

REPORT OF THE COMMITTEE ON INFORMATION AND BROADCASTING SERVICES FOR THE SECOND SESSION OF THE ELEVENTH NATIONAL ASSEMBLY, APPOINTED ON THURSDAY, 27th SEPTEMBER, 2012

Consisting of:

Mr K J Pande, MP, (Chairperson); Mrs M C Mazoka, MP; Mr S Chungu, MP; Mr R Taundi, MP; Mr M Mumba, MP; Mr E K Belemu, MP; Mr M J Z Katambo, MP; and Mr H Kunda, MP.

However, following the appointment of Mr R C Taundi, MP, as Deputy Minister of Gender, Dr C K Kalila, MP, was appointed to your Committee.

The Honourable Mr Speaker
National Assembly of Zambia
Parliament Buildings
LUSAKA

Sir

Your Committee has the honour to present its Report for the Second Session of the Eleventh National Assembly.

Functions of the Committee

2.0 In addition to any other duties conferred upon it by the Honourable Mr Speaker, any Standing Order or other order of the National Assembly, the duties of your Committee are:

- (i) study, report and make appropriate recommendations to the Government, through the House on the mandate, management and operations of the Ministry of Information and Broadcasting Services, departments and agencies under its portfolio;
- (ii) carry out detailed scrutiny of certain activities being undertaken by the Ministry of Information and Broadcasting Services, departments and/or agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- (iii) make, if considered necessary, recommendations to the Government on the need to review certain policies and/or certain existing legislation relating to the Ministry of Information and Broadcasting Services;
- (iv) examine annual reports of the Ministry of Information and Broadcasting Services, departments and/or agencies under its portfolio in the context of the autonomy and efficiency of Government Ministries and departments and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders; and
- (v) consider any Bills that may be referred to it by the House.

Meetings of the Committee

3.0 Your Committee held twelve meetings during the period under review. Your Committee's report is divided into three parts. **Part I** considers the topical issue on which your Committee undertook a detailed study; **Part II** is on the foreign Tour; and **Part III** considers the outstanding issues from the Action-Taken Report on your Committee's Report for the First Session of the Eleventh National Assembly.

Programme of Work

4.0 Your Committee considered and adopted the following programme of work for the year 2013.

- (i) consideration of the Action-Taken Report for the First Session of the Eleventh National Assembly; and
- (ii) consideration of country's readiness for *the Southern African Community Development (SADC) Digital Switchover*; in order to appreciate the progress that had been made by other countries in the region, your Committee undertook a foreign tour to Namibia.

Procedure Adopted

5.0 To assist it in its inquiry, your Committee interfaced with the following stakeholders:

- (i) University of Zambia (UNZA), Engineering Department;
- (ii) UNZA, Department of Mass Communication;
- (iii) Copperbelt University (CBU), Department of Electronics;
- (iv) Mangrova Engineering Systems Limited;
- (v) Zambia Institute of Mass Communication Educational Trust (ZAMCOM);
- (vi) Evelyn Hone College Management Board;
- (vii) Catholic Media Services (CMS);
- (viii) Media Institute of Southern Africa (MISA);
- (ix) Multichoice Zambia Limited;
- (x) MOBI TV;
- (xi) Muvi TV;
- (xii) Airtel;
- (xiii) Zambia Telecommunications Corporation (ZAMTEL);
- (xiv) Zambia Bureau of Standards;
- (xv) Ministry of Transport, Works, Supply and Communications
- (xvi) Communications, Zambia Information Communications and Technology Authority (ZICTA);
- (xvii) Zambia National Broadcasting Corporation (ZNBC); and
- (xviii) Ministry of Information and Broadcasting Services.

PART I

CONSIDERATION OF THE TOPICAL ISSUE

SADC REGION DIGITAL SWITCHOVER

Background

6.0 The International Telecommunications Union (ITU) has set June, 2015, as the global deadline for digital migration from analogue to digital television broadcasting. To ensure a smooth transition, the SADC Region also set 31st December, 2013, as the SADC deadline for the switchover, ahead of the global switchover date, in order to ensure that all related challenges are overcome before the 2015 global deadline.

During the First Session of the Eleventh National Assembly, your Committee undertook a local tour of selected media houses to familiarise itself with their operations. It was during these tours that stakeholders raised concerns that in the SADC region, some countries such as South Africa and

Tanzania had already started test transmissions and were more than halfway in the implementation stage of the switchover. However, in Zambia, it appeared that nothing much had been done to attain the 2013 SADC switchover deadline.

In light of the foregoing, your Committee resolved to undertake a detailed study on the SADC Digital Switchover and the objectives were to:

- (i) find out how ready Zambia was in meeting the SADC deadline;
- (ii) what had been done so far to meet the deadline;
- (iii) find out the major constraints that may hinder the successful switchover;
- (iv) determine what measures have been put in place to mitigate the constraints to the switchover; and
- (v) make recommendations on the way forward.

SUBMISSIONS BY STAKEHOLDERS

7.0 Most of the stakeholders who appeared before your Committee submitted that Zambia would not meet the SADC Digital Switchover deadline because of a number of problems mainly associated with bureaucracy, financial impediments and the approach adopted by those charged with the responsibility of implementing the programme. The stakeholders observed that the approach had a lot of shortcomings which were bound to create a series of negative tailbacks that would cost the nation dearly if not rectified.

Your Committee was informed that rather than chase the SADC deadline, Zambia needed to, first of all, deal with the policy issues and a roadmap which had been skipped as demonstrated through the issuance of a premature and defective Digital Terrestrial Television (DTT) Tender which was floated by the Ministry of Information and Broadcasting Services (MIBS) through the Zambia Public Procurement Authority (ZPPA) in September, 2012.

The stakeholders lamented that the tender was deferred twice, cancelled once and re-floated without any amendments despite numerous technical concerns raised by the bidders regarding the project, which were not adequately resolved.

Your Committee observed that private television broadcasters and technology/service providers also expressed concerns over the digital migration project, especially after considering that the process was not consultative, had no policy framework and contravened a number of existing pieces of legislation. Worse still, it did not follow the guidance provided in the Action Plan.

As a result, various stakeholders petitioned the Minister of Information and Broadcasting Services to cancel the running tender and address the key concerns raised by both the bidders and the stakeholders. The failure by the Minister to accommodate their petition led the stakeholders to apply for a judicial review in a bid to stop the tender from running in its form at the time. At the time the stakeholders were making their submission, the tender was still under consideration by the courts of law.

In this regard, they submitted that the 2013 SADC Digital Switchover in Zambia had somehow hit a planning crisis and was in need of serious intervention and close supervision by the Government and institutions such as the National Assembly which should ensure that guidelines provided by the ITU, on whose behalf the various governments were implementing it, were adhered to by those charged with the responsibility.

SADC DIGITAL SWITCHOVER – REGIONAL PERSPECTIVE

7.1 Your Committee was informed that the SADC region agreed on a common switchover date of 31st December, 2013, at a Special Session on Digital Terrestrial Television Standards for SADC Senior Officials and Ministers' Conference held in Lusaka, Zambia, from 22nd to 24th November, 2010. At this Conference, the Ministers also approved the revised SADC Digital Television Migration Roadmap and the SADC Strategy on adoption of the common position at international fora, in particular, the ITU. The document contained guidelines to be followed by member countries in the implementation of the programme. In essence, these guidelines were a domestication of the ITU guidelines as contained in the document entitled *Guidelines for the Transition from Analogue to Digital Broadcasting*.

The SADC Roadmap on the digital switchover was very clear on how best member countries could approach the DTT project in their respective countries. The main areas of guidance were:

- (i) policy and regulatory framework formulation;
- (ii) involvement of stakeholders in the process;
- (iii) carrying out economic impact and technical needs assessment for each individual country; and
- (iv) domesticating the roadmap.

(a) *Policy and Regulatory Framework*

The stakeholders submitted that the formulation of the policy and regulatory framework had been put on top of the Digital Terrestrial Television (DTT) agenda because the digital platform business was bound to be conducted differently from that of analogue. As a result, certain laws needed to be repealed to create an enabling operating environment by all stakeholders.

(b) *Involvement of stakeholders*

Your Committee was informed that the stakeholders were those interest groups that were expected to be affected in one way or another by the technological change. Therefore, their involvement in the implementation process could not be overemphasised. It was argued that omitting stakeholders in the process as the Government implemented the programme could result in missing out pertinent pieces of information that might be necessary for the implementation of an economically and socially sound programme. In this regard, involvement of stakeholders would ensure that the rights and freedoms of citizens were respected and thus avoid possible litigation.

(c) *Economic Impact and Technical needs Assessment*

Your Committee was informed that for a national project of this magnitude, an economic impact assessment was critical if the Government wanted to attain economic development. This was because an economic impact assessment would provide vital information upon which the Government agencies would base the formulation of policies and related fiscal measures.

The stakeholders argued that implementation of digital migration required subsidies and other fiscal reliefs to be passed on to the consumers. In this regard, an economic impact assessment would enable the Government understand the extent of the effects the transition would have on the stakeholders and ascertain what measures could be implemented to appropriately cushion the negative effects.

Furthermore, technical needs assessment would help decision-makers to appreciate the existing infrastructure and technology, including the various delivery platforms and enable them define an economical, but practical technical solution. Further, certain legal and regulatory policy legislation could also be drawn from this assessment as a way of creating an enabling environment.

(d) *Domesticating the Roadmap*

The stakeholders submitted that each SADC country, like any other country in the world, had its own unique domestic issues that could affect the implementation of the DTT programme in various ways. Each country was, therefore, expected to analyse the guidelines and align them with the local environment while targeting the regional goals and objectives.

Further, your Committee was informed that since the release of the SADC guidelines in 2010, each member state of the SADC region had been battling with its own domestic challenges to find a way of implementing the DTT programme. The stakeholders observed that currently, less than half of the 15-member SADC countries were likely to meet the regional deadline. The stakeholders submitted that the main challenges that affected the pace of migration in most SADC countries were political and economic. They submitted that some SADC governments had adhered to the SADC Roadmap and the key guidelines while others adopted their own way.

SADC DIGITAL SWITCHOVER –ZAMBIAN SCENARIO

7.2 Most of the stakeholders who appeared before your Committee submitted that the Zambian digital switchover programme was a very sad story. They pointed out that in 2010, the Government, through the Minister of Information and Broadcasting Services, appointed a Digital Migration National Task Force with terms of reference relevant to the correct interpretation of the provisions of the ITU’s World Radio Conference of 2006 (RRC-06) on which the digital migration programme was based. The stakeholders expected that the Task Force would work with them in order to come up with a policy document and a domesticated roadmap to be presented to the Government for adoption in the governance agenda before implementing a technical solution.

Your Committee was informed that two years after inception and to the disappointment of most key stakeholders, a tender for the supply, delivery, installation and commissioning of National Terrestrial Television Broadcasting in Zambia was floated in September 2012 as the first visible output of the Task Force. This release was made to coincide with the invitation of stakeholders and the general public to the first and only stakeholder consultative conference held by the Task Force on 20th and 21st September, 2012, at Government Complex. According to the agenda of the conference, one of the items considered was a review of the Draft DTT Policy. The Draft Policy was, nonetheless, never discussed throughout the entire Conference and none of the participants even got to see the said Draft Policy.

CONCERNS RAISED BY STAKEHOLDERS

7.3 The stakeholders raised the concerns set out hereunder.

(a) *Attempting to implement the DTT prior to Policy formulation*

Your Committee was informed that one of the issues raised by the stakeholders in the petition to the Minister of Information and Broadcasting Services was that of the absence of a policy in the light of a running tender. This was because the stakeholders expected the policy to address the implementation framework issues such as:

- (i) **institutional arrangement** – under this section, all possible stakeholders, their roles, responsibilities and functions were to be clearly defined. Where necessary, suggestions were to be made to make appropriate adjustments to some institutions so as to minimise unnecessary duplications and conflict of roles among stakeholders;
- (ii) **legal framework** – this section was to identify which Acts were applicable in the implementation of the DTT such that if there were any impediments in the existing laws,

necessary recommendations could have been made for an enabling legal framework to be enacted within which the policy could be implemented;

- (iii) **resource mobilisation** – under this section, the required resources, such as financial, material, human, and timeframe for implementing the policies, were to be briefly, but clearly outlined; it was also necessary to identify potential resources and how these could be mobilised; and
- (iv) **monitoring and evaluation** – under this section, the mechanisms and institutional arrangements to be used in monitoring the implementation of the Policy and evaluation of its impact were to be identified and outlined.

The stakeholders observed that with the policy stage skipped in the Zambian DTT, none of the above four important issues had been considered. The possible outcome was litigation due to incompatible institutional arrangements. They argued that without a well thought institutional arrangement, the implementation exercise could result in extreme economic losses during the process and after, while trying to remedy the situation.

Your Committee was informed that the tender was floated before the announcement and subsequent parliamentary approval of the 2013 Budget. The 2011 Budget also did not carry the DTT Budget, implying that the tender was floated without any approved budget.

Further, the stakeholders observed, with concern that the tender required that each bidder provided their own design for the DTT system. This made it impossible to determine which bidder provided the best design, because there was no evaluation criterion. This approach had an intrinsic danger of adopting an inferior technology based on the lowest bidder.

(b) *Lack of a defined and practical National DTT Organisation Structure*

Your Committee was informed that a project of this magnitude needed to have a properly arranged organisational structure for efficient execution of necessary tasks at various levels. In the ITU guidelines document, an ideal structure was given from which member countries could refer while establishing their own structure that suited their local situations. They argued that if, for instance, financing the ideal structure was a problem, a way could have been found to use existing institutions while blending with inevitable new positions to ensure that all identified responsibilities were catered for.

The stakeholders submitted that the most important level in the execution structure was the Project Management Team which had the responsibility of co-ordinating the day-to-day activities in the project timeline. However, this team was completely missing in the Zambian DTT organisational structure. The lowest level in Zambian DTT structure happened to be the highest level at the same time, which was the Task Force. They submitted that according to the ITU guidelines, the Task Force could have been equated to the national supervisory board. In this regard, the lower executive management team was clearly missing. As a result, the Task Force could not perform as expected.

The stakeholders submitted that they were aware that the Task Force was given the mandate to act in the best manner possible in order to realise a successful digital switchover. This lee-way involved them creating a secretariat and co-opting experts from relevant fields to create a day-today crack team. However, the Task Force decided to handle everything by itself even when they had little time to carry out key tasks in the preparation of the project.

(c) *Misinterpretation of the Digital Migration*

The stakeholders submitted that the persons charged with the responsibility of defining the project to the Government had misinterpreted the digital migration program as envisaged by the ITU under the RRC-06. This was concluded after noting that the DTT Tender which was floated in September 2012

contained many items that were not related to Digital Migration. Items such as television studio buildings for ZNBC, television studio equipment, outside broadcast equipment and mobile satellite uplinks dominated the tender to the extent of underplaying the core elements of the DTT.

(d) *Lack of Economic Impact and Technical needs Assessment*

Your Committee was informed that a project of this magnitude and general nature of technological transformation required that an economic impact assessment was conducted in order to bring out economic imperatives on which to base the policies. The stakeholders submitted that failure to conduct an economic impact assessment resulted in the Task Force's failure to formulate a policy. It was argued that an economic impact assessment could have brought out all possible direct and indirect costs of the project on the parts of the Government as well as stakeholders. It could have also provided approach options associated with the pros and cons.

(e) *The Government's Role*

Most stakeholders who appeared before your Committee were of the view that the Government had not been presented with any official document which clearly spelt out its responsibilities in the digital migration programme, such as, how such responsibilities could be contracted and the best way of tackling them as contained in the ITU guidelines document. In the absence of such clarity, the stakeholders thought that the Government had considered bringing them on board as a by-the-way. This was evident in the approach taken in the DTT Tender where the Government's idea was to finance a transmission network under ZNBC and compelling other private television broadcasters to ride on this network. This was done without consulting the private broadcasters. They argued that the Government, as a signatory to the ITU Treaty on Digital Migration, had committed to undertake all responsibilities spelt out in the Treaty. The fact that the cost of Digital Migration had been imposed on terrestrial television consumers and broadcasters, both public and private, meant that respective governments had the responsibility of bearing the cost implications on various stakeholders.

(f) *Migration Costs*

The stakeholders proposed that since the migration from analogue to digital broadcasting was a cost to consumers, the Government needed to consider:

- (i) compensating consumers for purchasing digital receivers; and
- (ii) helping to install new digital receiver equipment, possibly limited to a selected group of people with special needs, such as the elderly or disabled.

The stakeholders were of the view that the Government needed to provide finances for digital transmission equipment to existing public and private free-to-air broadcasters to enable them migrate and maintain the same coverage area as the existing analogue services. However, they noted that expanding coverage to areas that were not currently covered by analogue transmissions would be an acceptable gesture towards the implementation of universal access to information, if funds allowed during the migration process. Further, the cost of simulcast, that is, running parallel analogue/digital transmissions before analogue switch off, was a responsibility of the Government.

(g) *Cost for resolving any DTT Broadcast Interference*

Your Committee was informed that in some countries, it was possible that the Digital Terrestrial Television Broadcasting (DTTB) frequencies were in use by cable companies. The introduction of the DTTB service may cause interference and viewers needed to be helped to resolve these problems by sending the affected viewers other cable connectors. In short, all cost implications of the DTT program on consumer, broadcaster or third party entities during the switchover were a responsibility of the Government.

If these responsibilities were made known to the Government, then the Government would demand that the DTT implementation program be presented in a document that clearly outlined how the various responsibilities were to be tackled in a flawless, but most effective manner. This document was a National DTT Roadmap backed by the National DTT Policy.

(h) *Absence of an Independent Broadcast Signal Carrier/Distributor*

Your Committee was informed that the problem encountered in the idea of having the private television broadcasters roll on a common network under the Zambia National Broadcasting Corporation (ZNBC) was that the latter was a competitor to all commercial private broadcasters and so it could not provide an equitable service in that regard. The stakeholders also feared that in an event that the Government considered a particular private broadcaster to be broadcasting a program which was not favourable, particularly during election campaigns, ZNBC could be instructed to blackout such a service on the pretext of a technical fault.

The stakeholders argued that while it was a very good idea technically, economically and commercially to have a common carrier for the free-to-air private and public broadcasters, such a common platform could best be provided by a neutral organisation which had no interest in content generation. They submitted that SENTECH of South Africa provided transmission services to the South African Broadcasting Corporation (SABC) and other private broadcasters. It was formed after it was detached from the transmission department of SABC. For South Africa, therefore, the migration was not complicated.

Your Committee also learnt that Zimbabwe equally adopted the same idea and created TransMedia which was a detached transmission department of Zimbabwe Broadcasting Corporation (ZBC). They further submitted that Zimbabwe simply equipped TransMedia with sufficient multiplex and transmitter capacity to carry all Zimbabwean television broadcasters, both public and private. They, however, observed that, in Zambia, the biggest public broadcaster, ZNBC, was still holding on to transmission facilities. In this vein, the stakeholders proposed that the Government finances ZNBC and the private broadcasters separately during the migration as required under the RRC-06 Treaty.

(i) *Lack of Skilled Manpower*

The stakeholders were concerned that since the announcement of the imminent switchover by the ITU in 2006, almost all training institutions had not reviewed their training curricula in order to produce skilled manpower who could be equal to the challenge that came with the digital switchover. However, all training institutions submitted that they were reviewing their curricula in order to take into account some of the developments associated with digital migration.

(j) *Lack of Laboratory Equipment*

Your Committee also learnt that training institutions were concerned that the implementation of the reviewed curricula with the requisite staff competent to deliver the courses as per new curricula would be a challenge to the training institutions. This was because, currently, there was inadequate laboratory equipment to support the digital migration. They further submitted that there were no operational simulators or demonstration equipment to support laboratory training in digital broadcasting.

(k) *Lack of Awareness Campaigns*

Your Committee was informed that according to the research conducted by the Media Institute of Southern Africa (MISA), very few people knew what migration from analogue to digital broadcasting was. The stakeholders believed that the Government and other stakeholders involved in the DTT programme needed to embark on a vigorous awareness campaign programme to sensitise people about when to expect the switchover, how it was going to affect them; and the advantages of

switching to digital broadcasting. They argued that it would, therefore, be unfair for the country to switch to digital broadcasting when people barely knew what it was.

(l) *Set Top Boxes (STBs)*

The stakeholders were concerned that the biggest challenge was that many people in the country still knew very little about the pending digital migration and its implications. They observed that every television set of every household, at least, needed a set-top box (STB) or decoder to receive digitised broadcast signals, but information about this gadget was still not widely known. The stakeholders were concerned that they were still seeing many analogue television sets being offloaded onto the Zambian market. However, they were of the view that there should have been legislation limiting or restricting the importation of television sets that were wholly analogue. The modalities for procurement of STBs, by households, needed to be clarified. The Government needed to subsidise these STBs to make them affordable to people in rural and peri-urban communities who were economically vulnerable.

(m) *Communication Centre*

The stakeholders regretted the fact that while the country drew nearer to the regional as well as the ITU 2015 deadline, the Government had not put in place a master plan and one-stop-user friendly centre(s) with help lines where all hitches, technical challenges or regulatory and all teething problems would be addressed both for broadcasters and individuals.

PROPOSALS MADE BY THE STAKEHOLDERS

7.4 Your Committee was informed that the timely and successful implementation of the DTT program was dependent on the formulation of a profound plan encompassing all essential elements as identified in the ITU Guidelines. Most importantly, the Government needed to fully realise its responsibilities in order to come up with the relevant policy that would enable it implement the program in a manner that would achieve the stakeholders' desired results.

The stakeholders proposed that in order to mitigate the above mentioned implementation impediments, the basic steps set out below could be considered.

(a) *Formulate a National Organisation Structure for Digital Migration*

The stakeholders submitted that in order to efficiently execute the DTT project, just as in the case of any project, a well configured project organisational structure with well defined roles and accountabilities of each level and individuals should be put in place. They proposed that appropriate co-ordination between relevant stakeholders should be established at various structural levels in order to consolidate all necessary inputs into the project. Therefore, in order to meet the ITU guidelines, the following factors needed to be put in place:

- (i) co-operation and co-ordination across the entire value chain;
- (ii) strong leadership;
- (iii) effective communication strategy; and
- (iv) sufficient financial resources for the Analogue Switch Off (ASO) organisation.

The stakeholders submitted that the above factors needed a well defined organisational structure which they felt was missing Zambian model. They argued that the Zambian model had a Task Force comprising members most of whom were departmental heads in busy organisations and government departments such that they had very little time to dedicate to the demanding calls of the DTT project. The stakeholders were of the view that there was no active stratum below the Task Force to co-ordinate all necessary activities in order to complete the factors above.

(b) Formulation of a National DTT Policy

The stakeholders argued that the attempt by the Government to implement a DTT project by merely financing ZNBC without a policy and regulatory framework was a clear indication that the Zambian Government had not understood its responsibilities in the Digital Migration Programme as envisaged by the ITU and as contained in the GE-06 Treaty. They believed that the Government did not have adequate information about the economic and social impact of this technological shift, both positive and negative, which required the realignment of some institutional and legal frameworks in order to maximise the benefits and avoid legal and functional conflicts.

The formulation of a policy and regulatory framework was, therefore, to be the first step in the DTT implementation program. The process of policy formulation, though a primary function of the Government, should be a well co-ordinated process involving all key stakeholders to ensure that all positive views were taken on board. With limited time before June 2015, not to mention the SADC 2013 deadline, the policy could be developed simultaneously with the economic/social impact assessment.

(c) Network Plan and Rollout

The stakeholders submitted that the DTT Network planning exercise should be a collaborative exercise involving the technical experts, the Regulator(s), that is, ZICTA and IBA in the Zambian case and private television broadcasters in the absence of network operators. The fact that it was the Government's responsibility to finance the migration of private broadcasters did not mean that the Government should unilaterally determine the technical modalities of the migration. They submitted that private broadcasters needed to be engaged so that the interests of both parties were taken care of.

Your Committee was informed that in the Zambian DTT Tender of September 2012, the Government was to finance one network to be run by ZNBC and that private broadcasters would ride on this network on subscription basis. This decision was made without consulting the private broadcasters and on a take it or leave it basis. Furthermore, the tender had no design and no window to ever involve the private broadcasters in the design process at any future stage. The private broadcasters were of the view that they were headed for a loss if the project was to be implemented in that form considering the fact that they would not accept to ride on a network controlled by ZNBC. They argued that this decision was a contravention of competition laws as it put ZNBC in an undue competitive position.

The stakeholders were of the view that the issue of network planning and rollout in the Zambian scenario, where there was no independent broadcast signal carrier/distributor, was for the Government to finance the migration of individual broadcasters based on their current coverage area. Funds permitting, and depending on the policy outcome, two networks could be created to carry the public and private services respectively.

(d) Tendering Process

The stakeholders submitted that the DTT project, like most engineering projects, involved two main stages of implementation, namely: design and supply/install. For best results in broadcast and telecommunications, it would have been better to work with one organisation from the design stage to the supply/install and commissioning. This was particularly so where funds were limited and there was inadequate capacity to carry out the design in-house. They proposed that where the two stages had to be executed by one main contractor, the tendering process could be in form of an expression of interest designed to examine the technical, financial and managerial capacities of bidders to carry out the various components of the project. The bidder selected in the final analysis would work with the Project Management Team to design the final DTT system through a stakeholder participatory process. However, in the Zambian case, the bidder was requested to avail the designs as well as supply and install at the same time which they felt was a wrong approach because:

- (i) it was too costly for the bidders in that they had to engage experts in coming up with the designs which they were not even sure would be adopted; with no assurance of winning the tender, potential genuine bidders declined to participate;
- (ii) the bidder with an inferior design and cheap technology would be picked on the basis of lowest cost bidder; and
- (iii) whereas the tender process was meant to achieve the best quality possible, this approach had the potential of yielding the poorest quality on the market unless the integrity of the evaluators was high enough to resist the many corruption attempts from some bidders.

PART II

FOREIGN TOUR TO NAMIBIA

8.0 Your Committee undertook a study tour to Windhoek, Namibia from 21st April to 27th April, 2013. The purpose of the tour was to:

- (i) share experiences and exchange views with the appropriate Committee of the Namibian Parliament and relevant government ministries and departments regarding the 2013 Southern African Development Community (SADC) Digital Switchover; and
- (ii) provide an opportunity for the Committee to benchmark Zambia's preparedness in meeting the SADC Digital Switchover against Namibia.

During its tour to Namibia, your Committee paid a courtesy call on the Speaker of the Parliament of Namibia, Honourable Dr Theo-Ben Gurirab, MP. It also interacted with the Minister of Information and Communications Technology (MICT), Namibian Committee on ICT, Director-General for the Namibia Broadcasting Corporation (NBC), Base FM Community Radio Station, Mobile Telecommunications Limited (MTC), Telecom Namibia and the Communications Regulations Authority of Namibia (CRAN).

COMMITTEE FINDINGS

8.1 The Committee's findings are as set out hereunder.

(a) *Establishment of the Ministry*

Your Committee noted that in April, 2008, the Namibian Government established the Ministry of Information and Communications Technology (ICT) by merging the Ministry of Information and Broadcasting and the Communication Section from the Ministry of Works, Transport and Communication. The new ministry is responsible for the information technology, telecommunications, broadcasting, media and postal sectors in Namibia.

In 2010, the Committee on ICT was established to oversee the functions of the ministry and relevant institutions that fall under its ambit. The Ministry of ICT works in collaboration with the Committee on ICT, the CRAN and NBC. As a result, there has been tremendous progress in the implementation of the digital migration programme. Further, the Ministry has developed a draft policy to regulate the distribution of signals to all other broadcasters and has also mandated NBC to take care of the technical part.

Realising the need to have a knowledge and information driven society, the Government of Namibia developed a vision for the Country which is to be a world class Country in creating an inclusive information society, promote knowledge for development and establish Namibia as a recognised

regional hub in Southern Africa. The Ministry has further been mandated, in accordance with the Constitution of the Republic of Namibia, to lay the foundation for the accelerated use and development of ICT in Namibia and co-ordinate information management within the Government.

In this regard, through the Ministry of ICT, multipurpose communication centres have been established in the schools and regions. In order to monitor the progress that the Country was making, the Committee on ICT undertook tours to regions, health centres and schools to see how much information had been rolled out and whether they were well stocked with computers. The Committee also visited the centres in the regions to see how they were functioning and then reported to Parliament. The same Committee further provided oversight on the budget implementation by the Ministry of ICT.

(b) ***Policy Framework***

The Minister of ICT informed your Committee that Namibia did not have a policy, but was implementing the programme based on the draft policy which was drawn after extensive consultations with all the stakeholders and was awaiting Cabinet approval. It was explained that Namibia had taken this route because it believed that it would not accomplish anything if it was to wait until there were proper policy and legislative framework in place although that should have been a priority. However, they were sure that the route they had taken would not be questioned because extensive consultations, with all the relevant stakeholders, had been conducted and all their interests had been taken care of.

(c) ***Meeting the SADC Deadline***

Both the Minister of ICT and the Director-General of the NBC confirmed to your Committee that Namibia was on course and would meet the 31st December, 2013 SADC deadline on digital migration. In fact, Namibia launched its first test transmission on 5th December, 2012 in Windhoek. Your Committee also learnt that Namibia commenced the migration process by upgrading the studios, and transmitters and the purchase of set top boxes (STBs).

Your Committee was informed that although the Country would meet the SADC deadline in December, 2013, it was not going to switch off the analogue transmission. This meant that dual illumination would continue even after the 2015 ITU deadline. However, the only concern was the point at which it was going to be necessary for them to switch off the analogue signal without blacking out the people.

Your Committee was further informed that while South Africa, Tanzania, Mauritius and Namibia had started the implementation programme, other countries in the region were at the tendering stage.

Your Committee also learnt that the migration was being conducted in phases and according to regions or provinces. The project was first launched in Windhoek and the second launch would be in June, 2013, which would carry the second television channel on the DTT platform. The second launch would be for news and current affairs. It would also air live parliamentary debates which would be completed by May, 2013. It was explained that this would enable citizens to follow live deliberations of the Members of Parliament.

The reasons for staggering the launch were to have better control because if a countrywide approach was embarked on, chances were that if something went wrong simultaneously in the north or south, the few technicians the country had might not be able to respond to the issues quickly. However, when the launch is done in the Capital, for example, they would be able to control what would happen. By October, 2013, they would be able to switch on the northern region and the coast. Thereafter, they intend to launch a third channel that would be for entertainment. By the end of 2013, people would be able to buy the decoders and the project would have covered about eighty-two per cent of the population.

(d) *Distributor or Signal Carrier*

The Director-General of NBC informed your Committee that after extensive consultations, all stakeholders agreed that NBC should be the carrier of carriers. However, there was a provision in the draft policy to have a commercial distributor although no interest had been shown yet. Further, NBC was mandated to be the implementing agency of the digital migration programme. It was argued that while private broadcasters in other countries were against the idea that a public broadcaster should be the signal distributor, Namibia believed that it was the best way to monitor the speed at which the programme was being implemented as well as prevent duplication of companies and ultimately preserving the country's resources.

It was acknowledged that the fact that Mauritius, South African and Tanzania had set up a signal distributor separate from the public broadcaster did not mean that the process was without challenges. It was explained that if a public broadcaster was disbanded and had two entities, there would be no control over the speed at which the project could be rolled out. Further, it would be difficult to ensure that efforts were not being duplicated. It was argued that the creation of new parastatals meant that there was need to employ engineers for the public broadcaster to run studios as well as those to be in charge of the signal distributor. This could be an expensive venture as it also required two powerful chief executive officers who would be highly paid, thereby misusing public funds. This proposal was perceived to be an extra burden on the taxpayers.

In view of the foregoing, the stakeholders agreed, in public interest, that the regulator must be fully empowered and autonomous in order to enforce what is envisaged in the Namibian *Telecommunications Act* and subsequent roles that would be conferred upon it. Therefore, NBC being the signal distributor for everybody else at the moment, should be held publicly accountable for issues such as the carriage fees which should be challenged and explained. Further, the fees should be fair to the private operators that would like to be on its bouquet. This was because NBC was obligated, as a public broadcaster, on behalf of the State which is permanent and was expected as an institution to be permanent as well, to provide this valuable service. Therefore, the growth of the private sector could not be compromised because they have different mandates. However, the regulator required that NBC needed to have a separate licence for being a signal carrier as well as a broadcasting licence. Furthermore, the budget provision that was approved by Parliament was meant for building the best network and not for duplicating parastatals.

Your Committee observed that stakeholders discussed and reached a consensus behind closed doors and sent the resolution to the regulator about how they intended to deal with issues of interest. Where the stakeholders failed to reach a consensus, the regulator had to step in. This was so because the function of the regulator was to police the industry and ensure that the rules were clear and could not be challenged in the courts of law on the perception that they were biased.

Your Committee was also informed that many countries had focused on television and forgotten that radio would still continue to be the platform that most people would have access to. In this regard, Namibia has been migrating both radio and television simultaneously. As a result, the investment in the DTT roll out was slightly higher than normal for Namibia. The other different aspect that Namibia had taken was internet access via the television set. Your Committee learnt that the STB that had been procured had a data port which could be used by communities and schools and this would help to bridge the digital divide. It would also enable NBC to look at what other broadcasters were neglecting.

(e) *Sensitisation Programmes*

Your Committee further learnt that Namibia had also established community ICT centres which were being used as training and internet centres in order to enhance awareness. Your Committee visited Base Radio Station, located in Katutura Township, which is wholly owned by the community. The

Base General Manager informed the Members that the station had been sensitising people about the pending migration through jingles which had been provided by the Ministry of ICT.

With a vision to be a world class Country in creating an inclusive information society and promote knowledge for development, Namibia was of the view that simplicity was important. In this regard, their main concern was what to tell the people about the pending migration. Hence, it was resolved that it was important to tell the people how much the STBs would cost, where they would be sold as well as the benefit of acquiring them. If people had adequate information about STBs, they would see the need for purchasing them.

Your Committee was informed that the awareness campaign would be conducted simultaneously during the launch. During this time, people would be shown the STBs and the channels that they would be able to access. It was also explained that Namibia had chosen not to use the term STB although it was there in the regulations, but when addressing the citizens, they were calling it a decoder. However, the people were being informed that the decoder did not need a satellite dish, but would just be connected to the television set.

(f) ***Communications Regulatory Authority of Namibia (CRAN)***

Your Committee also toured the Communications Regulatory Authority of Namibia (CRAN) which is the official regulator of the Namibian communications, broadcasting and postal services sector. It was established through the *Communications Act of 2009*, which became operational on 18th May, 2011. The major mandate of the regulator was to ensure consumer protection in relation to the goods and prices that they received not only in urban areas, but also rural areas. The Act also deals extensively with spectrum allocation which was a scarce resource and created a lot of competition within competitors and was a very sensitive issue for communication regulators to deal with. The Act also established CRAN as a new statutory body to regulate communications and ICT within Namibia. This is because the current legal framework creates an open and competitive ICT sector.

Your Committee learnt that one of the objectives for CRAN was to stimulate private investment within the sector; provide for independent regulation; ensured that there was quality; efficiency, innovation, access and reasonable prices. CRAN had been instructed to ensure that everybody in Namibia had access to communication services and also ensured consumer protection. This was because sometimes people were not educated on which goods and services to buy and how to protect themselves. In this regard, in May, 2013, CRAN was scheduled to embark on a programme to inform consumers on communications services. Further, CRAN had been mandated to be objective and transparent in the manner it made decisions. As a result, a lot of regulations had been issued on how things should be done. CRAN had a structured way in which it dealt with complaints concerning communications.

Your Committee learnt that CRAN also issued a technology neutral licence. This licence was not issued strictly for telecommunications or broadcasting. The technology neutral licence was issued to those who wanted to either venture into broadcasting or telecommunications and was renewable every five years.

Further, your Committee learnt that CRAN had provided for 3 multiplexes which would be operated by NBC and if interest was shown to operate a commercial multiplex, the interested party could then apply to operate the second multiplex.

Your Committee was informed that CRAN had six focus areas which were:

- (i) market expansion and development;
- (ii) universal service;
- (iii) spectrum management;
- (iv) fair competition;

- (v) consumer advocacy and protection; and
- (vi) monitoring, compliance and enforcement.

(f) ***Set Top Boxes (STBs)***

Your Committee learnt that NBC was granted authority to distribute STBs according to the acceptable SADC standards in order to protect consumers from purchasing counterfeit products. During the tender process, Namibia proposed to have an end-to-end service provider in order to protect consumers. This was because the market was not regulated and entrepreneurs would go to China and procure cheap STBs and then resell them cheaply to unsuspecting customers. As a result, this would not help the industry to grow.

In order to protect consumer interests, the tender stated that there was need to have an end-to-end service provider. This meant that NBC had to deal with one operator from transmission to STB manufacturing while distribution would be the responsibility of NBC. A number of subcontractors had been engaged because the Company that was dealing with the whole integration does not manufacture STBs, but had to subcontract. However, that subcontractor had to be approved by NBC according to the criterion agreed upon as well as the proposed price. The contractor who had been subcontracted needed to be a holder of an international certificate showing that they were already supplying to known broadcasters around the world.

As regards the transmission backbone, Namibia had a historic relationship with the French-German companies and the technicians knew how to operate that equipment. Therefore, it was believed that it was not going to be ideal for Namibia to purchase cheap STBs from China or Korea. Further, it was revealed that when a Namibian delegation visited China, they discovered that every major broadcaster in China used exactly the same German and French suppliers although the equipment was manufactured in China. This was comforting to them because they knew that they had made the right choice.

(g) ***Vulnerable Groups in Society***

Your Committee was informed that Namibia had devised a system of dealing with the vulnerable groups who received subsidies such as social grants. However, the challenge was to what extent the STBs would be subsidised to ensure the constitutional right to freedom was not compromised. This was because the citizens did not demand for the STBs and fancy channels, but the right to information which could not be compromised.

It was further argued that since STBs were to be procured through public funds, it meant that the public had to be subsidised. NBC was not obligated to raise the money and recover it, but to ensure that STBs were procured on time and the price was of fair value for the investment that was being made. However, the Government argued that people did not appreciate free things. Therefore, if STBs were distributed freely, people were not going to value them. In this regard, NBC was instructed to put a price which would not again negate the principle that people had the right to information. The STBs were, in this regard, pegged at N\$95 for those that could afford while the pensioners would purchase them at N\$50. At the time of your Committee's visit to Namibia, it was revealed that about 100 STBs had been distributed to enable consumers receive a signal on the second channel.

Your Committee also learnt that Namibia was not in a hurry to ban the importation of analogue television sets because as long as the STBs continued to perform the functions that it will do during the launch, there would be no need for the citizens to buy digital television sets.

(h) ***Training Institutions***

Your Committee learnt that during the last two years, Namibia had partnered with some arts colleges, universities and industries to train students in technical areas of the industry such as sound engineers,

sound technicians and light engineers. Further NBC had been working in collaboration with the training institutions through internship programmes. In some cases, some final-year students were allowed to work for a month at NBC, especially during the election period. From the internship, NBC was able to identify students who were employable.

(i) ***Management of e-waste***

Your Committee learnt that Namibia had a budget provision to write policies for the specific legislation regarding management of e-waste. However, a private company had been engaged to manage e-waste.

Challenges

Like any other developing country, Namibia was faced with challenges such as:

- (i) inadequate funding;
- (ii) inadequate skilled manpower;
- (iii) content to fill up the freed spectrum; and
- (iv) identifying the vulnerable.

COMMITTEES' OBSERVATIONS AND RECOMMENDATIONS

8.2 In noting the submissions from the witnesses and the lessons drawn from the foreign tour to Namibia, your Committee, therefore, makes the observations and recommendations as set out below.

- (i) The absence of a specific ministry, in Zambia, to supervise the implementation of the project has contributed to the slow manner in which the DTT programme is being implemented. Your Committee notes that the Ministry of ICT in Namibia has been mandated to supervise and monitor the implementation of the DTT programme.

- (ii) Your Committee, therefore, recommends that the Department of Communications from the Ministry of Communications, Works, Transport and Supply be merged with the Ministry of Information and Broadcasting Services in order for the ICT sector to be more effective and receive the attention it deserves. The ministry will further lay the foundation for the accelerated use and development of ICT in the country and also co-ordinate information management within the Government.

- (iii) There is no DTT Policy and regulatory framework to guide the implementation programme. As a result, stakeholders are being hampered by the absence of the policy and other legal guidelines.

Your Committee, therefore, recommends that a DTT policy should be put in place to guide the implementation programme. It should also be made available to all the stakeholders to enable them study and comment on the policy and related guidelines. The policy should also harmonise and reform the existing laws such as the ZNBC Act, ICT Act, CEEC Act, IBA Act and Consumer Protection and Competition Act.

- (iv) The Task Force is not representative and does not have a clearly defined functional structure. As a result, its decisions are not well received by the stakeholders who believe that it does not consult extensively.

In this regard, your Committee recommends that the Task Force be enhanced by ensuring that various stakeholders are taken on board to achieve wide representation. The Task Force should come up with a digital migration national organisational structure that will

efficiently execute the various tasks of the programme. Further, the project management team should be appointed by both the Government and stakeholders based on the agreed required strengths, skills and experiences.

- (v) A lack of timely availability of funds to finance the DDT programme would hinder the successive switchover.

Your Committee, therefore, implores the Government to ensure that adequate funds are allocated and disbursed on time so that the country does not fail to meet both the ITU and SADC deadlines.

- (vi) There is no leading institution to champion the DTT migration programme as well as co-ordinate all migration activities in Zambia.

Drawing lessons from Namibia, NBC has been mandated to be the implementing agency and is spearheading the programme. Your Committee, therefore, implores ZNBC to take the leading role in the implementation of the DTT programme in order to have a smooth transition. Further, the Ministry of Information and Broadcasting Services should collaborate with the Committee on Information and Broadcasting Services, ZICTA and ZNBC to effectively implement the programme. The Committee should also draw lessons from its counterpart in Namibia to tour all the provinces in order to appreciate the progress that is being made in that regard.

- (vii) No specific company in Zambia has been identified to supply STBs.

In this regard, your Committee recommends that drawing lesson from Namibia, ZNBC should be mandated to distribute STBs in order to protect consumers from purchasing counterfeit products.

- (viii) Stakeholders do not want ZNBC to be the carrier of carriers.

Your Committee recommends that while ZNBC should be a common distributor, the Government should also provide for the establishment of an independent or commercial distributor who will provide the service to private broadcasters who may not want to ride on ZNBC in order to allay the fears of sabotage.

- (ix) The digital television sets were very expensive and that very few people could afford. However, consumers can continue using the analogue television sets with the aid of STBs.

In view of the foregoing, your Committee recommends that the Government waives duty on STBs in order to make them affordable by all. Further, the Government should emulate Namibia by devising a system of helping the underprivileged by fixing the prices accordingly. In this regard, it is being recommended that ZNBC should sell the STBs at an agreed price for the under-privileged as well as those who can afford.

- (x) There is generally inadequate information concerning the DTT programme by almost all the stakeholder including the members of the public.

Your Committee recommends that the Government embarks on a vigorous countrywide awareness campaign programme targeting all stakeholders. Further, the Government should ensure that sensitization programmes are also conducted in all local languages in order to ensure that all citizens are taken on board.

- (xi) Training institutions were not linked to the DTT programme. Institutions have not revised their curricula in order to respond to the changing technical broadcasting environment. Further, training institutions also lacked laboratory equipment such as simulators that need to be used during the training programme.

In this regard, the Committee recommends that at least one training institution should be part of the Task Force. The Government should fund training institutions adequately to enable them put in place modern laboratories that will respond to modern technological training programmes. Further, training institutions should be compelled to revise their curricula for them to respond to the digital broadcasting challenges.

- (xii) No proper disposal mechanisms have been put in place to manage the e-waste that will come as result of the DTT programme.

In view of the foregoing, your Committee recommends that guidelines specifically to manage e-waste arising from the DTT programme should be put in place. Further, private companies that intend to venture in e-waste management must be incentivized through waiving taxes. For instance, a private company in Namibia has been collecting e-waste for export as well as recycling.

- (xiii) There is a risk of counterfeit products being imported into the country because ZABS which is supposed to monitor goods that have been imported in the country is not a member of the Task Force.

Your Committee strongly recommends that ZABS which is a legally mandated institution to inspect the quality of all products imported in the country be included on the Task Force in order to ensure that counterfeit STBs are not imported into the country.

PART III

Part four reviews the outstanding issues from the reports of your previous Committee.

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE COMMITTEES' REPORT FOR THE FIRST SESSION OF THE ELEVENTH NATIONAL ASSEMBLY

Media Coverage of Elections in Zambia

9.0 Your previous Committee had noted that during elections, Media houses were faced with serious professional challenges in providing the public with accurate, fair, impartial and balanced information about the electoral processes and political contestants. Your Committee had been aware that the role of the Media is to ensure that the electorate is empowered to make an informed decision. Further, in order to achieve this, the Media was guided by the Electoral Code of Conduct. Regrettably, there were always allegations of unfair and partial coverage of political players. In this regard, therefore, your Committee had resolved to undertake an in-depth study on the media's adherence to the Electoral Code of

Conduct in ensuring accurate, fair, impartial and balanced reporting.

After considering all the submissions, your previous Committee had observed that:

- (i) there is an adequate legal framework;
- (ii) with regard to the electoral process, the Code does not give the ECZ strength to impose sanctions on media houses and media practitioners that abrogate the electoral regulations;
- (iii) the ECZ has not set up a special media centre where journalists can access information

- (iv) relevant to the elections other than the normal communication channel;
the lack of the physical presence of the ECZ at provincial and district levels contributes to the deliberate disregard of the Code;
- (v) the biased coverage of elections is due to a deliberate disregard of the Code by some media houses;
- (vi) there is a regulatory vacuum which is caused by the absence of a professional body that could monitor the conduct of media houses and journalists;
- (vii) appointments of media heads by the Executive compromise the operations of the public media due to job insecurity;
- (viii) public media practitioners are skewed towards covering the ruling party;
- (ix) there is a highly polarised media environment during elections because media houses blatantly choose to either support the Government or Opposition. Further, some political parties had preferences on which media house should cover their meetings;
- (x) the lack of sensitisation programmes for police officers and journalists makes it difficult for them to understand their roles in an election;
- (xi) the placing of the word 'advert' gave leeway to media houses to publish defamatory materials;
- (xii) the ownership structure of the media affects content, that is, the Government owns 100 per cent shares in the public media which accounts for the predominance of propaganda as opposed to news during election periods while the painful truth about the private media is that it is those who put money into private media (business) who in the long run drove its agenda;
- (xiii) media practitioners, from both public and private media houses, censor their stories for fear of losing employment or fear of biting the finger that feeds them;
- (xiv) political interference and political inclination of major media houses makes them turn themselves into image builders and publicity wings for particular political parties;
- (xv) the lack of issue based campaign during elections also contributes to the violence and intimidation of journalists; and
- (xvi) the seeming inadequate resources by some media houses forces their reporters to become engraved into political party programmes and entourage hence losing their independence of judgment to news.

In view of the above observations, your previous Committee had recommended that:

Electoral Code of Conduct

10. Your previous Committee had recommended that there was need to strengthen the Electoral Code of Conduct in order for the ECZ to impose sanctions on media houses that abrogated the Electoral Code of Conduct.

The Government responded that the Commission was awaiting the outcome of the constitution-making process to determine what powers should be included in the Electoral Act and the Electoral Code of Conduct to strengthen the enforcement of the Code.

Committee's Observation and Recommendation

Your Committee noted that the Constitution making-process had not been concluded and resolved to wait for a progress report.

Decentralising ECZ

11. Your previous Committee had observed that there was need for the ECZ to consider decentralising its services to provincial and district levels in order to address electoral malpractices.

In response the Government stated that the Electoral Commission of Zambia had developed a five-year strategic plan for the period 2010 — 2015 whose objectives, among others, included

decentralising its operations at district levels. The Commission had in 2012, also approved the establishment of Political Party Liaison Committees in all the districts which would be operational beginning 2013 and augment the activities of the Political Party Liaison Committee which was currently at the national level.

Committee's Observation and Recommendation

In noting the submission, your Committee resolved to wait for a progress report until Political Party Liaison Committees become operational in 2013, and also an update on the ECZ work plan.

ECZ Media Centres

12. Your previous Committee had recommended that the ECZ should set up media centres at provincial and levels during election periods where journalists could access information relevant to the elections other than the current centralized communication channel to avoid speculations.

The Government responded that in accordance with the Commission's 2010 — 2015 Strategic Plan, the Commission would review its communication requirements at the district level to meet the information needs of journalists during elections.

Committee's Observation and Recommendation

In noting the submission, your Committee resolves to wait for a progress report until the Commission reviews its communication requirements at the district level to meet the information needs of journalists during elections.

Appointment of Public Media Heads

13. Your previous Committee had recommended that there was need to review the appointment modalities of public media heads by allowing independent boards to do so. Further, members of boards should be chosen from relevant stakeholders.

In the Action-Taken Report, the Government submitted that there was no need to review the appointment modalities because under the current Government, the Board of Directors in the public media operated independently and professionally.

Committee's Observation and Recommendation

In noting the submission, your Committee resolves not to close the matter as it recommended that members of Boards should be selected from the relevant stakeholders.

Privatisation of Public Media Houses

14. Your previous Committee had recommended that the Government should partially privatise the public media to enhance media quality and avoid abuse by the party in power and also recapitalize it.

In response, the Government submitted that it was looking into ways and means of recapitalising the public media to make them operate professionally as viable business entities, before partial privatisation.

Committee's Observation and Recommendation

In noting the submission, your Committee resolves to wait a progress report on the matter since the Government was still studying the matter.

Freedom of Information Bill

15. Your previous Committee had recommended that the Government should enact the Freedom of Information Bill to enable journalists provide accurate information.

In the Action Taken Report, the Government submitted that the Attorney General was scrutinising the proposed FOI Bill and as soon as it was cleared, it would be submitted before Parliament for consideration.

Committee's Observation and Recommendation

In noting the submission, your Committee resolves to wait for a progress report on the matter.

Independent Broadcasting Authority Act

16. Your previous Committee had recommended that there was need to implement the *Independent Broadcasting Authority Act* and restoration of the *ZNBC Amendment Act* of 2002 to prevent further abuse of the national broadcaster by politicians.

In response, the Government stated that it had proposed the IBA structure which awaited approval by the Management Development Division at Cabinet Office. As soon as the structure was approved, the Government would proceed to operationalise the IBA.

Committee's Observation and Recommendation

In noting the submission, your Committee resolves to wait a progress report on these matters.

LOCAL TOUR OF LUSAKA, CENTRAL, COPPERBELT AND NORTH-WESTERN PROVINCES AND A PUBLIC HEARING IN KASEMPA DISTRICT

17. In order to appreciate what was obtaining on the ground as regards media coverage of elections in Zambia, your previous Committee had undertaken tours to Lusaka, Central, Copperbelt and North-Western provinces. The objective of the local tour was to familiarize Members of Parliament with the operations and ascertain the challenges that media practitioners face during the coverage of elections in Zambia. Your Committee had also wanted to know the operational challenges that the Zambia News and Information Service (ZANIS) was facing.

In this regard, your previous Committee had visited public, private, faith based, community radio and television stations and selected ZANIS offices in Lusaka, Central, Copperbelt and North-Western provinces and also held a public hearing in Kasempa District.

After the tours, the Committee observed that:

- (i) inadequate resources affected the operations of all media houses as most of them did not own necessary modern equipment such as computers, recorders and cameras in their desired quantities;
- (ii) all public media houses, community and faith based radio stations do not have sufficient transport, human resources as well as funds to enable them pay per diem to reporters;
- (iii) the absence of a regulatory body that could monitor the operations of both public and private media houses contributed to the abrogation of the Code;
- (iv) the absence of media boards exposed public media heads to political manipulation by the appointing authorities;
- (v) the absence of the media fund makes media houses vulnerable to political parties with enough resources;
- (vi) some media houses failed to report objectively for fear that their licences may not be

- renewed;
- (vii) some private media houses did not have an in-house editorial guidance on election coverage.
 - (viii) some community radio stations did not have access to political party manifestos;
 - (ix) journalism training in Zambia is biased towards print media and not much was being done to enhance electronic media training;
 - (x) apart from the poor work environment for ZANIS reporters, there is generally a poor work culture;
 - (xi) ZANIS offices in rural areas should have an input in the budgets because they know and understand what is obtaining on the ground;
 - (xii) almost all media houses, including ZANIS, are heavily understaffed;
 - (xiii) rural areas are not covered adequately by the media because of inadequate funds and logistics;
 - (xiv) ZESCO power outages interrupted the flow of information and damaged equipment; and
 - (xv) in some cases, community radio stations were 'controlled' by ruling party sympathisers.

In view of the foregoing, your previous Committee had recommended as set out below.

Legislation that Supports Journalists

18. Your previous Committee had observed that the Government should put in place pieces of legislation that would enable journalists to report independently without external interference.

In response, the Government stated that it was looking at laws that impede media freedom which need to be repealed. However, the enactment of the Freedom of Information Bill would, among others, provide an environment for the media to access accurate information.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait a progress report on the enactment of the Freedom of Information Bill.

Freedom of Information Bill

19. Your previous Committee recommended that there was need to enact the Freedom of Information Bill which would enable media houses access accurate information.

In response, the Government said the Draft Bill was already in place and the Attorney General was looking at it. As soon as it was cleared, the Government would bring it to Parliament.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait a progress report on the matter.

Journalism Training Syllabus

20. Your previous Committee had recommended that there was need to include a module on election reporting in the journalism training syllabus.

In response, the Government said it had noted the recommendation and would engage stakeholders to discuss the need to include the module on election reporting in the curriculum.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait for a progress report on the matter.

ZANIS Reporters

21. Your previous Committee had recommended that the Government should recruit more reporters in order to make ZANIS offices effective. It should further endeavour to transfer ZANIS reporters every five years to other areas because when they overstay in one place, they tend to relax. In the Action-Taken Report, the Government stated that it had since advertised in order to recruit more reporters to make ZANIS offices effective and transfers would be effected in accordance with the observations above.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait for a progress report on the matter.

ZANIS Funding

22. Your previous Committee had recommended that the Government should improve funding to ZANIS.

In the Action-Taken Report, the Government stated that efforts would be made to improve funding to ZANIS in the 2013 Budget.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait for a progress report on the matter.

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE COMMITTEE'S REPORT FOR THE FIFTH SESSION OF THE TENTH NATIONAL ASSEMBLY

Government to Increase Budget Allocation for Public Institutions

23. Your previous Committee had noted that the Government was still studying the matter and requested for a progress report.

In response, the Government agreed with the recommendation on increasing funding or partially privatising public media institutions. The Government was on record to have committed itself to exploring ways of offloading at least 35% shares of the public media (Times and Daily Mail in particular).

Currently, the Government had received a request from one of the reputable institutions in the region that was interested in acquiring shares either in the Times of Zambia or the Zambia Daily Mail. The Government stated that it was yet to take this matter to Cabinet for consideration and once a decision was made, appropriate action would be taken.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter.

Money owed by Government Institutions

24. In noting the submission, your previous Committee had observed that the Government was still studying the matter and letters have been written to various owing institutions. In this regard, the Committee awaited a progress report.

The Government further submitted that the liquidation of money owed by Government institutions had not received the desired response. One or two institutions had responded positively while others had disputed the bills hence the need to reconcile the records.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on whether payments had been received from the two institutions as well as reconciliation of the disputed figures from the affected organizations.

Funds for Streamlining ZNBC

25. Your previous Committee had recommended that the Government provides resources for ZNBC to streamline its structure by right-sizing its workforce with a view to motivating its workers with better salaries.

In the Action-Taken Report, the Executive responded that Government intended to review the operations of ZNBC with a view to making the Corporation viable and sustainable. Preparations for this process would commence by the end of the year 2012.

In noting the submission, your Committee observed that the Government intended to commence the process by the end of 2012. In this regard, the Committee resolved to wait for a progress report.

In the Action-Taken Report, the Government submitted that the issue of providing funds for streamlining the structure for ZNBC had been made through the digital migration activities that would in the process right size the institution. The Government was in the process of implementing the Digital Migration Programme following Cabinet approval of the various policy guidelines. The Zambia Public Procurement Authority (ZPPA) would soon be advertising an open tender for the implementation of the digital migration programme owing to the fact that the amount involved was beyond the Ministry's threshold. It was hoped that the contract would be awarded before the end of November 2012.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter because some stakeholders had sought legal redress on the matter.

Decentralisation of Printing Services

26. Your previous Committee recommended that the Government should decentralise the printing services for both English and local language papers in order for the papers to be printed close to the communities.

In response, the Government stated that it already had a programme which was aimed at decentralising the printing presses so as to make printing services, especially to local language newspapers, accessible to all. To this effect, the Ministry of Information, Broadcasting and Labour had begun setting up pilot printing projects in Chipata and Kasama. Further, the building to house the printing press for Chipata had been completed and installations of printing machines had commenced while preparations for the construction of the building to house the Kasama Printing Press were underway.

In noting the submission, your Committee observed that the construction works for the Kasama Printing Press were still underway and that the Chipata Printing Press had not started functioning. Your Committee, therefore, awaited a progress report.

In response, the Government said that the decentralisation of the printing press had continued to make progress with the Chipata press making adjustments to the building to fit the accessories that were required to operate the press. In addition, the Kasama Printing Press awaited the Provincial Tender Committee to proceed following the preparation of the bill of quantities. The Provincial Tender Committee advertised the tender and was now in the evaluation process. A special committee in the Ministry had been established with a specific mandate to ensure that the project took off before the end of the year.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter.

Creation of an Economic Climate for the Media

27. Your previous Committee had observed that the Government was still studying the matter and awaited a progress report.

In response, the Government submitted that it had in the last few months been working on the review of the media policy. The draft policy had just been completed, awaiting stakeholder validation to ensure broader consultation and ownership of the policy by the media at large. A stakeholder's meeting was being arranged to be held before the end of September, 2012.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter.

Publication of Vernacular Newspapers

28. In noting the submission, your previous Committee had observed that the Government was still looking at the matter which shall be considered during the review of the 1996 Information Media Policy. In this regard, your Committee awaited a progress report.

In the Action-Taken Report the Government submitted that currently the publication of vernacular Newspapers was being considered in the draft policy.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter.

Limited Coverage

29. In noting the submission, your Committee had observed that the airwaves had not yet been liberalised. Your Committee, therefore, awaited a progress report and urged the Executive to relax the rules on coverage area.

In response, the Government stated that it supported wide coverage of the media. The Government had consulted the Zambia Information Communication Technology Authority (ZICTA) who had responded by advising on how it should be done for both radio and television broadcasting. As soon as the IBA was operationalised, the issue of limited coverage would be addressed in full. In the meantime, several media houses have applied to extend their coverage. So far, Radio Breeze in Chipata, Eastern Province, had been authorised to broadcast to the rest of the Province.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter because

the IBA is not yet in place to ensure that all media houses that desire to extend their coverage are permitted to do so.

Professional Conduct by the Public Media

30. In noting the submission, your previous Committee had observed that the Government had made verbal assurances but your Committee requested that a clear policy should be put in place. In this regard, your Committee awaited further action from the Government.

In the Action-Taken Report, the Government stated that in order to encourage professional conduct in public media houses, it had since constituted media boards to provide for policy guidelines to media institutions as professional institutions and resolved to wait and see how the new boards would prevail on the conduct of public media houses.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter because media boards have been constituted to provide policy guidelines to media institutions.

Power Outages

31. In noting the submission, your previous Committee had observed that this was an ongoing project and awaited a progress report.

In response, The Executive submitted that ZESCO power outages were being addressed by the relevant institution. The relevant line ministry was yet to update us on progress made this far.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter.

FM Transmitters

32. Your previous Committee had observed that the Government was still working on this Programme because of inadequate funds as only 20 sites were earmarked for installations. Your Committee awaited a progress report.

In the Action-Taken Report, the Government had in terms of radio reception, allocated K3.9 billion and has further varied about K11 billion meant for rental of satellite space segment to the procurement of FM transmitters. This meant that as of 2012, ZNBC would embark on installation of these transmitters in all the districts. This would greatly improve radio reception in the country.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter.

TV Levy

33. In noting the submission, your previous Committee had observed that the Government had not fully implemented the digital migration process. In this regard, the Committee awaited a progress report.

In response, the Executive stated that the Digital Migration Task Force had progressed very well. To this effect, Cabinet had since approved the recommendations that included adoption of the Second Generation Digital Video Broadcasting Terrestrial (DVB-T2) as the standard to be deployed for the

migration.

Second Digital Video Broadcasting Terrestrial (DVB-T2), was the standard approved for deployment in Africa and Europe by the International Telecommunications Union, a United Nations Agency responsible for information and communication technologies. Following the approval by Cabinet of the key policy issues, work was in progress to actualise implementation. Therefore, the issue of dissatisfaction against TV levy would be addressed.

The Zambia Public Procurement Authority (ZPPA) would be advertising an open tender for the implementation of the Digital Migration Programme owing to the fact that the amount involved was beyond the Ministry's threshold. It was hoped that the contract would be awarded before the end of November 2012.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the outcome of the tender and the progress that had been made on the implementation process.

Provision of Information on Islands

34. In noting the submission, your previous Committee had observed that the digital migration process was still underway. Therefore, your Committee awaited a progress report.

In response, the Government stated that under the 2012 Budget provisions, three suitable marine boats would be procured in due course. The Ministry was in the process of acquiring the boats.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report because marine boats have not been acquired.

Monitoring of Broadcasting Equipment

35. In noting the submission, your previous Committee had observed that the Government was still working on the equipment and resolved to wait for a progress report.

In the Action-Taken Report, the Government stated that monitoring of broadcasting equipment would be fully addressed through the Digital Migration Program. In the meantime, the Government was in the process of mobilising K4bn for the purchase of critical equipment that cannot wait for the implementation of the Digital Migration Program.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait for a progress report on the matter.

Parliament Radio

36. Your previous Committee had observed that the Government was still securing funds for this project. In this regard, the Committee awaited a progress report.

In response, the Executive stated that the Government in collaboration with the National Assembly was yet to address this matter.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter.

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE COMMITTEE'S SECOND REPORT FOR THE FOURTH SESSION OF THE TENTH NATIONAL ASSEMBLY

Subsidising Set Top Box (STBs)

37. Your previous Committee had observed that, the Government was still studying the options and awaited a progress report.

In the Action-Taken Report, the Government restated that approval by Cabinet of the key policy issues, would actualise the implementation. This would also address the cost of the STBs.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter.

Digital Migration Awareness Campaigns

38. In noting the submission, your previous Committee had resolved to wait for a progress report.

In the Action-Taken Report, the Government said it was envisaged that the Task Force campaigns would begin by mid September, 2012 following Cabinet approval of key policy issues.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the extent of the awareness campaigns.

Protection of Consumers

39. In noting the submission, your previous Committee had observed that the Government had not yet launched the Consumer Protection Policy. In this regard, the Committee resolved to await a progress report on the matter.

In response, the Government stated that through the Ministry of Commerce, Trade and Industry that though the Policy had not yet been launched, the Government was already implementing the Competition and Consumer Protection Policy. Some of the activities done in implementing the Policy included the following:

- (i) enactment of the Competition and Consumer Protection Act;
- (ii) establishment of the Competition and Consumer Protection Tribunal. The Tribunal to look into the welfare of the consumers and issues to do with competition in the country had already been established and awaited funding for its operations; and
- (iii) sensitisation programmes: the Government through the Ministry of Commerce, Trade and Industry had been carrying out sensitisation programmes in the country on

competition and consumers' rights. Also the Government had been carrying out publicity of the policy to the Zambian people through stakeholder meetings, print and electronic media and the Consumer Rights Day Celebrations.

In this regard, the Government through the Ministry was committed in ensuring that the said policy was launched during the last quarter of 2012.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter.

Management of Electronic Waste

40. In noting the submission, your previous Committee had observed that the Government was still working on the legislation and domestication of the guidelines. In this regard, the Committee awaited a progress report.

In response, the Executive stated that the Technical Committee on WEEE had been meeting, and the Ministry now had drafted guidelines which shall be finalised after wide consultation with relevant stakeholders. The Ministry through its statutory body, the Zambia Environmental Management Agency would continue with its efforts of ensuring that electronic waste was well managed in the country.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report until consultations have been finalised.

Carrier of Carriers

41. In noting the submission, your previous Committee had observed that the Task Force had not yet made a recommendation to Cabinet for approval. In this regard, the Committee awaited a progress report.

In the Action-Taken Report, the Government stated that whereas analogue terrestrial television used one frequency to carry one programme channel, digital terrestrial television used one frequency to carry multiple programme channels. Arising from this, in each location in Zambia, one digital transmitter was capable of carrying all existing analogue channels simultaneously. Therefore, there was no need for all broadcasters to have to put up their own transmitters, multiplexes and networks. Thus, there was need for an appropriate licensing framework to accommodate this change. There would be need to separate the licences for broadcaster/content provider and multiplex/signal distributor so as to be consistent with the best practices.

The Digital Migration Task Force, through the Ministry of Information and Broadcasting Services, submitted to Cabinet for approval, the review of the broadcast licensing framework to allow for infrastructure sharing and issuance of separate licenses for broadcaster/content provider and multiplex/signal distributor. Cabinet approved this recommendation.

Following the approval by Cabinet, the review of the current legal and regulatory framework for broadcasting would be undertaken in order to among other things, allow for infrastructure sharing. The following pieces of legislation would be reviewed:

- (i) the Information and Communication Technology Act No. 15 of 2009;
- (ii) the Independent Broadcasting Authority Act No. 17 of 2002; and

(iii) the Zambia National Broadcasting Corporation Act, Chapter 154 of the Laws of Zambia.

Further, based on existing infrastructure and current requirements for digital migration, it was recommended that one national license be issued to the Public Service multiplex/signal distributor. Other licences would be considered after successful migration and these should be given in a transparent and competitive manner.

It was noted that Zambia National Broadcasting Corporation has the biggest terrestrial television infrastructure including the widest coverage amongst the existing terrestrial broadcasters. Upgrading this infrastructure and making it available to the public service broadcaster as well as other licensed broadcasters would avoid duplication and reduce migration costs.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter until the three pieces of legislation are repealed.

Provision of Unlimited Coverage Area

42. In noting the submission, your previous Committee had observed that the Government was still studying the matter and awaited a progress report.

In response, the Government stated that it supported wide coverage of the media. The Government had since consulted ZICTA who had responded by advising on how it should be done for both radio and television broadcasting. As soon as the IBA was operationalised, the issue of limited coverage would be addressed in full. In the meantime, several media houses had applied to extend their coverage. So far, Radio Breeze in Chipata, Eastern Province had been authorised to broadcast to the rest of the Province.

Committee's Observations and Recommendations

In noting the submission, your Committee resolves to wait for a progress report on the matter.

Conclusion

43. Your Committee wishes to express its indebtedness to you, Mr Speaker, for the guidance rendered to it during the Session. It further wishes to express its gratitude to the Permanent Secretaries of the Ministry of Information and Broadcasting Services and Ministry of Transport, Works, Supply and Communications and other stakeholders for the cooperation and input into the deliberations. Lastly, your Committee wishes to extend its appreciation to the Clerk of the National Assembly and her staff for the invaluable support and services rendered to your Committee during its deliberations.