unutilised Crown Land was returned to Africans and named ‘Trust Land’. • But, as with the Reserves, interests and land rights in Trust Land fell under customary law and the administration of the traditional authorities. • 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"> • 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. • 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. • These lands, however, could not be converted to crown land.
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	

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	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"> Introduces the right to convert customary tenure to leasehold <u>Town and Country Planning No. 32</u> <ul style="list-style-type: none"> Provides for the control, use and change of land use zones and reservations for various purposes, e.g. sitting of work sites; It also provides for the compensation of those affected by planning decisions and regulated development subdivisions.
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	<u>The Zambia (State Lands and Native Reserves) order 1964; The Zambia (Trust Land) Order 1964; and The Zambia (Gwembe District) Order 1964.</u> <ul style="list-style-type: none"> 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."
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	<u>Mines and Mineral Act No. 46</u> <ul style="list-style-type: none"> 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.
6	9	6	5	4	5	5	1970	<u>Natural Resources Conservation Act No. 53</u> <ul style="list-style-type: none"> A comprehensive act dealing with conservation of natural resources, especially in rural areas, and relating to proper use of land. <u>Land Acquisition Act No. 2</u> <ul style="list-style-type: none"> It repeals the Land Acquisition Ordinance No. 45 of 1948. It authorises the President to acquire property whenever he perceives it to be desirable or expedient in the interests of the Republic. The act also made provision for compensation to be paid for such property acquired (it does not affect security); No compensation is payable in respect of undeveloped or underutilized land; In assessing compensation, the value of property is the amount by which the unexhausted improvements would be realized if sold on the open market <u>Land and Deeds Registry Act No. 47</u>

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"> • Probate of a will affecting land or any interest in land shall be registered within twelve months of the grant or the sealing thereof. <u>Western Province (Land and Miscellaneous Provisions) Act No. 47</u> <ul style="list-style-type: none"> • It vests all land in the Western Province in the President of Zambia as a Reserve. <u>Comments:</u> <ul style="list-style-type: none"> • 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. • Land in Barotseland continued under the control of the litunga until the approval of this act.
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"> • 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. <u>Forest Act No. 39</u> <ul style="list-style-type: none"> • 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; • Where there has been a demarcation, there is provision for compensation for the extinction of existing rights or a recognition of such rights; • 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; • No person shall without a license, fell cut, collect any forest produce and graze domestic animals • 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.
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>

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"> 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; All land previously held under freehold title be converted to statutory leasehold, held for 100 years; Upon expiry, a lease may be extended for a further 100 years or less as the president may see fit; 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. 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; 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; 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.
4	6	4	3	2	4	5	1976	
4	6	4	3	2	4	5	1977	
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"> It stipulates that the consent of the chief must be obtained before an application of leasehold on customary land could be approved.
4	6	4	3	2	4	5	1981	<u>Forests Amendment Act No.15</u> <ul style="list-style-type: none"> Under this act, a person shall be guilty of an offense if fells, cuts or cooks any major forest produce.
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"> The Act provides that no land is to be transferred to a non-Zambian unless certain requirements are met.

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>Land circular No. 1</u> <ul style="list-style-type: none"> The circular laid down detailed procedure to be followed on land alienation. Chiefs and District Councils were restricted to recommend up to 250 ha of land on title, per applicant, in Reserves or Trust Lands; 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.
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"> 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

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>after the commencement of this Act continue to be so vested or held in trust, as the case may be.</p> <ul style="list-style-type: none"> 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.
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	<p><u>Lands Act No. 29</u></p> <ul style="list-style-type: none"> 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; Provide for the continuation of Leaseholds and leasehold tenure The President remains in charge of all land in Zambia and holds it in perpetuity on behalf of the people of Zambia; 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; This act prohibits unauthorised occupation of land. provide for the statutory recognition and continuation of customary tenure 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. This act actually creates a new land category, namely ‘Customary Area’ also known as Traditional Land <p><u>Mines and Minerals Act No. 31</u></p> <ul style="list-style-type: none"> 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. This act also repeals the Mines and Minerals Act No. 32 of 1976. It provides for the termination of gemstone licence where there is insufficient production. According

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		
								to this act, a company holding a mining right shall not transfer control of company without a written consent of the Minister.
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	
7	8	6	5	8	5	6	2005	
7	8	6	5	8	5	6	2006	
7	8	6	5	8	5	6	2007	