



REPUBLIC OF ZAMBIA

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NATIONAL CONSTITUTIONAL CONFERENCE

CITIZENSHIP COMMITTEE

(COMMITTEE NO.2)

DETAILED TERMS OF REFERENCE

Approved by the National Constitutional Conference during the 8th January to 10th January 2008 Sitting

National Constitutional Conference
Mulungushi International Conference Centre
LUSAKA

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PART V
CITIZENSHIP

**Existing
citizenship**

15. Every person who was a citizen of Zambia immediately before the commencement of this Constitution shall continue to be a citizen of Zambia and shall retain the same citizenship status as from that date.

**Acquisition of
citizenship**

16. Citizenship may be acquired by birth, descent, registration or adoption in accordance with this Part.

**Citizenship
by birth**

17. Every person born in Zambia is a citizen by birth if, at the date of that person's birth, at least one parent of that person is a citizen.

**Citizenship
by descent**

18. Every person born outside Zambia is a citizen by descent if, at the date of that person's birth, at least one parent of that person is a citizen by birth.

**Citizenship
by
registration**

19. (1) Subject to clauses (4) and (5), a person shall be entitled to apply to the Citizenship Board to be registered as a citizen if that person was born in Zambia but neither of whose parents is a citizen.

(2) Subject to clause (4), a person shall be entitled to apply to the Citizenship Board to be registered as a citizen if that person was born in or outside Zambia and had a grandparent who is or was a citizen.

(3) Subject to clauses (4) and (5), a person shall be entitled to apply to be registered as a citizen if that person has -

(a) attained the age of twenty-one years; and

(b) been ordinarily resident in the Republic for a continuous period of not less than twelve years immediately preceding that person's application for registration.

(4) A person who applies to be registered as a citizen under this Article and whose application is successful shall -

- (a) in the case of clause (1), renounce the citizenship of any other country on attaining the age of twenty-one years; or
 - (b) in the case of clauses (2) and (3), renounce the citizenship of any other country within a period of not more than three months from the date the application was successful; and, upon such renunciation, the Citizenship Board shall register that person as a citizen by registration.
- (5) A child of a diplomat accredited to Zambia or a person with refugee status in Zambia shall not be entitled to be registered as a citizen.

Citizenship by adoption

20. (1) A child who is not a citizen and who is adopted by -
- (a) a citizen by birth or descent shall be a citizen on the date of the adoption but that child shall renounce the citizenship of any other country on attaining the age of twenty-one years failure to which that child shall cease to be a citizen; and
 - (b) a citizen by registration, shall not acquire citizenship by adoption.
- (2) An Act of Parliament shall provide for further restrictions on the adoption by a citizen of a child who is not a citizen.

Dual citizenship

21. (1) A citizen, by birth or descent, shall not lose that citizenship by acquiring the citizenship of another country.
- (2) A citizen, by birth or descent, and who, before the commencement of this Constitution, acquired the citizenship of another country and as a result ceased to be a Zambian citizen shall be entitled to apply to the Citizenship Board to regain that citizenship.

Renunciation and deprivation of citizenship

22. (1) Subject to clause (2), a citizen may renounce Zambian citizenship or shall be deprived of that citizenship only if that person acquired citizenship by means of fraud, false representation or concealment of any material fact.

(2) A citizen by registration or adoption may be deprived of that citizenship if that person acquires citizenship of any other country other than by marriage.

Citizenship Board

23. (1) There shall be established the Citizenship Board of Zambia which shall implement this Part.

(2) Parliament shall enact legislation which provides for the composition of, appointment of members to, tenure of office and procedures to be followed by, the Citizenship Board.

Entitlements of citizen

24. A citizen is entitled to-

- (a) the rights, privileges and benefits of citizenship, subject to the limitations set out in this Constitution; and
- (b) to any document of registration and identification issued by the State to citizens.

Responsibilities of citizen

25. A citizen shall -

- (a) acquire basic understanding of this Constitution and promote its ideals and objectives;
- (b) uphold and defend this Constitution and the Laws;
- (c) register and vote , if eligible, in all National and local elections and referenda;
- (d) be patriotic and loyal to Zambia, promote its development and good image and render national service whenever required to do so;
- (e) develop one's abilities to the greatest possible extent through acquisition of knowledge, continuous learning and the development of skills;
- (f) contribute to the welfare and advancement of the community where that citizen lives;

- (g) contribute to the welfare and advancement of the nation by paying all taxes and duties lawfully due and owing to the State;
- (h) strive to foster national unity and live in harmony with others;
- (i) promote democracy, good governance and the rule of law;
- (j) protect and safeguard public property from being damaged, wasted or misused;
- (k) protect and conserve the environment and utilise natural resources in a sustainable manner and maintain a clean and healthy environment;
- (l) co-operate with the law enforcement agencies for the maintenance of law and order and assist in the enforcement of the law at all times;
- (m) provide defence and military service when called upon;
- (n) desist from acts of corruption, anti-social and criminal activities; and
- (o) understand and enhance the Republic's place in the international community.

legislation on
citizenship

- 26.** Parliament shall enact legislation -
- (a) providing for the powers of the Citizenship Board to enable the Board give effect to this Part.
 - (b) for the acquisition and deprivation of citizenship of Zambia by persons who are not eligible to become citizens under this Part.